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M. L. A. Lounge

The Yukon Legislative Assembly

1975 3rd Session

4th Session

23rd Legislature

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November 25 - December 15

Speaker: The Honourable Donald Taylor

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The Yukon Legislative Assembly

Number 1

4th Session

23rd Legislature

Debates & Proceedings

Tuesday, November 25, 1975

Speaker: The Honourable Donald Taylor



The Yukon Legislative Assembly

1988

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THE THIRD SESSION OF THE LEGISLATIVE ASSEMBLY FOR THE YEAR 1975, BEING THE FOURTH SESSION OF THE TWENTY-THIRD WHOLLY ELECTED COUNCIL OF THE YUKON TERRITORY, WAS CONVENED IN THE ASSEMBLY CHAMBERS AT 3:00 P.M. ON TUESDAY, NOVEMBER 25th, 1975.

The members present were:

The Hon. J.K. McKinnon
The Hon. D. Lang
The Hon. F. Whyard
Mr. G. McIntyre
Mr. A. Berger
Mr. B. Fleming
Dr. J. Hibberd
Ms. E. Millard
Mr. S. McCall
Mr. W. Lengerke
The Hon. D. Taylor, Speaker
Mrs. H.P. Watson

MR. SPEAKER: At this time, I would like to call to order the Fourth Session of the Twenty-Third Legislature of the Yukon Territory.

Members, during our last session, the seat for the Kluane riding became vacant and further, since prorogation of the House last May 22nd, another vacancy was created in the Whitehorse Riverdale riding. I beg to inform the House that the Clerk of the Legislative Assembly has received from the Chief Electoral Officer, return Writs of Election for Mr. Walter Lengerke, a member for the constituency of Whitehorse Riverdale, and for Hilda Watson as the member for the constituency of Kluane.

HON. MRS. WHYARD: Mr. Speaker, I have the honour to present to you Hilda P. Watson, member for the constituency of Kluane. She has taken the oath and signed the roll, and now claims the right to take her seat.

MR. HIBBERD: Mr. Speaker, I have the honour to present to you Mr. Lengerke, member for the constituency of Whitehorse Riverdale. He has taken the oath and signed the roll, and now claims the right to take his seat.

MR. SPEAKER: May I bid you welcome to the legislature, and may I ask you now to take your seats.

(APPLAUSE)

MR. SPEAKER: At this time, I am informed that the Commissioner of the Yukon Territory, in his dual role as quasi-Lieutenant Governor, is now prepared to give the speech from the throne, and so accordingly at this time, I will at this time adjourn the House for this purpose.

Recess

(COMMISSIONER READS SPEECH FROM THE THRONE)

MR. SPEAKER: At this time I would call the house to order.

I would like to advise the House that I'm now in possession of a copy of the speech from the throne. May I have your pleasure. The honourable member from Porter Creek.

MR. LANG: Mr. Speaker I now move that the speech from the throne be considered on a day following. This has been seconded by the Honourable Member from Whitehorse West.

MR. SPEAKER: It has been moved from the Honourable Member from Riverdale, seconded by the honourable member from Whitehorse West that the speech from the throne be considered on a day following. Are you prepared for the question?

MR. LANG: Question.

MR. SPEAKER: Are you agreed? I shall declare that the motion is carried.

Motion Carried

MR. SPEAKER: May I have your further pleasure.

Bill No. 1 Introduced.

MR. MCKINNON: Mr. Speaker I beg to move seconded by the Honourable Member of Whitehorse West for leave to introduce Bill number 1 a bill entitled Highways Ordinance.

SPEECH FROM THE THRONE

MR. SPEAKER,
MEMBERS OF COUNCIL

I have the honour to welcome you to the fourth session of the 23rd wholly-elected Council of the Yukon Territory.

At this time, I would like to congratulate Councillor Hilda Watson and Councillor Walter Lengerke on their recent electoral success. Councillor Watson served with distinction as a member of this body and also as one of the first elected nominees to the Executive Committee and it is my pleasure to welcome her back to Council. Councillor Lengerke is in these chambers as an elected person for the first time and I trust he will find it to be a fruitful and satisfying experience representing the electors of Riverdale constituency.

All levels of government are currently focusing their attentions on the allocation of limited resources in a climate of escalating demands. While giving increasing attention on the formulation of policies which will lead to economic stability in our territory, we must be ever mindful to see they are not only compatible with the federal government's anti-inflation measures, but with our own economic planning activities which have been initiated in past years.

The federal government's program for dealing with inflation has four main components:

1. Fiscal and monetary policies as announced in the June budget aimed at increasing total demand and production at a rate consistent with the declining rate of inflation.
2. Government expenditure policies aimed at limiting the growth of public expenditures and the rate of increase in the public service.
3. Structural policies which deal with special problems such as energy, food and housing. These programs will continue to be implemented separately through federal programs.
4. The prices and incomes policy announced by the Prime Minister. It establishes mandatory guidelines for determining prices and incomes and machinery for administering compliance.

Of all these programs, the one that will have the most immediate direct impact in Yukon is the prices and incomes policy as announced by the Prime Minister on October 14, 1975.

The new program establishes guidelines for respon-

sible economic behaviour by all groups in determining their prices and incomes. Guidelines on income set outer limits of 8 per cent to 12 per cent on future wage and salary increases. Guidelines on profits and prices specify that a firm may not increase prices by anymore than is needed to cover increased costs of production. All other forms of income such as rent, dividends and professional fees would also be covered by this program. The federal government has placed all its operations under the guidelines. The ten provincial governments and the two territories have been asked to do the same, either jointly with the federal authority or by enacting similar anti-inflation programs of their own.

The immediate impact of the anti-inflation measures on Yukon operations appear to be clear in two areas:

1. The present contract as negotiated with the public service group is exempt from the guidelines because the contract was finalized before October 14.
2. Up-coming contract negotiations with both teachers and doctors will fall under the federal guidelines.

However, we must wait until the guidelines are specifically delineated with respect to this territory before we can ascertain their full impact.

Perhaps of more concern should be the federal expenditures policies which are aimed at limiting the growth of public expenditures and slowing the rate of increase in the public service. In carrying out the expenditure policies of the federal government, the Treasury Board will wield considerable influence on Yukon.

Presently, we are pursuing economic planning activities initiated some time ago which we believe are essential to the economic health of the territory. One area of immediate interest to this government is the feasibility study of a zinc-lead smelter in the Van Gorder Creek region. This report has now been published and is available to the public through the library system. The conclusion reached is that a smelter project is uneconomical at this time.

This government is determined to keep the proposal alive and in the forefront of planning considerations at the Department of Indian and Northern Affairs. At present, there is an inter-governmental study group pursuing the possibility of a smelter and in conjunction with this study, we are participating in joint federal-territorial consultations established to examine mineral production and its potential in Yukon.

This fall a tripartite committee was struck including representatives from the governments of Alaska, Yukon and British Columbia. The purpose of this committee is to deal with concerns of mutual interest to the three jurisdictions. This is a project that has been in the works for many years and now appears to be finalized.

During the initial meeting, several areas of mutual concern were discussed, including transportation systems which are common to the three jurisdictions, the problem of providing social services in the North

and the common problems of serving populations of native and non-native origin with their obvious diversity of needs. This agency is envisioned as a forum where problems may be dealt with directly or routed to the appropriate departments within each jurisdiction. Hopefully, it will act as a clearing agency for information relative to growth and development in the Northwest.

The territorial government has entered into negotiations with the federal government regarding the sharing of resource revenues. While these discussions are at a preliminary stage, the outlook is optimistic. Yukon needs to obtain a sizeable portion of the federal revenues gained from resources in the territory, to provide a revenue base for new programs or a more consolidated base for existing ones. It will require that a high degree of fiscal responsibility be exercised by decision makers in this government.

The territory has reached a stage of political and economic maturity where specific territorial policies on energy and transportation are feasible and necessary. The Executive Committee is involved in formulating position papers on these concerns. Once satisfactory papers have been drafted, they will be tabled in the legislature for comment and public scrutiny. One aspect of the larger transportation issue is the extension of the rail system in the territory.

A study commissioned by this government, the Department of Indian and Northern Affairs and the Ministry of Transport is now in the final stages of completion. This government is optimistic that the final report will show that there are benefits which would accrue to Yukon residents as a result of the proposed extension, and will continue to make every effort to bring this project to a satisfactory conclusion.

It is our hope to be able to pursue such ventures in developing Yukon's economy. However, it must be remembered by all of us that as a nation and we, as part of the nation, are engaged in a crucial struggle to bring inflation under control and stabilize the economy. In the near future, we may have to realign our spending priorities to cope with the economic realities surrounding us.

Reviewing the first six months of this fiscal year, it appears that the government will exceed its estimates for 1975 - 76. The greatest portion of the excess spending arose from the recently negotiated settlement with the Public Service Staff Association. In addition, the impact of other rising costs will cause some departments to exceed their estimates. The exact amount of excess spending is difficult to predict since we anticipate some increase in revenues.

The government will exercise diligent scrutiny of all expenditures for the remainder of the fiscal year to minimize the effects of unanticipated cost increase.

Since compilation of the Yukon Territorial Government's Analysis and Position Paper on Yukon Indian Land Claims in October of 1974, the question of the public release of this document has been raised on several occasions. Various factors delaying such a

release have now been resolved and the document is available for tabling at this session.

It would appear appropriate to discuss briefly the history of its preparation since it is apparent that the original purpose of the document has become obscured.

In February of 1973, the Yukon Native Brotherhood presented to the Government of Canada its brief entitled, "Together Today For Our Children Tomorrow". Subsequent to that presentation, the Prime Minister of Canada agreed that a claim of native interest may exist in Yukon and stated that the Canadian government was prepared to negotiate this interest with Yukon Indian people.

Following these announcements, this government commenced research on the subject which involved an analysis of the native peoples' brief, and its relationship to Indian land claims. This policy, the related recommendations, and the background information was compiled in the form of an analysis and position paper in October, 1974.

While representing the official position of the government of the Yukon Territory on Yukon Indian land claims as of October, 1974, the document was primarily intended as a basis for further discussion between this government and the federal government in the promotion of a fair, reasonable, and expeditious settlement of Indian land claims in Yukon.

As the tempo of land claims negotiations quickens with continuous sessions here in Whitehorse, this government expresses its sincere desire to be a positive force in bringing about a just and expeditious settlement which Yukoners of both today and of the future, will look upon as an advancement of their own well-being and that of the Yukon as a whole.

The government has a long-standing commitment to the people of Yukon to provide services which will enrich the quality of their lives and to increase their participation in the decision-making process. Services which were given priority status by Council were legal aid and the extension of communications. Legislation will be introduced this session to provide these services.

Each citizen's right to equal protection under law is often dependent on the accessibility of the judicial process. Geographical inconvenience of deficient financial resources should not impede anyone's access to justice. For the past few years, the government has been attempting to evolve a comprehensive legal aid system: comprehensive in its coverage of both civil and criminal complaints, and comprehensive in its availability to every person in Yukon. The plan proposed to you this session contains a unique feature, telephone consultation, to guarantee its availability to residents living away from the capitol region. This feature is an experiment in Canada and I'm sure many of the provinces will be watching its operation closely.

At the May session, Council spoke eloquently of the need for improved communications between Yukon

and Canada in the form of television. The amendments we are proposing to the community assistance ordinance will set up a cost-sharing system between the territorial government and participating communities by which the territorial government will assume 90 percent of the capital costs. The government believes this will be a workable plan enabling smaller communities to bring television to their residents once clearance has been received from the federal regulatory bodies.

New avenues of public participation in planning decisions are provided for in the highway ordinance and the amendment to the area development ordinance. The highway ordinance will establish legislative control over the construction and maintenance of all territorial roads and highways on public lands. Legislative control over the territorial road network is necessary if the government is to develop a comprehensive transportation policy.

The amendment to the area development ordinance will allow for the creation of a zoning appeals board. Community planning studies were conducted by the department of local government last year. To implement these studies, the department will be establishing zoning regulations for the communities. Appeals to zoning decisions can, of course, be actioned in the courts. The proposed board will give communities a more accessible and swifter recourse.

The government is seeking an amendment to the public health ordinance which would allow municipalities flexibility in the composition of health boards to ensure adequate representation from the community.

The government has assumed responsibility for the provision of certain services to all Yukoners such as health care and legal assistance. In doing this, we accepted a share of the responsibility to ensure that these services are delivered according to the highest professional standards. Amendments are being sought to the legal professions ordinance and to the medical professions ordinance which will better safeguard the quality of these services.

In a like manner, the government recognizes that its control of liquor distribution entails a responsibility to prevent abuse of this commodity by our citizens.

Yukon has come a long way in the past twenty years in moving the consumption of alcohol from the back-rooms of hotels and roadhouses out onto Main Street. Certainly, the situation is far less barbaric now than formerly existed, but in the process of making the consumption of alcohol a socially accepted practice, we have seen a general increase in consumption and are

now witnessing its excessive use on a wide scale.

It is time to seek to decrease this consumption and prevent the continued growth of alcohol problems in Yukon. This is the task of government because government has seen fit to take absolute control of distribution of alcoholic beverages, and, so long as we hold ourselves up as the only agency that is going to have that control, we must then accept the responsibility to prevent abuse and the consequences thereof.

In this session of Council, the government will introduce a sessional paper putting forward a comprehensive policy and program on the prevention of alcohol problems. We would ask that council lend its continuing support to the pursuit and attainment of this paper's objectives.

Game is the one resource within council's jurisdiction. I think all Yukoners can take pride in our handling of this responsibility. The proposed amendments to the game ordinance you will deal with this session, serve to strengthen our aim of conservation in the management of Yukon's wildlife resources. This policy received general approval from Council last session with the establishment of game management zones.

In addition to these items, Council will be asked to approve a number of minor amendments to several ordinances. By minor, I do not mean short, though some are. These amendments are essential "house-keeping" changes to bring existing legislation into line with new circumstances.

Several other matters of considerable importance require Council's attention. The department of Indian and Northern Affairs is seeking Council's approval to amendments it has proposed to the territorial land use regulations. A vacancy on the Northern Canada Power Commission is awaiting Council's recommendations for a nominee. Sessional papers on these and other issues will be tabled for Council's deliberation.

A number of reports will be brought to Council on executive committee's recommendation, including the report of the task force on a tolerance standard for airborne asbestos in mining plants and operations in Yukon.

Mr. Speaker, my officers and I stand ready to assist Council in the course of the session.

J. Smith,
Commissioner.

November, 1975.



Property of
M. L. A. Lounge

The Yukon Legislative Assembly

Number 2

4th Session

23rd Legislature

Debates & Proceedings

Wednesday, November 26, 1975

Speaker: The Honourable Donald Taylor



The Yukon Legislative Assembly

November 26, 1975

Whitehorse, Y.T.
November 26, 1975.

(MR. SPEAKER READS DAILY PRAYER)

Mr. Speaker: Madam Clerk, is there a quorum present?

Madam Clerk: There is, Mr. Speaker.

ROUTINE PROCEEDINGS

Mr. Speaker: I will now call the House to order. Are there any documents or correspondence for tabling this morning? The Honourable Member from Whitehorse North Centre.

Hon. Mr. McKinnon: Mr. Speaker, I have for tabling today, Sessional Papers Numbers 2, 3 and 5. I also have for tabling, Mr. Speaker, the following reports prepared according to Ordinances: Regulations Report pursuant to Section 37 of the Interpretations Ordinance; the Electric Public Utilities Board Annual Report for 1974-75 pursuant to Section 18 of the Electric Public Utilities Ordinance; the Annual Report of the Chief Electrical Inspector pursuant to Section 15 of the Electrical Protection Ordinance; the Auditor General's Report to Council on the Yukon Territory Compensation Fund for the year ended December 31st, 1974; the Auditor General's Report to Council of the Yukon Territory for the year ended March 31st, 1975; the Auditor General's Report to Council on the Financial Statements of the Yukon Territory for the year ended March 31st, 1975, pursuant to Sub-section 26 (1) of the Yukon Act.

I also have for tabling, consultant studies and other documents entitled "Dawson City Community Services Report", and "Proposed Amendments to the Territorial Land Use Regulations".

Mr. Speaker: Are there any further documents or correspondence for tabling this morning?
The Honourable Member from Porter Creek.

Hon. Mr. Lang: Yes, Mr. Speaker.
Mr. Speaker: I have for tabling, the following reports prepared according to Ordinances: The Superintendent's Report, 1974-75, pursuant to Section 16 (2) of the School Ordinance; the Workmen's Compensation Board Annual Report, pursuant to Section 56 of the Workmen's Compensation Ordinance, and also

the following document is also tabled, "Smelter Feasibility Study".

Mr. Speaker: The Honourable Member from Whitehorse West.

Hon. Mrs. Whyard: Mr. Speaker, I have this morning for tabling, Sessional Papers Number 1 and Sessional Paper Number 4. I also have for tabling, the following reports prepared according to Ordinances: Correction Director's Report, pursuant to Section 4 (1) of the Corrections Ordinance; Zone Director's Report pursuant to Section 7 of the Health Care Insurance Ordinance; the Annual Report of the Director of Hospital Insurance Services, pursuant to Section 8 of the Hospital Insurance Services Ordinance; Public Accounts, Territorial Accounts, pursuant to Section 35 of the Financial Administration Ordinance.

Other reports I have for tabling, Mr. Speaker, are Auditor General's Report on the Yukon Housing Corporation; Tolerance Standard for Airborne Asbestos in Mining Plants and Operations in the Yukon Territories.

Mr. Speaker: Are there any further documents or correspondence for tabling?

Are there any reports of Committees?

Are there any Bills to be introduced? The Honourable Member from Whitehorse North Centre.

Bill Nos. 3, 9, 11 Introduced

Hon. Mr. McKinnon: Mr. Speaker, I beg to move, seconded by the Honourable Member from Porter Creek, for leave to introduce the following Bills: Bill Number 3, entitled "An Ordinance to Amend the Area Development Ordinance"; Bill Number 9, an Ordinance to Amend the Motor Vehicles Ordinance"; and Bill Number 11, "An Ordinance to Amend the Community Assistance Ordinance".

Mr. Speaker: This is seconded by the Honourable Member from Whitehorse West?

Hon. Mr. McKinnon: Porter Creek. I have on my cue sheet, Mr. Speaker.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse North Centre, seconded by the Honourable Member from Porter Creek, for leave to introduce Bills Number 3, "An Ordinance to Amend the Area Development Ordinance"; Bill Number 9, "An Ordinance to Amend the Motor Vehicles

Ordinance"; and Bill Number 11, "An Ordinance to Amend the Community Assistance Ordinance".

Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the Motion as carried.

Motion Carried

Mr. Speaker: The Honourable Member from Whitehorse Porter Creek?

Bill Nos. 2, 4, 7 Introduced

Hon. Mr. Lang: Mr. Speaker, I beg to move, seconded by the Honourable Member from Whitehorse West, for leave to introduce the following Bills: Bill Number 2, entitled "Legal Aid Ordinance"; Bill Number 4, entitled "An Ordinance to Amend the Companies Ordinance", and Bill Number 7, entitled "An Ordinance to Amend the Legal Professions Ordinance".

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse Porter Creek, seconded by the Honourable Member from Whitehorse West, for leave to introduce Bill Number 2, "Legal Aid Ordinance"; Bill Number 4, "An Ordinance to Amend the Companies Ordinance"; Bill Number 5, "An Ordinance to Amend the Game Ordinance"; and Bill Number 7, "An Ordinance to Amend the Legal Professions Ordinance".

Hon. Mr. Lang: Mr. Speaker, the Game Ordinance Bill isn't being introduced at this time.

Mr. Speaker: I see. We will then delete Bill Number 5, "An Ordinance to Amend the Game Ordinance". Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the Motion as carried.

Motion Carried

Mr. Speaker: The Honourable Member from Whitehorse West?

Bill Nos. 6, 8, 10, 12, Introduced

Hon. Mrs. Whyard: Mr. Speaker, I beg to move, seconded by the Honourable Member from Whitehorse North Centre, for leave to introduce the following Bills:

Bill Number 6, "An Ordinance to Amend the Hospital Insurance Services Ordinance"; Bill Number 8, "An Ordinance to Amend the Medical Profession Ordinance"; Bill Number 10, "An Ordinance to Amend the Public Health Ordinance"; Bill Number 12, "An Ordinance to Amend the Pharmaceutical Chemists Ordinance".

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse West, seconded by the Honourable Member from Whitehorse North Centre, for leave to introduce Bill Number 6, "An Ordinance to Amend the Hospital Insurance Services Ordinance", and Bill Number 8, "An Ordinance to Amend the Medical Profession Ordinance"; Bill Number 10, "An Ordinance to Amend the Public Health Ordinance", and Bill Number 12, "An Ordinance to Amend the Pharmaceutical Chemists Ordinance".

Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed..

Mr. Speaker: I shall declare that the Motion is carried.

Motion Carried

Mr. Speaker: Are there any further Bills for introduction? Are there any Notices of Motion, or Resolutions? Are there any Notices of Motion for the Production of Papers? We will then proceed on the Order Paper to the question period.

Madam Clerk would you determine whether the Commissioner will be available at this time.

Madam Clerk leaves the room.

Recess

Madam Clerk Returns followed by Commissioner.

QUESTION PERIOD

Mr. Speaker: At this time we'll call it back to order and we have Mr. Commissioner with us this mornign to assist the House in any questions you may have. Re any questions at all. The Honourable member from Ogilvie.

Question Re: Child Care Cost

Hon. Ms. Millard: Mr. Speaker I have a written question to the Minister of Health Welfare and Rehabilitation. The Department of Indian Eskimo Affairs Child Care Budget cites a unit monthly cost of Child Cre of \$282.05, 86.4 per cent of which is paid to the Territory Government by them. Since the monthly unit cost of a foster home according to statistics given in April 1975 ranges from a \$127.50 to \$168.00 a month. How is the remaining amount per month which ranges from \$154.55 to \$114.05 spent?

Mr. Speaker: Any further questions? The Honourable member from Whitehorse South Centre.

Question Re: Transfer of Medical Facilities

Dr. Hibberd: Mr. Speaker I have a question for the Minister of Health, Welfare and Rehabilitation.

Is the Minister in a position to give us a progress report on the transfer of medical facilities from the Federal to the Territory Government.

Hon. Mr. McKinnon: A progress report. You've got to be kidding.

Mr. Speaker: The Honourable Member from Whitehorse West.

Hon. Mrs. Whyard: Mr. Speaker I'd be very happy to bring in a report on our negotiations to this date during this session.

Mr. Speaker: The Honourable Member from Whitehorse South Centre.

Question Re: Medical Officer

Dr. Hibberd: A question to the Minister of Health, Welfare and Rehabilitation. Has the Territory Government considered hiring their own Medical Officer of Health.

Hon. Mr. McKinnon: Yes, as of yesterday.

Mr. Speaker: Order please. The Honourable Member from Whitehorse West.

Hon. Mrs. Whyard: Mr. Speaker this Minister hasn't but we could bring in further information on that subject.

Mr. Speaker: Any further questions? The Honourable Member from Whitehorse Riverdale.

Question Re: Disability Training Centre

Mr. Lengerke: I have a question for either the Minister of Education or Health and Welfare. Whoever can answer this one. What is the status of the proposal for the general disability training centre and sheltered workshop that was, I think, presented by the Yukon Association of the Mentally Retarded and number of other associations. Have we got the status of that?

Mr. Speaker: The Honourable member from Whitehorse Porter Creek.

Hon. Mr. Lang: Yes Mr. Speaker there has been, a joint committee was struck between the Association of the Mentally Retarded and the Association For Children With Learning Disabilities and Yukon Social Services Society who brought a brief into the Department of Education and we have accepted the brief and at the present time we are drawing up an accountability structure, which, if it reaches the agreement of the Society for the rehabilitation program, if it reaches their agreement then they will be able to start on the program.

Mr. Speaker: The Honourable member from Ogilvie.

Question Re: Payment per Registered Indian Pupils

Hon Ms. Millard: I have a written question for the Minister of Education in two parts.

A) What is the amount of money per registered Indian pupil which is paid by the Federal Government to the Territorial Government for education for registered Indians. And —

B) Does the Federal Government contribute anything to the Territorial Government for capital costs involved in education of registered Indians. If so how much.

Hon. Mr. Lang: I'll bring in a written reply.

Mr. Speaker: Any further questions? The Honourable member from Kluane.

Question Re: Metric System of Measurement

Mrs. Watson: Mr. Speaker I have a question for Mr. Commissioner. Approximately two years ago the Government of Canada determined that Canada would over a period of years convert to the metric system of measurement. The Yukon has been involved with other jurisdictions in the planning of the conversion to the metric system. One of the first actions that were taken was the kilometer signs that were put up on the Klondike Highway but the mile post signs were left at that time. The understanding was that there would be a gradual phasing in of the kilometer signs.

Last summer very suddenly within a period of a week or two the kilometer signs were put up on the Alaska Highway and the mile post signs were removed. I'm sure that Mr. Commissioner realizes that the businesses along the Alaska Highway have to make arrangements for advertising approximately a year in advance and many or most of these businesses had already made commitments for advertising using the mile post as a designation of location.

My question to Mr. Commissioner this morning is, is the administration considering putting back some of the mile posts at key locations or possibly every ten or twenty miles for the next few years in order that there can be a phasing in?

The Commissioner: Well, Mr. Speaker, the only immediate suggestion I have is that the Honourable Member might like to refer to a little brochure put out by the Department of Education, that gives you a conversion table as to how to calculate what a milepost is in regard to a kilometer post.

I believe the Honourable Member was involved in the publication of this particular little item here, and all I can suggest is that we are having a little bit of trouble ourselves finding our way around the highways, let alone any stranger, and in all honesty, Mr. Speaker, the question that is posed by the Honourable Member is one that has some very serious implications, and while I'm in no position to give any guarantees about just precisely how we are going to overcome some of these problems, it is under con-

sideration as to just what—you know, what route or what formula that we might attempt to follow. I will attempt to get some further information in the course of this session back to attempt to satisfy the question that is properly raised at this time.

Mr. Speaker: Any further questions? May we then proceed to Public Bills? The Honourable Member from Hootalinqua?

QUESTION re: Closed Signs for Lodges

Mr. Fleming: Yes, Mr. Speaker, I have a question for the Commissioner. Probably a supplement to my fellow member here, more or less, but at least for me it raised, for your information, these letters that we get every week or two, and this one is "re closed signs for lodges required". Now, I understand that the lodge owners on the Yukon Roads who plan to close up for the winter, must put "Closed" signs on any roadside advertising. This I understand, and then it goes on down the line, and repeats, more or less to the best of my knowledge, "Lodge owners using roadside advertising and who plan to close for the winter, must use these existing signs to inform the public of their closure".

Now, what I would like to ask Mr. Commissioner, is this a repeat of the first line or paragraph, or is this something else where there is some existing signs to be had, or something to that effect?

Mr. Speaker: Mr. Commissioner?

The Commissioner: Mr. Speaker, I wonder if the Honourable Member would give me the opportunity of examining the particular circular letter that he has in hand. I have seen it, but I would just like to refresh myself on that before I answered his question.

Mr. Speaker: Are there any further questions? We will then proceed to Public Bills.

PUBLIC BILLS

Mr. Speaker: The Honourable Member from Whitehorse North Centre?

Bill No. 1, First Reading

Hon. Mr. McKinnon: Mr. Speaker, I move, seconded by the Honourable Member from Whitehorse West, that Bill Number 1 be read a first time.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse North Centre, seconded by the Honourable Member from Whitehorse West, that Bill Number 1 be now read a first time. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the Motion as carried.

Motion Carried

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

Bill no. 1 Second Reading

Hon. Mr. McKinnon: Now Mr. Speaker, I move, seconded by the Honourable Member from Whitehorse West, that Bill Number 1 be now read a second time.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse North Centre, seconded by the Honourable Member from Whitehorse West, that Bill Number 1, Highways Ordinance, be now read for a second time. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the Motion as carried.

Motion Carried

Mr. Speaker: May I have your further pleasure. The Honourable Member from Pelly River?

Mr. McCall: Mr. Speaker, I move that we now adjourn.

Mr. Speaker: Is there a seconder?

Mr. Berger: I second that.

Mr. Speaker: It has been moved by the Honourable Member from Pelly River, and seconded by the Honourable Member from Klondike that we do now adjourn. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the Motion is carried.

Motion Carried

Mr. Speaker: This House now stands adjourned to the call of the Chair.

Adjourned.

SESSIONAL PAPER NO. 1 (1975 Third Session)

**Mr. Speaker,
Members of Council**

Yukon Representative to N.C.P.C.

An amendment to the Northern Canada Power Commission Act was given Royal Assent on June 19, 1975. This amendment increased the membership of the Commission from three to five members. One member is to be appointed by the Governor in Council on the recommendation of the Commissioner in Council of the Yukon Territory and will serve at pleasure. Council is asked to present a recommendation for this position.

It may assist you in your consideration of this matter to know that the territorial representative will receive a per diem payment and such reasonable living and travelling expenses as are incurred in the

fulfilment of his duties. The Minister has also informed us that the representative will be expected to submit to the Conflict of Interest Guidelines prescribed by the Governor in Council. On request from Council, the Minister is prepared to accept an appointment for a fixed term of time.

In view of the prominent role which the N.C.P.C. may be expected to play in Yukon in future, the Executive Committee believes that the territorial representative should be a permanent Yukon resident with good business sense who has no involvements which would create a conflict of interest.

Council is asked to give its most serious and immediate consideration to making a recommendation for a Yukon representative to the Northern Canada Power Commission..

**J. Smith,
Commissioner.**

SESSIONAL PAPER NO. 2 1975 THIRD SESSION

NATIONAL CAPITAL REGION

Mr. Speaker,

Members of Council:

As you are likely aware, the House of Commons and the Senate established a Special Joint Committee to consider the future development of the region containing Canada's National Capital at the last session of Parliament. (See House of Commons Debates, June 23, 1975, pp. 7002-7020). Speaking to the Motion in the House, the Minister of State for Urban Affairs expressed the view that the national capital must be a place for all Canadians, a symbol of the collective aspirations and achievements of Canada. Though a number of regional issues will have to be considered by

the Committee in the course of its task, the Committee is seeking suggestions and guidance from all parts of Canada on the concept and development of the national capital.

The Co-Chairmen of the Special Joint Committee on the National Capital Region, Senator J.P. Deschatelets and Mr. Ralph Stewart, M.P., have extended an invitation to Council, through me, to name a delegate to appear before the Committee to express the opinions of the people of the Yukon with respect to the national capital.

I am sure Council will want to assist the Committee in this historic endeavour.

**James Smith,
Commissioner.**

SESSIONAL PAPER NO. 3 1975 (Third) SESSION

Mr. Speaker,
Members of Council:

YUKON AGRICULTURE: A POLICY PROPOSAL

On March 19, 1975, the Peake Report on Yukon Agriculture was tabled in the Yukon Legislative Assembly. This report has been thoroughly reviewed, and it is submitted that several recommendations from this report should be given consideration and the Minister advised of the direction that the Legislative Assembly wishes to proceed in pursuing a positive course of action to conclude an Agricultural Policy for the Yukon.

We must keep uppermost in our thoughts the public demand for agricultural lands in contradiction to the indication in many other reports that the Yukon is marginally suited for agricultural production under the best of conditions. In the past very little, if any, consideration was given towards providing agriculture lease agreements on suitable lands. In addition, the qualifications of the applicants to follow agricultural pursuits were not examined. This indiscriminate land disposition along with the applicants' inexperience likely contributed to the apparent lack of success of the industry. Part of the fault must be in the lack of detailed climatic and soil condition information concerning the lands suitable for agriculture. The present land freeze on Agricultural land disposition can be justified on this basis alone, providing that interim period is gainfully employed in remedying such informational deficiencies. As a result, the D.I.A.N.D. has started on a three year program of collecting climatic data and soil inventory.

Three methods of overcoming the present impasse are available in regards to agriculture.

1. We can accept the land freeze and await the culmination of the D.I.A.N.D. effort to gather information of sufficient depth to permit the most suitable agricultural soil and climatic areas to be released for disposition.

2. We can request an intensified study effort and identify high priority areas to D.I.A.N.D. which will speed up the process of inventory investigation and release land for agricultural purposes if justification is shown.

3. We can request a block land transfer of agricultural areas from D.I.A.N.D. to the Commissioner, and consider an agricultural industry support role by the Territorial Government.

In the first two methods, we must rely on the Department to devote sufficient funds, manpower and research priority to ensure that scientific data will be available to support the early release of the lands designated. In the third method, we must assume that additional funding will have to be found within our own resources to support this program.

I would suggest that the best approach would be in the acceptance by motion of method 2.

The Peake Report recommends that the first area for consideration would be the most suitable soils within the Takhini and Dezadeash Valleys. If an intensified development approach is taken, then the area would be further studied to:

- (a) select out the most suitable soils;
- (b) survey these soils into pre-determined farm lot acreages;
- (c) define and plan the necessary infrastructure such as roads, drains, hydro and telephone;
- (d) decide on the financial and technical services which Yukon Territorial Government would make available to qualified applicants;
- (e) provide total approach to the Department of Indian Affairs and Northern Development for a block land transfer;
- (f) develop area and adopt a disposal policy for the land involved.

If we choose to promote the agriculture industry, but ignore this orderly type of development, the Yukon will repeat the same errors that occurred throughout the prairies during the homesteading period.

We will end up with widely scattered, inadequately serviced farm sites, subsistence or poverty level enterprises, eye sores on the Yukon scenery, and a discredit to the policy makers of the time.

It would appear to be foolhardy to assume that the farm rescue funding of P.F.R.A. and A.R.D.A. would be extended to new farming areas at the same time as developmental expenditures to open new areas.

In deliberating our choice, we should consider some implications of adopting an agricultural policy. Presently, experts tell us that farming in the Yukon is of a subsistence level. This is true of the people attempting farming at present. It is worthwhile to point out that these people deserve the merit of recognition as their achievements have been accomplished completely on their own initiative. We must ask ourselves the question: If these same people had received the same financial and technical assistance services as farmers in Southern Canada, would they still be at a subsistence level?

Presently, the Yukon is completely dependent upon production from the outside of the Territory. Production from the Yukon, due to high costs, would not be competitive in the export market, but should be able to compete with imports from the South. In addition, a local agriculture industry would add diversity to the Yukon economy as well as some self-sufficiency.

As agriculture is a primary industry, and the product would be for local consumption, this in turn opens the door to secondary industry development. Such related industries as slaughter houses, milk and cheese processing plants, egg and vegetable marketing outlets are prime examples.

Resultant of such industries is the one important economic consideration - job creation. Any agriculture industry requires both public participation and private funding to develop the infrastructure necessary to make farming a viable enterprise. The size of the agriculture potential must be known before the magnitude of costs associated with this required infrastructure can be determined.

Presently, we have many high priorities into which limited financing must be directed. It has been predicted that many of the requests for agriculture land could be satisfied through larger acreage

residential lots. If in fact this is a valid observation, then we should be also giving immediate priority to this type of development.

This position is put forward at this time for your consideration and advice. We are at a time in our democratic development that we recognize the significance of our decisions. A decision regarding agricultural land use is not irrevocable, but does have long lasting and sometimes permanent effects.

**J. Smith,
Commissioner.**

problems or groups that each section of the program will serve. The program will be developed in accordance with the previous section of this paper, which discussed the goals and structure of an effective prevention program and will closely adhere to the two social goals discussed in that section. The program activities will be outlined in three sections; each section relates to a prevention strategy and will be discussed as such.

Primary Prevention: The first group of activities is aimed at providing the people of Yukon with information so they can anticipate alcohol-related problems and will encourage the adoption of drinking patterns that do not produce problems, nor impairment.

The activities are:

1. **Public Information Program** - the objective of this advertising program is to influence our thoughts, feelings and actions concerning alcohol use for our own good and the good of Yukon society, and to increase our understanding of the hazardous use of alcohol and alcohol-related problems. This activity will make use of all Yukon newspapers, radio and television. In addition, posters and pamphlets will be developed to further spread the message. As many communities are still without television, a special film will be made in Yukon, based on Yukon material, to reach people in these communities. This total program will be based on Yukon themes and developed to serve the particular needs of Yukon people. This program has been developed to achieve the above objectives as well as provide public information on the total alcohol problem.

2. **The Alcohol Information Function of Alcohol & Drug Services** - will be expanded. The objective of this activity is to provide personalized and specialized information on alcohol use and related problems to the people of Yukon. Alcohol & Drug Services now functions as a telephone information service to provide information to the public and help for individuals with alcohol problems. When the new detoxication centre is opened, this service will be available twenty-four hours a day. To insure that people living in communities outside of Whitehorse have access to this service, it has been Alcohol & Drug Services' policy to accept collect phone calls. This service will be further advertised. As a means of providing specialized information, Alcohol & Drug Services will continue to expand the circulation of "Connection", its monthly newsletter, and provide articles and papers which discuss Yukon issues in relation to alcohol use.

3. **Yukon Stop Check** - the impaired driving awareness campaign, is a program directed at a specific alcohol-related social problem. This specific alcohol-related problem is being highlighted due to the number of deaths, economic loss, human misery and suffering it causes and the impact of impaired drivers on others. This activity is a dual effort in that the reduction of impaired drivers will effect a total reduction in alcohol impairment. The activity is also two-fold in that it is a public awareness program combined with roadside

checks for emphasis. The program is a joint effort carried out by several Territorial government departments and the RCMP.

4. **Alcohol Education in the Classroom** - is directed towards providing young people with sufficient information about alcohol so that when they reach the age when it is necessary to make a choice about alcohol use, it will be the wisest possible choice and they will be aware of the hazards of excessive use. Alcohol & Drug Services will, in the coming year, collect, develop and refine materials for this purpose and work with Department of Education personnel to initiate a classroom program.

5. **Research** - is a necessary base of any prevention program. If we are to prevent the occurrence of problems, it is necessary to be aware of causes of alcohol-related problems and make these causes known to decision-makers in Yukon. Research also provides information on the status of alcohol problems. This information will be necessary if we are to evaluate the effectiveness of our activities and program. Without evaluative research we would not be able to assess the effectiveness or efficiency of spending limited money on prevention activities.

Secondary Prevention: Activities which are aimed at early recognition and correction of acknowledged dangerous drinking patterns and practices before adverse consequences have occurred, i.e. chronic alcoholism, are the basis of the second level of a prevention program. This level of prevention has two primary thrusts. First, to train professionals and lay people who are involved in health and social work to identify and diagnose dangerous drinking patterns and practices in their developmental stage, and second, to provide activities directed toward the early identification and correction of dangerous drinking patterns.

1. **The Training Function** is being carried out in two distinct ways. Seminars and workshops are being conducted by Alcohol & Drug Services' staff for specific occupational groups such as nurses, and specific agencies such as the Welfare Branch. Training in early diagnosis and recognition of alcohol problems will become the focus of much training in the future. These training programs will be directed at professional groups who work with people on problems other than alcohol-related problems, but who, in performing their duties may be able to identify the early stages of alcohol-related problems. An example of this practice would be the physician who is trained to recognize the early signs of alcohol-related problems while providing routine medical care to his patients. When early recognition and correction of developing alcohol problems occurs, the cases of social and health damage due to alcohol will be greatly reduced.

A second training function will be achieved by providing a formal ten week course on counselling people with alcohol-related problems. The objective of this program (during the first year) is to develop a cadre of approximately twenty workers in Yukon who are trained to identify and provide treatment in relation to alcohol problems. The course will be held on

an annual basis and the participants will be recruited from lay and professional workers in the human services field. This program will be initiated in January of 1976.

2. There are two activities currently in practice which will be further expanded to perform the role of early identification programs. The first is Employee Alcoholism Programs. These programs are aimed at identification of employees whose alcohol use is interfering with their job performance and helping them correct their problems before their alcohol consumption makes them unemployable. The benefits of these programs are far-reaching and affect social, health, occupational and family problems. The Yukon and Federal governments have such a program and even in its infancy here in Yukon it is proving beneficial. These two programs will be expanded and an attempt will be made to involve local industry in similar programs. The benefits to industry are obvious as employers are no longer forced to hire new employees to replace valuable ones who have been debilitated by excessive alcohol use. Employee Alcoholism Programs are an effective way to alleviate the problems for all concerned. Rates of rehabilitation in programs across Canada are stated to be as high as 60 to 80 percent. This success is largely due to early identification.

The second activity which is serving the function of early identification and correction is the Drinking and Driving Re-education Program. This activity was developed by Probation Services' personnel in co-operation with Alcohol & Drug Services' staff. A person who is arrested for impairment can be placed on probation and sent to this course. Approximately one-third of all persons involved in this course are chronic alcoholics. The remaining two-thirds are using alcohol in a way that is causing problems and interfering with their lives. The staff of this course are able to help the participants identify their problems and find additional help, if needed, as well as seeking to correct the participants' impaired driving practices. To date, this program has been implemented only in Whitehorse and Watson Lake. In the near future, if resources are available, the program will be expanded to serve other communities in Yukon and will also be given in secondary schools. Presently, the course is offered to students of F.H. Collins Secondary School. As this course serves two purposes, the prevention of additional impaired driving and the early identification of alcohol-related problems, it must receive support as a high priority activity.

Tertiary Prevention: The third phase of our program encompasses treatment and rehabilitation activities. These activities are necessary to prevent further problems as well as the spread of existing problems, and become part of a prevention program in that they seek to anticipate and forestall the growth of existing problems. Treatment activities become less useful when they are developed to correct only alcohol-related problems after they occur and do not have the support of primary and secondary prevention activities.

These activities will be outlined as they relate to the people of Yukon. The first section will discuss core activities, i.e. activities that serve all people in Yukon, and the second section, community activities, i.e. activities designed to serve particular communities.

1. A Detoxication Centre - is necessary as the first phase of any planned treatment program and the launching pad for any person entering treatment for alcohol-related problems. Within a few weeks, a detoxication centre will be opened in Whitehorse. This centre will have a dual service function, both as a core resource and as a resource for a community - Whitehorse. As a core resource it will serve as a training centre for personnel who will be doing detoxication in communities outside of Whitehorse and the centre will accept selected referrals from other communities. In Whitehorse it will serve as the first phase of treatment. The function of the centre will be to detoxicate the public and chronic inebriates and help them start on a treatment program for their alcohol problems. The program will include, in addition to detoxication, individual and group counselling and referrals to the next stage of treatment.

2. The activities carried out by Crossroads support the next two stages of the treatment program. Crossroads is operated by the "Crossroads Society", a private non-profit society, but is supported partially by the YTG through grants. In addition, the government has made permanent accommodations available to them by renovating and leasing the Nisutlin Building. Despite its Whitehorse location, Crossroads does and will continue to accept residents from all parts of Yukon.

When Crossroads completes its move into its new accommodations it will operate a 31 bed active treatment program for alcoholics. The program, which will accommodate both men and women, lasts for 30 days. When they have completed this second stage of treatment, selected residents will be encouraged to move into the third stage of treatment at Crossroads. This stage can be described as the transition or half-way stage. One portion of the new Crossroads establishment has been designated as a transition suite. During this stage, a resident who has completed the 30 day treatment program and is working or looking for work, will continue in the protective environment of Crossroads but will pay his own rent, fix his own meals, and live a partially independent life. This stage of treatment is viewed as the transition from the controls of a structured treatment program to completely independent life in the community. The resident is allowed to live in this protective transitional environment on a time-limited basis. This is an important stage of treatment and one that will increase the recovery rate of alcoholics in Yukon by ensuring that they have re-adapted to pressures of community life before leaving treatment.

3. Another core treatment service is the Non-Residential Treatment Services offered by Alcohol & Drug Services. These services provide counselling to persons who are not in need of residential treatment. In addition, the Treatment Counsellor offers help and con-

sultation services to social and health workers who are counselling alcoholics in local communities. This service is presently offered on a limited scale outside of Whitehorse, but will be extended in the new fiscal year to cover all of Yukon.

The activities discussed in this section have been services designed to serve all people in Yukon. We are certainly aware that these core services do not serve all of the special needs of each individual community. We are also faced with the reality of soaring health costs and lack of resources. In coming to grips with these realities, it has become obvious that the institutional and overly professional approach often pursued in the south has little relevance to our situation in Yukon.

4. Since small communities in Yukon have special problems and the government is committed to developing solutions to these problems, a special Community Detoxication and Counselling System is currently being designed to meet these needs. This does not mean that we plan to build new treatment centres in each community nor hire highly paid professional staff as counsellors. There is not sufficient demand to warrant such expense and we are not convinced this is a solution to our alcohol treatment needs and problems. As part of this system, Alcohol & Drug Services will recruit and train local people to perform the detoxication and counselling function in their own communities. These people will be paid on a fee for service basis to ensure their availability.

This program will be introduced in one community in May, 1976, and when it has been examined and the problems common to all new programs are ironed out, it will be introduced to other communities in Yukon. When this activity is completed, we then will have a comprehensive alcohol program in Yukon.

The program and activities discussed in this paper are those for which the government is taking the responsibility. Without the hard work of Alcoholics Anonymous in Yukon, we would not have started to develop such a program and without their continuing work, no alcohol program will be complete.

Conclusion

The development of a comprehensive policy and a program to implement that policy is a difficult task in any field of endeavour. This is particularly true of attempts to prevent alcohol-related problems. No simple "cause" of alcohol problems has been identified. Despite this fact, it is necessary for government to formulate a comprehensive policy. Without a comprehensive policy and an understanding of the approach and activities to be used, actions that are taken are likely to be discordant, confusing, ineffectual or even counter-productive. The policy response and the activities developed to support it were formulated

based on the conviction that, if we are going to effectively reduce alcohol-related problems rather than deal with them after the fact, we must shift to an approach which emphasizes prevention at all levels.

The success of this policy and program will not rest solely on the government nor can it be based only on the strength of our health system. For this program to be successful, it must, of course, have the support of the people of Yukon and their elected representatives, but there are particular groups within our society who, because of their position, have special responsibilities. The producers and vendors of beverage alcohol comprise one such group which has special obligations under the law and which must make all efforts to show the people of Yukon it is not encouraging the hazardous use of alcohol. Regulatory bodies have the responsibility of developing and enforcing standards for licensing vendors but cannot be successful unless they are supported.

Those responsible for the media must police themselves to insure that their advertising is not furthering the growth of alcohol-related problems. They also have the ability to provide a forum for public debate and information which can insure that the citizens of Yukon are aware of the problems of excessive alcohol use.

The actions of these two groups can make a direct and somewhat obvious contribution to the success of this program. However, there are many other groups who hold leadership positions in our communities and have the ability to influence public opinion. Their willingness to accept the responsibilities inherent in their position and encourage the wise use of alcohol is essential if we are to maintain Yukon's social stability and sustain a healthy climate for future development and growth.

A program to prevent alcohol-related problems must pursue effective measures to avoid, repel, or counteract threatening problems. Legislation which restricts behaviour is one effective measure which we have the power to use. We have not suggested that such authority be extended at this time. The onus rests on those who are, or may be affected by such legislation to show that they are not contributing to the growth of alcohol-related problems and that the regulations presently in force are adequate.

The Government of the Yukon Territory is firmly committed to:

reducing the per capita consumption of beverage alcohol and reducing the frequency and degree of impairment resulting from alcohol use.

We would ask that Council lend its continuing support to the pursuit and attainment of these goals.

J. Smith
Commissioner

Sessional Paper No. 4 (1975 Third Session)

Mr. Speaker
Members of Council

A Comprehensive Alcohol
Problem Prevention Program

November, 1975

Introduction

At one time the only way to get a drink of hard liquor in Yukon was to know someone who could lead you to a local hotel or roadhouse where the owner had a room set aside and you could get in to buy a drink if he would let you.

Yukon has come a long way in the past twenty years in moving the consumption of alcohol from the back room of hotels and roadhouses out on to Main Street. Certainly, the situation is far less barbaric than existed then, but in the process of making the consumption of alcohol a controlled and socially accepted practice we have seen a general increase in the consumption of alcohol and we are now witnessing its excessive use on a wide scale.

The excessive use of alcohol has become our greatest social and health problem and it is now time to seek to decrease the consumption of alcohol and prevent the growth of alcohol-related problems in Yukon. This is the task of government because government has seen fit to take absolute control of distribution of alcoholic beverages, and, so long as we hold ourselves up as the only agency that is going to have that control, we must then accept the responsibility to prevent the consequences of abuse.

Our task as a government is to attempt to lower the per capita consumption of beverage alcohol, to equip our people who drink with sufficient knowledge to enable them to do so as wisely as possible, and to foster an environment where abstinence is an acceptable behaviour and impairment due to excessive consumption is unacceptable.

The Problem

It is difficult to develop a strategy for preventing "alcohol-related problems" without a clear understanding of what is meant by the term. For our purpose we will define an alcohol-related problem as "physical, mental and social damage associated with the consumption of alcohol". Certainly there is some overlap and none of these categories is exclusive, but in general, (i) physical damage is considered organic damage, i.e. liver disease, heart disease, cancer and respiratory diseases, (ii) mental damage includes alcoholism and alcoholic psychosis, and (iii) social damage is considered to include crime, family disruption, industrial problems and accidents, caused by excessive alcohol consumption.

In examining alcohol problems in this manner we are not underemphasizing the problems of alcoholism.

However, many of the alcohol-related problems we witness in our communities are caused by hazardous but not necessarily alcoholic, consumption.

Analysis of the Problem in Yukon

It has been estimated that approximately eighty percent of all people in Yukon over fifteen years of age consume beverage alcohol. Approximately 13.53% (1,792 persons) of all drinkers are consuming at levels which have been determined to be injurious or hazardous to their health. It is important to note that a large per-cent of the people who are drinking in a manner hazardous to their health are not alcoholics; in fact, they consider themselves social drinkers. However, hazardous consumption has been linked to organic damage and deterioration and has been proven to cause a number of physiological diseases, eg. liver cirrhosis, heart disease, etc.

When we further analyzed the drinking patterns of the 1,792 people who are consuming at a hazardous level we found that 865 (6.53% of all drinkers) were consuming in such a manner that we could predict they are alcoholics. This leads us to the conclusion that one in fifteen drinkers in Yukon is an alcoholic or that one in nineteen people in the total population is an alcoholic.

One of the frightening findings of our study of consumption was that a majority of those people predicted to be alcoholics (473 out of 865) were consuming in an extremely excessive level. Although this is a relatively small group of drinkers (3.57%) it is abnormally large in relation to the total number of drinkers in Yukon. As well, these drinkers are inebriated at all times or are extremely intoxicated frequently and some are drinking at near lethal levels. It has been determined that the death rate of drinkers in this range is extremely high and they require health, welfare, social and law enforcement services at a rate that is disproportionately higher than all other drinkers.

At the present time, a complete analysis of the data concerning physical damage related to alcohol use has not been completed, however, it is possible to account for some deaths related to excessive alcohol and/or alcoholism. In 1974, there were 109 deaths in Yukon. Fifteen percent (16 deaths) were directly attributed to alcohol consumption according to statistics compiled by Yukon Vital Statistics. Accidents, injuries and violence account for 28% of all deaths in Yukon. It has been estimated that 40 to 50 percent of all deaths in this category are a direct or indirect result of excessive consumption of alcohol. This data does not include other deaths due to organic deterioration or damage caused by excessive alcohol use, but we have estimated that 28% of all deaths in 1974 were attributed to excessive alcohol use.

It is not possible to provide an accurate statistical analysis of the extent of social damage caused by alcohol in Yukon. This lack of statistical data should not allow us to forget the social casualties of which we all have perfectly valid personal knowledge. In ad-

dition, most officials maintain that a large percentage of cases involving child protection are a result of family breakdown due to alcoholism. Other social damage is verified by the statistics maintained by the Whitehorse Correctional Institute in 1974. Twenty-six percent of all offenders were admitted to the Institute for alcohol-related offences. Correction officials maintain that a majority of offenders admitted to the Institute have alcohol-related problems.

Another source of alcohol-related damage on the physical and social level is that of impaired driving. The most recent statistics, compiled between January 1st and August 31st, 1974, show that there has been one impaired driving charge per every sixty-seven persons in Yukon.

Information on the amount of damage caused by alcohol-related problems in Yukon is far from complete. But, the information that is available has convinced us that we must immediately take action.

The Prevention of Alcohol-Related Problems

More than three-quarters of the adults in Yukon drink alcohol. Most will continue to do so. This we accept as reality and the departure point for our thinking. Nonetheless, we believe that a significant reduction of alcohol problems can occur if there is a commitment to two social goals. The first is to reduce the number of people who drink frequently or who consume large amounts, i.e. a reduction in per capita consumption. This is necessary to reduce "alcoholism" and health problems such as liver cirrhosis. The other goal to be achieved is a reduction in frequency and degree of impairment resulting from alcohol use. This is needed to reduce the social problems such as violence and accidental death, impaired driving, and alcohol-related crime. This kind of reduction will affect family life, child neglect and occupational problems resulting from excessive use of alcohol.

In accepting the reality of continued alcohol use, we may be accused of inadvertently encouraging it. To insure that this accusation is not warranted, we must endeavour to foster a social environment in Yukon where abstinence is an acceptable behaviour in all circumstances. Further, and most important, we must equip all people who persist in drinking to do so with sufficient knowledge to enable them to use alcohol wisely and with as few problems as possible.

As one prominent health authority has recently stated. "...if we are determined collectively to retain alcohol as a social amenity we should all be aware of the costs of that amenity and have our eyes on the ball, in terms of knowing what kinds of things we do to keep the associated social-health costs as low as possible." When examining cost we must be aware of its two-fold nature. First, the cost in real dollars to the tax payer and second, and more important to the future of Yukon, the human cost in loss of potential and human life. When we examine these costs we need no other rationale for the development of a prevention program.

Prevention, for our purpose, is broadly defined as action taken to reduce the likelihood that alcohol problems will develop. The ideal is primary prevention aimed at insuring that drinking or non-drinking patterns develop that do not lead to problems. The next best is the identification and modification or termination of high risk patterns before problems arise, i.e. secondary prevention. The third level of prevention is action taken to stop or retard alcohol-related problems that already exist, i.e. detoxication, treatment, rehabilitation programs. The treatment regime is, of course, action taken after the problem occurs but may be productive in a preventive sense if it leads to the modification or retardation of alcohol-related problems. Each level of prevention reinforces the others; for that reason it is impossible to develop an effective prevention program unless all levels are included.

Prevention programs are certainly not a new concept, but because of the soaring increase in health, welfare and crime problems, as well as alcohol problems, prevention was often no more than a rhetorical gesture, with little or no practical effort. We are past the time when sloganeering and speeches are adequate; any prevention program put forward from now on must have goals which are reachable and concrete. In fact, preventative efforts directed at alcohol use can no longer be organized around a simple master concept such as alcoholism, however defined, but must be directed at specific social and health problems associated with drinking. This does not mean that alcoholism is to be omitted. For example, when we reduce the frequency and degree of impairment resulting from alcohol use in Yukon, alcoholism, impaired driving, and other problems are reduced. For this reason specific target problems will be selected. The selection of these targets will be based on potential greatest benefit and their effect on associated problems.

Prevention programs, like alcohol, can be irresistibly attractive but dangerous. The danger lies in their acceptance as a solution, when they are merely part of a process. A further danger emerges when prevention is left to only one agency. Such a program must be developed and carried out in response to public wishes, starting where people are and being modified as a result of intensive and extensive public debate initiated by an agency seeking to learn while it communicates learning. The successful prevention program in Yukon will require support by the administration, the legislature, and most important, the people of Yukon. When this has been achieved we will have avoided the danger.

The Program

The remainder of this paper will be devoted to outlining a comprehensive program for the prevention of alcohol-related problems, to be implemented by Health, Welfare & Rehabilitation's Alcohol & Drug Services division. We will not endeavour here to provide a detailed program description nor to identify the target

**SESSIONAL PAPER NO. 5
1975 THIRD SESSION**

Mr. Speaker,

14 November, 1975

Members of Council

Territorial Land Use Regulations

At the December 1974 Session, Members received copies of amendments to the Territorial Land Use Regulations proposed by the Department of Indian Affairs and Northern Development for Council's examination and comment. The draft amendments were also circulated to the Council of the Northwest Territories and agencies representing native people and the oil and mining industries to effect a broad

consultation. Council was unable to review the proposed amendments in December and in the Spring of 1975 due to the heavy calendar of sessional business. During that interval, the other consultations have resulted in several revisions to the proposed amendments.

You now have before you the final draft of the proposed amendments, which was discussed and approved by the Council of the Northwest Territories at their June 1975 session.

Council is asked to examine these amendments and indicate if they are satisfactory.

**James Smith,
Commissioner.**



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M. L. A. Lounge

The Yukon Legislative Assembly

Number 3

4th Session

23rd Legislature

Debates & Proceedings

Thursday, November 27, 1975

Speaker: The Honourable Donald Taylor

The Yukon Legislative Assembly

November 27, 1975

November 27, 1975.

Mr. Speaker reads morning prayer

Mr. Speaker: Madam Clerk, is there a quorum present?

Madam Clerk: There is, Mr. Speaker.

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

ROUTINE PROCEEDINGS.

Mr. Speaker: Prior to Orders of the Day, I would like to draw to the attention of the House, that the Deputy Speaker in the former House, unfortunately has resigned this position, and according to Standing Order 52 or our Rules and Standing Orders, Sub-section 2: "The member so elected as Deputy Speaker and Chairman of Committees, shall continue to act in that capacity until the end of the assembly for which he is elected, and in the case of a vacancy by death, resignation or otherwise, the assembly shall proceed forthwith to elect a successor".

May I have your direction in this regard? The Honourable Member from Whitehorse Riverdale?

Mr. Lengerke: Mr. Speaker, moved by myself, seconded by the Honourable Member from Kluane, that Jack Hibberd, the Honourable Member from Whitehorse South Centre, be appointed Deputy Speaker of this House.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse Riverdale, seconded by the Honourable Member from Kluane, that Jack Hibberd, the Honourable Member from Whitehorse South Centre, be appointed Deputy Speaker of this House.

Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the Motion as carried, and welcome the Honourable Member from Whitehorse South Centre and wish him well in his new and important duties.

(Applause)

Motion Carried

Mr. Speaker: We will now proceed with the Order Paper.

Are there any Documents or Correspondence for tabling this morning? The Honourable Member from Whitehorse Porter Creek.

Hon. Mr. Lang: Yes, Mr. Speaker. Mr. Speaker, I have for tabling today, Sessional Paper Number 6, Arctic Winter Games. I also have for tabling, the Yukon Territorial Government Position Paper on the Indian Land Claims.

Mr. Speaker: Are there any further Documents or Correspondence for tabling this morning?

Are there any Reports of Committees? Introduction of Bills? Are there any Notices of Motion or Resolution? The Honourable Member from Kluane.

Mrs. Watson: Mr. Speaker, I would like to give Notice of Motion, seconded by the Honourable Member from Mayo, that Sessional Papers Numbers 1 to 6 inclusive, be moved into Committee for further discussion.

Mr. Speaker: Are there any further Notices of Motion? The Honourable Member from Mayo?

Mr. McIntyre: Mr. Speaker, I would like to move — give Notice of Motion, seconded by the Honourable Member from Kluane, that Standing Order number 3 (1) be amended to read as follows: The presence of a majority of the assembly, including Mr. Speaker, shall be necessary to constitute a meeting of the assembly for the exercise of its powers.

Mr. Speaker: Are there any further Notices of Motion or Resolution? Are there any Notices of Motion for the Production of Papers? We will then proceed to Orders of the Day.

ORDERS OF THE DAY

Mr. Speaker: Madam Clerk, could you ascertain if Mr. Commissioner would be available to the House this morning for the Question Period?

Madam Clerk Leaves Room

Mr. Speaker: At this point we will just declare a brief recess.

Recess

Madam Clerk Returns To Room Followed By Commissioner

Mr. Speaker: At this time, I will call the House to order, and have you, this morning, any questions for the Question Period?

QUESTION PERIOD

Mr. Speaker: Mr. Commissioner?

Mr. Commissioner: Mr. Speaker, I had concurrence of Councillor Fleming yesterday with regard to a question that he had on the signs, the highway closed signs, and he submitted a press release with regard to it, and questioned some of the wording on it. I would like to refer the Honourable Member to the fact that this is an item in the Hotel and Tourist Establishments Ordinance. It is Section 15 of that Ordinance, and I think that gives a very clear instruction as to what is expected of the operator, if indeed he is going to close his establishment.

On top of that, we have road side signs that are put up as part of the highway signing program, and these signs are government signs and it is the government that will look after putting the necessary changes to those signs. The answer to Mr. Fleming's question, as I understand it, is that lodge owners who are closing for the winter are responsible for putting a closed sign over the roadside advertisements that they themselves own. The Territorial Government is responsible for doing so on the signs that it owns, so I trust Mr. Speaker, that that satisfactorily answers the question raised by Councillor Fleming.

Something in the same vein was raised by Councillor Watson, with regard to mileposts versus metric signs. The question being has the government considered replacing any of the mileposts along the Alaska Highway, either at significant locations or at ten mile intervals, as an aid to lodge owners and travellers. Our answer, Mr. Speaker, is that this has been discussed at all levels of government on a number of occasions in the past year and at the present time, we have no plan for the replacing of any of the mileposts, but we would certainly be quite pleased to entertain any reasonable thoughts or suggestions that Council had that would be aimed at overcoming the inconvenience to the travelling public, that is undoubtedly inherent in this change-over program.

Mr. Speaker: The Honourable member from Whitehorse Riverdale.

Question Re: Sharing Resource Revenues

Mr. Lengerke: Mr. Speaker I have a written question for Mr. Commissioner. In the negotiations to date with the Federal Government regarding the sharing of resource revenues have any numbers or percentages been discussed and also what is the schedule for continuing these discussions.

Mr. Speaker: The Honourable member from

Hootalinqua.

Question Re: Yukon Health Services

Mr. Fleming: Yes sire I have a question for Mr. Commissioner. Under the heading of the Federal Government involvement in the Yukon Health Services. And I'll read you a paragraph "National Health and Welfare Department provides as following: and it goes on to say, Operation and Maintenance, Whitehorse General Hospital. Operation and Maintenance of other costs shared facilities throughout the Yukon. Provision of Public Health Programs for all residents of the Yukon via Public Health Nurses in various Health Centres."

Now we have had a small problem at Teslin. I've been called to a meeting of Native Village and therefore I have some, not complaints but wishes that they would like to clarify their positions as to what is paid for and what is not paid for at their Health Centres.

I'll read you one more paragraph.

"Provision of financial support for supplementary medical assistance to Status Indians including drugs, air transport, both regular and charter, vehicle transportation, boarding accounts, dental care, optometrist treatment and hospitalization for mental sickness." They are very concerned because they don't really know just how much they are allowed to have and so forth so I would — the question is could you clarify provision of financial support. How much financial support. Whole or part.

The other part is would you clear up optometrist treatment. Does this consist of glasses, treatments to the eyes, glass eyes, etc. etc. or just pouring some Murine into your eyes. That's my question.

Mr. Speaker: Mr. Commissioner.

Mr. Commissioner: Mr. Speaker this rightfully a question that will have to be referred to the Indian Affairs Branch and if the Honourable Member would give us a little notice on this I will consult with the Member for Health, Welfare and Rehabilitation and Indian Affairs Branch and we will get an answer.

Mr. Fleming: I'm sorry Mr. Speaker, I meant to say, ask for an answer in writing, I'm sorry.

Mr. Speaker: The Honourable Member from Ogilvie.

Question Re: National Museum of Canada

Ms. Millard: This is a verbal question to Mr. Commissioner. I notice that the National Museums of Canada have a tour that's been going on about the North. There's two big vans apparently running around showing things about the North but we don't know anything about it here. Is it planning to come up here.

Mr. Speaker: Mr. Commissioner.

Mr. Commissioner: Is this, is this Museum pieces

that are coming around the country or those things which you would anticipate being put in a museum at some future date. Which was it that was going on.

Mr. Speaker: The Honourable Member from Ogilvie.

Mrs. Millard: Yes Mr. Commissioner. The news release says that a museum mobile, caravan called Canada North of the National Museums of Canada and this notice says it would be visiting Dryden which of course is Northern Ontario.

I don't know whether Canada feels that that's the only part of the North or not, that was in September the theme of the first exhibit is the North, the pre-history and then the second exhibit is the history up to the gold rush.

Mr. Commissioner: Completely and totally new to me Mr. Speaker. We'll be very pleased to see if we can find out something more affirmative.

Mr. Speaker: The Honourable Member from Kluane.

Question Re: Wage and Price Control

Mrs. Watson: Yes Mr. Speaker I have a question for the Commissioner.

Will the Federal Legislation enacting the Wage and Price Control apply directly to the Yukon Territory or will it be necessary for the Yukon to have special legislation to enact certain features of these controls and guidelines.

Mr. Speaker: Mr. Commissioner.

Mr. Commissioner: Mr. Speaker with, with finality the question cannot be answered at this time until the legislation is completely through the Parliament of Canada. I will say this, Mr. Speaker that Yukon was very unhappy to see that we were named in the legislation. The — if this stays when Parliament is finally completed the legislation. If the naming of the Yukon stays in that legislation, very obviously the Yukon — the legislation in its entirety will apply directly here in the Yukon Territory. We have requested that Yukon not be named in the legislation, and if indeed it is removed, then we will have the same privileges in this regard as other Provincial jurisdictions have in Canada to either pass complimentary legislation or not depending on the wishes of the legislature. That is where the matter stands at this time Mr. Speaker.

Mr. Speaker: The Honourable Member from Kluane.

Mrs. Watson: Mr. Speaker supplementary question to that then. It's been quite evident that the Minister of Finance has been meeting with the various jurisdictions to get their ideas and their recommendations on the guidelines. Has the Yukon been asked to either

meet with these representatives from the other jurisdictions or even asked to submit our comments on the guidelines.

Mr. Commissioner: Mr. Speaker I am very sorry to report that we have not been asked or consulted in any of these matters directly or indirectly.

Mr. Speaker: The Honourable Member from Hootalinqua.

Question Re: T.V. at Carcross

Mr. Fleming: A written answer. I have a question for Mr. Commissioner.

At last Spring Session I made some attempt to have the T.V. at Carcross improved and I ask a question of Mr. Commissioner if there was a possibility of this being — something being done about it and at that time, I think I will remember that he replied that there was a possibility that the transmitter and receiver at Gray Mountain may be moved. And of course this may cause possibly not be able to receive it at Carcross if they did move it in the summer.

What I would like to ask is that tower being moved or is there anything in particular.

The Commissioner: Mr. Speaker, I would have to make inquiries of that. I'm afraid that I just don't have that knowledge, but I would be pleased to make the inquiry.

Mr. Speaker: The Honourable Member from Ogilvie?

Question Re: Indoor Sports Facilities for Old Crow

Mrs. Millard: I have a verbal question for the Minister of Education. When can the people of Old Crow expect some kind of indoor sports facilities?

Mr. Speaker: The Honourable Member from Whitehorse Porter Creek?

Hon. Mr. Lang: Mr. Speaker, at this time we are looking into it. As you know, we are going through an era of so-called economic restraints but I am looking into it and once I have an answer, I'll give you the answer.

Mr. Speaker: Are there any further questions? The Honourable Member from Whitehorse Riverdale?

Question re: Maggie's Museum

Mr. Lengerke: Mr. Speaker, I direct this question to either Mr. Commissioner or the Ministers, I just really don't know who is going to answer this one. I understand that in the City of Whitehorse, we have a museum I think known as "Maggie's Museum", and I understand it's being closed. She's trying to sell out, and I'm just wondering if any approaches have been made to the Territorial Government with respect to

acquiring any of the artifacts and pieces within that museum for preservation here?

Mr. Speaker: The Honourable Member from Whitehorse North Centre?

Hon. Mr. McKinnon: Mr. Speaker, under present legislation there is money in museum grants to build a physical plant for museum; there is nothing in that legislation for the acquiring of collections. It will be up to this Assembly in next year's budget to decide whether that legislation and that budget will be changed to allow for money to be in there for the acquiring of collections such as Maggie's.

Mr. Speaker: Are there any further questions this morning? The Honourable Member from Ogilvie.

Question Re: Consumer Protection Ordinance

Ms. Millard: I have a verbal question for any member of the Legislative Committee. Last spring a motion was passed in this House to revamp the Consumer Protection Ordinance. I'm wondering how far this has progressed so far.

Mr. Speaker: The Honourable Member from Whitehorse North Centre?

Hon. Mr. McKinnon: All the direction of the Executive Committee to this point has been in providing a vehicle so we will no longer have cosmetic legislation which it is, but legislation that can be enforced. That is going to come to pass at this point with the introduction of a civil legal aid program so people, when they have complaints, under the Consumer Protection, or under Landlord and Tenants, finally have a place to go. We felt that that was the priority following the introduction of a civil legal aid program so people could have access to the courts and to a lawyer if they had been hard done by under either of these legislative pieces, then we could start looking at the revamping of the Ordinance.

I am just not here to provide more cosmetic legislation with no enforcing ability to it; if that's the type of legislation you're interested in passing, I think we are just fooling the public and fooling ourselves.

Mr. Speaker: Have you any further question?

I would like to thank Mr. Commissioner for assisting the House in the Question Period today. We will proceed now to Public Bills and Orders.

PUBLIC BILLS

Mr. Speaker: May I have your pleasure? The Honourable Member from Whitehorse North Centre?

Bill No. 3, First Reading

Hon. Mr. McKinnon: Mr. Speaker, I move, seconded by the Honourable Member from Porter Creek, that Bill Number 3, "An Ordinance to Amend the Area Development Ordinance", be now read a first time.

Mr. Speaker: It has been moved — that is seconded by the Honourable Member from Whitehorse West?

Hon. Mr. McKinnon: Porter Creek.

Mr. Speaker: Porter Creek. It has been moved by the Honourable Member from Whitehorse North Centre, seconded by the Honourable Member from Porter Creek, that Bill Number 3, "An Ordinance to Amend the Area Development Ordinance" be read a first time. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the Motion carried.

Motion Carried

Mr. Speaker: When are you prepared to give second reading to this Bill?

Bill Number 3, Second Reading

Hon. Mr. McKinnon: Now, Mr. Speaker. I move, seconded by the Honourable Member from Porter Creek that Bill Number 3 be now read a second time.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse North Centre, seconded by the Honourable Member from Whitehorse Porter Creek, that Bill Number 3 be now read a second time. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the Motion is carried.

Motion Carried

Bill Number 9, First Reading

Hon. Mr. McKinnon: Mr. Speaker, I move, seconded by the Honourable Member from Porter Creek, that Bill Number 9 be now read a first time.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse North Centre, seconded by the Honourable Member from Whitehorse Porter Creek, that Bill Number 9 be now read a first time. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the Motion as carried.

Motion Carried

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

Bill Number 9, Second Reading

Hon. Mr. McKinnon: Now, Mr. Speaker. I move, seconded by the Honourable Member from Porter Creek, that Bill Number 9 be now read a second time.

Mr. Speaker: It's been moved by the Honourable Member from Whitehorse North Centre, seconded by the Honourable Member from Whitehorse Porter Creek, that Bill Number 9 be now read a second time. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the Motion as carried.

Motion Carried

Bill Number 11, First Reading

Hon. Mr. McKinnon: Mr. Speaker, I move, seconded by the Honourable Member from Porter Creek, that Bill Number 11 be now read a first time.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse North Centre, seconded by the Honourable Member from Porter Creek, that Bill Number 11 be now read a first time. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the Motion as carried.

Motion Carried

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

Bill Number 11, Second Reading

Hon. Mr. McKinnon: Mr. Speaker, I move, seconded by the Honourable Member from Porter Creek, that Bill Number 11 be now read a second time.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse North Centre, seconded by the Honourable Member from Whitehorse Porter Creek, that Bill Number 11 be now read a second time.

Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the Motion as carried.

Motion Carried

Mr. Speaker: The Honourable Member from Whitehorse Porter Creek.

Bill Number 2, First Reading

Hon. Mr. Lang: Mr. Speaker, I move, seconded by the Honourable Member from Whitehorse West, that Bill Number 2 be read a first time.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse Porter Creek, seconded by the Honourable Member from Whitehorse West, that Bill Number 2 be now read a first time. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the Motion as carried.

Motion Carried

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

Bill Number 2, Second Reading

Hon. Mr. Lang: Now, Mr. Speaker. I move, seconded by the Honourable Member from Whitehorse West, that Bill Number 2 be read a second time.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse Porter Creek, seconded by the Honourable Member from Whitehorse West, that Bill Number 2 be now read a second time. Are you prepared for the question?

Some Members: Question.

Mrs. Watson: Mr. Speaker, I would like to speak on the principle of the Bill before we give it the question.

Mr. Speaker: Proceed.

Mrs. Watson: Mr. Speaker, I'm going to speak very briefly on the principle of this Bill, but I would like to convey to the rest of the Council, my own personal misgivings on this type of legislation. I haven't even determined for sure whether I am going to oppose the

Bill in the final analysis or not, but the actual principle of the Bill is the thing that concerns me.

This Bill, Bills of a similar nature and programs of a similar nature which have been very common over the past decade or so, have increased across the country, in the Yukon government. The more programs, the more assistance, the more state handouts that we have, the bigger your government and the bigger your bureaucracy becomes. While there are some very good features about this Bill, the legal aid, particularly criminal legal aid which we have at the present time, but I am concerned about the civil legal aid, and I am concerned the fact that you have a committee, and a person goes to apply for legal aid, you are going to have to give all the details of your income and this type of thing, and this I agree with. Because if you leave it wide open, the costs get too large but again, you are infringing upon a person's individual, possibly not right, but individual information, and this type of legislation I would either like to see it available to everyone, where everyone can get it, or to no one. I know this is very difficult, and I think often of the Unemployment Insurance legislation that we have in our country today.

It was an insurance, and basically the principle behind it was good, it was an insurance towards unemployment, but look at what this legislation has become, and look what this legislation has done to the attitude to work in our country today.

Another misgiving that I have is the financial aspects of the Bill. We have no idea what the costs of legal aid could possibly become, and there could well be extensive abuses. There always are, you can't plug all of the loopholes and I see that people who have worked on the legislation have endeavoured to plug the loopholes, but there are always loopholes and there are always abuses to this type of legislation.

So, Mr. Speaker, as I say, I have misgivings about it, and one other point that I would like to bring up, it is cost shared with the federal government. So was Medicare cost shared with the federal government, but we understand now that the federal government is going to change the rules of the game for cost sharing. I'm very much afraid that we are going to get stuck paying a little bit more than we had anticipated when we brought in Medicare, and this could well be the same situation now. We are going into legal aid, it's cost shared with the federal government; their cost sharing terms could change next year and the year after, and we would be responsible for picking up the extra costs.

But as I say, Mr. Speaker, I have great misgivings, but I haven't completely determined whether I am going to oppose the Bill, but I thought it necessary to express my opposition to this rolling on of the state providing more and more services, that we are paying for them, and every time we provide services like this, we are leaving the gate open for abuses of public funds, and we are also having to structure, in order to administer this type of thing, another branch, another arm, another committee with the expenses that go with it.

Thank you, Mr. Speaker.

Mr. Speaker: Any further debate?

It has been moved by the Honourable Member from Whitehorse Porter Creek, seconded by the Honourable Member from Whitehorse West, that Bill Number 2 be now read a second time. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare that the Motion is carried.

Motion Carried

Hon. Mr. Lang: Mr. Speaker I move seconded by the Honourable Member from Whitehorse West that Bill number 4 be read a first time.

Bill No. 4, First Reading

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse Porter Creek, seconded by the Honourable Member from Whitehorse West that Bill number 4 be read a first time. Are you prepared for the question.

Members: Question.

Mr. Speaker: Are you agreed.

Members: Agreed.

Mr. Speaker: I shall declare the Motion as carried.

Motion Carried

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

Hon. Mr. Lang: Now Mr. Speaker. I move, seconded by the Honourable Member from Whitehorse West that Bill number 4 be read a second time.

Bill No. 4, Second Reading

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse Porter Creek, seconded by the Honourable Member from Whitehorse West that Bill number 4 be now read a second time. Are you prepared for the question.

Members: Question.

Mr. Speaker: Are you agreed.

Members: Agreed.

Mr. Speaker: I shall declare the Motion as carried.

Motion Carried

Mr. Speaker: The Honourable Member from

Whitehorse Porter Creek.

Hon. Mr. Lang: Mr. Speaker I move, seconded by the Honourable Member from Whitehorse West that Bill number 7 be read a first time.

Bill No. 7, First Reading

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse Porter Creek, seconded by the Honourable Member from Whitehorse West that Bill number 7 be read a first time. Are you prepared for the question.

Members: Question.

Mr. Speaker: Are you agreed.

Members: Agreed.

Mr. Speaker: The Motion is carried and when shall the Bill be read for the second time.

Motion Carried

Hon. Mr. Lang: Now Mr. Speaker. I move seconded by the Honourable Member from Whitehorse West that Bill number 7 be read a second time.

Bill No. 7, Second Reading

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse Porter Creek, seconded by the Honourable Member from Whitehorse West that Bill number 7 be now read a second time. Are you prepared for the question.

Members: Question.

Mr. Speaker: Are you agreed.

Members: Agreed.

Mr. Speaker: I shall declare the Motion as carried.

Motion Carried.

Mr. Speaker: Honourable Member from Whitehorse West.

Hon. Mrs. Whyard: Mr. Speaker I move, seconded by the Honourable Member for Pelly River that Bill number 6 be read first time.

Bill No. 6, First Reading

Mr. Speaker: It has been moved by the Honourable — is that the Honourable Member from Whitehorse Porter Creek as seconder?

Hon. Mrs. Whyard: No, Mr. Speaker, the Honourable Member for Pelly River.

Mr. Speaker: Pelly River.

It has been moved by the Honourable Member from

Whitehorse West, seconded by the Honourable Member from Whitehorse West, seconded by the Honourable Member from Pelly River that Bill number 6 be now read a first time. Are you prepared for the question.

Members: Question.

Mr. Speaker: Are you agreed.

Members: Agreed.

Mr. Speaker: I shall declare the Motion as carried.

Motion Carried

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

Hon. Mrs. Whyard: Now Mr. Speaker. I move seconded by the Honourable Member from Pelly River that Bill number 6 be read a second time. Bill No. 6, Second Reading.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse West, seconded by the Honourable Member from Pelly River that Bill number 6 be now read a second time. Are you prepared for the question.

Members: Question.

Mr. Speaker: Are you agreed?

Members: Agreed.

Mr. Speaker: I shall declare the Motion as carried.

Motion Carried

Hon. Mrs. Whyard: Mr. Speaker I move seconded by the Honourable Member for Pelly River that Bill number 8 be read a first time.

Bill No. 8, First Reading

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse West, seconded by the Honourable Member from Pelly River that Bill number 8 be now read a first time. Are you prepared for the question.

Members: Question.

Mr. Speaker: Are you agreed?

Members: Agreed.

Mr. Speaker: I shall declare the Motion as carried.

Motion Carried

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

Hon. Mrs. Whyard: Now Mr. Speaker. I move

seconded by the Honourable Member for Pelly River that Bill number 8 be read a second time.

Bill No. 8, Second Reading

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse West, seconded by the Honourable Member from Pelly River that Bill number 8 be now read a second time. Are you prepared for the question?

Members: Question.

Mr. Speaker: Are you agreed?

Members: Agreed.

Mr. Speaker: I shall declare the Motion as carried.

Motion Carried

Hon. Mrs. Whyard: Mr. Speaker I move seconded by the Honourable Member for Pelly River that Bill number 10 be read a first time.

Bill No. 10, First Reading

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse West seconded by the Honourable Member from Pelly River that Bill number 10 be read a first time. Are you prepared for the question?

Members: Question.

Mr. Speaker: Are you agreed?

Members: Agreed.

Mr. Speaker: I shall declare the Motion as carried.

Motion Carried

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

Hon. Mrs. Whyard: Now Mr. Speaker. I move seconded by the Honourable Member for Pelly River that Bill number 10 be read a second time.

Bill No. 10, Second Reading

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse West, seconded by the Honourable Member from Pelly River that Bill number 10 be read a second time. Are you prepared for the question?

Members: Question.

Mr. Speaker: Are you agreed?

Members: Agreed.

Mr. Speaker: I shall declare the Motion as carried.

Motion Carried

Hon. Mrs. Whyard: Mr. Speaker I move seconded by the Honourable Member for Pelly River that Bill Number 12 be read a first time.

Bill No. 12, First Reading

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse West seconded by the Honourable Member from Pelly River that Bill number 12 be read a first time. Are you prepared for the question?

Members: Question.

Mr. Speaker: Are you agreed?

Members: Agreed.

Mr. Speaker: I shall declare the Motion as carried.

Motion Carried

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

Hon. Mrs. Whyard: Now Mr. Speaker. I move seconded by the Honourable Member for Pelly River that Bill number 10 be read a second time. 12?

Mr. Speaker: 12.

Bill No. 12, Second Reading

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse West, seconded by the Honourable Member from Pelly River that Bill number 12 be read a second time. Are you prepared for the question?

Members: Question.

Mr. Speaker: Are you agreed?

Members: Agreed.

Mr. Speaker: I shall declare the Motion as carried.

Motion Carried

Mr. Speaker: What is your pleasure at this time? not be necessary but is your wish —

Hon. Mr. McKinnon: Mr. Speaker I move that Mr. Speaker do now leave the chair and Council resolve itself to discuss Bills and Sessional Papers.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse North Centre, seconded by the Honourable Member from Hootalinqua that Mr. Speaker do now leave the Chair and the House resolve in the Committee of the Whole for the purpose of discussing Bills and Sessional Papers. Are you prepared for the question.

Members: Question.

Mr. Speaker: Are you agreed?

Members: Agreed.

Mr. Speaker: I shall declare the Motion as carried and the Honourable Member from Whitehorse South Centre will take the Chair in Committee of the Whole.

Motion Carried

Mr. Speaker Leaves The Chair

COMMITTEE OF THE WHOLE

Mr. Chairman: I will now call the Committee to order and declare five minute recess.

Recess

Mr. Chairman: I will now call the Committee to Order, and we will proceed with the reading of Bill Number 1, entitled the Highways Ordinance.

Yes, Mr. Lengerke?

Mr. Lengerke: I would just like to make the comment that I was really pleased to see the Highways Ordinance Bill before us. I consider it a major piece of legislation, a major Bill, one of the major ones that have been presented to us. It is just really another positive step in the Yukon's goal to achieve independence. I think in the north, and particularly the Yukon, where transportation plays a prime role in development and the movement of goods, it is essential that we do have control over our roads and highways on all public lands.

Again, I believe that this legislation will serve as a major factor in other certainly, resource and social legislation to follow.

Mr. Chairman: Thank you.

Hon. Mr. McKinnon: Mr. Chairman, I think the Honourable Member from Riverdale has hit a very important point, and I wonder if perhaps Committee would allow Mr. Commissioner to speak on the background of some of the more important features of the Highways Ordinance, because as the Honourable Member from Riverdale has caught, there is much more to it than meets the eye. I think Mr. Commissioner has been involved in the background and working towards this type of legislation for quite a few years, could enlighten the Committee to some degree as to how it all came about, if that's agreeable to the Committee.

Some Members: Agreed.

Mr. Commissioner: Mr. Chairman, I appreciate the opportunity of speaking to this and in the first instance, I would like to direct Committee's attention to the authority that exists in the Yukon Act for Council to pass this kind of control legislation, and that is basically what it is.

I would refer you to the legislative powers of the Commissioner in Council, which is Section 16 of the Act, and Section S of that, paragraph S of that section, indicates that the Commissioner in Council has, in relation to the following classes of subjects, namely the closing up, burying, opening, establishing, building, management or control of any roads, streets, lanes or trails on public lands.

Now, I think that all members are aware of the fact that the basic source of funding for the building of roads in the Yukon Territory has traditionally come from the federal government, or from private industry where it was in their best interests to build a road. The authority to build this road has been those authorities which the Minister of Indian and Northern Affairs saw fit to exercise under such federal statutes as he has that apparent authority.

The Council of the Yukon Territory has, for varying reasons, not the least of which has been a certain amount of moral dissuasion from the Department of Indian Affairs and Northern Development over the years, has never enacted an Ordinance which exercised the powers that is given to them under the Yukon Act.

Now, up until recent years, this was not too great an impediment as far as the day to day conduct of the Territorial Government's activities were concerned, because for the most part, roads were built in response to a very visible public or visible private need. The visible private needs, I think, has to do with the development of our tourist industry, or the development of our mining industry and the very obvious public need has been the trunk road system that now exists throughout the Yukon.

However, the secondary effects of some of these things are beginning to hit home very badly as far as the government of the Yukon is concerned, and that is that when a road is now built, it automatically involves servicing of the things that happen as a consequence of that road building. The servicing of those things that happen, is becoming a very, very costly and in some instances, a totally uneconomic exercise as far as this government is concerned. Also, it happens after the fact, the road is built and all of a sudden a demand is before this government to exercise those responsibilities it has in the provision of public services in the fields of education, health, welfare, policing, you name it. Likewise, it then spreads to other agencies of the government, and their order of priorities have to change in order to service the requirements that are brought about by the construction of these roads.

Another very obvious program that has had a lot of good in it over the years, as far as our mining industry is concerned, is the tote trails program that was instituted as part of the mineral or development incentives of the federal government, and was agreed to by this Council in years gone by, and there is a Committee that is called the Tote Trails Committee on which the Territorial Government exercises an advisory role, as to whether or not applications for these tote trails will indeed be granted.

Now, we are talking about, not necessarily the permission to build the tote trail, and I think I would like to draw this distinction here, we are really talking

about whether or not government funds will be allotted to the applicant, based on a percentage of the money that he expends for this tote trail. However, as a consequence of not really exercising the authority as to whether the trail can be built, and I may say that most of these, the terminology "trail" is really a pretty poor terminology, most of these roads are built to standards that are pretty good. As a consequence of not having the ability to exercise the authority as to where this so-called tote trail will be built, we have dozens of these roads all over the Yukon, built without any prior planning, the benefit of prior survey, and in many instances, we find that they are—there are maybe three roads leading to effectively the same general mineralized area, coming from three different directions, all three of which have been basically funded to a very large extent, by public funds, and public funds to a degree, while not necessarily actually being used to maintain them, public funds are in essence, not being expended in the most efficient manner in order to get from point A to point B.

The end result being a country torn up completely and totally unnecessarily. I'm sure that all of you are aware of the fact that we have some areas of the Territory that we just have them laced with these roads, and no one is exerting any authority as to whether or not this is the finish of them, or whether more even indeed are going to be built, the end result being that we maybe, as I say, are back to having three roads coming from three different areas, effectively leading to the same point or within a mile of two of the same point.

Now, the combination of these events is what has brought this Ordinance before you at the present time. I am of the opinion that it will give us a control mechanism, which has been very sadly lacking up until now, for the construction of roads in the future, that when we know that they are going to be constructed, or the permission is given for them to be constructed, we are going to have some assessment of what the consequences of that construction is going to do, as it applies to the responsibilities that are not only exercised by this government, but many other agencies of government in general, both federal and territorial, who are going to be affected by these road construction projects.

The idea of the Ordinance is not to make it difficult for roads to be constructed, providing a need can be shown for the road, but it is going to very, very clearly give the dominant authority as to whether or not that road is to be built, to the government of the Yukon Territory, who ultimately has to carry the can, responsibility-wise, as to what is going to happen to supply those things which result from these roads being built.

Thank you very much, Mr. Chairman.

Mr. Chairman: Section 1, sub-section 1:

(Reads Section 1, sub-section 1)

Mr. Chairman: 2(1):
(Reads Part of 2(1))

Mrs. Watson: I wonder if I could have a better explanation of controlled access highway. I'm afraid that I, if we had a drawing it would help. I don't understand what you mean by the controlled access highway. In the rest of the legislation, I thought I had it clear in my mind, but it conflicts with some of the rest of the legislation, so maybe if I could have an explanation of it.

Hon. Mr. McKinnon: Mr. Chairman, I wonder if — whether Committee would see fit to ask Assistant Commissioner Mr. Miller before Committee, this is his Ordinance.

Some Members: Agreed.

Mr. Chairman: I will declare a short recess.

Recess

Mr. Chairman: Mr. Miller, could you supply us with a definition regarding controlled access highway?

Mr. Miller: An explanation, we will try that. Basically what we are referring to there is there are areas on highways, or there are highways where you want access limited to certain points. For example, and I think we are all familiar with this, the highway running through Watson Lake where we have frontage roads to the main highway.

Mrs. Watson: Does the controlled access highway just apply then when you have a frontage road?

Mr. Miller: Normally that's where it would apply. You could have other cases where you would limit access to the highway to certain areas, certain sections, so that you don't have a proliferation of side accesses all coming in at one point, or various points.

Mrs. Watson: One more question then. Could a private driveway become a controlled access highway?

Mr. Legal Advisor: No, Mr. Chairman, we are talking about public roads here.

Mrs. Watson: No you are not, you are talking about roads on public and private lands, aren't you?

Mr. Legal Advisor: Yes, Mr. Chairman, which will be public roads.

Mr. Chairman: I shall proceed.
(Reads rest of 2(1))

Ms. Millard: I have a question, perhaps Mr. Miller could answer it. The definition "bridge", does that include ice bridge and ferries?

Mr. Miller: Well it would include an ice bridge where it is provided as part of a highway.

Ms. Millard: Mr. Chairman, so that this definition

means that the ferries and ice are under — subject to the regulations which govern the other parts of the highway also? Say for instance in insurance problems and things like that?

Mr. Miller: Mr. Chairman, the ice bridge is subject to the same rules and conditions of a highway. A ferry is an entirely different thing, and it operates under a different authority, it operates under licence.

Mr. McIntyre: Mr. Chairman, I would just like to query the definition of highway as being on public or privately owned land. I would like to have an example of what a highway on privately owned land would be.

Mr. Miller: It is permissible to have roadways, if you like, rather than highway. You can call it a roadway on privately owned land, which is open for normal public use. That's what we are trying to include. For example, as I recall the mine access road from Faro up to the mine is on basically privately owned land, privately controlled land, if I can put it that way. It's still open to the public.

Mr. McIntyre: It's not on privately controlled land -

Mr. Miller: It's on a mineral lease, control of the mine company.

Mr. McIntyre: The only privately owned road that I know of is the mine road at New Imperial in the Territory.

Mr. Miller: Okay.

Mr. McIntyre: That is a road leased by New Imperial Mines to the Crown.

Mr. Miller: Where that is normally open to the public, we want that included as a highway.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, are tote trails or tote roads normally open to the public? Are they ordinarily entitled or permitted to use them? They are private roads, are they not?

Mr. Miller: No, they are not private roads and they are open to the public.

Mr. Chairman: Mr. Fleming?

Mr. Fleming: In other words, in the Yukon Territories and many other places when you first start, you have roads that go through the woods here, there and everywhere. Now, they are now controlled maybe say by the government, but in the meantime somebody has land and it takes in that road, and yet I think you will find you can't close that road. Legally you can't close a road that has been open for many years, just because you get some property on it, am I right on this?

Now --

Mr. Legal Advisor: In general terms.

Mr. Fleming: Yes, in general -- and then, now under this Ordinance they say privately owned road. Now, in other words, that insurance and everything is still good and it is publicly owned and that is what you mean by privately owned, is it not?

Mr. Miller: People may consider the highway to be privately owned when in fact in may not be. If they allow normal public use of that road, regardless of who owns the land, it is a highway. That's really all we are saying.

Mr. Chairman: Mr. McCall?

Mr. McCall: Mr. Miller, in your explanations, am I to assume that this is another way of saying that we are going to give this government the right to expropriate private property in order to put highways through?

Mr. Miller: No, Mr. Chairman. Under the Expropriation Ordinance of the Territory, that is the only place that there is that authority, if it's for the public use. This Ordinance will not cover that.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, it's been my understanding in the past that any road which -- into which public monies had been expended in any way, shape or form, for instance as in tote trail assistance, as in maintenance assistance and this type of thing, was deemed to be, to my mind, a public road, having had public money put into its construction or maintenance, but am I to understand that now that the government can indeed take any private road and bring it under the purview of this Ordinance?

I'm a little disturbed about this, because there are people in the Territory who in fact have roads which were capitally funded by themselves and maintained by themselves, and which through their good graces, they permitted the general public to use. In some cases, once a year these people will shut that road down for a day, they will put a barrier across it or drop a tree across it, to make clear their ownership of that road as being something separate from anything which would come under the control of government.

Now, I am wondering if I could have this point clarified, in light of the remark made by the Honourable Member from Pelly River? Is it indeed intended in this Ordinance to take over private roads which government may perhaps have no right to take over?

Mr. Legal Advisor: Mr. Chairman, there's some confusion arising because the discussion is centred on a definition section instead of waiting until the substance is read. This is a definition of a highway. It has to be broad enough to include public highways and private highways, and every other kind of highway, because a highway is a highway, but it is taken from the Motor Vehicles Ordinance. But it must be that in general terms to control the conduct of people on high-

ways, this House and the Commissioner must have authority.

In dealing with highways on public lands, this establishes for the first time, the power to construct and maintain a highway, and to regulate the conduct of people going onto the highway or coming off the highway and a number of other things. It does not have anything to do with the right to acquire land from private people who have to deal with it, except in relation to, in some of the later sections, what people do when they are on a highway, no matter whose highway it is.

Mr. Chairman: Thank you, Mr. Legal Advisor. Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, perhaps I could put it in another way. What safeguards are or could be provided in this Ordinance to protect people who have indeed private roads, from coming under the purview of this Ordinance?

Mr. Legal Advisor: We are not attempting, Mr. Chairman, to prevent them from coming under the purview of this Ordinance. We are not changing the law in relation to private highways at all.

Hon. Mr. Taylor: Mr. Chairman, I'm not talking about private highways, I'm talking about private roads.

Mr. Legal Advisor: Well, private roads, Mr. Chairman. The law isn't being changed in relation to private roads, except in one particular, and that is that in certain cases, it may be possible to limit the point of access for a person along his own private road, from his house or farm, the point at which he gets to the highway.

Mr. Chairman: Ms. Millard?

Ms. Millard: My interest is how much the government would be liable in cases of private roads or whatever we are wanting to call them, if it comes under this definition, is the government liable for suits?

Mr. Miller: No, Mr. Chairman, we are not liable because this is a definition. It's not law, it's only a definition, which will be used in the main part of the Ordinance. I think that's the point the Legal Advisor was trying to get across. This is only a definition of what a highway is. You have got to read the context of the Ordinance to determine what controls or authorities the government wants over those highways.

Mr. Chairman: Shall we continue?
Reads part of 2 (1) :

Hon. Mr. Taylor: Just in this particular reference of municipal boundaries, is this intended to include Local Improvement Districts as municipalities?

Mr. Legal Advisor: No, Mr. Chairman.

Hon. Mr. Taylor: Okay, thank you.

Mr. Chairman: Clear?
(Reads part of 2 (1)):

Hon. Mr. Taylor: Mr. Chairman?

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Just one small point, but perhaps an interesting point. Is there any problems here, further in the Ordinance with a vehicle which is parked and yet which is out of service for one reason or another?

Mr. Legal Advisor: There may be, Mr. Chairman, but the Sections dealing with parking have been transferred, for the most part, from the existing Motor Vehicles Ordinance.

Hon. Mr. Taylor: Mr. Chairman, I don't necessarily agree that the existing Motor Vehicles Act Ordinance is all that good either, I just asked the general question as to consideration being given to a vehicle being parked and yet out of service for one reason or another.

Mr. Legal Advisor: It could be dealt with, Mr. Chairman, but parking has always been a problem to members of this House.

Mrs. Watson: Mr. Chairman, that Section is dealt with in a latter part of the Bill under the general section.

Mr. Chairman:
(Reads 2) (i) (ii) :

Mr. Chairman: Clear?

Some Members: Clear.

Mr. Chairman: Part 1, Classification and Improvement of Highways, Section 3(1):
Reads Section 3 (1) :

Mr. Chairman: Ms. Millard?

Ms. Millard: I'm afraid I have a real problem with this definition under private land, at least not just the definition, but it's not very clearly defined to me, and especially when we are facing things like land claim settlements, it seems to me that it's giving the Commissioner very broad authority over what's happening on my little ranch up near Pelly somewhere, where if I decide to put in a road to the creek so I can get my water, he can come along and close it or open it, or decide who's going to drive on it? Is this what's intended?

Mr. Miller: No, Mr. Chairman, that is not what is intended. Basically, what we intend here, is to attempt to get some control over the construction and maintenance of highways on public land; what a person does on their private land, unless that road is open for public use, we don't want to have any control over it; if it's for his own personal use, we won't control it.

Mr. Chairman: Ms. Millard?

Ms. Millard: Mr. Chairman, it doesn't seem to be clear in here that that's the case. I mean, are we relying on the Commissioner's good graces? It just says simply, "whether on public or private land", it doesn't define whether the private land is under what you just said.

Mr. Legal Advisor: There is no question that this House through legislation can control what people do in relation to land, whether it is public or private. This Ordinance establishes that principle, but then all of the rest of the Ordinance is dealing with only highways on public lands, but the necessity needs to be made clear, the legislative fact of life.

Mr. Chairman: Thank you, Mr. Legal Advisor. Any questions?

Mr. McIntyre: Mr. Chairman, I have just a question on the general principle of this particular Bill, because one of the things we have before us is the proposed revisions to the Territorial Land Use Regulations, which indicates that the Crown in the right of Canada, the federal government has control of public lands in the Yukon Territory, and they are detailing in these regulations that you have to go to the federal government for authority to build a road, and they tell you how you can build it.

Mr. Chairman: Mr. Miller?

Mr. Miller: We would love to take those Land Use Regulations and chew them to pieces, if I may suggest it.

Hon. Mr. McKinnon: Mr. Chairman, I think that the simple fact of the matter is, you know, nobody's trying to fool anybody, but under the terms of the Yukon Act, that we have the authority to do what we are proposing in this Ordinance, because of the pressures of other sources, and mainly the federal interests, we have never taken the authority and taken that authority which is our responsibility if we want it, under the Yukon Act, so that this Legislative Assembly finally has the authority over those lands in the Yukon on which highways are built.

You know, we could do all the talking that we want around the Ordinance, and perhaps the Commissioner may have a little too much power, but at least we have it in the Territorial hands for the first time, and the control of this Legislative Assembly through the Commissioner.

Now, that's the whole basis of this Ordinance, and we can either take the opportunity that hasn't been refused, because constitutionally the federal government knew that we had them and we finally said that we wanted to exercise that authority, that we haven't taken the opportunity of exercising before. I think that it's just one more step in the slow, but evolutionary processes of responsible government in the Yukon.

We have had the authority under the Yukon Act, because of the pressures of the powers that be, we haven't exercised that authority up to this time; we are

now saying the Yukon is responsible enough, is mature enough, and the members of the Legislative Assembly agree with the Executive Committee that we should take every aspect of control over Yukon lands that is possibly afforded us under the terms and conditions of the Yukon Act.

Mr. McIntyre: Mr. Chairman.

Mr. Chairman: Mr. McIntyre.

Mr. McIntyre: I wasn't objecting to the, this particular ordinance, I'm partly in agreement with it. I'm just pointing out that when we deal with the proposed revisions to the Territorial Land Use Regulations if we pass this Bill we're going to make a lot of changes in these regulations.

Mr. Chairman: Four, one.
(Reads Section 4 (1))

Mrs. Watson: I'd like to ask the Honourable Member in charge of Local Government, is it the plan for the Commissioner to designate roads within that L.I.D.'s as Territorial Highways and prescribe a route number and name for the highways so designated. I think you've given that authority in the L.I.D. Ordinance to the Board of Trustees, have you not to name streets and highways.

Mr. McKinnon: We are presently working in conjunction with the local Improvement Districts on designating these roads. We have done it in Municipalities, the City of Whitehorse, we have now done it in the Watson Lake L.I.D. and will be doing it in all of the L.I.D.'s and Municipalities as we go on. In conjunction with the members of the Committee.

Mrs. Watson: Mr. Chairman, I, it just occurred to me and I haven't checked it out but isn't there a conflict with this, are you not giving the authority to the L.I.D.'s to name their streets and designate them. I think this should be checked out.

Mr. Miller: Mr. Chairman this is not referring to local roads or streets. This is referring only to Territorial Highways.

Mrs. Watson: Well Mr. Chairman that was my question. Will roads and streets in L.I.D.'s or communities be designated Territorial Highways. Now your frontage roads definitely are not you state that. But will streets and roads be Territorial Highways.

Hon. Mr. McKinnon: No, Mr. Chairman.

Mrs. Watson: They won't be designated.

Hon. Mr. McKinnon: Just arterial and collector under the terms of the capital assistance programs. Highways I should say.

Mrs. Watson: Oh good. Arterial and collector.

Mr. Lengerke: I might just say there is quite a

difference between designation and naming. I believe the authority lies with the Municipalities to name the streets if they want to do so. It lies there.

Mr. Chairman: Mrs. Watson.

Mrs. Watson: Excuse me.

Mr. Chairman: Did you have anything to ask.

Mrs. Watson: Mr. Chairman, no I'm sorry.

Mr. Chairman: Two,
(Reads Section 4 (2) - 4(3))
(Reads Section 5 (1))
(Reads Section 6 (1))

Mr. Fleming: Mr. Chairman under this section do — can I take it that possibly now, I guess now, now the highways the main highway is partially paid for by the Federal Government in all seriousness, cost sharing and so forth. Do I take it from here now that it could be a possibility in the future that it may be immediately turned over and it would be the responsibility of the Yukon Territorial Government to handle all costs of highways.

Mr. Chairman: Mr. Miller.

Mr. Miller: Mr. Chairman as you get into the Bill you'll find where there is permission for the Commissioner to enter into agreements with Canada or other parties for cost sharing of those things.

Mr. Chairman: Thank you.
(Reads Sections 6 (2) - (3))
(Reads Section 7 (1))

Mrs. Watson: Mr. Chairman, are we supposed to make provisions for the Commissioner to enter into agreements with other jurisdictions? Now, I'm thinking of Northern B.C. and Alaska or does the Federal Government have to do that on our behalf?

Mr. Chairman: Mr. Miller.

Mr. Miller: Yes, Mr. Chairman, that would normally be the case. It's a Federal, if you like, funded road and we would enter into the agreement with Canada who would in turn enter into subsequent agreements with the Province if they were necessary.

Mr. Chairman: Mrs. Watson.

Mrs. Watson: Would it not be wise to put in provisions so that if we ever have enough money so we can decide where we, you know, build our own roads that we may want to enter into agreements with other jurisdictions.

Mr. Miller: I suppose that's a reasonable suggestion that we've overlooked mainly because we only deal with Canada in getting money. I would have no objection to that.

Mr. Lengerke: I think it is a significant point and should be altered.

Mr. Chairman: 8 (1):
(Reads Section 8 (1))

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Yes, I just wondered in any way Mr. Chairman would this come in conflict with the Yukon Quartz Mining Act in so much as underground mining is concerned. In any road that may be construed as being a highway.

Mr. Miller: Mr. Chairman I would hope that if any quartz miner wants to dig up a road at least he would come and ask for a permit to do so. That's all we're asking. Is that before anybody tears up a Territorial Highway.

Hon. Mr. Taylor: No Mr. Chairman to the contrary you are not asking you are saying shall here and I'm just wondering if it comes in any way in conflict with Quartz Mining Act. Perhaps the Honourable Member from Mayo may have some thoughts on that subject.

Mr. McIntyre: I know it's been tried and they have stopped them from doing it.

Mr. Chairman: Mrs. Watson.

Mrs. Watson: Mr. Chairman, section, sub section C, place your deposit or any sign, erection, obstruction you have to get the consent of the Commissioner. Now what about the police putting up a road block. Do they have to get consent to put up a road block?

Mr. Legal Advisor: There is a special section in dealing with that particular item Mr. Chairman.

Mrs. Watson: And one more question. Signs on right of ways. Now we went through a schmozzle this past summer and now we have legislation here, place or deposit any sign, erection, except with the consent of the Commissioner getting a permit for it and they have to, certain conditions have to be met such as the size of the sign, where it can be placed and so on. Now I think we're going to have to have some clarification on this because we went through a very, very bad experience this summer where people were instructed by the Government to remove their sign or in thirty days the Government would remove them for them and charge them at — Some people complied, removed their own signs others didn't thirty days later the others were still there and then they low and behold they got another letter saying it's okay we changed our minds you don't have to remove them. Now what is going to happen to the signs that are on the highways now if they don't meet the specifications that will be in the regulations. I think we have to know that now.

Mr. Legal Advisor: The way this section is drafted, it's repetitious to a large part of what exists now. It's not intended, so far as I know, to make any drastic change, but it is necessary that the existing legislation

stay in force in relation to roads which are not territorial highways, because we are only dealing with territorial highways, and then we have got to take this extra power here. So exactly what that policy is, I couldn't say, it's just that the legislation in this enables something to be done, what will be done, I don't know.

Mrs. Watson: But Mr. Chairman, that is what I want to know. This is Territorial highways, and I want to know what the regulations are going to be, and what is going to be the decision, whether it's spelled out in the legislation or in the regulations, so that the people who have signs on the highways or who plan on putting signs on the right-of-way will know.

Mr. Miller: Mr. Chairman, I'm not an expert on advertising, commercial advertising signs, but as I understand it, there are currently regulations in effect governing the placing of commercial advertising on highways, highway right-of-ways. It would not be my intention under this Ordinance, to change those regulations. They would just be transferred from the Motor Vehicle Ordinance where they now are, to come under this Ordinance without any change at all.

Mr. Chairman: Mr. Fleming?

Mr. Fleming: Mr. Chairman, yes, I sympathize with Mrs. Watson in this case. I want to know too what is going to happen to the existing ones now is our problem, because if the legislation comes into effect that you will place signs at the right distance — I have read some, it says you will stay away from corners and you will do this and do that, but there is nothing I know of in the regulations today that says that they will police what has already been done.

In other words, there are old signs, there are signs all over, they were to be taken down last spring; some of them, some of them aren't. These are the ones we are really worried about, we know when we read the new regulations that says you will put up an eight by ten sign, simple, but we don't know what happens and there don't seem to be anything happening to the old stuff that's on the highway, the existing signs.

Hon. Mr. McKinnon: Mr. Chairman, under the Motor Vehicles Ordinance, I think all members know that there's highway signs regulations. If the Highway Signs Regulations are not being enforced, because all those aspects that you mentioned are in the regulations, then there should be a motion by members of this Council — of this Assembly, pardon me, Mr. Speaker —

Mrs. Watson: House.

Hon. Mr. McKinnon: — this House, that the regulation under the — the Highway Signs Regulations under the Motor Vehicles Ordinance be enforced if instances can be shown where these are not being enforced.

The other aspect, of course, is the members do not like the regulations as they presently are in effect, that that should be a topic of discussion also before the

Assembly, and the regulations are in the Highway Signs Regulations under the Motor Vehicles Ordinance. It's up to any member's prerogative, in fact I have been surprised in the last year, that more of the regulations haven't come up before Assembly for discussion, because when I was one of you, I used to always go through the regulations and always bring the ones that I didn't understand, and didn't like, before the next session of the Assembly. I know that highway signs has been a contentious one.

I will say though, that it was the elected members getting wind of what was happening in the highway signs, that at least brought the program which was being undertaken this summer to a complete and abrupt halt, once when we learned about the situation that was happening.

Mr. Chairman: I would suggest to the Committee that we adjourn until 2 o'clock, and if you wish to review those regulations in the meantime.

We will recess until 2:00.

Recess

Mr. Chairman: I will now call the Committee to order. At the conclusion of this morning's session, there was some question raised regarding the review of regulations of signs, and to give the members opportunity to review these signs, we will come back to this session, this portion of the Ordinance. I will carry on for the present time.

We are now on page 6, 8(2):
(Reads Section 8(2))

The Chairman: Three
(Reads Section 8(3))

Mr. Chairman: Clear?
Mr. Taylor?

Hon. Mr. Taylor: Just one quick question I would direct to the legal Advisor in the wording of sub (3) of Section 8, you're stating that the Court, or the convicted person can be instructed by the court to remove any obstruction or material deposited on the highway, and to desist from further obstruction, but should you not make it clear in this section that this isn't an endless thing. It may be that at some point following those proceedings, it may be possible for this person to get authority to put something on the road. Is this covered in the section?

Mr. Legal Advisor: It's not intended to be covered, Mr. Chairman. The situation arises when a person puts something on a highway, as a matter of routine, like he deposits his garbage, and the judge at the end says you have got to stop doing this, the person knows what the judge means, and he's got to stop, but he could apply for a permit, in which case the judge's order would fall to the ground, if he got permission to do this.

What we have in mind in some cases is sewage coming under ground from a person's house to the highway, because he has a pipe, but he has no septic tank and he refuses to stop it. He says I have always done it and I am not going to stop. He is told to stop and

he stops.

That's what we have in mind, it's not an endless thing.

Hon. Mr. Taylor: Well, Mr. Chairman, respectfully I was thinking more particularly in signs where a person is ordered by the court to remove a sign, and I was just hoping that this section would not be construed as to prohibit him from going and getting the proper authority and then going back with the authority of the Commissioner and putting up the signs. That's what I'm getting at.

Mr. Legal Advisor: Could I take the matter under advisement? It might be fixed by putting in the words "further illegal obstruction" —

Hon. Mr. Taylor: Yes, this would do it.

Mr. Legal Advisor: But I wouldn't like to commit myself without discussing it with the member in charge.

Hon. Mr. Taylor: I would be pleased, Mr. Chairman, if this could be looked at.

Mr. Chairman: 4:
(Reads sub-section (4))

Mr. Chairman: 5:
(Reads Sub-section (5))

Mr. Chairman: 6:
(Reads sub-section (6))

Mr. Chairman: 9(1):
(Reads Clause 9(1))

Mr. Chairman: Clear? Part II, Control of Access and Adjacent Development, 10(1):
(Reads Clause 10(1))

Mr. Chairman: (2):
(Reads Clause 10(2))

Hon. Mr. Taylor: Mr. Chairman, perhaps Mr. Legal Advisor could enlighten me a little bit about this "or view to, light, air, or view to, from or over a Territorial Highway", that being the context of sub (b) of Part I.

Mr. Legal Advisor: Mr. Chairman, action for light, air and other forms of easement are the stuff of which the courts deal with every day and they are technical matters. This is just to prevent an easement being created by the action of construction of a highway. It's a highly technical legal matter.

Hon. Mr. Taylor: Perhaps, Mr. Chairman, Mr. Legal Advisor could take that a little further and explain. I really don't understand this section in its entirety.

Mr. Legal Advisor: It's not intended to establish rights to individuals merely by construction of a high-

way, and this is the method which is chosen to reproduce this thought.

Hon. Mr. Taylor: I am still not clear on it.

Mr. Legal Advisor: If I go into it in more detail, it would be boring and technical. It would be talking about dominant tenements, and servient tenements and how the common law deals with the relationship between two pieces of land.

We are trying to create the situation that this relationship in law is not created, which would normally be created by two contiguous tenements being put together and buildings being erected on one or the other of them.

Hon. Mr. Taylor: I would like to think on this a little, Chairman, Mr. Chairman and perhaps before the end of the Bill, Why we'll --

Mr. Chairman: Three., (Reads section 10 (3))

Mrs. Watson: Mr. Chairman, this is one section that I have a great deal of concern with. I can understand the need for this section in here, but, and I'm thinking of businesses along highways, and communities that go through a highway. Now if a Territorial Highway is relocated the livelihood, the business is just gone and the community suffers a great deal. I would like to see something in there so that there is -- so that the Government can't just unilaterally walk in and decide to relocate a portion of a Territorial Highway without consulting or drawing it to the attention of people who would be effected by the relocation. I think I -- it would be very nice to have people who lose the value of their business receive some compensation, but I realize this is not done in any other jurisdiction. I do think we should be very, very careful before relocation is embarked upon that could adversely effect the community or business.

I think the reasons for relocation have to be very, very great. Is there anything we can put in here to sort of, you know, stop it so that you can't just walk in and do it and after it's done it's there. People realize they are relocating the highway. It's not going by their community anymore.

Mr. Legal Advisor: The next sub-section deals with it at some marginal extent.

Hon. Mr. McKinnon: Mr. Chairman I agree wholeheartedly with the Honourable Member from Kluane and we discussed this at some length while she was still a member of the Executive Committee because one of her constituents was very drastically effected by Alaska Highway relocation. That's one of the strongest threats behind this ordinance to the total part of the ordinance because everything was happening on every class of highways in the Yukon Territory that the Members of the Yukon Legislative Assembly, the Members of the Executive Committee knew nothing about until after the fact. And you can find a constituent put out of business through a Federal decision to relocate a highway. Really it was pretty hard to try

and figure out why the relocation was absolutely necessary. The whole thrust of this ordinance is that this decision making process and that this ability to make the decision about where the highway is going to go, if the highway is going to go, and where the relocation will be possible, will be now, for the first time, in the hands of the Commissioner. If the power is flowing properly it means that the Members of the Yukon Legislative Assembly will have input into whether there is going to be relocation, whether there is going to be a new highway, whether there is going to be a tote trail and where those highways are going to go. And it was with these examples that the Honourable Member is using that I was certainly one of the strong proponents of that control resting in the Commissioner hands finally.

Mr. Chairman: Mr. Taylor.

Hon. Mr. Taylor: Mr. Chairman, though I can still see the point that is being raised here, this piece of legislation or this section of this legislation absolutely prohibits compensation of any sort. What if in the wisdom of the Government of the Yukon Territory in such relocations around the Territory, what if they in fact deem it reasonable to offer compensation to a person aggrieved for one reason or another by a relocation. Why should it not be possible in the ordinance for the Commissioner of the Government of the Yukon Territories to do that, where it desired.

Hon. Mr. McKinnon: Of course, the reason is, Mr. Chairman, that once you begin the compensation process, it is impossible for government to treat any other instance as not a special circumstance. Of course you may as well say instead of there is not going to be compensation, that it is going to be compensation, because there is no way that you are going to stop after having for what circumstances, paid compensation to an individual. You may as well be realistic and face the reality that you are going to be paying compensation for every individual affected by highway construction and highway relocation.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, the Honourable Member made a good point because the Alaska Highway, of course, the capital construction of the Alaska Highway has been under the Department of Public Works, and this is what happened.

Now this will be declared a Territorial highway, and one way that we can get a handle on it is through the budget appropriations for relocation, and it might be well that if in our budget in the forthcoming years, that not only construction of new highways, but relocations of existing highways, be detailed within the main estimates that are given to Council for their consideration, because they wouldn't know about it otherwise, about a proposed relocation.

Hon. Mr. McKinnon: Mr. Chairman, there is probably no area where the Highways Ordinance is going to have more benefit than in the Honourable

Member's home constituency.

We all know that there are plans underway now for the major relocation and major upgrading and paving from Haines, Alaska to the Alaska border. I share her concerns, and the concern of many of the people in her constituency, that this is going to be a super duper American paid for, sponsored highway. That it is going to take in no consideration at all of either the historical or the aesthetic beauty and the park area of the Kluane region. She knows that I share these concerns, and it's one of the things that we talked about prior to her re-election. I know that it was one of the Commissioner's concerns too, and this is one of the areas that we thought that we may have some control of what the actual relocation, and what the actual grade—what the actual status of that highway will be. Because I would find it impossible to support that if the highway through her area became nothing but a speed artery to get to Alaska as quickly as possible, completely ignoring the park and completely ignoring some of the best scenery in the whole of the Yukon. These were other thoughts and other bearings that made it a priority that we have such an Ordinance brought before the Legislative Assembly at this time. We hope that we are going to be able to control these types of decision with this power vested in the Commissioner and the Yukon Legislative Assembly.

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: Yes, Mr. Chairman, I recognize the concern by the Honourable Members, but I just would really like to ask the Legal Advisor pertaining to Section 10 there, Sub-section (2) okay, it says "No person is entitled as of right to any compensation solely by reason of designation", solely by reason of designation, it isn't talking about construction or anything else. Am I clear on that, is it strictly solely by designation...

Mr. Legal Advisor: Yes, Mr. Chairman.

Mr. Lengerke: If you have a highway running along or a road running along, and all of a sudden you designate it a Territorial highway, just because of the designation, you are not going to get paid for it, is that correct?

Mr. Legal Advisor: Correct, Mr. Chairman.

Mr. Lengerke: But if you are going to change the construction, or the right-of-way, then there is some compensation.

Mr. Legal Advisor: If there's an interference with the property itself, automatically compensation comes into that.

Mr. Lengerke: Yes, okay, I just want to have that clear. Thank you.

Mr. Chairman: 4:
Reads Clause 10 (4))

Mrs. Watson: Mr. Chairman, could that be both?

Mr. Legal Advisor: Yes, Mr. Chairman.

Mrs. Watson: It would have to be both. I know of an instance where it has to be both.

Mr. Legal Advisor: It could be both.

Mr. Chairman: Are you suggesting that as an amendment?

Mrs. Watson: I think it should be.

Mr. Legal Advisor: Mr. Chairman it means both.

Mrs. Watson: It doesn't.

Mr. Legal Advisor: In English it doesn't.

Mr. Chairman: 11 (1):
Reads Clause 11 (1))

Mr. Chairman: (2) :
(Reads 11 (2))

Mr. Chairman: (3) :
(Reads Clause 11 (3))

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman this talks about buildings, structures, excavations on the right of way of a Territorial Highway. How are you going to prove somebody owns a hole on the right-of-way of a highway? You talk about the right-of-way of a highway and then go into sub-section 5 where you say, the last part of it, the Commissioner may charge the costs of the work done against the owner of the land on which the building, and who owns the land, the right-of-way. It is public land, and who owns the hole.

Mr. Legal Advisor: I don't know the answer to this question.

Mrs. Watson: You're going to have to do a little rewriting I think Mr. Chairman.

Mr. Berger: Yes Mr. Chairman, I have to go back to section 11 (1) again. We are very much concerned about building structures, fixtures, excavation and everything like this but how about horses. I mean we are building multi-million dollar highways right now and there is one hundred dollar horse running around on the road. Nobody says anything about this. I mean I am very much concerned, I'm travelling many, many times back and forth on those highways and the horses right now occupying the highways. Shouldn't we be more concerned about such animals about like this too?

Mr. Legal Adviser: I don't know what to do about horses Mr. Chairman it is really high policy in dealing with horses. They make films about it these days and we don't know what to do about horses. If the Members

want to suggest a policy with dealing with horses on the highway I'm sure the Government would be prepared to listen but there doesn't appear to be any policy or it's not dealt with in this ordinance.

Mr. Chairman: Mr. Berger.

Mr. Berger: Well, I have a very simple solution to the whole thing. Fence them things up. I mean require that the outfits who own those horses to have a fenced range. Isn't this the only solution to the whole problem. Instead of declaring the whole Territory an open range.

Mr. Chairman: Any further comments.

Mr. McIntyre: Yes, this particular section, Mr. Chairman gives me some problems too because I'm wondering how a building, structure, or fixture became located within the right of way of the Territorial Highway without first having a, some kind of a lease from the Territorial Government. And if it hasn't got the lease it's there illegally anyway and so there is no purpose for this section. You could have them removed under the Territorial Lands Ordinance.

Mr. Miller: Mr. Chairman what we're attempting to try to do here is there are literally hundreds of buildings, fixtures etc. that are located in what could become Territorial Highways without any legal right to be there, other than the fact that they have been there for twenty or twenty-five or forty years. Mainly because the original right of ways were not very carefully defined. All we're trying to do here is to provide provision that if those things are abandoned at some point in the future we have an ability to remove them. In other words it's a backward way of putting in a Grandfather Clause.

Mr. Chairman: Mr. Fleming.

Mr. Fleming: Yes, I find this a very discriminatory because if these buildings are there before, I myself, or someone else owns the property, trappers cabins for instance, there is an example and then you become the legal owner of that property and you have a legal document from the Government saying it is your property but you did put that there many years ago and the Government comes along all of a sudden they say because it is on your land, which it says here, and you are liable to the removal of it or the destruction of it or so forth and so on and actually you didn't — haven't done anything wrong or anything, I don't know where or how they can charge you for something like that as the owner of the land.

Mr. Miller: What we are talking about Mr. Chairman is the highway right of way now if you as an individual go out to buy a piece of property today you can't buy the highway right of way. The previous owner might have had something on the highway right of way abutting his land but if you're buying that land abutting the right of way you can't buy the right of way so that would just stay where it is. You can't be

charged as a new owner.

Mr. Fleming: Under these regulations if they move the highway and those buildings are there you can be.

Mr. Miller: No we're not talking about relocations of highways. We're talking about existing highways. If we wanted to relocate a highway through a piece of land that you as an individual own we would then have to deal with you to get a new right of way including any buildings that might be within that right of way and you would be perfectly entitled to whatever compensation would be agreed upon. That's a different situation.

Mr. Chairman: Mr. Lengerke.

Mr. Lengerke: Just further on that I just feel that we're talking of dilapidated and unsafe and unprotected type of buildings and my gosh they should be removed. So what— You know, I think that if an owner does by some mere chance have some land there and he's maintaining some buildings in good order, then I think he has a case, but in this particular instance I think it's very clear.

Mr. Chairman: Clear.

Mrs. Watson: Mr. Chairman I still think you should amend section five and say the owner of the building structure or fixture, not because it's on a right of way. e doesn't own the right of way.

Mr. Chairman: We haven't come to section five.

Mrs. Watson: Oh I'm sorry.

Mr. Chairman:
(Reads Section 11(4))
(Reads Section 11(5))

Mr. Chairman: Mrs. Watson.

Mrs. Watson: Mr. Chairman I think, I'm sorry that I jumped the gun, if you just replace it with the words of section four I think we could just ammend it.

Mr. Miller: We'll have a look at that Mr. Chairman.

Mr. Chairman:
(Reads Section 11(6))

Mr. Chairman: Section 12(1)
(Reads Section 12(1))
(Reads Section 12(2))

Mr. Chairman: 3;
(Reads Clause 12(3))

Mr. Chairman: (4);
(Reads Clause 12(4))

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, this really does concern me. I realize that we do have a dangerous situation in some of the stretches of our highway, and I am thinking about the Mayo road and the Alaska Highway North, where we have many individual driveways entering upon the highway, but it here says that the Commissioner may at any time close these means of access between the Territorial highway and land adjacent to the highway.

Now, this does give him the power to close these driveways. I can understand the danger with all of the driveways, but they must have some other means of access, and this would be a frontage road or a secondary road along the highway. Now, I would like to get some comments from the people who have been involved with this legislation, whether there are plans afoot to in fact close or cut down the number of accesses to the highway, and whether the government plans on making provision for access before they close them down?

Mr. Miller: Mr. Chairman, I think from the administration standpoint, we don't intend to close any access roads onto a highway without some viable alternative being made available to the people that are using that access. Really, all we are suggesting here is that, you know, this gives us the power to close it. Obviously we are not going to do it unless we have got a viable alternative such as a frontage road, and where we are doing some reconstruction, this is basically what we are providing is some form of access road or frontage road, with limited access onto the highway.

Mr. Chairman: Would it satisfy Mrs. Watson if an addition was made to that Section, "provided there is adequate provision for access to that highway", or something of that nature?

Mrs. Watson: Well, Mr. Chairman, that does leave it fairly "Loosey-goosey" too, that does put an obligation on the government, anybody could want to have an access, and then the government would have to provide it.

Mr. Lengerke: Could we possibly consider some notification too in that point? You know, I think you should serve some notice on whoever has got the access road.

Mr. Chairman: I'm sorry?

Mr. Lengerke: I just feel that if you are going to close access to or from a Territorial highway, that whoever you are affecting should be notified, and I think there should be some notification to that individual, if there is an individual involved. I think there should be a provision, and I may be wrong, maybe it's further on in here, but I haven't found it.

Mr. Chairman: And you are suggesting that a provision be made —

Mr. Lengerke: I think that added to the Honourable Member from Kluane's suggestion, that we should say

that there is at least some notification, 15 days' notice, 30 days' notice or whatever, but I do feel that there should be some notification.

Mr. Miller: Mr. Chairman, we'll have a look at that section.

Mr. Chairman: (5):
(Reads Clause 12(5))

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, I just wonder about the restrictiveness of this Section. There are, in many instances, places where people take access off highway for wood cutting, some times moose hunting and this type of thing. I'm a little concerned about this. There are some people who have summer residential locations around the Territory that must have access to those locations; there are trappers who need access to trap lines and trap line cabins and this type of thing. I wouldn't want to think that it was not possible for these people to get access which they now have, and would now be refused access.

Mr. Miller: Mr. Chairman, sub (b) deals with those people who have existing access. All other people in the future can apply for a permit for permanent access. It's not our intention to restrict people from using what is existing.

What happens so often, though, is people, if you like moose hunting, if I can use the term, the Honourable Member used, just pull off the highway and in doing so, are literally ruining the shoulders of the road, which becomes very expensive to maintain. We are suggesting that we don't like that sort of thing. If there is an access, we are happy to have them use it. Normally in these cases, these accesses have already been provided.

Hon. Mr. Taylor: Perhaps, Mr. Chairman, my concern is the rationale that will be employed in administering the Section, but that is just another way, it appears to me, that we could cause harassment to some people in the Territory, who have unwittingly perhaps broken this law. There's no one can tell me that everybody in the Territory knows what's in all these various Ordinances that we are either dealing with now, or have dealt with in the past, or will deal with in the future, and it just offers the inspection services, or the law enforcement agencies of government, to further harass the public and sometimes with no real need for this harassment.

Mr. Miller: Mr. Chairman, it's not our intention to harass anybody with the thing, but I think where we found people who were abusing the highway, we might be prepared to harass them.

You can do a lot of damage with a four wheel drive vehicle driving along the shoulder of a highway, or in the ditches. That is precisely what we want to deal with, we want to do something about.

Mr. Chairman: (6):
(Reads Clause 12(6))

Mrs. Watson: Mr. Chairman, should we have an example of when you are exempt, under what situations would you be exempt from requiring a permit for an access road?

Mr. Miller: I can't think of anything off the top of my head.

Mr. Legal Advisor: This is basically to control through highways that we are talking about. There are no through highways here at the moment, but it could be that you would create a through highway situation, for instance in Watson Lake. You would have only three points of access. It could be in any other L.I.D. as well, in which event there would be a frontage road.

Now, there might be a portion of it which you might exempt from the control and say all the people who are constructing residences along this section may do so, and then abolish permits for the section.

Mr. Chairman: Part III, General. 13 (1):
(Reads Clause 13 (1))

Mr. Chairman: 14 (1):
(Reads Clause 14 (1))

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Just one point. When you speak and when you say the Territory is not thereby prejudiced, what do you mean, the government of the Yukon Territory or the Commissioner?

Mr. Legal Advisor: Mr. Chairman, it's the embodiment of all we know and believe in.

Hon. Mr. Taylor: Well, Mr. Chairman, I've many times risen in this House to make the point that there is no such an entity as the Government of the Yukon Territory in law, and that this just does not exist.

There is in fact, the Commissioner who is the administrator of an administration which administers the Territory, and I'm just wondering if the wisdom of using terminologies making reference to things that don't in fact in law exist.

Mr. Legal Advisor: It's standard terminology, Mr. Chairman.

Hon. Mr. Taylor: But Mr. Chairman, I rise again to submit that this is not just well enough to state that it's standard terminology. Either the Territory is, in law the Territory, or in fact it is the Commissioner. I make this point and I have made it several other times before, and I really don't appreciate getting the brush-off when I make this point.

I say again, there is no Government of the Yukon Territory, styled and known as such in any law, including the Yukon Act. There is only an administration, and are we then competent to making references to entities that don't exist in our legislation? I don't think we are.

Mr. McIntyre: Mr. Chairman?

Chairman: Yes, Mr. McIntyre?

Mr. McIntyre: The Yukon Act provides in dealing with lands, that the right to the beneficial use or the proceeds thereof is hereby appropriated to the Territory, not to the Commissioner. I think the term is quite properly used in this Ordinance.

Hon. Mr. Taylor: Well then perhaps, Mr. Chairman, I was looking for a definition of Territory, and based on the definition given to me by Mr. Legal Advisor, that did not exist at this time, and I thank the Honourable Member for pointing this out.

Mr. Chairman: 15 (1) :
(Reads Clause 15 (1))

Mr. Chairman: 16 (1) :
(Reads Clause 16 (1))

Mr. Chairman (2) :
(Reads Clause 16 (2))

Mr. Chairman: (3) :
(Reads Clause 16 (3))

Mr. Chairman: Clear?
17 (1):
(Reads Clause 17 (1))

Mr. Chairman: 18 (1) :
(Reads Clause 18 (1))

Chairman: 19 (1) :
(Reads Clause 19 (1))

Mr. Chairman: Mr. McCall?

Mr. McCall: Isn't that in conflict with other legislation?

Mr. Legal Advisor: I didn't get the question, Mr. Chairman.

Mr. Chairman: Is this not in conflict with other legislation?

Mr. Legal Advisor: I wouldn't think so, Mr. Chairman. Once it's established here, it resolves the conflict, if there was one before.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, could I have some hypothetical circumstance as to where a peace officer, which I assume is a policeman or a game warden, would in fact go to a property and go upon that property and make any changes to it, or this type of thing as expressed in 19 (1)?

Mr. Legal Advisor: An instance occurred up the highway when a man with a sniping rifle was sniping a people recently, and it has happened. It could be a sniping situation, it could be a dangerous slide situation, there could be apprehension of a bridge falling down.

There are dozens of things that could happen, it's only in this emergency situation that this Section would operate.

Mr. McCall: So, Mr. Chairman --

Mr. Chairman: Mr. McCall?

Mr. McCall: -- that is not what it states.

Mr. Legal Advisor: With respect, yes, Mr. Chairman. He can do anything that is necessary to save life at that point.

Mr. McCall: Mr. Chairman, does that include on private property also? I would call him a trespasser.

Mr. Legal Advisor: He would be a trespasser, but for the existence of this Section. This would be a necessary requirement to permit the policemen to do things necessary to save people's lives.

Mr. McCall: Mr. Chairman, I don't think the Legal Advisor is being explicit enough. You mentioned a moment ago an emergency condition, that is not what that language says.

Mr. Legal Advisor: It's intended to, Mr. Chairman. When he finds conditions existing which may cause danger to life or property, of a person travelling on the highway, that's an emergency situation.

Mr. Chairman: Mr. Legal Advisor, does this give the peace officer the right to enter the premises of, for instance a licenced lounge where someone is in the process of leaving that property to operate a motor vehicle?

Mr. Legal Advisor: No, Mr. Chairman. He has got to find actual conditions which exist, which, in his opinion, will endanger people travelling on the highway. It's not the people who remain in the lounge that are going to get shot, it's the people travelling on the highway he is looking after.

Mr. Chairman: But he's anticipating that he's going to be entering upon this situation.

Mr. Legal Advisor: If the policeman was asking me for advice, most certainly I would say "stay outside". If he hasn't found the conditions yet, he's anticipating.

Mr. Chairman: But the way this Section reads is in terms of anticipation.

Mr. Legal Advisor: With respect, no, Mr. Chairman. He must find the conditions existing, and then make a rational judgement that those conditions may cause danger to life or property to travellers.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, yes, I am still having trouble with this. Ought not the person, the peace officer, ought not he be required to go to a J.P. or

communicate with a J.P. or somebody and get a warrant or something of this nature? You know, I too can see the possibility of abuses here, that this could be misconstrued by—you are only as good as what the discretion of the officer is in any given situation, and it seems to me that that's an awful loose piece of - or a loose section in the Ordinance to leave that way.

Ought not he show cause to somebody why he wants to do this, or something along that line, or indeed go get a warrant, a bench, or something like this?

Mr. Legal Advisor: It's just a question of time, Mr. Chairman.

What he will have to make up his mind about is this, either I do it now, or I will have to get a coroner and not a J.P. to deal with the situation. That's what he's got to say, in effect, and he's got to think and he's paid to take a discretion and if he's wrong, then he will suffer in the normal way, and any damage he does to other person's property is compensable in any event.

If he puts in bulldozers and starts pushing cars around and so forth, it has to be paid for, notwithstanding the fact that it was necessary, and he will have to make his report and satisfy his commanding officer of the necessity for doing this thing.

Hon. Mr. Taylor: Just one further—just to follow, pursue this. Ought not yet, ought not the peace officer have to show cause before he takes this action? That's what I'm getting at, show it to somebody, I don't care if it's the court or his superior or something, but it seems to me that there should be cause shown to justify his going on any lands for this purpose.

You're talking about any lands, you're not just talking about public lands, you're talking about private property, and a man's home is his castle, or generally has been determined as being, and I think that there has got to be some pretty rational approaches made to any rights given to a peace officer to enter a man's property, his lands or his properties, because then under this Section his home is no longer his castle. I think this ought to be looked at very, very closely.

Mr. Chairman: Mr. McCall?

Mr. McCall: Thank you, Mr. Chairman.

May I suggest at this point in time, Mr. Legal Advisor, if you could take sub-section 19 along with the Assistant Commissioner, and review the structure of that language, and then bring it back to up please?

Mr. Legal Advisor: We will look at it, Mr. Chairman.

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: Well Mr. Chairman, with that action it's fine, but I find not too much difficulty with that section at all. I would think an example of that would be, and correct me if I am wrong, Mr. Legal Advisor.

For instance, if you had an accident alongside the road, and there was cars strewn all over some adjacent property, and there was somebody that had to be

pulled out, and you had to take a wrecker or something to get onto that private land to pull that car out, or up over, or whatever, to extract that person out of that vehicle, I would hope that they wouldn't have to go and get permission and phone the J.P. and all the rest of it to do that.

Or how about entering somebody's house to use their telephone in case of an emergency. Is this the kind of situation that we are talking about here?

Mr. Legal Advisor: Mr. Chairman, that could happen.

Mr. Chairman: Mr. McCall?

Mr. McCall: Thank you, Mr. Chairman.

In view of what the Honourable Member has just stated, I don't want to be accused of, a finger pointed at me as encouraging a police state, this is why I am asking for the language to be reviewed.

Mr. Chairman: 20 (1):
(Reads Clause 20 (1))

Mr. McCall: Mr. Chairman.

Mr. Chairman: Mr. McCall?

Mr. McCall: I find this a little ridiculous really. I mean, here we are, a police officer comes onto your property and maybe he drives his machine right through your fence, you've just spent \$20,000.00 in building, and finishes up at your rear door and kills the dog while he's at it.

When you file a complaint with the government, they say well we can't help you, according to the Ordinance there is no compensation. Well it may have cost you \$2,000.00 for the dog, and X number of dollars to replace your fence. Now, that's one way of ripping off the public, I think.

Mr. Chairman: I think after the repartee, we will have a brief recess.

Recess

Mr. Chairman: I will now call the Committee to order.

We will proceed with section 21 (1).
(Reads section 21(1))

Hon. Mr. McIntyre: I am wondering how the Commissioner superceded the Ministry of Transport?

Mr. Legal Advisor: I don't think the Ministry of Transport have any authority to operate a ferry at all.

Mr. McIntyre: They licence them.

Mr. Legal Advisor: If it is a highway but from the Port of Vancouver, the ship as such becomes licenced.

Mr. McIntyre: Well they do on the Yukon.

Mr. Legal Advisor: I didn't know they did. We w

because it very may, well be substantial. It could be a tremendous amount of money. It could be habitually done.

Hon. Mr. Taylor: Is not the court the judge in such a case and should not the court have the right to determine that and if they find that, you know, a severe abuse has been made then levy the tripe fee. But it may be in the wisdom of the court that perhaps the triple fee is not required. Why not make it may instead of shall.

Mr. Miller: Perhaps some judges are softer than others, Mr. Chairman.

It is a policy decision to impose extra revenue on these type of people. The fine is for doing it, the revenue gathering is something for the Government to determine.

Mrs. Watson: It was with another section.

Mr. Chairman: Alright is there any other than dealing with section 22, Mr. Berger.

Mr. Berger: I have to actually go back a little further 22 (2). The thing that bothers me the weigh scales like for example last spring there was a, the weigh scale was broken down for three days.

I know as a fact that Cassiar hauling out of Clinton Creek grossly overloaded their trucks. Is there any other ways or means of checking the weights. I mean I know it's quite easily with Cassiar to check the pallets but like in the Anvil Ore trucks or so, is there any ways of checking them.

Mr. Miller: Mr. Chairman we have portable scales which can be used. Now the disgression is with the Registrar of Motor Vehicles as to whether those be used or not. They are not certainly as accurate nor convenient as the permanent weigh scales.

Mr. Berger: The thing that what I'm really concerned about is, like last spring the highway going into Dawson was in horrible condition. By overloading those heavy trucks more than they actually legally should have, those companies sure didn't help any.

Mr. Miller: Mr. Chairman I can't speak for what happened last spring but if there is any reason to believe that, you know, if people know that someone is doing things illegally all it takes is a phone call to the Registrar of Motor Vehicles and he can certainly put the portable scales out on a moments notice to try and correct that situation.

Mr. Chairman: Mr. McCall.

Mr. McCall: Thank you Mr. Chairman. In answer to what the Honourable Member from Klondike has just brought up. The situation of Cyprus Anvil has just improved a new scale system which records all weight loads before they leave the property. This is the first weight that is done before he comes to the Territorial scales here. The second point I would like to assist the Honourable Member from Watson Lake, if he did a spot check on all the Provincial weigh scales system

Chairman M.O.T. only licences on
This may be a lake which is not

Mr. Miller: A lake is a navigable water.

Mr. Miller: Well I think you get two different definitions though under their -- what they are talking about is things like the Yukon River.

It could be both. All we are saying is that we can operate it, it doesn't say that we don't need a licence to operate it.

Mr. Legal Advisor: There used to be a very substantial Ferries Ordinance which got lost some years ago, around about 1914.

The Chairman: Two.

The Chairman:
(Reads Section 22(1))

Mr. Chairman: Mr. Taylor.

Hon. Mr. Taylor: Mr. Chairman this is understood to be only on Territorial Highways. This is not on private roads. Is this correct.

Mr. Legal Advisor: Yes Mr. Chairman.

The Chairman:

Mr. Chairman: Clear? 23(1)
(Reads Section 23 (1))

Mr. Chairman: Mr. Taylor.

Hon. Mr. Taylor: Mr. Chairman if I may, I'm sorry it's just something that slipped by me here. Just to slip back to sub 5 or 22 again. In addition shall be ordered to pay triple the fee found due. When you have left the Court the opportunity of imposing the fine not exceeding, say five hundred dollars, and imprisonment terms not exceeding six months why do you not let the Court determine whether or not the triple fee will be levied. Why do you say shall why don't you say may be ordered to pay triple the fee found to be due.

Mr. Legal Advisor: Mr. Chairman the fine is for committing the offense itself, the other is a form of revenue gathering device and it's customary to impose a penalty of double or treble the revenue which is lost

you'll find that the system of fines and levies is based on a similar to what we are proposing here.

Mr. Chairman: Mr. Lengerke.

Mr. Lengerke: The Honourable Member covered my comment.

Mr. Chairman: Mrs. Watson.

Mrs. Watson: Mr. Chairman section 23, sub 1. The Commissioner may mark or erect along any Territorial Highway, shouldn't it be just Highway. Because Territorial Highway is a designated highway. Shouldn't he be able to put traffic signs on a highway whether it's designated a Territorial Highway.

Mr. Legal Advisor: Yes, Mr. Chairman. This is an exact section and it is not a repeal. It remains with highway in it and the Motor Vehicle Ordinance. It's parallel.

Mrs. Watson: The purpose is served if having this section was Territorial Highway here and just highway in the Motor Vehicle. Is there any advantage to doing it in that method.

Mr. Legal Advisor: There is no legal advantage Mr. Chairman but it's done in order to have this as a fairly comprehensive code so that people handling this ordinance would have it fairly complete. It wasn't really necessary to put in this section at all. But it was put in to make it a complete code.

Mr. Chairman: We will proceed to section 23 (2).
(Reads section 23 (2))
(Reads section 23 (3))

Mr. Chairman: Twenty-four (1).
(Reads section 24 (1))

Mrs. Watson: Could we add no person shall without the authority of the Commissioner remove or deface any traffic sign or device or indicators. Now I'm thinking about the tourist, you, know, food, lodging and this type of thing and it also should be included in there.

Mr. Chairman: Mr. Legal Advisor.

Mr. Legal Advisor: The Member has a point, perhaps we could look at it and use a word which could contain the full list. With a cross-reference perhaps.

Mrs. Watson: I left a list --

Mr. Legal Advisor: Thank you Mr. Chairman.

Mr. Chairman: Twenty-four (1)
(Reads Section 24 (1))

*Mr. Chairman: Twenty-five (1).
(Reads Section 25 (1))

Mr. Chairman: Mrs. Watson.

Mrs. Watson: Mr. Chairman are election posters considered commercial advertising devices?

Mr. Miller: Yes.

Mr. Legal Advisor: Mr. Chairman the Honourable Member in charge is nodding his head and I am shaking mine so --

They should be considered so but I'm not sure that that language, commercial because the Honourable Member would hesitate to say that it was a commercial device she was posting on a telegraph pole in Haines Junction but it should be included.

Mrs. Watson: It should be included.

Mr. Chairman: Twenty-six (1)
(Reads Section 26 (1))

Mr. Chairman: Twenty-seven (1)
(Reads Section 27 (1))

Mr. Chairman Two
(Reads Section 27 (1))

Mr. Chairman: 28 (1) :
(Reads Clause 28 (1))

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, this could prove to be very, very difficult. I can think of a situation immediately in my constituency, and that is along the first portion of the Campbell Highway, which is normally known as the Airport Road out of Watson Lake, and there are residences all along there, and because of the nature of our climate in the Yukon, and the depths of snow, it is quite often necessary for people to pull off to the side of the road and park their vehicles there and get extension cords up to plug them in and this type of thing. This would indeed work a great hardship along people along that road, because in fact, the Territorial Government with graders have a tendency to plough them in every time they plough the road, they plough the driveways full.

I'm wondering if some consideration, further consideration could be given to this Section, because this would indeed work a hardship on people, I'm sure, in other areas of the Territory.

I might say that the highway at this point, in terms of this specific instance, is wide enough to accommodate some parallel parking along the side, but it's a very wide road, it's part of the Campbell Highway. However, I put this up for your consideration, because I can see that this can work a hardship at this point on some of these people.

Mr. Miller: I think, Mr. Chairman, that particular instance is covered. It says where it is practicable to stop off the roadway, you may do it. If it is not practicable to stop off the roadway, you shall not do it, that's what it is saying. In other words, we don't want them parking in the middle of the highway, if they can get off the roadway, where they are not interfering with traffic, there is nothing wrong with that.

Hon. Mr. Taylor: Well, Mr. Chairman, it's just the interpretation then of what is practicable that concerns me. So in other words, I can conclude that the situation such as I described causes no problem to the government, and no prosecutions would come under this section?

Mr. Miller: That's right.

Hon. Mr. Taylor: Okay.

Mr. Fleming: Mr. chairman, I think it's cleared up now, and my question and in (3) it is cleared up more so.

Mr. Chairman: 28 (2) :
(Reads Clause 28 (2))

Mr. Chairman: (3)
(Reads Clause 28(3))

Mr. Chairman: Clear?

Some Members: Clear.

Mr. Chairman: 29 (1) :
(Reads Clause 29 (1))

Mr. Chairman: (2) :
(Reads Clause 29 (2))

Mr. Chairman: (3):
(Reads Clause 29(3))

Mr. Chairman: 30(1):
(Reads Clause 20(1))

Mr. Chairman: Clear? Mr. Fleming?

Mr. Fleming: Mr. Chairman, if I may, I would like to go back to 29. "An officer may move the vehicle or require the driver or person in charge of the vehicle to move it to a position determined by the officer". I think that's just going maybe a little too far, saying a position determined by the officer, which means he can say you go over there, or over here, where you possibly can't go. Couldn't that be worded better saying that he would remove you from wherever you are now, to clear the area, in other words?

Mr. Miller: Mr. Chairman, I think the confusion if there is one, comes into the attempt to cover off, the officer may move, and if he has got to move it, he has got to determine where it's to be moved to. If he is requiring the driver or person in charge of the vehicle to move it, he may say you can move down the road, you can go here or you can go over there to a specific place.

Mr. Chairman: Mr. Fleming?

Mr. Fleming: I agree, Mr. Chairman, except I don't agree that it is worded that way here.

Mr. Miller: Mr. Chairman, that's what it means.

Mr. Fleming: They don't imply that, Mr. Chairman.

Mr. Chairman: 30(1) — oh, we have read that, sorry.

Part IV, Administration. 31(1):
(Reads Clause 31(1))

Mr. Chairman: (2):
(Reads Clause 31(2))

Mr. Chairman: Clear?

Some Members: Clear.

Mr. Chairman: 32(1):
(Reads Clause 32(1))

Mr. Legal Advisor: Mr. Chairman, the paragraph designator (a) and the words, "for a first offence", should come out, because there is only one offence provided for.

Mr. Chairman: 33(1):
(Reads Clause 33(1))

Hon. Mr. Taylor: Mr. Chairman, inasmuch as the administration are going to look at several sections of this Bill, perhaps it may be well at this time to report progress on Bill Number 1.

Mr. Chairman: What is your pleasure? We will proceed with Bill Number 2. Thank you.

Bill Number 2

Mr. Chairman: Bill Number 2, Legal Aid Ordinance. It has occurred to me that there may be requests on the part of Council to have witnesses for this Ordinance. I think that the President of the Law Society is available, so if you would like a brief recess, I will call it.

Mr. McCall: Mr. Chairman, did you say one person from the Law Society? I think we have more than one.

Mr. Chairman: This is the Legal Aid, not the Legal Professions.

Mr. McCall: I know.

Hon. Mr. Taylor: Mr. Chairman, in this case then, perhaps the Law Society themselves could be informed at this point, and send over whoever they wish but, hopefully not too many people.

No doubt, since the last session that — yes, well perhaps that's the way to approach it.

Mr. Chairman: They are aware that it's coming before us today, and I think they are probably available at this time.

Yes?

Mrs. Watson: Mr. Chairman, do we need representation from the Law Society while we are

doing Legal Aid? Let's go through it first, and determine whether we need witnesses. The Legal Advisor is here, he's been involved in the drafting of it, and let's find out first of all. I'm sure some of you have not read it.

Mr. Chairman: This was a suggestion, Mrs. Watson. I am open to suggestions.

Mr. McCall: Mr. Chairman, I would accept your judgment and wisdom in this matter.

Mr. Chairman: Is that the wish of Council?

Mrs. Wyhard: Before you read the Bill—

Mr. McIntyre: I would just as soon not have them in until after we have read it.

Ms. Millard: I think we need the help as we go along with it.

Mr. Legal Advisor: I am only aware of one point of controversy, and that would arise in the regulations, and not the Bill.

Mr. Lengerke: I would like to suggest that we proceed with reading of it, and if we find that we are in need of representation, they are available as you say, let's take advantage of it at that time.

Mr. Chairman: Is that the wish of Council?

Mr. McCall: Well, Mr. Chairman, am I led to believe that we are going off our course or direction? I think at this point in time we have encouraged witnesses to assist us in matters when we are reading out legislation, now we are changing course mid-stream. Now what is going on here?

Hon. Mr. Taylor: Mr. Chairman, with respect, I think it's usually been the policy of the Committee to ask for witnesses if they wish, or to acknowledge any submissions made to the House by people wishing to make presentations to Committee, and then usually Committee decide on that, but it is not a thing done as a matter of course. If that were the case, why we would have the population of the Yukon Territory in toto sitting in this Chambers at one time or another.

But, if indeed the Law Society have indicated to the House, an interest in the thing, I think that we could have maybe the Clerk inform them that their Bill is now under consideration, and perhaps proceed with the reading of the Bill, and should the House require witnesses from the Law Society, fine, or if the Law Society indicate that they wish to speak on the point, perhaps Committee could consider that at this time. Maybe this will get us out of the situation that we are in.

Mrs. Watson: Mr. Chairman, Bill Number 2 is Legal Aid, and that is a service for the people of the Territory. It's not a service for the legal profession. The legal profession we will be providing, will be paid for a service by the government.

Now, I think it is up to us to read the Bill, and as the Legal Advisor said, there is only one area that the legal profession will be interested in, and that is likely the fee structure—

Mr. Legal Advisor: I didn't say that.

Mrs. Watson: Well I am saying, Mr. Chairman, I am saying it, and if we want them here to discuss that, that's up to us, after we read the Bill.

Now, when we go through the Legal Professions Ordinance, again I think this is a piece of legislation we should read over carefully ourselves, and give them, after we have read it, give the legal profession, their representatives, the opportunity to appear here and make representations on certain Sections of the Bill. We should also have any other member of the public who has some opinions on the Legal Professions Ordinance the opportunity to come here and give us their opinion on it.

So especially Legal Aid, it's a service for people. Legal Professions is different, but we have to consider the Bill, and then bring them forward if they have some objections to certain portions, and then we have to weigh their objections in our decisions.

Mr. Chairman: With deference to our Legal Advisor, I think that we are best able to make decisions with the presence of those who are expert in the field. Mr. McCall?

Mr. McCall: Thank you, Mr. Chairman. I'm not an expert in the field, but I beg to differ with the Honourable Member in her statement a moment ago. I believe you can drag a horse to water but you can't make it drink.

When you are talking about—drank or drink or whatever—speech impediment, I can't help that, as far as I am concerned, when you are dealing with a professional like the attorneys and the lawyers, they have to be handled carefully just like doctors and whatever else.

What I'm concerned about is, there was a point brought up in question as to fees. Now, if it is in the wisdom of any judge to assist any person who has got into difficulty to direct him to Legal Aid because of funds not being available, that being their own, and lawyers turn around and refuse to accept this Ordinance, simply because they have not had an opportunity to go through this Ordinance with us, word for word, and I am not about to adopt a principle that we read this Ordinance twice.

I think we should encourage witnesses to come, in case any of the Honourable Members have questions as we read through this Bill like we have done in the past. I'm not about to adopt changing of a practice that we've had up to this point.

Mr. Chairman: It seems there is divided opinion. Perhaps we should have a vote on whether a witness should appear on this Bill.

Mr. McCall: Well, Mr. Chairman —

Hon. Mrs. Whyard: Could I suggest that we proceed with the reading of this Bill, and if there are any points that require clarification, we have our friend in the gallery who will be available.

Mr. Chairman: Is that acceptable?

Some Members: Agreed.

Mr. Chairman: Legal Aid Ordinance —

Mr. McCall: A point of privilege. I ask for a witness to attend, isn't that my right?

Mr. Chairman: Well it's with the consent of Council the witness appears.

Mrs. Watson: Mr. Chairman, I wonder if the Honourable Member from Pelly would repeat what he said. I didn't hear.

Mr. McCall: Mr. Chairman, could you ask them to read back that tape, please? It doesn't matter, forget it.

Hon. Mrs. Whyard: Mr. Chairman, if I may assist, the Honourable Member from Pelly said that he had raised, as a point of privilege he had requested that a witness be provided during discussion of this Bill, so it's a matter for the Chair to rule on.

Mr. McCall: I also stated, Mr. Chairman, I would accept your judgment and wisdom, which you have not brought forward.

Hon. Mr. McKinnon: Mr. Chairman, perhaps I could accept a compromise.

This Bill, Legal Aid, the Member of the Executive Committee who is responsible for this Bill is Mr. Assistant Commissioner Gillespie and I would suggest that he should be invited to Committee along with a representative from the Law Society, if such representation is available to us at this time.

You know, we can all gain by the knowledge of both of these people.

Some Members: Agreed.

Mr. Chairman: We will now have a five minute recess while these witnesses are assembling.

Recess

Mr. Chairman: I call the Committee to order. We have as witness Mr. Peter Gillespie and Mr. Willard Phelps.

I will proceed with the reading clause by clause of the Legal Aid Ordinance.
(Reads Section 1(1))

Mr. Chairman: 2(1)
(Reads Section 2(1))

Mr. Chairman: 3(1)
(Reads Section 3(1))

Mr. Chairman: Mr. Fleming.

Mr. Fleming: That's 3 (a). Without charge to any individual who is unable to pay for legal aid furnished. Who and how do they decide whether they are able or not able to pay for legal aid.

Mr. Gillespie: Mr. Chairman the Legal Aid Committee that we will be coming to shortly will make that decision.

Mr. Chairman: Mr. McCall?
(Reads Section 4(1))

Mr. Chairman: Mr. McCall?

Mr. McCall: I suggest an ammendment here Mr. Chairman if we have a look at the title of this ordinance. A suggestion reads as follows, there should be a Legal Aid Committee consisting of three members to be appointed by and with the advice and consent of council by the Commissioner.

Mr. Chairman: You are suggesting that as an ammendment.

Mr. McCall: Yes I am.

Mr. Chairman: That's fine.

Ms. Millard: Mr. Chairman that's exactly what I was going to say also was I feel there is far too much strength in the Committee on, in the Commissioners hands, and we may have all the faith in the world in the Commissioner's appointees but we would like to have some input into it also.

Mr. Legal Advisor: Mr. Chairman it hasn't been the custom to date that this House except on request from the Minister gets involved in making appointments. It's done by the Commissioner on the advice of his Executive Committee. This has been the custom to date. It would be quite a major step for the Council to take to be involved in the day to day appointments to Members of Boards other than the three or four Boards which are constituted where each member of the Council nominates a particular individual to the Consumers Act Board and the Sports Federation Board.

Mr. Chairman: But I think there is other legislation that is coming before this Council that does apply in other terms with the Commissioner in Council was responsible for the appointments. Not this ordinance particularly but in other ordinances that are to come before Council.

Mr. Legal Advisor: I wasn't aware of that.

Mr. McCall: Mr. Chairman.

Mr. Chairman: Mr. McCall.

Mr. McCall: I think like I said a moment ago if you go to the opening paragraph of the Legal Aid Ordinance it says by and with the advise and consent of the Council. What I'm implying here is if we are going to pass this piece of legislation for the benefit of the people of the Yukon, we also should have the right to have input on this Committee that will be used as guidance in regards to Legal Aid. This is why I suggested the amendment.

Mr. Chairman: Mrs. Watson.

Mrs. Watson: Mr. Chairman these appointments are made on the advise of the Executive Committee, and three of our Members sit on the Executive Committee, and if it is on the advise and appointments even by this Council here you run into quite a problem. If there's a resignation or something happens to one or even the three Members of the Committee, in order to fill that Committee you have to call Council back into Session. And I myself am quite, I would feel quite confident in leaving the appointment to the Commissioner, virtually to our three Executive Committee Members, and leaving the Legislation as it is.

MMcIntyre: Mr. Chairman.

Mr. Chairman: Mr. McIntyre.

Mr. McIntyre: I was about to say almost the same thing that the Honourable Member from Kluane has said that I have every confidence in the Executive Committee to make suitable appointments to this Committee.

Mr. Chairman: Ms. Millard.

Ms. Millard: Mr. Chairman perhaps we could just add the words after Commissioner say on the advise of the Executive Committee.

Mr. Chairman: Mr. McCall.

Mr. Legal Advisor: Mr. Chairman again that would be a constitutional change that we haven't given the final sanctification to the existing Executive Committee by embodying them in particular legislation. It's a constitutional document on local matters the Commissioner is bound to accept the advise of his Executive colleagues. And this is a constitutional matter.

Mr. McCall: Well Mr. Chairman I don't want to sound a little disrespectful here but I'm getting a little rather annoyed about the excuses I've heard from Honourable Members about who selects what. I believe this Legislative Assembly is a body or a group of twelve people. I am suggesting in the amendment that if we are to have input and communications between Committees that are guides to present legislation and new legislation this is the only route we should start going. Otherwise I can see a lot more problems arising in the not too distant future, simply because legislation has been buried in a sea of Administration and we have

no input whatsoever. So I am suggesting in the changes I think it is about time that we started selecting Committees to govern our lives pertaining to these ordinances and especially Legal Aid.

Mr. Chairman: Mr. McCall are you suggesting an amendment to this.

Mr. McCall: Mr. Chairman I've already given you the amendment. Suggested amendment.

Mr. Chairman: Do you have a Motion to that effect.

Mr. McCall: You would like me to move it as a Motion, Mr. Chairman?

Mr. Chairman: If you so wish an amendment.

Mr. Chairman: Mr. Taylor.

Hon. Mr. Taylor: Mr. Chairman for many years I have been one of the first to rise in this House and propose that in the dealing with ordinances that in many instances we should be determining Commissioner in Council rather than giving all the powers to the Commissioner, but, you know, since oh, these past few years that we've brought into effect the Executive Committee system and it took me a long, long time to satisfy myself that that system would work. As a matter of fact I decreed it wouldn't work but you can't be right all the time. It is working. It occurs to me that at some point the Minister is going to give this House total control over the Executive Committee as he stated he may do before the end of the term of this legislature. With this in mind there has to be a transitional transfer of responsibilities from the House to the Administration.

In this case the term Commissioner to me has in the past included the Executive Committee as the Executive Committee to date I do believe by majority come to reach the day to day decisions of Administration. While I would like to support the amendment I don't think I could at this time for the reason that I have expressed. I would have to at this time as I say offer my support to decisions made by the Executive Committee in the appointment of this specific Board. Realizing however, that if an unpopular appointment was made to the Board that the Members of the Executive Committee would find themselves recipient of my wrath and I'm sure of other Members, if they were to make an unwise appointment, or in fact an appointment which the House felt, the majority of the House felt was not a wise appointment.

So I thought I would like to leave on record these remarks, and as I say, while I would like to normally support this Motion if the Motion does come, I indeed cannot for the reasons I have just stated.

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, we cannot discuss a motion that hasn't been accepted, as far as I know?

Mr. Chairman: There has not been a Motion, no.

Hon. Mrs. Whyard: But in the meantime, I would ask the indulgence of the Committee to read the following sections and then go back to the first one if they wish, because I think there's some misunderstanding here and we are confusing — it's a matter of semantics, you are confusing the words "appointed" and "nominated". There is a difference, and if you read on, you will see how the Committee is to be formed. The appointments are then officially made through the Committee.

Mr. Chairman: Any further comment? Mr. McCall, at the present time, or shall we read this first?

Mr. McCall: Mr. Chairman, with all due respect, I have already read it. I am a little adamant in my position. I am quite prepared to put forward a motion that presumably may be defeated, but discussions we've had for the last three days, I have been left with a distinct impression that the people that have been discussing matters in these last few days are not sincere.

I am quite prepared to put the Motion forward. I move that the amendment to 4 and sub (1) be read as follows: "There shall be a Legal Aid Committee, consisting of three members to be appointed by and with the advice and consent of Council by the Commissioner".

Mr. Chairman: Secunder?

Ms. Millard: I will second that, Mr. Chairman.

Mr. Chairman: Further discussion?

Hon. Mr. McKinnon: Mr. Chairman, there was a point in time that I would only have moved exactly the same motion, or seconded it or have supported it with no question whatsoever, prior to the establishment of even two of the members on the Executive Committee. It was a very distinct move by all members of Council in some method or other to get the elected members of the legislature more involved in the day-to-day actions of the administration.

We found that at every turn that we took, we were being frustrated. We tried to put people on the Legislative Programming Committee, and the sub-committee on Legislation and all these different areas, and were refused just out of hand by the government of Canada. So we constantly, in the legislation, continued to put in "Commissioner in Council" — attempted to put "Commissioner in Council", which means the Commissioner acting on the advice and consent of the Council of the Yukon Territory, into all legislation where it just mentioned Commissioner.

We found that it has come back to haunt us in an awful lot of areas, now that there is a more responsible system of government than there was in that day, because we found in a lot of areas, and in legislation, we have already changed some of it back where the elected members on the Executive Committee didn't have the prerogative of action in the changing in

regulations and in Statutes, without having the total Council in session and making that decision. We knew from different times that we have consulted with you and had been advised by you, that you were completely behind us in something that we are attempting to do in the changes of the regulatory function.

However, we had changed the Ordinance to read "Commissioner in Council", and had to wait until the Council sat prior to making the changes that we all wanted and sometimes this entails a six months' waiting period. I think we are now at the constitutional evolutionary stage of whether we trust the elected members on the Executive Committee to be acting with and in concert with the other members of the Yukon Legislative Assembly, or whether we are going to go back and start again in all the Ordinances of putting back in "Commissioner in Council".

Of course, this is completely eliminated from all provincial style legislation, because the person who is the titular head of the government, the Lieutenant-Governor, everybody knows that that means the cabinet of the day that actually is making the decision to have the majority support of the majority of the legislature.

So it goes an awful lot further than just amending as we come to it, through the Ordinances, changing where appointments are made by the Commissioner back to Commissioner in Council, and I just think that all members should be aware that it is a very real constitutional dilemma that we find ourselves in these instances.

Mr. Chairman: Any further discussion? Mr. Fleming?

Mr. Fleming: I would like to sympathize a little with the Honourable McKinnon, but on the other hand, I still wish myself — I would like to see us get some input into Council, and so far that is one of the sore points where we don't seem to be able to get in and possibly we won't and possibly we won't be able to win this motion, but I am willing to support this Motion of Mr. McCalls.

Mr. Chairman: Mr. McCall?

Mr. McCall: Thank you, Mr. Chairman.

In support of my motion I presented, I just want to make one thing quite clear. This is not to, or whether we question the wisdom and trust that we have in our Ex-Com, I think it is to show that the consensus that we have here in this Legislative Assembly, is that twelve people not allow the public to bombard and blockade the Ex-Com every time there is a predicament presented to him in a language in the legislation that we pass at this House.

In the amendment, like I stated a moment ago, we seem to be in a predicament of non-communication. It's been quite evident in some areas. I think this may be one of the stepping stones to rectify this. There may be other legislation that we have not, shall we say working with at the present session, that will also include the establishing of Committees. This is a stepping stone, this is communications to the public we represent. It is not to be meant or taken as an insult as

to our Executive Committee or Minister.

The only reason why the suggested amendment was put forward, was to allow communication to commence to a very important piece of legislation.

Mr. Chairman: Are you ready for the question?

Some Members: Question.

Mrs. Watson: I wonder if you could read the Motion?

Mr. Chairman: It was moved by Mr. McCall, seconded by Miss Millard, Section 4 (1), "There shall be a Legal Aid Committee consisting of three members to be appointed by and with the advice and consent of Council by the Commissioner".

All those in favour?

Contrary? The Motion is defeated.

Motion Defeated

Mr. Chairman: 4 (2).
(Reads Clause 4 (2))

Mr. Chairman: (3):
(Reads Clause 4 (3))

Mr. Chairman: (4):
(Reads Clause 4 (4))

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Yes, Mr. Chairman, is there any reason why from the three members of the Committee, that the Committee can't appoint one of them as Chairman?

Mr. Chairman: Mr. Gillespie?

Mr. Gillespie: Mr. Chairman, the Commissioner will want some discretion, some ability to assure himself that this Committee serves the proper function that it is appointed to perform, and in a number of ways. One of those ways is to ensure that people throughout the Yukon have access to Legal Aid; and secondly, to assure the government and the people who are paying for this Legal Aid, and the people who are being served by it, that a fair amount—a fair taxation of accounts is given in the sense that people who should be getting it, are getting it, and they are getting it in the right amount.

The Commissioner will, from among the people that he appoints to this Committee, be in a position to determine a Chairman who will be able to carry out that function, and also a Chairman, I should add, who will be in a position to call meetings on a regular interval as they are required. I guess that's all I have to say at this point, Mr. Chairman, on that.

Mr. Chairman: Ms. Millard?

Ms. Millard: Mr. Chairman, I don't think that answer really replies to what the question was, which was

whether or not the Chairman should be appointed by the Commissioner. Any other Chairman could do as well.

Mr. Gillespie: Mr. Chairman, it's in keeping with some of the arguments that were given a few moments ago about why this Committee and its members should be appointed by the Commissioner. This is one of the powers given effectively to the elected representation on the Executive Committee, who advise the Commissioner on who he shall appoint. This effectively is strengthening that power in a constitutional sense.

Mr. Chairman: (5):
(Reads Clause 4 (5))

Mr. Chairman: (6):
(Reads Clause 4 (6))

Mr. Chairman: (7):
(Reads Clause 4 (7))

Mr. Chairman: (8):
(Reads Clause 4 (8))

Mr. Chairman: (9):
(Reads Clause 4 (9))

Mr. Chairman: (10):
(Reads Clause 4 (10))

Mr. Chairman: (11):
(Reads Clause 4 (11))

Mr. Chairman: (12):
(Reads Clause 4 (12))

Mr. Chairman: (13):
(Reads Clause 4 (13))

Mr. Chairman: (14):
(Reads Clause 4 (14))

Mr. Chairman: (15):
(Reads Clause 4 (15))

Mr. Chairman: (16):
(Reads Clause 4 (16))

Mr. Chairman: (17):
(Reads Clause 4 (17))

Mr. Chairman: (18):
(Reads Clause 4 (18))

Mr. Chairman: 5 (1):
(Reads Clause 5 (1))

Mr. Chairman: (2):
(Reads Clause 5(2))

Mr. Chairman: 6(1):
(Reads Clause 6(1))

Mr. Chairman: 7(1):
(Reads Clause 7(1))

Mr. Chairman: Clear?

Some Members: Clear.

Mr. Chairman: 8(1):
(Reads Clause 8(1))

Mr. Chairman: (2):
(Reads Clause 8(2))

Mr. Chairman: (3):
(Reads Clause 8(3))

Mr. Chairman: (4):
(Reads Clause 8(4))

Mr. Chairman: Yes, Mr. Lengerke?

Mr. Lengerke: Just an inquiry here. I don't know if the question will be valid or not, but I would like to know what sort of figures we are looking at for budgetary consideration. Does anybody know?

Mr. Chairman: Mr. Gillespie?

Mr. Gillespie: Mr. Chairman, the budget in this current year is \$35,000.00 for Criminal Legal Aid. None of that is recoverable from the Federal Government.

If we pass this Bill and we have both criminal and civil legal aid, then the Federal Government has agreed to cost share in the total amount, so we will remain next year with something like \$35,000.00 in the budget. Pardon me, \$70,000.00 in the budget, \$35,000.00 of which will be recoverable from the Federal Government, 50-50.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, at the present time we don't have legislation covering criminal legal aid; we have a program of criminal legal aid. Now, whose decision is it, is it the court's decision when criminal legal aid will be provided?

Mr. Legal Advisor: In a general sense, yes, Mr. Chairman. The officials who work with the courts are involved in the decision itself, but it's the courts basically who are doing it.

Mrs. Watson: Mr. Chairman, one further question. At the present time, is criminal legal aid counsel, does it accompany the Supreme Court and the Magistrate Court in their circuits?

Mr. Legal Advisor: Yes, Mr. Chairman.

Mr. Chairman: 9 (1) :
(Reads Clause 9 (1))

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: A question of inquiry, Mr. Chair-

man. What model was used for drafting up this legislation? Was a provincial model used or another --

Mr. Legal Advisor: It's home-made jam, Mr. Chairman, there was no model.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. chairman, again referring to our present system of criminal legal aid, under Section number 9, are we expanding the criminal legal aid that we are now providing, and under what Section -- new Section?

Mrs. Watson: In what areas Mr. Watson?

Mr. Legal Advisor: Yes, Mr. Chairman, a marginal extension in some areas.

Mr. Legal Advisor: I was afraid, Mr. Chairman, I would be asked that.

Under the Juvenile Delinquents Act. At the present, we would only provide automatic legal aid if it was a serious matter. That's under 9 (1) (c). We don't at present, normally in simple matters in proceedings under the Extradition Act and the Fugitive Offenders Act, we wouldn't normally do this.

On paragraph (e) on the top of page 7, this crystallizes what we would like to have happen, but sometimes cannot by the restrictions which are currently in force and the staff, although they may or may not provide it under paragraph (e), are afraid as to whether they are doing the right thing or not. There are occasions which arise where a person, while not legally insane, may be somewhat mentally deficient or be taking a completely wrong headed view and deciding to do something himself, the court is not happy when it has to deal with it, and requires to be absolutely satisfied if it's going to deal with the person, that he has had every chance before he is struck hard with a sentence.

In that case, notwithstanding the views of the accused himself, the court or the officials will overbear the person and try to insist that he has a lawyer, because there may be appeals or other proceedings, and especially with a person who came from a foreign place.

Now apart from that, we don't have any major -- any real extension of criminal legal aid.

Mrs. Watson: Mr. Chairman, one further question under this. Now I am going to show my ignorance. I don't understand 9 (d), "Proceedings pursuant to the Extradition Act and the Fugitive Offenders Act". To me that sounds as though we are giving legal aid to Non-Canadians. Is this true?

Mr. Legal Advisor: Yes, Mr. Chairman, that is true, and under those two it would normally be non-Canadians. The Fugitive Offenders Act is an Act in common form in all British connected countries. The Extradition Act is a parallel type of Act, and it's always a non-Canadian person, or a Canadian who has committed an offence, say in the Bahamas, and has come back here and is being extradited back to the

Bahamas. This can happen too, but we must not forget that for now for the first time, the Canadian government is contributing 50 percent of the costs of the program, and therefore it's concerned to see that people in this area will be furnished with legal aid, if required.

Mrs. Watson: Mr. chairman, will Canadians in the Bahamas benefit from the legal aid in the Bahamas?

Mr. Legal Advisor: I will look the matter up.

Mr. Chairman: I will volunteer to go down and find out.

Mrs. Watson: Mr. Chairman, the eligibility then can't be based on citizenship, and I would hope that it would be that you must be a Canadian citizen to be eligible for legal aid.

Mr. Legal Advisor: Mr. chairman, it's in the Bill, I'm not sure of the Section. The Commissioner points out that it's Section 5(1). Under Section 5 (1), a Canadian who gets into trouble in a foreign place -- sorry, a Yukoner who gets into trouble in a foreign place will be protected by this, and we would pay the amount of the legal aid up to the amount of our schedule.

Mr. Chairman: Mr. McCall?

Mr. McCall: Mr. Legal Advisor, foreign employees, is that anywhere outside the Yukon?

Mr. Chairman: No, Faro is included.

Mr. Legal Advisor: In terms of this Ordinance I suppose yes, Mr. Chairman.

Mr. Chairman: Ms. Millard.

Ms. Millard: I think there's a typographical error in Section 9(1) (f), yes, section (ii) under there. "Where counsel advises that an appeal by the accused has merit and the committee agrees; and where the Appeal Court or a judge thereof" -- I believe that should be "or". Yes, the and should be changed either to an "or" --

Mr. Legal Advisor: With respect, it's a matter of English. It's intended to be conjunctive, to put an and in the penultimate paragraph of the group and it could apply in all these cases.

Ms. Millard: In other words, we have to have all three conditions to have an appeal?

Mr. Legal Advisor: I didn't say that Mr. Chairman. It would apply -- where the appeal is taken by the prosecution, a right of appeal exists, and the right of appeal exists where counsel advises and the appeal has merit, and it will also exist where the appeal court asks for it.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, I continue to have misgivings regarding the Legal Aid for non-Canadians, and I realize that in any agreement with Canada, that they would probably require us to do this, and this is one reason why I spoke this morning.

We have no idea how much this legal aid program is going to cost us. We haven't any yardstick whatsoever, and I can see a lot of possible aliens, or we get a lot of American citizens up here during the summer time, so are we going to have to provide legal aid for them before we can send them out?

Mr. Legal Advisor: Yes, Mr. Chairman.

Mrs. Watson: Mr. Chairman, it's likely that I wouldn't qualify for legal aid, but a non-Canadian could qualify for legal aid.

Mr. Legal Advisor: There are two forms of legal aid, Mr. Chairman, there is criminal legal aid and civil legal aid. The only yardstick that I know of to measure the cost, is that roughly in comparison in all the jurisdictions so far that have instituted any form of legal aid, the dollar cost of civil legal aid has matched the dollar cost of criminal legal aid. It is most awkward to handle it that way, but we know that the costs of the criminal legal aid have cost us \$35,000.00 a year, so we are making the assumption that a further 30 or \$35,000.00 will cover civil legal aid.

As far as giving legal aid to Americans is concerned, there are a number of transients and apart from being an advantage to the accused himself, it's a considerable advantage to the court in handling the case to give him legal aid and pass it through.

Mr. Chairman: 10(1) :
(Reads Clause 10 (1))

Ms. Millard: Mr. Chairman, I think we need some clarification on some of these legal terms, particularly (h), "relator or representative actions". What would this mean?

Mr. Legal Advisor: Relator or representative actions is the kind of actions which some former Honourable Member has taken for certiorari or mandamus or various forms like that, picking themselves as a representative of the public at large to take a particular action to establish a right.

We had some such actions when a member of the public attacks the validity of certain acts of the City Council. He is electing himself and is said to be the representative of the public and he takes an action. This kind of action will not be supported from the public purse.

Ms. Millard: A supplementary question? Would this then include anything under the Consumers' Protection Ordinance?

Mr. Legal Advisor: If it's a representative action by the person on behalf of a group, there will be no help for him. If he himself has been wronged as a consumer, and his car was not repaired properly, and that is a

proper action to take, he as an individual, if he cannot support the action from his own resources, would be entitled to the same services as a taxpayer or a person to be served as any other person, but not by reason of being members of a consumers' group.

Mr. Chairman: Clear?

11 (1):

(Reads Clause 11 (1))

Mr. Chairman: 12 (1):

(Reads Clause 12 (1))

Mr. Chairman: (2):

(Reads Clause 12 (2))

Mr. Chairman: (3):

(Reads Clause 12 (3))

Mr. Chairman: (4):

(Reads Clause 12 (4))

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: Yes, Mr. Chairman, I just wonder if we could use the resources that we have at hand here. I would like to have an opinion by Mr. Phelps as to Section 10, from there on down to—well we can go into 11 (1) and 12. Maybe he has got some comments as to these matters, the legal aid matters, or the civil matters that are listed here.

Hon. Mr. McKinnon: I'm just checking whether you are eligible for free legal aid—

Mr. Phelps: Well I do have a comment on Section 10, and it's not only pertaining to Section 10 (1) (k), I'm concerned because I rather hate to see absolute exclusion in cases of defamation, estates, et cetera, because once or twice every three or four years, something comes along where a person desperately needs a lawyer, and doesn't have the resources. In the case of estates, quite probably with the assistance of a lawyer, would have a good chance of recovering enough to pay his own way once the action was—or whatever was necessary was completed. In the case of defamation, every now and then somebody will push an indigent person to the wall, simply saying that he has been slandered, et cetera, and again, this only occurs very seldom, and I'm concerned that the Committee doesn't have the right to say, well in exceptional circumstances, we can give this person legal aid, just in exceptional circumstances.

I understand the reason for the exclusions is possibly that the federal government won't fund this kind of an action, won't guarantee to fund, say a defence against a defamation or a situation where somebody is probably entitled to be a beneficiary in an estate.

But I myself in my practice, have had I think two instances where I have gone to bat for people who have eventually recovered a fairly substantial sum under an estate, where they were just told flat out "no". In one case, it was a resident who was entitled to money in England, of all places, and frankly, it was just a

situation where we and the lawyer that we engaged in England carried that person. Eventually we were all paid, but it was a bit of a gamble. She would have got nothing, and she needed the money, and I think that it was a good thing for the Yukon generally, that a person like this would get these resources, and get her just portion of the estate.

Defamation is another situation, and there's other areas in 10(1) where I think that the Committee ought to be able in exceptional circumstances, to override this absolute exclusion.

Mr. Gillespie: Mr. Chairman?

Mr. Chairman: Mr. Gillespie?

Mr. Gillespie: Mr. Chairman, civil legal aid is a new program for the Yukon if it is accepted by this Chamber. As Mr. Phelps has just suggested, these items that appear here are ones that the federal government has indicated to us that they would not cost share in, and we are putting forward these exceptions at this time for that reason.

Now, if at some later time, the government should decide, after it has a better knowledge of the real costs that this program will incur, that it wishes to extend the program and incur fully, 100 percent, the additional costs that would be incurred by so doing, then the amendments could be brought forward for review by the Council. The reason we have stuck with this list, is because we, as Mrs. Watson has said, are not totally sure of just how much this program is going to cost, and we are afraid of extending it on a hundred percent basis any further than we have already gone.

Mr. Phelps: If I may comment, my only comment on this is that almost all of these exclusions very seldom come up where there would be a worthy applicant for legal aid, but I could see it happening once every three or four years. I can't see the costs being very great. I'm just rather sorry that it's not — there isn't some kind of a clause that says in exceptional circumstances the Committee can grant it.

The other question while I am it, I take it from the wording of 10 again that there will be money supplied for counselling people in debt, with debt difficulties, et cetera. Mr. O'Donoghue knows of the time involved in these matters. Is that going to be under the system, come under the system where a person who is being hounded by creditors can go and seek the help of a lawyer in settling those matters?

Mr. Legal Advisor: An individual as a person would be covered. His company would not be covered, it's a deliberate intention.

Mr. Phelps: Right.

Mr. Legal Advisor: But I'm not sure that Mr. Phelps is reading sub-section (1) completely correctly. What the Ordinance says is, that in all civil matters, except certain ones, it shall be provided — this is the list which does not give the person a right to obtain legal aid, but they are not excluded from discretion in decision, I think if it was closely construed.

...**Mr. Phelps:** I didn't pick that up as being even clear in the ordinance but I'm sure that you can show the Members that it is. Those are the only comments I have on that section.

Ms. Millard: That doesn't satisfy it for me. I think it really means they are all exempt.

Mr. Chairman: I would like to entertain a Motion for the speaker to resume the Chair when he can be found.

Mr. McCall: I make the Motion that the Speaker do now resume the chair when he can be found.

Mr. McIntyre: I second that.

(Mr. Speaker Resumes Chair)

The Speaker: I call the House to order.

The Speaker: May we have a report from the Chairman of Committees.

Dr. Hibberd: Mr. Speaker, the Committee reconvened at 11:10 a.m. to consider Sessional Papers and Motions. We had present this morning Mr. Miller as a witness. I can report progress on Bill Number One.

Mr. Speaker: Order please. I wonder if at this time we could have the House cleared of the strangers in the House. Would you proceed.

Dr. Hibberd: The Committee recessed at 12:00 noon and reconvened at 2:00 p.m. At that time we had witnesses, Mr. Gillespie and Mr. Phelps and I can report progress on Bill Number Two. It was then

moved by Mr. McCall and seconded by Mr. McIntyre that Mr. Speaker do now resume the Chair and this was duly carried.

Mr. Speaker: You have heard the report of the Chairman of Committee's are you agreed.

Some Members: Agreed.

Mr. Speaker: What is your further pleasure.

Mr. Speaker: The Honourable Member from Ogilvie.

Ms. Millard: Mr. Speaker I move that we now call it 5:00.

Mr. Lengerke: I will second that.

Mr. Speaker: It has been moved by the Honourable Member from Ogilvie, seconded by the Honourable Member from Whitehorse Riverdale that we now call it 5:00. Are you prepared for the question.

Some Members: Question.

Mr. Speaker: Are you agreed.

Some Members: Agreed.

Mr. Speaker: The Motion is carried.

Motion Carried !!!!!

Mr. Speaker: This House now stands adjourned until 10:00 a.m. tomorrow morning.

Adjourned

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The Yukon Legislative Assembly

Number 4

4th Session

23rd Legislature

Debates & Proceedings

Friday, November 28, 1975

Speaker: The Honourable Donald Taylor

IN SENATE
APRIL 22 1964



The Yukon Legislative Assembly

November 28, 1975

november 28, 1975

Mr. Speaker Reads the Morning Prayer.

Mr. Speaker: Madam Clerk, is there a quorum present?

Madam Clerk: There is, Mr. Speaker.

ROUTINE PROCEEDINGS

Mr. Speaker: I now will call the House to order. At this time we will proceed with the Order Paper. Are there any documents or correspondence for tabling. Are there any reports of Committees. Are there any introduction of Bills. The Honourable Member from Pelly River.

Mr. McCall: Yes Mr. Speaker, I beg to move, seconded by the Honourable Member for Klondike for leave to introduce a Bill entitled an Ordinance to amend the Labour Standards Ordinance.

Mr. Speaker: It has been moved by the Honourable Member from Pelly River, seconded by the Honourable Member from Klondike for leave to introduce a Bill entitled an Ordinance to ammend the Labour Standards Ordinance. Are you prepared for the question.

Some Members: Question.

Mr. Speaker: Are you agreed.

Some Members: Agreed

Mr. Speaker: I shall declare the Motion is carried.

Motion Carried

Mr. Speaker: Are there any further introduction of Bills. Are there any Notices of Motion or Resolution. The Honourable Member from Ogilvie.

Ms. Millard: Mr. Speaker I give Notice of Motion respecting the report of the Task Force on the Tolerance Standard for Airborn Asbestos in mining plants and operations in the Yukon Territory.

Mr. Speaker: The Honourable Member from Pelly River.

Mr. McCall: Yes, Mr. Speaker I give Notice of Motion re hours of sitting.

Mr. Speaker: Are there any further Notices of Motion or Resolution. Are there any Notices of Motion for the Production of Papers. We will then proceed to the question period. Madam Clerk could you ascertain if Mr. Commissioner is available to the House this morning.

MADAM CLERK LEAVES THE ROOM

Mr. Speaker: At this time I will declare a brief recess.

Recess

Mr. Speaker: At this time we will call the House to order. Have you any questions this morning? The Honourable Member from Pelly River.

Question Re: Faro Airstrip

Mr. McCall: Yes Mr. Speaker I have a written question for the Commissioner. I was wondering if the Commissioner could give us a progress report as to the improvements proposed for the Faro Airstrip.

Mr. Speaker: This is a written question. Are there any further questions. The Honourable Member from Ogilvie.

Question Re: Water Board Recommendations

Ms. Millard: I have a verbal question for Mr. Commissioner. The Yukon Territory Water Board has made recommendations to Mr. Buchanan regarding the N.C.P.C.'s application for increased water storage levels at Aishihik and Canyon Lake. What are these recommendations and is there any possibility this House may be consulted on the final decision in this matter.

Mr. Speaker: Mr. Commissioner.

Mr. Commissioner: Well Mr. Speaker I am not privy to the decision of the Water Board. It is a Board that is set up under an Act of Parliament and this House has three nominees on that Board, as you are well aware, but as far as this House becoming involved in that decision making process with regard to the responsibilities of the Water Board I am not aware of any mechanism that exists that would permit that to happen.

Mr. Speaker: The Honourable Member from Klondike.

Mr. Berger: Mr. Speaker I have a question for Mr. Commissioner. On a recent tour, the Commissioner's tour, I asked Mr. Commissioner if he could possibly come up with some figures on the oil and gas reserves Peel Plateau area. I was wondering, Mr. Commissioner if there might be something, if it could be possible, made available to the House.

Mr. Commissioner: Mr. Speaker the answer is in the affirmative. It is the public information is published as part of the annual report of the Department and I will see that the most recent one is made available.

Mr. Speaker: The Honourable Member from Hootalinqua.

Question Re: Transportation

Mr. Fleming: Yes Mr. Speaker I've a further question for Mr. Commissioner. Dealing with the transportation in the Yukon Territories. The bus companies have a—travel to and fro and back and forth and they stop at certain places and sometimes do a little travelling at night. It is three or four o'clock in the mornings that they have to stop at certain Villages and so forth along the road. My question is does the Yukon Territorial Government have jurisdiction as to what route the vehicle in question travels and as to what facility the company must maintain or would maintain for the passengers while waiting to embark on the vehicle.

Mr. Commissioner: Mr. Speaker, I would want to see what authority that the Transport Public Utilities Ordinance conveyed to the Transport Public Utilities Board in this matter. It undoubtedly would have to be a licencing condition or a condition that was laid down in the licence. If the Honourable Member would be good enough to leave that question with me I would like to have a little bit of research done on it to see if indeed that authority does exist in that Ordinance.

Mr. Speaker: The Honourable Member from Ogilvie.

Question Re: Ecological Damage to Wildlife

Ms. Millard: I have a written question for Mr. Commissioner. In the next month is the Game Department going to be investigating the possible ecological damage to wildlife which will ensue if a proposed dam is put on the Stewart or Pelly Rivers. If so what is the outline of their investigative program?

Mr. Speaker: Are there any further questions, Mr. Commissioner.

Mr. Commissioner: Mr. Speaker, yesterday I was asked by Councillor Fleming are there any plans to move the TV transmitter on Grey Mountain. That is the transmitter located here at Whitehorse. The Canadian Broadcasting Corporation officials advise that there are no plans to move the Whitehorse transmitter on Grey Mountain.

Yesterday Councillor Lengerke posed a question concerning Resource Revenue sharing. The question being, in the negotiations to date with the Federal Government regarding the sharing of resource revenues had any numbers or percentages been discussed. What is the schedule for continuing these discussions. Answer Mr. Speaker: In discussions on resource revenue sharing numbers and percentages have been discussed. No resolution of these has yet been obtained. Discussions are ongoing, however, the date for actual finalization has not yet been resolved.

Mr. Speaker: The Honourable Member from Ogilvie.

Ms. Millard: A verbal question for Mr. Commissioner.

Question Re: Archaeological Resources

Ms. Millard: I have a question for Mr. Commissioner on that same subject. In discussions with Ottawa on resource sharing, are archaeological resources being considered?

Mr. Speaker: Mr. Commissioner?

Mr. Commissioner: Well, Mr. Speaker, the actual resources themselves are not being discussed, Mr. Speaker. It is the revenue that accrues to the federal government that is being discussed, and it is the totality of revenue that we are speaking of.

Mr. Speaker: The Honourable Member from Ogilvie?

Ms. Millard: Supplementary then, Mr. Speaker. Is there revenue from archaeological resources now coming into the federal government?

Mr. Commissioner: Mr. Speaker, there may well be, I'm not aware of just whether there is or whether there isn't.

Mr. Speaker: Have you any further questions? We will then proceed to Orders of the Day.

Just prior to proceeding with Orders of the Day, I would like to draw the attention of members to the presence in the public gallery this morning, of the Mayor of Port Coquitlam, Mayor Jack Campbell, who I am sure has just concluded a very arduous election or re-election, and I'm sure the House would want me on their behalf to extend to Mayor Campbell, our congratulations and bid him welcome to these Chambers.

(APPLAUSE)

ORDERS OF THE DAY

Motion Number 1

Mr. Speaker: The first Motion this morning is Motion number 1, moved by the Honourable Member from Klwane, seconded by the Honourable Member

from Mayo, that Sessional Papers 1 to 6 inclusive be referred to the Committee of the Whole for discussion.

Some Members: Question.

Mr. Speaker: Question has been called. Are you agreed?

Some Members: Agreed.

Mr. Speaker: I declare the Motion carried.

Motion Carried

Motion Number 2

Mr. Speaker: Motion Number 2, moved by the Honourable Member from Mayo, seconded by the Honourable Member from Kluane, that Standing Order 3, sub (1) be amended to read as follows: "The presence of a majority of the Assembly, including Mr. Speaker, shall be necessary to constitute a meeting of the Assembly for the exercise of its powers".

Is there any discussion?
Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the Motion as carried.

Motion Carried

Mr. Speaker: There being no Public Bills, what is your pleasure at this time? The Honourable Member from Pelly River?

Mr. McCall: Mr. Speaker, I move that Mr. Speaker do now leave the Chair, and the House resolve itself inot Committee as a whole for the purpose of considering Bills, Sessional Papers and Motions.

Mr. Speaker: Is there a seconder?

Mr. Gerger: I second it.

Mr. Speaker: It has been moved by the Honourable Member from Pelly River, seconded by the Honourable Member from Klondike, that Mr. Speaker do now leave the Chair and the House resolve inot Committee of the Whole for the purpose of considering Bills, Sessional Papers and Motions. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare that the Motion is carried, and the Honourable Member from Whitehorse

South Centre will take the chair in Committee of the Whole.

Motion Carried

(Mr. Speaker leaves Chair)

COMMITTEE OF THE WHOLE

Mr. Chairm: I now call this Committee to order and declare a brief recess.

Recess:

Mr. Chairman: I will now call this Committee to order.

We are supposed to have as witnesses, Mr. Gillespie and Mr. Phelps. I wonder if you could have them—

Bill No. 2 Continued

Mr. Chairman: We will now proceed with the reading of Bill Number 2, Clause by Clause, beginning with Section 11, Subsection (1):
(Reads Clause 11(1))

Mr. Chairman: 12(1):
(Reads Clause 12(1))

Mr. Chairman: (2):
(Reads Clause 12(2))

Mr. Chairman: (3):
(Reads Clause 12(3))

Mr. Chairman: (4):
(Reads Clause 12(4))

Mr. Chairman: (5):
(Reads Clause 12(5))

Mr. Chairman: (6):
(Reads Clause 12(6))

Mr. Chairman: 13(1):
(Reads Clause 13(1))

Mr. Chairman: 14(1):
(Reads Clause 14(1))

Mr. Chairman: (2): — Mr. Lengerke?

Mr. Lengerke: I would ask Mr. Phelps if he could maybe clarify, or the Legal Advisor, what would be an exceptional circumstance be?

Mr. Legal Advisor: It would be hard to say. I'd like to say that there should be an "or" between the sub-paragraph (a) and sub-paragraph (b). It hink if the lawyer was out of town, unexpectedly detained out of town and couldn't get back, he might transfer the case to another lawyer, if it had to go on at that time. But I would expect that what he would normally do would be to seek an adjournment, but there are circumstances

under which an adjournment will not be granted by the court. It would be rare, but they can exist. That would be an exceptional circumstance.

Mr. Lengerke: Thank you.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, I would like an explanation of (b). I don't understand it. I'm sure everyone else doesn't, and they won't ask.

Mr. Legal Advisor: Mr. Chairman, an interlocutory thing is a step, a short step between two major steps. It could be an adjournment, it could be permission to do something like serve an extra document or to make a motion to serve a person out of the jurisdiction at a point to get ready for the action. That would be interlocutory, it comes between is what it means, between steps.

Mr. McIntyre: Mr. Chairman?

Mr. Chairman: Mr. McIntyre?

Mr. McIntyre: In Section 12(4), the last word, shouldn't that be client rather than accused, because a person getting legal aid may not always be an accused person.

Mr. Legal Advisor: Yes, Mr. Chairman, I think applicant would be a better word.

Mr. Chairman: 14(2):
(Reads Clause 14 (2))

Mr. Chairman: (3):
(Reads Clause 14(3))

Mr. McCall: Mr. Chairman?

Mr. Chairman: Mr. McCall?

Mr. McCall: Just for clarification, would that be the tax regulations?

Mr. Legal Advisor: No, Mr. Chairman, the expression "tax" is a technical word they use to measure a lawyer's cost, shall be measured is what should be there, but you have to use a technical word so the lawyers will understand it, so you use the word "taxed".

Mr. Chairman: Ms. Millard?

Ms. Millard: Mr. Chairman, just as a matter of clarity, what is the percentage of taxation at this point?

Mr. Legal Advisor: What is the question?

Ms. Millard: What is the percentage of taxation now?

Mr. Legal Advisor: I don't want to give an answer which would appear foolish, it would be less than one percent.

Taxation is the measurement of a bill—if a lawyer and a client have a dispute in relation to how much the bill is, the thing goes to a court or someone else to be measured, the lawyer may charge \$300.00 for doing a service, the client says it is only worth a hundred, so then the expression is he has the bill taxed by the clerk or the judge, and the judge will say whether the \$300.00 is a fair and reasonable amount in accordance with court rules or is not. That's the expression to tax.

Ms. Millard: Mr. Chairman, this section doesn't apply to the fact that legal aid lawyers only get a certain percentage of what they would normally charge? This isn't relevant here, is that correct?

Mr. Legal Advisor: No, Mr. Chairman, but perhaps the Honourable Member has a misapprehension. Under this particular scheme as we apprehend it, under normal circumstances, the lawyers are paid a hundred percent of what they charge.

Mr. Phelps: What they charge is limited to 75 percent of what they normally charge.

Mr. Legal Advisor: No, Mr. Chairman. There will be a schedule of fees, and assuming there is agreement between the lawyers, as a group, and the financial arm of the government as to what the level of those fees should be, that will be a hundred percent of the fee. In any matters which are not covered by the agreed particular detailed schedule, then the rule would, I would expect, but I cannot say this for certain, would be 75 percent of what a normal client would pay to a normal lawyer for the similar service. We are hopeful that the lawyers would see their way to agree a detailed schedule to save administrative headaches.

Mr. Phelps: I think that's what Ms. Millard was getting at. Once that schedule is set, taxation is simply making sure that the lawyer is following the agreed fees for the agreed kind of work, but the schedule itself, the tariff itself will be set in accordance with—what a normal client pays a normal lawyer.

Mr. Legal Advisor: No, Mr. Chairman, the schedule will be set as an agreed amount. If it says in the schedule \$300.00 per day for a lawyer's services to a client, it is \$300.00 we expect to pay. Not 75 percent of \$300.00, but if in respect to a particular unusual service there was no measured amount, we would then refer to detailed rules of court which are sometimes difficult to construe because they very often measure the lawyer's charges at \$1.25 per folio of preparation of work for something, so somebody then has to count the pages and see there are 16 lines to the page, and that there are not less or more than 200 words to a page and so on. It becomes quite a difficult thing to compute a lawyer's charges.

So to save the lawyer problems and to save the government problems, we are attempting to measure

it in precise amounts so far as we can.

Mr. Phelps: I don't want to chase you down a long, long street, Mr. Legal Advisor, but the point is, that we agree upon, the government, the tariff will be really based, I presume, on a percentage of what normally lawyers charge.

Mr. Legal Advisor: No, Mr. Chairman.

Mr. Phelps: That would be so much per day.

Mr. Legal Advisor: It's based on what — we would produce a schedule, so far as we can, to provide a reasonable recompense to the lawyer for doing a piece of work, and we would not be setting out at the outset to make it 75 percent of a normal charge. It would be 100 percent of a fair charge.

Mr. Chairman: Mr. Lengerke.

Mr. Lengerke: Just a further clarification on that then. Do I understand correctly that the tariff established under and in the manner prescribed by regulations here does not refer to the fees charged under the Legal Professions right now. That's correct isn't it.

Mr. Legal Advisor: No Mr. Chairman.

Mr. Chairman: Mr. Legal Advisor is this schedule of fees to be negotiated or is it to be set down by the Government itself.

Mr. Legal Advisor: Well as the Honourable Member knows the Government never imposes anything arbitrarily.

Mr. Chairman: Thank you Mr. Legal Advisor. Mr. Gillespie.

Mr. Chairman: 14(4):
(Reads Section 14(4))

Mr. Chairman: 15(1):
(Reads Section 15(1))

Mr. Chairman: Two
(Reads Section 15(2))

Mr. Chairman: Mr. Taylor.

Hon. Mr. Taylor: One question respecting any funds. Will this go into a separate fund and accrue interest. Any monies involved in this fund or is this just go into general revenue.

Mr. Chairman: Mr. Gillespie.

Mr. Gillespie: The answer Mr. Chairman is that it would just go into general revenue.

Hon. Mr. Taylor: I simply, Mr. Chairman, I simply wanted to clarify that point.

Mr. Chairman: 15(3):
(Reads Section 15(3))

Mr. Chairman: 16(1):
(Reads Section 16(1))

Mr. Chairman: 17(1):
(Reads Section 17(1))

Mr. Chairman: Mr. Taylor.

Hon. Mr. Taylor: Mr. Chairman I wonder if we could have a little explanation on this section.

Mr. Legal Advisor: Mr. Chairman, costs, to answer the question properly I'm afraid I must be legalistic and boring. Costs are either of two kinds. The costs you've got to pay to your own lawyer are your business and you've got to pay your bills. When you fight a case you recover what they call costs from your opponent, but that amount of costs are never equal to the costs you have to pay for your own lawyer. They are always much less. They are measured much harsher. But it can happen that the amount you recover under those court rules would be greater than the bill the lawyer will provide you, and there may be a small profit. In that event those monies should come to the Commissioner rather than to the lawyer or the client. In some kinds of case there may be a percentage available as a result of a settlement. That percent should go to the Commissioner who is the, in a sense the real paying client and not to the client himself.

Mr. Chairman: Mr. Fleming.

Mr. Fleming: Mr. Chairman I'd like to go back a ways to where it — to section three, it's a long ways back I know but the question deals with a partial charge to any individual who is able to pay a portion of the cost of such legal aid. Now the partial charge comes into effect again in 15(1). An applicants partial charge towards to Legal Aid Services. Just how do they intend to come, other than checking whether he has any money or hasn't any money, to find out just what a partial charge would be. Is there any indication of what that partial charge might be now.

Mr. Legal Advisor: No Mr. Chairman, the basic concept of the Ordinance is that where a person is unable to pay for the services which he requires he will have to pay nothing. But there are marginal people who have a fair income but not enough to pay for an expensive case. The Legal Aid Committee will then fix and have him sign an agreement to pay an amount. The amount might be, say, if the expenses of the case were estimated to cost \$3,000.00 they might say to him, you are able to pay something towards this. And they might assess him and ask him to pay say, \$500.00 towards the cost of the case over a period of say twelve months. This could happen.

Mr. Chairman: Mr. Fleming.

Mr. Fleming: In other words, Mr. Chairman, in other words it is up entirely, I would say, to the Committee. That is their responsibility.

Mr. Legal Advisor: Yes Mr. Chairman.

Mr. Chairman: 18(1):
(Reads Section 18(1))

Mr. Chairman: 19(1):
(Reads Section 19(1))

Mr. Chairman: 20(1):
(Reads Section 20(1))

Mr. Chairman: 21(1):
(Reads Section 21(1))

Mr. Chairman: 22(1):
(Reads Section 22(1))

Mr. Chairman: (2):
(Reads Section 22(2))

Mr. Chairman: 23(1):
(Reads Section 23(1))

Mr. Chairman: Mr. Lengerke.

Mr. Lengerke: Yes Mr. Chairman, this again information for myself. How many Provinces in Canada now extend Legal Aid? Do all of them have this.

Mr. Legal Advisor: All of them extend some sort of Legal Aid. It's possible there is one Province who still has not got a firm agreement signed with Canada but so far as I know nine of the Provinces and the Northwest Territories have and at least six of them have had it for some considerable time. But Canada pays 50 percent of the cost in the Provinces with an upper limit depending on a scale relative to the population of the Province and so many cents on the dollar. So there's an upper limit. For instance in Ontario the cost of Legal Aid would be approximately \$24,000,000.00 but the Government of Canada will only pay \$6,000,000.00.

Mr. Lengerke: Further to that —

Mr. Chairman: Mr. Lengerke.

Mr. Lengerke: Further to that I think it's section 5(1) it seems to me, every, it says every person in the Territory or every person ordinarily resident. Now does that same kind of agreement prevail in the Provinces, and I'm talking of the other program.

Mr. Legal Advisor: Yes Mr. Chairman. That's a condition of precondition of Canada funding any of this aid that some of their basic conditions must be met for cross-Canada interchange.

Mr. Lengerke: What would happen in the case of, if we had somebody from Alaska for instance, touring

through the Yukon, going up the Alaska Highway and got involved in some kind of an accident and all the rest of it and required Legal Aid. As I read it now we would extend Legal Aid to that person.

Mr. Legal Advisor: Yes.

Mr. Lengerke: What would happen if a Yukoner was in Alaska and this happened, is there any legal aid situation in Alaska or, is there any way that we would have a reciprocal agreement?

Mr. Legal Advisor: Mr. Chairman, I cannot say precisely what the law says in Alaska; but I can say that the Public Defender for Alaska — they have a different system there now — they have a Public Defender's office with, the last time I was looking into it, had 11 lawyers on staff and a Director or a Commissioner, and that Commissioner was a guest from time to time here, and informed me that they have and would extend legal aid in Alaska to a Canadian under similar circumstances that they would to an Alaskan.

Now, that is not to say that we would get the whole gamut of services. In respect to Americans from the lower 48, the best legal aid might have been a return ticket to his point of origin, but they would still give him the service regardless.

Mr. Lengerke: Thank you, Mr. Legal Advisor.

Mr. Chairman: Mr. Legal Advisor, does this refer to your civil legal aid as well?

Mr. Legal Advisor: If the person remained in Alaska, he would be given the services available from the Public Defender's office, but how far into this this would go, I don't know. I don't think the question had arisen very much. A stranger from the Yukon going to Alaska being involved in something, would normally return to his home jurisdiction, and initiate his action from his home jurisdiction, but a person who was in need of some temporary remedy would be referred to them and they would take the action without worrying too much of his origin. Their question was, did the thing need to be done there and then?

Mr. Chairman: I was referring more to the other provinces of Canada with regard to civil legal aid.

Mr. Legal Advisor: I'm not precisely sure what the position is. I can only say that in respect of Saskatchewan and B.C., we had telephone conversations with these jurisdictions, but up to now, we haven't been in a normal position to provide civil legal aid here for a person at the request of the government of B.C. or the legal aid office of B.C. or Saskatchewan, but the reverse has happened.

We have asked them to provide legal aid in respect of a para-Yukon situation, and they have been in a position to respond.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, would it not be better then if we amended or added another Section to 23, or a sub-section, where we could enter into agreements with other jurisdictions, not just with the government of Canada, sort of reciprocal agreements for civil and criminal legal aid?

Mr. Legal Advisor: Yes, Mr. Chairman, I think it would be an advantage to the Ordinance to allow for a relatively informal arrangement to be made with the head of a legal office in Regina, whom we have had dealings with or Ontario, that they would provide legal aid in a certain situation, and we would provide it in relation to theirs. I would refer the matter to Mr. Gillespie if we could consider the matter.

Mr. Gillespie: Mr. Chairman, my understanding, and correct me if I am wrong, Mr. Legal Advisor, is we don't require that power in this Ordinance. We require the power in any Ordinance where we want to enter into an agreement with the government of Canada. We don't require a similar power under the Yukon Act to enter into an agreement with a province, so we can still do it, in spite of the fact that it is not so stated here.

Is that not correct?

Mr. Legal Advisor: This is correct, Mr. Chairman. It may not be correct in every situation. If we are expending money under a particular Ordinance which directs it in a certain way, we could conceivably find ourselves limited, but regardless, I presume we would be making these informal arrangements in any event, whether it was in the Ordinance or not, and then obtaining a similar service back from them.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, I'm still concerned with going back and it's generally with the same topic we are talking about now, 9 sub (1) (d) regarding proceedings pursuant to the Extradition Act and the Fugitive Offenders' Act, where we provide legal aid to non-citizens of this country when they are in our country under the Extradition Act.

I'm wondering whether it is cheaper to give them legal aid or to incarcerate them in our — what are the alternatives if they don't have financial resources so that they can get their own legal aid?

Mr. Phelps: Well the comment I would have is simply this, that normally the judge of the court wants to ensure that the person being prosecuted under that kind of a statute, has legal advice. It's usually a situation where the consequences are dire, indeed, to the accused, and most judges would insist that person have a lawyer.

In other words, what used to happen years ago was in a case such as that, the judge would simply twist the arm of the Bar to do it for free, so long as the person had some advice, because when a person is being extradited, usually it's a pretty serious offence he's going back to face, you know; and the procedures are very, very technical. So the judge really doesn't want this person to face a prosecutor when he may have all

kinds of defences to the proceeding. So all I am suggesting to you is that most judges would want a lawyer to be present, in fact, insist on it.

It's only fair, I'm suggesting, that the lawyer should be paid something, because these cases can be very technical and drawn out.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, while we are on Section 9 again, I'm wondering if Mr. Legal Advisor has been able to give any attention to 9(f) on page 7, and the problem we had with the wording of sub(1)(2) and (3)?

Mr. Legal Advisor: Mr. Chairman, the Legal Advisor is satisfied with the wording as it is.

Mr. Gillespie: Mr. Chairman, may I ask the Legal Advisor a question? Would it make any difference if we were to use the word "or" in place of the word "and"? Would it hurt the intent of this Section?

...**Mr. Legal Advisor:** The Legal Advisor will be willing to compromise this way. He would be willing to eliminate the word "and", because these things are forming part of a list. I wouldn't like the suggestion that "or" has, that it can only be applied to one of those things, and not them all. They can all come together or they can come apart, but when any one of those things comes, so when you say the list, an appeal lies in any of the following matters, you are making a list of things in respect of which an appeal can be taken, not in the alternative, so I wouldn't object to taking out the word "and" because it's part of a list, but I would not like the word "or".

Mr. Gillespie: It seems to me, Mr. Chairman, that we were better off with the word "and" remaining in there fore certainty, but I am willing, Mr. Chairman, to see the word removed, if that's the wish of the House.

Mr. Chairman: There was some question raised, I believe, over the misinterpretation of using the word "and" in that instance.

Are there any other comments?

Hon. Mr. Taylor: Mr. Chairman, it seems to me that if we attempt at this table, perhaps as laymen to bring down legislation, that at least we should be clear on the meaning of that legislation, and it seems to me this is simply a drafting problem, but it should be made clear so that anyone could read this Ordinance and make no mistake, or place no different interpretations upon it than that to which it refers. I personally would like to see, as I'm sure all members would like to see, the sub (f) worded in such a way that it cannot be misunderstood.

Mr. Phelps: If the witness may be allowed to say something. I'm confused simply because you say it's part of a list, and yet up above, after (d) is the word "or", so why isn't the word "or" down below as well?

If it is part of a list, if (a), (b), (c), (d) and (e), is

that what you are saying? What I am saying is surely you can't run with the hare and hunt with the hounds.

Mr. Legal Advisor: As I appreciate ... there are three cases, and we are talking about the case where an appeal has been taken by the prosecution. We are also talking about a second case, so if you could in your minds put in "and also" between 2 and 3.

In the case where an appeal has been taken by the prosecution an appeal lies; in the case where counsel advises an appeal lies; and an appeal also lies where the Appeal Court or a judge thereof requests legal aid.

Now, if that sentence was placed first, and the original sentence read this way, "Where an appeal has been taken, and where counsel advises, and where an Appeal Court requests, an appeal shall lie". Normally speaking in writing this, one would reverse it and put the cases first and the general words later.

Mr. Chairman: Ms. Millard?

Ms. Millard: I hope it's relevant. There's another "and" above in Section (e) which also makes the same sense of the whole Section different. That should definitely be an "or" at the end of the (e) section.

Mr. Legal Advisor: No, Mr. Chairman. With respect, you're setting out the limitation, and there are two limitations. First, it must be a case which is not provided for in those paragraphs, that's a precondition, and then either the court or the Committee must be of the opinion that the accused is not capable of an informed decision. That creates the exception to the group of (a), (b), (c) and (d), which allows legal aid to be given in that case, so "and" is a requirement, with respect.

Mr. Chairman: Mr. McCall?

Mr. McCall: Mr. Chairman, can I suggest that we send this back for further review?

Mr. Chairman: There are a couple of other typographical corrections to be made, perhaps this could be considered at the same time, but if we could finish reading it at this time.

Mr. Fleming?

Mr. Fleming: I would like to rise in support of our Honourable Member from Kluane in her thinking as to adding to this Ordinance, to the effect that we could come into agreements with other provinces or such. Mr. Gillespie explained it but I'm not fully aware yet of just how it stands. Apparently because the federal government has some input into this or monies into this with the Yukon Territory, you say we would not need, in any case, an agreement with any of the provinces or anything—this would be in effect more or less there. They would be more or less obliged to undertake legal aid to us there; is that what I understand?

Mr. Gillespie: Mr. Chairman, the answer is that before the Yukon Territory can enter into any

agreement with the federal government, it must be empowered to do so by statute. It must be in the Ordinance. That stipulation is founded in the Yukon Act.

The Yukon Act, however, does not require that we so stipulate in an Ordinance the power to enter into an agreement with a province, so we must have this section in this Ordinance if we are going to enter into an agreement with the federal government. We do not require a similar section if we are to enter into an agreement with any province on any matter.

Mr. Chairman: Section 23 (2):
(Reads Clause 23 (2))

Mr. Chairman: 24(1):
(Reads Clause 24(1))

Mr. Chairman: Clear?
Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, I'm wondering — I wonder if we could have perhaps from the administration, either Mr. Gillespie or Mr. Legal Advisor, some further word on Section 9, sub (f) and the wording of that Section. I really think that progress should be reported on the Bill and this taken under further review before we reach the end.

Mr. Chairman: I think we are in the position of reporting progress on the Bill, but not passing it out of Committee.

Mr. Lengerke: Mr. Chairman, just one more question on this.

Yesterday I asked in this House, and I think Mr. Gillespie answered, I asked with respect to the cost, or the estimated cost, and I was told of course it was a cost sharing between the federal government and the Yukon Government on a 50-50 basis, and there would be about a \$35,000.00 estimate.

What would the reaction be, if I were to say this to you, that what if we put a lid of \$35,000.00 as the total expenditure in the next year's budget on this? What kind of a reaction would you have to that?

Mr. Gillespie: Mr. Chairman, it would certainly give me pause. It would be difficult at some point in the year to suddenly say to somebody who is a bona fide applicant and genuinely needed legal aid, that we are unable to provide it. I would be reluctant to say, at this point, that we are going to cut it off at that \$35,000.00 level, although we would hope to remain below that level.

Mr. Lengerke: My point, Mr. Chairman, is this, then why estimate \$35,000.00, because when we are passing legislation like this, and of course there's monies involved, we like to know, you know, what the estimate is going to be, what our expenditures are going to be, so why not at least say \$50,000.00 or something and play it safe, and then put a lid on it? Is there any merit to that?

Mr. Gillespie: Mr. Chairman, in the estimating process, we try to identify as best we can, how much we expect a particular item to cost. If we, in fact, spend more than that in a particular item of this nature, we would have to come back to this House to vote supplementary funds. This in a way, keeps the government responsible, this does keep the government responsible.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, the suggestion that the Honourable Member from Whitehorse Riverdale made, I think it's quite valid. It all depends on when we consider to have this legislation come into force, but the eligibility, the financial position of a person who is eligible for legal aid, I don't think has been determined yet. If it has, I would like to see it. But if you knew the amount of money, the limit that this Council was prepared to vote for legal aid, I think it would make quite a difference in the eligibility standards that were set in the regulations.

But the big question is, when does the government plan to bring this legislation into force? I foresee bringing it in for the next fiscal year, April of '76.

Now going a little further, there are a few questions that probably a Member of the Legislature shouldn't ask, but I still have concerns about it, because it's administrative. How will the government deliver this service to people who live outside the City of Whitehorse? I was looking forward to something in here that said telephone, because in the Commissioner's opening address, he said we were going to have a telephone service. This leads to other question. What type of administrative staff are you going to have? If you have got a telephone, you are going to have to have someone answering that telephone at the other end, some knowledgeable person. I would like a little more information on how the government, when the government is planning to implement this legislation, should this legislation pass this House.

Mr. Gillespie: Mr. Chairman, the government will likely bring this into force when certain things have happened. One of those things is the publicity to the people who might be affected, of how the delivery system will work, that's one item.

Secondly, an agreement reached between the federal government and the Territorial Government. We do not want to bring this into force until we are absolutely assured that the federal government is prepared to sign the agreement that we are going to enter into with them, otherwise we might find ourselves in a position of having to pay the full costs, so we want that absolute assurance.

That could well happen. Our hope is that that will happen before the end of this fiscal year, and we have monies in this year's budget to cover that eventuality. The delivery system will operate in this way: Let us say that there is a person in Watson Lake who is seeking legal aid. He would — that person would approach any one of a number of people who will be listed, such as a welfare worker, an Out-Reach worker

or a Justice of the Peace or some other person who would be prepared to take on this task at Watson Lake. That person, let us say it is the Out-Reach worker, would give the applicant a form to fill out. On that form he would explain the reasons why he needed legal aid, and also his financial circumstances.

That form would be sent to Whitehorse to the, let us say the legal administrator, to be dealt with so that he can then appoint a counsel for the person in Watson Lake and so on. In certain circumstances where there is a rush or a hurry in the matter, the Out-Reach worker could telephone the legal administrator here in Whitehorse. The legal administrator in Whitehorse would then get in touch with a lawyer from the panel, and provide him with an interim certificate, which would enable him then to get in touch with the applicant in Watson Lake, and find out the facts of the matter, both as to the legal problem and as to his ability to pay.

Once the lawyer has determined those facts, he will then write up in an application to the Committee, the circumstances, and the Committee would then sit in judgment as to whether this was a matter that warranted the granting of legal aid. So the telephone service is available, that is the plan, to any person who needs it on an immediate basis, otherwise matters would follow the normal course through the mail.

Mr. Chairman: Mrs. Watson.

Mrs. Watson: Mr. Chairman, it's disastrous. That's my comment, it's going to be disastrous. We have, and I was talking about abuses the other day when I spoke against the principle of the Bill. I know it's very, very difficult thing to overcome, but at the present time we have abuses of all programs, Government programs. Which are sort of sitting there with their chins sticking out. One of the greatest abuses of some of our Government programs is the rent structure and the method of payment for rent or for rental purchase houses. For low cost housing. Here we go again. Where the income documentation is not properly carried out. Now I don't — I know that people resent, very much, having to disclose their financial situation, with proof, but that is the only way that you're going to be able to carry out this program and make it acceptable to the general public. I regret very much that, I know people resent having to give very personal information, but it is absolutely necessary in order to protect the other tax payers, who are paying for this type of service and who are not eligible for it. And unless you have an administrative structure set up so that there is verification required for ability to pay, the abuses are going to be unlimited. I think, I won't even bring in this other thing, but I think this is the key to it. Then the rest of it can roll. But you had better make sure that every person who is acting on behalf of the Government and prepared to provide this service gets some proper documentation and verification on the ability of a person to pay. The abuses in various programs are terrible. Let's not enter into another one with a loosey-goosey arrangement.

Mr. Phelps: Well I might just comment that I can assure you that the Member of the Committee who is appointed or Nominated by the President of the Law Society will be a lawyer and I can assure you that the lawyers aren't going to be looking for this kind of work. They will be, really the Legal Aid work, whatever the schedule ends up, whatever the agreed rate is, will probably be no more than 75% what the lawyer would make in private practice. So we don't want too many cases, you know, we're going to be watching each very closely. I myself, have rather strong feelings, and I agree entirely with your comments about too much welfare and so on, too many handouts and too much abuse. I can assure you that the one Member in the Committee who comes from the ranks of the lawyers in town will be watching each applicant very carefully because really it's a -- the lawyer is going to be doing a lot of work at really a loss in terms of what they could make if they were doing it for an average citizen.

Mr. Chairman: Mr. Fleming.

Mr. Fleming: Yes Mr. Chairman, I disagree in some things on this Bill myself, very strongly, and I have no use going over it the Member from Klauane has stated exactly what I -- and I find it very hard to vote for something that I know in the long run possibly can be abused. I find it very hard and in the same token I would like Legal Aid for people that really, really need it. I find in so many of these documents that come from the Government and their regulations and everything that there is nothing definite here and I find the same thing here, as how you define whether that person is in need of Legal Aid or not. I find that all of our other, in welfare cases and some of our unemployment insurance, all of these things that we are, we, or not we, but the Government is giving to the people and paid for by the people, and mostly by the middle class people, not the poor people because they don't have it and not necessarily the bureaucrats either. It's paid for mostly by the middle class people because that is the majority in the Territory. Now -- and also all over Canada. Now this same thing comes up again, we are going to give something, but what is the level of where you should get that help, is there no way that we can put something definite into the Ordinance. More definite that is in it now, that says you must be this destitute before you get it, not just have the Committee take a form of paper from him which they may fill out and say we don't have this and we don't have that, it's very hard to prove whether they have anything or not or whether they have lots. I don't know the answer maybe -- before I vote yes I would like to see everybody think on it very hard and see if they can't find a way to make sure there is no abuse.

Mr. Gillespie: Mr. Chairman.

Mr. Gillespie.

Mr. Gillespie: The administration or those of us who are involved in preparing this were very concerned with the points that were made both by Mr. Fleming and Mrs. Watson. On the standards, or the criteria for

eligibility, we hadn't very much latitude because in the agreements that the Federal Government has with the Provinces and the one that they are prepared to enter into with us, the wording is as appears in section 5 (1) of this Bill before you. Where it says in the, where it says subject to this Ordinance and the terms of any agreement made pursuant to this Ordinance, Legal Aid in both criminal and civil matters shall be made available to every person in the Territory and to every person ordinarily resident in the Territory who, in the opinion of the Committee cannot afford to retain his own lawyer without, and here is the critical part of it, without depriving himself or his dependants of reasonable necessities or without sacrificing modest capital assets. Now you go beyond there, I can't put my finger right on the section in the Ordinance, which states that the Committee itself sets such rules of procedure and criteria for, for eligibility and methods of delivering the Legal Aid scheme as it may consider appropriate. There's also the ability at a later section for the Commissioner to introduce regulations which will in some ways, in whatever manner he may deem necessary, determine how these things will be carried out. There is also at an early stage in, in the Ordinance in section 4, the ability of the Commissioner to appoint the three Members. Now one of these Members shall be a lawyer appointed on the nomination of the President of the Yukon Law Society. One of the other Members may be a Member of the Territorial Government Administration and this approach may be chosen by the Commissioner to insure the very thing that you are concerned about. That the delivery system is in fact a factor that does reach the people not only in Whitehorse but throughout the Yukon and also to insure that there is some strong Administrative control over the expenditure of funds that will be spent pursuant to this Ordinance.

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, I think this is a point that concerns all the members present, and I was wondering if it might not be helpful to inquire of Mr. Legal Advisor, or one of our consulting witnesses this morning, for a little information regarding how legal aid in criminal matters has been administered. Have we found evidence of widespread abuse? Has there been great difficulty in deciding who should receive legal aid in those courts?

This plan has now been in effect for a year or more. We should have some ground rules to work on for civil legal aid.

Mr. Legal Advisor: Mr. Chairman, the ground rules that are applied in criminal cases are slightly different, quite different from in civil cases. In civil cases, it will not be the case that the aid is required immediately, but it's required for the assistance of the court or that a tremendous injustice will result if the legal aid is not forthcoming, so the rules are applied differently.

Back in 1969 or '70, there was an Inquiry held by a Mr. Cashman, who was appointed by the Commissioner who went throughout the Territory, and

found no substantial fault with the legal aid system which we were operating, which in the criminal side is identical to what is in this Ordinance, except that he found that the fees being paid to the lawyers were ridiculously low because they had been in force for 15 years, and he made recommendations on that behalf. Eventually these recommendations were accepted, and the scheme is running under the same basis now.

But we do find from time to time, that people are dishonest in their approach to legal aid. There is not much you can do about it after the event. It has been found that people have concealed assets they have. I know from my own staff that they get quite annoyed when an individual comes back for the fifth or sixth time, ignoring all the normal laws, and still is within the eligibility factors for the delivery of another expensive 3 or 400 or \$500.00 amount of legal aid. This upsets our staff, but there is little they can do about it, because he fits within the eligibility factors.

We may be able, by our regulations, to impose limits on how often the pitcher can return to the well in a criminal matter for legal aid, and I think this is probably what will be done.

On a civil matter, I wouldn't expect the thing to be quite so easy as criminal legal aid, but I think the courts, the bar and the public generally, would regret if the doubt was not cast in favour of giving a person who is on a trial for a serious offence the benefit of a doubt as to whether or not he is eligible.

Now on another matter dealing with the present proposed delivery system, we would not intend, to be fair to the officials of our department, we would not intend to be unduly severe at the initial point of granting an interim certificate to test the temperature of the water. The person will be given, without too deep an investigation, the interim certificate to enable him to talk to a lawyer to see has he got a problem at all. We would expect that this would cost the scheme in the nature of \$15.00. We think that by being reasonably lenient at the initial point, the lawyers have agreed that they will severely screen applicants to test is there a problem at all. The man might think he has a problem, but all he needs is a referral to an appropriate government department to assist him, and we think that this will save a tremendous amount of expenditure.

So that when a person is referred in by a telephone through getting the administrator's number from a point in Watson Lake or Haines Junction, that telephone call for the price of \$15.00 plus the actual cost of the call, may tell him something which otherwise it would cost him a lot of money to come into Whitehorse, make his application, eventually get a referral and then have to do something. It might save him a lot of money and it certainly would save him a lot of time and help him.

But from that point on, a lot depends on the lawyer giving an estimate to the Committee, that in fact there is a cause of action in a civil matter, and that it's justifiable to take the action in those circumstances. The standards which will be set in the regulations will be, would that kind of an action be taken by a man of modest means, if he had to pay for it himself. Now this would screen out a lot of unnecessary actions.

Now, we would hope that with the assistance of the

bar and the experience which will be granted by the officials who are operating it, that we will be able to keep the expenditures low. I do agree that in any scheme such as this, there is a capacity for abuse, so I have no doubt that there will be abuses. All we can do is to try to limit them as much as possible.

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Just one other matter, Mr. Chairman, and I think it would assist all members, a little clarification. There seems to be a feeling around this table that the institution of the civil legal aid is going to mean massive administrative staff, and I wonder if Mr. Gillespie might just clarify that bit. How many people are required to handle legal aid now, how many more people will be required if this program is implemented?

Mr. Gillespie: Thank you, Mrs. Whyard.

Mr. Chairman, the answer is that we intend to add no new staff to administer this program in our Legal department. The only new staff in a sense will be those who are members of the Committee itself, for whom there will be a per diem expense, and such other expenses as they may incur coming to them. Those will be the only additional expenses from a personnel standpoint, so there will be no new staff associated with this program.

Mr. Chairman: Mr. Phelps?

Mr. Phelps: The only comment I would like to make is I think that today's Hansard should be given to each member of the Committee when it's established, and the remarks of Mrs. Watson and Mr. Lengerke, et cetera, be underlined in red, because I think the Committee has to realize that they are not going to be able to come back to the public trough and get more money very easily. I think that's going to be a—that could be a fairly decisive factor in how they treat applicants.

Mr. Chairman: Mr. McKinnon?

Hon. Mr. McKinnon: Mr. Chairman, I have only a few comments to this Bill, and many of the points that were raised by the Honourable Member from Teslin, and the Honourable Member from Kluane are exactly the points that I raised in discussing this Bill in Executive Committee and sub-committee on legislation. Of course, I echo all the fears that they have registered.

I think there is one rather valid point that has been missed up to that time. I think it will have a real reflection on the cost of the program, and that is, Mr. Chairman, that if members of any legislative body, whether it happens to be at the municipal level or the Territorial level, or the Federal level, are doing their job properly and acting as ombudsmen and in that capacity in directing people to the proper government authority in helping them out, you will find that in the most cases, and I'm saying this after a dozen years in this House, that I bet there isn't ten instances where I finally had to say to a person in a civil matter, and I

think ten instances are too many, I can't help you any further, you have to go and get yourself a lawyer. They say look, I just haven't got any bucks, that's the reason I came to see you. In the first place they have a valid point, they have a valid case, I have been fortunate enough to be able to twist the arms of certain members of the bar profession in Whitehorse to take that person's case, but in other instances, the person has been left with the moral satisfaction that's pretty—not very much to go on, that they have been right, and because I couldn't get someone to take their case or because they didn't have the money, it was just dropped and they didn't get satisfaction.

So what I'm saying is that I think the estimates are fair. I don't think that it is going to cost that much money because, I say that over a dozen years, that there has probably been ten instances and ten instances only, when I haven't been able to take that person to City Hall, where I haven't been able to show them how you prepare a Petition; to City Hall where I haven't shown them how to get together with people, to lobby City Hall for a zoning change; where I haven't been able to take them into a government office and pound and scream and chain myself to the desk, if that's what was needed to get them satisfaction before that person left. Sure, if you are doing your job properly, and that's one of the reasons why I have never pushed for an ombudsman role in the Yukon Territory, because I know each one of you are capable of fulfilling that role if you are doing your job properly, a hell of a lot better than someone we can hire to do it for you.

So I don't think that there is going to be massive abuses. I don't think there is going to be all kinds of instances where people are now using, either people from a municipal or territorial level who are now going to use the Committee which is being set up to put civil legal aid into effect. But, I will tell you something, that in those instances where you finally come to the end of the line in areas where you can help and you know that person is right, and you know that they have a case, and you just have to sit there and say look it, I have to tell you the truth. I'm sorry, I can do nothing more for you, except to lend you some money so you can go and see a lawyer. I tell you in some instances, that's exactly what's happened too, because if you feel strongly enough about it, you have to follow it through to its ultimate conclusion.

So I think in those instances there has to be this ability for that person, if our system of jurisprudence is going to have any kind of credibility amongst all segments of society.

This has to be instituted, I don't think that the costs are going to be exorbitant, I don't think they are going to be any more than they are now which are \$35,000.00 a year because, finally we can enter into a cost sharing program, which the Northwest Territories did about ten years ago, and their reaction is that it hasn't been abused and isn't costing them that much over and above what just the criminal Legal Aid would have because now they are getting a 50 per cent cost sharing with the Federal Government. I think that all Members here are on top of what their constituents are thinking

upon drains of the public purse to make it pretty clear that if, in the first year of operation, this is double the estimate and we're coming back for a supplementary that you'll just say cut the program down to size or forget about the program. I'm positive that this will be the instance. I had all the fears that Honourable Members have mentioned, and I still have them when you go into any kind of new program. I say that in those instances though where you have to finally tell the person that there is nothing more that you can do, that you just have to have this type of a program to be able to fall back on, because you just can't let instances drop where there is no satisfaction from individual Members or from Members of the Legal profession that are willing to take a justified case to court at no cost to themselves. You just have to be able to have something to fall back on. I think we will in this instance, and I'm fully confident that it's going to work out and going to be easier for you to do your job properly as a duly elected Member of this House.

Mr. Chairman: Mrs. Whyard.

Hon. Mrs. Whyard: No it's alright Mr. Chairman.

Mrs. Watson: Just one more thing. For goodness sakes a word of caution. I hope the Administration insures that the people in the local communities who are the contact people are familiar and know what they are doing.

It's one thing to instigate the program here and have your administrative people here familiar with it. It's another thing to insure that they know what they are doing. I would like to suggest that surely we have enough Y.T.G. employees within the Territory that we don't have to draw upon Federal employees. I am referring to Out-Reach employees who are Manpower employees who will not be familiar with the Territorial Program and who will be standing on judgement to a certain degree on the expending of Territorial funds. So I would certainly suggest that wherever possible you use Territorial employees as your contacts in the communities outside of Whitehorse.

Hon. Mr. Taylor: Well Mr. Chairman —

Mr. Chairman: Mrs. Whyard.

Hon. Mrs. Whyard: Well Mr. Chairman I just had one or two other points I thought might help in clarification. I'm sorry I should ask Mr. Legal Advisor earlier when we were working on that section. Do we have any idea how many of these costs are recovered in court judgements. There is a section in this Bill which provides for recovering all the cost the Government puts forth if the case is successful and the Court awards cost. What's the batting average on that, how much of it actually goes down the drain. How much of it do we get back. How much does the Government get repaid.

Mr. Legal Advisor: I'm not sure Mr. Chairman it would largely depend on how many were plaintiffs in the Civil side. We get virtually nothing back in the

Criminal side, but in the Civil side we would expect to get some proportion. But the point that perhaps the, maybe I shouldn't entactfully bring home to the Members, but, the bulk of the Civil Legal Aid money that's expended in the Province tends to be expended in the Matrimonial and Family Law area. So that you have the situation of the Government providing two lawyers, one for each side in divorce cases involving custody of children, and in some places they are moving to the area where they have to provide a third lawyer to advise the children, so you may have three lawyers fighting each other on behalf of three separate clients all at Government expense. What proportion this would form of our expenditures I don't know but we would have reason to believe that in the initial stages it will be a high proportion of the expenditure of \$35,000.00 in a full year.

Mr. Chairman: Mr. Taylor.

Hon. Mr. Taylor: Mr. Chairman in respect of the remarks made by the Honourable Member from Kluane. Regarding people in the outlying districts who could assist people in getting Civil or in fact Criminal Legal Aid, I wouldn't want to associate myself with the, or would hope that the House did not agree, that only Territorial Government employees be employed in this matter. I think it was suggested by Mr. Gillespie, earlier in our discussions on this Bill, that perhaps J.P.'s and other people could be approached to assist people in organizing Legal Aid. Certainly our J.P.'s are composed of some Territorial Employees perhaps, some Federal employees such as Postmasters, and this type of thing and some who are not employees of either Government. I wouldn't want to see the Government assume that it would be the intention of the Legislature to restrict the, this sort of action to it, Territorial employee.

Mr. Chairman: Mr. Fleming.

Mr. Fleming: Mr. Chairman yes, I was just going to ask the Legal Advisor possibly, why I don't find myself in here, any action to be taken in any way against an applicant that has by any chance given false information. Maybe it's not necessary according to the laws, you know, but why is maybe not something in here to that effect. As there will be some action taken.

Mr. Legal Advisor: Mr. Chairman in the first instance he'd be cut off and he'd be liable to repay any monies which had been given to him in respect to the false statement. In the second place he will have committed an offense. In the third he becomes liable at civil law to return that amount if it can be recovered. These are all, all except the criminal point as stated there but in form some of these applications will require a verification by a legal document which would be, it would be perjury to falsify it.

Mr. Chairman: Mrs. Whyard.

Hon. Mrs. Whyard: Mr. Chairman just one final comment before we finish with this debate. There

were, there was a great deal of value in what the Honourable Member from Kluane had to say and her concern about, on behalf of the taxpayers of the Yukon about paying costs of Legal Aid for non residents and visitors from other countries, is quite genuine. I would like to suggest to the Honourable Member that she approach this problem from two other points of view. These matters could be pursued and I think we could solve this problem in two other areas. Not in this particular Bill.

One would be a requirement for Motor Vehicle Insurance on all foreign vehicles entering the country, which has been a problem for some years as you know. If they are involved in an accident in the Yukon you then find that they are uninsured. There is no requirement, or if there is a requirement it is not being enforced by anybody I'm familiar with on any American vehicles for example, coming up the Alaska Highway and, this raises a certain amount of consternation after an accident. The R.C.M.P. may impound the vehicle but that doesn't do the victim much good. That's one thing that might be fruitful. Another avenue that I would like to see pursued because it's one of my pet hobbies, is the establishment of an unsatisfied judgement fund, which I have proposed in the House on earlier occasions, and which is a very useful means of getting around some of these situations and would not be a drain on the taxpayer.

Thank you, Mr. Chairman.

Mr. Chairman: Ms. Millard?

Ms. Millard: Mr. Chairman, just one last informational piece. We have got a listing under 10 (1) of things that are exempted under civil matters. I wonder if Mr. Legal Advisor could give us an idea of what we can expect in the way of the kinds of cases that will be covered under civil aid besides family law?

Mr. Legal Advisor: We are expecting, Mr. Chairman, to be dealing with serious cases involving tenants who are being dealt with by landlords; people who are involved in what we call knocking down actions involving motor vehicles and such like things. We would expect a number of appeals against the government in the area of the refusal by the Director to grant welfare; the refusal of Workmen's Compensation in certain circumstances, and any other matter where a person thought he was wronged in the payment of money. We would expect to be providing services in that area.

We would not be providing services in relation to companies, but where an individual is so oppressed by garnishees and such like matters in his personal life, so that his wife was suffering by having her salary garnisheed because of her husband's debts, we would expect to have on a number of cases of these because we have refused them already.

We also would expect to be providing service in relation to the family area, where the Social Welfare Department was asking for orders in respect of children, to under this provide representation to the parents when the application was being made, to defend the matter, and more especially when a permanent order was in prospect. There are a number of

these items—it would be hard to categorize them without turning to what was the experience of the provinces in such matters. It's quite a wide area.

Mr. Chairman: Are there any other members who wish to speak on this debate? Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, I would suggest if the debate is not going to go on any further at this time, that the witnesses could be excused.

Mr. Chairman: The Chair will now entertain a Motion for Mr. Speaker to resume the Chair.

Mr. McCall: I move that the Speaker do now resume the Chair.

Mr. Chairman: A seconder?

Mr. Berger: I'll second that.

Mr. Chairman: It has been moved by The Honourable Member from Pelly River seconded by the Honourable Member from Klondike that Mr. Speaker do now resume the Chair.

Motion Carried

(Mr. Speaker resumes Chair)

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

May we have a report from the Chairman of Committees?

Dr. Hibberd: Mr. Speaker, the Committee convened this morning at 10:50 to discuss Bills, Sessional Papers and Motions. Mr. Gillespie, Assistant Commissioner, and Mr. Phelps, representing the Yukon Bar Association, were present as witnesses.

I can report progress on Bill Number 2. A motion made by the member from Pelly, seconded by the

Member from Klondike for Mr. Speaker to resume the Chair was duly carried.

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

Some Members: Agreed.

Mr. Speaker: May I have your further pleasure? The Honourable Member from Whitehorse Riverdale?

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

Mr. Speaker: Twelve.

Mr. Lengerke: Twelve o'clock?

Mr. Speaker: Is there a seconder?

Mr. McCall: I will second that, Mr. Chairman.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse Riverdale, seconded by the Honourable Member from Pelly River, that we now call it twelve o'clock. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the Motion is carried.

Motion Carried

Mr. Speaker: This House now stands adjourned until 10:00 a.m. Monday next.

Adjourned

SESSIONAL PAPER NO. 6
(1975 THIRD SESSION)
(TABLED NOV. 27)

November 21st, 1975

Mr. Speaker
Members of Council

Arctic Winter Games

The concept of the Arctic Winter Games was the result of discussions held between the Members of Parliament representing the Northwest Territories and the Yukon Territory, the Commissioner of the Northwest Territories and the Yukon Territory, the Commissioner of the Northwest Territories, the Governor of Alaska and myself. Basically, it was suggested that a northern games would provide the necessary catalyst to promote the development of amateur sport throughout the north. Secondly, it was felt that such games would provide athletes from the North an opportunity to improve their skills for future national participation.

The first Arctic Winter Games were held in 1970 in Yellowknife with the three regions, Yukon, Alaska and Northwest Territories being represented. The 1972 games were hosted in Whitehorse and once again, the three regions were represented. In addition, Arctic Quebec, which had been invited to the games in a non-participatory capacity, asked to be included as a participant at future games. Alaska hosted the 1974 games in Anchorage with representation from all four regions.

To complete the original cycle of rotation (each participating region was to once host the games) Arctic Quebec will host the 1976 games in Schefferville from March 21st-27th inclusive.

The games this year will be somewhat smaller with reductions being made in the number of sports, participants and officials. This reduction in size of each contingent has been dictated by two factors: the spiralling cost of transporting athletes to the games

site and the limited accommodation facilities available in Schefferville.

In the Yukon, the co-ordination of the Arctic Winter Games trials and selection processes have been contacted to the Yukon Sports Federation. This government's commitments, as per the contract with the Yukon Sports Federation, are as follows:

- 1) The Government of the Yukon Territory to supply air transportation for a maximum of 232 athletes from Whitehorse to Schefferville return.
- 2) The Government of the Yukon Territory will pay one half of the costs associated with assembling a representative contingent, to a maximum of \$16,400.
- 3) The necessary clerical support to the Yukon Sports Federation will be provided through the office of the Director of Recreation.

The total cost to our government for this project will not exceed \$98,560. That is comprised of transportation costs of \$82,160. and internal costs not in excess of \$16,400.

In the past the transportation of the Yukon contingent to the Arctic Winter Games was subsidized by the Federal Government, Department of National Health and Welfare. This year, despite our requests, similar assistance will not be forthcoming. We will therefore be requesting supplementary funding at the forthcoming budget session.

The original agreement of the participating regions called for an evaluation as to the success of the games to be conducted once each participating region had the opportunity to host the Arctic Winter Games. The Games corporation has assured me they will ensure that a thorough evaluation is conducted. In addition, we will be conducting a similar exercise within the Yukon. The evaluation will be conducted by both government and non-government staff.

J. Smith,
Commissioner.



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The Yukon Legislative Assembly

Number 5

4th Session

23rd Legislature

Debates & Proceedings

Monday, December 1, 1975

Speaker: The Honourable Donald Taylor



The Yukon Legislative Assembly

December 1, 1975

December 1st, 1975

(Mr. Speaker reads Daily Prayer)

Mr. Speaker: Madam Clerk, is there a quorum present?

Madam Clerk: There is, Mr. Speaker.

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

ROUTINE PROCEEDINGS

Mr. Speaker: We will proceed with the Order Paper. Are there any Documents or Correspondence for tabling this morning?

Introduction of Bills? Notices of Motion or Resolution? The Honourable Member from Kluane.

Mrs. Watson: Mr. Speaker, I would like to give Notice of Motion regarding background information required for Bill Number 20, and I would like to give Notice of Motion regarding the Federal Anti Inflation Bill.

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

This then brings us to Orders of the Day and the Question Period.

ORDERS OF THE DAY

Mr. Speaker: Madam Clerk, could you determine if Mr. Commissioner would care to attend the House this morning?

(Madam Clerk leaves room)

Mr. Speaker: At this time I will declare a brief recess.

Recess

Mr. Speaker: At this time I will call the House to order. The Honourable Member from Whitehorse West?

Hon. Mrs. Whyard: Mr. Speaker I have this morning for tabling, Legislative Return Number 1.

QUESTION PERIOD

Mr. Speaker: We will now proceed then to the

Question Period. Have you any questions this morning? The Honourable Member from Ogilvie?

Question Re: Employing Northerners.

Ms. Millard: Mr. Speaker, I have a written question for Mr. Commissioner. In issue 24 of the Minutes of the Proceedings and Evidence on the Standing Committee on Indian Affairs and Northern Development, Mr. Digby Hunt said that mining groups in each Territory have agreed with us — in other words, Ottawa — to establish an employment committee in their chamber, and to try to seek out ways and means of increasing the number of people employed who originate in the north.

My questions are: Has this been done? Who is on the Committee, and what success do they claim?

Mr. Speaker: Is this in the form of a written question?

Ms. Millard: Yes it is, Mr. Speaker.

Mr. Speaker: Thank you. Are there any further questions?

The Honourable Member from Hootalinqua?

Question Re: T.V. at Teslin.

Mr. Fleming: Yes, Mr. Speaker, I have a verbal question for Mr. Commissioner.

At the spring session of Council, Telstat made an offer for TV and gave a price for instalment and rental in the smaller communities of the Yukon. So far, as we know we rejected that offer because it was too high. Now, has there been any progress since the last session as to what might happen with T.V., and I ask this question because I hear on the news something to that effect.

Mr. Speaker: Mr. Commissioner?

Mr. Commissioner: Mr. Speaker, I wonder if the Honourable Member would let me bring a written answer to this. It's something like, you know a championship fight that's scheduled today and then it's off again and rescheduled for next week. I'm sure if I attempted to give a verbal reply, I would miss some of the scheduling, so if I could have that privilege, I would be happy to bring it forward.

Mr. Speaker: Would this be agreeable to the Honourable Member?

Mr. Fleming: Yes, Mr. Speaker, I'll accept that.

Mr. Speaker: The Honourable Member from Ogilvie?

Question Re: Hire North.

Ms. Millard: A verbal question for Mr. Commissioner. Has there been any thought in the Territorial Government of implementing the Hire North program in the Yukon?

Mr. Speaker: Mr. Commissioner?

Mr. Commissioner: Mr. Speaker, I've heard of it, I haven't got a clue as to what it is at all. I hear about it, but I hear it as a trade name as I understand it, and perhaps if the Honourable Member would like to give us some information as to, you know, and what the task, or just precisely what it is doing, why then we would be in a little better position to really give a proper answer to that question.

Mr. Speaker: The Honourable Member from Ogilvie?

Question Re: Prison Inspectors.

Ms. Millard: A verbal question to the Minister of Health, Welfare and Rehabilitation. I understand that there are several members of a board who are prison inspectors. I would like to know who they are, and how often they do actually inspect the facilities?

Mr. Speaker: The Honourable Member from Whitehorse West?

Hon. Mrs. Whyard: Mr. Speaker, if the Honourable Member would put that in writing, I would be happy to prepare an answer. I can't give her a verbal one.

Ms. Millard: Mr. Speaker, I think I am running out of written questions. I haven't got the — I think I am allowed five, and I think I have gotten to that point. However, Mr. Speaker, I would be happy to accept the verbal say of the Minister that she will come back with a verbal answer.

Mr. Speaker: Mrs. Whyard.

Hon. Mrs. Whyard: Is it alright if I read it.

Mr. Speaker: Perhaps the Minister will take the written notice and we will deal with it in this way.

Mr. Speaker: The Honourable Member from Kluane.

Question Re: Railroad Link with British Columbia.

Mrs. Watson: Mr. Speaker I have a question for Mr. Commissioner and I'd like to refer to the Speech from the Throne in which the Commissioner referred to the necessities of the Territory to have a policy on Transportation and you state this Government is optimistic that the final report will show that there are benefits

which would accrue to Yukon residents as a result of the proposed extension of the railway system in the Territory. I presume that is the extension of the existing narrow gauge railroad.

Then we have a news release from the Province of British Columbia and I'm not going to go into the details on who released it. The Yukon will definitely be served with a standard gauge rail-link, an extension of B.C. Rail from Dease Lake to Lower Post on the B.C., Yukon border, just south of Watson Lake. Work will begin on the northward extension of the B.C. Rail at Dease Lake clearly with the aim to tap Yukon market. My question is are these proposals in conflict with each other and will they be fighting for the same tax dollar to bring them into being.

Mr. Commissioner: Mr. Speaker, very obviously this will have to be a political decision made by the people who are going to provide the majority of the money, namely, the Canadian Federal Government. I think that the extension that is referred to was one that we have heard about from time to time. If I remember correctly I think the first rumblings of this kind of a railroad extension took place some time prior to World War II in the mid 1930's. So there is nothing new about the proposal but as the Honourable Member wonders are there going to be conflicts, or are there going to be competition for the same tax dollar in order to get the Yukon's resources to market by the most economical means, and I'm very hopeful that this competition will not actually take place but that the money will be spent to complement money contemplated being spent in the Yukon already. Those studies that we have had the benefit of in the past, and those which we contemplate getting here in the next few days, as a matter of fact, clearly indicate that the shortest route to Tidewater, as far as the Yukon's mineral production is concerned, is indeed the most economic route for now and probably will be the most economic route for the foreseeable future. But undoubtedly at some point in time, and I would like to suggest it will be several Provincial elections away. The question of extending the British Columbia Railroad to Dease Lake will no doubt come up. I think that, as a matter of common sense, Mr. Speaker, that our railroad extension from Dease Lake to the B.C. Yukon border—but as a matter of common sense, Mr. Speaker, it would appear to me, that if indeed that portion of the B.C. Rail is to be extended that then you are talking about an, the complete extension of the rail system going directly through the Yukon Territory to connect with the State of Alaska Rail system. I think that is has to be looked upon in that context. And it is in that context that I would suggest that ultimately the decision will be made and at that point it should put to rest the question of the competition for the tax dollars that we're talking about.

Mr. Speaker: The Honourable Member from Whitehorse Riverdale.

Question Re: Porter Creek Sewage Lagoon.

Mr. Lengerke: Yes Mr. Speaker, I have a question for the Minister of Local Government this morning. I

would be interested in knowing what the situation was with respect to the Porter Creek Sewage Treatment Lagoon. Has it met all the specifications required so that it can be licenced and so that we will not be faced with some kind of a summons later on when we want to operate this thing.

Hon. Mr. McKinnon: Mr. Speaker I'll take that question on notice. I just know that the completion status of it is pretty well a 100 per cent complete but as far as the licencing, up to this moment, I don't know whether the actual inspection by Environment Canada, the Health Authorities has been made but I've been led to believe that it's going to meet all these, all the necessities of licencing.

Mr. Speaker: The Honourable Member from Ogilvie?

Question Re: Community Employment Strategy.

Ms. Millard: A verbal question for Mr. Commissioner, concerning the announcement last spring of the implementation of a program called Community Employment Strategy. Will this program eliminate the present Outreach program?

Mr. Commissioner: Mr. Speaker, I think I better bring back a proper reply that I can give verbally to this but it is my basic understanding that this certainly is not in conflict at all with the program or the task that the Outreach workers are doing insofar as employment is concerned, so I would like to bring back a little bit more information.

There are so many programs, Mr. Speaker, that are directed towards the employment of native northerners that one has to be very careful in how you say, "Is one going to conflict or is one going to compliment another", because there is very obviously conflicts and I would like to make sure that what I am answering is indeed proper in the context of what Councillor Millard is asking.

Mr. Speaker: The Honourable Member from Whitehorse Riverdale?

Question Re: Letter Re Recreation Cultural Complex

Mr. Lengerke: Yes, Mr. Speaker, I have one more question, this one directed to the Honourable Minister of Education. Has the government reacted to or answered the city's recent letter with respect to the Recreation Cultural Complex? If not, I believe this is going to be in Ex-Com's hands. Are they going to do some discussing about it?

Mr. Speaker: The Honourable Member from Whitehorse Porter Creek.

Hon. Mr. Lang: Mr. Speaker, could I take some notice on this? I know that the letter was being drafted. I believe it should be discussed this week. I will have an answer for you in the near future.

Mr. Speaker: The Honourable Member from Hootalinqua?

Question Re: Speed Corner At Carcross.

Mr. Fleming: Yes, Mr. Speaker, I have a verbal question for the Minister of Local Government.

Last summer we had a meeting in Teslin and I think I mentioned the fact that the Speed Corner at Carcross Corner by the town was causing some problem due to the fact that there was no access that was really a respectable access. In other words, to get on to the highway without crossing two roads and there is a possibility of somebody probably being killed.

Has there been anything on that at all? Have you done anything at all towards looking into it, more or less?

Hon. Mr. McKinnon: Yes, Mr. Speaker, any design changes, of course, coming off the Alaska Highway are the complete and total responsibility of the Department of Public Works. We can't suggest and if the Honourable Member wants any optimism, I can tell him that we have been suggesting since the traffic circle was taken away at the top of Two Mile Hill, there should be a redesign of that done by D.P.W. so we may not be alive to see it.

Mr. Speaker: Mr. Commissioner?

Mr. Commissioner: Mr. Speaker, I have answers for several questions that were asked of me late last week, if I might proceed at this time?

Mr. Speaker: Proceed.

Mr. Commissioner: Councillor Fleming asked the following question, "Does the Territorial Government have jurisdiction over the bus routes and are there requirements to provide for comfort of passengers, et cetera"?

The answer is as follows: The Transport Public Utilities Board does have jurisdiction over bus routes in that they issue the operating authority under which the bus company operates.

Section 22 of the Transport Public Utilities Ordinance allows any person to file a complaint with the board respecting the manner in which the Transport Public Utility provides service. The Board then must hear the complaint and may make an order determining the conditions and manner in which the Transport Public Utilities shall provide transport services, or requiring the Transport Public Utility to establish, construct, maintain and operate any reasonable extension to its existing facility.

The Ordinance also gives the Commissioner power to make regulations concerning the maintenance of depots and the location thereof.

From the foregoing, it would appear, Mr. Speaker, that there could be requirements to provide for the comfort of passengers while awaiting buses. This is well within the authority given by the Legislature to the Transport Public Utilities Board, and I would like to suggest, Mr. Speaker, that the manner of prompting them to do this is thoroughly illustrated and available

in the Ordinance.

There was a question concerning oil and gas production from the Peel Plateau area, and I would like to suggest that there's quite a lot of information available on this, Mr. Speaker, that may or may not be completely apropos to what Councillor Berger is asking, I wonder if he would like to apprise himself of the information that is available on this subject, that the Statistical and Planning Advisor will be very pleased to go over all the information that is available. It is available here on the third floor in the building, in the Statistical and Planning Advisor's Office, and then at that point, whatever portion or any of it that Councillor Berger might like to see tabled here for the information of all members, we would be very happy to extract on his behalf. I would trust that was a satisfactory arrangement, Mr. Speaker.

On November the 28th, Councillor Millard inquired as to whether there is any revenue accruing from archaeological resources. The answer, no revenue is collected by any government in Canada for work done at archaeological sites.

Mr. Speaker: Are there any further questions? We will then proceed to Motions.

Motion No. 3

Mr. Speaker: We have Motion Number 3, moved by the Honourable Member from Ogilvie, seconded by the Honourable Member from Whitehorse West, that the report of the Task Force on a tolerance standard for airborne asbestos in mining plants and operations in the Yukon Territory be moved into Committee of the Whole for discussion. Is there any discussion on the Motion?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the Motion as carried.

Motion Carried

Motion No. 4

Mr. Speaker: Motion Number 4, moved by the Honourable Member from Pelly River, seconded by the Honourable Member from Watson Lake, that Standing Order Number 2 (1) be amended to read as follows: "The House shall meet on Mondays, Tuesdays, Wednesdays and Thursdays from 10:00 o'clock a.m. until 12:00 o'clock noon, and from 1:30 o'clock p.m. to 5:00 o'clock p.m. and such other times as the House may deem necessary".

The Honourable Member from Pelly River?

Mr. McCall: Do you wish for me to speak on this, Mr. Speaker? Would you like me to move this Motion through?

Mr. Speaker: Proceed.

Mr. McCall: Mr. Speaker, I move that this Motion be read as adopted. There was a seconder to this Motion, the Honourable Member from Watson Lake.

Some Members: Question.

Mr. Speaker: The question has been called. Are you agreed?

Hon. Mr. McKinnon: Mr. Speaker, before the question is called, I would just like to state that it was the members of the Executive Committee that asked their colleagues whether or not the change in these hours were possible. Those of us who are elected members on the Executive Committee found it absolutely impossible, while the House was in session, to be able to attend Executive Committee meetings, to be able to attend sub-committee on legislation or to, at least schedule them, or sub-committee on finance sessions. During the sittings of the House, all of the amendments that come up through legislation, have to be dealt with through sub-committee on legislation and without using evenings or weekends, it was impossible to get the members—the elected members of the Executive Committee and the members of the administration together.

Also, we find that every meeting of the Executive Committee now lasts at least three and a half to four hours, and these were impossible to schedule also while the House was in session. So the elected members of the Executive Committee asked their colleagues whether or not it would be possible without losing any time in the House, of making up the two hours that we would lose on Friday morning by sitting a half hour earlier in the afternoons, whether we could possibly have Fridays free. The members graciously accepted this, they thought that they also could use that time on constituent business while they were in the capital, or either be able to make a long weekend at home with their constituents while the House was in session.

So, Mr. Speaker, I would just like to say that on behalf of my colleagues, the other elected members on the Executive Committee, how much we appreciate this compromise, because at least we will have one total day out of the week now that we will be able to spend on Ex-Corn business, sub-committee on finance, sub-committee on legislation business, and hopefully try to attend to our administrative duties and try to make a hole in some of the paper work we see on our desks by the time of the end of the week while the Assembly is in session. So I would like to thank the Honourable Members for their cooperation in this respect, Mr. Speaker.

Mr. Speaker: Any further discussion?
.Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the Motion as carried.

Motion Carried

Mr. Speaker: The next item, there are no Public Bills, under Private Bills, Bill Number 20

PRIVATE BILLS

Bill No. 20, First Reading

Mr. McCall: Mr. Speaker, I move, seconded by the Honourable Member from the Klondike, that Bill 20 be read for the first time.

Mr. Speaker: It has been moved by the Honourable Member from Pelly River, seconded by the Honourable Member from Klondike, that Bill Number 20 be now read for a first time.

The Honourable Member from Kluane?

Mrs. Watson: Mr. Speaker, I don't know whether it's proper to speak at this time, but I would request that the Honourable Member from Pelly River, the member who brought in the Private Member's bill, would defer second reading of this Bill until we have had an opportunity to get the information which I have been requesting from the administration this morning. At that time then we may—members may want to speak on the principle of the Bill.

Many of the members just got a copy of the Bill this morning, and I don't think they're in a position to speak on the principle of the Bill. I would be prepared to support him on first reading today, but would request that he defer second reading until the members have had an opportunity to gather information and make themselves familiar with the aspects of the Bill.

Mr. Speaker: This Motion is non-debatable, but if it's as a question of privilege, perhaps we could accept a reply from the Honourable Member from Pelly River.

The Honourable Member from Pelly River?

Mr. McCall: Mr. Speaker, in view of what the Honourable Member has just stated, I will accept her request at this time, and accept the first reading.

Mr. Speaker: Are you prepared for the question on the Motion?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the Motion carried.

Motion Carried

Mr. Speaker: Does the Chair take it that the Bill

shall be read the second time tomorrow?

Mr. McCall: Right.

Hon. Mr. McKinnon: At some later date.

Mr. Speaker: And normally a day certain is proposed at times like this. All right.

There being no further private Bills, what is your further pleasure?

Mr. McCall: Mr. Speaker, I move that Mr. Speaker do now leave the Chair, and the House resolve itself into Committee as a Whole to discuss Bills, Sessional Papers and so on.

Mr. Speaker: Seconded?

Mr. Berger: I second it, Mr. Speaker.

Mr. Speaker: It has been moved by the Honourable Member from Pelly River, seconded by the Honourable Member from Klondike, that Mr. Speaker do now leave the Chair, and the House resolve in the Committee of the Whole for the purpose of considering Bills, Sessional Papers and Motions. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the Motion as carried, and the Honourable Member from Whitehorse South Centre will take the chair in Committee of the Whole.

Motion Carried

(Mr. Speaker leaves Chair)

COMMITTEE OF THE WHOLE

Mr. Chairman: I now call this Committee to Order. I would like to point out to the members that there is some difficulty with the transcription equipment, and in view of that, would you please not speak until the Chair recognizes you.

Now, the intention this morning is to proceed with the reading of bill 4, and for this purpose, if we could have the Territorial Secretary present, I think it would help us. In the meantime, I will declare a brief recess.

Recess

Bill Number 4

Mr. Chairman: I will call the Committee to Order. We will proceed with the Clause by Clause reading of Bill number 4. We have with us at present as a witness the Territorial Secretary.

Mr. Chairman: (Reads Clause (1))

Two. Sections 11 to 18 inclusive of said Companies Ordinance repealed and the following substituted therefor:

Mr. Chairman: Eleven, one
(Reads section 11. (1))

Mr. Chairman: Two.
(Reads section 11. (2))

Mr. Chairman: Eleven, one, one
(Reads section 11.1 (1))

Mr. Chairman: I presume Mr. Legal Advisor that is par value is it?

Mr. Legal Advisor: Yes, Mr. Chairman

Mr. Chairman: Clear?

Some Members: Clear.

Mr. Chairman: Eleven point two, one
(Reads section 11.2 (1))

Mr. Chairman: Eleven point three, one
(Reads section 11.3 (1))

Mr. Chairman: Eleven point four, one
(Reads section 11.4 (1))

Mr. Chairman: Twelve, one
(Reads 12. (1))

Mr. Chairman: Thirteen, one
(Reads section 13. (1))

Mr. Chairman: Two.
(Reads section 13. (2))

Mr. Chairman: Three
(Reads section 13. (3))

Mr. Chairman: Fourteen, one
(Reads section 14. (1))

Mr. Chairman: Fifteen, one
(Reads section 15. (1))

Mr. Chairman: Two.
(Reads section 15. (2))

Mr. Chairman: Three
(Reads section 15. (3))

Mr. Chairman: Sixteen, one
(Reads section 16. (1))

Mr. Chairman: Seventeen, one
(Reads section 17. (1))

Mr. Chairman: Mr. Taylor.

Hon. Mr. Taylor: Mr. Chairman I just are hanging on the words here, or by a name of which the Registrar for any other reason disapproves. Again, would it be

necessary that the Registrar perhaps should give cause why he disapproves.

Mr. Legal Advisor: Mr. chairman, in practice he does give cause. This is invariable practice but there are numbers of names, as Mr. Taylor could tell you where -- which are disallowed for -- and for a variety of reasons.

Mr. Chairman: Seventeen, two
(Reads section 17. (2))

Mr. Chairman: Three
(Reads section 17. (3))

Mr. Chairman: Four
(Reads section 17. (4))

Mr. Chairman: Five
(Reads section 17. (5))

Mr. Chairman: Six
(Reads section 17. (6))

Mr. Chairman: Mr. Lengerke.

Mr. Lengerke: Mr. Chairman just a question here of the Registrar. How long does it take to issue that new certificate? What's the time involved there? In class 5.

Mr. Herb Taylor: There isn't any time involved as far as we're concerned. As soon as we get the resolution we issue a certificate that day.

Mr. Chairman: Seven.
(Reads section 17. (7))

Mr. Legal Advisor: Mr. Chairman could I just point out one thing in relation to the question is that, when a company applies for a name, the register has to be searched to check that it isn't going to conflict with a name another company. On occasions this may extend to other jurisdictions. So when that company is changing its name the same format has to apply to check that the name isn't calculated to deceive or accidentally or otherwise. So there is system then of reserving a name ahead of time, before the resolution.

Mr. Chairman: Thank you. Eighteen one.
(Reads section 18. (1))

Mr. Chairman: Two.
(Reads section 18. (2))

Mr. Chairman: Mr. Fleming.

Mr. Fleming: Mr. Legal Advisor I'm, or Mr. Chairman I'm a little confused as to every company other than a specially limited company may by special resolution alter its memorandum by altering any restrictions, and this is where I'm stuck a little here, a restriction upon the business carried on or to be carried along by it or upon its powers. I'm confused as to restriction. This is to cut the company down in the field it can work in, and I would ask what about

operating the company to different forms of work.

Mr. Legal Advisor: Mr. Chairman, the word "restriction" is not intended to apply either cut down or to move it up. It is to change the list of restrictions which, if the Member will refer to the earlier Sections, prevent it from doing or not doing a certain thing. It's just to alter.

Mr. Chairman: Three:
(Reads Section 18(3))

Mr. Chairman: Four:
(Reads Section 18(4))

Mr. Chairman: Clear?
Three:
(Reads Clause 3)

Mr. Chairman: Twenty-one, one:
(Reads Section 21(1))

Mr. Chairman: Four:
(Reads Clause 4)

Mr. Chairman: Twenty-five, three:
(Reads Section 25(3))

Mr. Chairman: Five:
(Reads Clause 5)

Hon. Mr. Taylor: Just as probably an indication to Mr. Legal Advisor that in going through the Ordinance, or the amendments with the actual Ordinance, I just happen to note that on Page 153, that Section 28 is called Section 20 in the spoken word, and perhaps that could cause a problem. That would be Section 28 of the existing Companies Ordinance which we are now amending, and if you look perhaps —

Mr. Legal Advisor: We are amending Section 25, Mr. Chairman.

Hon. Mr. Taylor: We have left 25, we are going to 33 now, and I note that Section 28, on page 153 is called Section 20 and that could no doubt cause a problem.

Mr. Legal Advisor: Thank you, Mr. Chairman.

Mr. Chairman: 33(1):
(Reads Section 33(1))

Mr. Chairman: Two:
(Reads Section 33(2))

Mr. Chairman: Three:
(Reads Section 33(3))

Mr. Chairman: Four:
(Reads Section 33(4))

Mr. Chairman: Five:
(Reads Section 33(5))

Mr. Chairman: Six:
(Reads Section 33(6))

Mr. Chairman: Section 6:
"Section 76 of the said Ordinance is amended by adding thereto the following new subsection:
Seventy-six, seven:
(Reads Section 76(7))

Mr. Chairman: 7, Section 78 of the said Ordinance is amended by adding thereto the following new subsection:
Seventy-eight, four:
(Reads Section 78(4))

Mr. Chairman: Eight:
(Reads Clause 8)

Hon. Mr. Taylor: Mr. Chairman?

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, I just wonder why the filing of prospectus, this is what the Sections apply to, why this is taken and repealed from the Companies Ordinance?

Mr. Legal Advisor: Mr. Chairman, it's not really being repealed. This House made other arrangements for filing prospectuses under the Securities Ordinance, and it's unnecessary to duplicate it.

Mr. Chairman: Nine:
(Reads Clause 9)

Mr. Chairman: Ninety-six, three:
(Reads Section 96(3))

Mr. Chairman: Ten:
(Reads Clause 10)

Mr. Chairman: 102.1(1):
(Reads Section 102.1(1))

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: Yes, Mr. Chairman. I wonder if maybe the Legal Advisor could give me an instance of 102.1(1), just an example?

Mr. Legal Advisor: Mr. Chairman, as the law stands here, there's a slight departure from the law between us and provincial jurisdictions, and there are frequent occasions when a company may quite legitimately want to lend money to a director for a certain purpose, such as the purchase of shares. These loans are sometimes secured by banks or otherwise, who, looking at the relevant B.C. law and Alberta law, find that this is prohibited in Alberta, or prohibited in B.C., and their lawyers assume that this is true for all jurisdictions, but it wasn't true for our jurisdiction, so then you would have to start a long series of correspondence explaining what the position was.

So we thought it better in the interests of companies, to put in parallel sections with the other jurisdictions, making it illegal for a company to lend its own directors money for the purchase of shares within the company, but at the same time providing us with — against abuse of this privilege, and it is something which is necessary when a person is applying for loans to the Industrial Development Corporation, or whatever its modern name is, that a man would need a loan of money through a company or through himself, in order to start a business on the road and be able to give back a personal guarantee. This in effect was blocking legitimate institutions of businesses in the Territory, and this Section is very necessary to overcome this block.

Mr. Lengerke: Thank you.

Mr. Chairman: Two:
(Reads Section 102.1(2))

Mr. Chairman: Three
(Reads Section 102.1 (3))

Mr. Chairman: Four
(Reads Section 102.1 (4))

Mr. Chairman: Eleven
(Reads Clause 11)

12. Section 135 of the said Ordinance is repealed and the following substituted therefore:
(Reads Section 135 (1))

Mr. Chairman: 13, Sections 142 to 144 inclusive of the said Ordinance are repealed and the following substituted therefor: One forty-two, one
(Reads Section 142. (1))

Mr. Chairman: Two
(Reads Section 142. (2))

Mr. Chairman: Three
(Reads Section 142. (3))

Mr. Chairman: 143 (1):
(Reads Section 143. (1))

Mr. Chairman: 144 (1):
(Reads Section 144. (1))

Mr. Chairman: 14: Sections 147 to 148 inclusive of the said Ordinance are repealed and the following substituted therefore: 147. (1)
(Reads Section 147. (1))

Mr. Chairman: Mr. Fleming?

Mr. Fleming: Did I note a discrepancy there? He said its company, or the company, is it? I might be on the wrong one.

Mr. Chairman: No, it's "the company".

Mr. Fleming: The company.

Hon. Mrs. Whyard: Mr. Chairman, to be required by paragraph?

As it now reads, prescribed by paragraph shall be deemed—

Mr. Legal Advisor: It should have a paragraph, yes. It should be named, we will do it on the re-editing Mr. Chairman.

Mr. Chairman: 148 (1):
(Reads Section 148. (1))

Mr. Chairman: 15, Sections 151 to 153 inclusive of said Ordinance are repealed and the following substituted therefor: 151 (1):
(Reads Section 151. (1))

Mr. Chairman: 152 (1):
(Reads Section 152 (1))

Mr. Chairman: 153 (1):
(Reads Section 153 (1))

Mr. Chairman: 16: Sections 154 to 165 inclusive of the said Ordinance are repealed and the following substituted therefore: 154 (1):
(Reads Section 154. (1))

Mr. Chairman: 155 (1):
(Reads Section 155. (1))

Mr. Chairman: Two:
(Reads Section 155. (2))

Mr. Chairman: Three:
(Reads Section 155. (3))

Mr. Chairman: Four:
(Reads Section 155. (4))

Mr. Chairman: 156 (1):
(Reads Section 156. (1))

Mr. Chairman: Two:
(Reads Section 156. (2))

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Just chatting with my colleague on the quiet here. We are wondering whether or not a Crown corporation such as Canadian National Telegraphs and N.C.P.C., and any of these people are required to register under the provisions of this Ordinance?

Mr. Herb Taylor: They are not, Mr. Chairman.

Mr. Legal Advisor: No, Mr. Chairman.

Hon. Mr. Taylor: Perhaps, Mr. Chairman, I could have an explanation as to why not.

Mr. Legal Advisor: The Statute doesn't provide for the registration of the agents of the Crown in right of

Canada. We are talking here about business corporations, and this is what we are attempting to control.

Now, I wouldn't like to give a quick opinion as to whether or not a business corporation formed by a Crown agency itself, would have to register, but I would apprehend not, but I would also think that it would probably register.

Hon. Mr. Taylor: Just to pursue this a little bit, Mr. Chairman, I'm wondering if Mr. Legal Advisor or, perhaps our witness today, could tell me as to whether it is a requirement in the provinces for Crown corporations such as N.C.P.C. and so forth, to register their company with the Provincial Registrar?

Mr. Legal Advisor: So far as I know, they are not required by provincial law, Mr. Chairman. I may be wrong on this, but that is just my opinion.

Mr. Herb Taylor: No, Mr. Chairman, I would say no, their requirements are almost identical with ours. The main purpose behind this Ordinance is to bring ours into line with the rest of the provinces, so —

Hon. Mr. Taylor: Well, Mr. Chairman, I just want to say that I, as I am sure some of my colleagues, are very concerned about the operation and the functions of Crown corporations within the Yukon Territory. I think, Mr. Chairman, many times in this House, have been vented many frustrations over the actions of these companies. I am one of those who believe that in the case of Canadian National Telegraph, that they should certainly come under the purview of Territorial law, at least in some Ordinance, more particularly, I would suppose I'm thinking in terms of the Utilities Board in the Yukon Territory, and the same with N.C.P.C. and the same with the rest of these Crown or quasi-Crown corporations.

I think it's exceedingly important, and that's why I asked the question. I would further my questioning by asking Mr. Legal Advisor if the Yukon Act, or flowing from the Yukon Act, or the B.N.A. Act, or one of the prior Acts, do we have the authority to insist that Crown corporations come under the purview of our Ordinances and our right to legislate those Ordinances?

Mr. Legal Advisor: Without directly answering the question Mr. Chairman. We can insist but we cannot enforce.

Mr. McIntyre: Mr. Chairman. Mr. Legal Advisor a number of years ago I had occasion to deal with mining companies which were registered, incorporated under Dominion Legislation, Federal Legislation and at that time it was not required that they register under this Ordinance. Is that still the case?

Mr. Legal Advisor: No Mr. Chairman. Dominion registered companies as they were then referred to, we now use the expression a company incorporated under an Act of the Parliament of Canada. They are required to register if they do business here.

Mr. Chairman: Mr. Fleming.

Mr. Fleming: Mr. Chairman, I'll ask Mr. Legal Advisor about a company that say was 50 percent Crown owned and 50 percent privately owned which I believe is in some instances and I would ask about a company such as this is owned by the Crown and also the other way. Would they have to register.

Mr. Legal Advisor: 50 percent is an awkward number if it was 49-51 I could give you some kind of an answer. If it's 51 percent owned by private people, then they would fall I think under the provisions of our legislation because then it would not be totally a Crown agency, it would be merely a company in which the Crown had purchased some shares.

Mr. Chairman: Mr. Taylor.

Hon. Mr. Taylor: Mr. Chairman that brings up another situation then that Telstat and Pan Arctic should be both registered for instance when they are active in the Yukon Territory under the Companies Ordinance? And my other point, that I wish to make, in light of the remarks given Mr. Chairman by Mr. Legal Advisor to my question relating to as to whether or not these Crown corporations had to abide by our laws and Ordinances. I feel very strongly that, if we have the opportunity, the legislative prerogative flowing from the Yukon Act to make legislation in respect of forcing these people, or asking them, or insisting that they come under the purview of our Ordinances that we should go at least that far in the hopes that maybe, though we may not be able to at this time enforce it, we may encourage them to register under our Companies Ordinance for instance and under the, put them under the purview of Utility Boards.

Mr. Legal Advisor: Encourage perhaps is the best word where this is possible but a Crown corporation can be created by Statute which just say there shall be a company and there shall be a Board. There may be no shareholders, there may be nothing to register. There may be no objects other than the statute itself. There may be no document to register. So that encourage is a good word. But the House should be cautious about dealing with the Crown in right of Canada in any different way than the Provinces do. The law basically is no different in British Columbia or Alberta in relation to the rights of the Crown in right of Canada than is in the Territory. It would be hard for me to advise that we should go off on a Constitutional Tact all our own and do things or attempt to obtain power which no Province has ever attempted itself to obtain. But so far as we can the Registrar is attempting to produce legislation which will run its normal course and be reasonably identical to what the Provinces would do in the same circumstances.

Hon. Mr. Taylor: Just not to belabour this point too far Mr. Chairman, but it seems to me then that under the Yukon Act we have right to insist on certain, if we wish to on certain pieces of legislation for instance in this case going the round about way we could say that,

no Crown or no corporation shall operate a utility of any nature in the Yukon Territory until it has first obtained a franchise to operate that utility. Or an agreement to operate that utility with the Government of the Yukon Territory. And then, say in that same legislation that the, all companies operating utilities, and I'm talking about C.N.T. and I'm talking about N.C.P.C. basically here, that they must register under the Companies Ordinance, be registered under the Companies Ordinance in order to operate that utility and it seems to me that that is well within our prerogative and that the Government of Canada would have to respect that. If it's our legislative right why don't we try it.

Mr. Legal Advisor: Mr. Chairman, I would take that this House is attempting to obtain at any time no more rights in relation to the Crown in right of Canada than it would have if it were a fully constituted Province. It's basic constitution of law within Canada that the Government of one is not bound by the laws of the other and vice versa. So this is the situation that develops. Property owning rights and so forth are governed basically by the B.N.A. Act and by the relationships at a non legal level of the Government's concerned. So we would be really cautious as draftsmen or as Heads of Department in attempting to produce legislation which was different from the mainstream of Canadian Legislation and which would bring this House or the Government into a, any kind of a conflict with the Government of Canada. These conflicts are political conflicts rather than legal conflicts.

Mr. Chairman: Mr. McIntyre.

Mr. McIntyre: Mr. Chairman the Yukon Act exempts us from legislating dealing with telegraph, telephone companies.

Mr. Legal Advisor: Yes, Mr. Chairman.

Mr. Chairman: Mr. Taylor.

Hon. Mr. Taylor: Mr. Chairman, my final comment on this matter if that is true we have still got the case of N.C.P.C. to consider and they are a company operating in the Yukon and perhaps for other areas that we can't touch them on at all. But it bothers me to sit around here attempting to make good legislation for the people of the Yukon and keep hitting this frustration of saying, well it would be difficult to draft, or for some reason or another we shouldn't ought not to do it. You know, either we can do it, or we cannot do it. That's what I'm attempting to determine. I say if we can do it notwithstanding they don't do it anywhere else, let's do it. Now we've dug and rooted and we have been constantly told by Ottawa, "you people up there in the Yukon are not exercising the prerogatives and the powers you already have." What are you down here asking us for more responsible Government for," and that always comes to mind when I deal with questions of this nature and that we're dealing with right now. And it seems to me that we have found all sorts of ways to assert rights that we never, prior to inquiry we didn't know we had. Look at our Highways Bill, look at

the development of this Legislative Assembly itself, and look at many other areas where we're attempting to make some responsible and constitutional advance. And so I would hope that the Administration wouldn't look lightly upon requests and questions that may emanate in relation to this Bill along that line. If there's a way let's find it and let's exercise it. If there's no way let's have it clear cut and concise there is no way. Perhaps we can find another way of doing it.

Mr. Chairman: Mr. McKinnon.

Hon. Mr. McKinnon: Mr. Chairman there is no way. One of the mandates that you gave the former Honourable Member from Riverdale and myself for going down to Ottawa to represent you on your behalf and the Standing Committee back at this point to our making that we wanted N.C.P.C. to come under this proposal it's open for Public Utilities Act. There is no way that Ottawa and the Members of the House don't realize the prerogatives to the constitutional rights in these instances. They told us as nicely as possible there was a company dated in the dispatch under the Laws of Canada and it was our prerogative constitutionally that the only body they had to answer to was the Parliament of Canada and that there was no way shape of form that they were going to give up that constitutional prerogative to a junior Government body, the Yukon Legislative Assembly. I happen to agree with this constitutionally, it is a stand that they can make, one that is sound, one that they have made, one that they know that their right on and one that they told us absolutely to go bark up a tree and those are the facts of the point.

Mr. Chairman: 156.3
(Reads section 156. (3))

Mr. Chairman: Four
(Reads section 156. (4))

Mr. Legal Advisor: Mr. Chairman there's obviously a typist error here. We will check what the section should be.

Mr. Chairman: What should that—

Mr. Legal Advisor: I'm not sure without checking against the Parent Ordinance Mr. Chairman, but we will come back and say what it should be.

Mr. Chairman: We will read it through in any event.
(Reads section 156. (1))

Mr. Chairman: Mr. McCall.

Mr. McCall: Yes Mr. Chairman I would like to ask the Legal Advisor or the witness could he explain what that language means.

Mr. Chairman: What's the question.

Mr. McCall: Would you explain what that language means please.

Mr. Legal Advisor: Mr. Chairman this is the clearest way we could express it in English. Latin might be better.

Mr. Chairman: Mr. Berger.

Mr. Berger: I've a question concerning a private company, foreign private company. Say, for example, a company comes over say from Germany and calls itself the Number Two Shovel Mining Company and starts mining in the Yukon Territory and as it happened before, without paying their bills, disappears again. Is this company registered in the Yukon Territory as a private company or is there any ways or means of safeguarding in the future for things like this.

Mr. Legal Advisor: Mr. Chairman any company which moves in to do business here of that nature would have to register here. It has to register itself with a number of other agencies, Workmen's Compensation and so forth. If it doesn't it commits an offence. If it happens to move in and out fast without being caught then it's a fault of our enforcement area but it seldom happens. These days it seldom happens.

Mr. Chairman: Two.

(Reads Section 156.(2))

Mr. Chairman: 158 (1):

(Reads Section 158. (1))

Mr. Chairman: Two.

(Reads Section 158. (2))

Mr. Chairman: 159 (1):

(Reads Section 159.(1))

Mr. Legal Advisor: Mr. Chairman, perhaps you are reading out of a different page. The expression should have been "other than a company incorporated under authority of an act of the Parliament of Canada". I think it was a fresh sheet issued, Mr. Chairman.

Mr. Chairman: "The Commissioner may suspend or revoke the registration of a company, other than a company incorporated under authority of an act of the Parliament of Canada, for good cause or for failure to comply with any requirement of this Part, and may also remove or cancel a suspension or revocation, subject to any conditions that are deemed proper".

Mr. Fleming?

Mr. Fleming: Maybe your paper is different, mine is "a company other than a Dominion Company".

Mr. Legal Advisor: Mr. Chairman, in revising the Ordinance, prior to obtaining the blessing of this House, there were some things picked up, and as one of the Honourable Members remarked, we weren't sure what was meant by a Dominion company today, although the drafter before knew this, so it was changed to read "a company incorporated, et cetera,

and these pages were circulated to the members for insertion in their editions.

Mr. Chairman: 159(2):

(Reads Section 159.(2))

Mr. Chairman: Three

(Reads Section 159.(3))

Mr. Chairman: 160(1):

(Reads Section 160.(1))

Mr. Chairman: Two.

(Reads Section 160.(2))

Mr. Chairman: 161(1):

(Reads Section 161.(1))

Mr. Chairman: 162(1):

(Reads Section 162.(1))

Mr. Chairman: 163(1):

(Reads Section 163.(1))

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, that raises a question of could a person, could a company not function with an agent rather than a lawyer?

Mr. Legal Advisor: Mr. Chairman, at the risk of seeming to correct the Honourable Member, attorney is a very ancient word which people think means lawyer, but it doesn't, it means agent.

Hon. Mr. Taylor: Well, Mr. Chairman, then we— what we are saying here is it does not have to be a lawyer, it can be a lawyer or an agent.

Mr. Legal Advisor: Yes, Mr. Chairman. That's what it says.

Hon. Mr. Taylor: It's not understood that way.

Mr. Chairman: 163(2):
(Reads Section 163(2))

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, I'm not prepared to let this word "attorney" go at this point in time. If people, especially in a Companies Ordinance, which many people will attempt to interpret on the street, I think that to clarify this, to clarify this matter of attorney, what it says to the average resident is, if you are going to have a company, you are going to have a lawyer. It says nothing about agent. Perhaps you can clarify it by going to the Interpretation Section of the

Ordinance and say "attorney shall mean, blah, blah, blah", and make it known clearly in the Ordinance that you do not necessarily have to have a lawyer if you are a registered company under this Ordinance.

Mr. Legal Advisor: The Honourable Member has a point. There are people who think of attorneys as being lawyers and lawyers as being attorneys, so it may be possible to change the drafting, but I caution the Honourable Member, because we have technical documents called a Power of Attorney and such like things, that the ordinary man on the street understands is a power of agency with certain legal attributes attached to it.

An attorney is an agent and a bit more than an agent. I would ask him to discuss it over the noon hour, and if we can't satisfy him, then we will attempt to change it.

Hon. Mr. Taylor: I say without any qualification at this point in time, noon hour or supper time or other time, you are not going to satisfy me, until you make it clear in this Ordinance, what an attorney is. If an attorney means an agent rather than a lawyer, or a lawyer and an agent, or whatever it means, I would like it spelled out, because attorney means to the average man on the street, you have got to have a lawyer, and if this is not the intent of the Ordinance, then it should be spelled out in the Ordinance, and perhaps in the definition section. "Attorney, for the purposes of this Ordinance shall mean...", but I think it's got to be clear.

Mr. Legal Advisor: We will make an attempt to do so, Mr. Chairman.

Hon. Mr. Taylor: Thank you.

Mr. Chairman: Three:
(Reads Section 163(3))

Mr. Chairman: Four:
(Reads Section 163(4))

Mr. Chairman: Five:
(Reads Section 163(5))

Mr. Chairman: Six:
(Reads Section 163(6))

Mr. Chairman: 164(1):
(Reads Section 164(1))

Mr. Chairman: Two:
(Reads Section 164(2))

Mr. Chairman: Three:
(Reads Section 164(3))

Mr. Chairman: 165(1):
(Reads Section 165(1))

Mr. Chairman: 165(2):
(Reads Section 165(2))

Mr. Chairman: Three:
(Reads Section 165(3))

Mr. Chairman: Four:
(Reads Section 165(4))

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: Mr. Chairman, I move that we call it 12:00 o'clock noon and we adjourn the —

Mr. Chairman: One moment. Before we do, it has been brought to my attention that the paper regarding the asbestosis — the request was for a discussion of that paper this afternoon, and the witness is available this afternoon, but will not be available subsequently, so with your permission, shall we carry on with this and complete it, or shall we go on with the paper on asbestosis?

Some Members: Agreed.

Mr. Chairman: Okay, we will now recess until 1:30.

Recess

Mr. Chairman: I will now call this Committee to order. You will notice that you have received another copy of Bill Number 3, It required amendment in the preamble, if you'd discard your old copy and insert the new one.

This afternoon we have Mr. Brian Trevor, who was Chairman of the Task Force on the Study of Tolerance Standard for Airborne Asbestos in Mining Plants and Operations in the Yukon Territory. This Paper is now open for discussion.

Ms. Millard?

Ms. Millard: Mr. Chairman, since I was the member who proposed Mr. Trevor's coming as a witness to us on this report, I would like to make a few brief comments and perhaps start out the questioning.

It is my understanding that the report of the Task Force on the Tolerance Standard for Airborne Asbestos in Mining Plants and Operations, includes not only mining and milling of asbestos, but other aspects of asbestos use throughout the Territory, in construction works and things like that. That is my understanding of the terms "and operations". I presume that's correct.

The terms of reference of this Committee, I think held them back somewhat in the application of their information. The terms of reference on page 1 of the study state; that the task force is to "investigate the aspects and implications of adopting the proposed standard and for the task force to report thereon with its recommendations to the Commissioner of the Yukon Territory".

In other words, it was restricted to discussing whether or not the proposed level of two fibres per cubic centimetre per eight hour shift is reasonable or not and what are the implications of that. So I feel that the criticisms I have are a lot broader than the terms of reference that the Committee did have, however, I do

feel it is a disappointing study altogether. I think that having waited many months for this report, it could have included an awful lot more information than it does, and many more recommendations which can be implemented immediately and should be implemented immediately.

I'll draw your attention to a sheet which I have passed around to everybody, called "Asbestos or Your Life", which was put out by the Canadian Mine Workers, Local Number 1, which is the union at Clinton Creek, and at the end of it there are several recommendations which are not even touched upon in the report. This was obviously available to the Committee, since the President of the union sat on the committee. None of the discussion is made about the protective clothing which could be worn by asbestos workers, implementation of certain health recommendations, certain cleaning—clean-up operations, and the transport of asbestos. There are many, many things that have not been touched upon in the report, which I would like to have some input from Mr. Trevor on. I would start by taking the recommendations which are at the end of the report, on page 6 they begin, Recommendations, and I will take those recommendations one by one, if this is acceptable to Mr. Chairman, and ask questions.

Recommendation Number 1 states, "Having regard to the extreme concern expressed by the medical profession, the standard for all new asbestos operations should provide that worker exposure be no more than 2 fibres per cubic centimetre."

My first question then is since there is a definite relationship between the length and diameter of the fibre and the incidence of asbestosis or related cancers, why is the length and diameter not recommended in this standard?

Mr. Chairman: Mr. Trevor?

Mr. Trevor: The reasons for the Task Force not going into that kind of detail is that those kind of specifications are normally quite clearly set out in other documentation which is available to an Environmental Engineer from the various authorities. I agree that it would have led to a very lengthy document if we had gone into that kind of detail, and it was partly for this reason that we felt we should deal with the specific terms of reference as quickly as possible, the document appears in this form. The Environmental Engineers on the staff of the Mines Inspection Section would have no difficulty in coming up with very firm recommendations as to the size of fibres that should be counted and what the specific limitations are in this respect.

Mr. Chairman: Ms. Millard.

Ms. Millard: Well again I must state that we have been waiting for this report for several months, there is much information available which is not in this report which is needed by any legislative body which is going to put forward legislation and regulations on that legislation. Since the information is available, and since the report was requested, I would say that there is no excuse for not having a certain amount of detail in

the report. Also there appears to be sufficient evidence that the level two fibres per cubic centimeter is insufficient to really cover the risk that's involved.

I'd like to read a couple of sections, just small sections from a report from the Department of Labour, the United States Department of Labour, Occupational Safety and Health Administration. This is a notice of proposed rule making on Occupation Exposure to Asbestos. The level two fibres per cubic centimeter is being accepted in the Yukon or, has been proposed in the Yukon, on the basis of the American standard which is been placed in 1971. That was almost five years ago. They are now reconsidering that level on the basis of new evidence they are proposing actually a level of 0.5 fibres per cubic centimeter. This is not in the mining industry in particular, but in asbestos factories and textile industries etc.

I'd like to read a couple of pieces from here that is the basis of their conclusions. Under the new evidence, asbestosis, subsequent to hearings on the current standard, uncertainty has arisen as to whether the existing British asbestos Standard and the mandated two fibre per milliliter, U.S. Standard provides effective protection even against asbestosis. And again, further evidence has indicated that asbestos also acts as a lung carcinogen at levels much below those which will produce asbestosis. In other words the level two will possible prevent asbestosis to a certain extent but it certainly does not prevent the related cancers which, I feel, we have every obligation to consider. Especially since the next recommendation says that we won't be instigating it for another two and a half years anyway. But since this there appears to be sufficient evidence that the level two is not at all satisfactory. At least to the American Labour Board. Why was level two accepted?

Mr. Trevor: The proposal by the Occupation Safety and Health Administration of the United States Department of Labour is only a proposal at this stage. It's anticipated that there will be extensive hearings which will determine whether indeed that proposed standard can be put into effect. The fact of the matter is that the United States, at this moment, works on a standard of five and the standard of two only comes into effect in the United States on July the first, 1976. Further more in looking at all the other jurisdictions we found that the standard of two even is not being universally adopted. Quebec for example does not propose to bring the standard of five in until 1978. All the other standards dealing with two fibres per cubic centimeter or two fibres per milliliter deal with non-mining type activities. We were unable to find any firm legislation which dealt purely with the mining occupation. This is not to say that the degree of risk is any different. Again as we pointed out in the report lack of data did not produce any evidence to show whether indeed there was a difference between mining and manufacturing or there wasn't a difference. So under those circumstances it's extremely difficult for the Members of the Task Force I think to take any other approach than the one they did.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, I realize that the witness today is certainly not on trial, he's here to answer questions, and in relation to the interesting undertaking that they have done in respect of asbestosis. I would like to know if Mr. Trevor could advise me as to whether the committee looked at the threshold limit values in British Columbia, under their I believe Workmen's Compensation regulations, and if so, how do they relate to the proposals contained in the recommendations of your — of the Yukon Committee?

Mr. Trevor: Yes we did, the present standard in B.C. is five fibres per cubic centimetre. I understand from a recent statement made in Cassiar after the presentation of this report, that they are now considering the adoption of the two fibre standard for new plant, but the determination of what they consider to be new plant is not known to us.

Hon. Mr. Taylor: Mr. Chairman, just a question that would follow. I regret I haven't had an opportunity to look into this paper as closely as I would have liked to, and this is a project that I started here many years ago.

Is it the recommendation of the Committee that immediately regulations be embodied into the Workmen's Compensation Ordinance in respect of this, or the Mine Safety Ordinance as you prefer?

Mr. Trevor: I think the Task Force would lean towards this being under the Mine Safety Regulations, under the Mine Safety Ordinance, specifically because the Task Force was requested to look into mining operation. I should like to say that we did not look at anything else except mining and milling operations, and for that reason, we did include a recommendation that investigation should be carried out of other aspects of the handling of asbestos to see indeed whether there is a hazard present in those operations.

Ms. Millard: Mr. Chairman, I still don't feel it has been answered, why the level 2 was acceptable, because I don't see that just because Quebec decides that level 5 is acceptable, that we should have to accept it also. I think with the information that we have at hand, and the research that could be done at Clinton Creek, and has been done, a level 2 is fairly reasonable, and perhaps lower if we could aim for that, especially when it's not going to be instigated for present mines, but for new ones, when we cannot expect a new mine, probably a new asbestos mine in the Yukon for perhaps five years, if at that. So that at that point, there should be enough research done to be able to aim for less than 2.

As I said before, the two fibre level does not cover anything — as a matter of fact, the Department of Labour Notice of Proposed Rule-making says, and I quote: "The reduction of asbestos exposure to levels sufficient to prevent asbestosis is known to be insufficient to prevent asbestos cancer". Now why should we accept less than adequate standards, especially when we are making a standard for sometime way in the future is what you recommend. I feel we are being very backward in this whole thing.

Also at present, Mr. Trevor probably realizes that

the union has been doing measuring of levels at Clinton Creek, and they have found that there is an average of 2.5 fibres per cubic centimetre, so that we are now, without really having instigated any real changes in the mines, reaching a level of 2.5. Why can't we reach a level of 1 then?

Mr. Chairman: Mr. Trevor?

Mr. Trevor: This depends, to a large degree, on the famous exponential curve, the closer you get to the desired zero, if you wish to use zero as the desired target, the harder it is to achieve, and this multiplies very rapidly.

Our most recent survey carried out by the staff of the Mines Inspection Section, would indicate corroboration with those facts, that indeed something like 70 percent of the locations are below five. This still leaves the problem of those locations which are not, and are difficult to put right overnight.

In my experience with legislation, I would have to advise that if you bring in a mandatory standard, then you make the operator responsible the next day, and it just doesn't appear possible to comply with a change overnight. It would take, in the minds of the Task Force, many, many, months to achieve, to get it down to the figure of two.

For a new mine, this would be somewhat different, because the engineer could then design this standard right into the plant right from the beginning, but I would point out that the Clinton Creek Mine was not designed to achieve that standard.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Yes, Mr. Chairman, to continue with my comments and question. Obviously the Committee has done a very good job and done a fair amount of research into this question, and they have recommended, as we find in their list of recommendations, that certain things be done.

This House has, by resolution at a former sitting, perhaps though not constituted as it is today, have made firm resolution — by firm resolution made their desire clear to have some sort of threshold limit values placed in, either the Workmen's Compensation Ordinance or the Mine and Safety Ordinance, in respect of this question.

My question would be to the Honourable Minister of Health and Welfare, and I'm wondering if she could tell me if now, the administration, based on the recommendations of this Task Force would in fact bring down regulations, and if so, how soon?

Hon. Mrs. Whyard: Yes, Mr. Chairman. This report, as I think the Honourable Member knows, was received only on the 24th of November at 5:00 p.m., and we immediately moved it in for the benefit of members here who have had a week now to read it. There has been no opportunity to proceed any further than simply receiving this report.

It is certainly desirable, and it's certainly the objective of the government to bring in the sections which you need to insert into the Mining Safety Ordinance,

which I imagine would come under the dust exposure occupational sections between Section 13 and 26. There is ample space for any further restrictions, but we still need additional expertise before these regulations can be drafted. After Mr. Trevor has given us the benefit of his experience to date, I am going to propose to the House that we also call as a witness, an environmental engineer, who has been recommended to us from Ottawa, who will take us a step further into the planning of the actual specifics required for those sections.

Mr. Chairman: Thank you.
Has this witness been approached?

Hon. Mrs. Whyard: No, Mr. Chairman, because he's not available this week.

Mr. Chairman: Mr. Lengerke?
Mr. Lang?

Hon. Mr. Lang: Mr. Chairman, I heard the Honourable Member from Ogilvie state that you know, that she talks about two years, two and a half years in order to have some regulations come into effect to bring these recommendations forth for the welfare of the workers in Clinton Creek; and on the other hand, we know that it's public knowledge that the Clinton Creek Mine is going to close, foreseeably, in 1977. I think the parameters of the Clinton mine and the way it stands today is very important into our evolution of responsible government. I see when they first went into production, it was with the idea, with the common understanding that there was to be 60,000 tons mined per year, and in the foreseeable future maybe up to 80,000 tons per year.

In the space of three years, we saw them go to 105,000 tons per year being mined. I find it -- you know, here we are talking about regulations and whatever into the Clinton mine, and I'm a little amazed that, you know, Mr. Trevor says it's going to take months and maybe years to come up with some viable means of turning over Clinton Creek, so they can facilitate these recommendations. I'm just curious, what are the economics we are looking at in relation to Clinton mines to say change over to the, get down to 2 fibres per cubic centimetre? Do you have any idea?

Mr. Trevor: I can only state my own opinion, and as a mining engineer myself, and having dealt with these problems, that my opinion would be that if you passed a two fibre standard as of this moment, the mine would not be able to comply overall and the necessary machinery that would be required to bring it to that level, taken in conjunction with the limited life of the mine, which we have been led to understand, would render it uneconomic for that mine to continue operating, in the eyes of the operator.

Mr. Chairman: Mr. Lang?

Hon. Mr. Lang: In other words, if there were regulations passed by this House, they would close down the mine?

Mr. Trevor: I wish to qualify that. That is my opinion, based on my past experience. I would not wish to give that as a firm opinion without being able to do a considerable amount of study into the economics of the present operation, with which I am not fully familiar at this time.

Mr. Chairman: Ms. Millard?

Ms. Millard: That certainly was going to be my next question, has the company indicated to the Task Force that if regulations were instigated, that they would have to close. Has the company indicated anything to the Task Force on its economic problems concerning the level 2 method? It seems to me -- level 2 standard.

It seems to me that the terms of reference of your Committee gave you certainly leeway to investigate the aspects and implications of adopting the proposed standard. It seems to me that would be the first question that would be asked would be how will company be affected if these things are imposed?

Mr. Trevor: This is correct. The Task Force did take that approach, but it's extremely difficult to go too deeply or too far in that direction. You cannot equate the economics of mining directly with the health of people, I guess it's impossible to put a dollar value on one side of the equation. The Task Force finalized its opinion on the basis of principally what it felt the level should be, and what was a practicable time for that level to be achieved in existing operations.

Mr. Chairman: Mr. McCall?

Mr. McCall: Thank you, Mr. Chairman:

I just have at this point one area of concern dealing with regulations in the Mine Safety Ordinance.

On November 22nd, 1973, I attended a meeting with the Mining Inspector, along with a various number of other gentlemen, to recommend changes in mine legislation, or I should say mining legislation, to, shall we say, tidy up the hazards that we have in mining in general. This included the asbestos mine at Clinton Creek.

At that particular meeting, the company was represented by an individual who made no mention about the hazards at the Clinton Creek operation, which is to be expected, he was representing management. We have never seen any forward thinking on behalf of the government, all due respect to this Task Force. Since November the 22nd, 1973 and this point in time, I don't think there has been one suggested change from the government administration pertaining to safety and the mines.

I also feel quite concerned there is going to be another amount of time before regulations are going to be enacted on one of the most serious hazards in the mining industry today. In February, 21st to be exact, 1975, I received another communique from the Mining Inspector, which was also, I believe, sent out to all mine managers at the same time, concerning safety inspections and reports, and I'm presuming that is to hazards thereof, wishing for me to put forward recommendations which would then in turn be drafted into some legislation so that the Mining Ordinance could be

amended, the Mine Safety Ordinance.

I answered that letter with my recommendations, on March the 4th. I think we have been through two sessions, if not three sessions, and the only change that was put forward was the Private Member's Bill earlier this year. So I'm a little alarmed about the expense, and the time and effort that this Task Force has used, which I feel will be once again like everything else concerning safety in the mines, it would be a sheer waste of time.

I have heard facts and figures and quotations from other areas of the same industry, which stands to be used at this point in time for legislation. I'm amazed to hear that there could be approximately another two years, and maybe another year -- maybe another 20 years for all it's going to do, to bring out some worthwhile legislation on behalf of the working people in mines. You don't mind passing capital bills, expenditure bills, for a mine to go into operation, but when it comes down to governing a company that is harvesting the resources, I think there is a good sentence in this report here, that "various governments seem to be operating on the principle that it is worthwhile to exploit the lives of workers for the sake of the economy". That is 100 percent true. I'm quite alarmed about these time factors. It's going to be a sheer waste of time.

Mr. Chairman: Ms. Millard.

Ms. Millard: Yes I would like to hear from Mr. Trevor why the date July 1st, 1978 and how it was settled on.

Mr. Trevor: Essentially this date was arrived at throughout discussion amongst the Members in the Task Force as to what would be a reasonable time to allow to bring existing operations into line. I might point out that we are faced, within a very short period of time, the reduction in the standard a very considerable amount. At the time when I was Chief Inspector in Newfoundland, which is not that many years ago, we were operating there to a standard of ten. Which even then, at that time, constituted a reduction. We reduced from ten to five and now we're proposing to reduce from five to two. I can only repeat this was what the Task Force considered was the most acceptable amount of time which could be allowed, it shouldn't be any longer. In the letter of transmittal to the Commissioner, the Task Force requests that it be reconvened before this July 1st date to review the whole situation. I might point out that this was recommended for two reasons. One was that one wished to see what course other jurisdictions were taking, but at the same time, I don't wish to quote Mr. Taylor directly, but he was concerned, I know, as to whether the reduction from five to two would constitute unsurmountable problems.

Mr. Chairman: Ms. Millard.

Ms. Millard: Mr. Chairman we have already indicated that the company has been able to keep to a 2.5 level at this point without any changes in the mine. I believe that there are many changes that can be made

in the mine apart from large machinery costs and everything else that would bring the standard down and would, at least, protect the employees.

If I have to I'll read out all the recommendations that the Canadian Mineworkers have made two or three years ago. All prospective employees should be informed of the dangers of asbestos prior to employment. This could be instigated through regulations immediately. Respirators, and we haven't even gotten into the problems of respirators, but there are many problems involved. The respirators, apparently at Clinton Creek that are being used, at this point are not sufficient, they have never been tested, why doesn't this Government test them, find out whether or not they are being used properly. Respirators approved by the U.S. Bureau of Mines for Umonica Coniosis, is that how you say it Jack—should be worn by all employees wherever there is dust contamination. Vast improvements should be made to the ventilation systems in all asbestos work areas and fibre counts should be taken more frequently to measure the effectiveness of such systems. There's nothing wrong with that, it's not going to cost the company anything. In fact the unions have been doing the testing up to this point as well as the company. Protective clothing should be worn by asbestos workers and such clothing should be cleaned and removed and removed before leaving the job site. There's no cost involved to the company there. They could even impose the cost of the protective clothing on to the employees, if they had to. Workers hands and clothes should be cleaned before eating to avoid food contamination. Workers should not only have chest x-rays but also pulmonary function tests as part of their complete annual health inventory. I would add to that health thing and say that there should be regular thorough medical examinations of anyone who has worked there for more than three or four months. They should be regular and they should be paid for by the company. Dust from the crusher-dryer and mill should be collected and disposed of in a safe place. Apparently it is not at this point. In fact I know it's not and the tailings that come from the mill are just thrown into a big pile which the wind just takes down that valley.

All bags containing asbestos fibres should carry a warning such as Caution inhalation of asbestos fibres is hazardous. If dust is created when this product is handled avoid breathing the dust. Certainly it's not going to cost the Government or the company very much more than \$200.00 to make a bunch of labels to paste around the place.

The education of the workers at Clinton Creek is minimal on asbestosis and related dangers to working in a mine. I worked there for three months and the only information I got from the company was a funny little thing that stated there was nothing wrong with working with asbestos. Then I got this other, the thing I've been reading from the local union and it says just the opposite and that's all I had for education on asbestos and related illnesses and yet I was working there for three months and never knew for sure what danger I was working under. I feel that certainly is the Government's responsibility to put forward regulations which would educate the employees and inform the em-

ployees before they even start working out there, just what is the problem. We don't have to wait for July 1978 to do that do we?

Mr. Chairman: Mrs. Whyard.

Mrs. Whyard: Mr. Chairman I would like to first of all address a question to the Honourable Member from Pelly regarding his remarks. I wasn't able to get in right on the heels of his statement. I am wondering if in view of his remarks concerning this report, had he been the union member on this Committee would he have disassociated himself from this report. Is he saying to us that he does not agree with the report which was signed by a representative of the Canadian Mineworkers. I have other questions Mr. Chairman.

Mr. Chairman: Mr. McCall.

Mr. McCall: I think there was one more than one answer to the Honourable Member's question. My remarks was not projected at the concern I had with this report. My remarks were directed to the system that the Mineworkers have to operate under as far as safety regulations. What I was trying to show was we have a year of 1978 when these items on this report will probably come into effect as far as legislation. My concern is, I'm trying to draw maybe a very awkward picture to show you the communications system that we have with the Territorial Government, who, on behalf of the people in the Yukon, and I'm talking about the mining industry as a whole, take it upon themselves to create good legislation to protect the people in industry and private sector. My concern is that as I describe and explain in the communications I have had with the mining industry that the lack of interest of the Mining Inspector. The ignorance as far as safety with our Mining Inspector and a number of other things which I think some of this, some of the information that has come to light today from the Task Force, from individual people and from some of the Honourable Members, has shown a total ignorance of our Government when it comes down to mining safety. We are dealing with asbestos. I think all of us know what asbestos can do. We're all aware of what it can do to your health, but we're going to sit on these sort of recommendations for another couple years or so before they re enacted. I would have rather have seen that this was a piece of legislation right now. Because I can see in two years we won't need it because we won't have any asbestos mine here in the Yukon. Our friends Cominco will have disappeared. They have raped the countryside, they are going to take right off. Yes, we might get another asbestos mine in the Yukon. What about, like today, what about like for the next two years. There are some good recommendations from this report or brief that was presented to us. We could sit all day today and into tomorrow and talk about the effects of asbestosis. I'm concerned because—and I feel, I'm very upset about it, because we could spend millions and millions of dollars to encourage industry to establish itself in the Yukon and then we seem to forget that it's the people like you and I that produce in that industry, and we're not protected.

Mrs. Whyard: Mr. Chairman I haven't got an answer to my question with all due respect to the Honourable Member. The question was would he not have agreed with this report had he been the union member on this Task force and would he have made entirely different recommendations in this report. That's the question I'm asking. If not, does he agree with these recommendations.

Mr. McCall: Mr. Chairman, I concur on what the Honourable Member is saying. I would probably have put it a lot stronger than what it is now.

Hon. Mrs. Whyard: Thank you. That's what I wanted to know.

Mr. Chairman, I think also we should, in all fairness, in regard to the criticism from the Honourable Member for Ogilvie, look at the recommendations. I think there may be some members here who haven't. Six, specifically points out that the chief medical officer of health, mine operators and union representatives, should co-operate on a campaign to educate employees in asbestos mining operations. That means now, not two years from now or '78, but now, and acquaint them with the additional risks associated with smoking, if they still need that kind of information. 6.7, the requirements of the Mining Safety Ordinance in regard to medical examinations and employee work histories should be reviewed and amended to provide for it, et cetera, et cetera, and this is in this report, and these recommendations are here and for now.

We are not going to wait until 1978, any of us, to implement those recommendations. The one recommendation which is tied in with a time standard is the limitation of the size of the fibre which is part of the test. I don't pretend to understand all the scientific background which goes into those tests. I think it would be helpful to this Committee if Mr. Trevor would explain to us what tests are being conducted at Clinton Creek now, by whom, to whom they are reported, and what happens to those reports.

Mr. Chairman: Mr. Trevor?

Mr. Trevor: The compliance with an existing standard, which is not mandatory under legislation, and the standards which are actually being met at Clinton Creek, are being reviewed and tested by members of the Mines Inspection Section. We have an environmental engineer, and two technicians; one in the Northwest Territories and one for the Yukon, who, the technician here spends his full time visiting all mines to take tests of all environmental hazards. This would include gas, asbestos, dust containing silica, this type of thing.

The tests that have been carried out at Clinton, were only started by the Mines Inspection Division within the past year, because of the change-over and the reduction in the standards, we went from what is known as a midjet impinger manner of collecting the samples, to a membrane filter method. This necessitated the purchase of a good deal of expensive equipment, and the training of people to use it. It's a very delicate system, and even when you do take a

sample and read it, many long hours at the microscope, we still can't guarantee that you are closer than plus or minus 10 percent to the true value.

We don't have a technique that is any better than that. The studies that the Mines Inspection staff have carried out. One very brief study following the one carried out by National Health and Welfare, which confirmed their findings, and a more recent one carried out in June of this year, as a full study, showed some improvement on the previous conditions, and that report was presented to the union and management at a joint meeting and fully discussed by the operator and the union and our environmental engineer.

So this is the method that's been adopted in this particular instance to acquaint everybody with the conditions as the Mines Inspection staff have found them.

Hon. Mrs. Whyard: Mr. Chairman, one further question. The Honourable Member for Ogilvie has referred to the need for some kind of informational documents or pamphlets for the use of employees, and I have not been an employee at Clinton Creek, but I have seen a copy of a very informative brochure published by that company, with specific information about the hazards of working in an asbestos mine, and-or about the processing of asbestos. I would certainly think this material is available to all employees.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Well, Mr. Chairman, when I indicated I would like to speak, it had reference to back to the regulations again, and as I stated, I have been going through my files here and I can't find a copy that I did have, and which I photostated and circulated to all members of the former House, prior to the House passing a resolution asking for regulations in this regard. I just wish I could lay my hands on it, but I believe our mining inspectors have all moved up the hill now. I don't think they are in this building. Is that so? I have nothing available to me.

I only wanted to ask again if a copy could be made along the lines of the B.C. Mining Regulations in this regard, and appended to the Mine Safety Ordinance. I don't think this would take all that much time, while we consider the question of how many — or what threshold limit values we are going to establish for dust, and in particular asbestos fibre.

I have been asking for this for years and years and years, and we don't seem to have gotten any closer, although I do appreciate all the work and all the effort and all the interest that's been more recently taken in this question, more particularly by the Committee. But, it still occurs to me that there must be some way that we can draft up regulations at this time, setting aside perhaps for a month or two months, the question of threshold limit values, but the rest of it we should be able to write into regulation right now. That's my point, rather than complicating the thing and getting all hung up on this, why don't we start and make an attempt to impose regulations under the Mines Safety Ordinance, good regulations, aimed at providing as much safety as we can to the workmen, working in

these hazardous areas, and as quickly as we can determine a fair and reasonable threshold limit value, simply and plant it into the Ordinance.

We have got the rest of the work done, and at least we have got part of it working. I can't see why that can't be done.

Mr. Chairman: Mr. Berger?

Mr. Berger: Thank you, Mr. Chairman.

I have two questions, two different things actually for Mr. Trevor. One is how much research is the Canadian Minister of Mines doing on the dangers of asbestos and on the prevention of asbestos, and the sicknesses and illnesses?

The other thing is what I'm quite concerned with is we are talking about Clinton Creek. Clinton Creek is not the only place that handles asbestos. In Dawson there's two areas where asbestos bags are busted every day, and they are handled and swept up on a wooden floor, which sometimes gusts of wind carries all over the place. There is absolutely nothing mentioned in this, I mean I realize those people are just casual employees and by government standards, casual people don't exist, but I think we should be concerned with all levels of asbestos handling. White Pass is handling them afterwards, and all the truck drivers en route on it, and there is absolutely nothing mentioned on this in here now whatsoever.

Hon. Mrs. Whyard: Please, Mr. Chairman, if the Honourable Member would kindly read the recommendations in this report, he will find that specifically, the Territorial Government investigate possible exposure hazards related to asbestos in areas outside the mining operation.

Now there's a specific recommendation regarding transportation, all these places where the fibre is handled. If hazards are shown to be present, similar recommendations to those above should be made elsewhere. That's one of the specific recommendations, they are concerned with the dangers, no matter where the fibre is being handled.

I think that a great deal of this discussion today is premature. I would once again ask, Mr. Chairman, that this House remember that we want to bring before it an environmental expert on this particular subject, who can give us considerable information about research and findings and the specifications and minute classifications which have to be included in any regulations which we impose. There is nobody here more anxious to get on with this than I am, but I have not got the background information yet on which any of us can base these regulations, and that, in effect, is what this report says.

Thank you, Mr. Chairman.

Mr. Berger: I realize all this. The danger has been existing for many years. Clinton Creek came up with safety measures in the mine site. There is absolutely nothing was done in the other areas. Why do we need another expert?

If I take it that the more you can see the danger of the thing, we don't need another expert. There are so

many experts running around in the Territory, I am sick and tired of seeing experts. Why not we get on with it right now?

Hon. Mrs. Whyard: Would you care to write the regulations, Mr. Berger?

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: Yes, I have been trying to get up here to speak on this, but I feel that I am really going to echo a lot of what has already been said, echo, echo.

I can't make any excuses for the length of time it has taken to discuss this problem in this House, but certainly it's before me now, it's before us now, and I would just like to say that I think it would do this Assembly very well to open up the appropriate Ordinances, and amend them immediately, and I think the Honourable Minister of Health and Welfare — (Applause)

— suggested we do this, and I say that we must make a firm commitment here today to get this on the table and get along with the job.

Certainly there are many points here that are raised in both reports, that are very — as far as I'm concerned — they are quite easy to put into legislative writings, and we should act on it immediately.

I have one question of Mr. Trevor while I am up, and it's one that, I understand that Clinton Creek, they now meet the limitations to the order of about 2.5, is that correct, or is that — I heard that stated here?

Mr. Trevor: May I answer straight away?

Mr. Lengerke: Yes, I will just finish — if that's the case, I realize that maybe this is something to do with the summer and winter operations, and could you further explain what the problem is in the winter, why they can't.

The other thing I would like to just make perfectly clear, is that I see in the report from the Task Force, that again, it's probably on Mr. Berger's — the Honourable Member's lips, that we look at the transportation situation. Certainly, there are other areas that require some regulation, and we can do that today. We can make a commitment, and I want to do that.

Mr. Chairman: Ms. Millard?

Ms. Millard: Mr. Chairman, in that regard I would like to make a motion. I have many other things I would certainly like to say about this report, but I think we have taken enough time and that people certainly have responded well to the seriousness of this problem, and on behalf of the workers at Clinton Creek, I certainly appreciate it.

I would like to move, and if I have a seconder, — Mr. Taylor, you were the one to — well, I will read the Motion.

I would like to move that this government immediately investigate the possibility of implementing regulations concerning protection of the workers at Clinton Creek, and transport workers who are dealing with asbestos.

Mr. Chairman: Seconder?

Hon. Mr. Taylor: Mr. Chairman, I would suggest that these things that come out of the blue often get very confused. Perhaps maybe a short recess could be made available to the members to consider what this Motion is, because we usually bog down at this point, with these midnight motions.

Ms. Millard: Mr. Chairman, I think the Motion is quite clear. I'll read it again — shall I read it again?

Mr. Chairman: Yes.

Ms. Millard: That this government immediately investigate the possibility of implementing regulations concerning protection of the workers at Clinton Creek and transport workers who are dealing with asbestos.

Hon. Mr. Taylor: Why not other workers? Why Clinton Creek?

Ms. Millard: Mr. Chairman, may I point out to the Honourable Member from Watson Lake, that that is our only asbestos mine in the Yukon.

Hon. Mr. Taylor: At the moment.

Hon. Mrs. Whyard: Is there a seconder?

Hon. Mr. Taylor: Mr. Chairman —

Mr. Chairman: Do we have a seconder for the Motion?

Ms. Millard: Do we have a seconder?

Hon. Mr. Taylor: Mr. Chairman, I will —

Mr. Lengerke: I will second that Motion.

Hon. Mr. Taylor: It is not worded properly.

Mr. Chairman: It's not.

(Discussion)

Mr. Chairman: I shall declare a short recess.

Recess.

Mr. Chairman: I will now call this Committee to order. I would like to point out to the members of the legislature that we are not in a position to be maligning a civil servant, and I would like you to keep that in mind.

There were some questions asked of Mr. Trevor that he hasn't had the opportunity to answer. Mr. Berger, what was your question?

Mr. Berger: Thank you, Mr. Chairman. What research is conducted by the Canadian Ministry of Mines on the danger of asbestos and the prevention of asbestos illnesses?

Mr. Trevor: I'm not aware of any research carried out by the Department of Energy, Mines and

Resources, relating to the specific medical dangers. This would fall under the Department of Health and they have done some considerable work, I understand.

With regard to the mechanical aspects or the engineering aspects of reducing the hazards, this to some degree, falls under the auspices of the Department of Energy, Mines and Resources, whereby they do carry out research on milling of ores and the whole aspect of controlling dust and dust emissions would be touched upon under that kind of study.

Mr. Chairman: Mr. Lengerke, you had some questions?

Mr. Lengerke: Yes, Mr. Chairman. There was just one question, I first wanted to confirm that Clinton Creek now meet 2.5 as far as the tolerances go, if that is correct, and also I wanted to know if there are differences in a summer and winter operation in trying to meet those limits?

Mr. Trevor: Let me answer the second part of the question first. The work that the Mines Inspection staff have done so far has not been going on long enough to come up with a reliable answer with regard to the difference between summer and winter. Most of the work is being done in spring, summer and fall, and not under very adverse weather conditions as we are experiencing right now.

We anticipate, however, finding that conditions will be somewhat worse, and this will be done throughout the course of this winter.

Answering the first part of the question, on a very broad basis that would be correct, but I would again caution you from taking — looking at averages too much. It would be true to say, I think, that 80 percent of the mill plant area could meet a standard of two and a half, but then what does one do about the other 20 percent that doesn't. There are still problem areas, quite severe problem areas in bringing the standard down to a level of two or two and a half.

Mr. Lengerke: Just further to that, when you say the other areas, what would their limitations be now then? Would they be very much over the 2.5, are you talking of 5 ranges, or —?

Mr. Trevor: I think I mentioned earlier on that bulk of the measurements from the last survey fell below, in the 2 to 5 range, but there were approximately 20 to 25 percent above 5, but less than 10.

Mr. Chairman: Ms. Millard?

Ms. Millard: I don't think I have anything to answer, or to — oh yes, I would like that Motion read. I don't have a copy of it. Could you read it for us, Mr. Chairman?

Mr. Chairman: Moved by the member from Ogilvie, seconded by the Member from Riverdale, that this government request the Commissioner to immediately implement regulations controlling asbestos handling and asbestos products, as recommended in the report of the Task Force, to a tolerance standard

for airborne asbestos — I can't read your writing.

Ms. Millard: If you are reading my writing, that's probably the case. The report is called "Report of the Task Force on Tolerance Standards for Airborne Asbestos in Mining Plants and Operations in the Yukon Territory".

Mr. Chairman: I will repeat it. "That this government request the Commissioner to immediately implement regulations controlling asbestos handling and asbestos products, as recommended in the report of the Task Force on tolerance standards for airborne asbestos in mining plants and operations in the Yukon Territory".

Is there further discussion?

Mr. Lengerke: Mr. Chairman, I'm down as the seconder of that motion, and that isn't the motion that I seconded. I would like to withdraw that at this point, and I think I would like to work on that motion for a minute.

Mr. Chairman: That was the purpose of the recess.

Mr. Lengerke: I never saw —

Mr. Chairman: Are you withdrawing your second?

Mr. Lengerke: To that particular Motion, I am. I never saw it before it got over to you, so — could you read that again please? Just read it again.

Mr. Chairman: "That this government requests the Commissioner to immediately implement regulations controlling asbestos handling and asbestos products as recommended in the report of the Task Force in mining plants and operations in the Yukon Territory".

Mr. Lengerke: Okay, that's fine. I will remain.

Mr. Chairman: You are seconding that Motion? Any further discussion? Mr. Lang?

Hon. Mr. Lang: Mr. Chairman, may I ask the witness, my understanding that if we implemented 6(2) — is it 6(2), yes, five fibres per cubic centimetre until July the 1st, 1978, if we implemented that to come into effect tomorrow, the Clinton mine would in all probability close, is that correct?

Mr. Trevor: No, this is not correct. 6(2) says that existing operations should meet a standard of five fibres, even if that were put into effect immediately.

Hon. Mr. McKinnon: Mr. Chairman, I wondered, this is a fairly important matter. I think that there is nobody here who doesn't realize the seriousness of the discussions that we are having this afternoon, and the seriousness of any decision that we at this Assembly make.

Mr. Chairman, probably the way that Committee has always found that the best procedure that has followed when witnesses are before the Committee was that we question the witness and took advantage of his

expertise in any of those matters dealing with the report. Following the questions and answers that were given, then the witness is excused. If any member felt that out of the discussions that were brought forward during the course of examination, that they would then, in the ordinary course of events, give Notice of Motion as to what they would like to see done or if they didn't want to see anything done, no Motion would follow.

Then you would have the 24 hour notice, the Motion was given to the Members of the Assembly, in due course, and it would be debated in the House in due course, which of course, gives it the validity of not being a Motion that just came out of Committee on the spur of a moment but a motion that was gone through the House procedure and was debated in the House and passed as a Motion of the Yukon Legislative Assembly.

I think that the importance of this discussion and the Motion ensuing, deserves that type of careful consideration, and though I would be prepared to debate and vote on the Motion, and I wouldn't really want to make a decision at this moment, because I would like to examine the whole question further. I would ask that the mover and the seconder, if they withdrew and then did get together with the other members who wanted to, draw a proper Motion and bring it to the attention of the House through the normal procedure, that we would all be an awful lot better off on what I consider to be a very important and a very serious discussion, and one that we just shouldn't go off in the blue evolving out of a Committee discussion.

There is one other point that I want to make, and that is prior to just a short time ago, that all of these Sessional Papers, Bills, different information packages, were timed by the administration, if you want to use the term, for political purpose, as to when they came before this Assembly. This, the Executive Committee at this time made the decision that anything that was available at this time, whether it be Bills, whether it be Sessional Papers, whether it be information packages, as soon as they became available, they were public documents. They weren't used, they weren't going to be timed, they weren't going to be given out in bits and draft as the political timing was correct. All those pieces of information became public documents the moment that they landed at our desks, and the moment that the Assembly happened to be in session.

So I think there was a bit of a misapprehension that came about this afternoon that why weren't regulations and why wasn't an Ordinance available right at this time? These came last week at 5:00 o'clock of an afternoon, and they were tabled before this Assembly at 10:00 o'clock the next morning.

The Honourable Minister of Health, Welfare and Rehabilitation could have waited before releasing the document, until regulations, until the Ordinance was changed, but we thought that we would rather have all the information before Members of the Assembly, if they were public documents, so that we could have this type of discussion this afternoon. And with those words I just think that we would be making a mistake if we rushed in to try to move a Motion through Committee evolving out of a limited discussin that we have been able to have on this report this afternoon Mr. Chair-

man.

Mr. Chairman: Would that be in faovur if the Motion and Seconder of this be postponed and brought in in the usual manner.

Ms. Millard: No I'm kind of effected by that debate. I would like to see the House vote on it and if they feel that we should have more discussion then have twenty-four hour Notion of Motion etc. that they will vote the Motion down.

Hon. Mr. McKinnon: Mr. Chairman the problem is that once it's raised at this session that's the end all of it. When Members ask for more information and more time to examine it generally, that is conceded because if you don't have that information and you vote the Motion down on a serious matter such as this, because Members have asked for more time that subject cannot be raised again at this session. Mr. Speaker will rule it out of order if it is so raised. That's how serious it is.

Ms. Millard: Mr. Chairman my main objection is that the information should have been in the Task Force report in the first place. We should have had sufficient information for us as laymen to understand what the problem was and to make our recommendations on the basis of knowledge which was put forward by a Task Force which has been working, as far as I knqw for nine or ten months. I don't know what additional information is needed by the Honourable Member before he can make a decision on the Motion.

Mr. Chairman: Ms. Millard I think that it had been suggested by the Minister of Health and Welfare that we do have another witness so we could more adequately examine the problem. Mrs. Whyard.

Mrs. Whyard: Mr. Chairman if I may say a word on this, as Mr. McKinnon outlined, the normal course of events when a report of this stature is received, and you will note it was addressed to the Commissioner, is that this report is then processed by the Government Officials. They provide the background information, they put it together into a Sessional Paper and it is then brought to Council. As we have just clearly outlined, this proceedure was sidetracked in this case and that is our difficulty. You have received nothing but this basic report. You have received no further information from any of the Government staff involved and we have no Sessional Paper before you. That is why I asked earlier today for further discussion of this report for an opportunity to bring further information which would add to the report so that together we would reach the stage where we could provide the resolution which would put regulations into effect. But at this stage it's premature in my opinion.

Mr. Chairman: Mr. McCall.

Mr. McCall: Thank you Mr. Chairman. In view of what the Miniser for Local Government has just stated, I concur with his suggestion. I think a little moretime would be very wise. I am personally asking

the Honourable Member from Ogilvie to reconsider her position at this point. I think it would be to her advantage, if not, it would be to her disadvantage.

Ms. Millard: Mr. Chairman.

Mr. Chairman: Ms. Millard.

Ms. Millard: Well before withdrawing, if that's what happens, I would certainly need some reassurance that this expert is going to come before the end of this Session. Are we going to have to wait until next spring again, until we bring this up again. The people at Clinton Creek are waiting and waiting, is there some assurance that this man is going to be here in the next seven days.

Mr. Chairman: Mrs. Whyard.

Mrs. Whyard: Mr. Chairman as I said earlier this afternoon. We had hoped to have an Environmental Specialist here this week, but he is not available this week and that is why I asked to have it deferred until next week. But it definitely will be during this Session.

Ms. Millard: Thank you Mr. Chairman. On that basis I would move to withdraw the Motion.

Mr. Chairman: And does your seconder concur.

Mr. Lengerke: Yes Mr. Chairman I concur. I just want to make this one last comment. Really I thought that the purpose of the Motion would really be to commit this Assembly to further action as stated by the Honourable Minister of Health with respect to, you know, more publicity, programs, awareness, measures as to protect clothing and so on. I concur quite readily as long as we do make the commitment that we're going to bring it back, which, of course, we have.

Mr. Chairman: I think—
What is the feeling of the Assembly.

Some Members: Agreed.

Mrs. Whyard: Mr. Chairman may I just make one further comment at this time? That is that there is no way that I wish to delay any action arising from this report, but there is also no way at this stage of development that I am prepared to help draft regulations which would apply immediately as the Motion asked. I've got to have more information before I know what effect they will have, whether they are right or whether they are wrong and that is the only reason that I am asking for any further time.

Mr. Chairman: I think it has been agreed by Committee that this will be deferred until the witness is available and so Mr. Trevor you are excused. Thank you very much.
We shall have a brief recess in order that the Legal Advisor can be here.

Recess

Bill Number 4 Continued.

Mr. Chairman: I will now call the Committee to order.

We will proceed with the clause by clause reading of Bill Number 4. On page 22, Section 17.
(Reads Clause 17)

Mr. Chairman: 166(1).
(Reads Section 166.(1))

Mr. Chairman: 167(1):
(Reads Section 167.(1))

Mr. Chairman: 168(1):
(Reads Section 168.(1))

Mr. Chairman: 18, Section 170 of the said Ordinance is repealed and the following substituted therefor:
170(1):
(Reads Section 170.(1))

Mr. Chairman: 19, Section 175 of the said Ordinance is repealed and the following substituted therefor:
175(1):
(Reads Section 175(1))

Mr. Chairman: 20, Paragraph 301.(3)(b) of the said Ordinance is repealed and the following substituted therefor: 301(3)(b):
(Reads Section 301.(3)(b))

Mr. Chairman: 21, the said Ordinance is amended by adding after Section 301 the following new Sections:
301.1(1):
(Reads Section 301.1(1))

Mr. Chairman: Two:
(Reads Section 301.1(2))

Mr. Chairman: 301.2(1):
(Reads Section 301.2(1))

Mr. Chairman: Two
(Reads Section 301.2(2))

Mr. Chairman: Three
(Reads Section 301.2(3))

Mr. Chairman: Four
(Reads Section 301.2(4))

Mr. Chairman: 301.3(1):
(Reads Section 301.3(1))

Mr. Chairman: 301.4(1):
(Reads Section 301.4(1))

Mr. Chairman: 301.5(1):
(Reads Section 301.5(1))

Mr. Chairman: Two
(Reads Section 301.5(2))

Mr. Chairman: Three

(Reads Section 301.5(3))

Mr. Chairman: 301.6(1):
(Reads Section 301.6(1))

Mr. Chairman: 22: — Mr. McIntyre?

Mr. McIntyre: Inasmuch as in order to set this Escheats Act in operation and nobody appears to be doing it in the past, and I wonder if any provision for the Territorial Government to set this in Motion in the future on escheated property.

Mr. Legal Advisor: Mr. Chairman, as I understand it, there are — there is a move on foot to deal with Escheats in a way appropriate to both governments. Talks are proceeding somewhat slowly, but they are proceeding.

Mr. Chairman: 22, Section 309(1)(c) of the said Ordinance is repealed and the following substituted therefor: 309.(1)(c):
(Reads Section 309.(1)(c))

Mr. Chairman: 23, Section 314 of the said Ordinance is repealed and the following substituted therefor: 314.(1):
(Reads Section 314.(1))

Mr. Chairman: 24, the said Ordinance is amended by adding thereto the following new section: 337.(1):
(Reads Section 337.(1))

Mr. Chairman: Two
(Reads Section 337.(2))

Mr. Chairman: Three
(Reads Section 337.(3))

Mr. Chairman: Four
(Reads Section 337.(4))

Mr. Chairman: Five
(Reads Section 337.(5))

Mr. Chairman: Ms. Millard?

Ms. Millard: Apparently this part of the Ordinance pretty well follows the B.C. legislation, except in this one section, where B.C. makes a much stronger provision to refer the amalgamation to the courts, and it says that it's to be referred to the Supreme Court, and it also says that the companies shall apply to the court in less than two months for approval. I wonder why, if Mr. Legal Advisor could tell us, why our legislation is so much weaker that its parent legislation?

...Mr. Legal Advisor: Mr. Chairman I need to compare the two but I wouldn't agree that it's weaker. The assumption is that when you have 75 per cent of the people who own the company wanting to amalgamate with another company the amalgamation goes

through. If anyone wants to stop it, they would have to get more than 25 per cent of control of the company. That's the way it's set up here. Now it's a matter of art but percentage you choose, whether it should be 60 - 65, 70 - 75 and so forth. But then if there's a genuine difference of opinion, at any time, I think they can go to court. If you wait until the other section are read you'll see they can go to court.

Mr. Chairman: Ms. Millard.

Ms. Millard: My interest is not so much in whether the two companies want to amalgamate, but what if it is something where the two companies are not going along with public interest, that perhaps the public purse, or the public interest should be protected and have it referred to the court.

Mr. Legal Advisor: But this would be a matter of policy which has not been dealt with in this particular Ordinance which is merely to control the operations of companies in per se, that the ownership and how one company can acquire ownership of another. If the question of public interest it should find a place possibly outside this Bill and should be the subject of keen debate as to what the position would be. It isn't a policy decision that is being faced and dealt with and is not intended to be this particular Ordinance.

Ms. Millard: Mr. Chairman.

Mr. Chairman: Ms. Millard.

Ms. Millard: Then why is the legislation not as strong as in B.C. It must have been considered to use the term shall applied to the court and shall go to the Supreme Court. There is no description of which court it shall go to, or may go to, and so it must have been in consideration at that point. Why was it decided not to put in shall so that the public interest could be protected.

Mr. Legal Advisor: I don't know. Perhaps the Government might be able to deal with public interest part of it. I'm only dealing with it from the legal point of view. This House has never been satisfied that a Judge of a Court is a better judge of the public interest in these kind of cases than the Government of this House.

Ms. Millard: Excuse me Mr. Chairman, I don't see that the Government of this House has got anything to do with the amalgamation of two companies. It's up to the two companies and their shareholders to decide and there is no definite referral to a court if anyone disagrees with that. It has nothing to do with the Government, does it?

Mr. Legal Advisor: There is room for an application to the court in this, but it's not envisaged Mr. Chairman that this will be a matter of the public interest. That particular matter as to whether it is in the public interest for two companies to amalgamate or against the

public interest has not been faced with and dealt with as a policy matter within this piece of legislation. This is a technical Ordinance which doesn't deal with that question. That would require a different type of Ordinance and a different type of structure. All I'm saving, in answer to the question, I'm not saying whether it's a good or bad thing, but it's not dealt with in this Ordinance.

Ms. Millard: Mr. Chairman it's pretty obvious that it's not dealt with in this Ordinance that's what I'm talking about. Perhaps Mr. Legal Advisor could answer the question I first asked which has not yet been answered. Is, why is it different from B.C. Is this much easier for us to deal with as not referring to the court or would it be—is there some reason particular to the Yukon Territory that makes the difference.

Mr. Legal Advisor: Mr. Chairman, I can only deal with this legislation as it is. This is the legislation which is the product of the thinking of this Government. Any reason why it would be different from any other think I would have to compare the legislation and ask the Government and go back and it would be a policy answer by the Government. I cannot give you an answer to that question. This is a technical document.

Mr. Chairman: Six
(Reads section 337. (6))

Mr. Chairman: Seven
(Reads section 337. (7))

Mr. Chairman: Eight.
(Reads Section 337(8))

Mr. Chairman: Nine.
(Reads Section 337(9))

Mr. Chairman: Ten:
(Reads Section 337(10))

Mr. McIntyre: Mr. Chairman.

Mr. Chairman: Mr. McIntyre.

Mr. McIntyre: In view of the wording of section nine where it says the, and is repeated in another section, that the order shall be — the approving order shall be filed with the Registrar. I would assume that the point that Ms. Millard has taken is quite correct and it should be shall rather than may. In section five. Where it says amalgamating companies may, apply to the court for an order approving. Well they have got to have the order approving to comply with section nine and ten, so it should be shall.

Mr. Legal Advisor: I would take it from the language Mr. Chairman that when they make the agreement they can apply to the court or they don't, but unless they apply they apply to the court and get an approving order the amalgamation doesn't go through. In that sense it's obligatory before the order goes through. The mere fact they have the agreement doesn't force them to go through with the whole deal, they may drop it if the conditions are not met. But they

cannot get the approval for the amalgamation without filing the order. Now, but as I said before the public interest is not one of the things that is mentioned here.

Ms. Millard: Mr. Chairman.

Mr. Chairman: Ms. Millard.

Ms. Millard: I don't see that going to the court would make it — it wouldn't foul up anything because the beginning of section five says "where the amalgamation agreement is deemed to be adopted", so that both companies have agreed, the shareholders have agreed, everything else has gone right up to that point, so that if anywhere along that line either company could decide to back out or a certain number of shareholders may want to back out. I still believe that it should be shall.

Mr. Legal Advisor: Mr. Chairman, I'm prepared to look at it to see if we can put in an obligation but it should really run that unless they apply to the court and get an order then they can't go through. That's where the shall should come in. We may have a draft the sentence slightly different, but certainly, as both Honourable Members have pointed out it's obligatory to go and therefore some word equivalent to shall or must should find a place.

Mr. Chairman: Thank you.

Mr. Chairman: Eleven:
(Reads Section 337(11))

Mr. Chairman: Twelve:
(Reads Section 337(12))

Mr. Chairman: Thirteen.
(Reads Section 337(13))

Mr. Chairman: Fourteen.
(Reads Section 337(14))

Mr. Chairman: Fifteen:
(Reads Section 337(15))

Mr. Chairman: Sixteen:
(Reads Section 337(16))

Mr. Chairman: Seventeen:
(Reads Section 337(17))

Mr. Chairman: Eighteen:
(Reads Section 337(18))

Mr. Chairman: Nineteen:
(Reads Section 337(19))

Mr. Chairman: Twenty-five:
(Reads Clause 25)

Mr. Chairman: I think at this time we'll leave this Bill in Committee until —

Mr. Legal Advisor: We're not finished the Bill Mr. Chairman.

Mr. Chairman: Do we have to read these through as well.

Mr. Legal Advisor: Well that's a matter of argument. We're still missing section 338.

Mr. Chairman: 26, the said Ordinance is amended by adding thereto the following new section: 338.(1): (Reads Section 338.(1))

Mr. Chairman: We have concluded the clause by clause reading of this Bill, and we will return with the corrections.

We will now turn to clause by clause reading of Bill Number 3.

Mr. Taylor, you are excused.

Bill Number 3

Mr. Chairman: Bill Number 3, "An Ordinance to Amend the Area Development Ordinance.

One.
(Reads Section 1)

Mr. Chairman: Ms. Millard?

Ms. Millard: Mr. Chairman, I certainly have no question that there should be an appeal section in this Ordinance, however, since we are talking about the Area Development Ordinance, I thought perhaps we could talk about the regulations, also, since we have opened this up.

We have the regulations attached to our original submission. The one that interests me most at this point is number 3, the second one: "The members of the Board shall consist of one member of the Board of Trustees of each Local Improvement District".

I would like to know if someone could answer why it is only members of each Local Improvement District. Why are other municipalities not being considered, or even unorganized districts?

Mr. Chairman: Mr. McKinnon?

Hon. Mr. McKinnon: Mr. Chairman, there was some provision in the original regulations for members of Municipal bodies, however, these zoning regulations will not apply to municipal bodies, they already have their municipal zoning appeal boards. We thought that rather than have members from the municipalities involved in the affairs, primarily of the Local Improvement District, that the people of the Local Improvement District could well take care of those matters themselves, without the big boys from the municipalities getting involved in any way, shape or form.

It was on my request that the municipal representation was removed from the regulations, rather than included. The reason for the necessity of the amendments at this time, Mr. Chairman, is that the Department of Local Government, and the Government of the Yukon Territory, has spent a considerable amount of time, effort and money in providing the

different Local Improvement Districts with comprehensive zoning regulations at this time.

We got the feed-back from every Local Improvement District currently studying their zoning regulations, and the subsequent developmental plans that would flow from the regulations if they were passed, that they felt that rather than the Local Improvement District Board itself being one source of appeal from a person aggrieved, that the only next function was to go to court to have the next area of appeal from a decision of the Local Improvement District Board. They would feel much happier and would feel much more prone to be passing those regulations if, in the interim period, until there is a comprehensive planning Ordinance for the Yukon, that there were some body where persons who felt aggrieved could go other than to the courts, or to the Local Improvement Districts themselves, who had originally made the decision.

So this came up from both the public in the Local Improvement studying the zoning appeal, or the zoning regulations in the various communities, and also from the L.I.D.'s themselves, and the reason why it is the L.I.D.'s involved in the regulations, at this time, period in time, that they are the people that are affected by the regulations. At some point in time, we hope to have a total planning Ordinance for the whole of the Yukon, encompassing the municipalities, the Local Improvement Districts, and the unorganized areas.

At that point in time of sophistication and maturity, there will be representation from all the different areas of the Yukon, the municipalities, the Local Improvement Districts, and the unorganized areas.

We have an original working draft of the planning Ordinance, and it's almost frightening to even think of having to get into the about 100 pages of actual technical jargon that is involved in this type of planning Ordinance. The original draft has come back to the Department of Local Government, and I'm afraid that it will be sometime before we are capable of going through the total draft and making different observations and bringing it to the sub-committee of Legislation, then bringing it to the Yukon Legislative Assembly.

So at some point it was hoped that the Planning Ordinance and all the regulations under the Area Development would be going in at the same time, that's impossible because of the timing. We hate to lose, and so would the Local Improvement Districts, the zoning regulations and the regulations under the Area Development, that they are all just about ready to put into practice, providing that there is some kind of Appeal Board that the people affected are able to apply to, and this is our attempt, for this time, and for the Local Improvement Districts to be able to satisfy their request, Mr. Chairman.

Mr. Chairman: Ms. Millard?

Ms. Millard: Thank you. Mr. Chairman, I would like to further ask a question of the Minister of Local Government. In clarifying, what does this appeal section cover? It says in our — in the Bill here, that in respect of the matters set out in sub-section (1) and for

appeals from such decisions made pursuant to Paragraphs 1(a) and (b), which means that it only covers part of what is listed in Sections 1 (a) and (b). There is also (c), (d), (e), (f) and (g). Some of the things included in there that obviously will not have appeal are streets, roads, lanes, sidewalks, parks, public health, fire protection, animals, regulation of prohibition of the discharge of guns, firearms. I would wonder why these other sections are not included under the appeal?

Hon. Mr. McKinnon: Just a minute until I find the section.

Mr. Chairman, (c), (d), (e), (f) and (g), we feel that the Local Improvement District duly elect certain of their members to do certain functions under the L.I.D. Ordinance, and, as with the Yukon Legislative Assembly, if those people don't do it, then they get their arse booted — I'm sorry, Mr. Chairman, they are booted out at the next election.

(a) and (b) are those areas that directly affect the individual concerned. It affects his home, it affects his area in which he lives, and these are ordinarily the areas in which the individual affected has appeal under any form of municipal type legislation. You don't have appeals under the general sections of by-laws, because those appeals are, rightly or wrongly, considered to be done every two years when people go up to election if the people don't like the way that they are handling those other considerations.

Under no — if you had an appeal section for everything that happened and every by-law that came about under every Municipal Ordinance, then the whole time, you may as well wipe out the city council, and the L.I.D. councils and just leave the public appealing constantly against every decision that is made by them.

Mr. Chairman: Ms. Millard?

Ms. Millard: I object most strongly to (c) because it sounds as if no one will have any appeal except to vote the people out if somebody decides to put a street or a road right across their lawn. I can't see why it would be so complicated to include at least partially the other sections.

Hon. Mr. McKinnon: Mr. Chairman, there is not a municipality or Local Improvement District in the Yukon Territory now that can't get together more than five people and you see it in the city hall every evening, where people have got together in a certain area because they disagree with a street or a lane or a zoning regulation, they get together and go appeal to City Hall and in every instance, whether they appeal to City Hall or the Local Improvement District, the government that they have elected is sympathetic, and not only sympathetic but reacts to the suggestions that they make.

There is no more form of direct democracy anywhere in the Yukon than the Local Improvement District and the Municipalities of the Yukon, and I have not attended a meeting of any Local Improvement District or any municipality where the

people haven't petitioned that body and have had success in the petition.

The only area in which people were concerned under the Area Development regulations were that in the actual zoning of the area, and in the actual building and repair of buildings in which they are individually concerned, that they weren't protected enough.

There has been no indication from any municipality or any Local Improvement District that in the other areas that the people don't feel or have felt amply protected and capable of petitioning City Hall or the L.I.D. at any time.

Mr. Chairman: Ms. Millard?

Ms. Millard: Mr. Chairman, I still feel that it's a very serious omission, especially Section (c), since placing of roads and streets, even parks, has a great deal to do with the advancement of a community, and especially the commercial sections, if the government decides to put a road in and some poor guy has built a hotel three blocks away doesn't get the advantage of it and has no right to appeal, except to oust his local politicians.

It doesn't seem proper to me.

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: Yes, Mr. Chairman, perhaps I can help the Honourable Member from Ogilvie here. It's really when you deal with zoning and when you do have some control over zoning, you do in fact have control of where you are going to place streets and lanes and this type of thing, and this is really what the Honourable Minister of Local Government has been trying to point out, that they do in fact have a say in where roads and lanes will be placed, by virtue of the fact that they have got a handle on the zoning.

Mr. Chairman: Mr. Fleming?

Mr. Fleming: Mr. Chairman, with all respect to our Member from Ogilvie, but I feel there is no problem here actually because I think we have powers in the Yukon legislation now, that any L.I.D. that goes against the wishes of the people can be immediately put out of business. There is no problem in that respect of any of these, that if you don't wish a park to be put in your town, and you have enough people there to back that statement and bring it forth, I think you will find that there will be no problem. You will have no more L.I.D.

Mr. Chairman: Is there any further discussion on Bill Number 3?

Mr. Fleming: Mr. Chairman, I would like to ask a question, Mr. Chairman. I would like to ask a question, if I may, of Mr. Legal Advisor, to explain 4 (2) for me in the Area Development Ordinance.

I was wondering, and there has been some wondering at the L.I.D. meetings that I have been to, why the Commissioner shall cause to be tabled—I may be in the wrong one here myself. Just a second. I don't know where I found that one. It is still in where the-it

is something to do with firearms in the community, which they felt was already in the hands of the R.C.M.P. and it's still in the Ordinance.

I just found it a moment ago, but I lost it, I'm sorry.

Hon. Mr. McKinnon: (g) of 4, the regulation or prohibition of the discharge of guns rather than firearms in a development area.

Mr. Legal Advisor: This is, I think, one of the residual things that the Commissioner make regulations at the wish of the L.I.D., and the Commissioner is wishing every day since that Ordinance was passed, that the L.I.D. could do it themselves.

Mr. Chairman: The Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory, enacts as follows: "An Ordinance to Amend the Area Development Ordinance".

I will entertain a Motion.

Hon. Mr. Taylor: Mr. Chairman, I would move that Bill Number 3 be reported out of Committee without amendment.

Mr. Chairman: A seconder?

Mr. McCall: I second that, Mr. Chairman.

Mr. Chairman: It was moved by Mr. Taylor, and seconded by Mr. McCall that Bill Number 3 be moved out of Committee without amendment.

Question? Favour?

Some Members: Agreed.

Motion Carried

Bill Number 6

Mr. Chairman: We will proceed with the reading of Bill Number 6.

1: The Hospital Insurance Services Ordinance is amended by adding the following new section: 18. (1):
(Reads section 18. (1))

Mr. Chairman: Two:
(Reads Section 18. (2))

Mr. Chairman: Three:
(Reads Section 18. (3))

Mr. Chairman: Four:
(Reads Section 18. (4))

Mr. Chairman: Five:
(Reads Section 18. (5))

Mr. Chairman: Two 19. (1):
(Reads Section 19. (1))

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, here we go again, and I notice in Section 2 of this Bill, the bringing into force clause seems to be creeping up more often in the last two or three or four years I have been in this House.

Now why in earth's name, can this Bill not come into effect upon assent? Why in this particular Ordinance, for instance, do we have to have a coming into force day fixed by the Commissioner? Would Mr. Legal Advisor please answer us this one.

Mr. Legal Advisor: Mr. Chairman, the finger of the administration were burned over a couple of Bills, and the Legal Advisor now incorporated this pretty much as a matter of routine unless he's told not to, but I don't think the government considered this. It was put in as a matter of routine.

Hon. Mr. Taylor: In deference, Mr. Chairman, we sit down here and try to do our best as laymen to pass legislation which we assume that the administration are going to enact, but in many cases, when we are finished with this legislation and satisfied it is good legislation for the people of the Yukon Territory, we want to see it enacted and we want to know when it is going to be enacted.

I could certainly agree that there are some Bills where this coming into force section is absolutely necessary. We found that in the Municipal Ordinance, and we can find it in other Ordinances, but there are Ordinances in which I can see there is no reason, to my way of thinking, unless it can be explained to me now, why this Bill cannot go into force upon assent by the Commissioner, and I really want to know what the reason is why this cannot be assented to and brought into force, rather than on some mythical day to be fixed by the Commissioner?

Hon. Mr. McKinnon: Mr. Chairman the only time when the Honourable Member, and I would be right behind them, when the Commissioner came to the third reading to the Bills that he excluded that these Bills have been given assent had been coming into effect or stated that for some specific reason primarily because of reasons that this House had put restrictions on, was not going to give assent to the Bill. I think that that would be the time to raise Holy cane if when the Commissioner came to give assent to the Bills he ignored some of the Bills that had been passed by this Assembly.

Hon. Mr. Taylor: With all due respect it still doesn't answer my question. I'm saying why can this particular Bill, Bill number 6 not be brought into force upon assent. Why must we have that additional clause on a day to be fixed by the Commissioner. I still haven't got any answer.

Mr. Legal Advisor: A sense of caution perhaps.

Hon. Mr. Taylor: For what purpose Mr. Chairman.

Mr. Legal Advisor: So that I don't get my — so that something doesn't happen, it is put it in a matter of

routine, as I said. And we put in this clause perhaps to an excess of caution. That's why it's there.

Hon. Mr. Taylor: Well this is all very well and good Mr. Chairman, now, could I please know exactly why. Otherwise I would like to perhaps move an amendment that section 2 be deleted from the Bill and what effect would this have upon the Administration if the House adopted such a Motion.

Mrs. Whyard: Mr. Chairman I don't think it would have any effect at all. We all want to see this enacted and it will be in effect as soon as it's passed as far as I'm concerned. You can make it retroactive for two and a half years as far as I am concerned. There are no strings attached to this Bill. It's a matter of housekeeping which we put in here before you for approval so that we can preserve the confidentiality of medical records. It's the same kind of section as we have in the Yukon Health Care Insurance Plan Ordinance. There are two Ordinances involved. There's nothing at stake here.

Hon. Mr. Taylor: No just one final comment on this subject Mr. Chairman. I think the Bill is great. It's certainly a wonderful Bill. I sometimes become frustrated over the fact that when you pass an Ordinance you don't know when, and, if and ever it's going to be enacted by the Commissioner. It was always the case, and it is the case in most legislatures in Canada, that except for certain extraordinary circumstances that when — that section number 2 need not be in the Bill. If you're going to enact it right away why do you need section 2 in there for? That's what I'm getting at. When I see that I become very suspicious. When we make laws here we like to see then enacted upon assent. That's my thought.

Mr. Chairman: Mrs. Watson.

Mrs. Watson: Mr. Chairman I really think we're making a mountain out of a mole hill and it's just a course of habit that this has been put in. I doubt that there is any objections to—that there's even any thought that there won't be—that this won't come into force when this is assented to. I can understand why the people, who are going over the legislation, and the Legal Advisor who are drafting the legislation, if you jump the gun and enforce and bring into enforce your legislation before your administratively set up to carry out the enforcement it could be—it's chaotic. It has happened and it has been chaotic. I would hope they would continue to be cautious. Other than right now, I would hope that we could have an agreement from the elected people, that when this was assented to it will be brought into force. As far as I'm concerned that's enough. I'd also very briefly like to comment on the Bill. I think it's been long overdue, now I wish you good luck enforcing it.

Hon. Mr. McKinnon: Mr. Chairman, if the Commissioner, when, or tomorrow the Honourable Member of Health, Welfare and Rehabilitation would ask Mr. Commissioner to kindly comment and assent to Bill number 6 and the Commissioner refused to do it, and

you would have a couple of more Members on your side asking exactly the same question. I know that I could go down the hall right now and say we passed the Area Development Ordinance would you please come in and give it assent tomorrow. Rather than that I think the neat way to do it is at the last day of the Session unless there's any urgency the Commissioner comes in and gives assent to the Bill. Now if for some reason unannounced he decided to skip a few Bills, and thinks that he still has the prerogative of bringing them into force when he thinks is the time and not when this Assembly says it's the time. Then you would have no greater champion on your side than myself and that just isn't going to happen and it isn't and I don't understand why we're going around in circles on this subject at this time. This Bill is going to be assented to before the end of this Session, if it's not, this Member besides the Honourable Member from Watson Lake, is sure going to know the reason why and we're looking under a rock to find something that just isn't there at this moment.

Hon. Mr. Taylor: Mr. Chairman with all due respect I must say that I'm talking about a principle and that principle is that if you're going to give assent to the Bill what do you need section 2 in there for. That's the principle of the thing. When I see section 2 in there that tells me that for some reason they are not going to give assent to the Bill and it's so obvious to me that—it's obvious. It's clear to anybody. So obviously it's not intended to come into force upon assent. It's going to come on some later day and these Bills are normally assented to at the end of the Session, all Bills and you've got to wait until the next Session to do anything about the matter of, as raised by the Honourable Member from Whitehorse North Centre.

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Yes, if the Honourable Member from Watson Lake would feel more comfortable, he is certainly free to propose that this Section be deleted.

Mr. Chairman: Mr. Fleming?

Mr. Fleming: I sympathize with the Honourable Member from Watson Lake, for the simple reason that I go through every piece of the legislation here, and I don't see it in any other one, so why if it's going to be in this one, why isn't it at the end of all of them, and if it is at the end of all of them, why don't we do away with it? That's what I say, because I feel the same way.

I don't see why, if we are going to make the legislation, why have that in there. What's the necessity of having the Commissioner — if it's going to be law anyway, and we are making the decisions, or aren't we?

Mr. Chairman: Mr. McKinnon?

Hon. Mr. McKinnon: Mr. Chairman, it's absolutely necessary in some pieces of legislation, legislation dealing with money that is going to come into effect at the beginning of the fiscal year, that some certain time within the legislation. There is a couple of embarrassing points in the Government of the Yukon's

fairly recent history, where the Commissioner has assented to Bills being handed to him by the Clerk of the Council, and the administrative machinery was not set up in any way, shape or form to handle the Bill, and it was more or less of a faux pas that it was passed at the time.

The Commissioner and the different members of the Executive Committee, as the Honourable Legal Advisor has said, because she was one of the ones in Dutch for the passage of the assent of the Bill, where it should have been on a day fixed, had decided to become cautious in this respect. It's obvious that it's not needed in Bill Number 6, and if any member would like to second the Motion, I would move that Section 2 of Bill Number 6 be eliminated, dropped, struck, whatever.

Hon. Mr. Taylor: I would second the Motion, Mr. Chairman.

Mr. Chairman: Is there a motion?

Hon. Mrs. Whyard: Not yet.

Mr. Chairman: Is there any further discussion?

Hon. Mr. Taylor: Did the Honourable Member not make a Motion?

Hon. Mr. McKinnon: Mr. Chairm, I said I would move that Motion.

Hon. Mr. Taylor: And I will second the Motion.

Mr. Chairman: What is your Motion, please?

Hon. Mr. McKinnon: Mr. Chairman, I would move that Section 2 of Bill Number 6 be withdrawn.

Hon. Mr. Taylor: I second Mr. Chairman.

Mr. Chairman: It was moved by Mr. McKinnon, and seconded by Mr. Taylor, that Section 2 of Bill Number 6 be withdrawn. Are you ready for the question?

Some Members: Question.

Mr. Chairman: Are you agreed?

Some Members: Agreed.

Some Members: Disagreed.

Mr. Chairman: I declare the Motion Carried.

Motion Carried

Mr. Chairman: The Commissioner —

Mrs. Watson: Mr. Chairman, I would like my disagreement recorded.

Mr. Chairman: So be it, Mrs. Watson.

Hon. Mr. Taylor: Mr. Chairman, just one closing remark on this, and there seems to be some levity in respect of it, but just as important as it is to the people of the Yukon that the House control as closely as possible the finances of the Territory, it is equally important, I feel, to the people of the Yukon that, at least, while they are in the — the legislation is in the hands of this legislature, that we take as firm a control over this legislation as possible, and it's not a laughing matter, it's very serious, and important at least, to the people of the Yukon.

Some Members: Hear, hear.

Mrs. Watson: Mr. Chairman?

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, I noted the remarks of the Honourable Member. I would like to also state that I think it's very imperative that members also read their legislation before it comes into Committee. I think that's a very important part of it too.

Hon. Mr. McKinnon: I will try to do that from now on.

Mr. Chairman: The Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory, enacts as follows:

Mr. McCall: Mr. Chairman, I move that Bill Number 6 with the further amendment, be moved out of Committee, or I should say reported out of Committee.

Mr. Chairman: As amended?

Mr. McCall: As amended. I should say as further amended, Mr. Chairman.

Mr. Chairman: Bill Number 6 therefore is reported out of Committee as amended. I will now declare a brief recess.

Recess

Mr. Chairman: I now call the Committee to order.

Bill No. 11

Mr. Chairman: We will proceed with the clause by clause reading of Bill Number 11, entitled "An Ordinance to Amend the Community Assistance Ordinance".

One.
(Reads Section 1)

Mr. Chairman: Community Television, 75.1(1):
(Reads Section 75.1(1))

Mr. Chairman: Two.
(Reads Section 75.1(2))

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Just a question that occurs to me, I direct to the Honourable Minister of Local Government. This doesn't infer like any local B.T.R. systems that are now active in communities. It doesn't involve them, does it?

Hon. Mr. McKinnon: It's wide open, Mr. Chairman, and was left specifically that way because if all else fails, there are other methods of bringing television to the small communities, to at least some of them, than the actual satellite receiving communications, and if the application of Teslin and the various communities fails, then there are still some others ways to skin the cat, and this Ordinance, the way it is written, leaves those eventualities open also.

Mr. Chairman; Mrs. Watson?

Mrs. Watson: Mr. Chairman, one question for the Minister of Local Government. "Application to be made by an improved community organization". Would that include an L.I.D. Board of Trustees?

Hon. Mr. McKinnon: Mr. Chairman, the C.R.T.C. absolutely refuses to deal with government organizations, whether they be municipal, L.I.D.'s, territorial or provincial governments, so it has to be an organization other than a government organization.

The terms of their mandate do not allow them to allow to license government organizations, as far as I understand it.

Mr. Chairman: Ms. Millard?

Ms. Millard: A question for the Minister of Local Government. Then would band councils be covered under government organizations?

Mr. Chairman: Mr. McKinnon?

Hon. Mr. McKinnon: I don't think so, Mr. Chairman.

I would be very surprised if it would.

Mr. Chairman: Three
(Reads Section 75.1(3))

Mr. Chairman: Mr. Berger?

Mr. Berger: Yes, Mr. Chairman, I was wondering — I believe, in Community Assistance Program in an unorganized community, I believe there is only ten persons required to sign anything. Please correct me if I am wrong, but why would it have to be the majority of the people here?

Hon. Mr. McKinnon: Under the Community Assistance Ordinance, as I understand it, the Commissioner has to be satisfied even with the 10 percent, that there is a majority of the people in the area that actually agree. He gets the mechanism in action by receiving a petition of ten of the people in an unorganized area, then he has to be satisfied that this is

really the wishes of the people in the area.

How he does that, whether it's be a meeting of the community club or a majority of the residents are attending, or whether they go from door to door with a piece of paper saying, "are you in favour, are you not?". We are not really that concerned with the procedure in an unorganized area, as long as we are satisfied that the Commissioner and the government really has the feeling of the people.

We would rather, in the unorganized areas, not leave it to some type of a formal procedure and five pages of how you have to go about conducting a plebiscite, because we think there is lot easier ways of letting the government and the Commissioner know what the majority of the residents want in an unorganized area.

Mr. Chairman: Mr. Fleming?

Mr. Fleming: Mr. Chairman, in reference to (3) again, I feel this is a necessary piece of legislation here, because you must have the majority of the people. This is a capital expenditure, a large one, and if you had just ten people saying yes, bring it in and then the Commissioner did bring it in, the same would have to apply to take it out, and you will have ten people saying we don't want television and it will be taken out again after an enormous capital expenditure.

So I feel that it must be — that must be definitely in there and stay in there, that it is approved by the majority of the people.

Mr. Chairman: Ms. Millard?

Ms. Millard: Mr. Chairman, I'm interested in how the government gets back the 10 percent that it is wanting from the unorganized communities.

It says it will be on a taxation basis. How will that be done in a place, say, like Old Crow, where all the land is owned by Indian Affairs and Northern Development? There's no private ownership of land. Would it mean that actually Indian Affairs and Northern Development would pay for the communities' cost of television?

Hon. Mr. McKinnon: Mr. Chairman, the reason that it say "may", is because that is one of the methods of allowing for the Capital Assistance project to go ahead. As in the rest of the Capital Assistance Program, one of the other areas that they can share their ten percent in the communities, is to be provided in cash or labour, wherever applicable, so the ten percent can be in any number of ways.

It can be in cash, it can be in labour, the Honourable Member from Watson Lake certainly knows about the labour part of the Capital Assistance Program, because the people of Watson Lake are now involved in that kind of a program, or it can be also — it may be, if the people in the community don't want to work and they don't want to put out any cash, then they say how about putting a tax on it until it's paid, that that could be the alternative method of financing it.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Yes, Mr. Chairman.

I have a question for the Minister, and this is regarding the term of area. I have a little bit of problem here — the people who receive the benefits of the television, should be helping to pay for the capital expenditure. How can you define an area that will receive the television, the picture in these outlying areas? Will it extend two or three miles, and you know, I can see a lot of problems.

Hon. Mr. McKinnon: You put it in and them that gets it, pays.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, in our current budget, for instance, we have an allotment of some thousands of dollars set aside for — it's in the Community Development allotment, set aside for uses in provision of television services around the Territory. Could the ten percent of the communities' contribution come from that fund?

Community development monies.

Hon. Mr. McKinnon: No, Mr. Chairman, the \$96,000.00 is there to provide two receiving stations because we may not get off in this fiscal year, so next year there will be another \$96,000.00 which will provide approximately for four stations, that is the government's cost of —

Mrs. Watson: The 90 percent?

Hon. Mr. McKinnon: That's the 90 percent cost. The other 10 percent comes from the communities. We are talking in the neighbourhood of \$4,000.00 for one of the community's share of this station, if it's still in the \$40,000.00 range, which it was up until the last knowledge that we had on the figures.

I happen to know how many dances it takes in a community to raise \$4,000.00 or how much work or how much time or effort, and I really believe, Mr. Chairman, that if the communities aren't willing to at least do this in order to receive a station, then really how far can the government go in providing 100 percent?

You know, I am just not willing to start throwing largesse out the window, so far as the government of the Yukon Territory is concerned, and 10 percent is just a darn good involvement for the communities to make a 90 percent from the Territorial Government is a darn good sharing for the communities from the Territorial Government.

Hon. Mr. Taylor: Just in reply, certainly agree with the Honourable Members as concerned whether or not these funds were in fact transferred. The allotment was transferred over to the account of the Capital Assistance Fund. This is the first I've had knowledge of it.

Hon. Mr. McKinnon: Mr. Chairman, I've got my hot little hands on that 96 grand just as fast as I could under the terms of the Capital Assistance Program and you'll see it in the Capital Assistance Program for the next four years or until this program is completed.

Hon. Mr. Taylor: Okay.

Mr. Chairman: Mrs. Watson.

Mrs. Watson: Mr. Chairman I hate to pursue this but have you any idea what radius in miles you can receive from this type of receiving station because you have to have a majority of the people going along with it and you can't go to people who are ten miles down the road and say, yes we want T.V. and mislead them. Have you any ideas upon margin area can be served?

Hon. Mr. McKinnon: Mr. Chairman I'm not going to answer a technical question because at this moment I'm really not that positive of how far a radius it's going to be able to project and this is one of the reasons that we hope to see the Teslin unit in operation in the very near future on a test only basis, of course, all members of the Legislative Assembly understands so as we can see what the radius of one of units would be. If you remember there was a time and they were going to test the unit in Ottawa then bring it to Teslin and then — To answer exactly this type of question, we hope that in the not unforeseeable future that we can have this test done in the Yukon, which hasn't been done yet which was tested and didn't come through some time ago, to answer exactly this type of question. We have got the people who say they are technically competent but we would like to see it actually in operation and to be able to determine these types of answers.

Mr. Chairman: Mr. Berger.

Mr. Berger: I realize we are talking right now about the installation costs of the 90-10 but who is going to fund the O and N costs. I recall last spring in the last Session there was something like \$19,000.00 that was put forward of the yearly charges.

Hon. Mr. McKinnon: The O and N, Mr. Chairman, as I understand runs yearly between \$800.00 and \$1,000.00 and that will be the responsibility of the licensee, the person who gets the licence, the community in other words.

Mr. Chairman: Mr. Fleming.

Mr. Fleming: Thank you, Mr. Chairman. I think actually there is some confusion amongst the Members as to prices and things in this, I have some information which I'm not going to divulge which I know now. Because we are setting a station up in Teslin. By we, I mean the people in Teslin are going to start some kind of a station and of course we have applied for the licence as you know and it hasn't come about yet.

As to the prices on the stations, there is a difference in the price of the type of stations we're putting up and the land stations that some people think about. They are approximately only 11 or \$12,000.00 for each one but you would need three to get from here to Teslin. While the other station will cost approximately \$40,000.00 and of course there have been agreements which we had here last spring from Total North. Their agreement

which the last one and I'll give you the last quote from them here in May, which is no secret anymore. Of eight stations, and this is to the Territorial Government for \$37,166.00 each for a contract price of \$297,328.00 for eight stations which would include eight of these earth receiving stations. They would not be the mountain top stations. They would be in each town and I can assure you and our Member from Kluane would like to know this I think. I can't say the exact distance but they would not serve only the area of the town and not thirty miles distance or twenty-five or anything like that. They are going to be a small area and this one in Teslin will be tested and we will know then exactly how far.

I have the map that shows where the technical experts say it will go now but I don't believe them. I am like Mr. McKinnon when he said I don't know yet. We'll wait and see when we turn it on.

Now this offer was made. The stations were — rental, than at that time, it was per annum for lease rates, \$9,864.00 per station per annum over a five year period and per station per annum over ten year period and mind you this is lease now, \$6,324.00. You see there is a difference. When Total North was talking of this they were speaking of the satellite earth station that you — just the one station in the town. It takes it right from Telestat. I was a little — I don't think we got to that area here yet but — I was a little confused, I'll wait till we get to it though on the last here, I have a comment then to make.

Mr. Chairman: Four:
(Reads Section 75(4))

Mr. Chairman: Five:
(Reads Section 75(5))

Mr. Chairman: Mr. Taylor.

Hon. Mr. Taylor: Mr. Chairman you were saying that the Local Improvement District could not be considered as being a responsible body for the operation and construction of these units. How do you propose levying the — how could the Commissioner levy three mills on an unorganized district.

Hon. Mr. McKinnon: Mr. Chairman, the Commissioner can at present under the Capital Assistance Program, levy this type of a special levy. If the 10 percent of the community is not picked up as part of the Ordinance and the Ordinance gives them the ability to do just that when the Ordinance was passed that was one of the areas that we agreed in. The philosophy is that if it is not there and an organized area can say well, you know we agreed to 10 percent now there is nothing in the Ordinance which agrees that we have to pay this tax so let's just forget about paying our share of the 10 percent that we agreed to when we signed the paper saying the majority of us agreed to it. We just wanted some protective clause if the community reneged on their 10 percent involvement that the Commissioner could levy the tax on the assessment of the property until that 10 percent and only that 10 percent were paid.

Hon. Mr. Taylor: Perhaps Mr. Chairman, what I'm trying to say to the Honourable Member is that I'm

thinking in the situation whereby this facility is within an L.I.D. and yet the L.I.D. cannot be involved in the licencing of an operation of the station. Can the L.I.D. not withstanding go out and raise the money through their machinery to give to the community club or whoever else is doing it. That's perhaps is what I'm trying to find out.

Hon. Mr. McKinnon: That's exactly how we hoped it will be handled, Mr. Chairman, if that's possible. The community club, let's face it the community club within an L.I.D., the community club is obviously one that's going to apply. They are obviously going to be working hand in glove with the L.I.D. just as they are in the construction of the hockey arena presently under progress in the Watson Lake area to provide that 10 percent. That's the way that we see it being handled. We had to find some way around the L.I.D. not being directly involved with the C.R.T.C. because they just wouldn't get the licence.

Hon. Mr. Taylor: Alright. Okay.

Mr. Fleming: Yes, Mr. Chairman. I'm concerned as to the three mills that they may impose on every property in the area, until 10 percent share due by the community organization, together with any interest due thereon, has been recovered.

Now, I realize that there is much property, this would be no problem, but I'm wondering about a position whereas and I can state one, it would be Teslin, where there are 17 taxpayers. So consequently the three mills I know would never amount to any more than three mills per each one, but he could not recover, you know, eight, nine, ten, twelve thousand dollars in a matter of a short time with three mills.

Then what does happen? He has some coming from there if he did this, but not all of it, in this case. What would happen then?

Hon. Mr. McKinnon: I'm just positive, Mr. Chairman, that 17 taxpayers wouldn't allow the rest of the citizens to renege on their ten percent that they had all agreed to and signed, and come to the Commissioner and said look it, a majority of the residents say that they will contribute ten percent.

You know, well I know the persuasive powers of the Honourable Member from Hootalinqua, and I'm sure the Village of Teslin or the Local Improvement District of Teslin will be contributing their ten percent without any problems whatsoever, and without having to go to three mills.

Mr. Chairman: Ms. Millard?

Ms. Millard: Mr. Chairman, I have the same questions about Old Crow, simply because there aren't any taxpayers up there, but I guess we can use the heavy arm of justice somewhere along there too.

I'm also curious about the actual cost. The last session when we had the television paper in front of us, I agree with Mr. Berger that it was to cost the Territorial Government at the least, 19,000 a year to keep the thing going, the O&M of that, and tell us now that it's 800 to a thousand dollars. Are we not taking the

Telstat offer, or are we considering what Total North presented to us?

Hon. Mr. McKinnon: We have told Telstat, Mr. Chairman, in no uncertain terms that we are not going to be held up for \$19,000.00 per year for each earth receiving station. What is happening now, is one of the communities now in the Yukon has taken the initiative to apply to C.R.T.C. to own outright and operate outright, their own ground receiving station at a capital cost of only some \$40,000.00. When they own and operate this ground receiving station, there will be no deals with Telstat in any way, shape or form.

Perhaps you could say it is one method that is being used by different communities and the government to try and put some pressure on Telstat to come down to a price that's within the ball park. The signal is up there already, no more channels have to be used from a satellite that the taxpayers of Canada have paid or to begin with; the signal is there.

C.B.C. has bought it on the channels, C.B.C.'s signal is paid for courtesy of the taxpayers of Canada. There are certain people who feel that they are not entitled to the same benefits as other Canadians, because they have paid for that signal as well as everybody else has in Canada, and are now looking for a way to receive that signal into their homes. This government is going to help them and provide the monies and give them any kind of support in any way, shape or form that they can, without being held up to the absolute exorbitant rip-off price of Telstat of \$19,000.00 a year.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, I would like to comment on Section 5 regarding the assessment on every property. The three mills would be charged to all government properties too—

Hon. Mr. McKinnon: That's right.

Mrs. Watson: —all the schools, the civil service housing, all the federal government properties, so it isn't just the private property owner. It's all property in the area so that it wouldn't take that long, Mr. Fleming, for you to get that paid off.

Hon. Mr. McKinnon: Mr. Chairman, to see how this would work, we would send a bill to the Department of Indian Affairs and Northern Development that are responsible for a certain amount of housing in each of these communities, and they would have to pay.

Mr. Chairman: Mr. Fleming?

Mr. Fleming: Yes, Mr. Chairman, I agree, I didn't quite get the drift of the government properties, and now I know it is..

But there is something I would like to clear up for our member from Ogilvie. I know she is still confused with the rental or the price system of this, and they are talking about two or three types of television. The land type, like they have in Ross River that is sitting on top of a mountain, you can maintain, for 700 or 800 a year.

And it is put up there for approximately 1,200 or a thousand. You can do this, but it takes, as I say, three of them to get to Teslin, and how many to get to Dawson City and so forth, I don't know.

But these other stations are just different—I'm not a technical man either, but they are a different type of station and there is only one and they are sitting in a little shack in a town, and they cost approximately \$40,000.00 and Telstar offered us those for \$19,000.00 a year rental. Total North is willing to—about half of that approximately, the last offer. That was last spring. That is the difference.

Mr. Chairman: Ms. Millard?

Ms. Millard: Well, Mr. Chairman, if we could say, just taking Old Crow for instance, if they want us to set up their television, we could say that the annual cost to the community, whether that's through Indian Affairs and Northern Development, or whether it's through private means, would be 10 per cent of the 40,000 capital, which—

Hon. Mr. McKinnon: It's a one shot deal.

Ms. Millard: That's the one shot?

Hon. Mr. McKinnon: Yes.

Ms. Millard: That's the capital cost?

Hon. Mr. McKinnon: Right.

Ms. Millard: 40,000, but they are responsible for 10 per cent of the capital cost, right?

Hon. Mr. McKinnon: Right.

Ms. Millard: So that's \$400.00? One shot, well let's say the first year then.

The first year they are in debt \$400.00—

Some Members: 4,000.

Ms. Millard: 4,000, plus the operating and maintenance which could go up to about a thousand?

Hon. Mr. Taylor: Right.

Ms. Millard: So the first year would be \$5,000.00 for a community of 200 people? And it seems—you know, it could become quite a problem, I think. I can foresee a lot of extra costs in going into Old Crow that aren't being estimated when they go into Teslin, et cetera. I still see it as a rather dubious procedure, but beyond that too, I wanted to say that I really don't understand how the people of Old Crow could commit the Department of Indian Affairs and Northern Development to three mills to paying taxes. I can't see Indian Affairs and Northern Development going along with it just because the people in Old Crow decide that they want to have television.

There must be some mechanism for communicating with Indian Affairs and Northern Development, since they are going to be paying the bill

Mr. Chairman: I would ask the members to refrain from speaking until they are recognized from the Chair.

Mr. Fleming?

Mr. Fleming: Yes, Mr. Chairman.

I was really concerned because I feel our member is still confused because she comes with a station that is worth 40,000, and then the 700 or 800 dollars for maintenance for the year, you know. This is not the case. It would amount to probably 6 or 7,000 I would say more like for a year, that type of station.

So I would—so I would not suggest, because that's not right, but I feel that maybe before we discuss it too far, we should maybe wait and look into the matter and find out the particulars, wait to see what Teslin does, and then go into it.

Mr. Chairman: Mr. Berger?

Mr. Berger: Thank you, Mr. Chairman.

I don't know, maybe I have the answer to the Honourable Member from Ogilvie. I don't think there is anything to stop Old Crow, or like in my area, Pelly, to form a community club and raise the funds through that. I mean, they don't really have to go through the Department of Indian Affairs.

Mr. Chairman: Six:
(Reads Section 75.1(6))

Mr. Chairman: Seven:
(Reads Section 75.1(7))

Mr. Chairman: Clear?

Some Members: Clear.

Mr. Chairman: The Commissioner of the Yukon Territory, by and with the consent of Council of the said Territory, enacts as follows:

Mr. Chairman: I will entertain a Motion.

Mr. Legal Advisor: Mr. Chairman, before the Bill moves out of Committee, on re-reading sub-section (1), the last phrase should be in the middle of the Section. It reverses the sense, the phrase "in any district or unorganized area not already served by" should be applicable to the granting of the system as well as the recovery, and it has the appearance of only applying to the recovery.

Mr. Chairman: Where are we? Read it out.

Mr. Legal Advisor: "The Commissioner may pay an amount not exceeding 90 percent of the approved capital cost of a community television system in any district or unorganized area not already served by a television system, and recover an amount not less than 10 percent of the capital cost of the system".

The thing could run this way, it is just a change around.

The phrase which starts on the second, third last line, "in any district", that whole phrase should be inserted into the middle of the third line, after "community television system".

Mr. Chairman: 75.1(1): Mr. Fleming.

Mr. Fleming: Mr. Chairman, I am still a little confused over this 75(1), for the fact it says "cost of a system in any district or unorganized area not already served by a television system".

Now, am I to understand that there is some more television may be going into some smaller communities now, and they are the only ones that will be levied any extra—I wouldn't say extra cost, but costs for television alone, and the other ones that do have television now will not be levied in any case at all any more?

I mean, they are not levied now, I don't think, and they won't be in the future. This is what I wish to understand, Mr. Chairman. If I understand it that way, then they are the only one that is going to pay for the extra television is the communities that's going to get that television now.

Mr. Legal Advisor: Yes, Mr. Chairman. Under this system, if a community wants a television system, they get it. If they haven't already got a system, but there are places near Watson Lake and—or will be near Watson Lake or near here, which may have their own systems for one reason or another, like Ross River. Then they would not be eligible, if they already have a system, for assistance under this.

Mr. Chairman: Mr. Fleming?

Mr. Fleming: Mr. Chairman, I'm not concerned with the—with what they will get. I'm concerned with how they are going to be charged for this system, that 10 percent levied on them, while other television centres do have television, will not be levied at all. This is what I am concerned about.

Hon. Mr. McKinnon: Mr. Chairman?

Mr. Chairman: Mr. McKinnon?

Hon. Mr. McKinnon: You can operate the other way and do nothing, and pass a Motion of this Council saying that we expect the C.B.C. to change their policies so communities under 500 will receive television service.

You know and I know that that policy is not going to be changed, and you are not going to get any service, so either we go some other way and make a 90-10 split, and you're being discriminated against because you are under 500 people, where larger centres that come under the C.B.C. policy aren't, all right. Do you want television or don't you, it comes right down to that. Yes, the Territorial Government is willing to help you up to the tune of 90 percent, and we can pass motherhood motions to C.B.C. like we do all around, all the time in this House, and nothing ever happens.

How long have they been trying to get radio in Old

Crow, and how long have we passed Motions in this House to give them radio in Old Crow, and how long has it not got anywhere, ten years at least, you know. Let's be practical about it, if we wait for them, we will all die before you see television in Teslin.

Mr. Fleming: I agree.

Mr. Chairman: Is there any further debate on this bill?

I will entertain a motion to have it removed from Committee.

Mrs. Watson: Mr. Chairman, I would move that Bill Number 11, "An Ordinance to Amend the Community Assistance Ordinance", be moved out of Committee without amendment.

Mr. Fleming: I second that Motion, Mr. Chairman.

Mr. Chairman: Moved by Mrs. Watson, seconded by Mr. Fleming, that Bill Number 11, "An Ordinance to Amend the Community Assistance Ordinance", be reported out of Committee without amendment.

Question?

Some Members: Question.

Mr. Chairman: Agreed?

Some Members: Agreed.

Motion Carried

Mr. Chairman: I will now entertain a Motion for Mr. Speaker to resume the Chair?

Mr. McCall: Mr. Chairman, I move that Mr. Speaker now resume the Chair.

Mr. Chairman: A seconder?

Mr. Fleming: I will second that.

Mr. Chairman: All in favour? Agreed?

Some Members: Agreed.

Motion Carried

(Mr. Speaker resumes Chair)

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

Mr. Hibberd: Yes, Mr. Speaker. The Committee convened at 10:35 a.m. this morning to consider Bills, Sessional Papers and Motions. We had present as witnesses, Mr. Taylor, the Territorial Secretary, and Mr. Trevor, the Regional Director of Resources.

I can report progress on Bill Number 4. Moved by Mr. Taylor, seconded by Mr. McCall that Bill Number

3 be reported out of Committee without amendment, and that Motion was carried.

It was moved by Mr. McKinnon, seconded by Mr. Taylor, that Section 2 of Bill Number 6 be withdrawn. This Motion carried.

It was moved by Mr. McCall, and seconded by Mr. Berger, that Bill Number 6 be reported out of Committee as amended, and that Motion was carried.

There was a debate on the report of the Task Force on A Tolerance Standard for Airborne Asbestos in Mining Plants and Operations in the Yukon Territory.

It was moved by Mrs. Watson, and seconded by Mr. Fleming that Bill Number 11 be reported out of Committee without amendment and that Motion carried.

It was moved by Mr. McCall and seconded by Mr. Fleming, that Mr. Speaker do now resume the Chair and that was duly carried.

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

Some Members: Agreed.

Mr. Speaker: May I have you further pleasure? The Honourable Member from Whitehorse Riverdale?

Mr. Lengerke: Mr. Speaker, I move that we now call it 5:00 o'clock.

Mr. Speaker: Is there a seconder?

Ms. Millard: I second that, Mr. Chairman.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse Riverdale, seconded by the Honourable Member from Ogilvie that we now call it 5:00 o'clock.

Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the Motion is carried.

Motion Carried

Mr. Speaker: This House now stands adjourned until 10:00 a.m. tomorrow morning.

Adjourned

**LEGISLATIVE RETURN NO. 1
(1975 THIRD SESSION)**

November 28, 1975.

**Mr. Speaker,
Members of Council**

On November 28, 1975, Councillor McCall asked the following question:

"Could you give us a progress report as to im-

provements proposed at the Faro Airstrip?

The answer is as follows:

Discussions are now in progress with M.O.T. and Cyprus Anvil officials concerning the possibility of undertaking certain work early in 1976. As details become available, the Honourable Member from Pelly River and the Town Council of Faro will be advised.

**M.E. Miller,
Member, Executive Committee.**



Property of
M. L. A. Lounge

The Yukon Legislative Assembly

Number 6

4th Session

23rd Legislature

Debates & Proceedings

Tuesday, December 2, 1975

Speaker: The Honourable Donald Taylor

The Yukon Legislative Assembly

December 2, 1975

December 2nd, 1975

(Mr. Speaker reads Daily Prayer)

Mr. Speaker: Madam Clerk, is there a quorum present?

Madam Clerk: There is, Mr. Speaker.

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

ROUTINE PROCEEDINGS

Mr. Speaker: We will proceed with the Order Paper. Are there any Documents or Correspondence for tabling? The Honourable Member from Whitehorse West.

Hon. Mrs. Whyard: Yes, Mr. Speaker. I have for tabling this morning, Legislative Return Number 2.

Mr. Speaker: Are there any further Documents or Correspondence for tabling? Are there any Reports of Committees? Introduction of Bills? The Honourable Member from Whitehorse Porter Creek?

Bill Number 5, Introduced

Hon. Mr. Lang: Mr. Speaker, I beg to move, seconded by the Honourable Member from Whitehorse Riverdale, for leave to introduce Bill Number 5, "An Ordinance to Amend the Game Ordinance".

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse Porter Creek, seconded by the Honourable Member from Whitehorse Riverdale for leave to introduce Bill Number 5, "An Ordinance to Amend the Game Ordinance". Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the Motion as carried.

Motion Carried

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

The Honourable Member from Whitehorse Riverdale.

Mr. Lengerke: Yes, Mr. Speaker, I have Notice of Motion pertaining to amendments for the regulations under the Motor Vehicles Ordinance.

Mr. Speaker: Are there any further Notices of Motion or Resolution? Are there any Notices of Motion for the Production of Papers? This then brings us to the question period.

Madam Clerk, could you ascertain if Mr. Commissioner would be attending the House this morning?

(Madam Clerk leaves room)

QUESTION PERIOD

Mr. Speaker: At this time I will declare a brief recess.

Recess

Mr. Speaker: At this time I will call the House to order.

Have you any questions?

The Honourable Member from Mayo?

Question Re: Tutorial Program

Mr. McIntyre: I have a question for the Minister of Education. This may be either treated as a written or an oral answer.

The tutorial program has been financed for the three years ending the 31st of March, 1976 by the federal government. Is it the intention of the Department to continue this program in 1976-77?

Mr. Speaker: The Honourable Member from Whitehorse Porter Creek?

Hon. Mr. Lang: Mr. Speaker, I would like to take that as a written question.

Mr. Speaker: Mr. Commissioner?

Mr. Commissioner: Mr. Speaker, I have answers to two questions that were asked yesterday. May I proceed?

Mr. Speaker: Proceed.

Mr. Commissioner: One question from Councillor Millard was, "Has consideration been given to having

Hire North operate in Yukon'?

Mr. Speaker, the program Hire North is actually an arm of the Northwest Territories government, principally concerned with employment and training in the construction industry. The program employs the construction of the MacKenzie Valley Highway as the vehicle through which training is conducted, and subsequently employment is achieved. As the program is a branch of the N.W.T. government, this government has not considered operating the same program in the Yukon.

Another question from Councillor Millard, the question being, "Will the Community Employment Program replace Outreach"? The answer, Mr. Speaker, the program at this point in time is entitled a "Developmental Phase Community Employment Strategy". The prefix, "Developmental Phase" is very important as it depicts the true spirit of what is intended.

The program will not replace Outreach, nor will it precipitate the creation of a completely new organization, but will instead incorporate existing programs and resources to achieve the greatest possible benefit in regards to the objectives that have been established.

Mr. Speaker: The Honourable Member from Whitehorse West?

Hon. Mrs. Whyard: Mr. Speaker, I have a reply to a question asked by the Honourable Member from Ogilvie regarding correctional institute inspectors.

The five correctional institute inspectors in the Yukon are Judge Maddison, Family Court Judge Ione Christensen, the Bishop of Yukon, the Right Reverend John T. Frame, the Territorial Government Legal Advisor, Mr. O'Donoghue, and the Chief Medical Health Officer.

The most recent inspection was made two weeks ago by Mr. O'Donoghue. We are also inspected regularly by the federal health inspector. In the past, these inspections have only been made when there was a specific complaint, but inspectors are free to visit the institute at any time, either individually or as a group. I would like to add, Mr. Speaker, that the Commissioner and the Executive Committee, and they are responsible, are also frequent visitors.

Mr. Speaker: Any further questions. The Honourable Member from Whitehorse Riverdale.

Question Re: Increase in Per Capita Grants

Mr. Lengerke: I have a question—oh he's not here. I was going to say the Minister of Local Government. Maybe the Commissioner can answer this one for me then. What action if any has the Government taken in connection with the request from the Yukon Association of Municipalities with respect to the per capita, to an increase in the per capita grants.

Mr. Commissioner: Mr. Speaker the answer to that leading question will arrive when the tabling of the budget, approximately some time in late February of

1976.

Mr. Speaker: Honourable Member from Whitehorse Riverdale.

Mr. Lengerke: Just maybe further to that Mr. Speaker I wanted to comment that Municipalities are now preparing their budgets and it would do well for this Assembly to take some action in that regard and give them some lead. That should be something we should do.

Mr. Commissioner: Mr. Speaker sufficient unto the day is the evil thereof.

Mr. Speaker: Have you any further questions. We'll then return to the Order Paper and proceed with Motions.

Motion Number 5

We have Motion number 5 moved by the Honourable Member from Kluane, seconded by the Honourable Member from Whitehorse Riverdale. That the Administration provide for this House background information required for Bill number 20, namely one, what classes of employees will be effected, two, what Labour laws or other jurisdictions have enforced re hours of work and any other pertinent information.

The Honourable Member from Kluane.

Mrs. Watson: Mr. Speaker I think the Motion is self explanatory and the Honourable Member from Pelly River was kind enough to delay, to defer the second reading of Bill number 20 until we had this information.

Mr. Speaker: The Honourable Member from Pelly River

Mr. McCall: I don't know if this is appropriate Mr. Speaker, to ask at this time but I would like a ruling from the Chair.

Mr. Speaker: Does the ruling pertain to Motion number 5.

Mr. McCall: Yes it is.

Mr. Speaker: Proceed.

Mr. McCall: The ruling I have in front of me is from Standing Order 105 from 483. I would like a ruling before this Motion is moved further on.

Mr. Speaker: In—I wonder if I could have in what respect.

Mr. McCall: Whether it is appropriate at this time.

Mr. Speaker: The Standing Order 105 and the annotations following it in Beuchesne segregate or separate the difference between Public Bills and Private Bills and point out the fact that a Public Bill is in fact a statement of policy of Government. Whereas a

Private Bill asserts a fact which may or may not, which, well let us say a fact that has yet to be proven. Perhaps at second reading of, I assume, that perhaps the Members is speaking of Bill number 20, at second reading the matter could be discussed. But in relation to the Motion, the Motion asked for the provision of information, so the Chair would assume and the Motion would be in order and I do not see any link between this Motion and Bill number 20 if this is what is being asked. They are two clearly separate things. In terms of procedure.

Mr. McCall: Mr. Speaker, I'm to understand that this is a Motion of general principle of this Bill.

Mr. Speaker: The Chair has not been given that information. I would ask the Honourable Member from Kluane without impairing her ability to speak further in this debate, a second time if she could ask me what her intentions are in relation to this Motion.

Mrs. Watson: Mr. Chairman, it's quite obvious that Bill number 20 we require further information in order that we can make a decision regarding Bill number 20, I would suggest that we have this information before we have second reading.

Mr. Speaker: Well perhaps if that is the intent of the Member that perhaps Motion number 5 should be stood over and the matter considered when we discuss the Bill. It is not competent for the Chair to discuss a matter of the moving of a Bill until that matter is brought before the House and the question of the Motion is clearly contained in the Motion. Whatever the intent of the Member is, it's not, takes no part in anything else but the Motion. So if it's the intention of the mover and seconder of this Motion to proceed with it at this time the House is competent to deal with it, but there can be no riders attached in terms of procedure on this Motion.

Mrs. Watson: Mr. Speaker there is absolutely no rider attached to this, I would proceed even if the second reading of Bill number 20 was not deferred, I would proceed with the Motion.

Mr. Speaker: Is there any further debate on this Motion?

Some Members: Question.

Mr. Speaker: Question has been called. Are you agreed?

Some Members: Agreed.

Mr. Speaker: Any disagreed? I shall declare that the Motion is carried.

Motion Carried

Motion Number 6

Mr. Speaker: The next Motion is Motion Number 6.

It has been moved by the Honourable Member from Kluane, seconded by the Honourable Member from Whitehorse South Centre, "Whereas the Anti-Inflation Bill, C-73, recognizes that the provincial governments of Canada have the authority to enact appropriate provincial measures to fulfill the federal anti-inflation policy.

Now therefore, this Council respectfully draws to the attention of the Honourable Pierre E. Trudeau, Prime Minister of Canada, that the provisions of the said Bill, C-73, fail to recognize the legislative responsibilities of this House pursuant to Section 16 of the Yukon Act, by providing that the wage and price controls will apply to the Yukon Territory.

And this House regrets that during the preparation for Bill C-73 no prior consultation was had by the Government of Canada with the Government of the Yukon Territory, in similar manner to the consultation which occurred between the Government of Canada and representatives of each provincial Government in Canada, notwithstanding that the legislative power of the Commissioner-in-Council of the Yukon Territory has always been exercised in a fully responsible manner within the ambit of its constitutional powers".

The Honourable Member from Kluane?

Mrs. Watson: Mr. Speaker, too many of the members here, I'm sure this Motion seems a motion after the fact, because as I understand, Bill C-73 is being given third reading or has had third reading at the present time, so the possibility and the probability of being able to change Bill C-73 are minimal.

However, I think it very, very important for this House to draw to the attention to the Prime Minister of Canada, that we in fact do have the legislative authority to enact the Anti-Inflation measures through our own legislation, and furthermore, that we have used this authority in the past in a very responsible manner.

I think that it was a very unwise decision of the Federal Government to include the Yukon Territory in Bill C-73, which automatically took over that power from us. They enacted the anti-inflation measures in their Bill and didn't give us the opportunity to enact them in our legislation. I'm very confident that had they not done this, that the Yukon Territory would have been able to bring in Ordinances that would have brought into effect, the guidelines that the Federal Government was trying to establish in their battle against inflation.

We were not even called together when the representatives from the other jurisdictions were called together with the Federal Government to discuss the methods that should be used to combat this problem, this common problem across the country, and that is why I have brought this Motion before the House. We must continue to draw to the attention of the people in Ottawa that we are a responsible jurisdiction. I would hope very much that I have unanimous support from this House with this Motion, and I would also hope that this House would concur that copies of this Motion be forwarded to our own M.P. and to our Yukon Senator.

Thank you.

Mr. Speaker: Any further debate? Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I declare the Motion carried.
(Applause)

Motion Carried

Mr. Speaker: We will now proceed to Private Bills.

PRIVATE BILLS

Mr. Speaker: The Honourable Member from Pelly River?

Bill Number 20, Second Reading

Mr. McCall: Mr. Speaker, I'm prepared to read this for the second time, this Private Members' Bill. I move, seconded by the Honourable Member from Klondike, that Bill 20 be read for the second time.

Mr. Speaker: It has been moved by the Honourable Member from Pelly River, seconded by the Honourable Member from Klondike, that Bill Number 20 be now read for a second time. Is there any debate?

A Member: Question.

Mr. Speaker: Question has been called. Are you agreed?

Some Members: Agreed.

Mr. Speaker: Any disagreed?

Some Members: Disagreed.

Mr. Speaker: Madam Clerk, would you poll the House?

Madam Clerk: The Honourable from Mayo?

Mr. McIntyre: Disagree.

Madam Clerk: The Honourable Member from Whitehorse South Centre?

Mr. Hibberd: Agreed.

Madam Clerk: The Honourable Member from Klondike?

Mr. Berger: Agreed.

Madam Clerk: The Honourable Member from Hootalinqua?

Mr. Fleming: Disagreed.

Madam Clerk: The Honourable Member from Kluane?

Mrs. Watson: Disagreed.

Madam Clerk: The Honourable Member for Ogilvie?

Ms. Millard: Agreed.

Madam Clerk: The Honourable Member from Whitehorse Riverdale?

Mr. Lengerke: Disagreed.

Madam Clerk: The Honourable Member for Pelly River?

Mr. McCall: Agreed.

Madam Clerk: The Honourable Member from Whitehorse Porter Creek?

Hon. Mr. Lang: Mr. Speaker, could I have a question here?

At this point in time if there is disagreement in this House that this Bill not be read for a second time, can the Honourable Member from Pelly River introduce it at a later date in this Session?

Mr. Speaker: Not at this Session, no.

Hon. Mr. Lang: Well I'm agreed then.

Madam Clerk: The Honourable Member from Whitehorse West?

Hon. Mrs. Whyard: Agreed.

Madam Clerk: Mr. Speaker, the vote is six yays, four nays.

Mr. Speaker: I shall declare that the Motion is carried.

Motion Carried

Mr. Speaker: We will now proceed to Public Bills.

PUBLIC BILLS

Mr. Speaker: Bill Number 6.

Amendment to Bill Number 6—First Reading

Hon. Mrs. Whyard: Mr. Speaker, I move, seconded by the Honourable Member from Hootalinqua, first and second readings of the amendment to Bill Number 6, "An Ordinance to Amend the Hospital Insurance Services Ordinance".

Mr. Speaker: It has been moved by the Honourable Member—I believe that's for first reading to the amendment, is that correct?

Hon. Mrs. Whyard: Yes, Mr. Speaker.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse West, and seconded by the Honourable Member from Hootalinqua, that the amendment to Bill Number 6 be now read a first time.

Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the Motion as carried.

Motion Carried

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

Amendment to Bill Number 6, Second Reading

Hon. Mrs. Whyard: Now, Mr. Speaker. I move, seconded by the Honourable Member for Hootalinqua, that the amendment to Bill Number 6 be read for the second time.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse West, seconded by the Honourable Member from Hootalinqua, that the amendment to Bill Number 6 be now read a second time.

Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the Motion carried.

Motion Carried

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

Amendment to Bill Number 6, Third Reading.

Hon. Mrs. Whyard: Now, Mr. Speaker. I move, seconded by the Honourable Member for Hootalinqua, that Bill Number 6, "An Ordinance to Amend the Hospital Insurance Services Ordinance" be read a third time.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse West, seconded by the Honourable Member from Hootalinqua, that Bill Number 6 be now read a third time.

Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the Motion as carried.

Motion Carried

Mr. Speaker: Are you prepared to adopt the title to the Bill?

Hon. Mrs. Whyard: Yes, Mr. Speaker, I move, seconded by the Honourable Member for Hootalinqua, that Bill Number 6 do now pass and that the title be as on the Order Paper.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse West, seconded by the Honourable Member from Hootalinqua, that Bill Number 6 do now pass and that the title be as on the Order Paper.

Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare that the Motion is carried, and that Bill Number 6 has passed this House.

Motion Carried

Bill Number 3, Third Reading

Hon. Mrs. Whyard: Mr. Speaker I move, seconded by the Honourable Member for Hootalinqua that Bill number 3 an Ordinance to ammend the Area Development Ordinance be now read a third time.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse West, seconded by the Honourable Member from Hootalinqua that Bill number 3 be now read a third time. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed.

Some Members: Agreed.

Mr. Speaker: I shall declare the Motion as carried.

Motion Carried

Mr. Speaker: Are you prepared to adopt the title to the Bill.

Hon. Mrs. Whyard: Yes Mr. Speaker I move, seconded by the Honourable Member for Hootalinqua that Bill number 3 do now pass and that the title be as on the Order Paper.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse West, seconded by the

Honourable Member from Hootalinqua that Bill number 3 do now pass and that the title be as on the Order Paper. Are you prepared for the question.

Some Members: Question.

Mr. Speaker: Are you agreed.

Some Members: Agreed.

Mr. Speaker: I shall declare the Motion as carried and that Bill number 3 has passed this House.

Motion Carried

Bill Number 11, Third Reading

Hon. Mrs. Whyard: Mr. Speaker I move, seconded by the Honourable Member for Hootalinqua that Bill number 11 an Ordinance to ammend the Community Assistance Ordinance be now read for a third time.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse West, seconded by the Honourable Member from Hootalinqua that Bill number 11 do now be read a third time. Are you prepared for the question.

Some Members: Question.

Mr. Speaker: Are you agreed.

Some Members: Agreed.

Mr. Speaker: The Honourable Member from Kluane.

Mrs. Watson: Mr. Speaker I believe I have the right to express my opinions before third reading on this Bill.

Mr. Speaker: Yes, proceed.

Mrs. Watson: Very briefly Mr. Speaker I would like to commend the Government for this Bill. The Government is providing the financial vehicle and defining it in Legislation, by law, the assistance that they are prepared to give the smaller communities who are not eligible for T.V. under the C.B.C. program. I am very, very happy that this Bill has been brought in. That this assistance is defined by law and that the Government is ready and waiting with the funds if we can crack the bureaucratic structure within the Federal Department. Thank you.

Mr. Speaker: Are there any further discussion. Are you prepared for the question.

Some Members: Question.

Mr. Speaker: Are you agreed.

Some Members: Agreed.

Mr. Speaker: I shall declare the Motion carried.

Motion Carried

Mr. Speaker: Are you prepared to adopt the title to the Bill.

Hon. Mrs. Whyard: Yes, Mr. Speaker, I move, seconded by the Honourable Member for Hootalinqua that Bill number 11, an Ordinance to ammend the Community Assistance Ordinance do now pass and that the title be as on the Order Paper.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse West, seconded by the Honourable Member from Hootalinqua that Bill number 11 do now pass and that the title be as on the Order Paper. Are you prepared for the question.

Some Members: Question.

Mr. Speaker: Are you agreed.

Some Members: Agreed.

Mr. Speaker: I shall declare that the Motion is carried and that Bill number 11 has passed this House.

Motion Carried

Mr. Speaker: May I have your further pleasure at this time. Honourable Member from Pelly River.

Mr. McCall: Mr. Speaker I move that Mr. Speaker do now leave the Chair and the House resolve itself in the Committee of Whole to consider Bills, Sessional Papers and Motions.

Mr. Speaker: It has been moved by the — oh is there a seconder.

It has been moved by the Honourable Member from Pelly River, seconded by the Honourable Member from Klondike that Mr. Speaker do now leave the Chair and the House resolve in the Committee of the Whole for the purpose of considering Bills, Sessional Papers and Motions. Are you prepared for the question.

Some Members: Question.

Mr. Speaker: Are you agreed.

Some Members: Agreed.

Mr. Speaker: I shall declare the Motion carried.

Motion Carried

Mr. Speaker: The Honourable Member from Whitehorse South Centre will take the Chair in Committee of the Whole.

Mr. Speaker Leaves the Chair

COMMITTEE OF THE WHOLE

Mr. Chairman: I will now call this Committee to

order and declare a brief recess.

Recess

Mr. Chairman: I will call the Committee to order.
We will proceed with clause by clause reading of the Amendments to Bill No. 1, Highways Ordinance.

Amendments to Bill Number 1, First Reading

Seven, two.
(Reads Section 7. (2))

Mr. Legal Advisor: Mr. Chairman, this is the point that was raised by the Honourable Member from Kluane.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, I like the way the Section is written. This gives us the authority to enter into agreements with other authorities, we don't have to specifically say provinces. It could be the State of Alaska, and I think this is what we were looking for. I'm quite satisfied.

Mr. Chairman: 8. (3):
(Reads Section 8. (3))

Mr. Chairman: Mr. Legal Advisor?

Mr. Legal Advisor: Mr. Chairman, there is two minor points -- well one minor point. Court was changed from upper case to lower case, because upper case would mean the high court, this means any court, and the word "illegal" is inserted to make it clear that the court would order illegal obstruction to be stopped but not legal.

Mr. Chairman: 8. (4):
(Reads Section 8. (4))

Mr. Legal Advisor: Mr. Chairman, this is a point which was not raised during the debate here in the House. The original words in the last line were "recover it as an action in debt", but there are other methods which do not require a form of court action for collecting money.

Hon. Mrs. Whyard: Mr. Chairman, is that a typographical error, "incurred in so doing so"?

Mr. Chairman: I would assume so.

Mr. Legal Advisor: No, Mr. Chairman, it appears to me to be legally, but I'm agreeable to taking out one of the "so's".

Hon. Mrs. Whyard: Mr. Chairman, the intention is that the Section reads "recover his expenses incurred in so doing from that person".

Mr. Legal Advisor: Yes, Mr. Chairman.

Mr. Chairman: 11. (5):
(Reads Section 11. (5))

Mr. Legal Advisor: Mr. Chairman, this was the point raised by the Honourable Member from Kluane, to have the phrase at the end of the section reflect the wording in the earlier sub-section, which will be sub-section (4) in that case, and also by the Honourable Member from Mayo, who pointed out that as the Section is drafted, it includes the right-of-way and only the Crown will own the right-of-way. It may be otherwise with the buildings.

Mr. Chairman: 12. (4):
(Reads Section 12. (4))

Mr. Legal Advisor: Mr. Chairman, in this sub-section, a point was made as to whether or not there would be formal procedures for notifying people of the intention to close a highway, so we inserted the word "may" in accordance with the regulations, and the regulations can then provide for the terms of notice in similar manner as the municipalities deal with the same question.

Mr. Chairman: 12. (5):
(Reads Section 12. (5))

Mr. Legal Advisor: Mr. Chairman, in this sub-section, there was a misprint. It originally said Section 1, it should have been Section 4. It's still a misprint, I think it should be sub-section 4, I will have to check that.

Mr. Chairman: 12. (6):
(Reads Section 12. (6))

Mr. Legal Advisor: This is also a typist's error, and the sub-section read sub-section (1) originally.

Mr. Chairman: 23. (3):
(Reads Section 23. (3))

Mr. Legal Advisor: Mr. Chairman, this is a point which was raised by the Honourable Member from Kluane, that it didn't provide for a penalty against dealing with an information or destination indicator, so we changed the drafting in order to reflect that it covers all of the items mentioned, and there's a number of paragraphs in sub-section (1).

Mr. Chairman: 25. (1):
(Reads Section 25. (1))

Mr. Legal Advisor: Mr. Chairman, the word "advertising" is taken out here. I'm sorry, "commercial" is taken out before "advertising". I beg your pardon.

Mr. Chairman: 29. (1) (c):
(Reads Section 29. (1) (c))

Mr. Legal Advisor: Mr. Chairman, this was amen-

ded to take care of a point raised by the Honourable Member from Hootalinqua.

Mr. Chairman: 32. (1) :
(Reads Section 32. (1))

Mr. Legal Advisor: Mr. Chairman, a minor change was made here to remove the expression "for a first offence" which was anomalous.

Mr. Chairman: Mr. Legal Advisor, 19. (1), I have a notation here that this was to be reviewed.

Mr. Legal Advisor: It was reviewed Mr. Chairman and it was decided to make no change.

Mr. Chairman: Mr. Taylor.

Hon. Mr. Taylor: Mr. Chairman I still have trouble with 19. (1) as I did when we first reviewed the Ordinance and I still feel that it should be rewritten. It gives the Peace Officer, I think, too broad a power. I think that perhaps he should have, have to show cause to somebody for what he does. Someone within this Government. This is the situation "where a Peace Officer finds upon any land conditions existing which may cause danger to life or property of any person travelling on a Territorial Highway, the Peace Officer may enter upon the land with such equipment and persons as he deems necessary to do any acts necessary to remedy the conditions." I really feel that the person should have some prior authority of doing, in order to invade a persons property and if that can't be done, then cause should be shown for any action to the Government that is taken by a Peace Officer.

Mr. Chairman: Mrs. Whyard.

Hon. Mrs. Whyard: Mr. Chairman I know what the Honourable Member from Watson Lake has in mind but I do not feel that he needs to have any concern in that regard from this section. As it was explained during discussion of the section, if there is a sniper sitting up above the Alaska Highway taking pot shots, and this has happened more than once in recent years, I am not going to be happy if the Peace Officer has to go run and get a piece of paper before he stops that action. I want him to be able to take action immediately and enter on anybody's land that it's necessary to enter. I really can't see why we are splitting hairs on this particular section

Mr. Chairman: Mr. McIntyre.

Mr. McIntyre: In regard to what the Honourable Minister of Health, Welfare just stated that, this doesn't deal with snipers or personal things it deals with land conditions.

Hon. Mrs. Whyard: Well Mr. Chairman the Honourable Member's point is about entering private land, I think that's that basic objection.

Mr. Chairman: Mr. Taylor.

Hon. Mr. Taylor: Yes Mr. Chairman, I was about to rise to say that most certainly if there was a sniper or someone involved the Criminal Code should more than adequately look after that. I really think that this 19. (1) should be revised, in some manner, whereby the person or the Peace Officer must get some prior authority from a court or from somebody before embarking on a program which would take him on to the land and buildings and so forth and involve him with peoples personal things.

Mr. Legal Advisor: Mr. Chairman would the situation be better if the land were defined the we're talking about, if found on any land contiguous to a Territorial Highway, conditions. Then it makes it clear that we're talking about land which is immediately beside a Territorial Highway. Because the sentence runs very vaguely when we're talking about any land, and I don't think that's the intention of the Ordinance. It might make it clearer that this is land immediately beside a Territorial Highway.

Mr. Chairman: Mr. Taylor.

Hon. Mr. Taylor: Mr. Chairman that would improve upon the section immensely, but even so I think the case was made, I believe it was the Honourable Member from Whitehorse Riverdale, that perhaps an accident could occur and the Officer has to enter the land in order to rescue a person who has left the highway and wound up on this property for whatever reason. I think that would be done in any event, you know I don't see why we have to give blanket permission to Peace Officers to enter upon land just to remedy one certain thing. I think in the case of an emergency as was suggested, and it was a good case in point, that this would be done in any event and I really don't feel that a Peace Officer, like a man's home is his castle, as I've said before and always has been and I think that this somehow infringes upon people's rights to property and to privacy. I still feel that a Peace Officer should have warrant or some authority to enter upon the land in question notwithstanding it is contiguous to a Territorial Highway.

Mr. Chairman: Mrs. Watson.

Mrs. Watson: Mr. Chairman as the section was written, I think we're getting away from the intent of the section to start with. When it says land conditions, and my interpretation of that automatically has nothing to do with a sniper, has nothing to do about entering anybodys home or something. It's if there is a flood or a washout and you're there with equipment and you've got to go onto the land next to the dangerous situation to overcome the land condition on the road, and that's why I think that we have to look very carefully into this section and look at section 20 sub 1. Where you can go on to somebodys land with a big scraper or cat or something and rip it up and the Government then is not responsible or not, the person is not entitled to compensation. I think maybe the Legal Advisor should, they should take this back and exactly determine what they are trying to do in 19, 20

and come back with a rewritten section. Because I can't support where the Government is not, does not have to compensate, automatically does not have to. It doesn't say, that they can't, but it certainly isn't very reassuring to anyone that if they have gone on and ripped your place apart that they don't have to compensate for it or fix it up again. So I would suggest you review 19 and 20 and actually see what the intent was in 19. I don't think we're talking about what was intended by the Highways ranch when they wrote this section.

Mr. Chairman: Mr. McCall.

Mr. McCall: Mr. Chairman, I would concur with both Members who have spoken in concern to this particular subsection. I find this language a little too flexible for our Peace Officers to use and I would strongly suggest that it be completely reviewed.

Mr. Chairman: Mr. McIntyre.

Mr. McIntyre: I agree with the Honourable Member from Klauene and previous speakers, the key section actually isn't 19. (1), it's 20. (1). I think that this should be taken back to the Legislative Programming Committee for rethinking of the effect of 20. (1) on section 19. (1).

Mr. Chairman: Mrs. Whyard.

Hon. Mrs. Whyard: Mr. Chairman could we then have some indication from these Honourable Members as to what they wish in that section.

Mr. Chairman: Mr. Fleming.

Mr. Fleming: Yes Mr. Chairman I too disagree with this, with 19. (1). The wording there does imply that they can go onto the property and do anything they wish and then there in 20. (1) no person is entitled to compensation, and this in no way is right. So therefore I think that the Police Officer today and all Officers have a mandate now to do their job without having that even in there, myself. And I think if it is in there there should be something that says it would entitle a person to compensation. That's my opinion.

Mr. Chairman: Mr. Taylor.

Hon. Mr. Taylor: Mr. Chairman perhaps the section would not—section 19. (1) would not be as objectionable if it was imperative that the Peace Officer first must have obtained some sort of authority, either from the Commissioner or from a Court or something of that nature before entering upon the land and that 20. (1) be deleted. That people should be entitled to compensation if they've been, if they can prove to a Board or to the Court or someone that they indeed have damages that they could claim.

Mr. Chairman: Mr. Lengerke.

Mr. Lengerke: Yes, Mr. Chairman I rise again in comment on that, 19. (1) as I did before. I just find it pretty hard to believe that somebody would want a Police Officer to have permission to have to move a car

in or a tractor or a number of men with shovels to clear away, say a pile of dirt, or debris, that was caused by a car plowing into a roadside ditch and up onto some adjacent land. I just can't see that, you know if you had to go to the Commissioner for this, well you would be days looking for that kind of authority. I have to agree and I think we talked about it earlier the section 20. (1) I think the person—I think we could make that clear that there could be some form of compensation offered, because certainly if somebody has to remove a fence or plow up somebody's lawn or a crop or whatever the case may be, or remove some trees, a shelter belt or whatever, I think the people should be entitled to compensation, but, I can't find any difficulty with 19. (1) at all.

Mr. McCall: Thank you, Mr. Chairman.

In view of what the Honourable Member from Watson Lake stated, I would find it very difficult to confront an officer when he is doing a job doing his duties. In the case of an emergency, I would find it very difficult to send that poor peace officer to court in order to get permission to go on my property.

I don't think that is what we are implying as far as review. What we are saying is the flexibility should not be allowed to the extent as to the language which is stated here. Section 21, I believe I brought that up before, I still feel there should be some compensation, if there has been some property damage.

This is all I feel that the language should be reviewed for.

Mr. Chairman: Mr. Fleming?

Mr. Fleming: Yes, I would like to rise in support of that, Mr. Chairman, myself, that is what I was going to say. In some senses, I suppose the paragraphs do have merit, because, if they enter the land, and say the obstruction that was causing the trouble on the highway or, say a flashing light for some object that was out on a farm land, and caused people not to be able to see properly or something, they had to go and do this, if that was an act of God on that land, that it was there, I would say that they were eligible for compensation, if they went and took — if the government did go or a police officer or anybody else, and removed that thing that they did not put there.

On the other hand, if it was put there by the owner of the land, and was forced to be removed, I would say he would have no compensation, if he had done something that caused action to be taken against him, so I think we have two different articles to look at.

Hon. Mrs. Whyard: Mr. Chairman, we haven't heard too much from the Legal Advisor this morning, and so I would like to get into the peripheral subject matter of Section 20(1) which seems to intrigue the members this morning, regarding compensation for damages resulting from these acts described in Sections 18 or 19.

Let us take, for example, I think this is what we are discussing; a crash or a pile-up on a highway; some of the vehicles land in somebody's property along the highway, okay, they catch fire, they burn something. A police officer comes along and he restores order from chaos, and eventually somebody who owns that land

says, "hey, I have got to get compensation for this damage."

Are you telling me here this morning that the peace officer and the government who sent him there, are then liable to provide compensation, or are you telling me that the vehicle owners who caused the damage are liable to provide compensation? This gets a little dicey.

Mr. Legal Advisor: Mr. Chairman, I have no difficulty in formulating a recommendation to the government that where a public officer of any sort, peace officer or otherwise, is forced by emergency conditions to do damage to property, to remove a flood, to haul vehicles off the highway for the safety of people passing by. I have no difficulty at all in recommending to the government that compensation should be payable to the unfortunate property owner who has no responsibility for whose property is used or misused for a particular purpose. I don't think the government would ever dream of not paying compensation, under those circumstances, or in the alternative, remedying the condition by putting the land or the building or the hedge back into the position in which it was.

I would have some difficulty in recommending if a person does something himself, which causes the hazard, that he should be compensated for the removal of that. I think the House would agree with that, so if it would be agreeable to the House, I would recommend that it be sent back for further study, with the possibility of leaving no compensation for the closing of a road under Section 18, which we all understand. But where it's a question of entering on land or property, that where it's not the fault of the person whose land is entered, then compensation will be assessed in accordance with our standard procedure under the Expropriation Ordinance, and if the person disagrees with it, then they can take it to court.

The procedures are set out under that. If that is agreeable to the House, I would recommend that to the administration.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, I think that satisfied my comment.

Mr. Chairman: Mr. Berger?

Mr. Berger: No, I think that satisfied my comment.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Yes, Mr. Chairman, I was just going to say that, yes, that's acceptable to me, and I would hope that when they are looking at this Section 19, that the matter of cause I think has still got to be clearly shown, but perhaps maybe when the draft comes back we will have another opportunity to go at it.

Mr. Legal Advisor: With due respect to the Honourable Member, it's very hard, if a car is turned over and has to be hauled back, if the police officer can get an ambulance very snappy, and he can get a doctor

to turn up, but nobody can go in there until they get a warrant from the Justice of the Peace who may be having his supper up in Takhini.

I think we have got to, in an emergency situation, face the fact that officers must use their common sense.

Hon. Mr. Taylor: That's okay.

Mr. Chairman: Mr. McCall?

Mr. McCall: It doesn't matter, Mr. Chairman.

Mr. Chairman: We will now proceed with Bill Number 9.

Hon. Mr. Taylor: I imagine you will be reporting progress?

I was going to make a Motion respecting the other amendments, but perhaps we will wait until this one comes in before we do it.

Mrs. Watson: Mr. Chairman?

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, if the Honourable Member has another amendment with this same Bill I would just as soon he made it now and we could consider it and it would save going back a second time.

Hon. Mr. Taylor: I have not the foggiest notion what the Honourable Member is talking about, Mr. Chairman.

Mr. Chairman: We will now proceed with the clause by clause.

Mrs. Watson?

Mrs. Watson: Mr. Chairman, I have problems listening to Mr. Speaker and the Chairman at the same time.

Bill Number 9

Mr. Chairman: Is it the wish of Committee that we have a witness present during the reading of Bill Number 9, "An Ordinance to Amend the Motor Vehicles Ordinance"? Mr. Gillespie is available.

Hon. Mr. Taylor: Mr. Chairman, I have been noticing here during this session that witnesses have been here fairly regular. Perhaps when we are discussing budget at the spring session, it's a pretty good policy, but I don't think witnesses should be traipsed in here as a matter of course.

I think that any member of the Committee, if he can convince the Committee that a witness should be here to answer questions, fine, but as you are aware, we are tying up at least our three Ministers, a great deal of their time and administrative duties, and we are just dragging other departmental people out from their duties, so I would suggest that we go back to the old procedure that unless a witness is required and agreed upon by the Committee, that we just don't have them

here, certainly not as a matter of course.

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: I would simply respond to that by saying that this is — this Bill is the responsibility of Mr. Gillespie, and it would be courteous to have him here when it's discussed.

Mr. McCall: We will accept your judgment on that, Mr. Chairman.

Mr. Chairman: I think we will proceed with the clause by clause reading, and if we run into difficulty, we will ask for the witness.

A Member: Hear, hear.

Mr. Chairman: One:
(Reads Clause 1)

Mr. Chairman: Two:
(Reads Clause 2)

Mr. Chairman: Three:
(Reads Clause 3)

Mr. Chairman: One:
(Reads Section 5(1))

Mr. Chairman: Two:
(Reads Section 5(2))

Mr. Chairman: Three:
(Reads Section 5(3))

Mr. Chairman: Four:
(Reads Section 5(4))

Mr. Chairman: Five:
(Reads Section 5(5))

Mr. Chairman: Six:
(Reads Section 5(6))

Mr. Chairman: Seven:
(Reads Section 5(7))

Mr. Chairman: Eight:
(Reads Section 5(8))

Mr. Chairman: 4(1):
(Reads Clause 4(1))

Mr. Chairman: Two:
(Reads Clause 4(2))

Mr. Chairman: Three:
(Reads Clause 4(3))

Mr. Chairman: Section 5:
(Reads Clause 5)

Mr. Chairman: Six:
(Reads Clause 6)

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Sorry, as we were going by Section 5, Mr. Chairman, I did have a question and it refers to the fact that no liveryman's licence is transferrable, and unless suspended or cancelled, expires at the end of the fiscal year. Would this in any way, Mr. Chairman, perhaps Mr. Legal Advisor could answer this, would this in any way impair a taxi owner from selling his business?

Mr. Legal Advisor: No, Mr. Chairman. That particular part is not changed from the old Section to the new Section. What is changed is it says it expires at the end of the year, that's the only thing.

Hon. Mr. Taylor: M'hmm, okay.

Mr. Chairman: Seven:
(Reads Clause 7)

Mr. Chairman: Eight:
(Reads Clause 8)

Mr. Chairman: 9(1):
(Reads Clause 9(1))

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, one thing that is rather confusing going through the Bill, is the fact that these things are referred to subsection 12(1), should this not be Section 12(1) of the Ordinance? These are not in fact sub-sections are they?

Mr. Legal Advisor: Mr. Chairman, for a few years there has been talk among the various Canadian jurisdictions as to how particularly identify what you are talking about, and the choice is either using a very long formula, paragraph (a) of — sub-paragraph (a) of paragraph D of sub-section so and so of Section so and so, using the old formula, and it does identify, but it makes it very long.

This is difficult to say, but it identifies the paragraph equally well, and although it's hard to identify it when it is being read out, it is easy to identify it in writing, so that the Canadian jurisdictions have agreed to switch uniformly to this new method of writing of the sub-sections, and this is being done now across Canada, as a result of the uniformity of law, decisions on that.

Hon. Mr. Taylor: Okay.

Mr. Chairman: Two:
(Reads Clause 9(2))

Mr. Chairman: Ten:
(Reads Clause 10)

Mr. Chairman: Eleven:
(Reads Clause 11)

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: Yes, Mr. Chairman, I would just like to comment that I am really pleased to see that Section amended that way. I think now that it enables the owner to transfer plates, this is in accord, I think, with most of the provinces, or the other way around I believe that is the case.

It is a good step anyway.

Mr. Chairman: Twelve:
(Reads Clause 12)

Mr. Chairman: Thirteen:
(Reads Clause 13.)

Mr. Chairman: Mr. Berger?

Mr. Berger: I am having trouble with this Section. I am looking in the old Section, there's nothing in there — in Dawson, we have a lot of placer miners coming in from Alaska, and the Southern United States. They are working all summer long with foreign licence plates, and there's absolutely nothing in this Ordinance that actually forbids them not to do so, because they are doing it for pleasure for 90 days.

Whatever happened if you have an accident because they are travelling on mining roads that are in bad shape and so on, nobody knows if they have insurance on the thing. I think we should have something in this Ordinance to specify if they are working, it should be changed in that. It's not for pleasure any longer.

Mr. Chairman: Ms. Millard?

Ms. Millard: I would just like to say, Mr. Chairman, I thoroughly agree with that because that's been my experience in Dawson also.

Mr. Legal Advisor: I'm sorry, I wasn't listening to the question because I found a different typing error in Section 12, sub-section (1) part. The grammar is incorrect unless you make motor vehicles plural, semi-trailers or trailers, otherwise it is incorrect. So it's a typing error. It wasn't transferred across correctly from the old section. But I'm not sure what the new question was.

Mr. Chairman: Mr. Berger?

Mr. Berger: Well, as I said, what I would like to see in there is a specific definition of pleasure and working in the Territory, for vehicles registered outside the Territory, especially in foreign countries, because there is absolutely nothing in there that states that people working, for instance, their own placer ground are not here for pleasure or anything like this.

Mr. Legal Advisor: We can consider the matter, Mr. Chairman. It's a very blurred definition with some people, depending whether they like their work, I guess, but we will consider the matter and see if we can deal with it appropriately.

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: Mr. Chairman, the concern of the

Honourable Member from Klondike is really not the pleasure or the working aspect of it, but did you not mention that you are concerned about the insurance, and I know the Honourable Member from Kluane raised this the other day and made a very specific point of it.

Could there be no way that we could insert in this that there would have to be proof of insurance? I don't think the case of having them operate on 90 days on their own licences, I think it's just a matter of concern that they are not covered adequately under an insurance policy.

Mr. Legal Advisor: Mr. Chairman, as the law is enforced at present, and I haven't heard that there are any difficulties in relation to it, once a person comes to work here they have to take out their correct papers. When they are tourists, they get a period of grace.

Mr. Lengerke: Okay, so then —

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, that's not being self employed, they are mining.

Mr. Legal Advisor: I will raise the question, in view of the debate, with the Registrar and see does he think its necessary to specifically deal with it in this or a similar section.

Mr. Lengerke: Okay.

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, the point I was going to raise, and I think Mr. Legal Advisor, if you will assist on this one, I think the policy when someone from the Yukon leaves and goes to another jurisdiction, their plates are valid for a least 90 days, whether they are working or touring.

Mr. Legal Advisor: Whatever is done in B.C., we presently do that, we have a reciprocal arrangement back and forth and we observe them, but I couldn't tell offhand precisely without running through the current Ordinance to see what we have for regulations.

Mr. Chairman: Mr. Berger?

Mr. Berger: I have been in B.C., I had my own experience there. If you are in B.C., you start working there, you have to change licence plates right now. The thing is, the Honourable Member from Kluane mentioned, that there's nothing stated in there about self employment.

I mean, it's pretty hard to prove whether a person is here on pleasure or is working.

Mr. Chairman: Mr. Fleming?

Mr. Fleming: Yes, Mr. Chairman. I am very concerned about the insurance because of the fact that I am quite sure I am right in this, in the States and many places they drive through here, they don't have in-

insurance, and this has been known -- I know of accidents have happened myself on the road, and we have been involved -- not in the accident, involved in recovery and so forth on the highway, and we find that these people do not really have insurance, not as we have it.

Now, I feel that any time anybody goes to work in this Territory, he certainly should be obliged at that time, if he's going to drive his car, to have the same insurance as we have one way or the other.

Mr. Chairman: Mr. Lang?

Hon. Mr. Lang: Mr. Chairman, you have to have some way of policing that, and I think what you are talking about is in reference to the American tourist coming up, and a lot of them have insurance, but it does not apply to the Alaska Highway, in small print. A lot of your tourists are not aware of this to begin with, and I think it's up to us, hopefully in the future, to set up some way of monitoring this at the borders, and if they don't have insurance, that they should either be sent back or else have to purchase 30 day insurance, or however that works.

But this is the problem, what you are expressing there.

Mr. Chairman: Mr. Fleming?

Mr. Fleming: Yes, Mr. Chairman. As the Whitehorse Porter Creek representative says, the Honourable, yes, this is an issue too, but I am not speaking actually of tourists as the insurance goes.

I am speaking of the person that comes over here and he is here a couple of months and he gets a job and he works here, and he continues to use his car. Now, he does have to licence it under our jurisdiction, and he gets insurance that way. Am I right on that?

Mr. Legal Advisor: Yes, in order to register, Mr. Chairman, he must have a licence.

Mr. Fleming: So therefore he would be insured if he is working in this country, that's my concern.

Mr. Chairman: Ms. Millard?

Ms. Millard: Mr. Chairman, there could be somewhat of a compromise here where I believe it could be changed from not exceeding 90 days to not exceeding 30 days.

I think there are a lot of jobs in the Yukon that people come up from, not just even from foreign countries but certainly from the provinces, and they spend two or three months working in for instance Dawson, without having to get another licence. So I would like to see consideration of changing the 90 days to 30. I don't think very many people tour the Yukon for three months.

Mr. Legal Advisor: Mr. Chairman, the debate is centering around the wrong point, it appears to me, with respect.

We are talking about registration here. What we should be talking about is insurance, where we can enforce insurance. As far as the insurance position in

Canada is concerned, we are one of the few jurisdictions which have compulsory insurance as a matter of law. In other jurisdictions, they make different arrangement, and a person who is not insured, has to make arrangements to pay 20 or 25 or 30 or \$40.00, with his registration in the Motor Vehicle Registration Branch of the province, to cover the loss which may be attributed to the Unsatisfied Judgment Fund.

We have chosen the reverse situation to force compulsory insurance, and some three years ago we raised the limit which was imposed on a driver from \$20,000.00 to \$50,000.00 compulsory insurance. This is enforced, and quite meticulously enforced in relation to cars which are running around the Territory, and it's difficult enforcement -- a thing to enforce in relation to cars of tourists who are coming through, and this is a separate question as to whether it should or could or will be costly to enforce. It's quite a different question.

But so far as people who come to work here is concerned, the police and enforcement officers generally, do enforce the law, that anyone who comes to work here, then should take out insurance. They may not be aware of cases, and they may not spread their nets wide enough, but they do attempt to enforce the law, but some grace is given to the person who comes here in order to allow him time in order to register.

But the expression here is "touring for pleasure", and with respect, in certain cases, 30 days may not be enough. If you are talking about a genuine tourist, then I don't think we should worry. If we are talking about a person who is trying to cheat the law, I think perhaps the Section should be tougher.

But in any event if the House would pass on from this then perhaps the Registrar of the Motor Vehicle can produce hard information to what the facts are or answer any questions and we could go ahead from this and deal with it on the basis of insurance rather than registration.

Mr. Chairman: Mr. Berger.

Mr. Berger: Thank you Mr. Chairman. I just would like to make one comment that the Legal Advisor said, I think both things are tied in together in the Territory, without insurance you can't register your vehicle, and I think that this is the safeguard that we are looking for, that the people who are coming into the Territory, like tourists or people working here, that they have to register their vehicle at the point of entry or any place. I would even go so far as to issue a courtesy licence plate as long as the people know in the Territory that those vehicles are insured. I think this could be quite easily done on the weigh scales or something like this without creating more Administration or something.

Mr. Chairman: Ms. Millard.

Ms. Millard: Mr. Chairman this might be a good time for Mr. Gillespie to come as a witness so he can add his expertise.

Hon. Mr. Taylor: I was simply going to say if the

Administration are going to consider this why don't we leave it in their hands and see what they come up with and carry on with the Ordinance.

Mr. Chairman: Mr. Lang?

Hon. Mr. Lang: In reference to what Mr. Berger is saying, and I raised the question here last session that at the same time that we're — it's my feeling anyway, at the same time that we're enforcing the insurance on the people coming through the Territory, at the same time I think we should have them buy a campside sticker for something in the neighbourhood of \$5.00. I think it would increase our revenue to no end.

Mr. Chairman: Mrs. Whyard.

Hon. Mrs. Whyard: Mr. Chairman just before you pass on from this section this is where I specifically brought the subject up in an earlier discussion when we were on the Civil Legal Aid Bill. Because there is a loop hole there which needs to be filled, and that is the insurance of visiting vehicles, and whatever means we take it should be done immediately so that this coming season there will be some kind of enforcement possible.

Mr. Chairman: We will carry on with Section 14.

(Reads Clause 14)

Mr. Chairman: Mr. Taylor.

Hon. Mr. Taylor: Mr. Chairman this is on the understanding that British Columbia insurance for instance is acceptable is this not correct.

Mr. Legal Advisor: It is for the Registrar to say. He may on application, if he is satisfied that he is adequately covered he can deal with it in that matter. It would apply to more than B.C.

Hon. Mr. Taylor: I was just trying to make a point is that we're not cornering these people as we do with the many Yukon residents into buying insurance from Yukon firms. That if they have, if they are registered say with B.C. insurance scheme and the vehicle is in fact, has the insurance coverage required by law, not withstanding where he got it he can get the permit.

Mr. Legal Advisor: Or a visitor this would, it wouldn't be the case for every body but it would be the case for the visitor.

Mr. Chairman: Mrs. Watson.

Mrs. Watson: Mr. Chairman this is a problem in my constituency, quite a great problem and I don't where the decision. I'm not that familiar with, I must admit the Motor Vehicles Ordinance and the requirements under it and the insurance structure, but, I think the deficiency in this section is the owner is adequately covered by a policy of Motor Vehicle Liability. We have many large trucks going from Alaska from the lower 48 through the Alaska Highway into Alaska, and we have

had several instances of accidents, where the fault of accident hasn't really been determined, but they are supposed to have insurance they are let go into Alaska and forget that's the last that the people who have suffered the accident, Canadian citizens residing along there, they haven't been able to collect anything. Now it's just sort of in limbo. Now I don't know where the deficiency is, but it's a problem and it's happening oftener and oftener.

Mr. Legal Advisor: I wasn't aware Mr. Chairman that there was a problem but if the Honourable would bring to the attention of the Government cases which have arisen, I only know of one, with a possible second, but if there are others, they should be dealt with. Basically the situation in that kind of an instance is to bring pressure against the insurance company wherever it is or the insurance jurisdiction to have the insurance company which refuses to deal on behalf of its client struck from the register in California, Oregon or wherever it happens to be.

Mr. Chairman: Mr. Fleming.

Mr. Fleming: Yes Mr. Chairman, I agree with the Legal Advisor but I see our Honourable Members problem too because I say and I may be wrong because I'm not a Legal Beagle, I don't know all these things. When they come from the States, there are many states that do not have insurance, so if they are let go through the country without insurance, and of course if they kill somebody or knock somebody over or something happens, the problem arises as to who is to pay for it, and then that's fine for a day or two but as she explained they leave the country and then the problem arises how do you ever get paid for it. This is I think a fact.

Mr. Legal Advisor: Mr. Chairman this is, what this section is saying is that the persons transporting goods into, out of, or through the Territory must have adequate insurance. So this is a helpful section rather than averse, with respect Mr. Chairman.

Mr. Chairman: Mrs. Watson.

Mrs. Watson: Mr. Chairman the point we're making is that we can't enforce this. Once something happens, you know, there is no point — it's fine having it in here, but can we enforce it on the insurance companies or the truckers that are travelling through here. Some of them go out of business by the time we get around to going after them.

Mr. Legal Advisor: Mr. Chairman in this section— this is an enforceable section because the Registrar must be satisfied they have adequate insurance. Adequate insurance would include insurance with a known company which would be responsible for the acts of its clients. Action lies against, not only the person who owns the truck which is involved in the accident, but against the insurance company, and would be enforceable in the case of an accident occurring under this particular section, I would apprehend. Now the smaller cars are a different situation, but when

we're dealing with the ones bringing in loads I don't think we have any problems provided the person has a good case and takes it to the law. There is some difficulty in getting people to respond because the action occurs in the Territory, but, if a lawyer would read his law he would find that a parallel action would arise also, in California or the home base of the particular trucking company. He has a choice of fora, either in this Territory or there, depending on where the greatest connection with the event occurs and he can choose. But few lawyers apparently are aware of this.

Mr. Chairman: Mrs. Whyard.

Hon. Mrs. Whyard: Just to clarify a little further on this point, section 14 clearly spells out that any of these people coming through from the States on their way through to Alaska for example, transporting goods through the Territory, without loading or discharging, can't have a permit until the Registrar is satisfied that the owner is adequately covered by a policy of Motor Vehicle Liability Insurance in respect to those vehicles. Now, I think the problem we have here is how you enforce this section. Now I've always understood that the people who came through this Territory on long hauls and had the permit to do so, had indication on their licence which any law enforcement officer could immediately spot. Is this not so, is there not a P.S.V. or whatever interstate licence which is easily recognized by any officer of the law and if he does not see it he has authority to stop that vehicle and say where is your permit to travel through the Yukon Territory because if he has that permit he is insured.

Mr. Legal Advisor: Yes, Mr. Chairman and of course he's got to go through a check point if he's on a through trip.

Mr. Chairman: Mr. Lengerke.

Mr. Lengerke: The Honourable Minister raised a good point there, but, I know that in talking to many of the truckers in the Yukon this does seem to be a problem and it seems to be at the level right here with the Registrar. Maybe he isn't really getting proof positive that they do have proper coverage. I think this is a bit of the situation because, I'm giving you an example of myself, I went in to buy a licence, they never asked me if I had any insurance, they handed me a licence. I went in and I bought a dealers plate, they never asked me if I had a licence as a dealer or anything else. It could have been Joe Blow walking in off of the street, now if that's the kind of way they monitor this, then I would see where there would be some problems and this is the area that I'm concerned with. Is that, fine, the proof is satisfactory to the Commissioner, it's probably there but are we really getting that proof positive that that fellow has coverage and that that coverage is the type that is going to be extended as he's travelling through.

Mr. Chairman: Mrs. Whyard.

Hon. Mrs. Whyard: Mr. Chairman I think that it would be most helpful to have the Registrar here to

answer these questions.

Mr. Chairman: I think we'll probably declare recess until 1:30 at which time we'll continue with the Medical Ordinance and return to this Ordinance at a later time. We don't have much time to call him now. So I will declare a recess now until 1:30.

Mr. Chairman: I now call the Committee to order.

Bill Number 8

This afternoon we plan to discuss Bill Number 8, "An Ordinance to Amend the Medical Profession Ordinance". We have at the behest of the Minister of Health and Welfare, as witnesses from the Yukon Medical Association, Dr. Mason-Brown, Dr. Asfeldt, and Dr. Tanner, and Mr. Tommy Duncon, Administrator of the Yukon Health Care and Hospital Plan.

I would like to turn the Chair over to Mr. McCall at this time.

(Mr. McCall takes Chair)

Mr. Chairman: Thank you, Mr. Chairman.

Before we go any further, is it the wish of this Committee that we call the witnesses in at this time?

Some Members: Agreed.

Mr. Chairman: We will have a short recess while the witnesses are being called in, or brought in.

Recess

Mr. Chairman: I will call this Committee to Order. Before we go into section by section reading, I would like for the witnesses, if they may, after welcoming them to the Legislative Assembly, if they would identify themselves from left to right, so our recorder will know who they are.

Mr. Duncan: Tommy Duncan.

Mr. Chairman: Mr. Duncan.

Dr. Mason-Brown: I'm Dr. Mason-Brown.

Dr. Tanner: Aubrey Tanner.

Dr. Asfeldt: Jules Asfeldt.

Mr. Chairman: Okay, we will go into section by section reading of Bill Number 8, I will read Section 1: Section 1, sub(1):
(Reads Section 1(1))

Mr. Chairman: Sub (2):
(Reads Section 1(2))

Mr. Chairman: Clear?

Some Members: Clear.

Mr. Chairman: Section 2:
(Reads Section 2)

Mr. Chairman: Yes, Mrs. Watson?

Mrs. Watson: Mr. Chairman, I have a couple of questions, and the first one is Section 4(1)(a) where it says, "was entitled by law". My question is, what law? Is it a Federal Medical Act that we are referring to?

Mr. Legal Advisor: No, Mr. Chairman. In the original Act, we are talking about the previous times that this was amended, and that was the 22nd of November, 1954. We are bringing that date up-to-date, so as to grandfather in, any person who by our law, is legally entitled to practice medicine in the Territory at the moment.

Mr. Chairman: Dr. Hibberd?

Mr. Hibberd: Mr. Chairman, I think there has been some concern expressed, first of all I think that the Yukon Medical Association has voiced their strong approval of this Ordinance, in that it does — they are most concerned with high standards of medical practice being carried on in the Territory, and with reference to that, I think they might have some difficulty, and I would like to hear what they have to say, regarding the phrases here of an "approved medical school" or an "approved hospital".

Mr. Chairman: You would like the witnesses to answer?

Mr. Hibberd: Yes, please.

Mr. Chairman: Do any of you gentlemen care to start off?

Dr. Mason-Brown: Mr. Chairman, as the Honourable Member has said —

Mr. Chairman: Excuse me, you may sit down.

Dr. Mason-Brown: As the Honourable Member has said, the Yukon Medical Association is concerned with the maintenance of high standards of medical practice in the Territory, and with the preservation and continuance of that custom.

The object of this, is of course, the protection of the public at large, and in that connection I should say that the Yukon Medical Association is affiliated with the British Columbia Medical Association and would wish to continue that affiliation. So after this Ordinance to amend the Medical Professional Ordinance, the word "approved university or school of medicine" frequently recurs. What we would like to see is that this should read "approved by the B.C. College of Physicians and Surgeons".

We do not have a College in this Territory. The B.C. College of Physicians and surgeons have the knowledge and expertise to evaluate schools throughout the country and maintain such a list, and we would like, so far as our development is at present

stands, to follow the B.C. practice.

One should add that these lists of schools differ from province to province, and B.C. we think, has a high standard.

Mr. Chairman: Yes, Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, I would like to ask what objection could be found in asking, or in putting into the Ordinance a provision which would provide for any Canadian College of Physicians and Surgeons?

Dr. Mason-Brown: Because standards tend to vary from province to province, that's one answer. A second answer is because we have been affiliated with the B.C. College and propose to continue that affiliation.

Mr. Chairman: Yes, Mr. Hibberd?

Dr. Hibberd: I might add, Mr. Chairman, that the B.C. College has indicated its willingness to carry out these duties for the Yukon Medical Association.

Mr. Chairman: Yes, Mrs. Whyard?

Hon. Mrs. Whyard: We certainly have no objection to spelling out what we mean by approved. I'm just wondering if we could have the benefit of the witnesses' assistance. Would you visualize that we would simply insert a phrase in one of these Sections saying "in an approved hospital as listed by the B.C. Council of", et cetera, et cetera, or should a list of those hospitals be appended in regulations to this Ordinance, so that if someone is looking to see whether an applicant is actually a graduate of an approved institution, he would not have to then pursue the B.C. list, it would be available here. Is this what you have in mind?

Mr. Chairman: Dr. Mason-Brown?

Dr. Mason-Brown: I think what we should like to see is wherever the word "approved" is mentioned, that the phrase "approved by the B.C. College of Physicians and Surgeons" is added, rather than the maintenance of a list which may tend to vary from year to year.

Hon. Mrs. Whyard: Thank you, Mr. Chairman.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: I have another question to ask on that same Section (b). Are these all the requirements — is it compulsory to have 1, 2 and 3, and 4 is an alternative to 1, 2 and 3, and so is 5? May I have a clarification of that?

Mr. Chairman: Mr. Legal Advisor, would you like to answer that point?

Mr. Legal Advisor: I wasn't listening to the question? What was the question?

Mrs. Watson: The question was, is it a requirement

to have all of 1, 2 and 3 with an either-or for 4 and 5? There's only one or, and I would like verification of that, between 4 and 5.

Mr. Chairman: Mr. Legal Advisor?

Mr. Legal Advisor: Mr. Chairman, when you put in "or" in a series, the old fashioned way was to put 1 or 2 or 3 or 4, the modern way is to put in "or" in the — between the penultimate and the ultimate paragraph, so you only put it in once, but it implies that it is there between each paragraph.

Mr. Chairman: Is that satisfactory, Mrs. Watson?

Mrs. Watson: Yes, Mr. Chairman. From that very concise and clear explanation, am I to gather then that either one of those requirements are sufficient?

Mr. Legal Advisor: Yes, Mr. Chairman.

Mrs. Watson: Mr. Chairman, then may I ask the witnesses what is the difference between 1 and 2 and 3?

Mr. Chairman: Dr. Brown, do you wish to clarify that point?

Dr. Mason-Brown: Perhaps Dr. —

Dr. Tanner: Perhaps I could answer this particular question. The parts 1 and 2, Sections 1 and 2 should be "and" in my opinion. This is a present requirement as we understand it. The 3 does not apply to all registrants in the Territory, this is a specialist qualification only, and 4 should be an "or", so there is some confusion. I am glad to hear the question was raised. It was not clear in my mind exactly what this Section meant, so I would interpret it, my understanding at present is that there should be an "and" between Sections 1 and 2 and "or" between 2 and 3, and then "or" between 3 and 4.

Mr. Chairman: Will you make a note of that, Mr. Legal Advisor, of sub(b)?

Mr. Legal Advisor: Perhaps the witness might care to clear up the fact that it has been raised by a former Chief Medical Officer out of the Territory who ran through this, who said that one of these bodies does not in fact qualify people to practice. It doesn't do this, and he asked

Dr. Mason-Brown: Actually, sub-paragraph (3), such a certificate is not obtainable without the possession of both (1) and (2).

Mr. Chairman: Well, Dr. Brown, I must caution you on debating with the Legal Advisor.
Yes, Mr. Lengerke?

Mr. Lengerke: Am I led to believe then that 1 and 2 could really then become 1? Would that be correct, Dr. Tanner?

Dr. Tanner: That's my understanding.

Mr. Lengerke: Right, and then point 3 would be taken out completely?

Mr. Chairman: Are we of the opinion then that sub (3) of (b) is, the language thereof is okay as to the meaning? I think this is what Mr. Lengerke is wishing to have clarified.

Mr. Lengerke: Right.

Hon. Mrs. Whyard: Mr. Chairman, — as I understand it, what we are saying is that the person must be a graduate in medicine from, and after they have graduated from their university, then they become a Licentiate of the Medical Council after they write those exams, right.

But they could also, having had years and years of experience and done their specials and become a specialist and a consultant, they could then also decide to come to the Yukon as a consultant specialist, and they would then be covered under (3), right?

Mr. Chairman: I would think so, yes.

Was that your understanding, gentlemen?

Hon. Mrs. Whyard: Oh yes, but they don't have to be both.

Dr. Tanner: The only comment is that up to this time, any specialist registered in the Territory has also met the requirements of items (1) and (2).

Hon. Mrs. Whyard: Thank you, Mr. Chairman.

Mr. Chairman: Is there any further questions on this before I move on? Is it clear?

Mrs. Watson: Mr. Chairman, do I gather then that some of this is going to be rewritten and clarified?

Mr. Chairman: We have asked the Legal Advisor to take a note of that.

Mr. Legal Advisor: This has been prepared from a document which was supplied, so far as I know originally, from the medical people here, so we interpreted it, and did whatever it was.

This is the first time I know the meaning of it.

Mr. Hibberd: I might add, Mr. Chairman, that the deletions that we are now trying to get back in, were in the original submission.

Dr. Tanner: And were not deleted by the members of the Medical Profession.

Mr. Chairman: Yes, Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, in sub-section (1) of Section 2, the phrase "after consultation with the Yukon Medical Association" is used at the end of that sub-section. Could I just have some sort of clarification just what that means?

Mr. Chairman: Mr. Legal Advisor?

Mr. Legal Advisor: In this day and age, I think it usually means a telephone call between the appropriate officer of the Territory, and the appropriate officer of the Medical Association, or if necessary, then physical consultation. Usually I think it's a telephone call and a cheque.

Hon. Mr. Taylor: Well, Mr. Chairman, with all due respect, I'm asking what type of consultation is required here. Does first the Yukon Medical Association have to approve this doctor who is coming in, or what are we consulting about?

Mr. Chairman: Mr. Legal Advisor?

Mr. Legal Advisor: Mr. Chairman, consultation is a grey word, and it was intended to be a grey word to retain its greyness to be flexible. I would just as soon not define what a consultation is.

Mr. Chairman: Supplementary, Mr. Taylor?

Hon. Mr. Taylor: Yes, Mr. Chairman. I would just as soon that the Legal Advisor did define or take it out of here, because as I say, if we can't understand it, certainly nobody else will, and I think if we are writing legislation and going to approve legislation, we should understand it. If we cannot understand it, it should not be on legislation.

So I would ask again if Mr. Legal Advisor or a member of the government could explain to me, what type of consultations are sought here.

Mr. Chairman: Mr. Legal Advisor?

Mr. Legal Advisor: Telephone consultations, by letter, by personal meeting, by attendance at a meeting of the Y.M.A. with a list, or by an officer of the Y.M.A. attending at the office of one of the officials, or other. All of these things would be covered by the word "consultation", and this is what is intended.

Hon. Mr. Taylor: For what purpose? That's what I'm asking, I still haven't got my question answered.

Mr. Chairman: Mrs. Watson, do you wish to --

Mrs. Watson: Mr. Chairman, one more question to maybe confuse this a little bit more.

(b) (1), the witnesses have asked that "approved by the B.C. College of Physicians and Surgeons" be inserted, however, am I to understand that a person can qualify for two without being a graduate from an institution that does not necessarily have to be approved by the B.C. College of Physicians and Surgeons?

Mr. Chairman: Would one of the witnesses like to clarify Mrs. Watson's --

Dr. Tanner: Are you referring to 4 (b), number 2?

Mrs. Watson: Yes, 4 (b) (1), "is a graduate in medicine from an approved university", approved by the B.C. College of Physicians and Surgeons.

Now, is a Licentiate -- the pronunciation -- of the Medical College of Canada, you can be a graduate of a school of medicine that is not necessarily approved by the B.C. College of Physicians and Surgeons and still qualify for 2, am I not correct?

Dr. Asfeldt: It is possible, yes, it's possible.

Dr. Mason-Brown: It is my understanding that there are variations between the Territories in regard to what schools are approved, and as I understand it, it's entirely possible through, for instance, the Province of Newfoundland, to get an enabling certificate to sit the Licentiate exam of the Medical Council of Canada, and through that route, obtain the L.M.C.C. examination.

This might not, for this particular person, be possible by going through B.C. So the list of approved schools varies from province to province.

Mrs. Watson: But you can still qualify for two?

Mr. Chairman: Mrs. Watson, I don't want you to get into a debate with the witnesses, please.

Mrs. Watson: I'm sorry.

Hon. Mr. Taylor: Mr. Chairman, I think perhaps maybe at this point, it might be wise to -- it would be, I'm sure, of great assistance to our recording secretary if everyone could be called from the Chair and no inner speaking. I know it must be difficult.

Mr. Chairman: Thank you, Mr. Taylor, but some of us don't give each other an opportunity to pronounce their names before they start speaking.

Mrs. Watson, do you wish to go further into --

Mrs. Watson: Not necessarily, Mr. Chairman, other than the fact that there is a need for some clarification in this section, a very great need.

Mr. Chairman: If it is in order, I would like to advise the Legal Advisor if he would take note of this language until we have completed the reading of the Bill.

Mr. Legal Advisor: Yes, Mr. Chairman,

Mr. Chairman: In case it goes back for further review.

Mr. Legal Advisor: I am not taking it that the House has made any decision on the qualifications, but what the House is really saying is that the witnesses, perhaps and some officer of the government should get together and make it crystal clear, so that when it comes back, there will be no hassling about it, and it will be a satisfactory section.

Mr. Chairman: I think, Mr. Legal Advisor, we will cross that bridge when we come to it. Yes, Mr. Hibberd?

Mr. Hibberd: Mr. Chairman, I think it could be clarified very simply. As was suggested, a person who is a graduate in medicine from an approved university or school of medicine, and is a Licentiate of the Medical Council of Canada, or is an Certificate or a Fellow of the Royal College of Physicians and Surgeons of Canada, or is a graduate in medicine from an approved school or university or medical school. In other words, just that simple, or and or. That's all that is required.

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, I think the point at issue here is whether or not there could be somebody who was a Licentiate, who was not on the approved B.C. list, and I think that's a pretty rare possibility, isn't it?

Dr. Mason-Brown: It's possible, but rare.

Hon. Mrs. Whyard: What we need is to examine the B.C. list and check, I suppose. I don't know.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, I'm sorry to be getting up so often, but I see that there is a requirement for a graduate to qualify under number (2), but there is no requirement for a graduate from (4) to qualify under number (2), or from (5) to qualify under number (2).

Mr. Chairman: I stand to be corrected on this point, Mrs. Watson, but I believe it was suggested by one of the members that (1) and (2) be considered together, as far as language, and (3) would be a separate item as far as language.

Now, I don't want to get into an area of confusion on this point.

Mrs. Watson: Mr. Chairman, let's get into the area of confusion now, rather than after the Bill is passed.

Mr. Chairman: Mr. Hibberd?

Mr. Hibberd: Mr. Chairman, I think it is very clear, if you follow those directions. If you read number (4) it states, he is a graduate in medicine from an approved university, he has also completed twelve months of satisfactory internship in an approved hospital, so he has those qualifications.

The same applies in 5.

Hon. Mr. Lang: Mr. Chairman:

Mr. Chairman: Mr. Lang?

Hon. Mr. Lang: In Number (4), does that

automatically give you the qualification of a Licentiate of the Medical Council of Canada?

Mr. Chairman: Do any of the witnesses wish to clarify the point Mr. Lang has brought up?

Dr. Brown.

Dr. Mason-Brown: Mr. Chairman, the word "approved" appears in sub-section (iv), and it appears again in sub-section (v). We are requesting that in those two cases and in all other similar cases, the words "approved by the B.C. College of Physicians and Surgeons" be added. Therefore, somebody wishing to practice under (iv) or (v) would be covered insofar as item (1) is concerned.

We would require that he fulfill items (1) and (2), therefore he would be covered.

Mr. Chairman: Clear?

Some Members: Clear.

Mr. Legal Advisor: Mr. Chairman, if the section is being redrafted, I wouldn't like the House to think that automatically the legislation would produce approved by a body over which this House has no control. It might be that another formula might be sought, so that the definition of approved could be approved by the Commissioner after consultation with the B.C. College of Physicians and Surgeons, rather than give by delegation, the right to a body over which we have no control whatsoever, the right to make legislation under this House.

But that's a thing that can be thought of when the section is being rewritten.

Mr. Chairman: Thank you, Mr. Legal Advisor.

Dr. Mason-Brown: May I just, for clarification, Mr. Chairman?

Mr. McCall: Yes, Dr. Brown.

Dr. Mason-Brown: I would ask that the word "or" be inserted between paras (iii) and (iv) and the word "and" between paras (i) and (ii).

Mr. Chairman: Section 2:
(Reads Sub-Section (2))

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, the terminology in sub-(a) is that he must hold certificates of good standing from every place in which he has practiced medicine or surgery. Does this mean he has to have a clean bill of health when he leaves a jurisdiction, or does it mean he must keep current certificates in places in which he does not practice?

Mr. Chairman: Mr. Legal Advisor?

Mr. Legal Advisor: It means the latter, Mr.

Chairman. He must keep — he must be able to produce a certificate as required from any place in which he has previously practiced medicine.

Mr. Chairman: Do any of the witnesses wish to clarify any of this?
Clear?

Some Members: Clear.

Mr. Chairman: Three:
(Reads Section 3)

Mr. Chairman: Mr. Hibberd?

Dr. Hibberd: Mr. Chairman, again we are brought to the point where we have an approved university or school of medicine, and I would suggest that again with the correct terminology, that we refer to the B.C. College of Physicians and Surgeons. That's in sub-section (1).

In sub-section (4), the way this is worded, the temporary permit may be renewed, and — for 12 months, and at the end of 12 months, it may be renewed for a further 12 months. This could go on ad infinitum. I don't think that this is a very wise practice, and I think it would be wiser if the limits of this temporary permit were to a maximum of two years.

Mr. Chairman: You're suggesting in your expression, Mr. Hibberd, you are saying that there is a floating situation here as far as the licence? Is this what you are saying?

Dr. Hibberd: Sorry, I didn't hear you?

Mr. Chairman: Are you saying there is a floating situation as far as the licensing?

Dr. Hibberd: Yes.

Mr. Chairman: Mr. Legal Advisor, do you wish to answer this?

Mr. Legal Advisor: There doesn't appear to be a maximum here, but I presume that year by year, it would get harder to renew a temporary permit. It could happen.

Mr. Chairman: Mr. Hibberd?

Dr. Hibberd: Mr. Chairman, I would like to hear from the witnesses regarding this.

Mr. Chairman: Yes, can you hold the question for a second?

Dr. Tanner: My comment would be, Mr. Chairman, that provision is made for registration, once the practitioner has met the requirements of the earlier Sections, chiefly by obtaining his Licentiate from the Medical Council of Canada, and the two years would be more than adequate for a doctor to sit these examinations and qualify under this section.

Mr. Chairman: Supplementary, Mr. Hibberd?

Hon. Mrs. Whyard: Mr. Chairman?

Mr. Chairman: Hold your horses, Mrs. Whyard. Is that okay?

Dr. Hibberd: Yes, Mr. Chairman, that's exactly what I had in mind.

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: My question has been answered, thank you.

Mr. Chairman: Okay. Mrs. Whyard?

Hon. Mrs. Whyard: I just wanted to ask, Mr. Chairman, if our friends could suggest any circumstances they might think of, where a practicing physician would want to extend the renewal for more than one year? Would there be a case where someone came in as a locum, and someone was ill or away, surely it would never extend beyond that period.

Mr. Chairman: Dr. Brown, yes, do you wish to clarify this?

Dr. Mason-Brown: If I might be frivolous, he might be stupid and fail his L.M.C.C.

Hon. Mrs. Whyard: But he would then — Mr. Chairman, he would then have an opportunity to rewrite the exam the following year?

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, I don't understand this Section at all, and I would like a little clarification, because in (1) we say "who is a graduate in medicine from an approved university or school of medicine and who complies with the provisions of sub-section 4(3)". What is sub-section 4(3)?

Mr. Chairman: Do any of the witnesses wish to clarify the point that Mrs. Watson has brought up? Mr. Legal Advisor?

Mr. Legal Advisor: I don't know, Mr. Chairman.

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: Yes, I just wanted to confirm really what I think the Member from South Centre is trying to say, and that he just feels he would like to put a restriction on the fact that a doctor could practice under a permit year after year after year. I think he would like to get him to the point where he could be licensed.

Mr. Chairman: Mr. Hibberd?

Mr. Hibberd: Mr. Chairman, that is exactly the point. If someone continues to fail the L.M.C.C. exams and continue to practice medicine in the Yukon Territory without having to get any permanent registration. He could carry on a permit renewable

every twelve months. We don't think that is a good enough standard. If he flunks his L.M.C.C. he should not be allowed to practice in the Yukon.

Mr. Chairman: Clear? Gentlemen, would you kindly refrain your discussion please?
Yes, Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman I take it that the administration in the form of Mr. Legal Advisor will be looking at this section in order to perhaps, provide the safeguards, or the additional safeguards that are—

Mr. Legal Advisor: Yes, Mr. Chairman, this will be considered and we would find out whether that means subsection 4 (3) means section 3 subsection 3, or subsection 4 subsection paragraph 3. We don't know the origin of these notations, what they have to comply with, we have to find out.

Mr. Chairman: Mrs. Watson you had a question?

Mrs. Watson: Mr. Chairman, what would be the provision?

Mr. Chairman: Mr. Legal Advisor?

Mr. Legal Advisor: What I think is meant, is subsection 3 of that particular section that he must make an effort to get his full qualifications if he is going to hold a temporary permit. I am not sure and therefore I couldn't give a certain answer.

Mr. Chairman: Mrs. Watson, a supplementary?

Mrs. Watson: That is just on the initial issuing of the certificate. I think there is some work required on that section.

Mr. Legal Advisor: Yes.

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: Yes, Mr. Chairman, I just heard the witnesses commenting and maybe I could ask Dr. Mason-Brown, he expressed, I heard, a little concern about a section there, you were commenting that your didn't think something was valid. Could we have your comments?

Mr. Chairman: Dr. Brown?

Dr. Mason-Brown: My comment, this is not meant for general consumption, was to the effect, Mr. Chairman, that I don't think Mrs. Watson's question has been answered and I also do not understand what this phrase means, "provisions of sub-section 4 (3).

Mr. Chairman: Mr. Legal Advisor, would you give us some clarification on this point in question, or take note?

Mr. Legal Advisor: If the House will recall, when I was asked the question the first time I told the House I didn't know the answer. Since then each person has

been after me to guess at the answer. Each of the people here are just as good at guessing as I am.

Mr. Chairman: I think the question is on everybody's mind, Mr. Legal Advisor, is that why the language in the first place if you do not understand yourself?

Mr. Legal Advisor: Mr. Chairman, I understand the language, it is the reference is an inaccurate reference. I don't know how the inaccurate reference came in until we get an original draft to find out what typist's error crept into the reference.

Mr. Chairman: Thank you.
Mr. Hibberd?

Dr. Hibberd: Mr. Chairman, doesn't section 4 refer to the original section 4 which is the qualifications which you have repealed and given under that new list, here. So he must go after making his — all effort to registration, he does so and then he goes back and qualifies as an L.M.C.C. Two of section 4 on the first page.

Mr. Chairman: Mr. Legal Advisor?

Mr. Legal Advisor: I would say that is a good guess, Mr. Chairman.

Mr. Chairman: Mr. Berger, do you wish to project a question?

Mr. Berger: All I was trying to do was to help Mr. Legal Advisor, like in the old ordinance there is no such a thing as 4(3), and I think this is why Mr. Legal Advisor says he doesn't know.

Mr. Chairman: Yes, Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, can we pass on, I think we have had enough fun with that one.

Mr. Chairman: I think we should give the satisfaction of all members of this Committee before we pass on.
Clear?

Some Members: Clear.

Mr. Chairman: 4:
(Reads Clause 4)

Mr. Chairman: Any questions? Yes, Mr. Hibberd?

Dr. Hibberd: Mr. Chairman, I think to be consistent with these (4) and (5), I think there is a discrepancy here, and I would like to hear what the witnesses have to say.

Mr. Chairman: Do any of you gentlemen wish to —

Dr. Mason-Brown: Where were we again, Mr. Chairman? I'm sorry.

Mr. Chairman: We were reading four, sub-section (4) and (5).

Dr. Mason-Brown: The Y.M.A. would like to see added, that the Commissioner may, in consultation with the Yukon Medical Association, refuse to restore to the register, any name or entry so removed.

Mr. Chairman: You're suggesting —

Dr. Mason-Brown: The Commissioner being a lay person, and in the provinces this duty would inevitably fall upon somebody who is medically qualified.

Mr. Chairman: You are suggesting then an amendment to the sub-(5) which is proposed?

Dr. Mason-Brown: Yes, Mr. Chairman.

Mr. Chairman: Mr. Hibberd?

Dr. Hibberd: Mr. Chairman, here it mentions, the assistant Commissioner, number (4), he — you say that the Commissioner may, after consultation with the Yukon Medical Association, cause to be removed.

Now we come to Section (5), the Commission may, again, to be consistent use the same phrase, after consultation with the Yukon Medical Association.

Mr. Chairman: Five:
(Reads Clause 5)

Mr. Chairman: Clear?
Mrs. Watson?

Mrs. Watson: Mr. Chairman, a couple of questions. Sub-section (1), "into the conduct, mental condition or capability or fitness to practice of any such person". Is there any question there on a person who is registered, professional performance? What does conduct include, and what does the capability? It seems to me that you're able to complain about the conduct of a person whether they — excessive use of alcohol and so on, mental condition, capability — is that physical capability? We are not actually saying professional performance, and I think that this is one of the big things that we want in here.

Mr. Chairman: Mr. Legal Advisor? Do you wish to comment on that?

Mr. Legal Advisor: Mr. Chairman, this is largely taken from the current practice in British Columbia, and there are reasons, I think, why B.C. moved away from misconduct into conduct, because it's argued in the first instance as to whether something which is done constitutes conduct or misconduct, so it's prejudging things there to some extent, to talk about misconduct.

Now, our old Ordinance said "malpractice, infamous, disgraceful or improper conduct". Now, we are really talking about professional misconduct or conduct of a professional man which is unbecoming to a professional, and it's hard to line it up by talking about professional misconduct, when in fact, the

conduct may be — have regard to excessive use of alcohol or drugs, which may not be directly related to his capacity as a medical practitioner.

But as every doctor would immediately say, was, in fact, unprofessional conduct, although not capable of definition as such in a medical way. So we have followed, at the wishes of the profession, we have followed this by taking what the British Columbia people did, and moved away from our former one, which as I said was "malpractice or infamous, disgraceful or improper conduct". We have deliberately chosen the B.C. route because people have begun to understand from decided law cases, what the meaning of this phrase is.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Well, I'm not completely satisfied, Mr. Chairman, because I think that anyone who reads this, there is really a glaring deficiency there where there can be a complaint against a medical person's professional performance, not professional conduct, professional performance.

It may not have anything to do with alcohol or drugs, it might be malpractice and this type of thing, and this I think is one of the reasons I think why you set up this type of legislation.

Mr. Chairman: Mr. Legal Advisor?

Mr. Hibberd?

Mr. Hibberd: Mr. Chairman, I think that if the Honourable Member had read the Ordinance beforehand, she would realize that Section 26 covers exactly what she is talking about.

Mr. Chairman: Mrs. Watson? I must caution you, Mrs. Watson.

Mrs. Watson: That's why I am bringing up the question, though. 26 mentions it, but it doesn't mention it as a grounds for complaint. 26 does bring that up, but it doesn't mention it as a grounds for complaint, and that's why I am questioning it.

Mr. Chairman: Mr. Hibberd?
Yes, Doctor?

Dr. Tanner: I thought in answer to Mrs. Watson's question, Mr. Chairman, that capability or fitness to practice was really quite clear as far as the profession is concerned. It does refer to professional competence.

Mr. Chairman: Yes.
Clear?

Some Members: Clear.

Mr. Chairman: Seventeen:
(Continues Reading Clause 5, Section 17)

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: I would like to direct a question to

any of the witnesses. Would there be any validity or merit in the board having—being made up of one lay person along with two or three of the medical profession? Is there any case like that, or you know, it appears to me that the board is really strictly a medical board.

Would there be any merit to having an appointment of a lay person to that board?

Mr. Chairman: Do any one of you gentlemen wish to answer that?

Dr. Brown?

Dr. Mason-Brown: In general, Mr. Chairman, I might say that I know of no such board that consists of a lay member. We are judging professional, medical, frequently technical matters.

Mr. Lengerke: Thank you.

Mr. Chairman: Clear?
(Continues Reading Clause 5 Section 18)

Mr. Chairman: Clear?
(Continues Reading Clause 5 Section 19)

Mr. Chairman: Clear?

Some Members: Clear.

Mr. Chairman: Twenty;
(Continues REading Clause 5 Section 20)

Mr. Chairman: Clear? Mr. Hibberd?

Mr. Hibberd: Mr. Chairman, Section 2 ends with "send a copy of the decision and recommendation to the complainant and the respondent". I think it only reasonable that the Y.M.A. be included in the information, because it is one of their members that would be involved.

Mr. Chairman: M'hmm.

Mr. Hibberd: So if the phrase "and the Y.M.A." could be added?

Mr. Chairman: Clear? Twenty-One;
(Continues Reading, Clause 5, Section 21)

Mr. Chairman: Clear? Twenty-Two;
(Continues Reading Clause 5, Section 22)

Mr. Chairman: Clear? Twenty-Three;
(Continues Reading Clause 5, Section 23)

Mr. Chairman: Clear? Twenty-Four;
(Continues Reading Clause 5, Section 24)

Mr. Chairman: Mr. Hibberd?

Mr. Hibberd: Mr. Chairman, 24, Section (2), "notwithstanding sub-section (1), the Commissioner may suspend from practice a person reported upon

pending the findings of the Board".

I would suggest, Mr. Chairman, that the Commissioner, in order to make a decision to suspend a medical practitioner, should do so after consultation with the official medical body, and therefore I would suggest that the Commissioner, after consultation with the Y.M.A., is added to that list.

Mr. Chairman: Thank you, Mr. Hibberd. Would you take note of that, Mr. Legal Advisor?

Mr. Legal Advisor: Yes, Mr. Chairman.

Mr. Chairman: Twenty-Five;
(Continues REading Clause 5 section 25)

Mr. Chairman: Clear? Twenty-six
(Continues REading Clause 5 Section 26)

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Does Section (a) then mean that if a medical practitioner was for instance tried in court for failing the breathalyzer that he would lose his practice? Is that what this means?

Mr. Chairman: Mr. Legal Advisor, can you answer that question, please?

Mr. Hibberd: It's my understanding that's a summary conviction, not an indictable offence. Isn't that right, Mr. Legal Advisor?

Mr. Legal Advisor: Yes, Mr. Chairman. It's a summary conviction, but there is a narrow line, but this is the choice of the medical profession, not the legal profession, to make it this hard. This is self-flagellation.

Mr. Chairman: Supplementary, Mr. Taylor?

Hon. Mr. Taylor: Yes, perhaps that's for those who are already here, but what about those who would like to come here, Mr. Chairman? I would just like to satisfy myself, and I'm sure Committee would like to satisfy themselves, as to just how far this goes, in terms of indictable offence?

Mr. Chairman: Mr. Legal Advisor?

Mr. Legal Advisor: Without reference to the Criminal Code, Mr. Chairman, I couldn't give you a precise definition, but I can make it available. I don't carry the list of indictable offences in my head, and they are not necessarily, you know, in a tidy order, but I could find it in the Criminal Code very promptly.

Hon. Mr. Taylor: Yes, well, Mr. Chairman, what I am—

Mr. Chairman: Supplementary, Mr. Taylor?

Hon. Mr. Taylor: —really trying to get at, Mr. Chairman, is that, you know, things like failing the

breathalyzer type of thing, I understood that they were indictable offences, and I've been corrected here this afternoon, but I wouldn't want to see someone who has got into that type of a situation, and who may have a record; you know of that type, he refused the right to practice in the Yukon just, you know, for that reason.

If he has gone out and committed a murder or something, yes, well that is something different.

Mr. Chairman: Mr. Hibberd?

Mr. Hibberd: Mr. Chairman, I would suggest that a conviction of an indictable offence is a fairly serious affair. I would also suggest that this reads that he is guilty of misconduct, it does not say that he is incapable of practicing medicine within the Territory. He has right of appeal.

Mr. Chairman: Clear?
Mr. Fleming?

Mr. Fleming: Mr. Chairman, I wouldn't like to hold this up any more with conversation, but I would like to have something clarified, if you would allow me to go back to 16.

Mr. Chairman: Yes, by all means, Mr. Fleming.

Mr. Fleming: 16 (1), 16 (2), (3) and (4). A lot of people may understand it very well but I am not quite clear. The first thing it goes to say, "conduct, mental condition or capability or fitness to practice", and then it goes on down, and I may be wrong, but I seem to find where they repeat themselves partially but not wholly, "...a Board of Inquiry"—that's (4), "A Board of Inquiry appointed to inquire into the mental condition", and there they only mention mental, and yet it seems that this is just where he is going to more or less appoint the Board. So wouldn't the Board be for all of these things? Why is just the one there!

Mr. Legal Advisor: Mr. Chairman, the intention is—

Mr. Chairman: Yes, Mr. Legal Advisor, go ahead.

Mr. Legal Advisor: —that three medical practitioners form a board under normal circumstances, but if it's a mental case, then he should be represented on the board to some extent, by qualified persons, so that any mental case must have two psychiatrists on the board.

Mr. Chairman: Would any of the witnesses like to give an explanation before going to the next question?
Mrs. Whyard, do you have a question?

Hon. Mrs. Whyard: Mr. Chairman, I'm back on page 8, with Section 26 (c). It occurs to me that if you'd like to perfect that definition in (c), "...conduct unbecoming a medical practitioner or of incompetence". I would prefer to read that as medical or professional incompetence. You could be incompetent driving a truck, you know.

Mr. Legal Advisor: Yes, Mr. Chairman, that's a good correction.

Mr. Chairman: Ms. Millard?
Order please.

Ms. Millard: Mr. Chairman, sorry to take it back again, but I have been sitting here puzzling over it and hoping that there would be an answer, and there doesn't seem to be one. It doesn't have any restriction on the findings of the Board of Inquiry as to time. I feel it could be added that within a reasonable time the Board should come back with a finding, because it says that it can adjourn or postpone the proceedings from time to time. It could happen for ten years, but the poor doctor is suspended and has no solution.

Is it possible to add that?

Mr. Legal Advisor: It is possible to add it—

Mr. Chairman: Mr. Legal Advisor?

Mr. Legal Advisor: —Mr. Chairman, but I'm not sure that the medical profession would wish it, because sometimes proceedings commence and justice is done merely by the commencement of the proceedings, and they may be adjourned subject to something being done, or subject to a condition being fulfilled, and there never may be a formal end to the proceedings, it's just a file which is filed away.

I hesitate to put a limit as to what they must do within a particular time limit.

Mr. Chairman: Mr.—

Ms. Millard: Mr. Chairman?

Mr. Chairman: Yes, may I just interject a question here? I think there's a little area of confusion, Mr. Legal Advisor. You are saying when a person begins to—when a finding has been made by the Board of Inquiry may within 30 days, that is a restriction; and yet, on the other hand, you are leaving it open ended. Is there reasons for this?

Mr. Legal Advisor: Yes, it's a carefully put together pack of cards, and I hesitate to take the Ace of Spades out and substitute a joker at the other end, without reviewing the whole of the context.

Ms. Millard: Mr. Chairman?

Mr. Chairman: Supplementary, Ms. Millard?

Ms. Millard: Yes, Mr. Chairman, I really only suggested that the words "within a reasonable time" be inserted, not within 60 days or within anything else, but I think reasonable could be interpreted by the court in any number of ways, and it should be interpreted by the court if a man has been suspended and has been waiting around for two years for a result from the inquiry, he should be able to have recourse to the courts to have it questioned, whether that is reasonable.

Mr. Legal Advisor: In which particular sub-section, Mr. Chairman? Which sub-section?

Mr. Chairman: Which sub-section are you referring to, Ms. Millard?

Ms. Millard: Mr. Chairman, Page 5, section (v) at the top there, is where it says it can be adjourned or postponed from time to time. I would like to see added another section that there should be a result, some kind of finding of the Board within a reasonable time.

Mr. Legal Advisor: Could I say the matter will be considered together with the other matters?

Mr. Chairman: Thank you, Mr. Legal Advisor. Clear?

Some Members: Clear.

Mr. Chairman: 27 (1):

Mr. Chairman: 27 (1):
(Reads Clause 5, Section 27 (1))

Mr. Chairman: (2)
(Reads Clause 5, Section 27 (2))

Mr. Chairman: Clear? 28 (1)
(Reads Clause 5, Section 28 (1))

Mr. Chairman: Clear? (2)
(Reads Clause 5, Section 28 (2))

Hon. Mr. Taylor: Mr. Chairman?

Mr. Chairman: Yes, Mr. Taylor?

Hon. Mr. Taylor: Just one question that arises in contemplating this whole series of Sections. If in fact the Board come to a conclusion that a medical practitioner has in fact, for instance through mental illness or some other reason become incapable of practicing and ought not to practice, and is suspended in the Territory, what protection do other jurisdictions have by notice or otherwise?

In other words, this doctor simply gets up and leaves the Territory and goes and practices somewhere else. What I am saying is does the Ordinance -- I don't recall seeing it before in the times I have been through it before, and ought not the Ordinance provide that the joint Colleges of Physicians and Surgeons be notified of any decision of the Board in the case of these doctors?

Mr. Chairman: Mr. Legal Advisor?

Mr. Legal Advisor: Mr. Chairman, I don't know what the custom is, but all jurisdictions normally require that a physician going to practice in that jurisdiction, will have a letter of good conduct or a letter of good standing from the area from which he has come.

In such a case, he would be unable to produce that letter, and that would be the end of that, and if a

request for a reference was made to our Registrar, the Registrar would send to the asking jurisdiction, an extract from the note on the register setting forth the facts as they were in the register. He wouldn't give opinions but he would set forth the facts.

Hon. Mr. Taylor: Okay, good.

Mr. Chairman: Clear? 29 (1):
(Reads Clause 5, Section 29)

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, in all of Section 29, we are dealing with restoring a person's name to the register, and renewing their licence. Is it mandatory to have a person's name restored to the register if they make application?

Mr. Chairman: Mr. Legal Advisor?

Mr. Legal Advisor: No, Mr. Chairman. It's a matter of discretion, and the custom is that in such a case, a person goes and makes the application and he is supported by fellow practitioners, and other people who say that he is a good person, he has mended his ways, he has possibly done an examination. He may have done a certain course of treatment or something, and then if the person who hears the application is satisfied that this is so, he may with or without tradition, restore the name to the register. This is the custom but it's not mandatory.

Mr. Chairman: Clear?

Hon. Mrs. Whyard: Mr. Chairman?

Mr. Chairman: Yes, Mrs. Whyard?

Hon. Mrs. Whyard: I would have expected my Honourable friend from Whitehorse South Centre to be asking the Commissioner in consultation with Y.M.A. here in this section as he did in the earlier section.

Mr. Chairman: Well, Mr. Hibberd, would you like to answer that question?

Mr. Hibberd: Mr. Chairman, I wonder if we could add to this Section, "in consultation with the Y.M.A."

Mr. Chairman: I was wondering when we were going to get around to that.

Mr. Legal Advisor: Mr. Chairman, it's not quite as easy as that, because here you are in a court situation, so it's slightly different. A court application is not necessarily in public, it may be in chambers, but it's still -- the judges don't consult as easily with people as Commissioners.

Mr. Chairman: Thank you. Clear? 30 (1):
(Reads Clause 5, Section 30)

Mr. Chairman: Yes, Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, at the outset it was pointed out that this legislation that we are dealing with now under the Medical Profession Ordinance, was to the benefit of the people of the Territory and their protection.

If this in fact is the case, why then can a physician and surgeon, or medical practitioner in the employ of the federal government be exempted from this legislation?

Mr. Chairman: Mr. Legal Advisor?

Mr. Legal Advisor: Mr. Chairman, as a matter of practice people move in and move rather fast, and we make the assumption that Canada has already checked through their qualifications and are satisfied with them, or the Territory may be if they happen to be out of the country, but they are not practicing medicine in the sense they are practicing as a doctor prior practice, but if they do, as I think two or three officers ago, the chief Medical Officer did in fact privately practice to some extent in his own off duty hours. He was required to go through the normal procedures as anyone else but a person not practicing for private gain does not come within preview of the Ordinance for qualifications.

Mr. Chairman: I didn't know the doctor was in a position to have off duty hours.

Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, when you speak in the Ordinance of talking about people who may — or practitioners who may be mentally fit or any type of thing, it seems to me that as long as any doctor, notwithstanding he is in the employ of Canada, as long as he is dealing with people in the Yukon Territory, that the Territory should have the same protection from him as they have from any other practitioner.

I repeat what I said originally, that I feel that any doctor who is actually — you know, if a doctor comes in here on an administrative basis, that's one thing, but if a doctor is dealing with the public and certainly it's just as possible to have a doctor who is half insane from Ottawa, as it is from anywhere else, and I say again, I think consideration should be given to sub(k) to offer the same protections as have been offered in light of the Yukon practitioner.

Mr. Chairman: Mr. Legal Advisor, do you wish to comment?

Mr. Legal Advisor: It's proper that some sections should apply and some sections don't, but the section itself is historically there for a long time, and the only change to that paragraph is to include in that paragraph, medical officers who are employed by the Territory, in case we get to that point.

Previously it only covered doctors employed by Canada, that's the only change, the two Territorial officers.

Mr. Chairman: Supplementary, Mr. Taylor?

Hon. Mr. Taylor: Well, I only rise to say that I think further consideration should be given to (k) because I think the people are just as entitled to have the protections from people working for government as those who are not working for government.

In keeping with a good old practice that I've — or I shouldn't say practice, with the statements of the administration that they like to live up to the same laws everybody else has to in this Territory, I think in keeping with that, that they may take a second look at sub(k).

Mr. Chairman: Thank you, Mr. Taylor. Ms. Millard?

Ms. Millard: Mr. Chairman, I thoroughly agree with the Honourable Member from Watson Lake. In particular my concern is for Old Crow. The doctors that come to Old Crow come from Inuvik and they are employed by National Health and Welfare of the Canadian government, so that virtually in Section (k) we are saying that they don't necessarily have to be mentally fit, or all the other conditions, to go and practice in Old Crow.

Mr. Chairman: Before I go any further, would any of the witnesses like to comment at this time?

Dr. Mason-Brown: Since I have an axe to grind in this matter, being myself a federal employee, perhaps somebody else should answer to this question, but the sanity or otherwise, or competence to practice of people in the employ of the federal government is subject to scrutiny by local heads of department, and by occasional visits from Ottawa.

No doubt if I went bonkers, somebody would soon report about it.

Mr. Chairman: I don't want to discuss that point. Clear?

Some Members: No, no.

Hon. Mrs. Whyard: Mr. Chairman, I don't think the Honourable Member from Watson Lake is satisfied. I'm loathe to get into this too deep at this time because what is going to happen is that he is going to find that his back-up man for the provision of medical services for his constituency will disappear, because that is the only medical practitioner in the Yukon at the moment, who is not licenced to practice.

Mr. Chairman: Mr. Taylor, do you wish to comment on that point?

Hon. Mr. Taylor: Well, Mr. Chairman, I'm just not sure who the back-up man is, but if we are talking about the practitioner on the federal employ —

Hon. Mrs. Whyard: Correct, Mr. Chairman.

Hon. Mr. Taylor: Well, notwithstanding who the back-up man is, I think any medical practitioner who is

practicing in the Yukon Territory should be on equal ground with any other medical practitioner, and that should include anybody that's in the employ of the Government of Canada or the Government of the Territory, as the case might be, and I still hold the same view I did hold in this matter a few moments ago.

If he's working with the general public of the Yukon, the general public are entitled to the same protections as in the case of the other non-governmental doctors.

Mr. Chairman: Ms. Millard?

Ms. Millard: Yes, Mr. Chairman, I thoroughly agree and I can't see the advantage in having them exempted. I would like to know why this exemption is there.

Mr. Legal Advisor: I'm sure they are exempt on historical grounds, Mr. Chairman, but I'm sure probably the convenient thing is to apply in most of the Ordinance, certainly the discipline, malpractice and so forth sections, to doctors whether they are employees or not, and the qualifications sections and so forth should be left alone.

I think it's a reasonable compromise to me, we will apply some of the Ordinance to them, but not all of the Ordinance, and that would meet the historical perspective as well, because we may need somebody coming quickly from Inuvik, back and forward. Things happen like this and we should be able to have the maneuverability to be able to move a doctor in federal service or out again, without having to go through these various qualifications which the government is paying for anyway.

But so far as discipline is concerned, he should be subject to this Ordinance, I think, and its standards of qualifications.

Mr. Chairman: Thank you, Mr. Legal Advisor. Mr. Lang, do you have a question?

Hon. Mr. Lang: Yes, I don't know if the Legal Advisor can answer this. Does the — the federal government must have some standards for the medical practitioners, and they must review these, don't they, on a continual basis. I think we are getting into a trivial argument, really.

Mr. Chairman: Thank you, Mr. Lang. Me. Lengerke?

Mr. Lengerke: That's fine, my questions has been answered by the Legal Advisor.

Mr. Chairman: Okay. Mr. Legal Advisor, please take note of that section (k).

Mr. Legal Advisor: Yes.

Mr. Chairman: Clear? 31(1):
(Reads Clause 5, Section 31)

Mr. Chairman: Yes, Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, then we are saying

here that the Chief Medical Health Officer of the Territory is a federal employee in Section 31 must in fact be registered under this Ordinance.

Mr. Chairman: Is that correct, Mr. Legal Advisor?

Mr. Legal Advisor: Yes, Mr. Chairman. We are saying that the person who is appointed to these posts must be registered.

Hon. Mr. Taylor: So then —

Mr. Chairman: Supplementary?

Hon. Mr. Taylor: — it follows that as we talked about in (k), he should live up to all the provision of the Ordinance?

Mr. Chairman: Mr. Legal Advisor?

Mr. Legal Advisor: Mr. Chairman, not all of them, but some of them, yes.

Hon. Mr. Taylor: He should.

Mr. Chairman: Clear? 32(1):
(Reads Clause 5, Section 32)

Mr. Chairman: Clear? 33(1):
(Reads Clause 5, Section 33)

Mr. Chairman. Ms. Millard?

Ms. Millard: Mr. Chairman, to go back to the former section where it states under — on page 12, (b), "a person referred to in paragraph 29(1)(k). I can't find any 29(1)(k). I can certainly find a 31(k).

Mr. Legal Advisor: The numbering was changed, Mr. Chairman. It should be 30.

Ms. Millard: It should be 30.

Mr. Chairman: Are you satisfied, Ms. Millard? What is your question?

Ms. Millard: It still doesn't make too much sense to me because that's the person who is exempt.

"Nothing in this Ordinance applies to", down to (k), and it means—It is very confusing.

Mr. Legal Advisor: It is a form of interpretation which applies to other Ordinances of the Territory. They don't use the word "doctor", they use the word "medical practitioner" or "duly qualified medical practitioner" in a large number of our Ordinances, and this is saying what that phrase means.

Mr. Chairman: Ms. Millard?

Ms. Millard: Well, Mr. Chairman, once again I can't see any reason why (k) can't be eliminated. That's twice now we have come across the fact that it doesn't apply really. You are saying even if that person is exempt, he is going to be called—he is going to be

recognized as a medical practitioner, and he is going to be able to fit into other Ordinances as a medical practitioner. So why even put it in Section 30?

Mr. Legal Advisor: Mr. Chairman, we are not trying to be logical, we are trying to be clear. What we are saying is that in Ordinances dealing with taxes, in Ordinances dealing with a myriad of other things, we will often say a person must pass an examination under the Workmen's Compensation Act by a duly qualified medical practitioner, or something like that.

We are just defining what those words mean for all the 75 Ordinances of the Territory, but we are not attempting to be logical. We are just saying that is so.

Mr. Chairman: Supplementary, Ms. Millard?

Ms. Millard: No I think he has confused me enough.

Mr. Chairman: I have just one query I have here without being disrespectful, Dr. Brown. I am curious as to the last word in 33 (1), "animal". Does that govern some of our populace here or what?

Dr. Mason-Brown: 33 (1)?

Mr. Chairman: 33 (1), the last word in the total-

Dr. Mason-Brown: No comment.

Mr. Chairman: Thank you, Dr. Brown.

Mr. Legal Advisor: That is carried over from the old Ordinance, and it has been there for a long, long time.

Mr. Chairman: I guess we are getting very animalistic.

Yes, Dr. Brown?

Dr. Mason-Brown: Mr. Chairman, I wonder if the Legal Advisor could be asked to add a category of registration, namely registration from non-resident physicians. That is to say, physicians who have been duly licensed to practice in the Yukon, and have practiced in the Yukon, and are absent for periods of let us say a year, for reasons such as study leave and so on, if they can be listed on a non-resident registration.

This is the custom in certain provinces such as in B.C. where I think they pay a nominal fee of \$5.00 a year or something of the kind.

Mr. Legal Advisor: Yes, Mr. Chairman, this can be done. It would make them equal in the other professions, we could have a \$10.00 a year fee, and if they keep it up and then five years later they came back, if they hadn't paid the \$10.00, they would pay \$50.00 to be reregistered.

This can be done, Mr. Chairman.

Mr. Chairman: Is that clear on that Section? We go now to Section 6 (1), I believe.
(Reads Clause 6 (1))

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, I assume that in this Bill it's going to take some time to set up the boards and the machinery, so this is then Section 6 which I also rise to point out can't be the right number, is this required in this Ordinance, or can it come into force on the day of assent?

Mr. Chairman: Mr. Legal Advisor?

Mr. Legal Advisor: At the risk of being contradictory, it becomes law on the day it's assented to, but it isn't given active force unless an Order of the Commissioner is made later.

But out of caution, I think, the House in a complicated Bill such as this, where relations may have to be established with other jurisdictions, it would be wise to allow this time in case there are regulations forms to be prepared.

Mr. Chairman: Clear? Yes, Mrs. Watson?

Mrs. Watson: Mr. Chairman, one more question that doesn't come through very clearly in this legislation. If you have a temporary permit to practice medicine, is your name put on the register?

Mr. Chairman: Mr. Legal Advisor?

Mr. Legal Advisor: It's not really put on the register as such. It's a list of people who are permitted to practice medicine under permit, but they are subject to discipline just the same. There is a section for this.

Mr. Chairman: Supplementary, Mrs. Watson?

Mrs. Watson: Yes, Mr. Chairman, that's what I was going to bring up. Are they subject to discipline, and in the discipline, we are saying that one of the disciplinary actions is to suspend them, or to suspend their licence and remove their names from the register. So shouldn't you say "or to suspend their temporary permit" or something like this?

Mr. Chairman: Mr. Legal Advisor?

Mr. Legal Advisor: Mr. Chairman, to avoid complicating the Bill in its drafting stages, and I had forgotten to include the permits when I was drafting the Bill, I put in sub Section 2 of Section 32 which said, "the provisions apply to permit holders and shall be applied mutatis mutandis as if his name was on the register", and then the whole thing applies to, in an adapted way, as exactly as if through the register, and it's something the Registrar will understand.

Mr. Chairman: Supplementary, Mrs. Watson?

Mrs. Watson: Mr. Chairman, you also forgot to include another section in that then, "holding a permit pursuant to Section 7", that's the temporary permit, 8. But you should also include Section 7. This is where you get permits for members of the Armed Forces, and wouldn't this be one way of getting the people who are civil servants who work for the Territorial Government or Government of Canada to fall under the

disciplinary action if you put it in under Section 2?

Mr. Legal Advisor: Mr. Chairman, I don't think —

Mr. Chairman: Mr. Legal Advisor.

Mr. Legal Advisor: — this aims to control the doctors in the Armed Forces in that way, but that will appear — the employees of the government of Canada or Territory will have the discipline sections applied to them, if my recommendation to the administration were accepted. The discipline sections apply to them but not the qualification or fee paying sections, but then assuming that the Canadian Forces, that that person would be covered by the discipline section in respect to practicing within the Territory.

But what would happen to the non-forces within the native organization, is something which I am lost on, Mr. Chairman. Like the practice of acupuncture is Chinese forces, Mr. Chairman.

Mr. Chairman: Thank you, Mr. Legal Advisor. Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, I would suggest at this time if there is no further discussion on the Bill, that perhaps the witnesses may be excused and progress can be reported.

Mr. Chairman: I was just coming to that, Mr. Taylor.

Hon. Mrs. Whyard: Mr. Chairman?

Mr. Chairman: Yes, Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, I would just like to thank on behalf of all the members, representatives of the Yukon Medical Association and Mr. Duncan, for taking this time to come today, and I want to say also that I appreciate the assistance they have provided in the work we have done on the amendments to this Ordinance, and I wish to congratulate them on behalf of this House for their attitude towards the discipline which will be imposed upon their profession by themselves.

They are going to hold themselves up to scrutiny of their professional competence in the eyes of their peers, and I know of no other professional group which does so.

Thank you very much.

The Witnesses: Thank you.

Mr. Chairman: Thank you, gentlemen.

(Applause)

Mr. Chairman: Order, please. At this point I would like to report progress on this Bill, pending further review by the Legal Advisor and I would like at this point, to hand the chair back to Mr. Chairman.

Mr. Hibberd?

(Dr. Hibberd resumes Chair)

Mr. Chairman: I will now declare a brief recess.

Recess

Mr. Chairman: I will now call this Committee to order.

Bill Number 9 Continued

Mr. Chairman: We will proceed with the Clause by Clause reading of Bill Number 9. We have Mr. Peter Gillespie with us as a witness.

At the time of our adjournment, we were on Section 14, and there was some question raised at that time regarding the insurance coverage of vehicles traversing the Territory, and Mr. Gillespie might have an explanation for us.

Mr. Gillespie: Mr. Chairman, I gather the concern here is that some truckers coming through, or passing through the Territory, may do so in spite of what is provided for in this Ordinance, without a valid motor vehicle liability insurance, and we are now talking about enforcement.

I think it's quite possible that, for example, a car, a motor vehicle, can get by through the Yukon without a valid insurance card, but it is virtually impossible for a trucker to do so, because a trucker requires a permit before he can proceed -- he stops at the weigh scale station on entering the Territory, and before he can proceed any further, he has to have a permit. He will not be issued a permit, as is indicated here in this Section, unless he can show that he has a valid motor vehicle insurance liability card.

Am I answering the question that was put?

Mr. Chairman: Are there any other questions regarding this? Mrs. Watson?

Mrs. Watson: Mr. Chairman, we understand this. The question that was brought up this morning is the fact that some of the insurance companies, this may be some of the cause for it, are not -- American insurance companies are not as creditable as others, and it's more difficult to collect or to get some form of action from some of the companies than it is from others.

Now, this was just a surmise that I have made from the debate that went on, and maybe the Legal Advisor could enlarge upon that.

Mr. Legal Advisor: It's just a question of insurance in respect of the vehicles?

Mrs. Watson: Mr. Chairman, Mr. Legal Advisor, I commented that it appeared that some of the insurance companies, insurance coverage, that some of the truckers had was more creditable than others, and that we are finding it difficult to collect from some of these companies, insurance companies.

Mr. Gillespie: Mr. Chairman, if I may, I would like to attempt to answer that.

I think we are on the verge of providing a satisfac-

tory answer to that particular issue, where the problem is an accident, a road accident, because we are presently contemplating bringing in no-fault insurance, which would have the effect of (a) in the event of an accident, the insurance company, the Yukon Insurance Company of the person whose vehicle is damaged or who is hurt, immediately paying to that person, an amount of money according to a schedule set up for that purpose.

In other words, if a truck or vehicle from another jurisdiction were to enter the Yukon and be covered by insurance that is not creditable, that would not present a problem to the person who was damaged in the Yukon, because he would receive immediately, compensation from his own insurance company, who would then recover damages from the outside insurance company, or if that person did not have insurance, and he had gotten by into the Yukon in spite of our laws to the contrary, the insurance company in the Yukon would then turn to the individual to recover.

But it is in this manner that we are seeking to come to grips with what is a very real problem.

Mr. Chairman: Mr. Fleming?

Mr. Fleming: Yes, Mr. Chairman. By your remarks, I may take it that you are in the process of trying to bring some sort of insurance to the Yukon Territory that is handled more or less by the government, rather than private enterprise, I would say?

Mr. Gillespie: Mr. Chairman, no-fault insurance as it's handled in the provinces, involves generally speaking, a premium from each motor vehicle insurance holder of something in the order of \$12.00 a year, and that money is paid to the insurance companies who themselves undertake to cover the policy holder with no-fault insurance.

the government is not involved in the administration, the government does not fund it under this scheme. It's totally the insurance companies themselves.

Mr. Chairman: Ms. Millard?

Ms. Millard: Mr. Chairman, since we have Mr. Gillespie now, I would like to go back to Section 13 where we were discussing the fact that a number of people come into the Yukon, particularly to Dawson City, and stay for a period of three months without having to be registered, which means to me that they don't have any -- they could get by without any insurance because they don't have to register and prove that they have insurance.

I was wondering if that period of 90 days can be reduced to 30 days, since many of the jobs in Dawson City are filled by people from other provinces, and don't last more than 90 days?

Mr. Gillespie: Mr. Chairman, I don't have a firm opinion. I would like to seek some advice from Mr. Taylor, if I may on this particular issue, because when we were revising this Ordinance, the only aspect of that particular section that we dealt with, was the semi-trailer definition, and I quite honestly must admit that I am not up-to-date on the rationale for this par-

ticular existing --

Mr. Chairman: If Committee concurs, we could have Mr. Taylor come forward as a witness.

Some Members: Agreed.

Mr. Chairman: Agreed?

Mr. Chairman: Did you hear the question, Mr. Taylor?

Mr. Herb Taylor: I heard the question, Mr. Chairman, and this question came up a couple of weeks ago, but one thing we must remember here is that this is what's termed a reciprocal arrangement made with all the other jurisdictions in Canada, and if we cut our tourist exemption down to 30 days, well then our tourists, when they are in the other provinces, or in the States, will be cut down to 30 days also, so --

We are making a survey right now, to find out exactly what the other jurisdictions in Canada allow our people, so that we can allow exactly the same, and we are trying to talk all the rest of the jurisdictions in Canada to make it uniform, so as it is now we are working on it, but we can't do anything about the 90 days without hurting ourselves.

Ms. Millard: Well Mr. Chairman, then we can be assured that the 90 days will be changed, or -- I mean, obviously the administration has it in its mind to change it or they wouldn't be inquiring?

Mr. Herb Taylor: Well, I didn't say that we were going to change it. We want to be the same as they are in the other provinces. Some of the other provinces give six months, but we want to try and make it uniform.

But this is only an exemption for people touring for pleasure now, keep that in mind. There is another period of grace for a person who comes from the other provinces and becomes gainfully employed in the Territory.

Ms. Millard: M'hmm.

Mr. Herb Taylor: We are also looking at that, because the reciprocal arrangement there is that we give the same period of grace that the other provinces give to our people when they go out and become gainfully employed in a province, and we are looking at the whole thing. We are trying to get the whole thing tied together to make it uniform.

Mr. Chairman: Ms. Millard?

Ms. Millard: Yes, Mr. Chairman, I appreciate that, but I would really like to know that the administration fully realizes that there are many people who are coming into the Territory and working on that three month pleasure period, and it's pretty obvious in a small town where there are several people you know what cars they have and where they are working, and there have been complaints to the administration before, when the Executive Committee toured to

Dawson, they were given this complaint, as well as many times before.

I have certainly complained to the R.C.M.P. in Dawson myself about it, that it really should be regulated, at least it should be looked into with more thoroughness.

Thank you.

Mr. Herb Taylor: Mr. Chairman, this is exactly right. This is an enforcement problem, and I take the view, and I have complained to the R.C.M.P. that when a person comes into the Yukon Territory and becomes gainfully employed, he has no grace whatsoever. He must register his vehicle then and there, and thereby become insured, and it is strictly an enforcement problem. We are trying to get the R.C.M.P. to pick these people up, but they just haven't seen fit to do it up to now.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, I'm not satisfied with the witness' explanation of no-fault insurance. Maybe I could ask Mr. Taylor who is more in day-to-day contact, is it true, or is this one of the reasons that some of the insurance companies that the truckers have from the States, are more creditable than other, and are easier to deal with in order to get some claims from them? This is the problem that some of the people are being faced with.

If there's an accident, they just — it's almost impossible to collect from their insurance company, say down in Georgia or Texas.

Mr. Herb Taylor: I don't think that has anything to do with no-fault insurance.

As I understood the explanation, the explanation was that we are trying to overcome that problem by instituting no-fault insurance coverage, which would overcome the problem.

In other words, now we do have a difficult time to collect from American insurance companies. I have phoned them myself in California and in Alaska, and if they so wish, they can just deny liability, and then it's up to the people here to go and sue them, or they say that their client was not at fault and they deny liability. There is nothing you can do about that, that then becomes a civil case, and there's nothing we can do about that.

However, if we do institute no-fault insurance, we can forget all those worries, because we will have immediate payments made and then the insurance companies themselves will take whatever subrogation they can to collect. But the immediate payments will be made, without regard to fault, in cases of accident.

And the payments that I am talking about, will be made by our own insurance company, your insurance company will make a payment if you become injured and have no-fault insurance coverage.

Mrs. Watson: Mr. Chairman, my insurance company will only make the payment if I pay more on my premium, and we are all going to have to pay more on our premium. It's fine to say no-fault insurance. Why should we pay more on our premium to protect these

jokers who are coming through? Is there any other way we can deal with them?

Mr. Herb Taylor: Well the premium they charge, and they are offering no-fault insurance coverage right now, and the premium is somewhere in the neighbourhood of 10 to \$12.00 a year, and I think it's well worth it, and I can't think of any other way you can solve the problem.

Mr. Chairman: Mr. Berger?

Mr. Berger: Thank you, Mr. Chairman.

I would like to go back to Section 13, since I raised the original question on that thing. I wasn't so much concerned about the people coming in from other provinces in Canada, because we know they do have insurance, but what my question was mostly concerned with was with people coming in from Alaska and working in the Territory on their own placer claims, or the other businesses they had in the Territory, and operating under an Alaska licence plate.

Nobody knows if they are really covered with insurance, and I think Mrs. Watson's question is something on a similar basis.

Mr. Herb Taylor: Well, Mr. Chairman, the only solution for that is that they should not be allowed to be operating their vehicles with Alaska licence plates on, if they are working in Dawson or running a mining claim in Dawson, or working anywhere in the Territory. They should be immediately required to register their vehicle in the Yukon, and to do that, they must have insurance.

Mr. Chairman: Mr. Lang?

Hon. Mr. Lang: Mr. Chairman, I would like to ask a question of Mr. Taylor, if I may.

In regards to the insurance companies in the States, we -- do we have any idea of which insurance companies are credible and which aren't? The reason I am asking this is because I agree with the Honourable Member from Kluane. I don't think it's my -- the onus is on me to get no-fault premiums to protect myself from somebody coming up the highway.

In other words, what I am saying is is there any way that we could say okay, if you have this insurance, we have found that they don't come through with the monies or the compensation to the victims in the past, therefore if you have got that insurance, you are not allowed to go through the Territorial unless you buy a different insurance?

Mr. Legal Advisor: We must not forget that the normal law is that when two people have a dispute, they resolve it through the courts. Now, some insurance companies are reasonably easy to settle with, some are not, and this applies throughout Canada.

Once you are dealing with the United States, the insurance company who is far away can prove difficult to settle with, and can threaten through his general manager or accident manager or through his lawyer,

to refuse to settle, but some people would consider a reasonable case, so the only recourse is the normal law for everybody, take the matter to court, get a decree and then the decree is enforceable.

Now, somewhat the same situation happens to occur within Canada, by people who are involved in an accident were from the United States who feel that they are in the right, but a Canadian insurance company will prove difficult to settle with, when he is dealing with a California or a Texas resident, and the person will settle for less than he otherwise would, because he would have to come to the Yukon to litigate his case, and it's difficult for anybody in administration to make a judgment as to which insurance company is difficult to settle with, and which is reasonable to settle with, in order to form a list.

So I don't think there is any true answer to this, except just to bear with it.

Hon. Mr. McKinnon: Mr. Chairman?

Mr. Chairman: Mr. McKinnon?

Hon. Mr. McKinnon: Mr. Chairman, I have asked this question every year, and I am going to ask it again, I have never been satisfied with the answer: Why shouldn't there be a stop at the border that does not allow a person with valid insurance to come into the Yukon Territory? There's at least one case every year, where an American tourist, or someone travelling through, runs into a Yukon family, there can be any kind of problems ensue from it, there can be death, there can be dismemberment, there can be any imaginable amount of problems resulting from this, and there is now way for that family to get any compensation in any way, shape or form.

Now, why should we be allowing this person with absolutely no protection whatsoever, to be using the Yukon Highways? there's a person in town who writes me a letter every year, asking whether I will ask this question on behalf of the Territorial Government, every year I get up and ask it and I guess they say, well we can't stop people at the border and check whether they have valid insurance.

I think we should stop them and sell them a campground sticker at the border, every one of them and check whether they have got insurance. If they don't want to buy the campground sticker, they don't want to show insurance, get them to hell out of the country? Who wants them in here in the first place?

I am deadly serious about it. There has been absolute tragedy affected to Yukon people, because we allow without any qualification, in any way, shape or form, people to come up in any type of vehicle, in any type of condition, with any amount of armaments, to travel Yukon Highways. Why do we allow this to happen when we don't have to, and other jurisdictions can allow who they want into their jurisdiction and travelling on their highways? Why?

Mr. Chairman: Mr. Gillespie?

Mr. Gillespie: Mr. Chairman, I don't have an answer to the question, this perennial question. I'm aware of this proposed solution to it, to a number of

problems, including campground stickers, and including insurance.

I can only say in all honesty that some of our people are working on this problem, they are in the course of preparing advice to me, which I will in turn be bringing to the Executive Committee on this very subject. I don't have it yet, I don't know what their tentative conclusions are, and I can't answer your question at this point in time.

It is not being ignored, it is being actively worked on, but I'm afraid I can't satisfy you with a definite answer at this time.

Hon. Mrs. Whyard: Mr. Chairman?

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Could I ask Mr. Gillespie, if he has some time frame, if we keep this Ordinance open for another week, then he bring in a section?

Mr. Gillespie: Mr. Chairman, I would be reluctant to rush the answer to this question, when we are attempting to look at this thing comprehensively, both with regard to no-fault insurance. With regard to the Unsatisfied Judgment Fund, which is sort of the corollary to no-fault insurance, to campground stickers, and to checking for people, valid insurance in every vehicle that enters the Territory.

These various issues are all inter-related, and I would be reluctant, unless there was a firm wish for me to do so, to come up with an answer within the next week or even within the next two weeks, because I'm just not sure that I would be really confident that I am coming up with a good and fair answer to the complex questions that are being raised.

But I think I can fairly undertake to have that ready for the spring. In the meantime, though, I'm—whatever we do then, need not in any way impinge upon what we are seeking to do now in the Motor Vehicles Ordinance, because we can institute these things, I could think with the powers that we have now, we would not need to add new powers to the Motor Vehicles Ordinance to bring them into being.

Hon. Mr. McKinnon: Mr. Chairman, I can only add that I would sure be disappointed if I went through another term without that question being answered, because it's been about twelve years now.

The other one is there is an answer to the people once they are gainfully employed, I don't know what section it is or what Ordinance, but I think the Territorial Secretary can tell us what Section it is where a person does become gainfully employed, they are then liable to have to take out plates—is it under the Motor Vehicles Ordinance that that Section is? I remember it very dramatically, because one summer I was very perturbed that a surface crew camp, the total—every car in the place on the Alaska Highway, had Alberta plates, and there were friends of mine who were looking for employment from university from the Yukon, that couldn't find employment with the Department of Public Works that summer.

I felt so strongly about it, I went and told the constabulary in one of the small communities about this

whole camp full of people racing up and down the highways, getting cheques from the D.P.W. and working in the Yukon Territories, so they went in and pinched the whole works, and unfortunately enough, I couldn't let well enough alone, I went to a local dance and I mentioned this one night, and for my pains, I was severely beaten about the head and shoulders, by the people I had rattled on.

But in any case, you know, it is in the Ordinance, and if you are mad enough about it to make the point and make the case, which I am, I think that's a bunch of bologna, that they are allowed to come out here, work all summer, use their cars in the Yukon highways and don't contribute one red cent to the Yukon economy. I think you can do this if you feel as strongly about it as I do, I just would recommend that you keep your mouth shut about it afterwards.

Mr. Chairman: Mr. Fleming?

Mr. Fleming: Yes, Mr. Chairman.

I have one, it is insurance, it's not entirely pertaining to this, and yet I would say it is in this sense, that I would like to ask the Legal Advisor, I think the question as to an accident on the highway that involves an American car, and a Yukon resident, and the fault was not on the Yukon resident, no fault of his at all.

Right now under the present legislation, would his insurance rise due to the cause of that accident?

Mr. Legal Advisor: I couldn't say for sure, but it's the custom of the insurance companies, when a claim is made, to start increasing premiums, whether or not the claim is successful. It's a matter of business between the insurance company and their client. It's not controlled by law.

Mr. Chairman: Could we now proceed?

7:

(Reads Section 23)

Mr. Chairman: Section 15, Section 25 of the said Ordinance is repealed and the following substituted therefore: 25 (1):

(Reads Section 25)

Mr. Chairman: Clear?

16: Section 34 (1) of the said Ordinance is repealed and the following substituted therefor:

(Reads Section 34 (1))

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Yes, just, Mr. Chairman, as a matter of information, I could perhaps direct a question to the Registrar of Motor Vehicles, and I note in my marginal notes in the Bill that we are talking about going now to plastic covered licences, just what form—when will these be introduced, and what form will they take? Will you require a picture on them, or could we have just a quick description of what the program is?

Mr. Herb Taylor: Well, that is the plan, that they will have a photograph of the operator, and we hope to

have them instituted before the next year.

There isn't any really dire requirement to have an effective date now, because as you know, all the operators' licences fall due on the birth date, so we can, whenever we get the equipment, we can institute the program any time we like.

Hon. Mr. Taylor: Well, Mr. Chairman, would this not cause a bit of a problem for people throughout the Territory who don't happen to live in this great Metropolis, and that's the reason I asked about the picture. If you have to get your picture taken like on a passport, it's an extremely difficult thing, and even if the government were to send this equipment around, as I believe they did for the I.D. cards of some sort, that everybody could get near it. How does a person in the hinterland fulfill this requirement?

Mr. Herb Taylor: Well, Mr. Chairman, we will issue a licence exactly the same as we do now, and then when the camera is available at Watson Lake, the people at Watson Lake will be advised to come in and have their picture embossed on their certificate.

Hon. Mr. Taylor: What I am saying is that perhaps all the people can't come into a community. There are people who live, you know, in and around, or maybe out on holidays and this type of thing and that don't come to Whitehorse and won't be around town when your fancy equipment is there. How do you deal with that?

Mr. Herb Taylor: Well how are they going to get a licence then?

Hon. Mr. McKinnon: You don't need one for Watson Lake.

Hon. Mr. Taylor: Well again, Mr. Chairman, they are entitled to a licence, and notwithstanding they don't have a picture photograph, this is what I'm concerned about, and I don't think it's a laughing matter, I think it's a serious one.

Another instance where they guy in the hinterland gets the kick in the teeth.

Mr. Gillespie: Mr. Chairma?

Mr. Chairman: Mr. Gillespie?

Mr. Gillespie: I think you may have misunderstood Mr. Taylor's answer.

A person will initially be able to get a licence that does not have his picture on it, but when the equipment is in his locale, then he will be asked to come and have the picture then at that time embossed on his licence.

So he doesn't have to wait until the equipment is there before he obtains the licence.

Hon. Mr. Taylor: And just one more question, Mr. Chairman. If he is not in the locale, he is out on holidays or out in the bush, or out working some place and the equipment moves away, his licence is still notwithstanding valid?

Mr. Gillespie: Yes, that's correct.

Hon. Mr. Taylor: Okay, that's good enough

Mr. Chairman: Ms. Millard?

Ms. Millard: Mr. Chairman, just a question of administration again on Section (b), when the person who is being convicted of those offences delivers his licence to the judge, magistrate, et cetera, does it go then to the Registrar for the marking of that conviction on the licence, and is returned?

Mr. Herb Taylor: Well this Section has been amended because up to now, the licence was turned into the magistrate or judge or whoever, and he endorsed the conviction on the back, but they can't do it now when they are plasticized, so the only thing they would be able to do would be to suspend it. That's why this has been changed.

Mr. Chairman: Ms. Millard?

Ms. Millard: Mr. Chairman, am I to understand that where in former cases the licence wasn't suspended, it will now be suspended?

Mr. Herb Taylor: The magistrate has that jurisdiction in the present sub (2) of that section which is not here.

He may, upon making conviction, suspend or cancel the licence and shall send the suspended or cancelled licence to the Commissioner together with a report setting out the nature of the conviction and the circumstances

He may, upon making conviction, suspend or cancel the licence and shall send the suspended or cancelled licence to the Commissioner together with a report setting out the nature of the conviction and the circumstances of the offence.

Mr. Chairman: Ms. Millard?

Ms. Millard: Mr. Chairman, I should point out that it says "shall" - the licence shall be delivered to the magistrate. That means in those cases there's no choice of whether or not the licence will be suspended. I read it as being that because it was a plastic licence, it would have to go back to the administration to be marked and replasticized, or something like that, because you can't mark it because it's plastic.

I didn't feel that all those offences should necessarily -- we are presuming that they all have to have a suspension.

Mr. Chairman: Mr. Gillespie?

Mr. Gillespie: Mr. Chairman, as I understand this, the licence shall be delivered to the judge, magistrate or justice. The judge, magistrate or justice may then suspend the licence in accordance with the Ordinance. He may choose not to suspend the licence, but nevertheless, to record and this would be recorded in the Registrar of Motor Vehicle's office, the infraction.

So it's either a recording in the Motor Vehicle — in the Registrar of Motor Vehicle's office, or a suspension, either one.

Mr. Chairman: Mr. Fleming?

Mr. Fleming: Thank you, Mr. Chairman.

I'm not so concerned as to what the judge would get for a licence now, I would hand him the pieces of my licence now, but I am concerned about Mr. Taylor's comments as to the pictures, and Mr. Taylor again, his comments as to how the pictures would be handled. I think it's either, it has to be a licence to be or not to be, because if you do make an Ordinance of any kind and issue licences that need pictures and you are going to take the machine to Watson Lake or something, that's fine to say.

As the Honourable Member has said, people are not there. Now we might not make it mandatory, it may not have to be, but if that would be the case, that you didn't have to be there and you could still go with that licence, there would be from that, an abusive program, because nobody is going to get their picture taken.

Just a comment, I feel that to make sure it is either to be or not to be, one way or the other.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Yes, Mr. Chairman, while we are on the subject of licences and revocation and so forth of licences for certain periods of time, and I'm sure the Registrar of Motor Vehicles will agree that I have been on the phone two or three times on this issue to his officers and himself.

That is the problem that arises when a licence is by the court, it's suspended, and the licence is delivered to the Registrar and again when you live in the outlying districts, and there was a great difficulty with many people getting their licences back from the appropriate date. If, for instance, the licence was suspended for 30 days, at the end of that 30 days, the person is legally entitled to have in his possession his licence again, and I'm wondering — I know I phoned on this question, oh perhaps a month and a half ago, and apparently that there was no real policy that I could determine from the officer that I spoke to.

I'm wondering if as yet there is a policy devised whereby these licences will definitely be mailed out or distributed back to the owner of the licence, in the case of the person in the hinterland, out of Whitehorse, so that he can have his licence available to him when he has served his requirement of law.

Mr. Herb Taylor: Yes, Mr. Chairman, we have been looking into that, and we are going to go further than that. We are looking into the feasibility of leaving the licence, if it is suspended at Watson Lake, of leaving their licence down there with the Territorial agent, so that — and it can be recalled on the date that the suspension expires, so that it can be mailed back to the operator if he is still in Watson Lake.

Our local office here, we are setting up a recall system so that they will automatically turn up for mailing when their suspension is over.

Hon. Mr. McKinnon: Mr. Chairman?

Mr. Chairman: Mr. McKinnon?

Hon. Mr. McKinnon: There certainly has never been any prosecutions laid if a person knew that his day was up and through mail strike or any reason that licence hadn't been returned from the Registrar to the place of residence, that person was entitled to drive a motor vehicle without fear of prosecution.

Mr. Herb Taylor: Oh yes, that's right, but there has never been a prosecution for that. If his suspension has terminated.

Mr. Chairman: 17:
Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, could I ask Mr. Taylor if he would tell us why he is pursuing this new form of licence? What are the advantages? All we have heard so far are the disadvantages.

Mr. Herb Taylor: You mean of a plasticized licence?

Hon. Mrs. Whyard: Yes.

Mr. Herb Taylor: Well, have you ever seen them after they have been used for six or eight months?

Hon. Mrs. Whyard: Mine is fine, Mr. Chairman, mine is fine.

Hon. Mr. McKinnon: Here we will have an example.

Mr. Herb Taylor: Over half of them that we get in the office are in shreds or in two or three pieces, or — That is why, and also to eliminate the possibility of having the typing changed or the birth date altered and things like that.

Hon. Mrs. Whyard: It is just my weight that I alter, Mr. Chairman.

Mr. Chairman: Section 17: "Section 38 of the said Ordinance is amended by adding thereto the following new sub-section, (3):
(Reads Section 38(3))

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Yes, Mr. Chairman, in perusing this section it occurred to me that a person could have a driver's licence for the province of — well any Province in Canada, could have an international driver's licence, should — does this not mean that you shall not be in possession of more than one valid Yukon operator's licence?

Mr. Herb Taylor: No, Mr. Chairman, it doesn't. If you have an international driver's licence, it's not valid in the Yukon, it's not valid until you are out of Canada, but it wasn't intended to take into consideration the international driver's licence at all, just if you are a

resident of the Yukon Territory, you should only have one valid operator's licence in your possession.

We have the same problem right across Canada, and this is another thing that we are trying to, through the C.C.M.T.A., we are trying to make this a universal requirement. Several of the provinces have this now. If the Yukon operator goes down to Ontario or some place like that, and once he becomes resident, then he is required to get an operator's licence down there, he must turn in his Yukon licence before they will issue him an Ontario licence. They will not let him have more than one valid licence.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, if a person goes out for the winter for say, three, four, five months, I would suppose in the provinces he really can't do that, he has to get a provincial driver's licence.

Take for instance, our Member of Parliament as a good example. He spends a great deal of time down in Ottawa, and he spends a great deal of time here. Which, you know, in which jurisdiction should he have a licence, or should he change his licenses every time he comes and goes?

Mr. Herb Taylor: If he sets up his residence and if he is a resident of the Yukon, his licence, his Yukon licence is recognized in Ontario.

Hon. Mr. Taylor: Yes, well, Mr. Chairman, take the case of the person who goes out for the winter and who goes to another jurisdiction, provincial jurisdiction, and stays out there four or five months, that would be contrary to the law of the province in terms of reciprocal agreements, would it not?

Mr. Herb Taylor: The reciprocal arrangement allow for approximately, I think, six months in every jurisdiction before you need —

Hon. Mr. Taylor: If you are working?

Mr. Herb Taylor: Even if you are working, for an operators licence, yes. Just for the very purpose.

Hon. Mr. Taylor: Well how about a driver's licence?

Mr. Herb Taylor: That is what I am talking about. That is an operators licence. If an Alberta, B.C. or an Ontario high-school or university student comes up here to work for the summer he can work here for six months and still use his home jurisdiction operators licence. He doesn't need to get a Yukon operators licence.

Hon. Mrs. Whyard: Mr. Chairman.

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: We have a conflict here of the time requirement, it applies only to the licence but not to the plates. Come on, let's have a little system.

Hon. Mr. Taylor: That is what I was getting at.

Mr. Herb Taylor: Well that is exactly right. The operators licence is entirely different than the vehicle licence.

Mr. Chairman: Eighteen:
(Reads Section 18)

Mr. Berger: Mr. Chairman?

Mr. Chairman: Mr. Berger?

Mr. Berger: I am quite concerned about this, using headlights only during the night. Our highway conditions are in such bad shape and the dust control that I think headlights should be mandatory at all times. It is only for atmospheric conditions.

Mr. Herb Taylor: Mr. Chairman this section makes it mandatory wherever a highway is posted, you see the sign on the highway now "Keep Headlights On At All Times". This section makes it illegal to drive on that road without your headlights on.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Yes, Mr. Chairman, though I agree in this case that perhaps it may be desirable to have all vehicles, specially in the summer months, driving during the daylight hours with lights on at all times, I disagree very strongly with sub (2). I don't feel that this should be a mandatory provision. I think that all effort should be made to advise and encourage the public to drive with headlights on, but, as far as I am concerned I am unalterably opposed to having this section 2 in the Ordinance. I don't believe it is necessary, I don't think it should be placed into law at this time. There are many, many circumstances by which people could be prosecuted, perhaps they are having vehicle difficulty and cannot maintain their lights at that given point, oh, there is many, many things. No, I have heard much discussion on this subject, this as well as seat belt legislation. In this case, no, I am unalterably opposed and if this remains in the Bill I would have second questions about supporting the Bill I feel very strongly that this should not be law.

I think that this should be a public awareness program at this time. If we wind up with slaughters on our highways as a result of not having head lights on at all times, well, perhaps we would look at it again. But as far as I am concerned, I don't see that happening, and I am unalterably opposed to this section. You can laugh all you want. I will tell you, you are going to have one vote against this Bill if this remains in.

This is just another sneaky infringement upon a person's civil rights in this country. You may laugh at them and I don't. I don't think it is necessary, it is just another unnecessary law.

Mr. Chairman: Ms. Millard?

Ms. Millard: Mr. Chairman, my first question has been answered. I was going to ask if the signs that say

"at all times" on the highway really meant it, and whether or not this would be enforced. I am quite in disagreement with the Member from Watson Lake. I think it is about time that we had legislation which controlled the traffic lights on the highways. There have been many, many times that I have narrowly escaped been slaughtered myself on that highway because of people who are passing without their lights on and dust all over the place.

I don't think this is an infringement on anyone's rights. Their lights have to work according to Motor Vehicle Regulations. If they don't work they should go and get them fixed.

Hon. Mr. Taylor: Well I disagree, and so do a lot of Yukoners.

Mr. Chairman: Nineteen-one:
(Reads Section 19(1))

Mr. Chairman: Mr. McCall?

Mr. McCall: I am curious when this legislation was written up, I can see some imposing remarks to what I am going to say. When this language was written up, was there any considerations given to infractions of this legislation concerning vehicles going down the highway with only one headlight on? This is where a number of accidents have taken place, especially with the heavy trucks on the Klondike-Campbell highways?

Mr. Chairman: Mr. Gillespie?

Mr. Gillespie: Mr. Chairman, part of the weakness in the Ordinance the way it reads not is that only one was required — sorry — if you are talking about tail lights. If you are talking about headlights that is simply a matter for enforcement.

Mr. Chairman: Mr. McCall?

Mr. McCall: I am curious as to why, if there is provision in the legislation, why it is not enforced a little more severely, especially with some of our heavy equipment that is on the highways, which has created a lot of very fatal accidents.

Mr. Gillespie: Mr. Chairman we are equally curious. We would like to see that much better enforced, as well.

Mr. Chairman: Two:
(Reads Section 19(2))

Mr. Chairman: Four:
(Reads Section 19(4))

Mr. Chairman: Mr. McCall?

Mr. McCall: This is another point that I would like to bring to the attention of our administration. Clearance lights. If we just took a walk down to the major carrier of this Territory you will find that most of the containers that are used for the transportation of concentrates from Cyprus Anvil Mines to a drop off in

Whitehorse here, you will find that they have no clearance lights. I am just wondering if there is an exception considered here?

Mr. Gillespie: Mr. Chairman, the Territorial government has made no exception for the carrier.

Mr. Chairman: Mr. McCall?

Mr. McCall: Then why hasn't the legislation been enforced?

Mr. Gillespie: Mr. Chairman, the enforcement agency in this case is the R.C.M.P. They have not, either seen fit, or have been able with the manpower they have available to them to perform the sort of enforcement that you are seeking, and that we too, are seeking in this regard.

Mr. McCall: Mr. Chairman?

Mr. Chairman: Mr. McCall?

Mr. McCall: The thing I am pondering over is, here we are today considering changes in the Ordinance concerning the operation of a motor-vehicle. We have heard the Honourable Member from Watson Lake show a considerable amount of concern over a certain section in this piece of legislation. Here we are, we are going to pass this through again and it is of no value.

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: Mr. Chairman, in regard to what the Honourable Member from Pelly had to say, and with regards to the comments that I have heard by the witnesses, I would think that it would be in order for, certainly the Territorial government, then at this time, if we are considering and further considering major legislation as this, that we sit down with the R.C.M.P. and talk about enforcement and find out what the problems are. Let's get a meeting of this forthwith. I think it very important, you know, if I hear that vehicles are running up and down the road with one light and the thing can't be enforced, then obviously there is a problem. There must be some budgetary considerations and everything else, but let's find out why. Let's get on with it.

Further to that I would just like to say that I hope the major carrier in this City, who is hauling concentrates, I hope their vehicles have, in fact, clearance lights. I am sure they do, they may not be working. Again that is a case of enforcement and I think somebody should be looking at that.

Mr. Chairman: Mr. Berger?

Mr. Berger: Mr. Chairman, I think there is nothing easier to enforce lights and the checking of lights for a major carrier like White Pass or anybody else, they have to go to the weigh scale. What is much easier then for the weigh scale operator to check their lights. It doesn't have to be the R.C.M.P.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman I would not think that that should be a charge against the weigh scale operator, he has enough problems with weighing trucks without running around and playing mechanic or some light function. I don't think that is the answer. Not the weigh scale operator himself, anyway.

Mr. Chairman: Section 41 of the said Ordinance is further amended by adding the following new subsection: Five:
(Reads Section (5))

Mr. Chairman: Mr. Fleming?

Mr. Fleming: Yes, Mr. Chairman I would like to ask Mr. Legal Advisor as to why it is always the word "practical" and does this really cover, or could it be more or less construed as just an advice to put the lamp somewhere near that spot, and possibly some of them may not where you can see them.

Mr. Legal Advisor: No, Mr. Chairman, it has a meaning. There may be some technical reason why a socket may not be screwed in at a certain point, but it must be as near as practical. It is a guide and it is also legislation.

Mr. Chairman: Twenty:
(Reads Section 20)

Mr. Chairman: Mr. McCall?

Mr. McCall: You see here we are again with that particular language, one red lamp on the rear end of a semi-trailer. I can envisage what could happen in many instances.

Mr. Chairman: Twenty-one:
(Reads Section 21)

Mr. Chairman: Mr. Berger?

Mr. Berger: That puzzles me. Section 19 specifies two tail lights on any motor vehicle, yet on a semi-trailer, which is much bigger and much more dangerous than any other thing, it only requires one tail light, why?

Mr. Chairman: Mr. McCall?

Mr. McCall: Well this is what I am saying, Mr. Chairman, the language here — I don't know, it seems it was written up in the kindergarten style as far as I am concerned, because they deal with a bicycle here with one lamp and then you talk about a semi-trailer, which is about 60 feet long and weighing quite a few tons, and one red lamp at the back. What significant value is that going to be when you have got dust behind you, or in front of you?

Hon. Mr. Lang: Mr. Chairman, I suggest the

Honourable Member suggest some recommendations if he is not pleased with the language. That is why we are discussing it at this table.

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: I was just going to say that 45(1) does say "a vehicle other than a motor-vehicle, semi-trailer", so in fact a semi-trailer does have to carry two lights.

I am concerned about the section, when you say "a vehicle other than a motor-vehicle, semi-trailer, trailer, oh pardon me, it does include it, that is fine, then a recreation trailer is included.

Mr. Chairman: Ms. Millard?

Ms. Millard: That was to be my comment also. I don't know whether we are getting late in the day or not. I can't figure out what would be the description of this vehicle that doesn't come under here? Santa Claus' sleigh is the only thing I can think of.

Mr. Chairman: Mr. Berger?

Mr. Berger: Since nobody wants to do it I would like to see Section 20, 44.(1) changed to two tail lights.

Mr. Herb Taylor: Mr. Chairman you must remember that the requirement is there for clearance lights on the back of semi-trailers and this is a bare minimum, this section 44. We want them to make sure they have at least one red lamp at the back. They are required to have the four clearance lights at the back of the semi-trailer.

Mr. Chairman: Mr. McCall?

Mr. McCall: I beg to differ with the witness, Mr. Chairman, when you are talking about one red lamp, or reflector, you are talking about the width of a vehicle. It should be compulsory, there should be at least two reflectors apart from lights, whether they are clearance lights or otherwise.

I think we are missing the point here on what the Honourable Member from Klondike just brought up, I strongly suggest that we enact it because I can see the accident ratio carrying on the way it is now.

Mr. Chairman: Mr. Berger?

Mr. Berger: Mr. Chairman, I would like to go one step further. I would like to separate the tail lights from the brake lights. I would like to see separate identities in there, or three, actually. Two red clearance lights, two red tail lights and two red brake lights. This should be spelled out in this Ordinance.

Mr. Gillespie: Mr. Chairman I am not familiar with what the manufacturers make in the way of the different trucks that they produce —

Mr. Berger: They are making them.

Mr. Gillespie: Are they making them with all of these —

Mr. Herb Taylor: Mr. Chairman on the previous page we call for that, on page 10, (c) we call for at least two stop lamps on the rear of the vehicle.

Now you are going to have so many lights on the rear of the vehicle it is going to look like a Christmas tree if you are not careful.

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: They do call for two stop lamps and generally the manufacturers who build this equipment incorporate into the brake lights or the stop lamps the clearance lights as well, not clearance lights, tail lights as well. Really there would be nothing wrong with amending 44(1) to say a semi-trailer or trailer shall carry at least two operating red lamps at the rear. I would be quite in accord with that. No hardship.

Mr. Legal Advisor: Mr. Chairman. One of these is dealing with the large trailers and semi-trailers which is at the foot of page ten. Here you are putting the bare minimum because it might be somebody who is just bringing a skidoo home on a trailer at 9 o'clock at night and he may not be fitted up for all these gadgets. You are just dealing with a trailer. It so happens that in the drafting, semi-trailer was thrown in because wherever trailer appeared semi-trailer was thrown in.

We are dealing with a little small guy who is bringing a boat home from the lake. We are not dealing with the giant companies who have got giant trucks.

Mr. Chairman: Mr. Fleming?

Mr. Fleming: Yes, Mr. Chairman. But Mr. Legal Advisor shouldn't that be defined here then that this is a small what, I may ask you what the licence is that you buy for a small utility trailer, am I not right, should not this be defined as a utility trailer then?

Mr. Legal Advisor: Mr. Chairman it is defined in the reverse way. All of the big Christmas tree lights are on a vehicle which is more than 20 feet in length, or more than eighty feet in width that then attracts all of the big regulations. If it is less than that it is deemed to be a small thing.

Mr. Chairman: Mr. McCall?

Mr. McCall: I beg to differ with the Legal Advisor, your language here is dealing with semi-trailers and trailers of any size or description. As far as I am concerned you should have more than one light on those trailers, whether he is bringing home a skidoo or whatever he is bringing home. Most of these lights that you are referring to are on the wrong side of the vehicle to start with. They are never on the middle — crown of the road side of the vehicle. That is where all the accidents occur when you run into or rear end a trailer.

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: Can I suggest a proper wording for section 20 then? A semi-trailer or trailer shall carry at least two operating red lamps at the rear that is clearly visible at a distance of at least two hundred feet, and

we are talking of semi-trailer or trailer. If you want to take the trailer out of there, that is a different story. A semi-trailer definitely.

Mr. Chairman: Is that a motion?

Mr. Lengerke: Yes.

Mr. Chairman: Could I have your wording of it?

Mr. Lengerke: I would say a semi-trailer, again I think we have got some conflicts here, you are going to have to eliminate one word or the other, semi-trailer or trailer—do you want to cover them both—okay, we will cover them both. It will read, A semi-trailer or trailer shall carry at least two operating red lamps at the rear that is clearly visible at a distance of at least two hundred feet.

Mr. Chairman: Or reflectors.

Mr. Lengerke: I would say operating red lamps—

Mr. Chairman: Or reflectors.

Mr. Lengerke: All right, if that is the wishes.

Mr. Herb Taylor: The is reason for having reflector there in case they have a light failure.

Mr. Lengerke: Yes, that is a good point. That is it.

Mr. Gillespie: We have no objection, the administration have no objection to that.

Mr. Chairman: Is there a seconder to that motion?

Mr. McCall: Is it a motion?

Mr. Lengerke: Yes. Just a suggested change, I would think.

Hon. Mr. Taylor: Or it could be treated as a typographical error, one of the two.

Mr. Lengerke: Well can we make that change now, Mr. Chairman, if we are agreed to the wording, can't we make it.

Mr. Legal Advisor: There will be other changes coming forth.

Mr. Chairman: Twenty-two.
(Reads Section 22)

Mr. Chairman: Ms. Millard?

Ms. Millard: Mr. Chairman, I was accused earlier of splitting hairs, and maybe I am doing that again here, but, where it says at the top, "during the period when lighted lamps are required" I understand that on our highways that would be at all times, is that correct?

Mr. Herb Taylor: Mr. Chairman if the thing is passed it will be on highways that are signed with that requirement that lighted lamps are required.

Ms. Millard: So, Mr. Chairman, this would be in effect at all times?

Mr. Herb Taylor: Where signed, yes.

Mr. Chairman: Twenty-three.
(Reads Section 23)

Mr. Chairman: Mr. Fleming?

Mr. Fleming: Mr. Chairman I am slightly confused here, back to 22 (1) (3) it says, "during the period when lighted lamps are not required" and yet we are speaking of lights on the highway at all times, and lights when there is an accident, lamps or reflecting devices at all times. Why should we have that in there when they are not required? There is no such thing is ther?

Mr. Gillespie: Mr. Chairman, there are times on some highways when lighted lamps are not required. Lighted lamps will only be required on those highways that are so marked. On other highways they may not be required.

Mr. Herb Taylor: During the day.

Mr. Gillespie: During the day.

Mr. Fleming: Very well, Mr. Chairman.

Mr. Chairman: Twenty-four
(Reads Section 24)

Mr. Chairman: Twenty-five.
(Reads Section 25)

Mr. Chairman: Mr. Taylor?

Hon Mr. Taylor: Mr. Chairman, just for clarification, does this apply to these skidoos?

Mr. Legal Advisor: I think so, if they are motor-vehicles, yes.

Mr. Berger: Mr. Chairman?

Mr. Chairman: Mr. Berger?

Mr. Berger: Just a question to the witnesses. When can we expect in the future sometime, I realize that it can't be possible right now, a definite noise level like 30 decibels or 90 decibels or something like this? I mean right now we say an acceptable noise level. Just sitting here the vehicles operatin in the City - there should be a definite limit set for this thing.

Mr. Gillespie: Mr. Chairman, as I understand it, the

levels would be set by regulation as we acquire the ability to monitor with equipment, those regulations.

Mr. Herb Taylor: Mr. Chairman, they are doing that now with skidoos at the manufacturers level, they must have their noise cut down to a certain number of decibels on the newly manufactured skidoos. Trucks on the highway, I don't know.

Mr. Chairman: Mr. Fleming?

Mr. Fleming: Yes, Mr. Chairman, I am slightly confused over this one that says -- 24 (7), the combined brakes of towing vehicle and the semi-trailer or trailer shall be adjusted as to prevent side-sway or jack-knifing when applied. I am quite sure that there would be no onus on the driver for something if he did have an accident and his truck did jack-knife. Due to this little paragraph it possibly could be. They may be adjusted very well and everything but they are not going to stop him from side-swaying or jackknifing when they are applied if the road conditions are bad, I can assure you.

Mr. Legal Advisor: It would be very hard to base a conviction on it but it might give rise to a civil action if the brakes were adjusted wrongly so that the application of the brakes itself was proved to cause a jack-knifing effect.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, does sub (7) -- is sub (7) related to (6) where you have to -- the ability is rated on a dry road and so forth.

Mr. Legal Advisor: It refers to that but it is not directly related. The adjustment is such that jack-knifing will not occur when the foot is put on the brake. Apparently it is a scientific matter.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, it can be the case where brakes can freeze. I mean, we have climatic and certain other conditions in this country which perhaps are peculiar, and I think this should be taken into account. They could be adjusted all right, and yet, you know, they may not function normally.

Mr. Chairman: Mr. Berger?

Mr. Berger: All we can do, I concur with Mr. Taylor. I don't know how many people drove a semi-trailer in this Assembly here but the thing is you can leave the garage and with a perfect brake set up, and you have just got to go in the muddy road condition or something and your brakes are completely useless so I think this should be specified, and I would suggest they put in, "on a dry, hard, level highway" in case of a check or something like this.

Mr. Herb Taylor: Mr. Chairman, you would have

to remember again that it would have to be proven that it was the adjustment of the brakes that caused the thing to jackknife, not the climatic or road conditions. That would have to be proven before you could take any action.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, malfunction of any part of this equipment is a distinct possibility, and it could be unknown to the operator at the time of the accident.

Mr. Herb Taylor: That's exactly right.

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: I can certainly sympathize with the Honourable Member from Watson Lake, because you can't legislate against things like that. You have to say that with reasonable common sense that these brakes will be so adjusted, and you have to try and put into being, that this kind of maintenance will be done, but you certainly—once the truck leaves, and you run into snow conditions or mud conditions, that has nothing to do with the adjustment of the brakes. That is a circumstance, and this kind of clause is very common, and I'm familiar with many Motor Vehicle Ordinances, believe me, and the United States are working on this one of braking, and have been for quite some time and that clause appears, and it's one of—really it's quite acceptable to me.

Mr. Herb Taylor: Mr. Chairman, the same thing would apply to lighted head lamps, you can leave town right now and five minutes on the road you might find you have only got one head lamp left, and there is nothing we can do about that, except to stop you and tell you to replace the headlight.

Hon. Mr. Taylor: Sniff your breath.

Mr. Herb Taylor: Right. Stop check program

Mr. Chairman: 26: Sub-section 58 (2) of the said Ordinance is repealed and the following is substituted therefor: (2):
(Reads Section 58 (2))

Mr. Chairman: 27: Section 59 of the said Ordinance is repealed and the following substituted therefor: (1):
(Reads Section 59 (1))

Mr. Chairman: (2):
(Reads Section 59 (2))

Mr. Chairman: 28: Section 63 of the said Ordinance is repealed and the following substituted therefore: (1):
(Reads Section 63 (1))

Mr. Chairman: Reads Section 63(2))

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, this is one case where many windshields go in the Yukon Territory, at least. It's from these little two wheeled trailers, and it's usually non-residents. It's people perhaps going through to Alaska, and with unguarded or unprotected—no mudguards, that's what it is, and I'm just wondering how you would enforce this sort of thing, because these little carts come up and down the road, and they just heave a constant hail of rocks, and that's where I think just about every rock I have got, I think I have got one from a semi-trailer, and about 20 from these little trailers, and they just keep this spray up.

How would you enforce that in the case of the non-residents?

Mr. Gillespie: Mr. Chairman, I'm not sure of the answer to that question, because the particular vehicles Mr. Taylor is speaking of, I don't believe would be one ton in weight, and therefore would not be covered by this Section.

Mr. Chairman: Mr. Fleming?

Mr. Fleming: Possibly, Mr. Chairman — this is very — I think Mr. Gillespie is probably right in that sense, at the same time I feel very strongly we should put some legislation into this, for that type of small trailer because they are the cause of a good many broken windshields. I have driven many thousands of miles on this highway, and I have got many bumps from that very thing, the small little trailer swinging behind the car that goes up —

Mr. Chairman: Ms. Millard?

Ms. Millard: Mr. Chairman, I have a question for the Mr. Gillespie.

In all these cases we have been talking about inches and feet and everything else. When is the Territorial Government going to be converting to the metric system in the Highways Department?

Mr. Gillespie: Mr. Chairman, I don't have the answer to that question.

Mr. Chairman: Ms. Millard?

Ms. Millard: Mr. Chairman, we do have schedules, don't we? I think there really is a schedule in the government for converting.

Hon. Mr. Lang: Mr. Chairman, there is no schedule at this point.

No, we do have a committee for the change-over for metrication for various departments, but that's as far as it's gone, except for the signs that Mrs. Watson has referred to earlier.

How to ruin a good day.

Mr. Chairman: 29: The said Ordinance is further amended by adding thereto the following new sections: 64.1(1):

(Reads Section 64.1(1))

Mr. Chairman: 64.2(1):
(Reads Section 64.2(1))

Mr. Chairman: 64.3(1):
(Reads Section 64.3(1))

Mr. Chairman: 30: The said Ordinance is amended by adding thereto the following new Sections: 75.1(1):
(Reads Section 75.1(1))

Mr. Chairman: (2):
(Reads Section 75.1(2))

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: Maybe I could have some clarification on this, I really wonder if it is practical, that section, because what if in the Yukon here, we have say a truck on the Canton Road or something, that's involved in some sort of a mishap, an accident, and in order to remove the vehicle from that point, and this has happened many times, they might have to pull a fender away from the wheel or something like this and in fact are able to get that vehicle back into operation and back down to where they can repair it totally.

Before they can do that, in this section, they would have to notify the R.C.M.P. and they would have to get it in writing. Would we not be able to have a phone call or some kind of authority this way, you know — in fact even a phone call might be impractical, because you might not be near a phone, but it concerns me a little bit here.

Maybe the Legal Advisor, I think he probably knows what I am getting at, and maybe he can take that into advisement.

Mr. Legal Advisor: It is something perhaps which Mr. Taylor and Mr. Gillespie can think of.

Mr. Gillespie: I think the point here is that — is in the first sentence of 75.1 sub-section 1, "no person shall commence the repairs", and I wouldn't think that the law would construe moving the vehicle in the way that you mentioned as being —

Mr. Lengerke: Well, my point is that if the fender is pushed in, or a cab has collapsed in some way and you want to push it out in order to free some of the working parts of the vehicle, that in fact you really are commencing some kind of repair. At least if there was an interpretation here, fine, I am quite happy. I am just wanting to make sure that we don't get into problems with it.

Mr. Gillespie: Mr. Chairman, I think the point, to me at least, appears well taken and I would like to take it out for advisement, if I may.

Mr. Lengerke: Thank you.

Mr. Chairman: Mr. Berger.

Mr. Berger: There are vehicles on the roads these days that have oversized tires on there, real wide tires projecting from the body, and I think those vehicles, I mean I know definitely they are spraying gravel something furiously. I think they should be included in this. The wheel projecting from the body should also have mud-guards, especially recreation vehicles. You have vehicles with tires that wide and only one third of it is under the body or the mud-guard.

Mr. Herb Taylor: Mr. Chairman that is what it says right now, with respect.

Mr. Berger: Not really.

Mr. Herb Taylor: In 63(1), 63(1) that is what it says. It has to have mud-guards that adequately protect it from spray or else part of the body protect it from the spray from the wheels. That doesn't necessarily mean spray of water.

Mr. Berger: Mr. Chairman, maybe it is an argument again of enforcement, because I haven't seen very very few of these recreation vehicles with mud-guards on there, or it doesn't have to be a recreation vehicle. There is lots of pick-ups and cars running around like this.

Mr. Gillespie: That is correct.

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: Again I can appreciate the comments of the Member from Klondike, but it really does concern me, especially in the Territory where we do try to promote tourism and the rest of it, we have a lot of recreation vehicles and recreation trailers coming up. If you are going to enforce this, and it could be enforced, you would have to stop every vehicle at the border and turn them around or make them put on a set of mud-flaps. I think we should seriously look at this before we — you know, I fully appreciate your concern, but it is a matter of enforcing it and a matter of dollars and cents involved here.

Mr. Berger: It is a matter of costing me a new windshield.

Mr. Lengerke: I think it is a matter of education, really. I think it is a matter of educating people that are driving on, or wish to drive on gravel roads, or take a trip on the Alaska Highway, this kind of thing, that, you know, by all means have mud-flaps. I think you can even see results of this in the fact that people coming up on the Alaska Highway with recreation vehicles have got windshield guards and this kind of thing. That didn't just happen over night. That was a result of experience and people travelling this way have asked others what they require. I think this is the kind of thing that you can do through a publicity program.

Mr. Chairman: I think in view of the hour, the witnesses will be excused. Thank you.

Mr. Chairman: The Chair will now entertain a motion for Mr. Speaker to resume the Chair.

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

Mr. Berger: I second that.

Mr. Chairman: Agreed?

Some Members: Agreed.

Mr. Chairman: Motion carried.

Motion Carried

MR. SPEAKER RESUMES THE CHAIR

Mr. Speaker: May we have a report from the Chairman of Committees?

Dr. Hibberd: Mr. Speaker, Committee convened at 10:45 this morning to discuss Bills, Sessional Papers and Motions.

The amendments to Bill Number 1 were reviewed. I can now report progress thereon.

The Committee recessed at 11:45 a.m. and reconvened at 1:30 p.m. to consider Bill number 8.

The Minister for Health, Welfare and Rehabilitation requested that Doctors Mason-Brown, Tanner and Asfeldt, and Mr. Duncan, Administrator of the Yukon Health Care Insurance Service be called as witness to consider Bill number 8.

Committee agreed. Dr. Hibberd then turned over the Chair to Mr. McCall.

I can report progress on Bill Number 8.

The Chair reverted to Dr. Hibberd and a brief recess was called at 3:10.

Committee reconvened at 3:20 to consider Bill Number 9 with Mr. Gillespie and Mr. Taylor as witnesses.

I can report progress on Bill Number 9.

It was moved by Mr. McCall seconded by Mr. Berger that Mr. Speaker do now resume the Chair and that motion was duly carried.

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

Some Members: Agreed.

Mr. Speaker: May I have your further pleasure at this time?

The Honourable Member from Ogilvie?

Ms. Millard: Mr. Speaker, I move that we call it five o'clock.

Mr. Lengerke: I second that.

Mr. Speaker: It has been moved by the Honourable Member from Ogilvie, seconded by the Honourable Member from Whitehorse Riverdale that we now call it five o'clock. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the motion carried.

Motion Carried

Mr. Speaker: This House now stands adjourned until 10:00 a.m. tomorrow morning.

Adjourned

LEGISLATIVE RETURN NO. 2
(1975 SECOND SESSION)

December 1st, 1975.

Mr. Speaker,
Members of Council

On Wednesday, November 26th, Councillor Millard asked the following question:

"The Department of Indian Eskimo Affairs Child Care Budget cites a unit monthly cost of Child Care of \$282.05, 86.4 per cent of which is paid to the Territory Government by them. Since the monthly unit cost of a foster home according to statistics given in April 1975 ranges from a \$127.50 to \$168.00 a month, how is the remaining amount per month which ranges from \$154.55 to \$114.05 spent?"

The answer is as follows:

The Director of Child Welfare for the Yukon Territory invoices Indian Eskimo Affairs for all costs incurred on behalf of Indian Status Children who are in the care of the Director. These costs are 100 per cent recoverable from Indian Eskimo Affairs. The costs incurred involve more expenditures than foster home rates, namely \$127.50 to \$168.00; they include recoveries of group home rates, clothing, transportation and all other miscellaneous expenditures. The figure \$282.05 unit cost is an Indian Eskimo Affairs cost, and we are informed by Indian Eskimo Affairs that the difference in the amount expended and recovered by Y.T.G. is incurred by Indian Eskimo Affairs directly with the Department of Human Resources in British Columbia and for their own "private" child care placements.

Flo Whyard,
Member,
Executive Committee.



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M. L. A. Lounge

The Yukon Legislative Assembly

Number 7

4th Session

23rd Legislature

Debates & Proceedings

Wednesday, December 3, 1975

Speaker: The Honourable Donald Taylor

11
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Yukon Legislative Assembly

The Yukon Legislative Assembly

December 3, 1975

December 3rd, 1975

(Mr. Speaker Reads Daily Prayer)

Mr. Speaker: Madam Clerk, is there a quorum present?

Madam Clerk: There is, Mr. Speaker.

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

ROUTINE PROCEEDINGS

Mr. Speaker: We will proceed with the Order Paper. Are there any documents or correspondence for tabling this morning?

The Honourable Member for Whitehorse North Centre?

Hon. Mr. McKinnon: Mr. Speaker I have for tabling today Legislative Return Number 3.

Mr. Speaker: The Honourable Member from Whitehorse Porter Creek?

Hon. Mr. Lang: Mr. Speaker I have for tabling today Sessional Paper Number 7, Rent Control.

Mr. Speaker: Are there any further documents or correspondence for tabling?

Are there any reports of Committees?

Introduction of Bills?

The Honourable Member from Porter Creek?

Hon. Mr. Lang: Mr. Speaker, I move, seconded by the Honourable Member from Pelly River that Bill Number 5 be read a first time.

Mr. Speaker: Perhaps if the Honourable Member would allow we can pick it up later on in the order Paper?

Hon. Mr. Lang: Oh, I am sorry. I am a little disorganized this morning.

Mr. Speaker: Are there any Notices of Motion or Resolution?

Are there any Notices of Motion for the Production of Papers?

We will then proceed under Orders of the Day, to the Question Period.

ORDERS OF THE DAY

Mr. Speaker: Madam Clerk could you ascertain

whether Mr. Commission will be available to the House this morning?

(Madam Clerk Leaves Room)

Mr. Speaker: At this time I will declare a brief recess.

Recess

QUESTION PERIOD

Mr. Speaker: At this time I will call the House to order.

Have you any questions this morning? The Honourable Member from Pelly River.

Question Re: Teachers at Faro

Mr. McCall: Mr. Speaker, I received information this morning of the situation that has developed out in Faro. What is the opinion of the Minister of Education on the situation concerning the teachers out in Faro?

Mr. Speaker: The Honourable Member from Whitehorse Porter Creek?

Hon. Mr. Lang: It is pretty difficult at this time to make an opinion, Mr. Speaker, I learned, probably the same way the Honourable Member from Pelly River learned of what occurred at Faro. I turned on my radio this morning. That is about as much as I know.

I do know that when the Executive Committee went through Faro there was a major concern with the maintenance of housing, and it is my understanding that the deficiencies were fixed, promptly after we left. What has occurred up to now, I don't know. We are looking into it and once I have an opinion to give to the Honourable Member from Pelly River, I will give one.

Mr. Speaker: The Honourable Member from Pelly River?

Question Re: Adequate Housing for Teachers In Faro

Mr. McCall: Thank you, Mr. Speaker, I would like to ask the Minister of Education another question, which has been asked many, many times by many of my constituents, why is there not adequate housing for our teachers in Faro?

Hon. Mr. McCall: Adequate?

Mr. McCall: Housing.

Mr. Speaker: The Honourable Member from Whitehorse Porter Creek?

Hon. Mr. Lang: Mr. Speaker the Housing Authority is taking care of this and they are doing, to my knowledge, as much as they can that is humanly possible to accommodate the teachers in Faro. Apparently there will be three units ready here in the middle of December. It is not really our fault that it has taken so long, apparently, they had to fix up the trailer park area.

I would also like to say that we were not responsible for burning down one of the units. This does have an effect. They are doing the best that they can, at least to my knowledge.

Mr. Speaker: The Honourable Member from Whitehorse Riverdale?

Question Re: Telephone service in Watson Lake

Mr. Lengerke: Yes, Mr. Speaker. This morning I have a question on behalf of the Honourable Member of Watson Lake, and it's directed to — it's an oral question, directed to the Minister of Local Government. I'm wondering if the Minister could advise the House as to what progress is being made towards the provision of telephone services to the new subdivision in Watson Lake, and maybe further to that, I would also ask the Minister of Local Government if he could assure the House that all service connections will be installed in the new Watson Lake subdivision early next year, in order that underground power and telephone cables may be installed?

Mr. Speaker: The Honourable Member from Whitehorse North Centre?

Hon. Mr. McKinnon: Yes, Mr. Speaker, I will answer the easy one first, which is the second one. Everything is well in order as far as the service connections go. There was nobody who wanted to move or build in the new subdivision in Watson Lake during this building season, who wasn't able to because service connections were't available, and it is a priority of Local Government and Municipal Engineering, that all service connections to the property line be a first item of priority next year. So that's well in hand.

The telephone issue is another one, and the Department of Local Government has exhausted every avenue in attempting to provide telephone communication to the residents of Watson Lake in the new subdivision this fall. We just can't go any further, and it's going to be a matter of whether the Local Improvement District can prevail upon the corporation that provides telephones through some method to provide that service to the residents in the new subdivision.

I might say that even though the Department of Local Government really didn't have the responsibility of providing the communications, they didn't make the decision for underground services. That was a decision of the L.I.D., not the Department of Local Government. We still moved in every field to try and persuade the people providing the service that they should on a

temporary basis, provide the services to those people that moved into the new subdivision.

It's interesting to note that after the experience in Watson Lake, there has been other subdivisions that have been developed by the Department of Local Government, where the original plans were for underground services, the Department of Local Government convinced those people that they should go to the standard overhead services, so that they wouldn't find themselves in the difficulties that the people have in the Watson Lake subdivision.

I'm sorry to report, Mr. Speaker, that there is no way that the Department of Local Government can pay the additional costs for these services on a temporary basis, because we have already subsidized the lots in Watson Lake to the tune of a thousand dollars because of the problems developed there with sewer and water, and it's obvious that the Corporation supplying the communication services does not want to provide those services on a temporary basis and put up that money, so it's an impasse, Mr. Speaker.

Mr. Speaker: The Honourable Member from Whitehorse Riverdale.

Mr. Lengerke: Yes, I have a question on my own behalf, this morning, of the Minister of Local Government.

Question Re: Land Policy

Over the past few months, I've had a number of individuals ask me about a land policy for the Yukon Territorial Government. They have said that when they go to the Lands Office here, they are usually given the statement that the Yukon Territorial Government is working on a policy, and I just would like to ask the Minister of Local Government if in fact we are, and are working on a new policy or is it in place, or is it ready to be tabled in this House, or just what is the situation with regard to that?

Hon. Mr. McKinnon: Mr. Speaker?

Mr. Speaker: The Honourable Member from Whitehorse North Centre.

Hon. Mr. McKinnon: It's pretty obvious to anybody who's been in the Yukon for any length of time, that there is no overall land policy in the Yukon Territory, and just go try to purchase a piece of land somewhere in the Yukon and you will get the run-around, and you will know that as well as most of the other citizens of the Yukon.

One of the first priorities when I became involved in Local Government was to second a professional land planner from the Government in Manitoba, a person in the name of Mr. Lyn Chambers, who has been working and working assiduously at the task, which is an impossible task, and 18 months of preparing an overall land policy for the Government of the Yukon. The reason being is that we have sat around this table for as long as I have been here, and yelled and screamed at how shoddy the policies were of the federal government concerning land in the Yukon, but we never took

the initiative and went to the federal government and said "look it, here's what we see as an overall plan that we have prepared". It's got to be better than yours because you ain't got one, so how about passing on the service rights of unalienated land in the Yukon over to the Y.T.G. that at least has got a plan, has put some zoning thoughts into it, and will apportion the land under these recommendations.

So it's being worked on, yes, it's almost an impossible task. In the 18 months that Mr. Chambers is here, he's doing a good job, he's going to have an extremely helpful plan, I think available to the Yukon Territory by the time he's finished, and the moment that it is available, of course it will be tabled before the Members of this Assembly.

Mr. Speaker: The Honourable Member from Whitehorse Riverdale?

Question Re: Timing Of Land Policy

Mr. Lengerke: Would there be any timing on that, Honourable Minister? Have you—

Hon. Mr. McKinnon: He has approximately a year to go, Mr. Speaker. He's been working for a little more than six months at this point in time.

Mr. Speaker: Supplementary?

Question Re: Fuel Tax Exemption

Mr. Lengerke: It's a new question, Mr. Speaker, and that will be my last question.

Again, directed to the Honourable Minister of Local Government, maybe he could give me a little advice here or a little information as to the fuel tax exemption. I believe that municipalities used to be exempt on this a number of years ago, and I was just really wondering if he could give me a little information as to why that was eliminated?

Mr. Speaker: The Honourable Member from Whitehorse North Centre?

Hon. Mr. McKinnon: The Honourable Member from Riverdale is correct under the old Municipal Ordinance, the municipalities were exempt from fuel tax. Under the new Municipal Ordinance, they were picked up and it would be a majority resolution of this House needed to change the Municipal Ordinance to once again eliminate them from that tax.

Mr. Lengerke: Thank you.

Mr. Speaker: The Honourable Member from Ogilvie?

Question Re: Training Program with Arctic Gas

Ms. Millard: I have a question for Mr. Commissioner.

Last spring, my information was that there were 74 trainees from the north working for Arctic Gas, particularly in Alberta. How many are from the Yukon,

and does the government have any control over this training program?

Mr. Speaker: Mr. Commissioner?

Mr. Commissioner: No, Mr. Speaker, I will have to seek the information to be able to reply to the Honourable Member.

Mr. Speaker: The Honourable Member from Ogilvie?

Question Re: Referrals to Welfare Appeal Board

Ms. Millard: A question for the Minister of Health, Welfare and Rehabilitation.

How many referrals have been made to the Welfare Appeal Board since it was instigated, and does she feel that recipients are being adequately advised as to their rights along the procedures?

Mr. Speaker: The Honourable Member from Whitehorse West?

Hon. Mrs. Whyard: Mr. Speaker, to my knowledge, at present there have been none since we established that Appeal Board. I will check and see what the most recent figures are.

Certainly all our professional workers advise any of our clients of their rights and privileges under this Social Welfare claim.

Mr. Speaker: The Honourable Member from Kluane?

Question Re: Aishihik Power Project

Mrs. Watson: Yes, Mr. Speaker, I have a question for the Commissioner and he may take it as a written question.

Since the Yukon consumers of electricity will be paying for the Aishihik power project.

Hon. Mr. McKinnon: Through the nose.

Mrs. Watson: Mr. Commissioner, could you—

Mr. Speaker: Order.

Mrs. Watson: Mr. Commissioner, could you ascertain from N.C.P.C. (1): The total construction cost of the Aishihik power project? (2) The cash compensation being paid to individuals and-or bands for property or other damages created by the project, and such other terms and conditions that have been negotiated as part of the compensation, and (3) The cost of the Haines Junction transmission line?

Mr. Speaker: Are there any further questions this morning?

We will then proceed under Orders —.

Hon. Mr. McKinnon: Mr. Speaker, excuse me, I have an answer to a question that Councillor Lengerke asked on December 1st concerning the situation with

Porter Creek sewage treatment lagoon.

Mr. Speaker, the present status of the lagoon is that the construction plans have been submitted by the Territorial Municipal Engineering Branch and are presently being evaluated by the technical staff of the Yukon Water Board. The plans will shortly be submitted to the Water Board for their decision as an amendment to the present water use licence.

Mr. Speaker: Have you any further questions?

We will then proceed on the Order Paper to Public Bills.

PUBLIC BILLS

Mr. Speaker: The Honourable Member from Whitehorse Porter Creek?

Bill Number 5, First Reading

Hon. Mr. Lang: Thank you, Mr. Speaker.

Mr. Speaker, I move, seconded by the Honourable Member from Pelly River that Bill Number 5 be read a first time.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse Porter Creek, seconded by the Honourable Member from Pelly River, that Bill Number 5 be now read a first time.

Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the Motion as carried.

Motion Carried

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

Bill Number 5, Second Reading

Hon. Mr. Lang: Now, Mr. Speaker, I move, seconded by the Honourable Member from Pelly River, that Bill Number 5 be read a second time.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse Porter Creek, seconded by the Honourable Member from Pelly River, that Bill Number 5 be now read a second time.

Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the Motion as carried.

Motion Carried

Madam Clerk has brought to my attention that I have overlooked Motions on the Order Paper this morning, so we will at this time proceed to Motion Number 7.

Motion Number 7

Mr. Speaker: Moved by the Honourable Member from Whitehorse Riverdale, seconded by the Honourable Member from Porter Creek, that the number of single trip permits as presently allowed under regulations of the Motor Vehicles Ordinance, the Commissioner's Order of 1974-22 schedule 2, 4(b), be limited to two permits per vehicle per year.

The Honourable Member from Whitehorse Riverdale?

Mr. Lengerke: Yes, Mr. Speaker, I moved that particular Motion because we are now dealing with the Motor Vehicles Ordinance, and I think it's a timely situation that at least discuss some of the regulations under it, and there's one that does concern me, because it is of concern to the Transportation Association, the Yukon Transportation Association, and many operators in the Yukon, and maybe this House would like to discuss this further in Committee of the Whole.

Mr. Speaker: The Honourable Member from Pelly River?

Mr. McCall: Yes, Mr. Speaker I would move that this Motion Number 7 be moved to the Committee of the Whole and I believe this will be seconded by the Honourable Member from Ogilvie.

Mr. Speaker: It has been moved by the Honourable Member from Pelly River, seconded by the Honourable Member from Ogilvie, that Motion Number 7 be referred to Committee of the Whole.

Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the motion as carried.

Motion Carried

Mr. Speaker: May I have your further pleasure at this time?

Mr. McCall: Mr. Speaker, I move that Mr. Speaker do now leave the Chair and the House resolve into Committee of the Whole to discuss Bills, Sessional Papers and Motions.

Mr. Fleming: I second that.

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

in the Committee of the Whole for the purpose of discussing Sessional Papers and Motions. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the Motion carried.

Motion Carried

Mr. Speaker: The Honourable Member from Pelly River will take the Chair in Committee of the Whole.

Mr. Speaker leaves the Chair.

COMMITTEE OF THE WHOLE

Mr. Chairman: I will call this committee to order and call a five minute recess.

Recess

Mr. Chairman: I will call the Committee to order. Order please. I would like to turn the Chair over to the Chairman, Mr. Hibberd.

Mr. Hibberd resumes Chair.

Bill Number 9 continued

Mr. Chairman: We will proceed with clause by clause reading of Bill Number 9, Motor Vehicle Ordinance.

Mr. Lengerke?

Mr. Lengerke: Mr. Chairman, are we going to deal with the motion that I had.

Mr. Chairman: Yes, we will. Before the Bill is completed we will be dealing with that motion.

Mr. Lengerke: The reason I ask that, I do, at the wish of the House, I do have a witness here and he could be available along with Mr. Taylor and Mr. Gillespie to deal with the motion.

Mr. Chairman: If that is the wishes of Council.

Some Members: Agreed.

Mr. Chairman: Can we bring the witnesses forward please?

Mr. Lengerke: Mr. Chairman I would like to take the opportunity to introduce to the House Mr. Ron McRobb, he is the proprietor of Pacific Northwest Moving. He is also the immediate past president of the Yukon Transportation Association.

I was very fortunate in being able to have Mr. McRobb here this morning. There are other members of the Yukon Transportation Association that could have appeared as witnesses, however, they do have

busy schedules, and as I say Mr. McRobb was available. Certainly he can speak very well. I think, for the transportation industry, especially with respect to the subject that I have put before you through the Motion Number 7, that is dealing with the single trip permits. That again is under the Motor Vehicles Ordinance, Schedule under Commissioners Order 1974-22.

Mr. Chairman: Mr. Lengerke, I think we will proceed with the clause by clause reading and get to your motion at the end of it.

Mr. Lengerke: Okay.

Mr. Chairman: We are on page 16.

31. Section 79 of the said Ordinance is amended by adding thereto the following new subsection:
(Reads subsection 5)

Some Members: Clear.

Mr. Chairman: 32. The said Ordinance is further amended by adding thereto the following new subsection:
(Reads 80.1)

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, I would like to go back to 31(5) regarding the speed limit. I think the legislation, the law is here, but I think some of us are concerned about the enforcement. I think that there are various areas in the Yukon where we could have more of an enforcement program of this.

I am wondering if there is any way that this Council can put on pressures that there should be more enforcement of this section?

Mr. Chairman: Mr. Gillespie do you have any comment?

Mr. Gillespie: Mr. Chairman, I can only say that the administration is in full agreement with the message that Mrs. Watson has delivered. All we can do at this point in time, is to approach the R.C.M.P. and I will undertake to do that, and seek more enforcement than has been the case in the past in this particular area.

Mr. Chairman: Thank you. 33. Subsection 95(3) of the said Ordinance is repealed and the following substituted therefor:
(Reads sub-section 3)

Some Members: Clear.

Mr. Chairman: 34. Subsection 101(2) of the said Ordinance is repealed and the following substituted therefor:
(Reads sub-section 2)

Mr. Chairman: Mr. McCall?

Mr. McCall: I am a little confused about that piece of language there. Is this saying that we are going to eliminate stop signs.

Mr. Chairman: Mr. Gillespie?

Mr. Gillespie: Mr. Chairman, from a private laneway there isn't a requirement now to have stop signs, and we would cover entry onto a main road from a private laneway, by this as well, so people can't come on from their own property onto a highway without stopping. This would be the effect of this.

Mr. Chairman: Mr. McCall?

Mr. McCall: I'm still curious. Mr. Gillespie just made a point about removing all stop signs on secondary roads. I think they should be, as well as on highways.

Mr. Legal Advisor: Mr. Chairman, the old Section read, "he shall yield the right-of-way". This is adding the word "stop" and saying he shall stop and yield the right-of-way. That's the change that is made here.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Yes, Mr. Chairman. During the discussion on the last three sections in particular, each section brought to mind the use of snowmobiles and their applications in these sections, and I just simply would like to know if the administration have taken into account the relationship between snowmobile type vehicles and their application under the Motor Vehicle Ordinance, and whether or not there are any specific regulations coming down as to their use on public highways.

Mr. Chairman: Mr. Gillespie?

Mr. Gillespie: Mr. Chairman, there is a section that I don't believe we have come to yet. In 38(1)36, we're talking there — we will be talking there about an air cushioned vehicle, but that does not answer the question that is being put by Mr. Taylor.

I will have to refer the question to Mr. Herb Taylor.

Mr. Herb Taylor: Mr. Chairman, there aren't any specific regulations now dealing with the operation of snowmobiles on highways, and therefore, they are obliged to obey all the regulations that apply to automobiles equally.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, perhaps the question was you know, have the administration given any consideration to bringing down regulations which would more or less specifically place additional controls upon the use of snowmobiles on public highways?

Mr. Gillespie: Mr. Chairman, to my knowledge we haven't addressed ourselves to that particular question up to this point in time, but clearly it is something that we are going to have to do in the future, particularly as we see the way the provinces are responding to what is a real problem there in this regard.

Hon. Mr. Taylor: That's fine, Mr. Chairman.

Mr. Chairman: 35, the said Ordinance is further amended by adding thereto the following new sub-section: 107.1:

(Reads Sub-section 107.1)

Mr. Chairman: Ms. Millard?

Ms. Millard: Mr. Chairman, my question is simply and then what happens?

Mr. Gillespie: Mr. Chairman, the peace officer writes it down.

Ms. Millard: There's no ticket or anything? There's no fine for walking across the middle of the highway?

Mr. Gillespie: Mr. Chairman, in spite of my facetious remark, the peace officers indicated to us — the R.C.M.P. indicated to us that they had some difficulty of getting the name of a person who was violating the Ordinance in the past, and they have just asked us to put this particular Section in so that they are able to at least be able to get that person's name, and be able thereby more effectively to deal with the infraction.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, I would direct a question to Mr. Legal Advisor, and ask him in Section 35 of this Bill if perhaps this should not also apply to Local Improvement Districts who do make by-laws respecting the roads within the improvement district?

Mr. Legal Advisor: I'm not aware that they have the power to make by-laws respecting roads. As I understand it, the Commissioner makes the regulations which apply in respect of highways within Local Improvement Districts, but if they in fact get that power, then the pedestrians should be required to give their names and addresses on the demand of a peace officer.

Mr. Chairman: 36, Subsection 111(1) of the said Ordinance is repealed and the following substituted therefor:

(Reads Subsection 111(1))

Mr. Chairman: 37, Subsection 115(1) of the said Ordinance is repealed and the following substituted therefor:

(Reads Subsection 115(1))

Mr. Chairman: 38, the Said Ordinance is further amended by adding thereto the following new sub-section: 136.1(1))

Mr. Chairman: 39, Section 158 of the said Ordinance is repealed and the following substituted therefor:

(Reads Subsection 158.(1))

Mr. Chairman: (2):
(Reads Subsection 158.(2))

Mr. Chairman: 40, Subsection 164(2) of the said Ordinance is repealed and the following substituted therefor: (2):
(Reads Subsection 164.(2))

Mr. Chairman: 41, Subsection 171.(1) of the said —
Mr. Taylor?

Hon. Mr. Taylor: Just one question arising out of 40. What happens to the plates after the officer takes possession of them? Is there anything laid down in the existing Ordinance? I just don't have it at hand as to what he does with those plates? I think he turns them into the Motor Vehicle Office, the nearest Motor Vehicle Office.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman my question would be described in the Ordinance and the other procedure you say here the officer takes possession of the licence plate but we make no provision, apparently, as to what he does when he receives those plates.

Mr. Herb Taylor: There is another section. I think

Hon. Mr. Taylor: Well, there is a section.

Mr. Herb Taylor: There is a section, it shall be turned into the Motor Vehicles Office.

Mr. Chairman: Mr. Fleming?

Mr. Fleming: Yes, Mr. Chairman, I must ask a question that really has something to do with safety in this case, but I don't see it right where we are at the moment, and I have been almost to the end and I haven't found it. I am wondering is there any provision, which I can't find in the regulations for vehicles such as buses, I will use the instance of buses especially, is there a regulation that controls what model, not necessarily the model, but the quality of the tires that are used on a vehicle such as this?

Mr. Herb Taylor: Mr. Chairman there are safety regulations pertaining to school buses and there are general vehicle safety regulations. I believe that point is covered, I am not positive of that. There are vehicle safety regulations.

Mr. Chairman: Mr. Fleming?

Mr. Fleming: Yes, Mr. Chairman, I have read through the regulations and I just can't find anything in there under this. I find all the lights and all the things that we need for safety and I am quite concerned about the tires because I have had a few drivers come to me and say, and I will not quote any, you know, who or what, say that, you know, we have a problem these people don't quite keep the tires on this bus and we are a little afraid to drive it too fast and so forth and so on. My feeling is that it is something that really should be looked into, if it is not there now.

Mr. Gillespie: Mr. Chairman we will undertake to look into the regulations to ensure that this point is properly covered.

Mr. Chairman: Thank you, Mr. Gillespie.
Mr. Berger?

Mr. Berger: Thank you, Mr. Chairman, I have to rise in support of the Honourable Member from Hootalinqua. I would even go one step further in this There is absolutely nothing in there either to cover taxi operations. We are quite concerned about having proper licence plates and things like this, but there is absolutely nothing in there that specifically spells out the safety of the car.

I think taxis running around in this Territory shouldn't be on the road at all, not even for private use. I think it is quite a concern. If somebody goes in the business of transporting people I think it should be spelled out in an Ordinance what vehicle he can use, and what shape it should be in, and I would go one step further, buses and taxis and school buses should go for a check up every six months to make sure that the vehicle is in safe condition.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Yes, Mr. Chairman, I nearly overlooked something I spotted earlier. I did want to ask a question in relation to section 40, as well and that is, where an officer has had reason to believe that plates were wrongfully on a vehicle and took possession of the licence plates and then it was found after this fact, that in fact, the person did have a right to the plates, what provision is made for the return of the plates to the person who owns the vehicle.

Mr. Herb Taylor: We didn't make any provision for that. We couldn't foresee the officer making such a stupendous mistake as that.

Mr. Chairman: Ms. Millard?

Ms. Millard: Yes, Mr. Chairman, I would like to bring us back to Mr. Berger's question about motor-vehicle inspection, especially public transport. Is there any thought in the administration to establishing a motor vehicle inspection area?

Mr. Herb Taylor: Periodically the R.C.M.P. do put on a check for all vehicles on the highway and check them for everything, and check the operator for his authority too. They are doing that at least once a year now. I don't know just how often they plan on doing it.

Mr. Chairman: Ms. Millard?

Ms. Millard: Mr. Chairman just a supplementary. Is that just in Whitehorse or are they doing that through the whole Territory and is there a chance of having it done more often than once a year?

Mr. Herb Taylor: I am not sure whether they do it in all areas of the Territory, but on the highway they

make their periodic checks some place. We can ask them to do it if you wish.

Ms. Millard: Yes, Mr. Chairman, I would like them to take note of that anyway. It is my feeling that it should be done more often, certainly for public transport.

Mr. Chairman: Mr. Taylor?

Mr. Taylor: Mr. Chairman, it raises another point. I don't think that a direction from one member can be considered a decision of the whole Committee, and I think that any such direction to the administration should be done by substantive Motion or by a vote of the Committee, and I wouldn't want the witnesses to think that that is a direction of the Committee.

Again back to Section 40, it has been indicated by the administration that no consideration had been given to the return of plates to an owner where, in fact, he was entitled to have them back. I would ask if the administration might consider while they are reviewing other sections of this Ordinance, that they would take a look at Section 40 with a view, perhaps, to remedying this. Because you have offered no protection for the person whose plates have been, perhaps wrongfully, picked up, and perhaps as has been indicated, the officer having taken the plates under his possession, that there is provision elsewhere in the Ordinance for their return to the Registrar.

But if in fact that's not clear, perhaps that should be spelled out as well.

Mr. Chairman: Is that a direction of Committee or of an individual member, Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, if you notice I asked a question of the administration, if they would be prepared to do that in the review of the Ordinance.

Mr. Chairman: Mr. Berger?

Hon. Mr. Taylor: Mr. Legal Advisor—

Mr. Berger: Thank you, Mr. Chairman. I'm quite prepared to suggest to this Committee not to pass this Ordinance until we have a proper safety standard in this Ordinance. If somebody wants to make a Motion to the effect or anything like this, I am quite prepared to—because I am more concerned about the safety of public transportation, than the licence plates on the vehicles.

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: Just in keeping with the Honourable Member from Klondike, I was just wondering, I was looking through the Ordinances and not being familiar with them all, I was looking for a Public Vehicles Ordinance, or a taxi cab or a livery Ordinance, that does spell out specifications as to how the—what conditions the vehicle should operate and what they have—and what requirements they have to meet before they are licensed.

I do think that we should be looking towards some sort of a Public Vehicles Ordinance that does spell out

specifications, conditions to operate buses and taxis. I concur very much with Mr. Berger that we should bring some legislation forward to strengthen that.

Mr. Chairman: Mr. Gillespie?

Mr. Gillespie: Mr. Chairman, if the House will permit us, what I would like to suggest is that the administration first make a close examination of the regulations that we have, examine where they are deficient in this very regard, and then alter those regulations to take into account the concerns that have been expressed.

Once again, I'm concerned about timing here, and the prospect of holding up this whole Bill while we perform this examination and prepare the necessary amendments to the regulations to give effect to these concerns.

Mr. Chairman: Is that satisfactory to the members of the Committee? Mr. Lengerke?

Mr. Lengerke: I can't speak for all Committee, but I would like to make this comment, that I can appreciate Mr. Gillespie's comments there. I do think that there is legislation, there are regulations that the provinces have that we could take a look at, but the timing on that wouldn't be all that long, would it?

You could probably get back before this Session closed, with some sort of a report, because certainly the safety situation, I don't think will be too hard.

Mr. Gillespie: Well we can certainly attempt to do so.

We will look into it right away.

Mr. Chairman: Mr. McCall?

Mr. McCall: Thank you, Mr. Chairman. I thought the Honourable Member from Klondike brought up a good point, Mr. Gillespie brought up a good point. Maybe we should complete reading this Bill, and then just report it in Committee until we have got further information.

Mr. Chairman: I wonder about the capability of the administration to bring that back while this Session is still in.

Mr. Gillespie: Mr. Chairman, what we are proposing to do is to look at the regulations themselves. We are not at this point, proposing to look at changes to the Ordinance.

I'm wondering, if it is the view of the House that it is critical, that we have it ready before this Session ends. It will depend partly on how long this Session takes before we get this information.

We are having enough difficulty as it is with obtaining material from the provinces through the postal system. Before we concluded our examination of this, I think we would want to have in hand some of that material from the provinces. I would not like to give an undertaking that we will have those regulations—regulation changes ready before the end of this session.

Mr. Chairman: Mr. McCall?

Mr. McCall: Thank you, Mr. Chairman.

In view of what Mr. Gillespie has just said, I think a compromise can be reached whereas we can consider the time element here and maybe, if there is no objection from the Members, we could expect to review these regulations in the next sitting.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Yes, Mr. Chairman, I only rise—about ten questions back I asked a question, I wonder if I can now have an answer in respect of Section 40, and I asked if the administration would review or intend on reviewing Section 40 in light of the remarks that I made on this subject.

Mr. Legal Advisor: Mr. Chairman, in the old Section from which this is an amendment, it said that the officer may seize and hold them pending receipt of instructions from the Committee. I think that might be a suitable phrase to carry forward with the amendment in the totality of it, and perhaps we might be able to review it in the light of that possibility.

Mr. Chairman: Mr. Lang?

Hon. Mr. Lang: No that is okay.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, regarding the safety regulations that we were discussing, and I realize there is quite a time element involved and it would take quite a comprehensive review, but that doesn't prevent each one of us, as individuals, for reviewing the regulations themselves, and I must admit that I haven't read them for some time, in fact I am sure I haven't read some of them, period.

So as an individual Member, I think I should take it upon myself to read these and then we could indicate the areas in which we feel there are deficiencies in the regulations and ask the administration to look at them and see whether they can correct these deficiencies. If the regulations are really quite extensive and have profound effects, I think that before they are put into effect, they should be brought back to the next Session of Council. I don't think we can expect a completed package before we adjourn this time. But we can certainly indicate the specific areas where we feel there are deficiencies, and at this present time, I can't say where there are deficiencies, because I don't know what the regulations are. So everyone of us better read them and study them.

Mr. Chairman: Mr. Berger?

Mr. Berger: Yes, Mr. Chairman, I'm quite willing to compromise because I realize that there's lots of work involved. I would like to have the assurance from the administration that something will be done in the next session. I went through the regulations, there's absolutely nothing in there, even the school bus regulations as far as I'm concerned is not strong

enough, doesn't spell it out strong enough, the responsibility of the school bus owner, what to do. If the administration could give me the assurance I'm quite willing to compromise.

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: Yes, Mr. Chairman, I would just like to make the suggestion that we move ahead, complete the Bill, we report it at such, and with specific instructions to the administration to look at and report back as quickly as possible on the safety regulations with respect to school buses and taxis.

Mr. Chairman: Mr. McCall?

Mr. McCall: Thank you, Mr. Chairman. Could we carry on with the reading please?

Hon. Mr. Lang: Mr. Chairman, before we leave this, I would like to echo the words that the Honourable Member from Kluane said. I think the onus lies on some of the members as well, to go through those regulations, and if they have a specific recommendation, get it to the administration and we will see what we can do about it.

Some Members: Hear, hear.

Mr. Chairman: Mr. McKinnon?

Hon. Mr. McKinnon: Mr. Chairman, the thing that I am worried about is that we get into this kind of debate all the time, and all these things are very nice in a provincial type area, but I always look as to who is going to finally pay the costs of the system of inspection.

Now, the Government of the Yukon Territory spent in their contract with the constabulary last year was pretty close to one million dollars to the taxpayers of the Yukon money.

Now, are we willing at this time to set up another completely separate different branch of government, an Inspections Branch which has a building, mechanics, the total inspection type of personnel that are available in the provinces for people to have their — the buses, the cabs, the cars and the trucks of everybody in the Yukon tested. Is this a priority of government, or are we going to bring in stringent regulations once again that spell out all these beautiful things of trying to pass off to the public that these things are available to the people of the Yukon Territory, when there is no money, there has been no money voted, and nobody is willing to vote the money.

Come on, let's stand up and be honest about what we are prepared to do. The administration needs a directive from the Council that they consider this from the Assembly, as a priority of this Assembly, and that they are willing to pay X amount of the taxpayers' dollars to be able to set up this program, over and above, the extent of monies that are paid every year for the policing of this Yukon Territory, which will next year be over one million dollars.

You know, we can sit here all we want and say these

things should be done and those things should be done, don't we have a responsibility of saying this is a priority as far as monies are concerned, and you find the monies and take another program and set this one up as a priority, and delete the other one.

Mr. Berger: Thank you, Mr. Chairman. If the Yukon is going to promote tourism I think it is very, very important, I don't want to say it happens right now, but I have seen it in the past when there was a bus run in existence and the bus goes down the road and the door fell off. In the winter time at 60 below the buses on the road, there is absolutely no safety equipment on the bus, endangering the lives on the bus.

A taxi picking up people from an airport and the hood falls off. The seats are in shreds, in pieces, the pilot ends are ready to fall off because there is no stringent regulation in the Ordinance to spell out what shape the vehicle should be in.

I am quite willing to spend enough tax dollars to install a new enforcement branch.

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: Mr. Chairman, I can certainly sympathize with the remarks of the Honourable Minister with respect to dollars. I don't think there is anybody else more aware of the budgetary constraints than I am. I would just like to say this, and I would like to emphasize this. I think, that if in view from what we have heard from the witnesses, if in view of what we have heard of the comments around here, that there are lacking regulations with respect to safety, and I say specifically with respect to safety of buses and public service vehicles, that I think we should be doing something about it and we should write it in there so that we do in fact give our law enforcement people some back-up on that.

I certainly don't want to be the one that answers when a school bus or something is found to be running down the road with scab tires on the thing and it shouldn't be operating. I think this is the point we are trying to make. We are not looking for a mountain out of a molehill. We are not trying to defer legislation from going through.

I think that there is some simple pieces that have to be added, and obviously it was said. That is what we are looking for.

Mr. Chairman: Can I take it then that the administration is undertaking to review this, and will bring this back.

Mr. Herb Taylor: That is right.

Mr. Chairman: 41. Subsection 171.(1) of the said Ordinance is repealed and the following substituted therefor:

(Reads Subsection 171.(1))

Mr. Chairman: Mr. Gillespie?

Mr. Gillespie: Mr. Chairman there is a typographical error here, it is not guilty, it is guilty.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman what was the original penalty in the original Ordinance I just don't have it in front of me.

Mr. Herb Taylor: Mr. Chairman, the penalty was, for the first offence, one hundred dollars; for a second offence, one hundred and fifty and for a third and subsequent offence, two hundred dollars, maximum.

Mr. Chairman: 42. Section 175 of the said Ordinance is amended by adding thereto the following new subsection:

(Reads Subsection (3))

Mr. Chairman: 44. The said Ordinance is further amended by adding thereto the following new section: (Reads section 176.(1))

Mr. Chairman: We will now deal with Motion Number 7.

Motion Number 7

Mr. Chairman: I will read the motion: That the number of "Single Trip Permits" as presently allowed under the Regulations of the Motor Vehicles Ordinance in Commissioner's Order No. 1974-22, Schedule II 4(b), be limited to two permits per vehicle per year.

Mr. Lengerke?

Mr. Lengerke: Mr. Chairman, there is a thought occurred to me, and I don't know if this appropriate or not, but I would like to move, or I would like to suggest and addition to that particular motion. I would like to say this, on the tail end of that that two permits per vehicle per year except in the case of an emergency or circumstances effecting the public well being. I could maybe explain this.

If the House allows me now, I will make a few comments about the motion.

Mr. Chairman: Yes.

Mr. Lengerke: I am not an expert in the transportation field by any stretch of the imagination, but, in my time in Yukon and speaking to numbers of truckers and people involved in the industry, I found that at the present time, they do obtain operating authority — just before I carry on, I would ask any of the witnesses here to interject if I sort of get on the wrong track as to the terminology, because we can maybe square this up a little but.

I know they do obtain operating authority and I think this is under P.S.V., Public Services Vehicles licences. I don't know all the Regulations that are concerned obtaining this kind of a licence. But I do know that along with, or in addition to obtaining an operating authority in the Yukon Territory that there is such a thing as a Single Trip Permit allowed. This is really a vehicle available to say, a trucker operating from outside of the Territory who wants to carry certain items through or into the Territory and he can

obtain a permit to do so.

Now, there is no limit on the number of permits that are available at the moment. This then, as you can probably obviously see, is that you can have a trucker from outside of the Territory that could obtain ten or twelve permits per year, or whatever, and provide transportation into the Yukon, where in fact, he should be probably interlining with a Yukon operator, or at least be limited. What we are really trying to do is strengthen the transportation industry in the Yukon.

I would ask that either Mr. Taylor or Mr. McRobb, maybe you could probably give a little more background on the way these trip permits are used, and again just back to the case of the emergency or circumstances involving public well-being, I just say that there may be a case where permits have to be issued more than two permits per vehicle, or there may be an emergency situation arise where we would have to give authority to truckers, in the case of a civil disaster to operate, and that's why I added that line.

Mr. Taylor, maybe you would have a comment further to this?

Mr. Herb Taylor: Well, yes, Mr. Chairman, the permit limitation was removed several years ago. As a matter of fact, it's quite a number of years ago when there used to be such a body as a Transportation Bureau under the old Board of Trade in Whitehorse. There are still one or two of the operators who were on that Committee, and members of the Yukon Transportation Association today, and it was at their request that the permit limit was taken off, and the fee was raised to \$100.00 for a trip permit into the Territory, and \$50.00 for a permit to go through the Territory.

Prior to that it was around \$12.00 per trip, and it was at their suggestion that it was raised to \$100.00, and it was their suggestion that we take the limit off the number, and we did used to limit it to three per operator, not per vehicle. You realize that the reason for that was that there are several operators outside of the Territory, for instance Consolidated Freightways or Lynden's or large companies that have several hundred vehicles, and they would just merely send another vehicle up here if we had a limit on the permits per vehicle.

So possibly you might consider changing it to read per operator or per owner, but it was at their request that it was changed, and we don't have any, as far as I am aware, any hard feelings about changing it back to a limit per operator, as far as I am concerned.

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: Yes, Mr. Chairman. Maybe now I could ask Mr. McRobb, and you could maybe comment the same way. I am not going to prompt you in any way, because I would like to just really hear what the facts are, how you feel about that?

Mr. McRobb: Yes, Mr. Chairman, I don't know how this all got started, Herb, who has been around the government for quite a few years, and I'm surprised to see that maybe the forerunners of our Transportation Association possibly initiated this \$100.00 permit.

However, it turned out there was some lack of foresight or thinking when this was initiated, because for a hundred dollar fee, any carrier who is not licensed under the Transport Public Utilities Ordinance, in other words, has no operating authority, can come in here as many trips a year as he pleases by paying \$100.00.

Now, it already costs us up here to operate in the Yukon, maybe \$1,200.00 for a plate, so another operator can come in here 12 times with one truck and he is no worse off than we are. In other words, actually he is better off coming in on permits, and things have changed a lot in the last few years. There has been more applications than ever for people trying to get operating authority, on the grounds that maybe some day there is going to be a big boom in the Yukon, but it hasn't happened yet.

But what happens is that every carrier in Canada basically has operating authority in here, by paying this \$100.00 permit. I think it's a very unfair advantage against a Yukon operator, by the fact that we cannot go outside and buy permits. If we want to go into B.C. we are restricted to possibly three permits a year, and Alberta has a restriction on the number of permits per vehicle, and after you run out of permits, you apply to the Board, the Transport Utilities Board for operating authority, and you have to show approved public need.

In other words, why you are hauling it and other licensed carriers can't be doing the business, and you have to go to a hearing, where here it's not necessary. \$100.00 on a long haul like the Yukon, we are 1,654 miles from Vancouver, which would be one direction which would be one supply depot, and the other one would be Edmonton, which we are 1,276 miles away.

Now in this day and age, \$100.00 on a load of freight coming out of Vancouver is not going to make any difference. In other words, just to give a name here, look at Yukon Freight Lines. If he is running—uses one tractor and can run one trip a week per tractor between here and Vancouver, he can make, let's say 50 trips a year. That would be the maximum.

Now, if he buys a licence plate in the Yukon, it could cost him \$1,200.00 and so if he buys permits it costs him \$3,800.00 per year more to run all year.

Now running an operation like that, \$3,800.00 just in a year—you can't even come close to budgeting that. What happens, the net effect is that we get loads that are available in Yukon, and other truckers, they just happen to have some equipment down at that moment or they buy their payroll, so-called, during the winter time and they can come in on these permits quite successfully.

It is our feeling that a restriction should be made on the permit. The permit is under the Motor Vehicles Ordinance, and yet the regulations governing the fact that you have authority to come in as under the Transport Public Utilities Board now. All we want is to put a restriction on the number of permits. Also, we even thought that some thought could be given to even raising the fee, even though we have the highest fee per permit in Canada now.

There's one jurisdiction, let's say Alaska, it's impossible to buy a permit in Alaska. They have an emergency type of permit, in other words if there's an

earthquake, they may let a Canadian carrier come in there, and I use the word "may", otherwise no. You apply to the I.C.C. in Washington, and maybe \$25,000.00 later and legal fees, you may get operating authority to go to Alaska.

Not so in the Yukon, these people can come in for \$50.00, they can come to, really what I call a small town P.S.V. board, compared to I.C.C. that's what it's got to be, and you either get operating authority and buy a plate, or failing that, they got in for a \$50.00 permit, and we can't get into Alaska.

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: Undoubtedly, Mr. Chairman, there are probably a number of amendments that probably the Transportation Association would like to see made, and I have spoken to them, and I would be hopeful that at some other point in time they will appear before this House or make some suggestions as to other amendments.

At this point, though, we are dealing with the permits, and I know Mr. Taylor made a comment that kind of interested me, and I would like Mr. McRobb's reaction to it. In the Motion I've got that if you allow two permits per vehicle per year, is this really satisfactory, or should it be two permits per operator, or maybe it should be four permits per operator, but this is something that concerns me.

Mr. McRobb: I think as a witness I would like to go back to my Association, and I think in something like this if it was possible, some thought should be given. I would seem to favour two permits per vehicle, and not limit to a company—because you can have one company that's always got one or two trucks, and sure you might have a larger company, but in the case of a real public need, it could happen that we would have to bring all the rigs up here or something like that, and you would need 40 or 50 trucks. There's got to be some way of these loads being brought in, I would feel.

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: Mr. Chairman, in view of what Mr. McRobb has said, and I don't want to waste the time of the House and certainly we are not doing that by discussing this, but he just made the comment that he would like to maybe talk to the Association further on this, I think there must be some question in his mind. In view of that, I would suggest that we maybe leave this Motion over. We should not deal with it.

Mr. Chairman: Mr. Lang?

Hon. Mr. Lang: While we have the witnesses here. I have a question, and correct me if I am wrong, we are talking, we are discussing the permits of other jurisdiction's carriers coming into the Yukon.

Now, I have talked to various truckers who lived in the Yukon for X amount of years, and finally have decided to invest in a truck. Now, my understanding is that the P.S.V. has more or less created a closed shop. In other words, the small guy that's finally got a few bucks together and is going to go into business, it's

almost impossible for him to get a Public Service Vehicle licence.

Now, am I correct in saying this? I have talked to three or four truckers that have had this problem, and then I understand as well that some of these people who are selling trucks, they are not of that much value, but their company is worth that much more because they have the P.S.V. operating authority.

Mr. Chairman: Mr. McCall?

Hon. Mr. Lang: Well, I want to know if that's correct.

Mr. McRobb: Well Danny I for one am against people selling P.S.V.'s, this business of going and getting an authority and then selling it tomorrow.

Hon. Mr. Lang: Is my statement correct, what I have said more or less?

Mr. McRobb: Not quite, Danny. If a small operator wants to go buy a truck and put it on the road tomorrow, it may sound harsh that we prevent—this man is prevented from hauling, let's say he's starting a freight haul between possibly here and Faro. It's for his good, and the public's good that he has to prove his case, because there's the other edge of it, you can have a different guy with a different truck every week, with a broken down truck, and nothing but difficulties. Is this what the people want in outlying communities, or do you want proper service, and the fellow who wants to buy a truck and drive it himself, there's opportunity in the Yukon for him to put it on lease with a company and concentrating on what he does best.

In other words, he wants to drive the truck, he wants to own the truck, there is no problem doing that. If he wants to get into the trucking business, he has to prove public need, I would feel.

Hon. Mr. Lang: Mr. Chairman?

Mr. Chairman: Mr. Lang.

Hon. Mr. Lang: Thank you.

This is my point, is that okay, hypothetically I'm a trucker and I want to start my own business. I don't want to go under lease to White Pass. Now how good a case do I have to put forward to the Public Service Vehicle or Utility Board or whatever it is? This is my point.

If I want to go into business and I have lived in the Yukon, I've paid my taxes, I should have that opportunity. I shouldn't be snuffed out because White Pass has collected two or three P.S.V.'s by subsidiary company.

Am I not correct in —

Mr. McRobb: Well, Mr. Taylor—

Hon. Mr. Lang: — saying that the P.S.V.'s, there's X amount of P.S.V.'s?

Mr. McRobb: Mr. Taylor happens to be the Chairman of the P.S.V. Board —

Hon. Mr. Lang: I realize that, I'm sorry, I'll direct the question —

Mr. McRobb: He could possibly answer that question, how hard it is to get a P.S.V.

Mr. Chairman: Mr. McCall?

Hon. Mr. Lang: Well Mr. Taylor, I want an answer to my question.

Mr. Chairman: You're engaging in debate with the witness.

Mr. McCall: Thank you, Mr. Chairman, I'm glad you realized that.

In view of what Mr. Lengerke has stated, I think it would be an appropriate time if we put this Motion over and allow the witness to discuss this with the Association, and then maybe before the end of this Session, we could get together with the Association.

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: Yes, Mr. Chairman, I'll withdraw my Motion, with the approval of the seconder, the Honourable Member from Porter Creek?

Hon. Mr. Lang: Okay, I will withdraw the Motion, but I have a question for Mr. Taylor —

Mr. Lengerke: And I would hope that the Association would be able to provide further information later before the end of this Session.

Hon. Mr. Lang: Mr. Chairman?

Mr. Chairman: Mr. Lang?

Hon. Mr. Lang: Mr. Chairman, I have a question for Mr. Taylor, and if I do get into debate with him, please don't —

How difficult is it for me as a private individual to get a P.S.V.? How, how — in other words, what do I have to show as good case or good cause in order to get an operating authority?

Mr. Herb Taylor: Mr. Chairman, the conditions under which the Board operate are set out in the Transport Public Utilities Ordinance. There are, I think there's three main points that the Board must consider when they receive an application.

One of them is the effect that the issuing of the operating authority may have on existing companies who are providing the same service, and another one is they must consider the ability of the applicant to provide proper service, and I'm not sure what the third one is, but it is not absolutely impossible to get an operating authority.

The only criticism that the Transport Public Utilities Board has received from anybody is that they have issued too many operating authorities, and when I say that, I mean from anybody.

Hon. Mr. Lang: Criticism by whom, Mr. Chairman?

Mr. Herb Taylor: Well the only criticism they have received by anybody is that they have issued too many operating authorities, and when I say that, I mean from anybody.

Hon. Mr. Lang: Criticism by whom, Mr. Chairman?

Mr. Herb Taylor: Well the only criticism they have received by anybody is that they have issued too many operating authorities. One year alone we cancelled 75 operating authorities that hadn't been used that year. I have that list in my office, and I as a matter of fact, sent a list of the operating authorities that had been cancelled to the Transportation Association, because they were the biggest critics of the Board for issuing too many authorities.

However, it's not impossible, but let's say it's hard, and it should be, that's why the Board is there, is to protect the public from fly-by-night operators that will buy a truck that's sold off by some company, and try to get into the transportation business which is something that they shouldn't be doing.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Yes, Mr. Chairman, this has always been an interesting subject. What would be wrong with proposing that any Yukon resident, or any Yukon based company, or anybody — and what I am trying to say is that lives in the Yukon, being able to go down, just like any — like picking up a driver's licence or a set of licence plates for his car, be able to go and say yeah, I see opportunity in the transportation business, I can haul just a little bit cheaper than the other fellow, and I can make things a little — I can make a few dollars here, and why can't — why shouldn't he be permitted to go down and get a P.S.V. licence, and leave the Board to regulate over all P.S.V. holders on what they must do to maintain their licences, I suppose, in terms of public safety and public service.

But why not? Why should we offer to just a few transportation companies in the Yukon, you know, the right to have P.S.V. licences? In other words, I think the Honourable Member from Whitehorse Porter Creek has a good point. Then if outside truckers want to come in, put them under the purview of the Board and make them make application in the normal route. But why not give a Yukoner a chance, and why allow monopoly in the Yukon?

I would like to hear some comment on that, Mr. Chairman.

Mr. Chairman: Mr. Berger?

Mr. Berger: Thank you, Mr. Chairman, I have a question of Mr. Taylor. P.S.V. licence, how long can an operator hold onto a P.S.V. licence without using it actually. I am aware of some cases where there is people holding onto P.S.V. licences and have absolutely no truck or vehicle to use it on, except a pick-up maybe, a half ton truck or so?

Mr. Herb Taylor: Well in the Public Utilities Board the opportunity is set out for anybody to complain to

the Board as to how the operating authority that a person holds or that a company holds, is operated. If evidence is supplied to the Board that a company has ceased to exercise the privilege of this operating authority then the board has the authority to cancel it. This is what I meant when I said in one year we cancelled 75 operating authorities. Those were mainly because the operator had not purchased licence plates. We have in the past reviewed operations that complaints were received on the method of their operation. If you know of any case where somebody has a P.S.V. licence just to hang on to it, well the Board would be interested in that.

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: Yes, Mr. Chairman, I am looking for some direction from the Chair on this one. I don't want to lose this motion to this Session, and I am wondering if I should ask for a minute recess and ask for some point of reference.

Mr. Chairman: I will declare a five minute recess.

Recess

Mr. Chairman: Order.
Mr. Lengerke?

Mr. Lengerke: Yes, Mr. Chairman, I would ask that the motion be left in Committee, and that is my request.

Mr. Chairman: On that note I think I will terminate debate for the present time.
I will now stand Committee in recess until 1:30.

Recess

Mr. Chairman: I now call this Committee to order.

Amendments to Bill Number 2

We will proceed with the Amendments to the Legal Aid Ordinance.

"The following are amendments to Bill Number 2, Legal Aid Ordinance": 4.(14):
(Reads Section 4.(14))

Mr. Chairman: 17:
(Reads Section 4.(17))

Mr. Chairman: 9.(1)(d):
(Reads Section 9.(1)(d))

Mr. Chairman: 9.(1)(e):
(Reads Section 9.(1)(e))

Mr. Chairman: Delete 9.(1)(f) and substitute with 9.(2). 9.(2):
(Reads Section 9.(2))

Mr. Chairman: 12.(4):
(Reads Section 12.(4))

Mr. Chairman: 14.(1)(a):
(Reads Section 14.(1)(a))

Mr. Chairman: The addition of the "or" is the only correction there. 14.(2):
(Reads Section 14.(2))

Mr. Chairman: Clear?

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Perhaps you could determine if there's any further debate on this Bill, if not I will make the appropriate Motion.

Mr. Chairman: Is there further debate on this Motion?
Mrs. Watson?

Mrs. Watson: Mr. Chairman, I believe Section 20(3), were we not going to make some amendments to make it possible for us to have reciprocal agreements with other jurisdictions other than just Canada?

Mr. Legal Advisor: This was thought so, Mr. Chairman. Mr. Gillespie, as I understood it, said to the House at that time, that he thought perhaps it might be done by regulations or through the administration.

There will be no difficulty in producing a similar section to the one which is in the Highways Ordinance.

Mrs. Watson: Yes.

Mr. Legal Advisor: If this is the wish of the House, we could do this.

Mr. Chairman: Is this the wish of the House?

Hon. Mrs. Whyard: Mr. Chairman, I think in view of the Member's remark earlier in discussion of this Bill, it's of concern to her that citizens of other countries may be affected, and this would be an enabling portion of the Ordinance.

Mrs. Watson: Mr. Chairman, I would certainly like to see a similar section to that section in the Highways Ordinance inserted in here. If we have to use it, fine, if we don't have to, at least it's there.

Mr. Legal Advisor: If it please the House, you can report progress and we will bring it back to you again.

Some Members: Agreed.

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: Yes, Mr. Chairman. This morning a letter was circulated to members from the Consumers' Association. I was just wondering if any of the members — I'm just drawing it to the attention, if any of the members took note of comments made there if they thought there was any merit.

I think it had something to do with the disciplining committee or so on. There may be some concerns and there may not be.

Mr. Legal Advisor: I believe that's legal professions.

Mr. Lengerke: I'm sorry, okay.
That's not Legal Aid, that's correct, I'm sorry, I'm in the wrong Bill, and I apologize to the House.

Bill Number 10

Mr. Chairman: We will now turn to Bill Number 10.

Mr. McCall: What Bill is that, Mr. Chairman?

... Mr. Chairman: Bill Number 10, Public Health. 1: The Public Health Ordinance is amended by repealing subsection 9 (1) and substituting the following therefor: 9. (1):
(Reads Subsection 9. (1))

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, this change is being brought in as a result of a request from the City of Whitehorse.

The present Ordinance, the Public Health Ordinance, limits the membership of his Health Board to five members, which is the Health Officer plus four rate payers, and since amalgamation into the metro area, the City of Whitehorse felt that in fairness to the various areas of the city, they needed greater representation on the Board, and it's a simple matter of changing this Section to allow them to do so.

Mr. Chairman: 2: The said Ordinance is amended by adding thereto the following new section: 22. (1):

Hon. Mrs. Whyard: Mr. Chairman, I'm sure that there is going to be some member object to the Section.

Mr. Chairman: 22. (1):
(Reads Clause 22. (1))

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, I'm wondering if maybe perhaps I could direct my question to the Honourable Minister of Health, Welfare and Rehabilitation, and find out from her as to whether there is any machinery to be implemented in order to bring into force this Ordinance, or is (2) necessary?

Hon. Mrs. Whyard: No, Mr. Chairman, the Honourable Member is absolutely right. There is no necessity for this Section in this particular Ordinance.

Hon. Mr. Taylor: Mr. Chairman, I would then move that Section (2) of Bill Number 10 be deleted.

Mr. Fleming: I second that Motion, Mr. Chairman.

Mr. Chairman: All in favour?

Some Members: Agreed.

Mr. Chairman: I will now read the preamble and the title to the Bill.
(Reads Preamble to Bill)

Mr. Chairman: An ordinance to amend the Public Health Ordinance.
Mrs. Watson?

Mrs. Watson: Mr. Chairman, I would move that Bill Number 10 be moved out of Committee as amended.

Mr. Chairman: Seconder?

Hon. Mr. Taylor: I will second that.

Mr. Chairman: Are you agreed?

Some Members: Agreed.

Mr. Chairman: We will proceed to Bill Number 12.

Bill Number 12

Hon. Mrs. Whyard: Mr. Chairman: may I just say how happy I am to see this piece of legislation.

Mr. Chairman: The Pharmaceutical Chemists Ordinance is amended by repealing Schedules 1, 2, 3 and 4 of the said Ordinance, and substituting the following therefor: Schedule 1(
(Reads Schedule 1)

Mr. Legal Advisor: There was an occasion, and as Mr. Speaker is aware, on which it was suggested to the House that a Motion be passed deeming a portion of a Bill to have been read, and that Bill on being adopted, then says certain things were deemed to have been read.

I am just pointing that there is a precedent for it.

Mr. Chairman: Thank you, Mr. Legal Advisor.

Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, the Legal Advisor is quite correct, and in some Bills of a highly technical nature, indeed, I must confess in the Consumer Bill, the Bill was deemed to have been read by the House. I think it would be appropriate in the case of this Bill, and at this time to move that Section 1 of the Bill Number 12 be deemed to have been read.

Mr. McCall: I will second that, Mr. Chairman.

Mr. Chairman: Agreed?

Hon. Mr. McKinnon: Mr. Chairman, I won't vote against the Motion and delay the House, but I thought that it would have been apropos in this instance that the Chair had it passed from Member to Member, so each member would have had an opportunity to involve himself as Chairman of Committee. It would have been an opportune time, I think, to have that take

place.

Some Member: Question.

Mr. Chairman: Mr. McCall?

Mr. McCall: In view of what the Honourable Minister has just stated, I further object to that suggestion he made, simply because I have great difficulty with my pronunciations now, without getting in to that sort of thing.

Hon. Mr. Lang: Agreed.

Mr. Chairman: The Honourable Member is at least willing to admit it.

All those in favour?

Some Members: Agreed.

Mr. Chairman: Who seconded the Motion?

Mr. McCall: I did, Mr. Chairman.

Mr. Chairman, I think we can get a clarification here. The Motion that was made was for Section 1 which included all schedules.

Mr. Chairman: Yes.

Mr. McCall: Yes.

Mr. Chairman: I will now read the preamble and the title to Bill Number 12.
(Reads Preamble to Bill Number 12)

Mr. Chairman: An Ordinance to Amend the Pharmaceutical Chemists Ordinance.

Mr. McCall?

Mr. McCall: Mr. Chairman, I move that Bill Number 12 be moved out of Committee. I should say reported out of Committee without amendment.

Mr. Chairman: Seconder?

Mr. McCall: Maybe you should have made a Motion.

Ms. Millard: I will second it.

Mr. Chairman: It has been moved that Bill Number 12 be moved out of Committee without amendment.

Mrs. Watson?

Mrs. Watson: Mr. Chairman, just one question on this Bill. I don't like voting for yeah or nay for something that I don't understand at all, but I know it's a necessity, but where does one get -- where did you get the list to put into the legislation? Does it come from the Federal Food and Drug Act, or you know, surely you must have had this list given to you.

Mr. Legal Advisor: Mr. Chairman, it's been supplied by the Department of Health with a request that we update the list of various drugs and how they can be handled, and substitute schedule for schedule the different classifications that we have in our present Pharmaceutical Ordinance.

They are now becoming an agreed list throughout Canada, and this is the up-to-date list supplied to us by the Department of Health for this purpose.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, again another question and it's generally -- poisons, now these are not just medical poisons. They are poisons that are used in agricultural purposes, and this type of thing. These are not just drugs that are used for medicine. Am I correct?

Mr. Legal Advisor: Mr. Chairman, there's a list -- there's a Schedule 5 which is not being amended, and that Schedule, which is found in the original Ordinance, are certain poisons which can be supplied by stores or persons outside a radius of beyond five miles from where a pharmaceutical chemists' shop will be found.

Such drugs as Formalin, and some things like that, that are necessary in everyday life or for farming purposes. These poisons can be supplied by hardware stores outside, say, in this case, the City of Whitehorse.

The other drugs are each described in lists, according to the schedule. Some can be supplied by prescription; some can be supplied in certain mixtures, and occasionally it would be less than a five percent solution, can be supplied to any person by any person for certain purposes. Each one has a classification set out at the commencement of the schedule, which is of a technical nature, but is a clear description to a person dealing in drugs, as to what his rights are.

This does not include for any legal purposes, the drugs which are forbidden by the Narcotics Act, or the Food and Drug Act. They are not dealt with in a legal sense in this particular thing. We are only dealing with what pharmacutists and such like people can do with drugs, or what people in everyday stores can or cannot do in relation to drugs.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, one more question. The reason I'm asking these questions is because very recently outside of the Yukon Territory, I went to buy a package of Mousecide, and in the past you used to be able to go pick it up off the shelf, and buy it.

Now it's locked up and you have to sign for it. Is this true in the Yukon Territory? Is this what we are updating, to do this sort of thing?

Mr. Legal Advisor: Mr. Chairman, I wouldn't recognize Mousecide without giving it a correct, accurate description. Mousecide I'm sure is a trade name.

Mr. Chairman: Mr. Berger?

Mr. Berger: Mr. Chairman, you will have to excuse my ignorance on many of the names here, but does this affect, by any chance, any cold medicine? For instance, I'm quite concerned about outlying communities where there are no drug stores, and right now some of the stores are able to carry a certain amount of medicine. I was just wondering if there's anything in there which restricts the sale of the thing in the outlying communities.

Mr. Legal Advisor: Some will be affected, Mr. Chairman, but affected in an up-to-date way in that general, proprietary medicines can be sold. This is in general, things like Aspirin and so forth can be sold in any kind of a store. It doesn't need a druggist, if this is what you are talking about. They won't be locked up, but ones which should normally be sold on prescription, they would not be available in an ordinary store.

But they should not have been in the first place, even before these lists were along.

Mr. Chairman: Mr. Legal Advisor —

Hon. Mrs. Whyard: If I could just reassure the —

Mr. Chairman: Mrs. Whyard.

Hon. Mrs. Whyard: Honourable Member from Dawson City, Schedule 4 which lists all the drugs that may be supplied by any person, contains as far as I'm aware, as a housewife and mother of three, all the usual normal preparations for anybody's cough, cold and-or.

Mr. Berger: Mr. Chairman —

Mr. Chairman: Mr. Berger?

Mr. Berger: — you might as well talk Chinese to me when I read this Section here, because I don't know anything of the Latin names.

Hon. Mrs. Whyard: They are not Latin, Mr. Chairman.

Mr. Chairman No, they are worse.

Mr. Legal Advisor: A lot of them are in English.

Mr. Berger: A lot of them are in English, but in the same token —

Hon. Mrs. Whyard: Castor oil, for example, iodine, turpentine.

Mr. Chairman: Mr. Legal Advisor, when was this list last updated?

Hon. Mrs. Whyard: '58.

Mr. Legal Advisor: 1958, Mr. chairman.

Mr. Chairman: Am I to understand then that these

drugs that have been coming to you since 1958, have not been on the list, have not been on the list, have not been legally prescribed?

Mr. Legal Advisor: Correct, Mr. Chairman.

Mr. Chairman: I see. I see on page 6, half way down, Methamphetamine and its salts. From my understanding, that is no longer legally prescribed in Canada.

Mr. Legal Advisor: Well the schedule says that it can only be sold on prescription of a medical practitioner. We are supplied with this information, and this doesn't tell us whether it can be legally sold, prescribed by a medical practitioner, but nobody can sell it except on a prescription.

Mr. Chairman: Thank you, Mr. Legal Advisor. I cannot sell that — those drugs by prescription.

Hon. Mr. McKinnon: Under the Food and Drug Act?

Mr. Chairman: Under the Food and Drug Act.

Hon. Mr. McKinnon: Well, Mr. Legal Advisor, shouldn't we make sure that this is consistent with the Food and Drug Act? We have already seen one inconsistency, and I just think it's senseless to have legislation on our books which is really inconsistent with the Food and Drug Act.

If it's banned, the sale or the prescription of it across the country, certainly we shouldn't be have it in our schedule that in the Yukon it can be prescribed by a physician and surgeon in the Yukon. This is inconsistent.

Mr. Legal Advisor: With respect, not necessarily, Mr. Chairman. This is a list which is being adopted by all the jurisdictions in Canada. If Canada wants to make representations about particular drugs or its own special rules, then of course, it is at liberty to do so, but it may come on the market again, it may be a ruling in respect of a drug from Canada, that although it's on this list, Canada says we will put it in our schedule and forbid it, or not forbid it as the case might be. They have different rules governing it.

But I think we should stick with the advice that we have, which is supplied by the Department of Health and they ask us to go to this list which is the up-to-date list coming across the provinces.

Mr. Chairman: Mr. Berger?

Mr. Berger: I think Mr. Legal Advisor just answered my question. I was going to ask if they had the same list in the other provinces, again my concern is in the outlying districts, that when a store orders a certain amount of drugs, and if they have a different listing, say, in British Columbia, they won't be able to sell this type of drug, and we won't be able to purchase the thing. I think you answered the question that we have a similar list in the provinces.

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, I'm concerned by the apparent conflict here between a list provided by the Federal Department, and information that medical practitioners are informed by that same Department that certain of those drugs are not to be used?

If it's the wish of this Committee, I think perhaps we need a little assistance on this from the Federal Medical Officer.

Mr. Chairman: With respect, Mrs. Whyard, I don't think that anyone is in a position to review this list, locally, and it would take a good deal of time and effort to do that.

We can either accept the list as is, or we will be unable to accept it during this Session. I would also—I would suggest that we proceed with acceptance of the list. I think the one exception that I did mention is a minor one.

Any further discussion? Mr. Taylor?

Hon. Mr. Taylor: I was just simply going to clarify in my own mind that this follows the practice of the uniformity of legislation across Canada.

Mr. Legal Advisor: Not that particular content, Mr. Chairman. It's at a different level, but it's the same kind of idea that they are trying to get a uniform list throughout Canada, and we are supplied with this list with a request to pass it, and at the same time, by the Department of Northern Health point out to us that we haven't revised our list since 1958, so we have got a double reason for passing the list at this particular time.

Mr. Chairman: Are you ready for the question?

Some Members: Question.

Mr. Chairman: It was moved by Mr. McCall, seconded by Ms. Millard, that Bill Number 12 be reported out of Committee without amendment. Question?

Some Members: Agreed.

Motion Carried

Mr. Chairman: I will now declare a five minute recess.

Recess

Mr. Chairman: I shall now call the Committee to order.

We will proceed with the clause by clause reading of Bill Number 5, "An Ordinance to Amend the Game Ordinance".

(Reads Clause 1)

Mr. Chairman: Clear?

Section 2: —Mrs. Watson?

Mrs. Watson: The first section, on the definition of "big game", and I'm wondering why there was an amendment to it. Certainly there are reasons for bringing in amendments on in big game, the only difference I can see they have added "wolf" and "coyote" as big game. Now, why did they do this? Why is it necessary to have this amendment?

Mr. Legal Advisor: Mr. Chairman, it's to give these animals the protection which is given to other big game animals. It's no longer legal under a hunting licence to shoot wolf or coyote. Prior to this, they were regarded as predators and they were at anyone's mercy, with or without a licence.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: I'm not too sure on this, whether this is a valid question or not, but will you require the tags to hunt wolf and coyote?

Mr. Legal Advisor: I don't think you require tags for them, but you need a licence.

The game people would know that specific question better than I would.

Mrs. Watson: But Mr. Chairman, I would like to have the answer to that specific question.

Mr. Chairman: Mrs. Watson, we are unable to obtain witnesses at this time. Can we take that under advisement?

Mrs. Watson: Fine.

Mr. Chairman: 2: Section 2 of the said Ordinance is further amended by adding thereto the following new definitions:
(Reads Section 2)

Mr. Chairman: 3. (1). In the following subsections and paragraphs the expression 'game guardian' is repealed and the expression 'conservation officer' substituted therefor:

Mrs. Watson: Mr. Chairman?

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, why are we going to this trouble? Why are we substituting the name 'game guardian' and substituting 'conservation officer'?

Mr. Legal Advisor: I'm not sure of the precise reason, Mr. Chairman. I think it's because this is becoming a common designation in other places, and is readily understood by tourists, and in addition I think it may be pride in the job by the officers who will be bearing the title.

Hon. Mr. McKinnon: Mr. Chairman, there's also another reason. The Honourable Member from Watson

Lake has for many years asked that the game guardians of the Yukon be classified as conservation officers, to probably take away the narrow and restrictive enforcing type of attitude that most people of the Yukon had towards the game guardians, and I was sympathetic with him at that time, and I think that it is much more consistent with the total conservation practices of the provinces, and that we should be moving in this direction also.

Mr. Chairman: The list is as appended
(2):
(Reads Section 3. (2))

Mr. Chairman: Again the list is appended.
(3):
(Reads Section 3. (3))

Mr. Chairman: 4: Section 7 of the said Ordinance is amended by adding thereto the following new subsection: (3):
(Reads Section 7 (3))

Mr. Chairman: 5: Section 8 (1) of the Ordinance is repealed and the following substituted therefor: 8 (1):
(Reads Section 8. (1))

Mr. Chairman: 6: Paragraph 8 (2) (c) of the said Ordinance is repealed and the following substituted therefor: (2) (c):
(Reads Section 8 (2) (c))

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, just for the record, I would hope that conservation officers in dealing with this Section 6 would take into account the unpredictability of game and more particularly in reference to our highways, where game can come out of the bush or out of the right-of-way and get, you know, tangled up in a vehicle, often before people can do anything about it.

I just hope that when the conservation officers deal with this Section that it's not misused.

Hon. Mr. McKinnon: Mr. Chairman?

Mr. Chairman: Mr. McKinnon?

Hon. Mr. McKinnon: I don't think there is any indication of this at all in any way, shape or form. As you know, amendments such as this were attempted in the Game Ordinance about, I think maybe, half a dozen years ago, and at that time—it was at the time when snow machines were just becoming common practice, and we felt that enough was not known about them and their ability in the wilderness, to make legislation such as Section 6.

We have instances now recorded that would make you sick, of instance after instance where wildlife has been harassed, pursued and killed using snow machines and other vehicles, in manners that any human being would just object to. I hope that before this legislation sees third reading, that the witnesses that are expert in this field are able to relate some of

the instances that they have recorded, and that they know of that makes this type of legislation now mandatory in the Yukon.

I think all of us who have been here for any period of time are kind of sad that this day has come to the Yukon, when this type of legislation is absolutely necessary, and a must for the preservation and conservation of our wildlife population.

Mr. Chairman: Mr. Fleming?

Mr. Fleming: Yes, Mr. Chairman. I would like to ask Mr. Legal Advisor as to the authorities here on this very subject we are speaking of right at the moment, and how it carries over to the native peoples in the Territory.

Does this legislation also -- or is this legislation enforced against them too, as to the hunting, and harassing animals with snowmobiles and such?

Mr. Legal Advisor: Mr. Chairman, I can't say about active enforcement, but I can say that this section is of general application, and applies to every person in the Territory. But that's just the legal section we are talking about.

Mr. Chairman: Ms. Millard?

Ms. Millard: Mr. Chairman, just to assure the Member from Hootalinqua, it is definitely enforced for Indian people also, because I know of several cases.

Mr. Chairman: 7: Subsection 14 (1) of the said Ordinance is repealed and the following substituted therefor: 14 (1):
(Reads Subsection 14 (1))

Mr. Chairman (2):
(Reads Subsection 14 (2))

Mr. Chairman (3):
(Reads Subsection 14 (3))

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Yes, Mr. Chairman, this Section causes me a little concern inasmuch as the trapper, in order to feed his dogs -- there's one question, particularly I believe in the constituency of Ogilvie, where caribou meat is employed -- I believe they still must feed dogs caribou meat in Old Crow, and this type of thing.

I don't think that we should take the right of a trapper, or take away from the trapper the right to feed game to his dogs in the bush.

Mr. Chairman: Mr. McKinnon?

Hon. Mr. McKinnon: Those dogs, Mr. Chairman, are not considered domestic animals under the Ordinance.

They are working dogs, and those animals are excluded. It's only domestic dogs which are included in the Ordinance.

Mr. Chairman: Mr. Taylor.

Hon. Mr. Taylor: Well this is fine.

Mr. Chairman: 8, Section 18 of the said Ordinance is repealed and the following substituted therefor: 18 (1): (Reads Section 18 (1))

Mr. Chairman: (2): (Reads Section 18(2))

Mr. Chairman: Ms. Millard?

Ms. Millard: Mr. Chairman, this is good as far as it goes, but I don't really feel it goes far enough. I really think that it's time in the Yukon that we start thinking about the game that's available and the high cost of living up here, and we should start making regulations and thinking about trying to implement a program as they have in the Northwest Territories, of legally selling meat that is harvested in the Yukon Territory.

Could we ask the administration if this is being considered at all, and if it is being considered, when can we expect some kind of reaction to it?

Hon. Mr. McKinnon: Mr. Chairman, it's being considered as far as sub (2), "Where the director may, subject to any condition he may impose, permit the meat of wildlife to be had and possessed and served in hotels, restaurants, public dining rooms or clubs or other organizations on special occasions (2) and (3), and that is the limitation at this point that is being placed on how broad this exemption is.

We have had, to this point, no application to the government for the serving of wild game on a restaurant basis, and I think that we should wait until such application is made, or such indication is given, that there is an organization or a group who want this permission, the ability to do so prior to amending the Ordinance.

You will notice that the majority of the Ordinance is more restrictive than it was prior. This is for a very good reasons. The Honourable Member from Watson Lake remembers, and I can remember defending him on the need for a game count to be done for biologists, for proper game management people that could actually do a survey of what we had in the Yukon as far as game was concerned.

We know that in certain sections now of the Yukon, and the reason why there was some restrictions put in the big game management zones, is that in those areas without some protection there is no longer in the Yukon, a viable wildlife population.

Now, this Council has a responsibility, and a choice, because game is the only resource that we have under our control, that we can handle it properly and responsibly, and make restrictions so that we can assure in perpetuity, a viable game population, or we can open the Ordinance wide open, kill off all the game and then don't have to worry about it for the rest of our lives.

The present government feels that we are restricting in some instances, the wide openness of the Game

Ordinance up to this point in time and we think that we have sound arguments, and there are reasons for doing so. I don't think that we should open it to any wider interpretation until such time as it has proved necessary and someone can give the government and the Members of this Assembly, a valid argument why it should be opened any further, and I think that we are prepared to look at that eventuality on sound game management practices when that request is made.

Mr. Chairman: Supplementary, Ms. Millard?

Ms. Millard: Yes, I would just like to point out to our Honourable Member, that as usual he has gone black and white, it's all or nothing, and I really think that we have the ability to control it enough so that we are not going to deplete the stocks of caribou or moose that are here.

We obviously are knowing enough to set up game regulations and game reserves, so we should know enough, at least on even a restricted level. I'm not talking about just in restaurants, but I mean it could be available as fresh meat in stores, and as it is in Inuvik, so I can't see why not.

The experience in the Northwest Territories has certainly proven good, and why can't we use their experience and try to impose the same thing here, at least look into it. I don't feel that they are serving it with the permission of the Commissioner once in a blue moon is really going to have any effect on the cost of living in the Yukon.

Hon. Mr. McKinnon: Mr. Chairman, the answer was direct. I'm sorry if I give direct answers, instead of beating around the bush, and saying nothing. I am saying the government has looked at it, at this point in time, and we are not prepared to open the Game Ordinance to the extent that the Honourable Member wants.

It takes a simple motion of this Assembly to change that opinion of the government.

Mr. Chairman: Mr. Berger?

Mr. Berger: Yes, Mr. Chairman. Well actually I have the same proposal I think that I made it last time already. I'm not asking for opening the Game Ordinance.

My concern is about harvesting the present stock we are doing right now and not using it, and I think by having a place, an outlet, where this meat could be sold, I think we could further the whole process of game management, because we would make complete use of the game. Right now we are not. I mean, we are going to go to Section 17, and again we are talking about enforcement, with no monies for enforcement.

I think we should look into the possibility of making full use of the game we are harvesting right now. Don't open the Game Ordinance any further.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, I was just going to

comment on some remarks made by the Honourable Member from Ogilvie, and obviously she must be referring to the caribou -- pardon me, to the reindeer meat which is available in Inuvik, but this is a domestic meat over there. These are domestic herds, and it's far different than taking wild game, and selling it.

As a matter of fact, I can recall that they from time to time send in buffalo meat even up to Old Crow, which is also taken from a domestic herd in a park situation, but I agree with the comments made by the Honourable Member from Whitehorse North Centre, that it's taken an awful long time to build up the Game Department, and my little pet has always been the development of big game management areas, so that you can open an area or close an area as it requires. And to this point, I am reasonably pleased with the attention that has been given to the Game Ordinance and the game population, and though I may find fault with a section or two of the Ordinance, I generally agree and I commend the administration for the work they have done thus far in this field.

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, I would just like to add that from the point of view of this Department of Health, the ramifications of public sale of game meat are simply appalling. I know that many northerners have enjoyed the opportunity to have buffalo steaks which were imported from Woods Buffalo Park from time to time as the Honourable Member said. But these were killed under government supervision, and cleaned and cut up in a government abattoir near, at or near Fort McMurray, and are closely supervised between the time of the killing and the time of consumption by the retail consumer.

My understanding has always been, although, I haven't looked into it recently, that if you go into the field of selling meat for public consumption, you are then immediately under all the restrictions of Food Acts and Consumers' Protection devices, and you would have to immediately have a government abattoir and government employees and licences and inspection of all of this meat before it could be sold for public consumption.

Mr. Chairman: 9, The title to Part III and section 21 of the said Ordinance is repealed and the following substituted therefor: Part III, Special Prohibitions and Restrictions, Game and Game Birds. 21(1):
(Reads Section 21(1))

Mr. Chairman: (2):
(Reads Section 21(2))

Mr. Chairman: 10, Section 22 of the said Ordinance is repealed and the following substituted therefor: 22(1):
(Reads Section 22(1))

Mr. Chairman: (2):
(Reads Section 22(2))

Mr. Chairman: (3):
(Reads Section 22(3))

Mr. Chairman: 11, Subsection 23(2) of the said Ordinance is repealed.

12. Section 24 of the said Ordinance is amended by adding thereto the following: (2):
(Reads Section 24(2))

Mr. Chairman: 13, Sub-section 25(6) of the said Ordinance is repealed and the following substituted therefor: (6):
(Reads Subsection 25(6))

Mr. Chairman: 14, Subsection 26(1) and (2) of the said Ordinance are repealed and the following substituted therefor: 26(1):
(Reads Subsection 26(1))

Mr. Chairman: (2):
(Reads Subsection 26(2))

Mr. Chairman: 15, Section 27, of the said Ordinance is repealed and the following substituted therefor: 27(1):
(Reads Section 27(1))

Mr. Chairman: (2):
(Reads Section 27(2))

Mr. Chairman: 16, Subsection 45(1) of the said Ordinance is repealed and the following substituted therefor: 45(1):
(Reads Subsection 45(1))

Mr. Chairman: 17, Subsection 58(1) of the said Ordinance is repealed and the following substituted therefor: 58(1):
(Reads Subsection 58(1))

Mr. Chairman: 18, Section 58 of the said Ordinance is further amended by adding thereto the following new subsection: (3):
(Reads Section 58(3))

Mr. Chairman: 19, Section 61 of the said Ordinance is amended by adding thereto the following new subsection: (2):
(Reads Section 61(2))

Mr. Chairman: 20, Subsection 62(1) of the said Ordinance is repealed and the following substituted therefor: 62(1):
(Reads Subsection 62(1))

Mr. Chairman: 21, Subsection 66(2) of the said Ordinance is repealed and the following substituted therefor: (2):
(Reads Subsection 66(2))

Mr. Chairman: Mr. Fleming?

Mr. Fleming: Yes, Mr. Chairman. Under the direction of this Ordinance, Mr. Legal Advisor, would

you say that an American citizen possibly — I see the two years, but could an American citizen of any kind right now, be able to have an assistant trapper's licence?

Mr. Legal Advisor: He can at the moment, but the House will recall that we amended the trapper's licence requirements a fairly short time ago, to make it compulsory that you must be a Canadian citizen. We forgot to amend the assistant trapper's licence so that the assistant trapper has to be a Canadian citizen also. This is the change which has been made here, in correcting what was overlooked.

Mr. Chairman: Mr. Fleming?

Mr. Fleming: Yes, thank you, Mr. Chairman.

I would also like to ask the — Mr. Legal Advisor one more question pertaining to the trapper's regulations. In the case of a trapper's licence now, can they form a group of say, a family group of people, maybe native, maybe otherwise, but in any group to trap on that area for which that one licence registration was given.

Mr. Legal Advisor: Mr. Chairman, I prefer not to answer that question directly, because a lot depends on what you mean by family in various situations. It would be a difficult question to answer just off the top of my head at the moment.

I would prefer to discuss it in relation to a specific case, or what the practice is.

Mr. Chairman: Mr. Berger?

Mr. Berger: Mr. Chairman, I would go further on this question from the Honourable Member from Hootalinqua, and especially say, for example, there's one Canadian in the group, and two foreign citizens, and they form a partnership, and legally the Canadian is entitled to the assistant trapper's licence, but can the American or foreign citizens legally attend the trap line?

Mr. Legal Advisor: I would think probably not, but again it would depend on the individual circumstances. It is not intended that American citizens have the right to be trappers in any way.

Mr. Chairman: Mr. Fleming?

Mr. Fleming: Mr. Chairman, I agree with Mr. Legal Advisor, but I also think that we should be sure that this does happen. I'm not trying to give direction, I'm merely saying that I feel that we all should be sure that there is no American citizens working on our trap lines, because in the past it has been done.

The trappers are very concerned about it.

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: There could be a point there that possibly that licence should be — certainly it should be made clear that it's only issued on an individual basis, and anybody — you know, if they are talking of a partnership of three or four people, that everyone should be a holder. I think —

Mr. Legal Advisor: Mr. Chairman, I don't think that partnerships do exist in relation to trappers, but what happens amongst the privacy of a family is a difficult thing to control. I'm not aware that there are partnerships, I think it's a family matter, and a person is issued a licence to trap in an area, and it's registered in his name.

If he happens to be married to an American citizen or something like that, it's very difficult for the Director of Game to stand in the middle of the bed between a man and his wife. But these things being said, I don't think there are any difficulties, other than to cure at the moment, this particular anomaly dealing with the assistant trappers.

Mr. Lengerke: Mr. Chairman, you must admit it may be fun.

Mr. Chairman: Pardon?

Mr. Lengerke: It may be fun.

Mr. Legal Advisor: Yes.

Mr. Lengerke: To stand in the middle of the bed.

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: I can't let this opportunity pass, Mr. Chairman.

I view with sadness the changing climate of the residents of the Yukon in this regard. There was a time when everybody who lived in the north felt that running a trap line was part of the way of life. I recall with affection, such characters as old Mrs. Wilkinson at the Pelly, who ran her own trap line for many, many years, as did each member of that family.

She was a little bit of a thing, about five feet tall, as I recall, and the day that she received her first Old Age Pension cheque, she decided she didn't have to run her trap line any more. Them days is gone forever, Mr. Chairman.

Mr. Chairman: 22, Section 77 of the said Ordinance is repealed and the following substituted therefor: 77(1):

(Reads Section 77(1))

Mr. Chairman: (2):

(Reads Section 77(2))

Mr. Chairman: Ms. Millard?

Ms. Millard: Just on that section, because I think I am still going to harp a bit about this selling wildlife. I can't see how we can allow on an application and an issue of a licence to take wild wildlife for propagation, display, or export, when we are not allowing anything to be done with the dead wild life, which could be a real help to a lot of people in the Yukon.

Why couldn't we just have the same thing for the meat? If it is available alive on the hoof, why isn't it available dead?

Mr. Legal Advisor: It depends upon whether it is a legal point or a policy point. As far as I know it is only

in exceptional cases that a licence would be issued under this section. Some of the time it would be for scientific purposes, some of the time it might be in response to an application from an organization in Alberta on an exchange basis of some sort, and it needs to be subject to control.

The only policy change that is being made in this is to change the word "animal" for "wildlife" in response to the earlier definition. There is nothing being changed in part.

Mr. Chairman: Ms. Millard?

Ms. Millard: Mr. Chairman, it is still not really answering what I asked. I think that there could be special applications, special licences for people to sell it. What if there is an over abundance of caribou in one area for a certain period of time. We could regulate it so that application was made and little shops could be set up. They could be inspected by the Medical Health Officer, certainly there would be certain risks involved. I know now that wildlife is sold and that it is being done illegally.

When there is an over abundance somewhere—thank heavens they are not just leaving it out in the bush or throwing it out in the garbage. They are trying to pass it on and a lot of times it is paid for. We should have some means that we can carry on. I understand, I was answer this before from the Honourable Member from Watson Lake about the things—what is happening in the Northwest Territories?

I understand that caribou are specifically exempted in the Northwest Territories under the Game Regulations, so that it is available for sale in the Northwest Territories. Certainly, reindeer don't even come under that definition because they are domesticated.

I think that we could really consider this seriously at this point in time.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, I may be wrong, but the way I interpret this section, people can make application to capture for zoos or this type of thing, live wildlife for the Yukon. I believe the Game Department is very, very careful before they allow these types of things to occur, and also for propagation where they may want to see whether wildlife will, certain kinds of wildlife will, how they survive in various areas. They can put them on Game Farms and this type of thing.

I don't think it is the taking of wildlife to kill it to use the meat, that is not the purpose of this section, whatsoever.

Mr. Chairman: Ms. Millard?

Ms. Millard: Perhaps I am not very clear because I was certainly not questioning the Game Department on whether or not they take care of wildlife which may be exported from the Yukon Territory. I certainly agree, that they no doubt thoroughly investigate something like that. It probably has never happened. I certainly have never heard of any circumstances where wildlife has been taken for propagation in the Yukon or outside the Yukon from here.

What I am questioning really is why do we have this section and we don't have a section which would cover wild meat?

Some Member: Being sold?

Ms. Millard: Yes, being sold, well for display, well not for display, we could have it for sale, certainly. Under certain regulations, under certain conditions, there should be a licence that would be available. All I am asking is that it could be considered and that we could have some background brought to us on this. What is happening in the Northwest Territories, why can't it be applied here, and whether or not we could legislate for, perhaps the spring or next fall.

Mr. Chairman: Mr. Lang?

Hon. Mr. Lang: Yes, Mr. Chairman. I rise to say that I disagree with the Honourable Member from Ogilvie. Everybody that is a Yukon resident has the opportunity to go get a licence to kill his moose, or whatever, one a year, or whatever it is. I just disagree with that philosophy. I have to agree with the Minister of Local Government that this is a resource that we have to husband and we have to harvest it.

I don't think we are going to do it by selling it down at Super-Valu.

Mr. Chairman: Mr. Fleming?

Mr. Fleming: Yes, Mr. Chairman. As I understand this Ordinance, and if I am wrong — in any case — I understand it to read here and I start at 7, 14(1) it is against the law to abandon any meat, fresh or otherwise — if you kill an animal it is against the law to abandon it there. In this now I am only interested in what game is being killed today, which is one of the questions Mr. Berger brought up.

They are not allowed to abandon such meat and then we go on into the Ordinance and find another paragraph, 2 — 18, the Director may, subject to any condition that he may impose, permit the meat of wildlife to be had in possession and served, which I feel does give that individual, or hunter, or game guide, or whatever a possibility if he feels something that he can't handle at all, it does give him a chance to get rid of something that may spoil.

No? Well I understood it this way. I felt that this covered, or does cover any problem we would have with anything being killed today, as long as it is policed.

Mr. Legal Advisor: Mr. Chairman, I would prefer that there was no mistake about this. The basic policy of the government is that there shall be no trafficking in game, alive or dead.

That is the basic policy.

This Ordinance sets out certain exceptions to this, which are set out, which in effect proves the rule. That is anyone who wants to make an exception to this must come in, account for himself, obtain a permit and then he is given permission to do that exceptional thing. Which is, Game Outfitters have their annual banquet, or there is some such occasion, they can ask for a

permit and they can serve, at that banquet, certain forms of game which are available.

Under no circumstances is game permitted to be bought and sold in the Territory that is just a no, no.

The same thing with transporting animals from here to an Alberta Zoo or a foreign zoo.

It can happen, basically for scientific purposes, which is a modern purpose of a zoo. It is an exceptional case and it has to be controlled very, very tightly.

All jurisdictions in Canada are now controlling this, and in fact, throughout the world. They are controlling it very very tightly.

This is the government policy here and it is represented in this Ordinance.

So far as I know it is not the government's intention to depart from that strict standard of control of this resource.

Mr. Chairman: Mr. Fleming?

Mr. Fleming: Yes, Mr. Legal Advisor, I realize this, and yet I am in sympathy with the two members that are working on this, because I would like an instance of a game guide that goes hunting in the fall, and he shoots. He is not, I don't think jeopardized in any way as to the amount of hunt he takes out. If he is there, he will handle it, therefore he gets twenty hunters and he goes out, and he kills 20 large game animals.

He is obliged by law to do something with them. I'm sure he can't eat them all himself. I would like an answer as to what could he do with them today?

Mr. Legal Advisor: In the first instance, Mr. Chairman, the game guide is employed by an outfitter. The outfitter is controlling the operation, he is renting his facilities as an outfitter, to usually non-resident hunters. Each of those individual people who go out with him, must have his own licence, his own fees, and they must pay the quite heavy fees in order to get permission to shoot the animals.

The outfitter himself would normally shoot nothing, except under his own personal licence. He gets no privileges whatever in relation to shooting the game, therefore, any game that is harvested, is the property of the individual hunter who pays perhaps \$250.00 or \$300.00 a day for the privilege of being allowed to do just that. He owns it.

He can take it with him back to Arizona or California, or Santa Barbara. He can take it, but he cannot sell it, but he can give it away. He can give it to a hospital or a place in need, but under no circumstances is he permitted to sell it.

The game outfitter does not become the legal owner of that meat, but as a favour to the client, he might convey it to a hospital or a mission or to some friend, or something like that, but under no circumstances can he sell it.

Mr. Chairman: Ms. Millard?

Ms. Millard: Mr. Chairman, just as a suggestion, perhaps if the outfitter knew he was going to get 50 cents a pound or a dollar a pound for edible meat, he would have more incentive to bring it in out of the bush instead of leaving it out there, because he's not going to make the effort to bring it in and give it to a hospital or

someone in need.

Mr. Legal Advisor: Perhaps, Mr. Chairman, but the general feeling of the government is they prefer to pay the outfitter 50 cents a pound to leave the game on the range and in the mountains, rather than pay him anything to bring it in.

Mr. Chairman: Mr. Berger?

Mr. Berger: Mr. Chairman, in light of what Mr. Legal Advisor has just said, in other words, the government is encouraging the outfitter to break the law.

Hon. Mr. McKinnon: Is it against the law.

Mr. Berger: It is against the law to leave the meat there, Mr. Legal Advisor just said that the government pays them 50 cents or a dollar to leave the game there.

In order to get away from that, and to answer Mr. Lang's suggestion here, because that was actually I taken to me any stores can only operate in the hunting season, it's illogical to say that a wild game store should operate all the year around, if you haven't got no game.

I don't know how you people would feel if I bring an example in from other countries, but there's other countries in this world who have big game stores, where you can walk into any store, a wild game store and you can purchase a bird, you can purchase a wild boar, you can purchase a rabbit, you can purchase deer meat. Those people living there for 2,000 years, they are not dead yet.

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, the Honourable Member has quite a valid argument there, but it's all based on the policy of the Government of the country he's quoting, and the amount of wild game they have available.

I have been in countries where they actually hire people to kill deer. In New Zealand they do this, because there is a plethora of that particular type of animal and they are a plague. They are a plague, and they are a nuisance, and they have to be gotten rid of, but in this country the situation is not that. We are not trying to get rid of our wild game.

Mr. Chairman: Mr. Berger?

Mr. Berger: Mr. Chairman, the Honourable Member misunderstands me. I'm quoting the European countries, where you have about a quarter of the area of what the Yukon Territory consists of, you have sixty million people living there, yet there is more game in that area than you have in the Yukon Territory right now, because there's proper management.

The people could harvest game. For the last 2,000 years and longer and still have game, and still manage to fill the game stores. That's what I am talking about. Those Game Ordinances here, we are encouraging outfitters to leave the game out there, because there is no incentive to bring it in here. We encourage the

foreign people to come in here for \$120.00, \$150.00, to go out there to kill something, take the horns and leave the rest of the carcass out in the bush for bait for grizzly bear. That's what we are doing right now.

Hon. Mr. McKinnon: Mr. Chairman?

Mr. Chairman: Mr. McKinnon?

Hon. Mr. McKinnon: I think this debate is going far beyond what the terms and the government policy was in bringing the amendment to this Game Ordinance down.

The Game Ordinance was so asinine, before these amendments, that it was against the law if a big game outfitter served the meat of the animals that were shot on the hunt, in the camp. That's the truth, that's the simple facts of the law as it was.

I know for a fact that it wasn't followed, big game outfitters were breaking the law, because it seems pretty senseless that when you have gone out and hunted these animals that you can't even use the meat in the camp, and that's how stupid the law was. This amendment cures that. It is now within the law for the person, the big game outfitter to serve the meat that his hunters have shot in that camp.

That's at least a step in the right direction; it's not breaking the law to use some of the meat which the hunters have shot. I agree with many of the statements that have been made about the harvesting of big game in the Yukon. It's been only a five year period where the Government of the Yukon Territory has gone into any big game management techniques in any way, shape or form. The honest facts of the matter are, since the first day that there was a government of the Yukon Territory, that they didn't have a clue as to what was actually there in the way of big game and how it should be harvested.

Now, certainly all these things can and should and probably will come to pass at some time in the future, but we have made more steps, and positive steps, in big game management within the last five years in the Yukon, than have been done in the last 100 years.

I would suggest, Mr. Chairman, that with the addition of the amendments that we now see, we are setting a policy which at least brings into some form of contemporary thinking, wildlife management in the Yukon, and everybody admits, and the Game Department will be the first to admit, that we still have a long way to go, but thank God, we are getting on top of it in 1975, rather than 20 years down the pipe, because we wouldn't have the ability of sitting here and talking about big game harvesting and management, because we wouldn't have any animals to talk about, if we had let it go any further.

So we have got a long way to go, but at least we are cognizant of the problem. We have got the people that can do something about it, and we are bringing in legislation that reflects that policy. We shouldn't be attacking Section 77 as we are, in the area of the sale of wild game, that's a completely different policy situation. Section 77 allows for Al Ohming, or the Calgary Zoo or anybody else to come to the Government of the Yukon Territory and say look it, we would like to have a Dahl sheep from Sheep Mountain. Can

you let one go when they lamb, so that the people in Edmonton, Alberta or Calgary or Toronto can have the ability of seeing a Dahl sheep in our zoo, and these are the terms and the conditions and the regulations that we will import it under, if the Director of Game says yes, that's fine. We think that you should have that opportunity, and if you handle it this way and that way, you may have a lamb Dahl for your zoo.

So you know, if we are talking about a different policy of looking further from what we are doing now into the harvesting of game eventually for sale, sure, that's a completely different policy. I think we are going in the right direction with the amendments that we have now, and are one sight better than we were talking about ten years ago in this House, and that's for sure.

Mr. Chairman: Thank you, Mr. McKinnon.

Mrs. Watson: Mr. Chairman?

Mr. Chairman: It is now time—we have other obligations. The Chair will now entertain a motion for Mr. Speaker to resume the Chair.

Mr. McCall: Mr. Chairman, I make that Motion.

Mr. Chairman: Is there a seconder?

Mr. Berger: I will second that.

Mrs. Watson: Mr. Chairman, on a point of privilege, I had something quite significant to say on this today.

Mr. Chairman: It has been moved and seconded that the Speaker now resume the Chair.
Are you agreed?

Mrs. Watson: Disagree.

Mr. Chairman: I'm sorry, are you agreed?

Mrs. Watson: Disagree.

Mr. Chairman: I declare the Motion carried.

Motion Carried

Mr. Speaker Resumes the Chair.

Mr. Speaker: At this time I will call the House to order.

May we have a report from the Chairman of Committees?

Dr. Hibberd: Mr. Speaker, Committee convened at 10:45 this morning to discuss Bills, Sessional Papers and Motions.

Mr. Gillespie, Assistant Commissioner and Mr. Taylor, the Territorial Secretary and Mr. McRobb, Past President of the Transportation Association were present as witnesses during the review of Bill Number 9.

I can report progress thereon.

Motion Number 7, regarding Single Trip Permits

was discussed.

The Committee recessed at 11:45 a.m. and reconvened at 1:30 p.m. to consider amendments to the Legal Aid Ordinance, Bill Number 2.

I can report progress on Bill Number 2.

The Committee then considered Bill Number 10, an Ordinance to Amend the Public Health Ordinance. It was moved by Mr. Taylor, seconded by Mr. Fleming that section 2 of Bill number 10 be deleted and this Motion carried.

It was moved by Mrs. Watson and seconded by Mr. Taylor that Bill Number 10 be moved out of Committee, as amended, and this motion carried.

The Committee then read Bill Number 12, An Amendment to the Pharmaceutical Chemists Ordinance.

Section 1 of Bill Number 12 was deemed to have been read on motion by Mr. Taylor, seconded by Mr. McCall.

It was moved by Mr. McCall, seconded by Ms. Millard that Bill Number 12 be reported out of Committee without amendment, and this motion carried.

I can report progress on Bill Number 5.

It was moved by Mr. McCall, seconded by Mr. Berger that Mr. Speaker do now resume the Chair and that motion was duly carried.

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

Some Members: Agreed.

Mr. Speaker: May I have your further pleasure?
The Honourable Member from Klondike?

Mr. Berger: Mr. Speaker, I move that we call it five o'clock.

Ms. Millard: I second that.

Mr. Speaker: It has been moved by the Honourable Member from Klondike, seconded by the Honourable Member from Ogilvie, that we do now call it five o'clock. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare that the motion is carried.

Motion Carried

Mr. Speaker: This House now stands adjourned until 10:00 a.m. tomorrow morning.

Adjourned

LEGISLATIVE RETURN NO. 3
(1975 THIRD SESSION)

December 2, 1975

Mr. Speaker,
Members of Council

On December 1, 1975, Councillor Millard asked the following question:

"In Issue 24 of the Minutes of the Standing Committee on Indian Affairs and Northern Development Mr. Digby Hunt stated that: Mining groups in each Territory have agreed with us to establish an employment Committee in their chamber and to try to seek out ways and means of increasing the number of people employed who originate in the north.

- (a) Has this been done?
- (b) Who is on the Committee?
- (c) What success do they claim?

The answer is as follows:

The Yukon Chamber of Mines has recently established a Committee entitled "Yukon Mining Industry Committee for the Employment of Northern Canadians". The Committee was initiated through a joint effort by DIAND and the Yukon Chamber of Mines. The Committee is composed of:

Mr. M.P. Phillips Yukon Chamber of Mines, Chairman
Mr. D. Tenney Chief Geologist, Whitehorse Copper
Mr. R.E. Van Tassell Exploration Superintendent U.K.H.M.
Mr. V.V. Jutronich Manager, Whitehorse Copper
Mr. P. Frankish Employment Liaison Officer, YTG
Mr. J. Fournier DIAND, Ottawa
Mr. E. Standish Manpower and Immigration, Whitehorse
Mr. C. Ogilvy Yukon Chamber of Mines, Manager

The Committee has only recently been formed and meetings to date have been of an organizational nature therefore it is not possible to establish a success rate.

J. Smith
Commissioner

**SESSION PAPER NO. 7
1975 (3rd) SESSION**

December 1, 1975

**Mr. Speaker
Members of Council**

Landlord & Tenant Ordinance

Rent Control Amendments

On October 13 last the Prime Minister announced publicly that the Government of Canada was, through its own legislation and with the co-operation of the provinces, proceeding to control wage and price increases throughout Canada for the purpose of ending the upward inflation spiral. At a federal-provincial housing officials meeting on November 24 the federal government proposed an 8 percent rent increase ceiling for all jurisdictions across Canada. All provinces have either passed or are in the process of

developing rent control legislation. British Columbia, Alberta and Ontario have selected the 8 percent level, Prince Edward Island has opted for 10 percent. The other provinces have not yet indicated their intentions. The territorial government is acquiring the pertinent legislation as it becomes available.

Rent control legislation will not be introduced in the Yukon until it can be determined whether it is in fact needed and, if so, how alternative legislative measures might affect the Yukon and what sort of administrative machinery these options would entail.

The territorial government will monitor rental rates by registering complaints made to the Territorial Secretary's office. Rent control legislation will be introduced if the government finds that landlords are not remaining within the spirit of legislation adopted by the federal government and neighbouring provincial jurisdictions.

**J. Smith,
Commissioner.**



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The Yukon Legislative Assembly

Number 8

4th Session

23rd Legislature

Debates & Proceedings

Thursday, December 4, 1975

Speaker: The Honourable Donald Taylor



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The Yukon Legislative Assembly

December 4, 1975

December 4, 1975

(Mr. Speaker reads Daily Prayer)

Mr. Speaker: Madam Clerk, is there a quorum present?

Madam Clerk: There is, Mr. Speaker.

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

ROUTINE PROCEEDINGS

Mr. Speaker: We will proceed with the Order Paper this morning. Are there any Documents or Correspondence for tabling?

The Honourable Member from Whitehorse Porter Creek?

Legislative Returns Nos. 6 and 7

Hon. Mr. Lang: Yes, Mr. Speaker, I have for tabling today, Legislative Returns Numbers 6 and Number 7.

Mr. Speaker: The Honourable Member from Whitehorse West?

Legislative Returns Nos. 4 and 5.

Hon. Mrs. Whyard: Mr. Speaker, I have for tabling today, Legislative Returns Number 4 and Number 5.

Mr. Speaker: Are there any further Correspondence or Documents for tabling? Are there any Reports of Committees? Introduction of Bills? Are there any Notices of Motion or Resolution?
The Honourable from Hootalinqua?

Mr. Fleming: Yes, Mr. Speaker. I would like to give Notice of Motion, seconded by the Honourable Member from Kluane, that Legislation Return Number 5 be moved into Committee for discussion.

Mr. Speaker: Are there any further Notices of Motion? The Honourable Member from Klondike?

Mr. Berger: Yes, Mr. Speaker, I would like to give Notice of Motion concerning the radio coverage under the Canadian Broadcasting Corporation. That's seconded by the Honourable Member from Mayo.

Mr. Speaker: Are there any further Notices of Motion or Resolution? Are there any Notices of Motion

for the Production of Papers?

We will then proceed to the Question Period.

ORDERS OF THE DAY

QUESTION PERIOD

Mr. Speaker: Madam Clerk, could you ascertain if Mr. Commissioner would be available to the House this morning?

(Madam Clerk Leaves Room)

Mr. Speaker: I will declare a brief recess.

Recess

(Madam Clerk returns followed by Commissioner)

Mr. Speaker: At this time I will call the House back to order. Have you any questions this morning? The Honourable Member from Klondike?

Question Re: Environmental Impact Study on Dempster Highway

Mr. Berger: Yes, Mr. Speaker, a written question to the Commissioner. In May, 1972, the federal government contracted with Schultz International Limited, an ecological and environmental impact study on the Dempster Highway, and I am wondering if this report could be made available to this House?

Mr. Speaker: The Honourable Member from Ogilvie?

Question Re: Rent Control

Ms. Millard: A verbal question for Mr. Commissioner, concerning Sessional Paper Number 7, Rent Control Amendments, it states that rent control legislation will not be introduced in the Yukon until it can be determined whether it is in fact needed. Could the administration tell us how they are going to determine whether it is needed?

Mr. Commissioner: Mr. Speaker, I think that we have attempted to answer that in the last paragraph. The Territorial Government will monitor rental rates by registering complaints made to the Territorial Secretary's office. Rent control legislation will be introduced if the government finds that landlords are not remaining within the spirit of legislation adopted by the federal government, and neighbouring in

provincial jurisdictions. I would like to suggest, Mr. Speaker, that we would be happy to enlist the assistance of members of this House and their constituencies and their ridings, that if they do have complaints that are being brought to their attention, that they would get them registered directly, telephone call or otherwise, with the Territorial Secretary's office, and this is the means that we will use to monitor this particular situation.

Mr. Speaker: The Honourable Member from Ogilvie?

Ms. Millard: Mr. Speaker, I was hoping for something more specific than what it does say in Sessional Paper Number 7.

For instance, are you accepting collect calls from outside the Whitehorse area? What — are you going to have an advertising campaign? Are you going to do anything through the mails?

Mr. Speaker: Mr. Commissioner?

Mr. Commissioner: Mr. Speaker, certainly as far as the telephone call situation is concerned, why, we would be most happy to accommodate that. Insofar as any kind of an advertising campaign is concerned, I don't believe that one has been contemplated, but if it is the feeling of the House that we should embark on something of this nature, why I'm sure that every consideration will be given to it.

We would be very hopeful that members in their normal constituency duties would be the ones that would prompt complaints or information of this nature, to come to our attention.

Mr. Speaker: The Honourable Member from Whitehorse Porter Creek?

Hon. Mr. Lang: Yes, Mr. Speaker, I would like to add something to what the Commissioner has said. There was an advertising campaign in Whitehorse, in the Municipality of Whitehorse here about approximately a week ago, and I think I should read this press release from the Consumers' Association.

It states, "The Consumers' Association has just completed a survey in an attempt to determine the need for rent price control in the Yukon. The results will be submitted to the Territorial Council. From the results of this survey, only three phone calls, we can only assume that the majority of Yukoners in rental situations are satisfied with things as they are, and we are not convinced that rent price controls are necessary at this time or that there is a need for a rentalsman.

"The survey was publicized in the air and in the newspapers. The following two questions were put to the public: (1) Do you feel a rentalsman is needed in the Yukon? (2) Do you feel rent price control is necessary in the Yukon? Two phone numbers were listed to monitor a yes or now answer to the question."

We will be taking a very hard look at this in the future, but this is the result of one advertising campaign.

Mr. Speaker: Are there any further questions? The Honourable Member from Kluane?

Question Re: Paving of Haines Road & Alaska Highway

Mrs. Watson: Mr. Speaker, I have a question for the Commissioner this morning, and he can take it as a written or oral question, dependent upon what information he has available, and it's regarding the news release on the paving of the Haines Road and the Alaska Highway from the Haines Junction to the border.

Part of the news release stated that the U.S. hopes to complete the agreement with Canada regarding the paving of this portion of Northern Canada, and they hope to begin the reconstruction of the cut-off by next spring. Now, my question is, does the Commissioner have any idea of the terms and conditions of that agreement that the U.S. is negotiating with Canada, and the specific effects this agreement will have upon the Yukon Territory?

Mr. Speaker: Mr. Commissioner?

Mr. Commissioner: Mr. Speaker, a certain amount of information is available, nowhere near the amount of detail, I'm sure, that would completely satisfy the question that has been raised by the Honourable Member, but I would be very happy to bring forward a detailed list of such information as we have, for the benefit of the House.

Mr. Speaker: The Honourable Member from Ogilvie?

Question Re: Yukon Exit Survey

Ms. Millard: A verbal question to Mr. Commissioner. Will the results of the Yukon exit survey which was done this summer be tabled in this House?

Mr. Commissioner: Mr. Speaker, under present weather conditions, we may have to revise the whole summary, but how about if we say that we will get it forward here to the House just as quickly as it has been compiled?

Mr. Speaker: The Honourable Member from Kluane?

Question Re: Areas of cut backs in Health Service

Mrs. Watson: Mr. Speaker, I have a question for the Minister of Health and Welfare, and she may take this as a written question, and it's regarding the Yukon Region of Northern Health Services, and I think we all recall the notice that cut-backs, it was necessary to make cut-backs within their budget, and their proposal at one time was to close the surgical ward.

I would like to know in what specific areas they are proposing to make the cut-backs for the rest of the year?

Mr. Speaker: The Honourable from — oh, this is a written question, is this correct?

The Honourable Member from Ogilvie?

Question Re: Mileage Rates

Ms. Millard: A question for the Minister of Health, Welfare and Rehabilitation.

While the Executive Committee was in Dawson, the subject of mileage for people attending medical appointments outside of their home town was brought up, and it is now currently 10 cents a mile for someone driving their own car to come to Whitehorse.

Is the Honourable Minister's Department investigating this, and is there a possibility of a raise?

Hon. Mrs. Whyard: Mr. Speaker, we investigated the rate which is paid for people who drive to Whitehorse to receive medical assessments. There is an alternative, of course; if you come by bus, your transportation is covered.

If you prefer to come by private vehicle, the rate that is paid is the same rate as public servants are paid when using their own vehicles. If the Member wishes to have any other action implemented, I would certainly entertain that request.

Mr. Speaker: Are there any — the Honourable Member from Whitehorse Riverdale?

Question Re: New Subdivisions

Mr. Lengerke: I have a question this morning to the Honourable Minister of Local Government, and he may either take this as a written one or an oral one.

What consideration, if any, has been given to allowing municipalities, and specifically the City of Whitehorse, for developing new subdivisions under their sole direction and standards, set by the Municipality, but still within the financial assistance of the Territorial Government?

Mr. Speaker: The Honourable Member from Whitehorse North Centre?

Hon. Mr. McKinnon: Mr. Speaker, the Municipality of the City of Whitehorse now has land transferred to them under their complete control and jurisdiction, in the Takhini and Valleyview areas, and they are, of course, completely and absolutely within their prerogative to that land as they see fit.

I can only say, Mr. Speaker, that if they do a competent job in developing that land, then this government has no objections to other areas being designated that they can also develop. This might interest members to know that the Planning Board of the City of Whitehorse has passed a resolution saying that they would rather at this time, the Territorial Government continue to develop subdivisions and the City not be in the business of developing land. They have the land, and they are welcome to go ahead and try it.

Mr. Speaker: Are there any further questions?
Mr. Commissioner?

Mr. Commissioner: Mr. Speaker, a question yesterday from Councillor Millard, if I may answer at this time?

Mr. Speaker: Proceed.

Mr. Commissioner: And the question inquired about the number of Yukoners who had been involved in the Arctic Gas training program for native northerners, and asked whether there was any government control or involvement in this program.

The answer, Mr. Speaker, Nortran, the Northern Petroleum Industry Training Program, was instituted by Canadian Arctic Gas to develop a nucleus of trained northern residents who would be available to work on a gas pipeline.

To date, 13 Yukon residents have been enrolled in this program but have left. A further four are currently in the program. The primary involvement of government has been through Canada Manpower who have assisted in the recruitment program and provided mobility assistance to applicants as well as establishing industrial training contracts for some northerners which provide for on-the-job training.

Mr. Speaker: We will then proceed to — on the Order Paper to Public Bills.

PUBLIC BILLS

Mr. Speaker: May I have your pleasure?
The Honourable Member from Whitehorse West?

Bill No. 10, Amendments, first Reading

Hon. Mrs. Whyard: Mr. Speaker, I move, seconded by the Honourable Member from Mayo, that the amendments to Bill 10 be read a first time.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse West, seconded by the Honourable Member from Mayo, that the amendment to Bill Number 10 be now read a first time.

Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the Motion carried.

Motion Carried

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

Bill No. 10, Amendments, Second Reading

Hon. Mrs. Whyard: Mr. Speaker, I move, seconded by the Honourable Member from Mayo, that the amendments to Bill 10 be read a second time.

Mr. Speaker: It has been moved by the Honourable

Member from Whitehorse West, seconded by the Honourable Member from Mayo that the amendment to Bill Number 10 be now read a second time.

Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the Motion as carried.

Motion Carried

Bill No. 10, Third Reading

Hon. Mrs. Whyard: Mr. Speaker, I move, seconded by the Honourable Member from Mayo, that Bill 10, "An Ordinance to Amend the Public Health Ordinance" be read a third time.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse West, seconded by the Honourable Member from Mayo, that Bill Number 10 be now read a third time.

Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare that the Motion is carried.

Motion Carried

Mr. Speaker: Are you prepared to adopt the title to the Bill?

Hon. Mrs. Whyard: Yes, Mr. Speaker, I move, seconded by the Honourable Member from Mayo, that Bill Number 10 do now pass and that the title be as on the Order Paper.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse West, seconded by the Honourable Member from Mayo, that Bill Number 10 do now pass and that the title be as on the Order Paper.

Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the Motion as carried, and that Bill Number 10 has passed this House.

Motion Carried

Bill No. 12, Third Reading

Hon. Mrs. Whyard: Mr. Speaker, I move, seconded by the Honourable Member from Mayo, that Bill Number 12, "An Ordinance to Amend the Pharmaceutical Chemists' Ordinance" be read a third time.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse West, seconded by the Honourable Member from Mayo, that Bill Number 12 be now read a third time.

Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the Motion as carried.

Motion Carried

Mr. Speaker: Are you prepared to adopt the title to the Bill?

Hon. Mrs. Whyard: Yes, Mr. Speaker, I move, seconded by the Honourable Member from Mayo, that Bill Number 12 be now passed and that the title be as on the Order Paper.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse West, seconded by the Honourable Member from Whitehorse West, seconded by the Honourable Member from Mayo, that Bill Number 12 do now pass and the title be as on the Order Paper.

Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare that the Motion is carried and that Bill Number 12 has passed this House. May I have your further pleasure?

Mr. McCall: I move that Mr. Speaker do now leave the Chair, and that the House resolve itself in the Committee of the Whole for the purpose of considering Bills, Sessional Papers and Motions.

Mr. Speaker: Is there a seconder?

Mr. Berger: I second that, Mr. Speaker.

Mr. Speaker: It has been moved by the Honourable Member from Pelly River, seconded by the Honourable Member from Klondike, that Mr. Speaker do now leave the Chair and the House resolve in the Committee of the Whole for the purpose of considering Bills, Sessional Papers and Motions.

Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the Motion as carried, and the Honourable Member from Whitehorse South Centre will take the Chair in Committee of the Whole.

Motion Carried

(Mr. Speaker leaves Chair)

COMMITTEE OF THE WHOLE

Mr. Chairman: I call this Committee to order and declare a brief recess.

Recess

Mr. Chairman: I now call this Committee to order. We have for discussion this morning, Sessional Paper Number 4 entitled "A Comprehensive Alcohol Program — Problem Prevention Program". We have as a witness this morning, Mr. Bill Cline, Chief of Alcohol and Drug Services.

Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, it's a great privilege to introduce this Sessional Paper this morning to Committee. I would first like to pay tribute to a large number of people who have been working in the background for several years, whose combined efforts have resulted in this latest proposal now coming before you.

These include the membership in the sub-committee on Alcohol, as well as the Chief of Alcohol and Drug Services, and his staff, who actually prepared and would implement the program outlined here.

The establishment of our Alcohol and Drug Services Branch in the Department of Health and Welfare was a direct result of some of the recommendations which came from the sub-committee on Alcohol, and a number of others have also been implemented.

I would like to read into the record, Mr. Chairman, the names of some of the Committee members whose work has largely gone unrecognized. They included Inspector J. Hunter, William Milner, Edie Walter, William Woods, C. Helander, Ian Jones, R. Thibault, Win Gladman, Celia Asselin, J. Noble, Pat Harvey and W.J. Millar.

There were others from time to time, and appreciation from this Department is extended to them for their hours of work.

Alcoholism affects every level of our society socially and economically. Its effect on our health and rehabilitation costs is astronomical. National statistics tells us that in terms of health and social costs, alcohol related problems are responsible for 30 percent of all child welfare, 20 percent of all family welfare, 15 percent of mental hospital care and 10 percent of all general hospital cases.

In the situational analysis study of alcohol con-

sumption in the Yukon Territory, prepared recently by our Alcohol and Drug Services Branch, it was shown that approximately 13.5 percent of all consumers here are at a level of drinking which has been determined to be injurious to their health, and of that number, approximately half require health, welfare, social and law enforcement services at a rate that is disproportionately higher than others.

The problem of alcoholism has become the number one priority in this Department of Government. There is a growing public awareness of its severity and the need for a change in direction, which encourages us to bring this program before you at this time. The public climate as we have found it in every part of the Yukon in recent months, is most receptive to any practical steps we can take to combat the increases in abuse of alcohol.

From my recent Ex-Com tour of the Yukon, Mr. Chairman, I found that in every settlement, band councils, municipal officers, public health nurses, doctors and social workers had one main problem they wanted to discuss, how to help the growing number of alcoholics in their community.

The one encouraging factor in the present situation, Mr. Chairman, is that these communities are asking for help, and so are many individuals. Yukoners are at last admitting, openly, the extent and gravity of this problem, and because of this support, we can and must take firm steps to combat and control the excessive use of alcohol.

We can help only if our staff workers are invited into the communities. We are not a law enforcement group, but rather a counselling and treatment oriented arm of this government.

In this Sessional Paper, we are asking for the support needed to extend this arm into every area where help is needed and asked for. One such extension will be the detoxification centre to be opened soon in Whitehorse, a partially medical facility from which persons with alcoholic problems can be steered into a period of programmed rehabilitation, offered by our associates at Crossroads, in their new quarters made available by this government.

Another arm will be extended into native communities, where the band council and workers have recognized the need for a special program. An educational advertising campaign is part of our plan, Mr. Chairman, and we ask the co-operation of all members in changing the spurious image of the average Yukoner, from a beer-bellied, bearded booze artist into something a little closer to actuality.

Where this phoney, Klondike-Mike stereotype originated, I am unable to say. As far as I know, there is no historical background for this theme. The men and women who face the hardships of the Chilcoot Trail, certainly had no time for boozing on the way, and once they arrived in the Klondike, they were most of them too busy scratching to make a living in those frantic early years, to waste time or money on booze.

The most vaunted saloons and dance halls are not the only buildings in Dawson City, despite the romantized version Hollywood has been peddling for decades.

As for the saloons themselves, Mr. Chairman, history records the fact that they closed without a whimper at mid-night every Saturday, observing the sanctity of the Lords Day Alliance, a more sedate situation then prevails in the Yukon today.

I believe the blame for this phony image can be laid at the door of some unidentified faceless account executive in an advertising agency handling somebodys brewery account. They have kept alive the image of a hard drinking bunch of boys whooping it up in the Malmut Saloon. Yukoners know that the man who created those legendary scenes was quite little bank teller who was scarcely noted for his drinking prowess.

It is time that we establish our own image of the Yukon in minds of other Canadians and tell it the way it is. We have nothing to apologize for. Our way of life is attractive enough to bring hundreds of new comers annually who prefer our northern challenge to the softer way of life in the south. We are not all drunks. We are spending a lot of time, effort and money trying to help those who don't want to be.

H. David Archibald of the Ontario Addiction Research Foundation in the keynote address to the Advance summer course of the foundation recently summed it up nicely.

Mr. Chairman, if I may be allowed to quote, he said, "Though the use of alcohol has been with us for many centuries, and a great many attempts have been made in the past to bring its use under control, I believe we have unique opportunities now to succeed where others have failed. We have at least taken the first few quivering steps toward accepting alcohol as a drug, the drug most widely abused by our society. We have made vast progress in collecting and assessing the data on the real and potential effects of this drug and we now have the mechanisms of this sophisticated electronic age to get this information through to individuals. The only one, who ultimately can and should decide what they want to do with their lives and the future of their children, given all these things we have the potential and the mechanism and the expertise. What we need now is the determination."

That from Mr. Archibald.

Mr. Chairman, I would ask the support and the determination of this Assembly in this program which is being put before you today.

I would ask the indulgence of the Committee for this lengthy introduction of this Sessional Paper, because I am personally convinced that this is one of the most meaningful programs we will ever consider around this table.

I would ask your further indulgence and request that this Sessional Paper be read in its entirety at this time so that all members will have an opportunity to consider its proposals and perhaps they will have some questions for our Chief of Alcohol and Drug Services at the conclusion of that reading.

Thank you, Mr. Chairman.

Mr. Chairman: Thank you, Mrs. Whyard.

Does the committee concur that this paper should be read from the Chair?

Some Members: Agreed.

(Reads Sessional Paper Number 4)

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, are you going to complete reading the whole paper before we can ask questions or make comments or will you be stopping from time to time?

Mr. Chairman: My intention was to read the whole paper, but if it is the wish of the Committee, we can do otherwise.

I will continue with the whole paper.

Mrs. Watson: Mr. Chairman, I have a suggestion to make. I wonder if we could possibly, rather than read the whole paper, if we could stop now and comment or question the primary prevention part of the program.

Mr. Chairman: If that's Committee's wish, that's fine with me.

Some Members: We agreed.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Yes, Mr. Chairman.

First of all, I would like to commend the government and Mrs. Whyard and her staff for the comprehensive paper they have put forward. I'm very pleased to see that the Yukon Government has chosen to go to the route of a prevention program to make efforts in this regard, before they go to the forced legislative type of—the law type of process, and I'm sure that if this does not show satisfactory results, we may have to consider other action, but I'm very happy to see that they have come forward with this approach to start with.

I would like to comment on a statement that was made on page 3. Prevention programs like alcohol can be irresistably attractive but dangerous. The danger lies in their acceptance as a solution, when they are merely part of a process. I think the biggest danger right now is every member of this Legislature, and the government itself, they have got a comprehensive program, we have done our bit, we can shrug our shoulders and walk away, and I think that's the biggest danger with this whole program.

And another area where I see a danger is, I would rather have—I suppose we have to identify it, but I would rather not have identified it for some reason, and that is the alcohol education in the classroom. Because the education programs for our younger generation against alcohol for information on alcohol, not necessarily against it, so that they are familiar with the problem, does not rest solely with the classroom or the school. It rests with the community and it rests with the home.

The minute you put this in here, again the shrug of the shoulder, what is the school doing about it? Oh, they have a course now, they are giving the information in the health program, or they are doing it within the schools. My responsibility is finished. I am very reluctant even to see it identified as being carried out in the schools.

I remember when drugs, the big question was what is the school doing about it, and all the school did, and all society did, was make our young people curious about the program, about drugs, what are drugs, maybe we should try them.

Fortunately, or unfortunately, I think the young people of the Yukon don't have to be curious about alcohol. I think they have some very shining examples around them in our society, so they don't have to be curious. I just had to stress these two points, that just because this program is being initiated today, we as parents or members of the society, and as a government, cannot walk away and feel self-righteous and forget about it.

Thank you.

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, I would like to thank the Honourable Member for her remarks. I think that in this situation we are faced by the same problem that most occupants of pulpits are; they are preaching to the believers and the non-believers aren't there.

In the matter of a program of education in the classroom, my approach would be that this information is necessary there, because there are parents who are not undertaking their responsibilities to their children, and we are trying to fill that gap, but we are in no way trying to assume the responsibility that parents should be undertaking, and this will be of assistance to some kids who are not going to get any leadership or instruction or education in the matter of alcoholism at home.

The same applies to a number of other family life areas, as the Honourable Member well knows from her previous experience, but it's just another way of trying to plug the gap and we certainly know that parents who do assume their responsibilities to their children are not going to expect the classroom to take over for them.

Thank you, Mr. Chairman.

Mr. Chairman: Mr. Lang?

Hon. Mr. Lang: Yes, Mr. Chairman.

I have to concur with what the Honourable Member from Kluane has said. I have found in the short period of time that I have had the post, portfolio of education that a lot of people are abrogating their responsibilities to the education system. I would like to point out that as far as enriching the programs within the school curriculum, this is going to have to be done in consultation with the school committees.

I pointed out yesterday at the School Committee Conference, that in any enrichment of any of the programs that we have at the present time, we are going to have to be looking very seriously at dropping programs at the same time, because there is only five hours a day in the classroom at the present time, and I think this is very important.

Mr. Chairman: Mr. Berger?

Mr. Berger: Yes, Mr. Chairman. I also would like to commend the government on this program, but there is

something missing as you see in here, and this is the social aspect of drinking.

I'm sorry to say, but on point 3, we have the Yukon stop checks but as long as the people in the Yukon consider this as a medal to pin on their coat, or shirt or anything like this, I think we are never going to stop this. I remember when I first came to the Yukon, I was appalled at seeing somebody getting picked up, put in jail for a week, and the guy comes out of there proud and was accepted in the society as a hero.

Where I came from, and anybody had anything to do with the police or anything on the wrong side of the law, this was a shame and nobody would try to brag about it, but as long as we accept this type of attitude in the Yukon, we are never going to wipe this out.

The other thing is what I like to — what I also don't see in here, is the life style we lead in the Yukon, and I have to name the things. The native community live in a predicament which forces people to drink eventually. It's just now in the last couple of years we try and erase the lifestyle of the native community.

As long as people have no jobs to go to, and I believe the highest unemployment rate in Canada lies amongst the native people, we are raising alcoholics or possible alcoholics. If we don't start at the root of the problem, we are never going to wipe it out. We can have the nicest programs on paper, but they are not going to work.

If we send somebody to a dry-out centre, he has all good intentions when he goes in, when he comes out he's going to be in the same social environment as when he went in. He's got no job, his home is a mess, he's not really accepted in the community, and let's face it, this is a fact in the Yukon. What are you going to do? The next best thing he's going to go, he's going to go to the beer parlour again.

So unless we start right at the root of this problem, any problem — any proposed plan is not going to help.

The other thing is what I would like to point out also, when I am standing up here, is as long as the Yukon Territorial Government thinks the money raised on alcohol is the most important thing, we are not going to solve the problem. The Yukon Territorial Government, for example, is selling booze. It has nothing to do with wine, it's poison as far as I'm concerned, and the cheapest level to raise more alcoholics, to bring more people into alcohol problems, so they have more revenue.

Unless we solve this problem and erase those things right off the shelves, we are not going to solve the problems either.

Thank you, Mr. Chairman.

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, I want to thank the Honourable Member from Klondike. He's brought up a number of important points, and we will probably get into a discussion of them with Mr. Cline later.

There is only one comment I would like to make at this time, and that is that we know we are not the only agency working in this field, and there are a number of other government agencies who are concerned directly with the problems of unemployment and education for employment in native communities, with whom we work closely in this Department.

If we could go on further, Mr. Chairman, I think we will come to some of the other items that you have mentioned.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, I have one more question, and I don't know who can answer it.

The breathalyzer test depends on the use of a certain mechanism. Now, this wasn't available in all communities in the Yukon. Does anyone have any idea what communities now have it?

Mr. Chairman: Mr. Cline?

Mr. Cline: Mr. Chairman, my most recent information is that we have the breathalyzer equipment now in Whitehorse, Watson Lake. It has been added recently in the Honourable Member's community of Haines Junction, and I believe it is being made available soon in Dawson now. I'm not sure that the R.C.M.P. have extended it further. It's a process of buying the equipment and training men to know how to use that equipment.

Mr. Chairman: Mr. McCall?

Mr. McCall: Yes, Mr. Chairman, I believe we also have it in Faro.

Mr. Cline: I stand corrected.

Mr. McCall: I know, Mr. Chairman, it's been used many times.

Reading of Sessional Paper Number 4 Continued

Mr. Chairman: Mr. Fleming?

Mr. Fleming: Yes, Mr. Chairman. In the program, I must commend the Honourable Member from Dawson because I feel the same way. I think we must start at the government level, and not as these people are doing this now, this government is bringing this comprehensive paper here to us, and it is good, and I realize this, but I think they should look more into the monetary gain that the government is making today, as has already been more or less said, and start there. That is the first step.

From there, I think we go to the parents, we go to the people that are going to have children in the future, and going to teach them, and if they are taught at home, they won't need near as much teaching in the schools, but the program should be definitely directed towards the growing people of today, because this is where the problem starts, a lot of it is right in the home, and especially in the Yukon, under some of the conditions they are living.

I think if they take a real good look at things today, now I don't know, I may be wrong on this, but I have a feeling myself, and I will say this personally, that government itself has a fear of delving into the liquor problem they have today. I have this feeling, due to the fact I know we at one time turned liquor pretty loose in the Yukon, and I think it was a wonderful thing. It's

been that way for some many years now, and I think from that we have learned many lessons that we didn't know before, and I feel that the program was good, that it came out and released people so they could drink 24 — but there's many things in there that we don't know today, and this is something I think should be looked at, you know, and maybe not in this paper, but I say there is a fear that seems to get into the liquor problem and there shouldn't be no fear, in any way, shape or form.

Dive right into the liquor problem. I know it will cause a big controversy in the country, there will be big uproars from people, there will be this, that; but it's no problem, fix it if it is bad, and it is bad, as the Member from Klouane and also the member from Dawson has spoken on the fact that I think there is something there. The monetary gain to the government seems to be go ahead, you know, it don't matter, as long as we get the money, but I'm from the old school, I don't think we need all the money. We can find it somewhere else, other than causing — that's where I feel we should start.

From the schools, of course, the people, the young children are aware, and when they grow up they will think back when they see these problems in front of them, and I think — but it starts at the home, and the government to start with.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, in light of the remarks made by the Honourable Members in this question, I really don't come that heavy on government. The government are fulfilling, perhaps, a function that every provincial jurisdiction fills in the provision of spirits and beer and liquors and this sort of thing, although I must confess that I must agree with the Honourable Member from Klondike when he said that in the cheaper wines and fortified wines, there is some real rot-gut. It's almost as bad as that stuff we call Yukon Hootch, and that's pretty bad too.

But seriously, in my experience in the Yukon and working at the community level, both within the native and non-native communities, for that matter, I have always expressed the view that there was a desperate, and I mean desperate, and I underline that word desperate, need for social education at the community level, and in fact I saw it in effect work one time in the Watson Lake area, where a health nurse took it upon herself in her own time to go down and work with people, trying to organize the way of life in the home, and the handling of children, and the cooking of foods, and in the consumption of alcohol, and made real substantial gains during the period she was there.

Unfortunately, this only went on for a couple of weeks and her duties took her other places, and when she left the whole thing reverted again, so I'm convinced just from that one particular incidence, and I have seen others, that people are responsive to this, and I would continue to support any position of any Department of government which would produce this type of facility, that is social education at the community level.

But of course there is no single solution to alcoholic problems. I commend the Department, as other members have in the work and the interest and con-

cern they have shown in getting this program off the ground, and getting in particular the new programs underway, and I am very, very interested in the community detoxation and counselling system that has been programmed for the outlying districts, that is away from Whitehorse, and just as a matter of interest, I note you state that the program will be introduced in one community in the Yukon in May of 1976, and I'm wondering if anybody could tell me what community that will be?

Mr. Chairman: Mr. Cline?

Mr. Cline: Mr. Chairman, in response to that, I couldn't say that we have made the decision on which community that will be. We will try to introduce that program in two communities in the coming year.

Our objective in introducing the program is to experiment with it, refine it and try to make it a working operational program that will work in all communities. Part of our decision on where to introduce it will be based on where we can monitor it the easiest, where we can evaluate it and see what would be the most effective way of developing it, so it's going to have to be determined partially by distance, and the social setting and people who will help.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Yes, just one supplementary question to that question that does concern me. Is this program available to all segments of the community, that is to the native communities as well as the non-native communities?

Mr. Cline: Mr. Chairman, the program will be made available to all people in the community, as all programs are here, made available to all people.

Hon. Mr. Taylor: Thank you, Mr. Chairman.

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, I just want to comment on the Honourable Member from Hootalinqua's remarks, and that is that I wish to assure him that this government is in no way concerned or hesitant about getting into this liquor situation. Believe me, we have other plans which are not in this program before you today, which will go much further and which will, I must say, require the wholehearted cooperation of all liquor operators in the Yukon, and I hope that he will give us his support when we get to that stage.

Thank you, Mr. Chairman.

Mr. Chairman: Mrs. Watson?

Mr. Fleming: In answer to the Honourable Member, I—

Mr. Chairman: Mr. Fleming, Mrs. Watson.

Mr. Fleming: Oh, I'm sorry.

Mrs. Watson: Thank you, Mr. Chairman. I didn't

recognize Mrs. Watson.

I would like to comment on the second training function, counselling training people to counsel people with alcohol related problems, and he is stating—you are stating here that you propose to have a ten week course, and you are going to about, approximately 20 people. I think it is so imperative that we have someone who is able to perform this function in every hamlet in the Yukon Territory, regardless of size. The Burwashes, the Ross Rivers, everyone of them needs someone there who is able to perform this function.

I would like a little clarification, from the witness, from lay and professional workers in the human services field, what type of people would you be looking at?

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, Mr. Cline.

Mr. Cline: Mr. Chairman, we are conducting a number of kinds of training programs and exercises presently.

In answer to the exact question, when I am talking about lay and professional people, I am really talking about here, those people who are interested in providing counselling or referral systems who work in a community. We are not going to restrict it just to your designated social worker, or your designated health worker.

We find quite often there are other people that are concerned. Recently a group of men working in Clinton Creek have started their own counselling and referral system, and we are giving them support. We are going to be giving them some training, and they are none of them professionals in any sense of the word.

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, I would just like to add to what Mr. Cline has said, that we are going to use resource people in every community, and I don't mean professionals only. I mean people who have the respect and confidence of the community, who have the interests of that community at heart, no matter what their position happens to be in that community.

If they are willing to work with people who need their help, we will use them.

Mr. Chairman: Mr. Fleming?

Mr. Fleming: Yes, Mr. Chairman, I merely wish to rise to make sure that I am not misunderstood sometimes, but it's due to my putting things across sometimes I am misunderstood, but there is no misunderstanding that I back this legislation and the papers that you are bringing forward today due to the drug problem, because I myself have many times helped a few drunken people, or alcoholics, I should call them maybe, more down to earth.

I have found where, by doing this, where the people themselves are the ones that can help the problem, and this is why I say I wanted it very clear I was in no way objecting to anything.

Thank you.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, in a related to alcohol and drug abuse, perhaps the witness may be able to give us very briefly, some indication of how serious the problem is in relation to the use of drugs in the Yukon at this time. Is it on an upswing, is it a normal level, is it on a downswing?

Also, if he could, perhaps maybe he could tell us if there are indeed people seeking assistance from the program in relation, not so much to alcohol, but as in drugs?

Mr. Cline: Mr. Chairman, just before I came to this Honourable gathering this morning, I had a call from a referral for a drug problem for this community. We are having people seek, we do not have the level of referral, whether it's self referral by an agency or health worker for drugs that we do for alcohol, in fact, I would say that the level of referrals are very minimal; although we have made it known that we are available, and we have staff who are trained to deal with this problem.

So I would suggest that we have maybe one referral a month on the average for drug problems. To date, they have not been drug problems of what we consider hard drugs, such as the opiate kind of drugs. They have been generally from young people who have used what is generally classified as the softer drugs, and have got into psychological and social problems because of their association with drug use.

As far as giving you any kind of statistical analysis, I can't, on the level of drug use in the Territory. It's a very difficult thing to estimate, because it's completely illicit. I could give you some impressions. The impressions are at the current time that soft drug use, which is the cannabis products, such as marijuana, hashish, hashish oil, and some of the psychedelic drugs, although those not to a great extent, are being commonly used in some communities.

I would not say that it is a problem of great magnitude. It's not something that we should try to put forward some kind of a message to scare people or to make the public at the place where they become overly concerned and overly frightened, because of the detrimental effects that sometimes it has on our communities.

There are instances of use of some drugs which are considered intermediate drugs, some people call them hard, some people call them soft, I prefer to call them intermediate. Cocaine use, which is a drug which was used, I guess in the '30's at a very popular level, has risen to be very, very popular in southern Canada and the United States. Recently, we hear of some incidents of it coming into the Yukon. These are usually being used by those people who have a fair amount of money at their disposal. It's not something that is being used by your teenagers or your young people who are not working. It's usually middle class individuals who are employed in very good work.

As far as the hard drug use, at present we are not aware, and we have a fairly good check on it, that there is use of heroin to any extent. There may be occasions

where cases come in. We have people in this community who are ex-users, who have found being in the Yukon is a very good place to rehabilitate themselves and to be away from the kind of life in the cities where heroin use is common.

Mr. Chairman: I would ask Members to confine their remarks to the section under discussion, and we will have a general discussion after the paper has completed reading.

Tertiary Prevention;
(Reading of Sessional Paper 4 continued)

Mr. Chairman: Mr. Berger?

Mr. Berger: Mr. Chairman, I would like to make some more comments on this that is related in here. I think again it's not mentioned in here.

I think one of the other reasons of alcohol problems, the rising problems, especially concerning children, and teenaged drinking or in some cases children drinking, in our society, our life-style increases faster and faster from year to year.

At one time I was the biggest advocate of saying "let's open the drinking laws wide open, like European drinking, where you can take children into the bars, expose them to the liquor and they no longer have a problem". I grew up this way, and it helped me, I think. I'm no longer sure if that is going to work, because I just came back from Europe, and there is a rising alcoholic problem over there too. I think in order to put my fingers on it, I have to say what comes to my mind right now is credits are too easily available, mortgages are too easily available, and like you say it's the fast life. We are living beyond our means. Both parents have to go to work, people come home tired, so they take it out — well, one drink relaxes me.

Well sometimes it doesn't stay with one drink, it eventually ends up with the bottle full, and I think we have to take this into consideration, maybe we have to change the whole lifestyle around, in order to solve some of the problems.

On this last paragraph here, I see — or on the other page actually it was, the cooperation of everybody and operators and so on of liquor outlets. I think again as we come into touching the problem of enforcement, I know some Honourable Members don't think much of enforcement, but as long as we have liquor outlets serving people who are drunk and should not be served, I think we need to have more strict enforcement.

Also, as long as — in some cases, I wouldn't say all the people, some bars are very good. You have exceptions with everything. Some bar owners have a tendency to be drunk in the bar, hanging over the bar, and I think this is a very bad example for everybody coming in, and I think this is the type of thing we have to eliminate, even if it's a hardship to some bar owners. Suspend their licence or something like this, I think we have to be more harsh and more enforcement in the whole thing.

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: Yes, Mr. Chairman.

I would just like to make this remark, that certainly the Honourable Minister of Health and Welfare doesn't have to apologize for the lengthy introduction she gave to this Paper.

I can sympathize with most Members that stood up and made their comments. I would just like to throw at you this, that you should think about this, why does a person drink? You know, there are some problems like being lonesome, domestic or social problems, nothing else to do, they feel useless, unwanted, there's no work. The other way they drink is for enjoyment.

So what I can say this, is I sympathize with the Honourable Members who suggest firm control at home and among the individuals themselves. I think we all agree that we have shirked our responsibility, and have not been honest in allowing the growth of the alcoholic problem. That's why we are here now, desperately attempting to strengthen the preventative program through improved publicity awareness programs and counselling, with realistic treatment.

I fully agree and am in support, but I recognize a plea in this Paper, that we must act immediately on regulations concerning the vending of alcoholic beverages, the quality of the premises, and the control of the activities that are associated.

Certainly a firmer policy of present regulations is obvious, but as I said earlier, it's only a small part of the program. We as a government, as residents of this country, must put in place facilities and promote activity programs that discourage the thought of alcoholic use. We must educate our people socially that you don't need to drink to have a good time.

We must make productive work available to all. We must discourage idle time, as now encouraged by some of our welfare assistance programs. We must make sure that we can fill the gap of idle time that is brought about by reduction of work hours in our society today, so let's put in place measures to generate the quality of life we need through a proper use of resources, and revenue return to accomplish the kind of activities and productivity that we as people, as humans, require.

Thank you.

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, I wish to thank the Honourable Member for his comments, and on the subject of enforcement of the Liquor Ordinance and its regulations at present, I would ask the support of every Member in this Assembly, when there are complaints laid about operators in your constituency, and when these complaints are taken to our Liquor Commission, the Commission members require support politically for every decision they make and try to enforce.

It is not always an easy task for members of that Commission, let me tell you. If the climate around this table today is what I am feeling, their task should be considerably simpler in future.

Thank you, Mr. Chairman.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, I can hardly recognize the House. The expression that is being expressed here today, and the expression that has been expressed in

the past, where enforcement measures, legislation regulations approved by this House, and then when the government and the administration embarks upon an enforcement program, the political support is not there.

It's really something to hear people say that we require enforcement, and even that we require stricter and more stringent regulations.

I would like to comment, let's try the enforcement route before we embark upon any further restrictions, and I think this is the message here. Let us not amend the regulations, let's try enforcement of what we have, and cooperation of the existing regulations by the political body in this House, and I think the message came through pretty clear.

Mr. Chairman: I would like to add a comment, this is considered an alcohol prevention program and I think that is the basic thrust that the government is trying to get over. It is a prevention program, not an enforcement program.

One problem, Mr. Cline, that perhaps you can help me with is that I think you have pin-pointed the situation very well. It is your level of secondary prevention, I have had considerable experience in dealing with people, in my own work, and I think that one of major problems that we are facing is that we come across the person who has an alcohol problem, but how do we motivate that person who first is identified by myself or someone else, as someone who is having an alcohol problem, how do we get him to the treatment facilities that you are now expounding?

This is, to me, the core of the problem of alcoholism. I am asking Mr. Cline for an answer.

Mr. Cline: Mr. Chairman, you have asked me a most difficult question as I am sure you are aware. I am not completely in agreement that a person has to be in complete recognition and acceptance of their problem before you can help them. I am not against some constructive coercion which may sound rather jargonistic, but I think I am not against it.

One of the effective programs that we now have in the alcoholism field is our employ programs which the employer says, you get help or we do something about it. Okay now, that is not the same for a doctor or a social worker, various other people. They can't say you have got to get treatment. I think that the only thing that we can do is to use the kind of pressure we have through our relationships to suggest to a person that they talk to someone. Say, look it is too—there is no reason to fool ourselves, you are beginning to develop a problem. I would like you to discuss this problem with a person and let the two of you sort out what you should do about it.

I can not give you, you know, anything more than that. There is no way that we can force a person to seek treatment. We can use coercion, we can put pressure, we can use our friendship, we can use our family relationships, but there is no way we can, except occasionally, when the courts put a person on probation and send them for treatment, we have no way of coercing a person, other than that.

Mr. Chairman: Thank you, Mr. Cline.

Mr. Fleming?

Mr. Fleming: I am sorry I interrupted before, I didn't realize you were asking a question of the witness and he almost gave the answer I wanted to give. I, on the other hand feel a little more strongly with the idea that if he is already there you more or less have a problem to help him. I think it boils right back down to what we were talking about all day, he can be helped by other people. They all become aware. I think this is actually what the program is about. Again I commend this paper.

We must make him aware before he gets too far, because you can't bring a dead man back to life. It is too late sometimes. It has to start right at the bottom. My question was actually answered.

Mr. Chairman: I appreciate your comments Mr. Cline, but I still don't understand how you can motivate a person once the problem is identified, and I still think this is the core which somehow has to be solved, which we are still, so far, not able to come to grips with. That aspect, when the problem is developing, the person is not willing to acknowledge it and is not motivated to accept any help.

The problem still exists and we have to, somehow, be able to attack that problem.

Mr. Cline: Mr. Chairman, I can't give you a final solution to that problem, as you are aware. I think, you know, that part of the job of any person who is working in the alcoholism field that once we get a person it is our job to motivate them to go on for treatment. I think we can do that. If we are able to get the person, I think that we can motivate them, not through saying, look, Joe, you are an alcoholic not through trying to discredit them in their own eyes or anybody else's, but trying to show them how alcohol is interfering with some of the important areas of their life and how maybe if they do something about that drinking, their life may have a better quality to it.

I think we can motivate people that way. I have seen some success.

Mr. Chairman: Thank you, Mr. Cline, this has been a most constructive morning.

The witness is excused.

I would like to advise Members that we will be proceeding with the Land Use Regulations at 1:30.

The Committee is now recessed.

Recess

Mr. Chairman: I now call this Committee to order. We have for discussion this afternoon, Sessional Paper Number 5, Territorial Land Use Regulations. We have three witnesses appearing on behalf of the Yukon Chamber of Mines, Mr. Mike Stutter, Mr. Cam Ogilvie and Mr. Mike Phillips.

Perhaps we could lead off the discussion with a member of the Chamber introducing their brief.

Mr. Ogilvie: Thank you, Mr. Chairman.

My name is Cam Ogilvie, and I would like to introduce our delegation. On my right is Mr. Mike Phillips, a past president of the Chamber of Mines, the Manager of Archer Cathrow and Associates. Mike is a geologist, Archer Cathrow and Associates has done business in mineral exploration for the last ten years in the Yukon, one of the leading mineral explorers in the Yukon, with a budget of about one million dollars a year.

Mr. Phillips has been a geologist for approximately 20 years, over half of that experience has been in the Yukon.

The third member of our Committee, Mr. Mike Stutter, known to you as a former Member of this House, was unable — I couldn't find him on short notice, so pinch hitting for him on my left is Mr. Dick Joy, a geologist with United Keno Hill Mines. Dick graduated in geology in 1971, and has worked for United Keno ever since, and happens to be the man who made the initial discovery at the proposed Def-minto deposit in the Carmacks area.

My name is Cam Ogilvie, I'm the Manager of the Chamber of Mines. I am a geological engineer with about a little over 20 years' mining experience in mining, and more than half of it north of 60.

We've — we have prepared a brief, and am I right that you have copies of it? On the first, the title page of it, we give a rough summary of it. The brief is organized in two parts.

Part 1 endorses the government's proposal to extend its power to impose site specific permit conditions to land use operations throughout the Yukon, but it points out the discretionary power needed to police the environmentally and sociologically sensitive Arctic regions, for example the MacKenzie Delta, is not appropriate to the southern Yukon.

Part 2 proposes specific amendments to the October 20th government draft, which we suggest should be applied as sub-regulations to the Yukon south of the 64-45.

Our first comments are on the — first we will deal with the Yukon Quartz Mining Act, which is the federal legislation that the mining industry operates under now in the Yukon, then we would like to turn to the Territorial Lands Act, and the regulations issuing from it.

The Yukon Quartz Mining Act has governed the Yukon's hardrock mining industry since July 19, 1924. Departing from the brief at the moment, it deals with mainly the right to acquire and keep mineral rights, but it recognizes that mineral rights are not of any use at all unless you can get on the surface to develop them, so there is one section in the Yukon Quartz Mining Act, Section 72, which reads in part:

"It confers the right to enter upon and use and occupy the surface of the mineral claim, or such portion thereof and to such extent as the Minister may consider necessary, for the efficient and miner-like operation of the mines and minerals contained in the claim."

So this necessary right is further recognized in Section 3, sub(3) of the Territorial Lands Act.

"Nothing in this Act" — which reads,

"Nothing in this Act shall be construed as limiting

the operation of the Yukon Quartz Mining Act", also the Yukon Placer Mining Act, and two other pieces of federal legislation that deal with power.

Now I want to emphasize that the work done on the surface of mineral claims is presently exempt from the Territorial Land Use Regulations, but there are three important points that have to be made in connection with that.

The first one is, the Minister through his mining inspector, etc., etc., is required to determine, in the existing legislation and he has been for 50 years now, is required to determine whether a given operation is necessary, or if it is being conducted in an efficient manner, or if it is not necessary being efficiently conducted the mineral claim holder has no right to occupy the use of the surface. I think it is worth making that clear that that is the only right that the holder of the mineral claim holds right now is to do efficient and miner-like work on the surface, anything else he is not protected.

Okay the exemption from the Land Use Regulations applies only to the surface of mineral claims and it doesn't apply to any operations, whether they are mining operations or not, to give access to a mineral claim.

If it's a tote trail that's being put in, between a highway and some mineral claims, that would fall under the Territorial Lands Act and the Land Use Regulations and similarly work done before mineral claims are staked, which is regional work, is not exempt, it does fall under the Territorial Lands Act and the Land Use Regulations.

The third point we would like to make is that for the past four years, the Yukon Chamber of Mines has encouraged operators to voluntarily cooperate with Land Use Inspectors, and with very few exceptions, this cooperation has been excellent.

Now, that is the situation as it exists at this moment. However, in the spring session of Parliament, or at least soon, but very likely in the spring session of Parliament, Parliament will repeal the Yukon Quartz Mining Act, and will replace it with a New Yukon Minerals Act.

Now, this exemption from the Territorial Lands Act and its regulations, will no longer be in force once the new Act, the new Mining Act comes in. This will place the Yukon mining industry directly under the full force of the Territorial Lands Act and its Land Use Regulations, probably before the next field season.

Now, the Yukon Chamber of Mines welcomes environmental controls, provided they are written and executed in a manner to suppress unnecessary damage, and not to needlessly harass necessary and efficient miner-like development. In connection with that, I would say that this brief will emphasize that we feel that we should be assured that the regulations will be befitting this particular area that we are in.

Okay, so much for the mining legislation, now onto the Territorial Lands Act and its regulations. I would like to deal with this in three phases, and Phase I is the actual amendments to the Territorial Lands Act.

In 1970, the Territorial Lands Act was amended as part of Bill 212. Now, I think this House is very familiar with Bill 212, because it also contained amendments to

the Yukon Act. But anyway, the Territorial Lands Act was amended by adding three new sub-sections, 3 sub (1), the power granted to the Minister to set aside land management zones; 3 sub (2), to make Land Use Regulations, and 3 sub (3), to—referring to penalties.

Before implementing Sections 3 sub (1) and 3 sub (2), the Minister is constrained to consult with the Council of the Yukon Territory or the Northwest Territories, as the case may be, and of course that is the authority for the consultation that you are doing right now.

Before third reading of Bill 212, the Minister and various senior officials appeared at various times before a Commons Committee. Now, these senior officials were, of course, Mr. Digby Hunt, who at this advanced stage of his career I understand is now a Yukon resident, and that certainly isn't premature from our point of view, and Mr. John Naysmith, who at that time was the senior environmental officer, and that's not quite his title, but that in effect is what he was, with the Department of Indian and Northern Affairs, and as we understand it, the chief architect of the Land Use Regulations. So these were the people that appeared before the House Committee.

If anybody is interested, you can get the record of that whole series of discussions, the reference is Canada, House of Commons, 28th Parliament, Session—there's a misprint, it should be Session 21, Standing Committee on Indian and Northern Affairs, Numbers 15 to 29, date 1969 to 1970.

I happen to know there's—I can't find a copy of it in our library here, it's available in the Cameron Library at the University of Alberta, and available through the inter-library loan facilities of the Yukon Territorial Library System.

Now, on page—the brief refers to page 21 (14), the 21 means the 21st session, so we will just go on with page numbers, page 21—I'm sorry, page 14.

Mr. Hunt said, "We are dealing with an ecological system that is certainly very different from that found in Southern Canada. It may be more easily damaged, it may take much longer to recover, certain actions that could be taken in southern Canada with little or no long-lasting effect may produce results in the north that will stay with us more or less forever."

So we comment on this, these observations appear to be most relevant to the high Arctic, not to the—I'm sorry, there's a misprint, it should be boreal rather than arboreal, forests of the Yukon south of the Peel River. The word is b-o-r-e-a-l, and it means Northern, and that's the term they use to describe the area that we are in here.

Mr. Hunt further said, "I want to emphasize that the purpose here is not to slow down in any way exploration activity". He said on page 15, "It would be wrong to imply that there will be no disturbance, there is bound to be some but the purpose would be to keep this disturbance to a minimum and, at the same time, to ensure that the exploration and development activities can proceed".

Now we comment that the proposed amendments that we would like to see are in the spirit of these remarks.

On page 18, Mr. Nielsen established that Yukoners'

input in drafting the proposed regulations was restricted to one person, Mr. John Lammers, the then President of the Yukon Conservation Society.

On pages 21 to 22, Mr. Naysmith showed the Committee a map dividing northern Canada into five regions, on the basis of environmental sensitivity. Apparently the regions were—now we can't find the map, but it's evident from the transcript what these regions were, and they were, number 1, the non-Arctic Yukon and adjacent Northwest Territories.

Now, if I could leave my chair for—perhaps, could I ask you to go to the map and indicate the areas?

Region Number one would be the non-arctic Yukon and the adjacent Northwest Territories, that would be the area coloured brown but south of the Peel Rivers.

Mr. Phillips: This is the Peel River running through here, Yukon, N.W.T.

Mr. Ogilvie: The second area was the pre-cambrian, or in other words the eastern Northwest Territories, the mainland and Baffin Island.

Mr. Phillips: This is commonly known as the Shield Region, this would be to the east of the Mackenzie River, east of a line between Great Bear Lake and Great Slave, this area in here.

Mr. Ogilvie: Okay, number 3 is the Arctic Islands.

Mr. Phillips: This is the area covered here.

Mr. Ogilvie: Number 4, now this one is a little indefinite in the record, but, by process of elimination it appears to be the Mackenzie Valley.

Mr. Phillips: This would be this area in here.

Mr. Ogilvie: But not including the Mackenzie Delta. Okay, the fifth one is very specific, it is the Mackenzie Delta, Crow Flats area.

Now the reason we go to detail on what these five are is that there is various comments made in the evidence on differences between these. Now remember that in 1970 this was the government's official and scientific position on sensitivity regions of the entire north.

Mr. Naysmith said Region one happens to be the least sensitive. Region one being the cordillera south of say, Peel River.

We have had a lot of experience in the provinces in turns of what happens to a boreal forest, that means a northern forest.

Region 2 is pre-cambrian and you are not going to do much damage in that area. Now is you are not going to do much damage in region 2, then we assume you are going to do even less damage in Region one, which he says is the least sensitive area.

Okay, at that point — perhaps another point, Mr. Nielsen said, "As the whole of the two territories has been divided into these zones, or regions, there is not a place in the territory that a piece of equipment can go without a permit, is that not so."

Mr. Naysmith said, "no, that is not so." And then he

said, "perhaps I didn't make myself clear, and then he said "only within a land management zone do you require a permit.

Well Mr. Barnett had some remarks to say, namely, that most of Members of Parliament, something like, most of Members of Parliament were city aldermen at one time and we see a zoning map, we are thinking in terms of small areas. Then he said, "I think it would be useful if we had some idea of the scope of the proposed Land Management Zones."

Mr. Naysmith said, "yes, if we take for example, Region 5, now recall that is the most sensitive one, the Mackenzie Delta, et cetera, which is the most critical one, being the most sensitive to damage, we envisage as a start to declare two Land Management Zones here. One would be the Tuk Peninsula in total, and the other would be an area around Old Crow in the Yukon."

Now, I think it is important that I get up for a moment and point out exactly what the Tuk Peninsula is.

I don't know if you can make out a little body of water in here, the area to the north of that is the Tuk Peninsula. It is about — a little smaller than my small finger here, north of that.

Okay, this is meant to indicate the size of what Land Management Zones will be.

One would be the Tuk Peninsula in total, and the other would be an area around Old Crow in the Yukon.

I would like you to keep that in mind when we get onto Phase 2 and Phase 3 when we discuss what the present and proposed Land Management Zones are.

At another page, pages 22 to 23 Mr. Naysmith said, "I think we must be careful here when we talk about these regulations because they could totally inhibit development. What we are talking about is minimizing disturbance to the land surface." I think this is the key, we are not talking about precluding it. For example, we might say that all equipment over twenty thousand pounds would be defined as a land use operation in all zones. But in zone 5, that is the most critical one, all equipment over five thousand pounds, during the months of May to September would be considered a land use operation and therefore regulations would apply to them.

Now, two comments on that. Our brief will call for a ceiling on this power to do things which would totally inhibit development. We would like to see this ceiling appropriate to the non-arctic Yukon.

Secondly, our brief will call for some difference in definitions regarding non-arctic and arctic Yukon.

Now this difference in definitions appears to be consistent with what Parliament was told they were authorizing when they did authorize these regulations. I refer you back here to — he was suggesting that any cat weighing more than twenty thousand pounds anywhere in the north would be a Land Use thing, but even smaller cats, those over five thousand pounds would be in that critical area.

Okay, on the basis of all these proceedings, Parliament amended the Act to allow Land Management Zones and Regulations as requested by the Ministers.

Okay, on to page 2. Pursuant to section 3 sub 1 and 2 and 2, which we have referred to earlier, in 1971 — no

we haven't referred to these — sorry, we have, in 1971 the Yukon Legislative Assembly was asked to consider proposed Land Management Zones and Regulations and several senior Ottawa officials appeared here as witnesses.

Now those of you who were present at that time will recall, your oaths of secrecy were applied to prevent you from consulting with the Yukon public including the Yukon Chamber of Mines.

Indeed neither the general public nor the Yukon Chamber of Mines was officially advised of what was being proposed by Ottawa. After this statutory consultation of the two Territorial councils, the regulations and zones were established on November 2nd, 1971 and are still in effect. These regulations and zones give officials adequate discretionary power and time to write site-specific permit conditions for the most sensitive and remote of Arctic environments, and I might add that that's the way it should be.

Indeed, the existing land management zones include all areas of the Northwest Territories, except the Precambrian and half of the Yukon. They include the — the land management zones include half of the Yukon, the area north of 65 degrees latitude, and the southern Yukon, south of a line passing roughly through Beaver Creek, Whitehorse, Ross River and Summit Lake.

Now, I think you have a copy of — do you have copies of the existing Land Use Regulations, the existing ones, the ones that are in existence now, this? Okay, well in the back of it it does show exactly what land management zones are, so if I could get up for one more minute and point them out on the map.

As far as the Yukon is concerned, everything north of here is one big land management zone, it's bigger than the Tuktoyaktuk Peninsula. The highway from where it crosses into Alaska, right down the highway through Whitehorse and up in sort of a zig-zag line to roughly Little Salmon, east of Ross River, and then straight through east to the border. All of this area is in land management zones, and the McMillan Game Reserve.

These are shown on a map attached to the existing Land Use Regulations.

That was one point of what came out in these regulations after they had consulted with this House. I point out that the discretionary power in them is the same in the Watson Lake area as it is in the Tuktoyaktuk Peninsula. I refer you back to the evidence given to the Parliamentary Committee that the Tuktoyaktuk area, or the Old Crow Flats, would be in the most sensitive area, Region 5, Watson Lake, et cetera, would be in the least sensitive area. The discretionary power is the same in both.

Definitions of what constitutes a land use operation, in other words, what level of operation requires a permit is the same in any land management zone. The time allowed to consider permits, the time allowed to issue permits, 30 days, is the same, regardless of the fact that we have a transportation and communications system in the Yukon which is better than about half of British Columbia, as contrasted with their almost complete lack of communication and transportation system in the sensitive Arctic regions. The

time to consider permits for issuance is 30 days, the same.

Responsibility for enforcing the regulations is given entirely to the personnel of the Water, Lands, Forests and Environment Branch. Nowhere do the regulations involve the experience and knowledge of the Department's competent Mining Section, even in a consultative capacity.

Okay, that refers to the regulations that have been in effect for the last four years. Now, Phase III then is the proposed regulations that you are looking at now, and how do these differ from the ones that are in existence right now?

The proposal before you differs from the existing regulations in three major ways: (1) It extends land management zones over the entire Yukon and the Northwest Territories. Now we have got kind of away from the idea of the area around Crow Flats and Tuktoyaktuk Peninsula, now we are on to everything north of 60 is in land management zones.

Now the existing regulations have definitions of what is and what is not a land use operation. The new ones have different definitions now of what is a land use operation. They have got two levels of land use operations, and if you refer to, just in passing, to the proposed — the government's proposal, you will see that if you have the same stuff as I have here, page 1 of the definitions defines a Class A permit and the next page basically a Class B.

Now, the Class B permits by and large, are operations which are smaller than the existing Land Use Operations. So, the second effect of these proposals then is to bring in an entirely new class of land use operations subject to permits, smaller operations, and the third one is, that it increases the 30 days available now to issue permits to 42 days, and in passing, I would say that there's an additional 10 days allowed to decide whether an application is a valid one or not, so you could add those too. Take 52 days at the ultimate, if we wanted to use it, to issue a permit.

Now, the effect of this would be that if a discovery were made, if we had a regional exploration program, and it happened to make a discovery in the second half of a hundred day field season, it could conceivably take 52 days to get a permit issued, and 52 days would put you into the next field season. You would be beyond the existing field season, so these are the three general changes that you are looking at now.

We submit that this official discretionary power could well be necessary in the high Arctic, including the Old Crow area of the Yukon, and if so, it would be justified by a sensitive Arctic environmental conditions. I see we didn't underline Arctic but I think we should have, and (2) a lack of developed communications network, again in the high Arctic.

However, we further submit that this discretionary power is excessive discretionary power for the non-Arctic Yukon. So, we would recommend: (1) Respectfully recommend, that the Yukon Legislative Assembly take the lead in restricting its consideration to its area of jurisdiction, the Yukon Territory. I think you are aware that the Territorial Council of the Northwest Territories, has been consulted on revisions to the Territorial Lands Act Regulations. I don't think that

the proposal that they looked at is the same one as you are looking at here now, but that's somebody else's problem.

Our brief refers only to the Yukon, and that is all we are asking you to be concerned with.

The principle of allowing necessary official discretionary power to write site-specific land use permits within land management zones be accepted. We recommend that this authority be given to the officials.

We also recommend that the land management zones be expanded as proposed, to include the entire Yukon. We are willing to go along with that.

(4) Here's where we depart from the proposal that you are given now. We recommend that the Yukon be divided into two sub-zones, an Arctic sub-zone, and a non-Arctic sub-zone, and that the boundary between these be approximately at Peel River, in other words, at about latitude 65-45.

No, in our view, we have looked at quite a few facts on it, and it appears that this pretty well puts the high Arctic conditions to the north of that line, and the conditions that we are all familiar with in what the government scientists call the boreal forest area, which we know isn't all that different to British Columbia, south of 65-45.

Then we suggest that there be separate regulations or sub-regulations for each of these two zones.

(6) That, lacking advice to the contrary, the regulations as proposed by the Department, be applied to the Arctic Yukon sub-zone. We are not making any comment on whether these — this proposal that the government has given, the federal government has given you, should be changed for the Arctic Yukon area.

Seven. That before being applied to the Yukon non-arctic sub zone, the proposed regulations be amended as suggested in part 2 of this brief.

We have listed what some of these changes would be in general terms.

One, that several definitions be changed, including making a bull dozer -- making a type A rather than a type B -- sorry we would like to see that make a type B rather than a type A permit. I would like to explain that later.

Two, that reducing the discretionary time to issue permits.

Three, that the rights of individuals be protected, that it restrict the general power to issue permit conditions. I would like to recommend on change in the fee structure. We would like to introduce several changes for the duties and powers of inspectors. We would like to see some involvement of mining officials in a consulting capacity. We would like to see some changes to the appeal section.

Mr. Chairman, our brief carries on into part 2, which gives a point by point suggest amendments to the actual sections of the Regulations as they have been put before you.

Is it your wish that I carry on into the section by section part of it.

Mr. Chairman: Perhaps some members would like to comment. Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, I simply, at this point, wanted to make a suggestion that as we are proceeding through on the pertinent sections of the Land Use Regulations that perhaps in light of the approval of this House of the Highway Ordinance, perhaps there will be many implications affecting the Land Use Regulations. Certainly I would think the Honourable Member from Mayo may be able to give us some help in locating those sections that we would like to deal with ourselves along with the Chamber of Mines.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, I have one question for the witnesses and they probably can't answer it either. It was apparent when the first Regulations came out under the Territorial Land Act they were considering going to the Management Zones, now they seem to have changed their philosophy and going to different levels of permits, is that any reason? Does anyone understand this? They have used a one management zone in the Yukon Territory and going to two different levels of permits, whereas the natural following through their original, you would assume that they would have gone to degrees of Land Management Zones, and this is what you people are proposing, I believe.

Mr. Ogilvie: Yes, I don't know whether to give you the long answer or the short answer. I will try to give you a middling answer.

There is one point that we do like in the existing regulations and in the proposed one and that is this, that they are site specific. The regulations are largely confined to giving limits to the official power within which they can make site specific conditions attached to permits. Now we like the idea of these conditions being site specific, it makes the punishment fit the crime.

I think the point here is that they must have some flexibility within which to make these and I think that we certainly agree that that is necessary. I think what we are looking at here is, what we are proposing is that there be an appropriate ceiling put on that power within which they can do it, and we think the ceiling in the sub-zone that are recommending should be different than the one in the high arctic as it applies to Yukon, because we know where the boundaries should apply.

the Class A and Class B permit is slightly a different thing here. We could probably deal with it as we get to it as a point, but it has to do with the time that the officials can take to issue the permit.

Should I let that go --

mrs. Watson: Until we get to the section.

Mr. Chairman: Carry on, Mr. Ogilvie.

Mr. Ogilvie: Thank you.

Mr. Chairman: Mr. McKinnon?

Hon. Mr. McKinnon: Mr. Chairman, I think we are kind of getting a little ahead of ourselves. Our Statutory Limitations under the Territorial Lands Act call for the Governor in Council may, after consultation with the Council of the Yukon Territory or the Council of the Northwest Territories as the case may be, where he deems such consultation to be practicable or otherwise after consultation with each of the members of Council with whom consultation can be effected, made regulations respecting, (a), the protection, use and control and service of the land in a Land Management Zone, and (b), the issue of permits for the use of the surface of land in a Land Management Zone on the terms and conditions of such permits and the fees therefor.

I think that we may be going into an exercise in futility by going into detail into the actual regulations as they are now without finding out whether, one, this Assembly wants to approach the Federal Government on the concept that the Yukon should be divided into arctic and non-arctic sub zones. I think that that is the one issue at this moment. Then if the Federal Government, which the consultative process, as far as I understand them in the Territorial Land Act, all they have to do is lay the proposed regulations on the table to us and they say that is the consultative process. We have fulfilled our obligations under the terms of the Territorial Lands Act, which they have.

We could be successful, if this Assembly agreed, in saying that we have received a brief from the Yukon Chamber of Mines, and we are of the opinion that different regulations should be applied in certain parts of the Yukon and other parts of the Yukon, though we are in compliance with them, that it should be all zoned.

Then I think if the federal government agrees with that type of thinking; if that's this Assembly's wishes, then we could think about going into the detailed examination of the changes in regulations that would result from the different zones being applied to the Yukon, but to get into detail as if we have the power of amending these regulations, now is almost an exercise in futility that we enjoy rights which we don't. We have no rights.

We have a consultative statutory obligation that the federal government has fulfilled when they lay those proposed regulations on the table, and now it's up to us to say that they fulfilled their obligation, and we want to present a Motion to the federal government saying that we have information or have received applications or briefs, and we think that this should or should not happen. I just can't see the point in going into the details of the regulations until we have that most important point cleared at this time.

Mr. Chairman: Mr. Berger?

Mr. Berger: Further on this, as the Honourable Member from Whitehorse North Centre suggests, I would like to refer the Committee to a newspaper article, and with the permission of the Chairman and the House, I would like to just quote one sentence in here.

"A Canadian Arctic Gas panel members accused

the federal government of withholding information on the impact that the highway has had on the herd", and they are referring to the Dempster Highway, which falls well under the Peel River area, and I think before we go into any further details of this thing, I would like to get more information. This is one of the main reasons that I asked for the study the federal government commissioned in 1972, but which was never publicized. I believe in this study it's referring to all the environmental damage that could be done in this particular area.

I am fully agreed with the Honourable Member. There is no use going into any details, especially before we haven't got enough information. I mean, right now we have got a one-sided view of mining interests. We haven't got nothing from the Yukon Conservation Society, we have nothing from game management, absolutely nothing on the thing. I think it's very very important.

Mr. Chairman: Mr. McCall?

Mr. McCall: Mr. Chairman, I understand some of the problems that we are confronted with in this particular discussion and debate, but I would suggest at this time, Mr. Chairman, that we allow the representation from the Chamber of Mines to give us as much information as to the predicaments they foresee under the land use regulations, and I think then we should allow the conservation society to present, shall we say, their opinion on the same regulations that we are discussing.

Mr. Chairman: Is that the wish of Council, that we try and have more witnesses appearing?

Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, that would certainly be my view that we should carry on and get as much done of this as we can.

You know, it's important to me, what's happening here is, that at a time when we are constitutionally striving for more responsible government in the Yukon Territory, and voicing these concerns and these desires here in the Yukon, while we are doing it, they are robbing the House downstairs, and that's exactly what the federal government are doing, and they are doing it also in this case.

Now, we have expressed a great desire for some day attaining control and administration over the natural resources of the Territory, both the renewable and the non-renewable. It seems to me, and it's always been my impression that when you have got provincehood, you firstly developed responsible government, and secondly, you assumed the control and administration for your natural resources, and that's always been my concept of how this thing came about.

Now, notwithstanding what our legislative powers may be, or what our power of persuasion may be in persuading the federal government, or dissuading them as the case might be in the circumstances, I think it's incumbent upon the House, and again notwithstanding any arguments one might have over conservation and recreation and all the aspects that fit

into this thing. I think we have an obligation to the people of the Yukon to really take a down to earth, hard, cold and calculated look at this thing and make every effort we can: (a) to wrest any controls we can from the federal government, and say to the federal government, "Now look it, we are capable of—if they won't let us administrate it, at least of providing input, and rational input into the development of regulations, Mr. Chairman.

I think it is incumbent upon us for having passed the Highway Bill, to say all right, now who has now control? We have control over lanes, streets, trails and this type of thing in the Yukon. Obviously we have some input into the—and some changes to make in respect of these regulations. I think we should take every effort that we can, and on behalf of the people of the Yukon, to bring to the Territory, the best regulations that we can that fit the Territory, vis-a-vis the splitting of the two zones, taking the silt sediment, the frozen silt sediment, sensitive zone and separating it from the southern zones.

So I don't see it as an exercise, necessarily, in futility. Perhaps even I might be a little concerned about how we are going to put all this information together when we are finished. I really think that we should give this every consideration because you can see what's happening in the Northwest Territories, and I have certainly seen it being in the bush. I've seen the people in the Department of the Environment and in some cases, in the Department of Indian Affairs and Northern Development, virtually chasing the industry right out of the Northwest Territories and if that's their true intent, well they are making a very good job of it, and they are proliferating at a rate that I'm sure this House wouldn't even believe.

There's employee after employee after employee in every phase of ecological interest, and in many cases, these people are totally inexperienced. They are students, they are whatever they are, walking up to people and shutting them down, and telling them they must do this and must do that, when they really don't fully understand how the operation they are shutting down is functioning, what makes it function and this type of thing.

No, I think that we have got to take a very hard look at this thing and try and encourage sane, ecological controls. I think the Chamber of Mines have made that point a couple of times in their brief, and I don't doubt their sincerity.

I think all Members here would agree that that's what we want, we want environmental protection, but rational and reasonable protection, and so with those remarks, Mr. Chairman, I would suggest that we do the best we can to get into the meat of this thing, and at least having determined whether we agree with Arctic zones and sub-zones and this type of thing, at least we will have some background and be able to say Ottawa, all right, we agree with this or we disagree with it.

Mr. Chairman: Thank you, Mr. Taylor.
Mrs. Watson?

Mrs. Watson: Yes, Mr. Chairman, there is a requirement for consultation within the Territorial Lands Act, and I as a councillor want to take ad-

vantage and be able to have some recommendations to make.

Now, in order to make recommendations, I would like to give these people the opportunity to provide full details of the study that they have made of the proposed regulations. We may want to call other organizations before we determine a final position, but these people represent an industry that is profoundly affected by these regulations, they have put a great deal of time and effort into it, they have gone into the specifics and details. I think that we would be erring if we did not take the opportunity at the present time to give them a chance to explain to us their position. So I would suggest that they continue.

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, I was going to rise to say that we have three competent witnesses here with us this afternoon. They have gone to considerable trouble to prepare this material, I would like to continue to study it, and I don't see anything wrong in continuing until we finish this material.

As Mrs. Watson has said, we all need to know what's in this brief, and understand it before we can take a position.

I would just like to say, Mr. Chairman, that the icy chills went down my spine last week when I saw a picture of a classroom of federal employees being trained to search out upon the land, any misdemeanours under a number of regulations that are going to apply to our Territory, and I would like to know what these regulations are all about.

Thank you, Mr. Chairman.

Mr. Chairman: Mr. McCall?

Mr. McCall: Mr. Chairman, I just want to say one thing, Mr. Chairman. Can we get on with what I suggested?

Mr. Chairman: Mr. McKinnon?

Hon. Mr. McKinnon: Agreed.

Mr. McIntyre: I agree we should get on with it.

Mr. Chairman: It is the wish of Council that we proceed, Mr. Ogilvie.

Mr. Ogilvie: Thank you, Mr. Chairman.

We are going on the assumption that Section 3 sub(1) of the Territorial Lands Act as amended does in fact require the Minister to consult with your Council, in the setting up, and presumably that means the re-setting up of land management zones, and 3 sub(2) requires him to do the very same thing with regard to the setting up, or the resetting up of regulations.

Secondly, we didn't make a detailed environmental study of the north; we were prepared to take the evidence that the environmental scientists employed by the government itself, by the Department itself, had already taken into account when they outlined the five regional zones, so we are just taking their word for it, although it's consistent with our own knowledge of the

rea, that Zone 5 as they outlined it, the MacKenzie Delta is a heck of a lot more sensitive in terms of permafrost and everything else than Zone 1.

So we just take that as being the government's own position, as evidenced the Parliamentary record.

Okay, returning to the —

Mr. Chairman: Just a moment, Mr. Ogilvie.
Mr. McCall?

Mr. McCall: Mr. Chairman, before Mr. Ogilvie goes any further, I'd like to go to these proposed amendments for a second here. There are two questions I have, and the first question that I would like to ask Mr. Ogilvie, is more like an explanation, if I may.

The proposed amendments, I would like an explanation on 1. You said you were going to come back to this, and I would like to hear an explanation. What is the meaning, or the reason behind changing the definition on the bulldozer situation from (a) to (b), I believe, or (b) to (a)?

Mr. Chairman: Page 5.

Mr. Ogilvie: Yes, oh yes, right, right. You are referring to what I have already said, Mr. McCall?

Mr. McCall: Would you clarify what you said in the second, please?

Mr. Ogilvie: Okay, if we could turn to the government's proposal.

We are going on a draft dated October 20th, 1975. Is that what you have?

Some Members: Yes.

Mr. Ogilvie: Okay, on page 1 of that, you will see under Section 2, in these regulations, and its definition, "Class A permit means a permit issued pursuant to Section 20 for any workers privity on Territorial lands that involve one or more of the following".

Okay, this will be Class A permits.

Now, at a later section in Section 19, which I am not going to ask you to refer to right now, the time limits, the procedure to be followed in applying for an A type permit is given, and the administrative delays allowed are given in Section 19.

Now, if you will turn to the next page, page 2, Class B permits, you will see that these are generally speaking, smaller operations than type A, and they also in Section 19 will have the administrative procedures to be followed, and the allowable time limits there.

Okay, what we are referring to here now is under A type permits, small letter (b): "The use except on a public road or trail maintained wholly or in part by public funds of any vehicle that exceeds 20,000 pounds or 10 metric tons, net vehicle weight".

Now, that would include walking a bulldozer. Okay, now, I would like you to refer down, if you would, to the small letter (f):

"The use of any self-propelled power driven machine for moving or clearing land". Now, that would adequately cover any trenching, bulldozer work

or it would also cover road building. Going down to the last small letter (h), "The levelling, grading, clearing or cutting of any land trail or right-of-way exceeding five feet in width and exceeding four acres in area", again that specifically would cover road building.

Okay, we feel that Sections (f) and (h) are sufficient to cover the use of a bulldozer on -- and should properly be a Class A permit, as given here. We propose, though, that walking a bulldozer with the blade up, be covered in the B types, and I would refer you to page 2, Class B permit, small letter (b), you will notice that that's practically a rewrite of small letter (b) on the previous page, but it's referring to bulldozers from 10,000 pounds to 20,000 pounds.

Now, what we are proposing here then is that subject to trenching, in other words, the use of any self-propelled power driven machine removing earth, or clearing land or subject to (h), the levelling, grading, clearing or cutting of any land, trail or right-of-way, those being type A, that walking a bulldozer by type B.

Now, I don't know whether that's clear enough when we haven't looked at Section 19, which gets down to the nitty-gritty on how these two differ.

Mr. McCall: Mr. Chairman?

Mr. Chairman: Mr. McCall?

Mr. McCall: We go to the weights and classes, Mr. Ogilvie, I believe you are familiar with the weights and classes of caterpillar tractors. You are familiar with the tracks on bulldozers.

Mr. Ogilvie: Generally, yes.

Mr. McCall: And the 20,000 pound weight, what Class would the tractor be?

Mr. Ogilvie: Pretty well everything except the D-4 and D-5. Any 6 or 7 or 8 or 9 would be more than 20.

Mr. McCall: The next question I would like to ask, Mr. Chairman, while I am standing on my feet, if I may, if that's all right with the Honourable Member on my right --

Mr. Lengerke: Go ahead.

Mr. McCall: I would like to go to the proposed amendments in 3, it said "rights of individuals", Rights of what individuals?

Mr. Ogilvie: Mr. Chairman, would you rather we pursue it this way or go on to Section by section?

Mr. Chairman: No, I think we should pursue it in a more logical way as it is given, and then we can go back and question him individually after --

Mr. Lengerke?

Mr. McCall: It's a little out of the ordinary, Mr. Chairman, but I will abide by your suggestion.

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: Mr. Chairman, that's fine, I was going to pursue the questioning on the class of bulldozer. We will just carry on for now.

Mr. Ogilvie: Shall I? Well, okay, turning to Part II of our brief then, Part II, Proposed Amendments. We are suggesting then a couple of procedural items here, I suppose, one that the title of it be changed to something saying regulations respecting land use operations in the non-Arctic Yukon, because I think we are quite happy with them the way they are as far as the Arctic Yukon is concerned.

We are suggesting that in Section 1, short title, these regulations may be cited as the non-Arctic Yukon Land Use Regulations, or something to that effect, and that a new sub-section 1 (b) be put in, the application of these regulations shall apply to the Yukon Territory south of 65-45.

Now, on A and B type permits, these -- the government has attempted to come out with limits to their discretionary authority which are able to let them operate in the highest Arctic as I say, and also to govern us here.

Now we feel that looking through these, we could live with pretty well most of these as A type permits, except that one about walking a bulldozer. Now, I don't know whether I should suggest that we take a look at Section 19, while we are looking at A, so we can get right down to the nitty gritty of what the difference between A and B is.

I would like Mike Phillips to make a comment on this.

Mr. Phillips: I think one thing you have to keep in mind with these Land Use Regulations, our company, even though most of our operations have not been covered by Land Use -- we would not need Land Use Permits, we have gone along and obtained about 12 of them, and I have one in my hand here which is for a property we worked on in 1973.

You have to remember that these, they have with the Engineer of Mines, can put operating conditions down here, there's plan, restoration and debris, disposal, the type of stream crossings, garbage and debris, fuel storage facilities, explosives, wildlife, and another is too that this covered an application to work on mineral claims that were 18 miles from the Campbell Highway.

We had to take our equipment in there in the winter time and do our work on the claims in the summer time, and we were only allowed to bring the cat out -- it was a D-8 cat out to the Campbell Highway again in December, even though we had finished the program in September. And he can list this, he can put any conditions like this in a permit, so he has the right to -- for site specific operating conditions, and these you have to adhere to, and he has the right within the legislation to put these in.

That's the only comment I would make at this time.

Mr. Ogilvie: We have numerous examples of this sort of thing, one which we can document, where one operator received his Land Use Permit in September, the same month of September appealed it -- it had to do with bringing a bulldozer out, got an answer saying

no, we have looked at your application and we insist that you must bring your bulldozer out in winter months.

The point here is that he made his appeal in September, and he was advised in June, the following June, after the winter months had ceased.

Quickly, I would just like to jump ahead a little bit to Section 19, which is pretty relevant on what the difference of A and B permits is. If you would look at page 10 of the proposal, Section 19, sub (1), "The engineer shall, within 10 days" -- the engineer is the administering officer here, "The engineer shall within 10 days after accepting an application for a Class A permit, made in accordance with these regulations", get four options.

You can issue a permit, subject to any conditions he may include. He does that within 10 days, or within 10 days, he must notify the applicant that further time is required to issue a permit and give the reasons therefor.

Now, in the event that he does that, that's (b), looking down at the bottom of the page at 2 (a), "Where the engineer has notified the applicant that further time is required to issue a permit pursuant to paragraph (b), he shall within 42 days after the date of the acceptance of the application, comply with paragraph 1 (a).

Okay, in summary, within 10 days, he either issues the permit, or he tells you why he wants 42 days to do it. Now it goes farther. In Section (c), within 10 days, he can notify the applicant in writing that he has ordered further studies or investigations to be made respecting the land proposed to be used, and state the reasons therefor, and in the event that he elects to do that, if you look at the very bottom of the page, to sub (b), "Where the engineer has done this, the applicant -- has notified the applicant that he intends to do that", further studies, "he shall within 12 months after the date of the acceptance of the application comply with", blah, blah, blah, blah, blah.

Okay fine, now so that you see with the type A we are dealing with these options that the administering officer has. He either gives you your permit within the 10 days, or he tells you why he wants 42 days, or he tells you why he wants a year, or (b) -- sorry sub (4) over here, I was right, sub (b), he can refuse the permit.

Okay, with type A then he can go 10 days, 42 days, one year or no permit at all.

Hon. Mr. Lang: It's essential that he likes you.

Mr. Ogilvie: It's essential that he likes you, and we think that this business about putting -- walking a bulldozer is a little light in this area to take -- the possibility that it takes 42 days or a year to give you the permit. We think that walking the bulldozer could be classed in the B type, which will have a different time frame in it.

Okay, trenching, making roads and all that sort of thing, leave that in.

So that was our comment on Section 2, sub (b). Now going down on that same page, to sub (h), "The levelling, grading, clearing or cutting of any line, trail or right-of-way exceeding five feet in width and exceeding four acres in area", we think that clearly

refers to making roads. We would like to be a little more specific in that, and add "but exempting walking a bulldozer with its balde up".

In other words, what we have attempted to gain in sub (b), we don't want to see them interpreting (h) to include walking a cat. We would like walking a cat right out of that Class A type.

Going on to the next page, Page 2, Class B permits, sub (b), again, this one has to be amended to remove the 20,000 pounds, so that everything, all these cats no matter what weight would be included in here, and the other point is, you will notice on the second line, well starting at the beginning, the use of an accepted public road or trail, maintained wholly or in part by public funds of any vehicle, we would suggest—of any vehicle that, of any vehicle that exceeds 10,000 pounds, no ceiling on it.

Okay, they are referring to the use on a public road or trail maintained wholly or in part by public funds, and we say no, what about any public trail? What about a tote trail? If the road already exists, why should you have to get a permit to run a vehicle over a road that already exists? A road that is, I think by definition, a public road, the public has access to it, regardless of whether it is maintained wholly or in part by public funds.

So our two proposals there are then that we strike out that whole line, maintained wholly or in part by public funds, and then to make it consistent with our other amendment to type A, that we strike out "and is less than 20,000 pounds".

Mrs. Watson: Mr. Chairman, wouldn't our definition under the new Highways Ordinance help overcome this, because under our new Highways Ordinance, a tote trail is a highway, so if we changed that and said "highway as defined in the Territorial Highways Ordinance", it would be overcoming that.

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: Mr. Chairman, just a question of Mr. Ogilvie—I just caught a comment there that he said that he didn't think they should have to get permission to run a cat over a road, a tote road. Don't you feel there is some merit in what kind of equipment you are putting over some of these roads, regardless of whether the public are using it or not?

Mr. Ogilvie: Well perhaps it could be dealt with different than as a land use operation. I think now—I'm not aware of what you are considering in a Highways Ordinance, but it seems to me that would be the appropriate way to govern what goes on a road.

Again in Section 2, I think we get to the top of page 3. All the way through these regulations, you will see that the chief administration officer of it is the engineer.

Now, the engineer, the present incumbent is as defined in this proposal here, in the Yukon Territory, the Assistant Regional Director renewable resources of the Department of Indian Affairs and Northern Development at Whitehorse, Yukon Territory.

Now, there will be, or there is now, two assistant Regional Directors, one is Renewable Resources, which covers water, lands, forests and the environment, and the other—Assistant Regional

Director, Non Renewable Resources, covers oil, gas and mining.

Regardless of all that, we are suggesting that the engineer should be qualified by education and experience in the major industry of the region, mining.

Our next proposal would be the top of page 4, throughout the regulations you will find references to crossing streams. A stream is defined as any lake—a stream is defined as any lake, river, pond, swamp, marsh, channel, gulley, coulee or draw that continuously or intermittently contains water.

Now, in a hilly, mountainous region, as opposed to a flat delta, or Precambrian shield or whatever, I think you will notice that at one time or another during the year, every depression will intermittently contain water. I am just looking out the window now and I see about maybe 300 feet, there is enough of a depression to hold water. These, with inclusion of the word "intermittently" would all be streams.

Now, we think that a more sensible attack at this problem would be to get a definition of stream that really means a stream, so we are suggesting that the word "intermittently" be dropped out.

Now, in Section 7 in the middle of page 5, this, and a great many sections confer power on the inspectors who may be the local forest ranger, or one of his employees or whatever. There are a great many sections where this authority was exercised by the engineer, and a whole lot of sections now change that authority to the inspector, and we say that is fine, provided that when we get to Section 35, the appeal section, that it be suitably amended to look after this, so we just mention that one in passing.

Section 15, the Yukon Territory and the Northwest Territories shall be separate land management zones. This is the first time we have seen this. This would be relevant to Section 3 sub(1) of the Territorial Lands Act as amended, and specifically call upon consultation from this Chamber, yes, from this House.

So of course we are suggesting that it be amended to say the "Yukon shall comprise" — or the addition should be, "The Yukon shall comprise two sub-zones separated by a latitude 64-45, these sub-regulations shall apply to the non-Arctic Yukon sub-zone". Incidentally, Section 15 seems like a funny place to put in what these zones are going to be, but that's the way it is.

Section 17, "An applicant for a land use permit shall, (a) where a right to search for when or exploit minerals, or natural resources is to be exercised by the carrying out of the land use operation authorized by the permit, and we suggest that the applicant shall identify the purpose of the operation, e.g. mining, petroleum exploration or whatever it is, where he is doing this sort of thing, he identify what that purpose is, and also (b) the holder of that right, et cetera, et cetera, et cetera. Would you like to see at that point that they put in that they identify what his purpose is, be it mining or whatever.

In this same section, you will notice 17(1) goes into (a), (b) and (c). Following (c), we have proposed a new sub-section 1(d), "That the rights referred to in sub(a), the right to search for, win or exploit minerals or natural resources shall not suffer from any acts of omission or commission or delays on the part of any

official appointed under these regulations.

Now, that time honoured old section is section 49 of the existing Yukon Placer Mining Act, and we think it's a heck of a good thing to appear in all legislation. It looks like the appropriate place for it to be. And that incidentally, in answer to a previous question, is what was referred to earlier as protecting the rights of individuals.

I'm sorry, I ask you to correct one typo that we have on our brief under 18, amend to the engineer shall send a copy of the inspector's report. I'm sorry that got out with a misprint in it, or has it been corrected? Has it? Thank you.

That is the way it exists in the present regulations, that if you are going to get zapped on getting a permit because the inspector has written a report, and that is used to stop you from getting it, we feel that you should have a copy of that report, and at the present time you do get a copy of the report under the existing regulations. The government's proposal here is to change it to — you're to be informed of the nature of what his report is. We would like to have that.

Now 19, I referred to this earlier on, and now I think we are clear that there are the two types of permits, the A which are the bigger operations, and the B which are the smaller ones. Now here what we would like to do in the non-Arctic Yukon, this is fine, we agree to this for the Arctic Yukon, but for the non-Arctic Yukon, we would like to strike out (b). In other words, the engineer shall within ten days after the acceptance of an application for a Class A permit, (a) Issue the permit within — issue the permit. In other words, within the 10 days, not in 42 days, so that would call for striking out 1 sub (b) and also striking out 2 sub (a) which refers to 1 sub (b).

We would recommend that you leave the officials the option of taking the one year hike, but we would like to tie that one down a little better. Under (c) we would like to say, beginning with (c), in the case of mine development, hydroelectric dam construction and other like major operations, notify the applicant in writing that he is ordered further studies or investigations to be made respecting the land proposed to be used and state the reasons therefor, and jump down to 2(b), where the engineer has so done, he shall within 12 months after the date of acceptance of the application, comply with paragraph 1(a) and 1(b).

Now, I think it's apparent that what's called for would take 12 months of studies, is something that's pretty major, so we think that that should be in there, and the wording that we suggest is something along the lines of, in the case of mine development, hydroelectric dam construction, and other like major operations.

Page 11, where the engineer receives an application pursuant to — we say he shall within ten days thereafter, notify the applicant in writing that his application cannot be accepted and give the reasons therefore. We think that three days should be adequate there, to say that if there is something faulty with the application.

Sub-section (4), now here this refers to Class B permits, the smaller level of operations. The engineer shall within ten days after acceptance of an application for a Class B permit made in accordance with these regulations, (a) issue the permit; (b) refuse to issue

the permit; (c) notify the applicant in writing that the application for a Class B permit will be considered as an application for a Class A permit and request further information.

Okay, now the thing by definition is a class B level of operation, but the official as proposed has the option of even although this thing qualifies as the lower type, the Class B type, of considering it as a Class A, and once it's considered as a Class A, then he has the option of ten days, 42 days or a year. For an operation that's defined as a Class B, the small kind, so I don't think he should have that option, and we suggest that the whole section 4 (c) be deleted. He should be able to issue a permit for an operation of that size within ten days.

And Section—

Mr. Chairman: Excuse me, Mr. Ogilvie, I think we will declare a 5 minute recess.

Mr. Ogilvie: Great.

Recess

Mr. Chairman: I now call Committee to order. I would ask the witnesses to proceed with their brief.

Mr. Ogilvie: Thank you, Mr. Chairman. Just so that we don't lose the forest for the trees here, I would like to just make a kind of a general statement again, and then maybe get back to this.

The government gives itself the discretionary power to write site specific conditions for each operation that is done. It needs a certain level of authority to be able to do this, to adequately handle land use operations in the fragile Arctic. Now, we agree that they do require this. The regulations, as they exist and as they are being proposed, confine themselves to just putting levels on that authority. The actual regulations, the way the thing is really regulated, are in these permit conditions along the lines of what Mike read you earlier.

So all these regulations are is a ceiling on the authority that the government has to decide what you can do and what you can't do.

Now, our whole point here is that although it requires a considerable degree of power to do this, the degree of power that it requires in the non-Arctic Yukon is not as great as it is in the Arctic. Now, that's our whole position really.

Now, what we are attempting to do here then, is take these regulations which give adequate power to police the thorniest area that they have got in the high Arctic, and have them amended so that the power that the officials have is appropriate to this southern Yukon section. Now that's basically where we are at, and what we are doing here is going section by section, our suggestions of what would be the power appropriate to deal with all these situations in the southern Yukon. So that's what we are at. I don't want us to get sort of miss the forest for the trees here.

Now, I think I got through Section 19, and then we broke for coffee, and that was really a very good place to break, because until we get to Section 19, we really

didn't have much definition of what Level A and what Level B meant, so basically what we said is that we would like one change, to put one kind of operation, namely walking a cat, take it out of A and put it into B, and then as we said in Section 19 here, we would like the A type permits to be issued within 10 days, without giving the government the option of going to 42 days, but giving the government the option to go to a year for a very major operation, such as a mine development.

On the B type permits, we would like them issued within 10 days, no ifs, ands or buts. They are small operations, and Mr. Chairman, at this point should I—actually I was expecting that perhaps members would like to ask questions on each point as we got to it. I wonder if there's any—should I—I would certainly be willing to answer any questions as they come up.

Mr. Chairman: Mr. McCall?

Mr. McCall: Yes, Mr. Chairman. I was about to try that effort not very long ago, but I was shall we say, shouted down, and now the gentleman has now finished his brief, I have no further questions.

Mr. Ogilvie: Then I will proceed with our brief. We were at Section 21 would be the next one, which is on page 12. When you apply for a land use permit, conditions are attached to the permit and this gets down to the nitty-gritty of what you can do and what you can't do.

The engineer has the power to include in his land use permit, conditions respecting a whole lot of things, (a), (b), (c), (d), all the way down. (k) the establishment of petroleum fuel caches, and that's fine, they are all appropriate to land use operations, but I can't make that statement about (1) because (1) is "such other matters not inconsistent with these regulations or as the engineer thinks necessary for the protection of the ecological balance or physical characteristics of the land management zone".

Now, whenever we see that kind of a section in legislation or in regulations, we wonder what is the point of really looking at any other section. We think that (1) isn't appropriate. If they want these other authorities, let them use some more letters of the alphabet and spell out what they are.

I might say in passing that the only application of that that I am aware of right now caused a bit of consternation. There's been no amendment to gun laws that I'm aware of in Canada, and yet they use section (1) to say that there is only to be one gun in camp. Now here you have guys going out in all directions up there, and I guess they were all flipping coins as to see who is the lucky guy that got to carry the gun. I just raise it, that that was in fact used as a form of gun legislation.

So we recommend that section (1) be taken out. Section 21, sub (3), at the very beginning of it, we say "Section 25, sub (1), sub (b), and this will refer to the

to be used for a line, trail or right-of-way. If you want a permit to go over it, you need a permit to go over it again the way it is right now. If you want a permit to go over an existing

trail, but you would have to pay an acreage fee for the amount of that trail that you used.

So we would like to see that amended to be new land, previously unused land. We would also like to see the — you have to attach the total rental, in effect it's a rental on how much land you are going to affect. You have to attach the rental fee ahead of time on the basis of how much land is estimated to be used, and they deem that it will be 33 feet wide.

Now, the blade of the cat is only 12 to 14 feet wide, so we think that — we know that 33 is a nice figure to use when you are working out acreages. We think that 16 and a half feet would probably be more appropriate, which is half of 33, of course.

Twenty-four. This refers to a visit made — we think it would be a good idea if somehow the regulations called for the inspector to visit the site shortly after, almost as soon as possible after the people and equipment have arrived there, so that he can discuss with the people on the ground how the regulations are going to be applied to them, in terms of the conditions that are there.

Section 28, again this is — half of it is the same point. Duties and powers of the inspector, now when we look through the duties and powers of the inspector, they all seem to be powers of the inspector, we can't find any section that gives any duties to him, so we thought that there might be a couple that could be given to him.

We recommend amendments calling for an inspector to visit the operation as soon as possible after its commencement to discuss interpretation of operating conditions, and (b) at the end of the operation, preferably while the equipment is still on site, to ensure compliance with requirements for a letter of clearance.

Now, what happens is, you have finished your land use operation, you have undertaken and perhaps even given a bond that you are not going to leave a mess and all this sort of thing. You are not free of that responsibility until you get a letter of clearance. You won't get a letter of clearance until there has been a final inspection. The final inspection could be a year or two after you have left, in which case you are responsible for anybody else who legally or illegally has been there in the meantime, so I think it really should behoove the inspector to get that final inspection as soon as he can at the end of it. It would be very helpful if he did it while the equipment is still there.

If he sees something that needs doing, well it would be far more practical to tell the operator to fix it up while he has got the means to do it there.

Thirty-one, sub (1):

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: I've got a question here of the witnesses. In 24, Section 24, we are talking about the plan, 24(4) says "The engineer shall reject a final plan if it does not comply with this Section and Section 25", and so on.

My question is, I realize that you have to submit what we would call an "as-built" plan, I guess it is, 60 days after the operation, is this correct?

Mr. Ogilvie: Within 60 days, yes.

Mr. Lengerke: Well what would be the significance of the engineer rejecting the final plan if really the operation didn't meet the original plan anyway? You know, what's so significant about rejecting it?

Mr. Ogilvie: The —

Mr. Lengerke: Wouldn't it be better to make sure that in this kind of a legislation, that the original plan should be approved and be complied with?

Mr. Ogilvie: Yes, there may be changes in conditions which you've requested and have been granted, and then a final plan, if there weren't any changes, then of course the final plan would be the same as the initial plan, but would be submitted as a plan at the end of what actually did happen. It might be as originally proposed, but the point is that this would be a necessary condition of getting your letter of clearance, that he accept this final plan.

Mr. Lengerke: Okay.

Mr. Ogilvie: Right.

Mr. Phillips: The normal procedure, what I have done in the past is on a one mile map, indicated that we are going to conduct a trenching program and diamond drilling program in an area that's 15,000 feet by 4,000 feet. In other words, we are going to on geochemical anomalies or other things, we are going to do work within that area.

For a final plan, I then give him a larger scale plan, showing him the exact location of the roads, the diamond drill holes, the trenches and anything else that we have done, as well as showing the topography.

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: Just further to that, but if you had actually done something that the engineer didn't like and you showed it in the final plan, then he is going to reject the plan, of course, but does he make you put that back right, in other words?

If you put a road somewhere that you shouldn't have, you have actually done something that you didn't show on your original intent, now what's the consequence of it? Now, that's the point I am asking.

Mr. Phillips: Well the problem is it is very difficult to decide in these operating conditions here, it is very difficult to decide how you should do it, in an office.

Mr. Lengerke: Yes, okay.

Mr. Phillips: The best way of doing it is to go out into the field with the engineer and discuss the problem with him, and he may say, well I think it should go here and you say well, I don't think so, what about this route here, and you walk the route on the ground, if you are building a road up a mountain, and you tell him how you are going to dispose of the brush, and the rock, et cetera, and you sort it out right then and there.

Mr. Lengerke: Okay, thank you.

Mr. Phillips: This is why these are site specific, they are broad, and then you narrow it down still further when the inspector and the company discuss it on the ground.

Mr. Lengerke: Thank you. Thanks, Mr. Chairman.

Mr. Ogilvie: Mr. Chairman, Section 28, we did propose that those two specific visits that the inspector should make. We also feel that instructions that the inspector gives should be in writing.

Section 31, sub (1). Now here we find an amendment to the existing regulations, and we would like to see it go back to the existing regulations, as I imagine there are numerous places where the powers in the existing regulations, the powers of the engineer are now being delegated to the inspector, and as I said, in nearly all these cases we find that acceptable, provided the appeal section is suitably changed.

This particular one we don't like to see a power which presently lies with the engineer, being delegated to the inspector, and that's the inspector may order the operator to suspend an operation. The existing regulations say "The inspector shall report the default to the engineer, who may order the operator to suspend".

Now, we feel that that authority to require an operator to suspend is serious enough that it should be given by an officer at the responsibility level of the engineer.

Section 31, sub (6). We note this in passing, no order pursuant to section such and such, and this refers to oil and gas, shall be made in respect of—without the concurrence of the district oil and gas conservation engineer.

Now, the district oil and gas conservation engineer is an officer in a different branch altogether. He's in the non-renewable branch, not the renewable branch, which this is enforced by. The reason we point this out is that we want to, when we get to Section 35, make reference to the Engineer of mines, the guy who is responsible for administering the mining industry.

They have already made the precedent here by putting an oil and gas officer into these regulations, and we just want this out of the precedent.

Section 35, and here's where it becomes appropriate. This is the appeal section, and 35 sub (1), we would like to see the entire Subsection 35 sub (1) rewritten. Just for the moment take out 35 sub (1) and what it would be, it would be four sub-sections. 1 (a) All actions of inspectors may be appealed to the engineer.

Now, we would like this in return for all these delegated authorities that the engineer has given to the inspector in what we have seen so far.

Secondly, you might recall that at an earlier section, where it related to work done in exercising a right to explore for minerals or resources, and we suggested at that point they identify that it be a mining or a resource purpose, okay well then where it is so identified then, we say regarding mining operations as identified in our proposed amendment to Section 17, "Before making a decision adverse to the operator, the

engineer shall consult with the Engineer of Mines, and a copy of the Engineer of Mines' recommendations shall be available to the operator.

Now, the background on this is, and it relates to the existing Mining Act, that right now any environmental control on this industry is policed by officials in the Mining Section, who are familiar with the mining industry.

Now, an earlier position of this Chamber was, that we wanted whatever land use regulations that we have policed by mining officials. It didn't look like we were going to be able to get that, so we sort of accepted the staff the way they were proposing to do it, but we would like to see some consultive process with the mining officials.

Now, I would like to develop what the reason for that is. If you had two operations, let's say one of them was a million dollar operation, and there are these in the Yukon, and the other was a half a million dollar operation. Now the million dollar operation, of the damage that it does, perhaps let us say, that 90 percent of that damage was essential, it was necessary to what they were trying to do and 10 percent wasn't.

And in the other operation, which is the half a million dollar operation, let's say that the whole thing was so stupid that none of the damage was warranted. The million dollar operation really has inflicted twice as much damage as the small one has, and a land use inspector or somebody that doesn't have the experience in the mining industry really wouldn't be in a position to say what was necessary and what wasn't necessary.

Now, what we would like is at least some advice from the mining experts that they have there, as to what the necessity of what was being done was. You might find a large impact which ends up as a mine, and is part of the Yukon's economy. You might find a slightly smaller impact, which had no reason for being there in the first place. We feel that rather than forest rangers, there should be some input from the mining experts in the government to determine this difference, because our whole attitude to these land use regulations is that it should eliminate unnecessary damage without inflicting pain and hardship on people that are going about trying to make an economy in this Territory.

So, our proposal then would be 1(b), as I previously stated.

Now, 1(c) then would be 35 sub(1) as it exists right now, that you can appeal orders from an engineer or an inspector to the Minister, and then (d), we would like to see a final appeal to the courts.

Now then we end up the whole thing with the preamble, the existing land use regulations start off with a preamble. And it starts off this way, "Whereas His Excellency, the Governor General-in-Council deems it necessary for the protection of the ecological balance of certain areas in the Yukon Territory to set apart and appropriate as land management zones, et cetera, et cetera, et cetera, et cetera, et cetera. So in other words, the whole aim of the game is the ecological balance in the Territory, but there is no mention at all of whether that is absolute or what. Because if it is absolute, if we want an absolute

protection of the ecological balance in the Territory, that fact should be advertised.

The boundaries of Kluane National Park should be extended entirely over the whole Territory, just let us know before you do it, that's all. So here we have in the preamble to it, which an inspector is liable to point to and say, well look, what you are doing effects the ecological balance so therefore you can't do it. What we would rather see is a preamble for this.

By the way, the wording of that is taken from Section 3 sub(1) of the Territorial Lands Act, and it's the section that empowers the Minister to make land management zones. Section 3, sub (2) of the Territorial Lands Act is the section that empowers the Territory — the Minister to make regulations, and there the wording is slightly different. It refers to the protection, control and use of the surface of the land. We think if they are going to have a preamble to these regulations, that it should first of all be taken from the appropriate Section of the Act, the one that refers to regulations, and that it put in some recognition that the use of these lands is going to be tolerated.

Well, ladies and gentlemen, that's the end of our brief, and I guess we have taken a lot of your time, but if there's any questions that we can answer, we would sure like to.

Mr. Chairman: Thank you. Mr. McIntyre?

Mr. McIntyre: I wonder if Mr. Ogilvie would say how much consultation there's been between the Departments, or departmental officials and the Chamber of Mines in connection with these present Land Use Regulations?

Mr. Ogilvie: A great deal. There was an earlier proposal, was made by the officials and we received it nearly a year ago. We thought it was disastrous.

Now, some of the Members of this Assembly happened to be members of the Chamber of Mines, and I think that some of you may have some of the internal business of the Chamber circulated. These briefs that were made in March and in April at the official level were in response to a proposal the government made last December or January, a year ago. In the course of our discussions, I think we have made some headway with them. We held meetings with them in Yellowknife, in Edmonton and in Saskatoon, curiously not in Whitehorse.

At the last meeting, we were just about ready to give up on it because we couldn't get the government to agree that they could set up a sub-zone referring to the non-Arctic Yukon. They found that it was an administrative headache or something and they didn't want to do it, although they said that they would consider it. So we waited after that last meeting, to find out precisely what their thinking was on it, and their thinking — their precise thinking on it was the document that you have in front of you.

Now, we have had — the consultation since then has consisted of one phone call made from the Chamber to the officials saying there are two or three items in it that we don't like, we sure as heck don't like the fact that with a B type permit you can just arbitrarily deem

it to be an A type permit, and all that we have heard about 10 days and 42 days, just goes right out the window. The idea was that a B type permit was supposed to be an over-the-counter permit, one that was issued right as you walk in and get it.

But the way this thing is written, they can take a year, so there was that consultation, and the consultation did arrive partly at what you see in front of you.

Mr. Chairman: Thank you.

Hon. Mrs. Whyard: Mr. Chairman, it's a frivolous question, but maybe Cam is ready for a little lighter moment. I'm dying to know what the land use fee would be, based on your 16.5 foot blade path.

Mr. Ogilvie: Would you like to tackle that one, Mike?

Mr. Phillips: I think with 33 feet, it's an acre per four miles, so it would be half of that.

Hon. Mrs. Whyard: What kind of money are you talking about?

Mr. Phillips: Really it's very little money as far as the fees go.

Mrs. Watson: \$64.00, isn't it?

Mr. Phillips: Sixty-four, yes.

Mr. Ogilvie: Sixty-four dollars per mile?

Mr. Phillips: Yes, I guess it depends on how long a road you want to use, whether it's a half a mile, it's of no worry to you. If it's a 20 mile road, you are talking \$1,500.00

Hon. Mrs. Whyard: Thank you, Mr. Chairman.

Mr. Chairman: Mr. Fleming?

Mr. Fleming: Yes, Mr. Chairman, I don't really actually have a question, but I would like to comment a little on the paper that they brought forward, because I think it's well worth our time, even though Mr. McKinnon has spoken and said that it is more or less a futile exercise, due to the federal government's position in some cases. I think we should try to push our nose into that more than we do, and for one reason is if we can possibly get any input into this, even if it is federal, we will get some knowledge from the people in the Yukon, which I think we have gotten here today, and some questions could be answered a lot better.

I will give you an example of what can happen if there is not input from this Territory into something like this in the land use and also into mining or anything else.

In a little sense where they define a stream. Now if anybody comes up here from Ottawa, anyplace like that comes up here to make regulations and goes back and makes them and defines a stream without really seeing it and knowing it and being there for a few years

is going to come out wrong, very likely.

I can give you an example, and I think Mr. McKinnon and McIntyre will remember. I don't know who made that plan or observation at one time but we were going up the Canol Highway and it was to open up a mining industry up there and the plans came out to build many bridges along the road. In my case at that time being a private operator I had a contract to build eleven small bridges, and due to, I think, possibly the same thing, nobody right at the right level got to see the job before, I could only find seven streams to put a bridge over.

Consequently it cost this government, many years ago, I think in the neighbourhood of six or seven extra thousand dollars, because I had a contract and I stayed by that contract and they had to pay for it. This can happen in the Yukon.

This can happen if we don't get the input from the people like the mining industry here and others in the country.

Mr. Chairman: Mr. McKinnon.

Hon. Mr. McKinnon: Mr. Chairman, I was going to rise once before because I thought I was going to be misrepresented and now I am going to rise because I have been misrepresented.

My whole point in what I said prior was just to find out from the federal government whether this Assembly was going to be allowed input before we went into detail, that was the only point I was trying to make. It would be going completely against the points that I make time and time again for input on policies such as this. I think yes we want input on it but I would say that before we went into the actual detail of it, whether or not the federal government was going to listen to our representations to have input into these regulations. That was the only point I was making, Mr. Chairman.

Mr. Fleming: I rise again, because as I said before, I do make a mistake. I wasn't inferring anything to the Honourable Member at all.

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, I won't prolong this, but the application of these regulations has not been part of my daily routine. I am unfamiliar with these matters. I understand that these Land Use Regulations apply to all users of land, not just the mining industry, but also to this government for roadbuilding et cetera.

I would be interested to know if the information is readily available, how much it is costing us. Are we paying acreage fees for Land use? Do we take it out of one pocket and put it into the other? How do these procedures actually work out?

Hon. Mr. McKinnon: Mr. Chairman, as I understand it, we abide by the regulations but there is no actual transference of money. I might say that one of the benefits that I see from the Land Use Regulations has been on roads that the Territorial government or the federal government or any land user has had to

build, that the borrow pits are now hidden from view with a green belt between them, that the slash is not left at the side of the road in all kinds of conditions. It is either burned or buried.

There has been very great benefits to the total aesthetic value of the Yukon Territory through the sensible application of Land Use Regulations. We have benefited in some areas. I think probably the mining interests would say, other than in certain specific instances they can relate that generally there has been a fairly good attitude and relationship between the people who are imposing the regulations and enforcing them and the mining industry of the Yukon Territory.

Mr. Chairman: Mr. McIntyre?

Mr. McIntyre: Mr. Chairman, in connection with roads. When we are dealing with the Highway Ordinance I pointed out that there was going to be a conflict between these Land Use Regulations and the Ordinance that we just passed the other day. It seems to me, that having passed the Highways Ordinance that we should request the federal government, the Department of Indian Affairs and Northern Development to delete from these Land Use Regulations all references to roads, rights of way and the building thereof. That responsibility would now become the responsibility of the Commissioner. Any revenue accrued from mining companies building these roads would go to the Territorial Government rather than the federal government.

Some Members: Hear, hear.

Hon. Mr. McKinnon: Mr. Chairman, I can only say that I hope that this type of policy will perhaps be before this Assembly prior to its prorogation.

Mr. Chairman: Are there any further questions for the witnesses?

Mr Taylor?

Hon. Mr. Taylor: Just before the witnesses do depart, Mr. Chairman, I would just like to say that this is another case in point where the federal government, or the federal civil service, perhaps, have tried to link the Yukon and Northwest Territories and apply in the Yukon Territory what they might apply in Greek Fjord or Baffin Land or something. This has always been a concern to me, personally.

I have always tried, wherever possible, to drive the wedge between the Northwest Territories and the Yukon in the belief that the Yukon on this side of the mountains, at least, is a totally different circumstance administratively or otherwise, or physically it is ease of administration, or perhaps it is lack of understanding, I am not sure which, perhaps it is a combination of both, I think we recognize that the future of the Yukon is going to be, to a large extent, based on the development of the resources of the Yukon. Those natural resources with which the mining and petroleum industries play and will continue to play in the future, a very important role.

I think personally, as much control as we can take at the local level, we should take it. Accept the

responsibilities for it and wherever possible fight, and fight as hard as we can to gain those controls at the local level.

I think that it is really a wonderful thing, the ability of the people and of this legislature to be able to go to people such as the Chamber of Mines, or have the Chamber of Mines, in fact, out of sheer concern and interest come to this Legislature and say we are concerned. We will put all the—and I know they must have burned the mid-night hours day after day, or night after night, as the case might be, to prepare a submission. There has been, no doubt, a great deal of expertise exhibited in the submission that they have made.

I would just like to say, Mr. Chairman, that as a sitting Member of this Legislature I am both pleased, and I am both proud to know that in the territory that we have such a responsible system whereby everybody in the territory, and in this case, the Chamber of Mines have come to us with a very, very serious matter to consider.

I would just like to say at this point, Mr. Chairman, it makes me a little prouder and I hope that Ottawa and the governments, the joint governments recognize the fact that this is just another way that we can show responsibility and ask someday Ottawa to give us responsible government in the Yukon.

Hon. Mr. McKinnon: Mr. Chairman, Mr. Phillips wanted to reply to some statements I made and I would be interested in hearing them.

Mr. Phillips: Yes, my comments on Land Use Regulations having operated under them for four years, I and most people in the industry welcome the Land Use Regulations. There is nothing that makes me sick in this business as to go and see abandoned camp sites, fuel drums floating in the lakes, garbage that isn't burned and things like that.

I think, by and large most people in the industry don't like to see that. One thing that happens is that because one poor operator the whole industry is blamed for being, the public get the impression that everybody in the industry operates that way. By and large if we have a land use operation we conduct it the way the government would like to see conducted. They inspect it and then it is fine.

I think that the only problem that we see is they must act on these things quickly, because we only have a hundred days in the summer months to carry out our work. I wouldn't want to be stopped because of one of these Land Use Permits, because of them having to wait and think about it and think about it.

Really I can't see any reason why any permit would take more than ten days. This consultation period that takes place, when you hand the permit into the Land Use Administrator he has what they call a Land Use Advisory Committee that meets once every two weeks. This Land Use Advisory Committee is composed of about 15 individuals of the Fisheries, Canadian Wildlife Service, Lands, Mining Recorder, virtually the full spectrum of government in the north here.

I can't see any reason why he can't take your application and that day send it around to each official

and say, if you haven't got a comment by two days time, you obviously have no comment to make. I think that is the way they should be acted upon. Thank you.

Mr. Chairman: I would like to thank the witnesses for appearing before Committee today, and the witnesses are now excused.

Thank you.

I would ask Committee's opinion on what they now wish to do with this Sessional Paper. Do they wish to have any further witnesses appear, or do they wish any Motions to be forwarded to the federal government?

Hon. Mr. McKinnon: Mr. Speaker, I would like to approach the Yukon Conservation Society to ask whether they had any representations to make before Committee on the proposed Land Use Regulations.

Mr. Chairman: Is the Committee in agreement with that?

Some Members: Agreed.

Mr. Chairman: Are there any further recommendations:

I will now declare a brief recess.

Recess

Bill Number 5 Continued

Mr. Chairman: I will now call Committee to order. We will leave Sessional Paper Number 5 until the witnesses are available. We will proceed with the clause by clause reading of Bill Number 5, "An Ordinance to Amend the Game Ordinance".

We have Mr. Peter Gillespie with us as witness. We are at present on page 9. I will reread Section 22.

Section 77 of the said Ordinance is repealed and the following substituted therefor: 77 (1):
(Reads Section 77 (1))

Mr. Chairman: (2)
(Reads Section 77 (2))

Mr. Chairman: 23: Sub-section 78 (1) of the said Ordinance is repealed and the following substituted therefor: 78 (1):
(Reads Section 78 (1))

Mr. Chairman: 24: Sub-section 87 (2) of the said Ordinance is repealed and the following substituted therefor: (2):
(Reads Section 87 (2))

Mr. Chairman: 25, Paragraphs 89 (1) and (g) of the said Ordinance is repealed.

26, Subsection 91 (1) is amended by repealing paragraphs (b) and (c) and substituting therefor the following: 91 (1) (b):
(Reads Section 91 (1) (b))

Mr. Chairman: 27. Paragraph 92 (2) (b) of the said Ordinance is repealed.

28, Section 94 of the said Ordinance is amended by adding thereto the following new subsections: (4)

(Reads Section 94 (4))

Mr. Chairman: (5):
(Reads Section 94 (5))

Mr. Chairman: 29. Section 103 of the said Ordinance is amended by adding : (3):
(Reads Section 103 (3))

Mr. Chairman: 30. This Ordinance or any portion thereof shall come into force on such day or days as may be fixed by the Commissioner.

Mr. chairman: Mr. Legal Advisor?

Mr. Legal Advisor: One of the Honourable Members asked the question, in relation to the Ordinance, as to whether in respect of Subsection -- of Section 1, in order to hunt a wolf or a coyote is a seal needed. The Game Director informs me, Mr. Chairman, that no seal is needed.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Further to that same thing, the wolf and the coyote -- pardon me, will there be a wolf and coyote hunting season?

Mr. Chairman: Mr. Gillespie?

Mr. Gillespie: Mr. Chairman, I don't know the answer to that at this point in time. There could be a wolf and coyote hunting season, this would be for the Game Branch people to determine whether this is in fact required to maintain a viable population of wolf and coyote.

Mr. Chairman: Mr. Fleming?

Mr. Fleming: Yes, Mr. Chairman. I have a question for Mr. Gillespie.

At the present time, are they looking into this situation, now?

Mr. Gillespie: Mr. Chairman, pardon me. I don't think I answered Mrs. Watson's question correctly, and I think I can answer Mr. Fleming's at the same time.

There will be a season under a hunting licence. A person can obtain a hunting licence and that will allow that person to hunt wolves and coyotes without a seal. I think that answers Mr. Fleming's question.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, will that season be brought into effect by regulation this year after this amendment is passed?

Mr. Gillespie: Yes, Mr. Chairman.

Mr. Chairman: Ms. Millard?

Ms. Millard: Mr. Chairman, now that I have a witness to direct my questions to, I think I will direct the

same question as I did yesterday, and that is the subject of selling wild meat.

Could our witness give us some more indication why the administration does not even want to consider this as a possibility, and why there has been no research done on it anyway. Certainly it wouldn't do any harm to look into it, certainly since the Northwest Territories have got a program that might be able to be instigated here.

Mr. Gillespie: Mr. Chairman, the administration has not examined this policy, but I would just like to say, make a number of points, and I have had the advantage of reading the Hansard from yesterday, and basically what I have to say reiterates the points that were made at that time.

We are concerned with effectively tightening up the game regulations to better control the take of game in the Territory, and we would be reluctant to move into a new field which would effectively induce some people to more actively shoot game, because of the monetary gain that could be gained therefrom.

We of course, as was brought out by Mrs. Whyard yesterday, concerned about health regulations as well. I think this is a good point, but the short answer to the question is that we have not yet given any serious consideration at all to this prospect, and would not be prepared to amend the Ordinance at this time before we did so.

Mr. Chairman: Ms. Millard?

Ms. Millard: Mr. Chairman, all I'm asking is that they perhaps give some serious attention to it. I'm not asking for any new Ordinances or amendments or anything else at this point, but some kind of investigation into it, because it's obviously working somewhere else, and certainly I don't seem to have made it clear that my contention is not to run around and killing off all the caribou and moose in the country, but harvesting is also a certain part of the conservation, and this should be investigated and looked into, to see whether or not there are areas that can be harvested as well.

Mr. Gillespie: Mr. Chairman, that is a fair request and we will look into it.

Mr. Chairman: Mr. Fleming?

Mr. Fleming: Mr. Chairman, I am very interested in the possibility — or the thought that they are going to bring in legislation in the form of regulations, after we leave this Council, which will be in effect possibly this year, as to the issuing of a licence especially to kill wolves. It may be good, but coyotes, wolves, so forth, I would like to hear the answer as to why and exactly — maybe I am wrong in some of the — it may not be wolves, but coyotes, whatever it is, I would like to know the answer as to why they are bringing in a licence for these animals.

Mr. Gillespie: Mr. Chairman, the licence would be restricted in each zone, in other words, according to the zone framework that we have now established,

there would be a restriction on the amount or the number of wolves and coyotes that might be shot.

It is the opinion of the Game Branch that the number of wolves and coyotes in the Yukon is sufficient to sustain some hunting pressure, and we would propose to allow people under a hunting licence, the same hunting licence that allows them to hunt other forms of game, to also use that licence to hunt wolves and coyotes.

Am I answering your question?

Mr. Chairman: Mr. Fleming?

Mr. Fleming: Yes, Mr. Chairman. At the moment, I see — I think the Game Commissioner is in the — maybe propose with Mr. Gillespie's permission too, that possibly he might be able to sit in as a witness, if somebody agrees.

Mr. Chairman: Is this the wish of the Committee?

Some Members: Agreed.

Mr. Chairman: Mr. Fitzgerald?

We have Mr. Fitzgerald present as a witness. Mr. Fleming, would you like to ask your question of the Game Director?

Mr. Fleming: No, Mr. Chairman, I don't think I really would. I think the question was answered adequately by Peter, but if Mr. Game Commissioner has something more that he may add, which I think possibly he has, I would like to listen, yes, if he has another comment on the matter.

Mr. Fitzgerald: This concerns wolves and coyotes, Mr. Fleming?

Mr. Fleming: Yes.

Mr. Fitzgerald: Well it has received a lot of consideration and discussion, but at the moment, we don't see any reason for having a limit placed on the take of coyotes and wolves. You can hunt them pretty well as you did before, the only thing is that the person must be licensed, have the ordinary hunting licence.

If it is necessary in the future, of course, we may have to impose certain regulations within certain management zones, but at the moment we don't think it is necessary.

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: Mr. Chairman, maybe I could ask a question of the Director. In some jurisdictions, I believe you can — this is the question, a wolf is a protected animal, is this correct?

Mr. Fitzgerald: That is right.

Mr. Lengerke: And in the Yukon you certainly feel that the presence of a wolf is so predominant that it certainly doesn't have to be — or dominant, that it doesn't have to be protected here?

Mr. Fitzgerald: Not at this time, Mr. Lengerke.

Mr. Lengerke: Thank you.

Mr. Chairman: I will now read the preamble to Bill Number 5.
(Reads Preamble)

Mr. Chairman: An Ordinance to Amend the Game Ordinance.

Mr. Lengerke: I move that we now report Bill Number 5 out of Committee with amendments—without amendments, I am sorry.

Mr. Chairman: Can I have a seconder?

Mr. Fleming: I second that.

Mr. Chairman: Are you agreed?

Some Members: Agreed.

Mr. Chairman: Thank you. The witnesses are excused.

We will now proceed with a clause by clause reading of Bill Number 20.

Mr. Lang?

Hon. Mr. Lang: Mr. Chairman, we don't have the information that that motion asked for that the Honourable Member from Kluane put forth.

I can't see a clause by clause reading until we know the ramifications and can associate it with the Bill as we read it through.

Mr. Chairman: Is this information available Mr. McCall?

Mr. McCall: Well Mr Chairman, as far as I am concerned it is. It depends in what area you are requesting information from? Whether it is from the Legal Advisor or myself.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman I requested the information from the administration. Possibly I could check with the Clerk of the Council so that the information would be available to us at least before we discuss the Bill.

Mr. Chairman: Mr. Lang?

Hon. Mr. Lang: Mr. Chairman, I thought this was understood that we would get this information prior to reading of the Bill. The Honourable Member from Pelly agreed to this at one stage when he introduced it for first reading. He deferred the second reading on request of the Honourable Member from Kluane.

The next day I agreed that we could have second reading with the understanding that we would get the information prior to reading the Bill and I think it is very important.

I ask that we don't continue reading this Bill until we have that information.

Mr. Chairman: Is this the wish of Committee that this is again postponed until this information is forthcoming?

Some Members: Agreed.

Mr. Chairman: I will declare a brief recess.

Recess

Mr. Chairman: I will now call Committee to order. The information requested is not yet available in the Clerks Office, so I will now entertain a Motion for the Speaker to return to the Chair.
Mrs. Whyard?

Hon. Mrs. Whyard: Prior to that motion, if you would allow me to make an announcement for the information of Members. The Department has been pursuing as we promised earlier this week, the possibility of bringing before you an expert to give us further information on application of standards in asbestos treatment.

We are happy to be able to report that we are now in contact with Mr. George Schriber of National Health and Welfare in Ottawa, who is, I thin, one person we would like to hear from. He is now processing our invitation to come and we hope that he will be able to appear before Council next week.

This is a National Health and Welfare official and at present, as I believe, Mr. Trevor informed us, that Department is doing more research into the matter than the mining end.

For your information we hope to have Mr. Schriber here next week.

Mr. Chariman: Thank you Mrs. Whyard.
Mr. McCall?

Mr. McCall: Mr. Chairman I move that Mr. Speaker do now resume the Chair.

Mr. Chairman: Do have a seconder?

Ms. Millard: I second that.

Mr. Chairman: Are you agreed?

Some Members: Agreed.

Some Members: Agreed.

(Mr. Speaker Resumes the Chair)

Mr. Speaker: At this time I will call the House to Order.

May we have a report from the Chairman of Committees?

Dr. Hibberd: Mr. Speaker, Committee convened at 10:45 this morning to discuss Bills, Sessional Papers

and Motions.

Mr. Bill Cline, Chief of Alcohol and Drug Services was present as witness during Committee's review of Sessional Paper Number 4.

The Sessional Paper was received by Committee as an extremely informative and instructive document. Committee recessed at 12 noon and reconvened at 1:30 p.m. to consider Sessional Paper Number 5 and the Proposed Territorial Land Use Regulations.

Mr. Cam Ogilvie, Mr. Dick Joy and Mr. Mike Phillips made representation to the Committee on behalf of the Yukon Chamber of Mines.

Mr. Chairman excused the witnesses with thanks and asked for Committee's wishes on proceedings on Sessional Paper Number 5.

It was Committee's wish to call for representation from the Yukon Conservation Society before Committee concluded its deliberations on this matter.

After a brief recess Committee resumed the reading of Bill Number 5, and Ordinance to Amend the Game Ordinance, with Mr. Fitzgerald and Mr. Gillespie present as witnesses.

It was moved by Mr. Lengerke and seconded by Mr. Fleming that Bill Number 5 be reported out of Committee without amendment and this motion carried.

It was Committee's wish to defer consideration of Bill Number 20 until information requested by motion was available.

The Minister for Health, Welfare and Rehabilitation informed Committee that an expert witness on asbestos levels may be available next week.

It was moved by Mr. Lengerke and seconded by Mr. Fleming that Mr. Speaker do now resume the Chair and that motion was duly carried.

Mr. Speaker: You have heard the report of Committee —

Mr. McCall: Mr. Speaker, there is an error.

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

Some Members: Agreed.

Mr. Speaker: What is your further pleasure? The Honourable Member from Whitehorse Riverdale.

Mr. Lengerke: Mr. Speaker I move that we now call it five o'clock.

Ms. Millard: I second that motion.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse Riverdale, seconded by the Honourable Member from Ogilvie that we now call it five o'clock. Are you prepared for the question?

Some Members: Question?

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the motion is carried.

Motion Carried

Mr. Speaker: This House now stands adjourned until 10:00 a.m. Monday morning.

Adjourned

December 2nd, 1975.

Mr. Speaker,
Members of Council

On November 26th, the Honourable Member for Whitehorse South Centre asked the following question:

"Is the Minister in a position to give us a report on the transfer of medical facilities from the Federal to the Territory Government?"

The answer is as follows:

I can at this time report only minimal progress on the steps towards the proposed transfer of health facilities from the federal Department of National Health & Welfare to the Yukon Territorial Department of Health, Welfare and Rehabilitation, although there has been agreement at the federal ministerial level since 1956.

It might be of historical interest to note that at that time, one of the objectives of the Northern Health Services was: "To include in the Health Service Organization a plan for the development of the Territorial Department of Health for each of the Territories, and for a phased transfer of responsibility for Health Services of all residents to these departments over a period of three to five years." As well, the federal memo requested that if YTG wished to accept responsibility for all health services at an earlier date, a request in writing should be made. Negotiations would then take place on the methods of financing, etc. at the Ottawa level.

This government through the Department of Indian Affairs and Northern Development has made repeated efforts to reach agreement with the Department of National Health & Welfare for enactment of a transfer schedule. The schedule would be used as a sort of "game plan" for the transfer, establishing a timetable for its implementation. National Health have taken the position that it will be necessary to determine the operating costs of the Yukon Region for one full fiscal year before any meaningful discussions can commence ... and accordingly, after long delays, we are implementing a budget review basis for health facilities in the Territory as of April 1st, 1976. YTG bears the operating cost of each facility, but this is purely a financial arrangement and the administration

and operation of the hospitals will remain with the Federal Government for this review period.

It had been hoped that Northern Health Regional offices would be incorporated into the YTG's new capitol building, and this government had made space available to the federal department for that purpose. However, it was learned only in October that the Regional Headquarters of Medical Services Branch will continue to carry on business from its own separate stand ... on the flimsy excuse that they would require 4,557 square feet of space rather than the 3,200 allocated to them in our new building. They had, in fact, made arrangements for office space in a new building in downtown Whitehorse, as well as occupying the present building in the hospital area. This government has expressed its opinion that this was an unfortunate decision, which will mean continued fragmentation between layers of government and additional inconvenience to the public. However, on the suggestion of the Regional Director of Medical Services, we have reserved office space in our new building for the Chief Medical Officer of Health, for his use while on territorial business.

Recent communications from the federal Health department have confirmed that they are accepting a target date of 1978-79 for the ultimate transfer of responsibilities for northern medical services, and last month, the Commissioner was informed by the Assistant Deputy Minister NH&W, Charles Caron, that they expect shortly to appoint a Northern Health Consultant who will be giving priority to the staffwork to be done in the transfer of responsibilities for delivery of medical and public health services.

Meanwhile, at the territorial level, the Administrator of our Yukon Health Insurance Service and the Yukon Hospitalization Care Insurance Plan works closely with the Regional Director of Medical Services on a daily contact basis, and both keep in close touch with the Executive Committee Member responsible for Health in the Yukon.

One complicating factor which must be acknowledged in the transfer plan is the matter of health services to native people in the north; this subject is to be discussed with the Yukon Native Brotherhood by the federal minister.

Flo Whyard,
Member,
Executive Committee.

LEGISLATIVE RETURN NO. 5 (1975 THIRD SESSION)

December 3rd, 1975.

Mr. Speaker,
Members of Council

On November 27th, Councillor Fleming raised a number of questions concerning medical services provided to status Indians.

All residents of the Territory must register with the Yukon Health Care Insurance Plan. Premium assistance is supplied through the Department of Indian and Northern Affairs for any Indian of registered Indian status who is not in the normal labour force where deductions are made through the employer. This Department also contributes funds to Yukon Hospital Insurance Services on behalf of persons of registered Indian status.

Assistance supplementing these two health plans is available to status Indians through the Department of National Health and Welfare and all policy related to such assistance is determined by that Department.

Mr. R. Avison, Regional Director, Yukon Region of the Department of National Health and Welfare has supplied the following information in relation to Mr. Fleming's questions:

Question 1:

What is meant by "Provision of financial support for supplementary medical assistance to Status Indians including drugs, air transport, both regular and charter, vehicle transportation, boarding accounts,

dental care, optometrist treatment and hospitalization for mental sickness?"

"The term "financial support" refers to payment by the Department of National Health and Welfare of the costs or part of the costs of the listed medical supplies and services for medically indigent Status Indians. The Department provides "support" in that it pays what the individual is unable to pay. Employed Status Indians are able to pay and do pay for a considerable number of these supplies and services themselves."

Question 2:

How much financial support?

"Yukon Region, Medical Services of the Department of National Health and Welfare devotes a part of its total budget to provide support for the payment of these supplies and services. There is of course a ceiling on the total budget for Yukon Region but a ceiling is not defined with respect to the financial support to be provided for supplementary medical assistance."

Question 3:

What is included in the term "Optometrist Treatment"?

"Included within the term "Optometrist Treatment" are refractions, the provision of glasses, and repair of glasses."

Flo Whyard,
Member,
Executive Committee.

LEGISLATIVE RETURN NO. 6 (1975 THIRD SESSION)

December 3, 1975.

**Mr. Speaker,
Members of Council**

On December 1, 1975 Councillor Fleming asked the following question:

At the spring session of Council, Telesat made an offer for TV and gave a price for instalment and rental in the smaller communities of the Yukon. So far as we know we rejected that offer because it was too high. Now, has there been any progress since the last session as to what might happen with TV, and I ask this question because I hear on the news something to that effect.

The answer is as follows:

In May, 1975 Telesat Canada offered to lease ground

receiving stations only at a cost of \$19,000 per station per annum.

It was agreed at the May 1975 Territorial Council Session that this price was unrealistic and two motions were passed requesting assistance from the Minister of Communications and the CBC.

Ongoing discussions and correspondence with DOC and CBC have to date resulted in no definitive action.

In September, 1975 discussions and correspondence with the Teslin Community Club were held concerning government support and financial assistance. The financial assistance program has now been dealt with in Council.

We have and will continue to support the Teslin Community Club and any other community in their endeavours to acquire licensed television service.

**M.E. Miller,
Assistant Commissioner.**

Legislative Return No. 7 (1975 THIRD SESSION)

December 3, 1975

**Mr. Speaker,
Members of Council**

On December 3, Councillor Watson asked me to obtain the following information from the Northern Canada Power Commission:

(1) The total construction cost of the Aishihik Power Project.

(2) The cash compensation being paid to individuals and or bands for property or other damages created by the project and such other terms and conditions that have been negotiated as part of the compensation,

and

(3) The cost of the Haines Junction transmission

line.

Since the Aishihik Power Project is just in the final stages of completion, it is not yet possible to compute the final total costs. However, the Northern Canada Power Commission has provided the following information:

(1) Construction costs for the project are estimated at \$36,000,000 to date.

(2) No funds have been paid in compensation for damages. Several claims for damages are outstanding and the Commission is awaiting a submission from legal counsel to the parties involved before any settlement can be made.

(3) The costs of the Haines Junction transmission line are currently estimated at \$498,000.

**J. Smith,
Commissioner.**



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The Yukon Legislative Assembly

Number 9

4th Session

23rd Legislature

Debates & Proceedings

Monday, December 8, 1975

Speaker: The Honourable Donald Taylor

The Yukon Legislative Assembly

December 8, 1975

December 8, 1975

MR. SPEAKER READS DAILY PRAYER

Mr. Speaker: Madam Clerk, is there a quorum present?

Madam Clerk: There is, Mr. Speaker.

Mr. Speaker: I now call this House to order.

ROUTINE PROCEEDINGS

Mr. Speaker: We will proceed with the Order Paper this morning. Are there any Documents or Correspondence for tabling? The Honourable Member from Whitehorse North Centre?

Legislative Return Number 8

Hon. Mr. McKinnon: Mr. Speaker, I have for tabling today, Legislative Return Number 8 and Sessional Paper Number 8.

Mr. Speaker: Are there any further documents or correspondence for tabling this morning? The Honourable Member from Kluane?

Mrs. Watson: That's fine, I stand corrected, thank you.

Mr. Speaker: Are there any Reports of Committees? Introduction of Bills? Are there any Notices of Motion or Resolution?

The Honourable Member from Whitehorse Riverdale?

Mr. Lengerke: Yes, Mr. Speaker. I give Notice of Motion with respect to the acceptance of Sessional Paper Number 4, dealing with the comprehensive alcoholic prevention program in the Yukon, and I have another Notice of Motion with respect to the Teslin T.V.

Mr. Speaker: The Honourable Member from Kluane?

Mrs. Watson: Yes, Mr. Speaker, I would like to give Notice of Motion that matters relevant to the Historic Sites and Monuments Board be discussed in Committee of the Whole, seconded by the Honourable Member from Watson Lake.

I would like to give another Notice of Motion, seconded by the Honourable Member from

Hootalinqua, that Whereas adoption of the metric system of measuring highway distances has resulted in the removal of Alaska Highway mileposts, and whereas the milepost is regarded by many residents as a link with a significant area in the development of the Territory, THEREFORE BE IT RESOLVED that the Yukon government replace key mileposts removed from the Alaska Highway through metrication, with an enlarged replica of the original milepost in order to retain the historical significance of the Yukon Highway milepost.

Some Members: Hear, hear.

Mr. Speaker: Are there any further Notices of Motion or Resolution?

Notices of Motion for the Production of Papers? We will then proceed from daily routine to Orders of the Day.

ORDERS OF THE DAY

Motion Number 8

Mr. Speaker: Motion Number 8. It has been moved by the Honourable Member from Hootalinqua, seconded by the Honourable Member from Kluane, that Legislative Return Number 5 be moved into Committee for discussion. This is referred, of course, to the Committee of the Whole. Is there any discussion on the Motion?

Mrs. Watson: Question.

Mr. Speaker: Question has been called. Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the Motion as carried.

Motion Carried

Motion Number 9

Mr. Speaker: Motion Number 9. It was moved by the Honourable Member from Klondike, seconded by the Honourable Member from Mayo, that it is the opinion of this House that the Canadian Broadcasting Corporation should extend its broadcasting range so it would cover the whole of the Yukon Territory.

The Honourable Member from Klondike?

Mr. Berger: Thank you, Mr. Speaker. There's really not much to say about this Motion. I think it says everything in it.

About 15 years ago I could understand it. I mean, the residents in the Territory had to listen to foreign radios in order to get the news coverages, but in 1975, there's still people in the same position. I find it very hard to understand, I mean, in this day and age when you can send messages back from Jupiter and Mars and everywhere else, surely we should be able to transmit radio coverage 200 miles down the highway. I mean, the CBC has a very good service, I'm not going to knock the CBC because I think it's one of the best radio stations, but if you haven't got no coverage, you are not doing any good to anybody, and they have messages, especially in the summertime to tourists, somebody is looking for them, say in the States somewhere, or anywhere an emergency is happening.

Those messages are only good in the area surrounding a community that has transmitter facilities. Anywhere else on the highway, those things aren't available.

The Yukon Indians have a special program going on CBC, for Indian people. You go down the road to Pelly Crossing or to Stewart or to Old Crow, they don't even know what you are talking about. They never heard of CBC Yukon, so I would urge all the members, I mean, to put pressure on CBC to see if we could extend the radio coverage.

Mr. Speaker: The Honourable Member from Ogilvie?

Ms. Millard: Mr. Speaker, I would just like to add my strong support of this Motion, considering the people from Old Crow. Today in the mail actually, I have a petition going to the Honourable Hugh Faulkner, Secretary of State, because we have tried every other method to get CBC to put radio coverage into Old Crow. I'm sure the member who represented Old Crow before me tried very hard also.

I'm just hoping that this petition has some more response than what we have had up to this point. I have been working on it myself for a year through CBC to try to get radio coverage in Old Crow. As everyone here knows, they have nothing, no T.V., no radio, they are very isolated. The only time they have any news is when the airplane lands, and this is getting sometimes more infrequent since they don't land in the really cold weather, which they are experiencing now and will all winter.

I would just like to add my very strong support of this Motion.

Mr. Speaker: The Honourable member from Hootalinqua?

Mr. Fleming: Yes, I would also like to add my strong support after hearing the Member from Ogilvie. I didn't realize myself that they didn't have radio at least up there, because I listen to T.V. and radio every day, and I hear nothing but how they are going to supply the north so well, so I would like to stand and just say that I do add my support too.

Mr. Speaker: Is there any further discussion? The Honourable Member from Kluane?

Mrs. Watson: Mr. Speaker, I would certainly support this Motion, particularly since I represented in the past, a constituency, the Pelly River area, that doesn't have the radio coverage, but I am wondering what good does this Motion do unless, even if it comes through this House unanimously, where will this Motion be directed, and will the follow-up be carried on that we want it to do?

Will it be sent to the CBC? Will it be sent to Hugh Faulkner? What will happen to this Motion? Will it just go through this House and then sort of die in our papers?

Mr. Speaker: Just from the Chair, it would appear that the Motion is directed at the Canadian Broadcasting Corporation, so I would assume, the Chair would assume, that this is where it would be directed.

The Honourable Member from Whitehorse North Centre?

Hon. Mr. McKinnon: Mr. Speaker, I know it won't satisfy Honourable Members, but all these Motions actually do go to the proper authorities. In this instance, it will be going to the Canadian Broadcasting Corporation, also the Minister of Communications who is responsible for the C.R.T.C., who is the Honourable Jean Sauve, that was just appointed the other day.

I can only say to Honourable Members that, you know, don't get your hopes too high, because I think if a question was asked during Question Period to the Commissioner, he told you about some of the Motions and the route that they have gone, and the success ratio of them, with most of the Crown corporations, is not a batting average that anybody would be proud of.

I would like to lay any odds, Mr. Speaker, that if our policy of capital assistance accepted by D.O.T. and C.R.T.C. where T.V. can go into the smaller communities, I'll lay any odds that any of these communities not having radio because of the Territorial Government policy, will have television service long before they have radio service, Mr. Speaker.

Mr. Speaker: Is there any further debate? Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare that the Motion is carried.

Motion Carried

QUESTION PERIOD

Mr. Speaker: This brings us then to Question Period, and I see we have with us this morning Mr.

Administrator.

Would you proceed with your question? Mr. Administrator?

Mr. Administrator: I have sir, an answer to a question raised on November 27th by Councillor Millard. Ms. Millard wanted to know if the National Museum of Canada's northern exhibit would be touring the Yukon. The answer is that from the information we have received, the museum mobile caravan entitled "Canada's North", is not scheduled to come to the Yukon.

A preliminary trip was made to the north just over a year ago, to determine the feasibility of taking the three semi-trailer units north of 60. It was felt that the distances involved as a result of that study, possible damages -- pardon me, let me phrase that again. Because of that study, it was felt that the distances involved, the possible damages to displays because of road conditions and special maintenance requirements would not make a northern tour feasible. The program started last summer and the 42 foot units are spending a week in each community in southern Canada.

They went on the road last August, and it will take two years to complete the current exhibit schedule.

Mr. Speaker, I have another answer to a question raised by Ms. Millard on December 4th. Ms. Millard wished to know if we would be tabling the Yukon Exit Survey in Council. The answer is that this report is currently being compiled and printed. It should be ready in about three months, and at that time, we will certainly ensure that all Councillors receive copies.

And finally, in answer to a question raised by Councillor Berger on December 4th, Councillor Berger requested that we table the Environment Impact Study on the Dempster Highway carried out in 1972. We have ordered a copy of the study for the Council, however in the meantime we have been able to borrow a copy of the report, and it may be seen in the Clerk's office.

Thank you Mr. Speaker.

Mr. Speaker: Have you any questions? The Honourable Member from Ogilvie.

Question Re: Training to Operate Airstrips

Ms. Millard: A further question for the Administrator. This is a news release, I think from about two months ago from Yellowknife, and it states that a policy is now in the planning stages, whereby local residents in the Northwest Territories will be trained to operate airstrips within their own communities. Apparently this is done through the M.O.T. Arctic Transportation Agency, and the training program involves all the facets required in running the total system, for example, airstrips, air services, radio and telecommunications, et cetera.

Apparently they will be training outside for about six months, and then they come back and are able to run their own airstrips in their own communities. Is this being sought to bring into the Yukon?

Mr. Speaker: Mr. Administrator?

Mr. Administrator: Mr. Speaker, I would like, if I

may, to take that question under advisement and return with an answer.

Mr. Speaker: Are there any further questions this morning? The Honourable Member from Whitehorse Riverdale?

Question Re: Land Policy

Mr. Lengerke: Yes, Mr. Speaker, I have a written question this morning for the Honourable Minister of Local Government.

Last week I raised the question in this House with respect to the Territorial Government's land policy, or proposed land policy, and I was advised that Mr. Lyn Chambers was engaged to work on this matter and that it would be approximately a year before a policy would be finalized and available for processing through this House.

I would like to know at this time if the Yukon Territorial Government has recently been consulted by the federal Minister, or his representatives, responsible for Crown lands policy in the north, and if in fact there has been discussion and direction given, to put in effect a policy that would only allow 30 year leases of land outside the bounds of the municipality or organized subdivision.

Also in formulating land policy for the Yukon, has consideration been given to an amended survey system, and land use classification on presently recognized and future land tracts? ?

Mr. Speaker: Is that a written question?

Mr. Lengerke: Yes it is.

Mr. Speaker: Are there any further questions? We will then proceed to public Bills.

PUBLIC BILLS

Bill Number 5 Third Reading

Mr. Speaker: The Honourable Member from Whitehorse Porter Creek?

Hon. Mr. Lang: Mr. Speaker I move seconded by the Honourable Member from Pelly River that Bill Number 5, An Ordinance to Amend the Game Ordinance be read a third time.

Mr. Speaker: It has been by the Honourable Member from Whitehorse Porter Creek, seconded by the Honourable Member from Pelly River that Bill Number 5 be now read for a third time.

Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: I shall declare the motion as carried.

Motion Carried

Mr. Speaker: Are you prepared to adopt the title to the Bill?

Hon. Mr. Lang: Yes, Mr. Speaker, I move seconded by the Honourable Member from Pelly River that Bill Number 5 do now pass and that the title be as on the Order Paper.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse Porter Creek, seconded by the Honourable Member from Pelly River, that Bill number 5 do now pass and that the title be as on the Order Paper.

Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare that the motion is carried and that Bill Number 5 has passed this House.

Motion Carried

Mr. Speaker: May I have your further pleasure at this time?

The Honourable Member from Pelly River?

Mr. McCall: Thank you, Mr. Speaker, I move that Mr. Speaker do now leave the chair and the House resolve in the Committee of the Whole for the purpose of considering Bills, Sessional Papers and Motions

Mr. Speaker: It has been moved by the Honourable Member from Pelly River, seconded by the Honourable Member from Whitehorse Riverdale that Mr. Speaker do now leave the Chair and the House resolve in the Committee of the Whole for the purpose of discussing Bills, Sessional Papers and motions.

Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: I shall declare the motion is carried.

Motion Carried

Mr. Speaker leaves the Chair.

COMMITTEE OF THE WHOLE:

Mr. Chairman: I now call this Committee to order and declare a brief recess.

Recess

Bill Number 7

Mr. Chairman: I now call this Committee to Order. We will proceed with the clause by clause reading of Bill Number 7, "An Ordinance to Amend the Legal Professions Ordinance".

We have with us this morning Mr. Peter Gillespie, and Mr. Willard Phelps, President of the Yukon Law Society.

1. Section 2 of the Legal Profession Ordinance is amended by adding thereto the following new definitions:

(Reads Section 2)

Mr. Chairman: Two: Sections 17, 18, 19, 20 and 22 of the said Ordinance are repealed.

Three: Section 21 of the said Ordinance is repealed and the following substituted therefor (1):
(Reads Section 21(1))

Mr. Chairman: Four: The said Ordinance is further amended by adding thereto the following new Parts and sections: Part II, Protection of Persons Dealing with Barristers and Solicitors. 26(1):
(Reads Section 26(1))

Mr. Phelps: Mr. Chairman, I wonder if I might interject at this point, and state that I believe that the Bill was read clause by clause at the last session. I have had the opportunity of discussing some of the problems I see with this Bill, with the administration, and without trying to tell you how to run through the Bill, it seems to me that we could save some time by simply going to the contentious parts of the Ordinance.

Mr. Chairman: Who is to say what the contentious parts are, Mr. Phelps?
Mr. Taylor?

Hon. Mr. Taylor: Yes, Mr. Chairman. The only way perhaps that that could be done, this being a separate session, is the Bill would have to be read or deemed to have been read, and perhaps it must -- one or the other must occur.

Hon. Mr. McKinnon: Certainly, Mr. Chairman, if the members of the Law Society have only a few points in the Bill on which they wish to make representation, Committee should go to those Sections so that the members can make their representation, then he can leave and be about his business. I would think that that would be much better for the witnesses that we have, Mr. Chairman.

Mr. Chairman: The problem as I foresee it, is that we are not going to be able to consider the Bill in its entirety unless we do go clause by clause reading. What is the wish of Committee?

Mrs. Watson?

Mrs. Watson: Mr. Chairman, I feel quite strongly we should consider the Bill in its entirety, because as you recall, both the Honourable Member from Riverdale and myself weren't present within this House when it was read the last time.

However, I would concur with the suggestion of the

Honourable Member from Local Government, who did suggest that possibly the witness could make his presentation on the various Sections that were in contention last time, and we could ask the witness questions we needed to ask, then he could leave and we could continue with reading the Bill.

This would certainly save his time.

Mr. Phelps: I'm not concerned, I'm quite prepared to sit through a clause by clause, and perhaps it's just as well that I do in case there are other questions that are raised.

Mr. Chairman: I also would consider that there might be other questions that would be asked of the witness that are not those of particular concern at the moment for the witness.

Perhaps we should proceed with clause by clause. Accounting by Barristers and Solicitors. 27.(1): (Reads Section 27.(1))

Mr. Chairman: Two: (Reads Section 27.(2))

Mr. Chairman: Three: (Reads Section 27.(3))

Mr. Chairman: Seizure of Property. 28.(1) (Reads Section 28. (1))

Mr. Chairman: Two: (Reads Section 28.(2))

Mr. Chairman: Three: (Reads Section 28.(3))

Mr. Chairman: Four: (Reads Section 28.(4))

Mr. Chairman: Custodian. 29. (1): (Section 29. (1))

Mr. Chairman: Mr. McCall?

Mr. McCall: Thank you, Mr. Chairman. I would like to ask the Legal Advisor in sub (d), "when by reason of illness or for any other reason ...". What is any other reason? Could you get a little more explicit on this?

Mr. Legal Advisor: I think, Mr. Chairman, if the Honourable Member is looking for examples, it might be something which is mental incapacity short of illness. It's covered actually twice, the same such thing is covered twice in the list of Sections.

Mr. Chairman: Mr. McCall?

Mr. McCall: Thank you, Mr. Chairman. I would like to ask the witness what is incapacitation of sub (d)?

Mr. Phelps: Well I must admit I can't come up with any examples on the question you have been asking, but perhaps some bizarre circumstances could arise.

Mr. Legal Advisor: It could be undue addiction to drugs, undue addiction to alcohol, it could be the man might go blind and not admit it. There's a number of reasons, it could be related to them.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, it would be that a person is in jail or something like this so he can't practice.

Mr. Chairman: That might be considered improperly absent.

Mr. Phelps: A lawyer?

Mr. Chairman: Two: (Reads Section 29. (2))

Mr. Chairman: Three: (Reads Section 29. (3))

Mr. Chairman: Four: (Reads Section 29. (4))

Mr. Chairman: Five: (Reads Section 29. (5))

Mr. Chairman: Thirty, one: (Reads Section 30. (1))

Mr. Chairman: Two: (Reads Section 30. (2))

Mr. Chairman: Three: (Reads Section 30. (3))

Mr. Chairman: Four: (Reads Section 30. (4))

Mr. Chairman: Five: (Reads Section 30. (5))

Mr. Chairman: General. 31. (1): (Reads Section 31. (1))

Mr. Chairman: Two: (Reads Section 31. (2))

Mr. Chairman: Three: (Reads Section 31. (3))

Mr. Chairman: Four: (Reads Section 31. (4))

Mr. Chairman: Five: (Reads Section 31. (5))

Mr. Chairman: Clear? Part III, Discipline. 32. (1): (Reads Section 32. (1))

Mr. Chairman: Two: (Reads Section 32. (2))

Mr. Chairman: Thirty-three, one:
(Reads Section 33. (1))

Mr. Chairman: Two:
(Reads Section 33. (2))

Mr. Chairman: Three:
(Reads Section 33. (3))

Mr. Chairman: Mr. Phelps?

Mr. Phelps: I wonder if I might interject at this point? It's speaking for the Bar, they would like a change in sub-section (2) of Section 33. They would like that amended to "Only persons who are enrolled on the Roll or who are members in good standing in the law society of the Province of British Columbia, or the Yukon Territory, are eligible ...".

Now, the reasons for this are firstly, that we follow the same Canons of Ethics at this time as the B.C. Bar, and secondly the person appointing the members of the Committee will be the Chief Justice of the Supreme Court in British Columbia. We feel that we will be able in the future, to have better liaison with the Benchers in the B.C. Law Society, if it's restricted to B.C. With respect to adding the Yukon Territory, we don't anticipate any member of the Yukon Territory becoming a member for some time, but we think it ought to be in there in case there's sufficient expansion in the number of lawyers in the next few years, that one might be appointed for obvious reasons.

Right now, the feeling of the Bar is that we are too small to have our members disciplining members in Whitehorse, but I would very strongly submit that the people that are—that will be appointed to the Committee, be people who are enrolled in British Columbia.

Mr. Gillespie: Mr. Chairman?

Mr. Chairman: Mr. Gillespie?

Mr. Gillespie: If I may answer that. I think that one would expect that under normal practice, the Chief Justice of the Supreme Court would recommend Committee members from among Benchers in B.C., but should he have some difficulty in finding sufficient members in B.C., we would like to allow him to look to Alberta or other provinces to obtain that additional membership that he is seeking.

As to including the Yukon Territory, as Mr. Phelps said, at the moment there aren't sufficient members here now to be able to choose one from among their midst without creating the possibility that this person, because of the way in which the bar is inter-woven in the Yukon, would find himself in some kind of conflict of interest situation, and therefore, until the bar is bigger, this would not be a good move.

As to the future, and the possibility that the bar will increase in size, it has been the aim of the administration, or the hope of the administration that the Yukon Bar itself would form a society, and in fact replace what we are dealing with here now in this Bill, by forming a society that disciplines itself sometime in the future. So we would like to encourage them be leaving out the Yukon Territory in this particular subsection to do just that.

We are only moving into this Bill because the bar

itself has not been able to do so for a variety of reasons, been able to form its own statutory association.

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, I wonder if I could be enlightened as to the number of members there are in the Yukon Bar Association?

Mr. Phelps: Mrs. Whyard, there is about 22 or 3 local members. There is an additional, I believe, 60 or 70 members who are mostly from B.C. and Alberta, but the administration, of course will probably fall on the shoulders of about 18 members who are not employed by the government, either federal or Territorial.

I wonder if I could just expand on my reasons for wanting this limited to the Province of British Columbia. Firstly, in response to Mr. Gillespie, there are something like 2,000 lawyers in B.C., and surely we can find nine people ready, willing and able to serve on this Committee. It would be an honour to most senior lawyers to be selected as such, and I can assure you that there would be no problem there.

Secondly, I should have really interjected on the sub-clause just prior, 33, subsection (1). The Bar feels that it is very important that the public feel that we are independent from any government at any level, because we are called upon from time to time, numerous occasions really, to commence legal actions against the federal government and the Territorial government, and it's very important that the public feels we are not responsible to the government, but that we can be disciplined, and you will notice that the kinds of things that the Disciplinary Committee can do to us is unparalleled in Canada. You know, it leaves us

very little in the way of due process and rights, but we are willing to go along with that.

Now, first of all, the concern is that we want to be assured that the Commissioner doesn't simply supply a list of names to the Chief Justice in B.C., and that it is more or less stamped and the government more or less decides who is going to be on this Committee. We want to be assured, and I would hope that the administration at this time would assure this House that the Chief Justice will decide who he thinks ought to be on this Committee, that the government would have no quarrel with us giving our views to the Chief Justice of the Supreme Court of British Columbia, and that the government will not interfere with the process of selecting this Committee.

Hand in hand with that, we feel that this is less likely to occur if the government, or if the Chief Justice must appoint senior members from the Province of British Columbia, because it's a simple fact that this government has friends across the country, and if they started subtly applying pressure to the Chief Justice to name X and Y and Z, friends of members of this government to the Committee, what would result would be a travesty of justice in my opinion. So I don't think it's much to ask, firstly that this be restricted to British Columbia for that reason, and secondly that we have a statement in the House on Hansard from this administration that they have no intention of interfering or supplying a list to the Chief Justice of the Supreme Court of British Columbia, in his appointing

members on this Discipline Committee. And the reason again is simply that lawyers in the Yukon especially, where you have all these cases against the government, and they come up very, very commonly, the public has to be assured that they are going to somebody who is not under the thumb of the very body that they want to sue or achieve redress against.

Mr. Chairman: Mr. Lang?

Hon. Mr. Lang: Mr. Chairman, I would think in the interest of the Law Society that it would probably, in all probability be better to have a lawyer from Nova Scotia that would have no ties at all with the Yukon, from what you have said, and on top of that, I get the impression that you don't want the government, which I am sure the government doesn't want to become involved in selecting lawyers for the Discipline Committee, I am sure that they will entrust that to the Chief Justice of the Supreme Court of British Columbia, but I got the distinct impression that the bar wants to be able to submit their views on any member that is on that Committee.

Mr. Phelps: No, the—

Hon. Mr. Lang: From what you have said.

Mr. Phelps: Well my answer to that is no. Firstly, it makes good sense that all the members be from B.C. because of them being able to get together, because they have a common ground at this time with respect to what constitutes the canons of ethics. You know, what is unethical, what's unethical in B.C. may vary from what's unethical in Nova Scotia with respect.

Secondly, all I am saying is that in the other provinces, the people who discipline members are voted by the members of the Law Society in B.C. The Benchers are elected democratically once a year, and all I am saying is that surely if this bar wants to, and may do, if they feel that there is a lawyer on that Committee who for some reason ought not to be there, because it's not in the interests of the public of the Yukon, or the lawyers for that matter, all they would be able to do is make a representation to the Chief Justice. They are not restricted from that in this clause.

Mr. Chairman: Mr. Lang?

Hon. Mr. Lang: Then, Mr. Chairman, surely the government should have the same choice.

Mr. Phelps: Well no, because again the reason for this independence is that the public has to be able to go to a lawyer and -- with a grievance against the government, and how can they have faith in the lawyer if the government has any hand at all in disciplining that lawyer?

That's the only reason, and that's the common reason across Canada for this independence, and I think in the Yukon where the government is so huge, bureaucracy extends almost into every aspect of our life, and where proportionately the cases are so much greater for that reason, I think it's extremely im-

portant that -- it's obvious to the public that these lawyers are not under the thumb of the government.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, I can't help but interpret what the witness has said as almost an insult to the Chief Justice of B.C. Surely to goodness this is why we have designated such a person in this legislation, someone who is separate and apart from the Yukon, from the Yukon government, from the Yukon's legal profession, to appoint a panel of solid, good lawyers, be they from B.C. or from what province, to sit as the disciplinary committee, and I just can't understand the witness' thinking where the government would influence the Chief Justice's appointment, and yet by the same token, saying that the lawyers should have the -- the lawyers in the Yukon Territory should have some influence on the Chief Justice.

I think all of us feel quite safe that there's justice going to be done because we have a person who is separate and apart, who will be appointing that Board, and that's why I will go along with the Chief Justice in B.C., rather than have the Commissioner do the selection.

But here's another thing that I would like to bring up, and I'm referring to the letter that each one of us received from the Consumers' Association of the Yukon Territory, and they make a suggestion which I am going to give some very serious consideration to, and that is that one of the members on the Discipline Committee should be a lay person, not a lawyer. It's a board, and it should be composed of both lawyers and citizens, so both aspects of the lawyer-client relationship would have fair representation.

I would like to ask the witness' views on that submission from the Consumers.

Mr. Chairman: If I may be allowed to comment, I think that the basic thrust of this Bill, as for any professional body, I think is for them to attain a point of self-discipline, and I think that is important in any profession, and I think that's what we are trying to do in this situation, is have the discipline removed from the hands of government and placed in the hands of the profession itself.

They are the ones who know what the situation is, and who are capable of disciplining themselves. Now, it's not protecting themselves particularly, it's just that they know what the situation is, and they are much more effective from an ethical point of view in dealing with discipline on that basis, and I think this is the basic thrust of the Bill we are now dealing with.

I think we should respect that. Mr. Lengerke?

Mr. Lengerke: Mr. Chairman, perhaps the concern of the consumers in this particular instance is the fact that this Committee that we are talking about right now, if I understand this correctly, is the Discipline Committee, but it also, if you take a look at 33, sub (4), also acts in the capacity of a Board of Inquiry, and I think this is the concern, and maybe the witnesses can comment here, give their reaction, but I think the concern of the consumers is that when there is an inquiry made via the public, that it does go really to a

board then made up of, as we say in the — the Discipline Committee who are all lawyers, and I think this is their concern.

They want some way that there is a layman on that Board of Inquiry, and I think that's the place the amendment should take place.

Mr. Chairman: Mr. Phelps, do you have any comment?

Mr. Phelps: Yes, I have something to say on that issue. I'm strongly opposed to a member of Consumers or a member of the public being on this Board, and the main reason for this is that really what we have here is a set of procedures, criminal in nature, against lawyers. And the power of this Board far exceeds the power of our court in ordinary life, and the lawyers are willing to go along with this, subject to -- they have got to have a lot of faith in the Committee. They have got to, you know, believe that they are going to be treated fairly, because really it is just amazing what can be done on very little evidence.

Their books can be seized, their names can be dropped from the rolls, their clients can be more or less shoved off to somebody else, it's tremendous powers here, and what I'm submitting, with respect, is that everybody here that's charged under a criminal statute, charged criminally, has the right to a fair trial before a judge, and this judge is a lawyer.

I'm submitting to you that in this case, where lawyers are submitting themselves, subjecting themselves to laws which would never be accepted by the general public of Canada or any British Commonwealth, but when the lawyers are willing to go along because of their special knowledge, and special knowledge of defences and so on, and they are saying look it, we want to have a profession that's fair. We want to subject ourselves to this scrutiny and these extra criminal procedures, but surely the quid pro quo is that they can expect to be tried by people equivalent to judges, and all judges are lawyers.

What we are saying is fine, let's have some senior lawyers on this Committee and that's it.

Now, where groups such as the consumers and so on might have input, is into the ethical standards which will be set by the Committee if they feel that some of the rules as to ethical standards are not favourable towards consumers or clients, then surely that's where they should have their input, just as in Canada, if you are charged under the Criminal Code, you go to trial before a judge. If you don't like the law under which you have been charged, you think it's unfair, then this goes to Parliament, and that law is changed. In other words, we have changes in the Criminal Code almost annually, and I'm suggesting that this is where the consumers and the other concerned citizen ought to have input.

It ought to say well look it, we don't like this particular rule as to ethics, because this and this and this. But when it comes to be tried, being tried, surely the lawyers ought to expect to be tried by legal people, just as everybody here is tried by a judge who is a lawyer, and a senior lawyer at that.

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, I quite sympathize with the witness' concerns regarding the enormity and seriousness of the consequences of any of this inquiry, but I would like to draw his attention to the fact that we have just been working our way through a Medical Professions Ordinance in this House, where there are professional people in an equal situation, a board of inquiry sitting upon their professional capabilities, can in effect end their professional career. We have had no such argument from that profession regarding who shall comprise the Board of Inquiry.

In fact, if I may quote, Mr. Chairman, the section applicable says "A Board of Inquiry shall consist of not less than three persons who are registered in the Canadian Medical Register as duly qualified medical practitioners", which leaves it wide open. The only narrowing of that field is when there is a case of a mental condition of a person, and the Board must include psychiatrists.

But we have a parallel situation here, I believe, in that the medical profession also has very close ties with the B.C. College, but they have apparently enough confidence in this government and the Commissioner to appoint a Board which they feel would be fair to their membership, and none of them have said that they would not act on that Board, and as far as I can see, they have a similar number of people involved in this situation.

I wonder if Mr. Phelps can clarify this for me, because I really cannot see, in my own interpretation, that the Legal Profession are in anything particularly different from the medical.

Mr. Phelps: I'm sorry, I think you are directing your attention, your question at the issue of the—the issue I was raising, in sub-section (2), as to where the Committee ought to come from?

Hon. Mrs. Whyard: Yes, Mr. Chairman.

Mr. Phelps: Or is it—are you quarrelling with my submission about no member of the public being—

Hon. Mrs. Whyard: No, no, Mr. Chairman, the formation of the Committee.

Mr. Phelps: I see. Well, with respect to that item, it's again our position that, because of the nature of the profession, we are involved constantly, on a daily basis of dealing with, negotiating with, drawing up business contracts with another lawyer in town. In other words, the average lawyer in town spends half his day dealing with the other lawyers in town, on behalf of various clients, and we just feel that it's important at this stage that all members on this Committee be from outside the jurisdiction, simply because this contact is so constant and close, that the chances of conflicts are very, very good.

Now, I don't think that's the same thing with respect to doctors. You know, what I do as a professional

lawyer is negotiate and fight cases against other lawyers. That's what I do, all day, every day. Really, it's interviewing clients, getting a position and then going to the lawyer for the other client and arguing or negotiation or whatever, or ultimately going to court. So this is just a constant thing, and at any time, I'm sure that any lawyer in town will have 150 files, on the other side of which will be a lawyer from the other firm on each one. So it's pretty tough to draw our disciplinary committee from the ranks of the local members of the bar.

With respect to my comments about the Chief Justice and so on, certainly I have a great amount of faith in him. I thought it would be useful for the administration to say openly, for the record, for Hansard, that they have no intention of meddling which his choice or supplying him with a list, and that's all we want, a statement of policy, on the record.

We aren't asking for a change, a change in the wording of sub-section (1) of 31. With respect to sub-section (2), it's the feeling of this bar that our ties are so closely linked with B.C. that it's important that the Committee come from B.C., every senior lawyer is from there. We hope ultimately to be able to, and we have strived to do this, but we have come across some hurdles that are difficult to get over. We would like ultimately to have a very close working relationship with that bar, to be able to draw on their personnel and eventually take over discipline, using their Benchers, using their personnel.

I personally see this Bill as an interim step, you know, it might do for five or six or more years until we can finally get together with that bar, and we can draw on their personnel and overcome certain statutory difficulties that they have in B.C.

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: Mr. Chairman, I have no qualms with the make-up of the Discipline Committee whatsoever, and the way they are appointed. I don't have any problem with that all.

I didn't really get an answer to my question, and maybe I didn't get an answer because I didn't put it properly, but I'll ask the Legal Advisor first. There is a distinct difference between the Discipline Committee and the Board of Inquiry. I think there's two different functions, but in this Ordinance, I understand it that they are made up of the same people, is that correct?

Mr. Legal Advisor: Mr. Chairman, the scheme under which this operates, is that there is a Disciplinary Committee consisting of nine people. When there's a complaint made which gives rise to an investigation, there is in effect a hearing, but three of those people will be a quorum and will carry it off. It is not intended to bring nine strangers into the City to be a board, it's just they would act normally by groups of three, and there would be three from this particular group.

Mr. Chairman: Mr. McIntyre?

Mr. McIntyre: May I ask the Legal Advisor a question? It seems to me that there is nothing to

prevent the Chief Justice from appointing eight members of the Yukon Bar to this Committee, if they are members of the bar in the province.

Mr. Legal Advisor: As it's drafted, Mr. Chairman, it says the Law Society of a province, and I didn't want to intervene, because I thought the question might go away, but some questions don't go away.

A province I take to mean a province in the sense which includes the Yukon Territory and the Northwest Territories, in the meaning which means province and territory -- is distinguishing word when you use Group Y.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, I have a question for the Legal Advisor. I would like to pursue this a little further, the recommendation that the consumers have made regarding the membership on a committee, discipline committee, which would become the Board of Inquiry if an Inquiry were necessary.

If other jurisdictions in Canada have moved into the field of not just having the professional people on their disciplinary committee, whether they do have lay people or people from a different profession on their committee.

Mr. Legal Advisor: Well, Mr. Chairman, this has been a swelling and gathering thing within Canada and in other places. It's happened in various States of the United States, and it's happened in Great Britain, but where a professional body has for a long time had the exclusive privilege of governing its own members in their conduct as members of that profession, the fees which they charge, in other words, the complete control, there has been a movement all over the British speaking world, to inject members of the public in some particular form into the professional control. In respect of the land agents, in respect of the doctors, in respect of dentists, chiropractors, lawyers and so forth.

It has had a varying success. In Ontario, they tried to give statutory jurisdiction to the total control of the profession by a group which was nominated by the Attorney-General of Ontario, which became a superior body to the Benchers and governing body of the profession itself. The consensus of opinion appears to be that it didn't work. The Attorney-General of Ontario tended to appoint lawyers not in practice, rather than people from the everyday world to perform this chore, so the identification gradually became rather similar, that the total control was in the hands of the lawyers themselves.

Now, the particular point was raised here was whether or not, at the request of the Consumers' Association, a member of the public should sit on the disciplinary board. Now, speaking as an individual, speaking not as a Legal Advisor of this House, I would have mixed feelings about that. My personal feelings would be, that where it was a group of three people trying an issue of fact and law, such as would happen in respect of a dentist, a doctor and so forth, the best group to have would be a lawyer presiding to deal with the evidence and to deal with the lawyers appearing before him, with two doctors sitting on either side and

with a complete, in effect, total vote on the matter, or else you have a lawyer presiding with three lawyers or three doctors or four doctors.

When you come to the case of lawyers themselves, everybody in this House has had experience of sitting down with a lawyer and getting nowhere, so to speak, and everyone has had experience of sitting down with a Committee which is composed of lawyers, and the lawyers take over and run the Committee.

I would be very pessimistic about the chances of success of a lay person, except a lay person of outstanding ability and experience, sitting with two lawyers in a disciplinary committee and being able to get anywhere. I think it wouldn't necessarily be a success.

Now, so far as controlling policy is concerned and having lay members on, yes, that's one thing, but so far as actually being one of three judges in what in effect is a trial, I think the lay person would be boondoggled by the skill and expertise of the two people sitting on either side of him. That's without saying anything wrong about the two lawyers who would be sitting, it is just that he would be away out in left.

Mr. Phelps: I wonder if I might just add something to that. Mr. Lengerke has been raising the distinction between the Board of Inquiry and the Disciplinary Committee, and of grave concern there, and it was going to be raised by myself later, is the issue of solicitor-client privilege.

Now, this is a privilege that is sacrosanct, and is vested in the client, not the lawyer. I would hate to think that anybody, there would be lay people or government people with the powers of an Inquiry Board, because there has been a complaint against that lawyer, going into that lawyer's office and seizing files and looking through all this confidential material, because it may be unrelated.

Now, I'm not saying that because of the lawyer, I'm saying it because when you go to a lawyer and you have a problem that may be fairly kinky, and you tell him all about your personal affairs and personal life and so on, and this is all on the file, that file is privileged. I worry very greatly about lay people, or members of the government, being allowed to swoop into a lawyer's office, because of some allegation and go through these files and try to find something.

I think that the public has to be assured that any investigations which infringes upon their rights, not the rights of the lawyer, but their rights, is going to be conducted in a very incamera manner, and that whatever secrets they have got on these various files, which may not be related, are not going to be taken by lay people or government people and possibly used against them in the future. I think that's a very grave concern, I think that's one of the cornerstones of British justice, is this privilege, and it's not the lawyer's privilege, again it's the clients, and they have got to have this privilege, and they have got to have this assurance of secrecy, in order for the system to work, because otherwise how could a person go to a lawyer and tell him his woes, if there is any chance that this might get leaked out to people.

I must say that most politicians are honest, but there's a few that apparently love to get secret

material and have something on their enemies.

Mr. Chairman: Mr. Gillespie?

Mr. Gillespie: Mr. Chairman, I would like to answer a few questions that have been raised. A number of matters have been dealt with here, all at the same time.

The witness, Mr. Phelps, has raised -- or sought an assurance from the administration, and I think that I can give that assurance, at least from my point of view to the extent that I am able to do so, that this government, and the Commissioner would have no intention whatever, of in any way interfering with the Chief Justice in the process of selecting members for this Committee. I think I can state that without any reservation at all.

Going from there to the next point in Item, Section 33, sub (2), I would think it again necessary to leave it to the Chief Justice of the Supreme Court of British Columbia to choose from whence he will pick his committee members. Now, under normal circumstances, he would probably choose to pick them from British Columbia. However, should he be aware of a person with particular abilities or attributes, that he would like to have on that Committee from another jurisdiction, I think he should be free to do so, and we should leave that judgement to him as an individual, and our faith in him as Chief Justice.

The third major point that is being brought up is this business of whether or not a lay person should be on this committee. I have looked up on this in two different ways. If that lay person is a very strong forceful individual then some of the dangers, as expressed by Mr. Phelps, could emerge and they could be very real. They could harm the client, they could harm the person who is being potentially being disciplined in a very severe way.

Alternatively, as our Legal Advisor has outlined, that person could be relatively a weak individual, who effectively would operate as a token member of this committee. I am very reluctant, personally, to see any of this tokenism occur in this kind of legislation. There is a danger either way. Either you have an individual who has little effect because the other lawyers on the committee can readily overwhelm him if they so choose. Or, certainly, an individual who would have some difficulty in understanding the technicalities of the legal profession, or you can go the opposite direction where this person, in fact, could do real damage.

Speaking personally, now, I would prefer not to see a lay person on this committee.

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: Mr. Chairman, I just want to make one thing clear with respect to my comments. I agree with the fact that there should be no lay person on the Discipline Committee. I have no qualms with the appointments and the way it is done whatsoever. I have asked, and I would just, again, to ask the witnesses, do you, would you have great objection to a lay person, and I know Mr. Phelps answered that, to a lay person being on a board of inquiry. That is the area that I am

interested in?

That particular board comes under the Public Inquiries Ordinance, and I think it does allow the Commissioner to make appointments to that board, and in this fact he is going to use the Discipline Committee for this inquiry board.

I just think there is some merit in being able to appoint a lay person to that type of an inquiry board.

Mr. Chairman: Mr. Gillespie?

Mr. Gillespie: I am not certain that I understand exactly what you are seeking here, Mr. Lengerke. The committee, there are not two boards contemplated here. That is only one and that is the committee which has the powers of a Board of Inquiry when it acts in that capacity.

Mr. Lengerke: I understand that, there is no question in my mind whatsoever on that. The Board of Inquiry then is really the Discipline Committee, isn't it?

Mr. Gillespie: That is correct and it is chosen from among its members.

Mr. Lengerke: Right and as I said—

Mr. McCall: A point of order, Mr. Chairman.

Mr. Lengerke: Excuse me Mr. Chairman, I am sorry.

Mr. Chairman: Mr. Gillespie.

Mr. Gillespie: I am sorry Mr. Chairman. The Board of Inquiry in this instance pursuant to this Ordinance would be chosen from among the members of the Discipline Committee, all of whom are lawyers.

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, I put my hand up quite a while ago and I have to revert again, I am sorry.

I am again paralleling the situation with the medical profession. The matter of lay persons being on the Board of Inquiry applied in this instance as well. I think it might be helpful if I just said a few words about how this board would actually operate.

In the first place an inquiry would be called on the complaint of an individual. Now this can be a lay person.

The new section says, the Commissioner may appoint a Board of Inquiry to investigate any charge or complaint made against any person registered under this Ordinance, or into the conduct, mental condition or capability or fitness to practice of any such person.

That means that any patient or any other concerned person may lay a complaint and ask for a Board of Inquiry. One ordinary citizen can do that.

Now the next section goes on to say that the Commissioner shall appoint a Board of Inquiry pursuant to sub-section (1) if he is requested in writing to do so by three members in good standing of the Yukon Medical

Association, and the key word there, Mr. Chairman, is the Commissioner shall appoint. So that if three of his peers request an inquiry into the conduct of one of their colleagues it is mandatory upon the Commissioner to establish that board.

In the ordinary course of events what then would happen is the Board of Inquiry having been named, and they being professional people, then proceed to investigate the facts and the evidence surrounding that complaint. If you go on you find that they have the power to do so, they can summon and bring before it any person, swear and examine, compel production of documents and do all things necessary to provide a full and proper inquiry.

One of the reasons for having them be professionals is that they, at that stage, are definitely going to be seeing confidential documents, particularly in medical cases. They must realize the importance of respecting that confidentiality in every part of their inquiry. I think that is justification for making the board a professional body only.

The lay person certainly has access to just pursue their request for an inquiry they will be interviewed and have an opportunity to give all their evidence and all the information pertaining to the case about which they are complaining. All of that information is then enclosed in the report of the Board of Inquiry and its recommendation is then followed through.

I just thought that might be useful Mr. Chairman, because I can see that the same kind of situations would apply to a legal ordinance.

Mr. Phelps: If I might just respond to that, I think that one of the fundamental principles behind the drafting of this Bill, I think that we have got the concurrence of the administration of this government, is that again, I hate to whip an old horse, but again it's extremely important to the public that a lawyers' discipline committee is being appointed as it is in this legislation by the Chief Justice of the Supreme Court of British Columbia, and that's why that body must form the Board of Inquiry, because otherwise you would have a situation where the public could say well I could go and lay a complaint against Lawyer X in Whitehorse, and then the Commissioner appoints the judges on this case and that would be a travesty of justice.

I'm sure that I have the agreement in principle of the administration, and hopefully everybody here on that.

The other point I would like to bring up is that part and parcel of all this is that the Disciplinary Committee is going to be appointing a secretary, really an officer that will be doing most of the groundwork and making the inquiries and so on and so forth, and again, that person shouldn't be reporting to two bosses. They would be under the complete control of the Discipline Committee, as it's envisaged in this legislation.

The third thing is this, that there is concern from lay people, I suppose, that everything might be buried. There is an appeal from the Discipline Committee to the Court of Appeal. I think that that's good assurance, and a person who is adamant can pursue this, and if they are not happy with the Disciplinary Committee's

findings, then they can go ahead and insist this be appealed, and it goes before the B.C. Court of Appeal, which is also our Court of Appeal. I think that's an important safeguard which is embodied in this legislation.

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, I hope the witness won't consider this a frivolous question, but I'm struck by his concern about the, I think interface is the new popular government word, between the legal profession and government in the Yukon, and the number of law cases involved.

Could he tell me whether this situation also applies in B.C.?

Mr. Phelps: Oh yes, yes, in B.C., the Law Society is completely independent of the government, completely. They draw upon, they elect their Benchers who are very senior people, and they have much the same kind of power that, you know, the Benchers have the same kind of power that's set out in this Ordinance, and as a member of the B.C. Bar, I can assure that about once a week we receive notification, or at least once a month of some member being suspended, you know, of course there's 2,500 members or so in B.C., but they swoop down and they are very firm, very firm indeed.

Hon. Mrs. Whyard: Mr. Chairman, the question I was trying to get an answer to is, what percentage of B.C. lawyers obtain a great amount of remuneration for their suits against the B.C. Government?

Mr. Phelps: Oh, I would say that the incidence in B.C. is probably about one-quarter of the incidence here, simply because the proportion of the population up here involved in the government, the overwhelming presence of the government here, as opposed to in B.C. Even though it's N.D.P. in B.C. and they are trying to rectify that.

Hon. Mrs. Whyard: Thank you, Mr. Chairman.

Hon. Mr. McKinnon: That should be stricken from the record.

Mr. Legal Advisor: There is a wrong impression being created here. I can't think of a case where any lawyer has won a case against the government since 1967.

Mr. Chairman: Is that a wrong impression, Mr. Legal Advisor?

Mr. Phelps: And the public thinks that the reason for this is that we are being disciplined by the government.

Mr. Legal Advisor: In case the press might pick up the fact that there is a lot of successful cases against the government, there are none.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, I notice that we have in the gallery members of the Consumers' Association, and while we are discussing this Section, I would like the Chairman, if we could let these people appear as witnesses at the present time also, so that rather than call them back at a later date, so we get both sides.

They have made a submission, after a brief recess?

Mr. Chairman: Is that the wish of Committee? Is that agreed?

Some Members: Agreed.

Mr. Chairman: We will have a brief recess with deference to our transcriber and then we will have the witnesses.

Recess

Mr. Chairman: I will now call this Committee to Order.

We have with us now, members of the Consumers' Association, Susan Burns and Leona Lane. They have a brief presentation for us, if they would care to go ahead with their presentation.

Mrs. Lane: Thank you.

The Consumers' Association of Canada to which we belong is an organization of volunteers whose function it is to take up the rights of consumers, wherever and under whatever circumstances they seem to be violated.

While the Consumers' Association of Canada, Whitehorse Branch, is pleased to see that the Territorial Government is introducing legislation designed to deal with complaints respect lawyers' discipline, we admit to having some difficulty with certain sections of Bill Number 7. As consumers and volunteers, we have never before had the opportunity of arguing a legal ordinance with lawyers, but clients, of course, are the people who pay the bills.

First, we want to commend the move to remove the onus for discipline from the Legal Advisor to a wider body. Also Section 38 (c), where complainant may appeal to the entire disciplinary committee is, we feel, excellent.

Section 32, sub-section (2) in this Section, we feel that the list of misdemeanours is unnecessarily vague; for example, sub-section 2 (b) states simply "constitutes other professional misconduct." We wonder what is professional misconduct. We know this depends greatly on interpretation, therefore we feel that it should be stated as clearly as possible, the type of misconduct the law has in mind by giving a non-exclusive list of examples.

We have problems accepting the concept that the Disciplinary Committee is to be composed only of lawyers. We are most emphatic in our view that the clients or the consumers of legal services be represented on any disciplinary board. We have a precedent to this here in the Yukon in the Optometric Ordinance, which allows for a Board of Inquiry, composed of both professional and lay people. We don't have problems with the breach of confidentiality,

many citizens take oaths of confidentiality, including members of this Legislative Assembly.

In the Yukon apparently there is no professional body with powers to discipline. There is therefore also no professional conduct committee or Legal Education Committee where lay people might conceivably have input into deciding what constitutes a disciplinary offence, or non-competitive activity. Perhaps a board of regents or similar body should act as a Board of Inquiry for complaints registered against lawyers. Such a board would be composed of lawyers and citizens, so that both aspects of the lawyer-client relationship would have fair representation.

To be just, we feel that the users of legal services must have representation equal to those who perform those services. We are not looking for tokenism. We are not asking for one lay person, we are asking for equal representation.

Mrs. Burns: Section 42 (1) (a), "A lawyer being investigated is given notice in writing at least 10 days before a hearing of the intention to investigate", and it appears reasonable to us that the complainant should likewise be notified in order that the complainant will (1) know that an investigation is occurring, and (2) be given time to prepare a case, should a full hearing be conducted.

Section 45 (1), and I'm quoting from that Section, it says "The Committee and the barrister and solicitor whose conduct is being investigated, may be represented by counsel before the Committee and in any related court proceeding". This is—we have no quarrel with that, but we wonder who takes the case of the complainant? The complainant must also have the right to be represented by legal counsel before the Committee, and in any related court proceedings. Legal Aid should cover such representation where the complainant cannot afford a lawyer.

This again is a question of equal representation by the complainant and the defendant. Something that's not included, but we feel should be considered, should be a provision for compulsory errors and omission insurance for all lawyers practicing in the Territory.

We thank you very much for having been able to make this representation to you, and are most anxious to answer any questions.

Mr. Chairman: Are there any questions of the witnesses?

Hon. Mr. McKinnon: Mr. Chairman, I haven't got any questions, I've just got a couple of points to make on the whole package that has been presented to this Legislative Assembly, the Medical Professions Ordinance, the Legal Professions Ordinance, Ordinance and the Civil Legal Aid Program.

I am much more impressed with this package, than I am with all the legislation like consumers' protection and landlord and tenant legislation that were passed by this House, which I have termed, and I'm positive that the terminology is correct, as cosmetic legislation, done for political purposes, but had no enforcing ability whatsoever.

I really don't know if everybody is cognizant of the

major turn of events with the package of these three Ordinances, that is being presented. I personally feel that they are a great step forward for the protection of the public and the individual as far as the Yukon Legislative Assembly and its members are concerned.

For the first time, both the medical profession and the legal profession, I must compliment them on their interest and their input into the Ordinances, have allowed themselves to come under a Disciplining Committee, that is probably the simplest procedure in the total of Canada, bar none, for a member of the public to lay a complaint. Any individual under either the Medical Profession or the Legal Profession by a simple phone call, the simple filling of a form, can lay a complaint which triggers a whole series of actions under both the Medical Profession and the Legal Professions Ordinance. I think that's an amazing step forward in the protection of the public of the Yukon Territory.

Further than that, if that person, as far as the Legal Professions Ordinance, does not have the wherewithal to continue that claim, and there is a Committee set up under the Legal Profession -- or under the Civil Legal Aid Program, that says if that person needs representation to follow his case through, that is also taken care of by the package of legislation that is being presented at this Session.

I'm of the opinion that it's a major step forward that has been taken by this House, and I think all members of this House can be proud of the legislation that is before them. I would be of the opinion that it is such a step away from what was before, that members of this Assembly, and members of the public should really give it a chance to work at this time, and see whether or not we have all the loop-holes plugged, and whether under the present legislation, there is ample protection for the people and the public of the Yukon Territory.

I happen to think there is. I think there are major strides being taken by this package of legislation introduced at this Assembly. I just wouldn't like to see it amended at this point, until we have given a major new approach to the whole question, at least a year or a two year period, and see whether there are shortcomings in it, and see whether we do have to amend it.

We have gone an awful long way with this legislation, and I think that we should give it a chance to see whether it works properly at this point in time.

Thank you very much, Mr. Chairman.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman I have one question for the witnesses here in reference to the comments that the Honourable Member just made, I don't think that we would want just a phone call with a complaint. I don't want that type of situation, because a lot of these complaints are not properly thought out and really could be classed as quite frivolous.

I think that there should be some area of screening in that.

I would like to question the witnesses on this Board of regency the concept of the board that they were proposing. I think this may tie in with the remarks of the Honourable Member. You can get all sorts of complaints, but, there will only be a few that are

worthy, likely, of thorough investigation. Some of them may be just frivolous, misunderstandings and this type of thing.

Is the purpose of this board that you were suggesting? So that the original complaint can go to this board?

Mrs. Lane: No.

Mrs. Watson: Then what is the concept of the board?

Mrs. Lane: The concept of the Board is, Board of Regents which would officially act in the same manner as the disciplinary committee as outlined in the proposed ordinance. As I read the legislation, within this board is the mechanism for screening frivolous complaints. The complainants then may have a recourse to another hearing.

Mrs. Burns: I think maybe if we give the example of the Optometry Ordinance where an individual or an optometrist, anybody can say that there is a problem, they request a board of inquiry. This in effect has been done in the Yukon.

The Board of Inquiry consists not only of optometrists but also, and the one that was set up, or was proposed to be set up under one complaint there was an optometrist on this board, there was a person from the Yukon, a lay person, not an optometrist, not a medical person or a legal person, as well as a lawyer.

It is that kind of representation that we are looking for when we are talking about regulating professional conduct. When you look at who is party to a profession, it is the person who performs the service and the person who receives it or pays for it. We believe that the person who receives the service and the person who pays for it must have an equal opportunity to have an input into the fairness and type of relationship that occurs between a professional person and a person who is a recipient of those services.

This is why we are concerned and why we are making this presentation and there does seem to be a precedent in the Optometry Ordinance.

I certainly would agree with Mr. McKinnon when he said that this is a big step forward. What we are asking for is not something that is unheard of, not something that has not been on the books for many years on another profession, perhaps one not quite so powerful as the medical profession or the legal profession, but equally a profession.

Mr. Chairman: Are there any further questions for the witnesses?

Mr. Fleming?

Mr. Fleming: Yes, I would like to ask Mr. Legal Advisor a question as to how I would proceed if I did have a complaint against a lawyer and I had no money. Could I then go to the Legal Aid Ordinance and in some way proceed with my complaint?

Or in the other case, a second question, if I did have money, would there be a different direction which I would take as a person with a complaint against these

lawyers?

Mr. Legal Advisor: No, Mr. Chairman. The one route would suffice for all. If I might briefly refer to the way the thing would be handled would be either a phone call or a letter would originate the complaint. It would come to the attention of the secretary. He is then committed by a section to endeavour to obtain the complaint in writing. It is reported to the Chairman, the Chairman then considers it and directs a preliminary investigation. For that purpose he either directs secretary to do it or he employs special counsel for the purpose.

This is the normal procedure in British Columbia at present, and Alberta.

In other words a lawyer is hired at a fee to look into the matter. He then makes a report. Depending upon that report, the Chairman reviews it, with or without, the committee and he may direct that no further action be taken.

In other words a frivolous complaint is weeded out at an early point.

If further proceedings take place, then there is a formal hearing by the Discipline Committee which may constitute itself into a hearing committee of three for the purpose.

They will then brief counsel to appear in effect, for the prosecution and the lawyer, who is the subject of the inquiry may himself engage counsel to defend him.

It would seem to me unnecessary for the person making the complaint to be represented himself, because that would be a third party. In fact, he would not only be foolish to do it because if the procedure goes ahead the committee will brief counsel for the prosecution who will then have conduct of it and carry it through to a conclusion without any expense to the person making the complaint.

A frivolous complaint at that point would have been weeded out.

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, I note that our time has run out, but there is one question that I would like to ask the ladies from the Consumers' Association while they are here.

In the letters which they sent to all members, they brought up a point regarding the Combines Investigation Act as newly amended by the Federal Government, and their argument is that because we have Territorial Ordinances regulating Medical and Legal Professions, they would not be subject to the federal Act, and I'm wondering if they know something I don't, because as far as I know, Federal Acts are -- take precedence over any Territorial laws.

Why would anybody in the Yukon be exempt from a Federal Act?

Mr. Burns: The way I understand it, and because this Federal Act has just been passed, that there really hasn't been anything come out clarifying exactly what is happening, but the Combines Investigation Act regulates the goods and services in the market place, but under the B.N.A. Act, the provinces and territories

have control over the sale of goods and services, and the offering of services in their jurisdictions, so that they may regulate, as you are doing now, legal services.

If this happens in a province or a territory, then the federal law doesn't apply.

Now, whether this federal law applies only to say legal tariffs, if you are talking about the legal profession or medical charges, and not any other, say anti-competitive actions on the part of professionals. That I'm not clear on, but I do know that there has been considerable concern that legislation within the province governing the service sector, which didn't before come under the federal law, if this happens, then the federal government, by virtue of their constitutional agreement, has to say "hands off".

To what extent this affects this particular piece of legislation, I don't know, and I haven't been able to find out in the brief course of our research in this.

Hon. Mrs. Whyard: Thank you, Mr. Chairman.

Mrs. Burns: But there is a possibility of that.

Mr. Chairman: I know -- Mrs. Watson?

Mrs. Watson: Yes, I have one more question for the witnesses, and that regards to the medical profession, where under the Medical Profession Ordinance that is before us now, and one individual can lay a complaint, and the Commissioner may appoint a Board of Inquiry, then the Commissioner must appoint a Board of Inquiry, if three members in good standing with the Yukon Medical Association, ask for a board of inquiry.

Now, then the Board of Inquiry is established, and we say here "consist of not less than three persons who are registered in the Canadian Medical Register as duly qualified medical practitioners". Is this the area where you feel that there should be representation from other professions possibly, or lay people, who are not members of the medical profession?

Mr. Burns: Definitely.

Mrs. Lane: Yes, similar to the Optometric Ordinance.

Mrs. Burns: Someone who would have in their minds to represent the users of those medical services, just as the medical profession would represent the point of view of the medical profession.

We also would like in that case that where a group of citizens has got together and petitioned for a Board of Inquiry, we were saying ten people, but you know whatever number is decided, that this would mandate a Board of Inquiry, the same as when three doctors have decided that a Board is necessary, that that mandates a Board of Inquiry.

In other words, allow the users of the services the same rights and privileges as those that provide the services.

Mr. Chairman: If there are -- Mr. Lengerke?

Mr. Lengerke: I know the hour is getting late, and I

just want to make this comment, that I can certainly agree with the Honourable Member from Whitehorse North Centre, in expressing the positive action taken by the government with respect to the Legal Professions and the other professions that we have before us.

There is no doubt in my mind that the professions such as the medical and legal take very stringent self-discipline action, there is no doubt about that.

I can also question the enforcing of some other legislation, particularly with respect to consumer protection and so on, but the questions that were raised by the Consumers' Association and other individuals with respect to the questions that we had before us today, the official inquiries and the conduct above or within these professions is important, and it was our obligation and the obligation of this House to make sure that the mechanics and all rights available, the mechanisms, be made known to the public, and I think we have served to do that.

Mr. Chairman: Thank you.

If there are no further questions of the witnesses, I would like to thank the witnesses from the Consumers' Association.

Mrs. Watson?

Mrs. Watson: Mr. Chariman, I'm sorry that I'm pursuing this, but I wouldn't want to have to call the witnesses back.

Going to the Legal Professions Ordinance do you feel that there should be lay representation on the Disciplinary Committee or lay representation on the Board of Inquiry when it is so structured to inquire into a complaint?

Mrs. Lane: Well my understanding of the Ordinance is that they are one and the same.

Mrs. Watson: Mr. Chairman that is right but there are different members of the committee that would be acting in the various capacities. They have a nucleus of eight or nine. From that they would go further to specifically appoint three, I believe it is, or five, for a Board of Inquiry but the rest of them could be sitting as a disciplinary Committee.

Where specifically, or have you thought of this, would you like your lay representation?

Mrs. Burns: I think beyond the shadow a doubt during any inquiry I feel, you know, it is our position that it is absolutely necessary for both sides of that relationship to be represented. So that I would say that would be our first priority. It is not that we are going to say that we don't want the other as well.

Mr. Chairman: Thank you. The witnesses from the Consumers Association can be excused now.

Before we recess, I would like to indicate that when we reconvene at 1:30 we will temporarily consider amendments before we proceed with the Legal Ordinance.

We will recess now until 1:30.

Recess

Mr. McCall takes Chair.

Mr. Chairman: I will call the Committee to order, and on the advice of the Chairman, I will read -- carry on reading the Sections until the witnesses arrive, and any questions you may ask, you could ask the witnesses when they are here. We are dealing with the Legal Professions Ordinance.

I believe we are at 33 of Section 5, correction 4.
(Reads Section 33. (4))

Mr. Chairman: Five:
(Reads Section 33. (5))

Mr. Chairman: Six:
(Reads Section 33. (6))

Mr. Chairman: Seven:
(Reads Section 33. (7))

Mr. Chairman: Eight:
(Reads Section 33. (8))

Mr. Chairman: Nine:
(Reads Section 33. (9))

Mr. Chairman: Ten:
(Reads Section 33. (10))

Mr. Chairman: Yes, Mrs. Watson?

Mrs. Watson: Mr. Chairman, it says that "Except in respect of hearings in disciplinary matters, a quorum shall consist of five members". What other hearing would there be, other than a disciplinary matters?

Mr. Chairman: Mr. Legal Advisor?

Mr. Legal Advisor: Mr. Chairman, there may be hearings to consider the procedures or for rules or for any other reason, and you want a majority of the board itself.

Mr. Chairman: Any further questions, Mrs. Watson?

Mr. Legal Advisor: And five is one more than half, so it's the normal quota for such a quorum but the Discipline Committee will be a board of three members.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, but as Part III is entitled "Discipline", and the section on the Committee is a disciplinary committee, I wasn't aware that they would be given the powers to deal with other matters, other than disciplinary matters.

Mr. Legal Advisor: In general it's fair to say, Mr. Chairman, that they are not given any other powers except on disciplinary matters, but they have the power to make recommendations respecting their regulations

and procedures, so you want an input from the whole of the Committee then.

Hon. Mr. Lang: Mr. Chairman?

Mr. Chairman: Yes?

Hon. Mr. Lang: Isn't that stated later on in 34(1)?

Mr. Legal Advisor: Yes, Mr. Chairman. In 34 they are given power to make rules, for instance, as an example. That's the very next Section on page 11. The purpose of controlling their committee, they may have to have meetings, but the basic function that they are created for is disciplinary matters, but a disciplinary hearing is what we are talking about in the board of three.

Mr. Chairman: Clear?

Some Members: Clear.

Mr. Chairman: Eleven:
(Reads Section 33. (11))

Mr. Chairman: Twelve:
(Reads Section 33. (12))

Mr. Chairman: Thirteen:
(Reads Section 33. (13))

Mr. Chairman: Fourteen:
(Reads Section 33. (14))

Mr. Chairman: Fifteen:
(Reads Section 33. (15))

Mr. Chairman: Sixteen:
(Reads Section 33. (16))

Mr. Chairman: Seventeen:
(Reads Section 33. (17))

Mr. Chairman: Eighteen:
(Reads Section 33. (18))

Mr. Chairman: Yes, Ms. Millard?

Ms. Millard: Mr. Chairman, are we going to proceed without the witness this afternoon?

Mr. Chairman: I have already suggested, Miss Millard, that the witnesses will be here at 2 o'clock, and there seemed to be no objection from the Committee to carry on reading until these witnesses appear.

Thirty-four, one:
(Reads Section 34. (1))

Hon. Mr. Lang: Mr. Legal Advisor, in relation to number 9 to 34 (1), wouldn't it be just as easy to say the Committee may make rules with a quorum of five members, (a)—I still don't understand what we have

accepted in respect of hearings and disciplinary matters. I think this qualifies the statement here, and why isn't it put in there?

Mr. Legal Advisor: Mr. Chairman, as you go through, you'll find the expression is "the committee, the committee, the committee". Now, unless it's actually holding a hearing, consisting of three members which is a formal court proceeding, then the Committee must act by a majority.

For instance in sub-section (2) of Section 35, the Committee may summarily apply ex parte to the court for an order, well they have got to decide to apply for an order. They can have a quorum anyway they like, but there is nothing to stop them having an informal meeting and deciding to do it, but it still must be the action of the whole Committee, of at least five of the group.

To put it another way, it would be ridiculous if the Committee could, theoretically split into two forces, if you have three committees acting in opposition to one another. It could happen if you don't provide for a committee of five, a quorum of five.

Mr. Chairman: Clear?

Some Members: Clear.

Mr. Chairman: Thirty-five, one:
(Reads Section 35. (1))

Mr. Chairman: Two:
(Reads Section 35. (2))

Mr. Chairman: Three:
(Reads Section 35. (3))

Mr. Chairman: I would like to ask one question, Mr. Legal Advisor. In sub-section (a) and (b) of (2), there seems to be a lot of language to explain one point.

Mr. Legal Advisor: In sub-section (2) of Section 35?

Mr. Chairman: 35, Sub-section (2) (a) and (b). There seems to be a substantial amount of language dealing with one point.

Mr. Legal Advisor: It appears to be necessary, Mr. Chairman.

Mr. Chairman: Thank you.

Mr. Legal Advisor: It is quite specific. Don't forget with whom you are dealing.

Mr. Chairman: Thirty-six, one:
(Reads Section 36. (1))

Mr. Chairman: Thirty-seven, one:
(Reads Section 37. (1))

Mr. Chairman: Thirty-eight, one:
(Reads Section 38. (1))

Mr. Legal Advisor: The effect, Mr. Chairman—I

can see your puzzlement, Mr. Chairman, the effect is where a matter comes up which the Chairman deems of not sufficient importance to continue proceedings, he is going to have it dropped, a complainant in that case can appeal and say I want it considered, and he can take the appeal with the full Committee against the Chairman's ruling.

Hon. Mr. Lang: Mr. Chairman?

Mr. Chairman: Yes, Mr. Lang?

Hon. Mr. Lang: Just to clarify this in my mind, Mr. Legal Advisor, it's not going to cost the individual any money in order to proceed further, is it?

Mr. Legal Advisor: No, Mr. Chairman. If you picked up—well, to put it another way, the complainant may, at this stage, if he wished to consult his own lawyer, and he would be at liberty to do so, but all he has to do to get the matter dealt with is to appeal against the Chairman's ruling that it is frivolous, and then there must be a meeting of the Committee to consider it, and then they will consider it.

Hon. Mr. Lang: Yes, but, Mr. Chairman this is my point. It doesn't necessarily mean a lawyer?

Mr. Legal Advisor: No, Mr. Chairman, but in this area it's a lawyer's field and I would engage a lawyer if I was involved. I wouldn't have to.

Mr. Chairman: Mr. Legal Advisor, could you look at that last sentence in 38 (1). Couldn't that be addressed a little better than what it is?

Mr. Legal Advisor: Mr. Chairman, the sentence hasn't been written in English that can't be improved by somebody like Shakespeare or the Legal Advisor, but nevertheless, the meaning is clear if not polished, and what we really mean to say is that the Committee has exactly the same powers as the Chairman had to do what they want to do with the appeals.

So the language which has been chosen to say that is that the Committee may do anything, that the Chairman could have done.

Mr. Chairman: Thirty-nine, one:
(Reads Section 39.(1))

Mr. Chairman: Two:
(Reads Section 39.(2))

Mr. Chairman: Three:
(Reads Section 39.(3))

Mr. Chairman: Forty, one:
(Reads Section 40.(1))

Mr. Chairman: Two:
(Reads Section 40.(2))

Mr. Chairman: Three:
(Reads Section 40.(3))

Mr. Chairman: Four:
(Reads Section 40.(4))

Mr. Chairman: Five:
(Reads Section 40.(5))

Mr. Chairman: Yes, Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, I note in the public gallery one of our witnesses. Perhaps they could join us at this time.

Mr. Chairman: Is that the wish of the Committee?

Some Members: Agreed.

Mr. Chairman: I will have a three minute recess for the witness --

Recess

(Dr. Hibberd takes Chair)

Mr. Chairman: Are there any questions from members of the Committee of the witness? Mr. Willard Phelps is now present, representing the Yukon Law Society.

Ms. Millard?

Ms. Millard: Mr. Chairman, I note from the time we went through this before in May, that there was quite an objection to the Commissioner's involvement in Section 33(1) to (18), where the Commissioner has an awful lot of strength in prescribing who is going to be what, and appointing people.

I wonder if the witness could give us the legal -- the Law Society's opinion on this again.

Mr. Phelps: Well again it goes back to the fundamental principle of independence, and we have been given assurances in the House now, by the administration, that it's their intention that all this really be done by the Committee which is appointed by the Chief Justice, and with that assurance, we are certainly not going to prolong the argument on it.

Mr. Chairman: We will proceed with the clause by clause, page 14. Forty, six:
(Reads Section 40.(6))

Mr. Chairman: Seven:
(Reads Section 40.(7))

Mr. Chairman: Eight:
(Reads Section 40.(8))

Mr. Chairman: Mr. Fleming?

Mr. Fleming: Yes, sir, I would like to ask Mr. Legal Advisor how much time maybe would be stated time, I see it in a couple of places and I'm just wondering how far that could go.

Mr. Legal Advisor: It would be possible, if we were actually in Alberta or in Vancouver, to state a time, but

we have eliminated the statement of time because it must be a reasonable time. Sometimes, especially in Whitehorse, it's hard to get precise explanations because the barrister may need to consult his client, who may or may not be here. He may have to do a bit of research to answer the question, so it's the failure to answer the letter that the conduct unbecoming, but not necessarily failure to answer by a particular date, he might be a day or two late.

If he doesn't answer, then that's conduct unbecoming and that itself would be the subject of a charge.

Mr. Chairman: this is a regional provision, this is a law here as stated by our own Supreme Court, but failure to answer such a letter is conduct unbecoming.

Mr. Chairman: Forty-one, one:
(Reads Section 41.(1))

Mr. Chairman: Two:
(Reads Section 41.(2))

Mr. Chairman: Three:
(Reads Section 41.(3))

Mr. Chairman: Forty-two, one:
(Reads Section 42.(1))

Mr. Chairman: Two:
(Reads Section 42.(2))

Mr. Chairman: Three:
(Reads Section 42.(3))

Mr. Phelps: If I might --

Mr. Chairman: Yes, Mr. Phelps?

Mr. Phelps: Mr. Chairman, I heard the representations made by Consumers and they were concerned under Section 42.(1)(a) that the complainant be given notice. I have no objection, or certainly the Law Society has no objection to that, it's just that the complainant normally doesn't get notice because it's not the complainant that's being investigated, but there is certainly nothing wrong with their suggestion.

Mr. Legal Advisor: Mr. Chairman, I would concur. As far as I can see, there is no objection to giving the complainant notice as to the time and place, and if this is the request of the House, this would certainly be done:

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: Mr. Chairman, I would suggest that the amendment be made, or the addition.

Mr. Chairman: Are you agreed?

Some Members: Agreed.

Mr. Chairman: Forty-three, one:
(Reads Section 43.(1))

Mr. Chairman: Two:
(Reads Section 43. (2))

Mr. Chairman: Forty-four, one:
(Reads Section 44. (1))

Mr. Chairman: Forty-five, one:
(Reads Section 45. (1))

Mr. Phelps: Again, Mr. Chairman, this 45. (1), it was raised that possibly the complainant should have a lawyer or a counsel. My understanding is that the special counsel, it's like a criminal case, the prosecutor would really be representing the complainant. I don't think it's necessary.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, I wonder if I could ask the Legal Advisor on 45. (1), could there be an instance where it would be necessary for the complainant to have legal counsel?

Mr. Legal Advisor: Mr. Chairman, it's hard to think of an instance when it would be necessary, but certainly some complainants would certainly feel aggrieved if they were not entitled to be represented. This could happen. There might be—well, some complainants get mixed up between their rights in law or say return of money or the payment of money, from a legal firm with the duty ethically of that lawyer to behave in a certain way, but the thing gets mixed up in their minds, and they could feel they were aggrieved.

I cannot, myself, think of any case when it would be necessary, provided the Committee did its job properly and instructed counsel to proceed, because this Ordinance is only concerned with the discipline, not the recovery of goods or recovery of money, or the prevention of related problems. I can see that people would feel sore if they couldn't give their six and ha'pence when it came to the time to talk.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, I would so move then that the necessary amendments be made to Section 45. (1) to make it possible for the complainant to also have legal counsel.

Mr. Chairman: Does the Committee agree?

Some Members: Agreed.

Mr. Chairman: Forty-six, one:
(Reads Section 46. (1))

Mr. Chairman: Two:
(Reads Section 46. (2))

Mr. Phelps: I wonder if I might just interject again. It's not with respect to those Sections, but it's with respect to my notes, and the other point raised by the Consumers just before you broke for lunch, had to do with compulsory errors and omission insurance. I thought I would raise it before I forget about it. I think

it's an important point, and the Law Society is in favour of having such a compulsory plan, but we would like an opportunity to try to investigate to see the best way we could bring this about. It might become the subject matter of regulations or something, but there is no question that we want this to be compulsory.

Right now, everybody who is practicing law in the Yukon Territory, is under the same basic group plan, and it's necessary for us to have the group rates for every law firm to participate in this one plan. However,—that's the local lawyers, and counsel from other jurisdictions are all covered by compulsory insurance, or group insurance, to my knowledge, certainly everybody from B.C.

I would simply ask that this matter be left for a while, because I am sure that we can come up with this kind of a plan and possibly have it imposed under regulations. In other words, we need a bit of flexibility to arrange for this.

Mr. Legal Advisor: Mr. Chairman, I am somewhat taken by surprise today, and I'm sure the administration is, by the discussion in relation to errors and omission insurance. Not every Law Society in Canada requires it, and not every State in the — of America requires it. Some do and some don't, and there are variations.

There are also variations in the companies which carry the plan, and it is difficult to get reasonable quotations from companies, because of the narrowness of the market, and because of the lack of experience of some of the major companies in catering to this type of market.

So, so far as I know, it was not the intention of the government at this stage to introduce compulsory errors and omission insurance, but having heard what Mr. Phelps has to say, and if he is opting his head on the block, I'm sure that the administration will accept the kind offer and chop it perhaps next fall.

Mr. Phelps: Well I am not quite, I hope, putting my head on the block, but I think our main concern is just that raised by Mr. Legal Advisor, namely that if one or two companies know that we are forced to obtain a group insurance plan for members up here, that we may be held up, from the point of view of a gun in our ribs or something, you know, and we would like to be able to have some flexibility in ensuring that all the lawyers are covered.

Certainly it's the intention of the Society, and for the last two or three years, we have ensured that everybody has had this insurance. Now, if there's any problem or it's brought to anybody's attention that some firm may not be insured, I certainly would like to hear about it, because we are doing this on a voluntary basis at this time. We are small enough, we ought to be able to police that one factor.

Mr. Chairman: Mr. Lang?

Hon. Mr. Lang: Mr. Chairman, just for the record, when would the Bar Society be willing to bring forth something like this?

Mr. Phelps: Well, I think that—the difficulty is the

small market, the small number of firms who will give group insurance. I would rather be placed in a position where once a year we can show that every firm is adequately covered, without sort of having a gun placed at our head, where we have to go to a monopoly situation and try to get insurance. They could charge us five times what they do now.

That is the difficulty. I agree with the principle of insurance and the Law Society practices that principle. If it is compulsory it could change the rates drastically, as Mr. Legal Advisor has indicated.

Hon. Mr. Lang: So in other words what you are saying, Mr. Phelps, is that it is cheaper for each law firm to get their own insurance rather than go under a group --

Mr. Phelps: No, no, right now we have got a group plan. That is not the point. The point is that if the one or two companies that offer this kind of insurance -- there is only one or two companies that will offer this kind of insurance, know that we have to have it, that we are in trouble if we don't have it, they might change their rates, group or otherwise.

Mr. Lengerke: Mr. Chairman, I would think then, as I understand it, that if it is mandatory under this legislation, Mr. Phelps's concern is that the rates will go up because the companies so supplying this coverage will know that they have to purchase it and the fees may just become right out of reason.

Mr. Phelps: I am suggesting further that the discipline committee may make it obligatory for us to have -- for all lawyers up here to have this kind of insurance without alerting the insurance companies to that fact.

Mr. Chairman: Forty-seven, one.
(Reads Section 47. (1))

Mr. Chairman: Forty-eight, one.
(Reads Section 48. (1))

Mr. Chairman: Forty-nine, one.
(Reads Section 49. (1))

Mr. Chairman: Fifty, one.
(Reads Section 50. (1))

Mr. Chairman: Two.
(Reads Section 50. (2))

Mr. Chairman: Mr. Phelps?

Mr. Phelps: Again this is an area of grave concern to the Law Society. Again it deals with client privilege. My instructions are to say that we are against the kinds of powers that are set out in Section 50 because really, the lawyer doesn't have the privilege. The lawyer can't say I refuse to do this or that because of the client. The onus is on the client to waive the privilege. It is his privilege the secrecy of anything he has given to the lawyer, et cetera.

One problem with Section 50 subsection 2, possibly could I ask, is there an amendment in that Mr. Legal Advisor since I last saw it?

Mr. Legal Advisor: No Mr. Chairman. That section as it is presently written does not contain any amendments.

Mr. Phelps: Is there a proposed amendment? From the administration?

Mr. Chairman: There is under subsection 4.

Mr. Legal Advisor: Yes, Mr. Chairman, there was a new clause, subsection 4, which deals, only very marginally with subsection 2, it deals substantially with sub section 3, which has not been read out yet.

Mr. Phelps: Well I am just simply saying, at this time then, before we complete it, this is of grave concern to the Law Society. I haven't seen these proposed amendments, perhaps once you have finished reading these sections I could comment.

Mr. Chairman: Three.
(Reads Section 50. (3))

Mr. Chairman: Four.
(Reads Section 50. (4))

Mr. Legal Advisor: Mr. Chairman the amendment is an interpolation of a new subsection 4 and the old section 4 will become section 5.

Mr. Chairman: Reading from the Amendments. The following subsection will be inserted as 50. (4), subsequent pages will be renumbered.
(Reads amendment to Section 50. (4))

Mr. Phelps: Might I ask Mr. Legal Advisor, have we the concurrence of Parliament that legal proceedings include criminal proceedings?

Mr. Legal Advisor: We can't bind Parliament, Mr. Chairman, but in so far as that can be done this section is largely drafted with reference to the Evidence Ordinance of the Yukon Territory to give us the same effect as privilege. The language used in the Evidence Ordinance the Parliament of Canada so far as they can bind it, and we have done the same.

Mr. Phelps: My concern is simply this, that this is all very well if there is a civil case in process against a client who is compelled to make these answers, but if this kind of evidence gives rise to criminal cases against him, which is far more serious in most cases, then this doesn't protect that client, and he is compelled to give evidence which could be used against him, unless, of course, we have some kind of assurance from the senior government, because criminal law comes under the Federal Government of Canada.

Mr. Legal Advisor: Mr. Chairman, there is nothing we can really do about that. This applies to all answers

given under the jurisdiction of this Council, that a person has the privilege of objecting to answer it, and is given that privilege, and is given such protection as this House can give. We can do no more, with regret I say.

Mr. Phelps: Well, again, my concern is simply that the privilege is being taken away from the client, who isn't culpable, the person who is culpable is the lawyer, and it concerns me very deeply that the innocent client might be forced to give evidence that could be used against him in a criminal proceeding.

Mr. Legal Advisor: Mr. Chairman, all I can say is that I am informed that this is the law in all of the other provinces who are investigating a lawyer, and it's specifically written into the Alberta Statutes, and this section is a copy from that Statute, and we have adopted that, to write it down, rather than have it argued. That's all I can say.

Mr. Chairman: Fifty, five:
(Reads Section 50. (5))

Mr. Chairman: Six:
(Reads Section 50. (6))

Mr. Chairman: Seven:
(Reads Section 50. (7))

Mr. Chairman: Eight:
(Reads Section 50. (8))

Mr. Chairman: Fifty-one, one:
(Reads Section 51. (1))

Mr. Phelps: Well, again, of course, this just underlines my concern.

Now, say that suppose in blunt terms, say that a lawyer has a lot of—a huge file on a client, and that client is being investigated say, for fraud, and the lawyer is doing something that's unethical, without the client knowing anything about it. He just doesn't know anything about that. What concerns me is that client could be dragged before the Committee and forced to hand over all these things that might be in this file, to give evidence and this ultimately, if justice—the Department of Justice of Canada were serious enough at prosecuting this person, this ultimately could fall into their hands, and that person could face—could be prosecuted, possibly successfully, on very serious charges, and the only way this evidence was obtained against him is that he happened to have a bad lawyer, through no fault of his own.

It concerns me very deeply that clients can go to a lawyer and face those kinds of consequences. I don't think it's right, I think that I speak for all the members of my profession when I say that.

Mr. Chairman: Mr. Phelps, what alternative could you give us? How else could this information be obtained for the Committee?

Mr. Phelps: Well, in most cases, where there is a complaint against a lawyer, that complaint arises

because the client is upset and wants to have the lawyer prosecuted, so that client that's aggrieved will naturally give his consent, and I would suspect that in most cases, the other clients involved who have nothing to hide would give their consent. So I would think that in 99 per cent of the cases, surely the clients would be quite agreeable to letting their files be used for these purposes.

It's only in the very rare instance that there is going to be a client who could suffer because of some wrongdoing by a lawyer, and what I am suggesting is that surely we don't need to compel all clients, because they would attend voluntarily in most instances, and certainly the large majority of the cases that come before this Committee will be a case where a lawyer has done something injurious to a client, and that's the client that wants the lawyer disciplined, and he is going to cooperate in every way possible.

What bothers me is simply that there is going to be one percent or one-tenth of one percent that won't be protected, and of course, normally that's the most serious kind of situation.

Mr. Chairman: Mr. Fleming?

Mr. Fleming: Mr. Chairman, just as a matter of principle, but I would like to ask the witness if he doesn't feel too though that in the case of a client being more or less forced to give evidence which does incriminate him in some way, wouldn't you say that possibly he had already done something wrong where he should be incriminated in some way anyhow?

Mr. Phelps: Well the problem is that the cornerstone of the whole system, that the privilege which belongs to the client, is sort of a sacrosanct privilege, and it's just fundamental to British justice, and it's hard for me to give all kinds of examples and so on to underline it, but certainly I know of a lot of cases where people wouldn't have come to see me if they thought I could just give this evidence to the police, or that the police could actually walk into my office and seize my books, or my files.

What person who faced serious criminal charges would ever go to a lawyer if the police could walk in and just grab the books, and in effect, this allows that to happen.

Mr. Chairman: But Mr. Phelps, by analogy the medical profession enjoys no such protection, their files are available to courts on demand.

Mr. Phelps: But --

Mr. Chairman: And there is also the question that the patient, as your client, may suffer because of it.

Mr. Phelps: But I just suspect that the relationship between the lawyer and the client, especially in criminal proceedings, is founded on that fundamental issue, namely privilege.

I'm just simply suggesting that most clients wouldn't go to a lawyer if the police could walk right in and grab that file and use the contents of the file, and could bug the conversation and use that conversation

in court, and I'm suggesting that this is the only crack in the system, right here, Section 51 and 50, that it opens that area.

Now, I wish there was some way that we could get further assurance or possibly we ought to -- these Sections ought to be reworded, and we ought to see whether or not the obtaining evidence from the various clients is a problem, because as I say, in most of the cases, the client is going to be going after the lawyer, and he's going to be the person complaining, in most of the cases, and in the other cases, most clients have nothing to hide, so they won't mind having their files used for this limited purpose, but in a few cases, I could see the relationship between lawyers and -- all you would have to have is one serious fraud case, where the Crown, the Government of Canada, obtained evidence from this kind of a situation, and actually obtained a guilty charge against a client, who was innocent as far as this procedure was concerned.

That would only have to happen once, and imagine the ramifications that would have with respect to all lawyers and their clients. It is so fundamental to criminal law, and unfortunately this body has no way of ensuring that the Department of Justice of Canada or the R.C.M.P. will respect this sacrosanct relationship.

Now, it may be, it's possible that a court might be awfully concerned, but that would have to be tried. In other words, when the thing got to court and they were using this evidence, there might be some safeguard there, but that would have to be tried.

Mr. Chairman: Mr. Lang?

Hon. Mr. Lang: Mr. Chairman, hopefully none of our lawyers will have to go before a discipline body, hopefully.

I hear the witness saying that this should be rewritten, this is the most important, one of the more important points in the legislation, and I recall, I happened to be a member of this House when we set this legislation aside for six months, in order to have the local Bar Society to look into the legislation and see what they could come up with for any changes that may make this better legislation, and I have to agree personally with Mr. Fleming in regards to if the individual involved, in question, if something comes up that is that important that he has obviously done something illegal, surely you as a lawyer and as a citizen would think that he should be tried before the courts on such a case. Wouldn't you think?

Mr. Phelps: Definitely not.

Hon. Mr. Lang: I definitely say that it would be a travesty of justice.

Mr. Phelps: No, no, no.

Mr. Chairman: Mr. Fleming.

Mr. Phelps: Lawyers -- clients wouldn't go to lawyers on criminal matters if the police could use everything they said to the lawyer. There's no way they would ever go to a lawyer, they would have to be

crazy. It's the cornerstone of the system.

Mr. Chairman: I would ask the witness not to engage in debate.

Mr. Phelps: Oh.

Mr. Chairman: Mr. Fleming?

Mr. Fleming: Thank you, Mr. Chairman.

I would like to ask the Legal Advisor a question, I don't quite understand. Under the same thing, we will say that the applicant or the person that is hiring the lawyer, has a conversation of course with the lawyer in the office and so forth and so on, and probably it is written down on paper, and then the lawyer does something wrong and of course he then takes the lawyer to the Committee to try and get this straightened out, and in the process of all of this, the police and so forth, seize all the papers.

Now, anything that is spoken between the lawyer, done between them, this is not under oath. What would they do in this case when it is in the court? Can those papers, could they be used against that person as evidence?

Mr. Legal Advisor: A hypothetical case, Mr. Chairman, but they could not call the lawyer and ask him in any court, criminal or otherwise, what did your client say to you? Or what did you say to your client? They can't tamper with the confidential relationship, in a criminal court or otherwise, between a lawyer and his client.

The theory behind it is that when clients are in the throes of a conflict in the court, they need to have at least one friend that they can talk to frankly and who in turn can give them frank advice. That's the theory behind this relationship of solicitor and client. The contrary is that this is for the protection of the client in a criminal proceeding. It's not intended to protect the client in a civil proceeding, and this Section is aimed at a number of variations of the same theme that can occur.

One is where a lawyer, as is common, is acting for more than one client, and another situation where he's acting for a company and individuals or directors or are shareholders, and he was accused by one party of acting in the interests of his rival after the fall-out, and of either stealing documents, stealing securities or arranging for a fraud or other thing to happen, and then the Committee is called on to investigate. Acting at the instance of one client, they are liable to be met with the answer, "I'm sorry, those documents are the property of another client", so they then call in the client and they say "Will you permit that lawyer to give evidence", and he says "Oh no, I won't", and then the Committee is powerless in the circumstance, to continue the investigation.

This can happen in either two individuals or two companies or a company and an individual. Now, that's one class of a case, but there's a second class of case, and that's when there's no client at all. Lawyers have been accused throughout Canada, of acting fictitiously, under fictitious names, inventing trust companies, investments, income tax deals, foreign

companies. None of the lawyers in this area, but it has been alleged, and they do so in the name of a fictitious client, so that when an investigation is likely to occur, then a client who doesn't exist, will refuse to give permission to the lawyer to answer any questions.

Now, this has been alleged on a large scale in some areas of Canada, excluding the Yukon Territory, so -- to date, at the rate of 14 million dollars per annum, and I'm asking the House to let the drafts stand with the protection that is given in the other Section.

Mr. Phelps: Well, just if I may reply and not enter into debate, of course, but I think what my friend is referring to is the case of over-seas companies in places such as the Cayman Islands and so on, and Lichtenstein, where these companies are formed and so on, and it's pretty hard, even with this legislation, to obtain any evidence with respect to companies formed in the Grand Cayman Island, and I doubt that it would very often be a matter of concern in this jurisdiction.

The other point I would like to make is that we spent a considerable amount of time, the Law Society that is, in drafting legislation, an entirely new Ordinance, and this was taken up with the B.C. bar, and for various reasons we were unable to bring it forth, most of them being problems that the B.C. Bar find insurmountable, unless their Statute is amended, which is a fairly long term proposition.

However, there is not this kind of power in the Law Society of B.C. Statute. That power is not codified in any clauses in their governing statute, which deals with disciplining members and so on, and I just simply say that what this body, this House has to weigh, is on the one hand the very cornerstone of the relationship between solicitor and client, and on the other hand, the possible abuse, bearing in mind that most clients would willingly let their files be used for this kind of prosecution, bearing in mind that in most of the cases, it will be the person who's accusing the lawyer that will be the person most adamant in having the thing aired, and it will be his privilege that he can waive.

In other words, it is up to the client to waive the right, and I'm simply saying that -- I'm asking that you as people of common sense, realize that surely this will not be a defence in very many cases. On the other hand, what you are being asked to do, with respect, is possibly destroy the relationship that has existed since the twelfth Century between lawyers and their clients.

That's all I have to say, really.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Well, Mr. Chairman, at this point I return to the whole question of civil liberties, and it occurs to me after listening to some of the debate that has taken place on this subject, that perhaps someone can be aggrieved and I was looking at the Canadian Bill of Rights, and I'm wondering as to its application in respect to this question, where it gives to Canadians, the right of the individual to life, liberty, security of the person and and enjoyment of property, and the right not to be deprived thereof except by due process of law.

It's pointed out to me that there are several interpretations on what is due process, but it is under due process, I'm informed, that substantially deals with

the propriety of how legislation is judged. Life, personal liberty and security of the person, it was noted that the specific guarantees of procedural fairness set out elsewhere in the Bill of Rights would continue to apply to any interference with contracts or property, and it seems to me, unless someone could point out where I am wrong, that this is in fact what we are talking about right now, and if indeed this is what -- my assumption is correct, that what we are dealing with is the rights of the individual before the law, then the Canadian Bill of Rights has spelled out the fact that they must have that protection from the law.

I would find much -- find myself much in accord with the comments made by the witness in this regard, and I think this matter should be looked into far more closely before a decision is made on accepting the Bill as it's written, in this light and that is the protection of the individual's rights and property, concurrent with the intent of the Canadian Bill of Rights.

Mr. Chairman: Ms. Millard?

Ms. Millard: I understood in May when this was put over until the fall, that there would be several negotiations between the administration and the Law Society on just these points. I find this really, we are going over the same things we did last spring.

I wonder if someone could tell us how often the Legal -- the Law Society has met with the administration and discussed all these fine legal points of things that should have been more or less decided.

Mr. Chairman: Mr. Lang?

Hon. Mr. Lang: I see Mr. Gillespie in the back there. Maybe it would be wise to have him come in and explain the situation.

Mr. Chairman: Is that the wish of the Committee?

Some Members: Agreed.

Mr. Phelps: I might say, I think it's fair for me to say that I have raised these areas of concern with Mr. Legal Advisor and with Mr. Gillespie, and I think one of the results, although I never did see this amendment, as probably it was not proper that I should see it before you, but I think with this amendment, it is probably the result of the consultation I did have with them, and I suspect the other amendments flow from us stating our areas of concern, but of course we don't have that kind of input into creating legislative Bills and so on.

Mr. Chairman: Mr. Lang?

Hon. Mr. Lang: Mr. Chairman, I have a question. I'm a client, and I have a lawyer, and I find that the lawyer has also this other client that I am more or less in opposition with, and he has sided with this other client, so therefore I go to the Disciplinary Committee and I say, I have been aggrieved by this lawyer because he has not gone along with the Code of Ethics, I think that's what you refer to it as.

Now, okay therefore in order to prove my case, I have to more or less have some of the information or

files or whatever that the other client has given to the lawyer in question, so therefore, with the way this reads, right now we can get that information, but if we were to say no, it is the privilege of the client to say whether or not this information should be given, then therefore there would be really no way of disciplining that lawyer, because they wouldn't know whether or not he had done anything wrong. Is that not correct?

Mr. Legal Advisor: Yes, Mr. Chairman. The technique is in that situation, which I would advise if I was the person, defending a lawyer in question, would be to advise him to say in answer to questions, "I'm very anxious to answer it, and it's a very good question to ask me, and I'm trying to cooperate in every way with this Inquiry, but unfortunately my client has said he is claiming privilege, so he tied my hands and I cannot answer it".

And then your friend, Mr. Lang --

Hon. Mr. Lang: I get it.

Mr. Legal Advisor: -- you would get it in the neck, rather than your friend.

Mr. Phelps: If I might--

Hon. Mr. Lang: And therefore, Mr. Chairman, the lawyer would still carry on and do business, and not been disciplined?

Mr. Legal Advisor: Well --

Hon. Mr. Lang: Later on with other clients?

Mr. Legal Advisor: You're making the assumption the lawyer has done something wrong.

Hon. Mr. Lang: Well I am --

Mr. Legal Advisor: There would be no decision as to whether he did anything wrong or did not do anything wrong. The investigation would come to an end at that point.

Hon. Mr. Lang: Well this is my point, Mr. Chairman, is then the lawyer can carry on doing business and maybe go on to bigger and more unethical things.

Mr. Phelps: If I might --

Mr. Chairman: I would like to remind members of Committee that you have to be recognized from the Chair. For the record, Mr. Gillespie has joined us as a witness.

Mr. Phelps: May I comment on that, Mr. Chairman?

Mr. Chairman: Mr. Phelps?

Mr. Phelps: Well, Mr. Lang has pointed out, put his finger on the problem, there is no question, and all I am submitting is this: That what would happen is not that the lawyer would be asked certain questions, he would

say unfortunately my client won't allow me to do this, but the client could be approached by the Disciplinary Committee, and I'm just suggesting that in very, very few cases would the client refuse.

This is just a value judgment, that weighed against, that weighed against the case where the client might refuse because there's evidence that might put him in a criminal position.

Mr. Chairman: Mr. Lang?

Hon. Mr. Lang: Well, Mr. Chairman, then that means that myself and the public for that matter would not be getting justice, which I am sure that all of us want to see done.

It wouldn't be in the interest of that client to give that information.

Mr. Phelps: All I can say in answer to Mr. Lang is, that in view of the importance of the principal which is being violated, possibly we should try to do without these powers and if it seems that there is a breakdown in justice, even one case, then bring it back to the House. Certainly, you are violating a fundamental cornerstone of justice which has been with us since the adversary system.

Mr. Chairman: Mr. Gillespie did you have a comment to make.

Mr. Gillespie: Mr. Chairman when I was sitting in the gallery I heard the Legal Advisor say, I think, that this particular section that we are proposing to use here is taken directly from the Alberta Statute so this is not a new proposal, it is not a new violation, if you want to call it that.

The dilemma has clearly been expressed in discussion between Mr. Lang and Mr. Phelps. B.C. has chosen to approach it in one way, Alberta has chosen to approach it in another way.

We are proposing to adopt the Alberta method which is also the method we have in our Evidence Ordinance which permits us to use client privileged information in camera, in confidence, in matters of this sort.

Our concern is very much that we be allowed to do that in order to be able to protect the public.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, the witness was suggesting that we remove this section, and if there is an indication of where there has been an abuse of this privilege, well then we should bring it in.

I would suggest that we leave it in, and if we find where there is an abuse and where a client has suffered very much because he has been forced to disclose information, well then maybe we would look at amending it.

I would rather—I think the chances and the protection of the public are within the section that is in here now.

Mr. Legal Advisor: Perhaps Mr. Phelps can confirm this. I made inquiries from the Law Society of

B.C. as to whether or not they had such a section and they said they did not need this section because they would not allow a lawyer to refuse to answer, that in effect the law was the same in Alberta, although they haven't got around to putting it in their statute.

I am slightly puzzled why a stand is being taken when in fact B.C. do not give this privilege to lawyers by custom.

Mr. Phelps: Again, I am not just exactly sure of how they have resolved this, but this problem again is that the lawyer isn't claiming the privilege. I think that is the answer you got, it is the client that claims the privilege. The lawyer can't stand on the privilege at all. It is not his privilege.

I just don't see it as a problem. The point is simply this, that the client is approached and if there is a client that is reluctant, it is probably because he has got something to hide and doesn't want it used criminally against him.

With respect to Mr. Gillespie's remarks about the Evidence Ordinance, that Ordinance does not apply in any way to criminal matters.

The protection of our Evidence Ordinance is just completely without value when it comes to criminal matters. There is a Canada Evidence Act, that Evidence Act applies to the Criminal Code of Canada and our Evidence act does not.

Mr. Gillespie: Mr. Chairman I will be happy to remove that half of my argument

Mr. Chairman: Fifty-one, two
(Reads Section 51. (2))

Mr. Chairman: Three:
(Reads Section 51. (3))

Mr. Chairman: Fifty-two, one;
(Reads Section 52. (1))

Mr. Chairman: Two:
(Reads Section 51. (2))

Mr. Chairman: Three.
(Reads Section 51.(3))

Mr. Chairman: Four.
(Reads Section 51.(4))

Mr. Chairman: Five.
(Reads Section 51.(5))

Mr. Chairman: Six.
(Reads Section 51.(6))

Mr. Chairman: Seven.
(Reads Section 51.(7))

Mr. Chairman: Mr. Lang?

Hon. Mr. Chairman: How was the figure of three hundred dollars derived. A fine of not more than three hundred dollars, in 52.(2)?

Mr. Legal Advisor: I think it was on the advise of the Honourable Member. I am not sure, really Mr. Chairman. I think it was probably copied from some other piece of legislation.

Mr. Chairman: Mr. Lang?

Hon. Mr. Lang: Do you think that that amount of money is enough or do you think it should be increased or-- the reason I ask Mr. Chairman, because three hundred dollars isn't very much these days.

Mr. Phelps: There is two things. There is the three hundred dollars plus the cost of the investigation which would probably mount into the thousands and thousands of dollars, you are talking about at least a three man committee sitting in judgement. You are talking about costly Court Reporters and other counsel acting for the committee.

You are talking about an investigator that will be travelling up here and staying at hotels and investigating the matter thoroughly.

Whether or not the fine is more or less than three hundred dollars I think is secondary to the rest of it. I have no comment aside from that.

Mr. Legal Advisor: Mr. Chairman, out of this subsection what the committee is doing is only having him reprimanded not trying to impose a finding of guilt, so one would assume that the amount of the fine would be fairly low.

Mr. Chairman: Mr. Lang?

Hon. Mr. Lang: A reprimand to me means obviously that he has done something wrong.

Mr. Watson: But not serious.

Hon. Mr. Lang: Okay.

Mr. Chairman: Fifty-three, one.
(Reads Section 53.(1))

Mr. Chairman: Two.
(Reads Section 53.(2))

Mr. Chairman: Three.
(Reads Section 53.(3))

Mr. Chairman: Fifty-four, one.
(Reads Section 54.(1))

Mr. Chairman: Two.
(Reads Section 53.(2))

Mr. Chairman: Three.
(Reads Section 54.(3))

Mr. Chairman: Four.
(Reads Section 54.(4))

Mr. Chairman: Five.
(Reads Section 54.(5))

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: I think the Honourable Member from Kluane has a question first, Mr. Chairman.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, the expenses that are listed in 54 sub one, and those are the expenses that are listed when the barrister and solicitor is awarded costs or has to pay the costs.

Now who would normally pay the costs, the expenses of the committee? I would say the government? The cost of any transcripts, witness fees and the fee payable to the solicitor acting on behalf of the committee at the hearing, is this also a charge against the government?

Mr. Legal Advisor: Mr. Chairman, this particular method is unusual. The normal thing is that there's a Law Society, and the Law Society would pay a per diem at the rate of 50 or \$100.00 a day to each member of the Committee itself who attend.

It would also pay the bill of the counsel who appeared for the Committee and investigated the matter, which would come to say, 1,500 or \$2,000.00. It would also pay the costs of any witnesses brought to the hearing that would be required to prove that the case against the particular barrister and solicitor. So on average, the cost of a small case could run to \$2,000.00, a big case could run to \$13,000.00.

Now, that's what that list would make up in a big case, \$12,000.00, \$15,000.00, it can be a very sizeable amount.

Mrs. Watson: Mr. Chairman—

Mr. Chairman: Mrs. Watson.

Mrs. Watson: —then if we have a big case, it could well be that the Territorial Government would have to pick up the complete cost of that hearing?

Mr. Legal Advisor: Yes, Mr. Chairman, but again assuming that the person was found guilty, and assuming the person was ordered to pay the costs, and again assuming that at that time he had any money left, they would be able to recover the costs.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, further to that, in a typical situation such as this, if the barrister and solicitor is found guilty, is he always asked to pay the costs? Is this part of the disciplinary action that the Committee takes?

Mr. Legal Advisor: Depending, Mr. Chairman, if there happened to be a court matter, the judge might be more lenient. In a Law Society matter, it varies from Law Society to Law Society, but if the accused lawyer does not pay, the members themselves have got to pay it out of their own pocket, so they are inclined to force the accused to do the paying.

Now, in this situation I couldn't predict, the Com-

mittee might be aware of the fact that there was a government standing behind them and might be inclined to be a little bit more lenient, and truth to tell, perhaps they should be because the lawyer may have to go to Vancouver to hear his case, and he may be put to some trouble, because it's not always required that a Committee come here. He may go out, but whichever way it goes, he—in defending himself, he has a higher expense than a lawyer would in Vancouver, so it would not be unfair to show him some mercy at the end of it all.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, further to that, if this is brought into force not on a day to be fixed by the Commissioner, but immediately, do we have any money in the budget appropriated for the Legal Professions Ordinance?

Mr. Legal Advisor: Yes, Mr. Chairman, we have some modest sum. The House was kind enough to vote the appropriation in advance.

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: Yes, Mr. Chairman, I think my question has been answered, but just while we are up and also while we are on fees, it sort of prompts a question in my mind, and I didn't know where the heck I would ask this, but I would ask the witness, does the Yukon Law Society, have you adopted the fees of the B.C. Law Society, and another question is, how are these fees set? I would be kind of interested in knowing.

Mr. Phelps: Well it's a fairly complicated question. There is, first of all we have under our Rules of Court, and we pretty well adopted the same Rules of Court as B.C., we have as a tariff which covers a lot of items, non-criminal items, but court cases, real estate transactions and so on, and these fees are approved by the judge from time to time.

Since I have returned here and been in practice, I think we have only had one change and that was about three years ago, and it's a fairly complicated system of taxing an account. You can, in special circumstances, make arrangements with clients, you know really a contract for fees, that's another way.

We are pretty well basing our average fee structure, I say pretty well, on a booklet that comes from Vancouver, and it's simply -- it's prepared by the Vancouver Bar, and it's -- they call it an "Average Fee Structure", to which we add 20 percent, and that's simply the increased cost here.

I might say that the result is this, in some matters we tend to charge slightly more, and most matters we are about the same, and some cases less.

The example of where fees are considerably less are mainly criminal, and the reason is we don't really have the hardened criminal up here, so that you don't really have that kind of case where you are dealing with the underworld, or people that can afford to pay a reasonable fee. In fact, most of our criminal fees are legal aid fees.

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: I don't want to stay on the subject of fees too long, but I just maybe can get one more question clarified in my mind. I know that since I have been in the Yukon, I have had a lot of people suggest to me, that for instance, fees as charged by a lawyer for real estate transactions are high up here, and I can't really comment one way or the other myself on that, but maybe you could enlighten me a little further on that.

Maybe you could tell me what percentage, based on real estate fees --

Mr. Phelps: Well there's a schedule, and it's set out in the Supreme Court Rules, and we are all charging the same. Really the fee is that used in B.C., and it's based on the value of the property, there's a minimum if it's a very small transaction, because the work involved, because there is a minimum amount of work involved, no matter how much the property is worth, and the fee increases with the value of the property, mainly because the lawyer is sticking out his neck and say this is going to be a good deal, and if a \$50,000.00 transaction fails and it's his fault, he's going to get sued for a lot more than if a \$6,000.00 transaction fails and it's his fault. We are simply following the same procedure, and pretty close to the same rates as B.C. and Alberta, and again, in the rules themselves, this has been approved by the Judge. To my knowledge, everybody's adhering pretty well to this.

Again, if a client is upset, they have the right to complain to the judge.

Mr. Chairman: Mr. Berger?
Mrs. Watson?

Mrs. Watson: Mr. Chairman, the government, or the state is providing some measure of protection for the legal profession through this type of Ordinance, whereby we more or less allow the legal profession, the standards that we want lawyers to have in the Yukon Territory. This is common practice across the country, it's accepted. You set the standards. We give you the protection where you have your own disciplinary action.

We have had suggestions where lay people should be involved in the Disciplinary Committee, and the professional people feel that they should be judged on their ethics by their peers. Now, where -- for example, with the fee structure, do all lawyers follow faithfully the fee structure that has been adopted, or are there instances where they will sort of charge what the traffic will bear? Is there any assurance to the public, because it's the public through this legislation who is giving you the protection. What kind of assurance does the public have that a fair and equitable fee -- a fair fee structure is being used and is being used by all lawyers?

Do you do anything, any disciplining yourselves with your own Society here in the Yukon?

Mr. Phelps: What happens in Vancouver, in B.C., is that where a client disputes a Bill, they have the right

to, under their Ordinance, their Statute rather, to have the Bill taxed.

Now, that is a little bit unclear in the Yukon Territory. Our Ordinance isn't really too clear on that point, but I submit that certainly a client has the right to go to the judge and have him decide if it's fair, and that's the ultimate sanction.

With respect to the fees charged and so on, let me say this, that a young lawyer just out of law school with very little experience can't expect to charge nearly as much as a senior lawyer. It varies on the skills, and the kind of work, and there's a lot of variables, and to give you an example, if I get in touch with a firm in Vancouver that specializes in income tax and estate planning, that firm will charge something like \$100.00 an hour to give me an opinion about how to plan an estate for a person up here. And you are willing to pay that, because that firm can do -- is so knowledgeable in the field, that the per hour rate might seem very steep, but they can do it very quickly and they are very good.

The average lawyer might charge, say \$55.00 or \$60.00 an hour which is a common rate in B.C. It might take him four times as long to give an opinion which wouldn't be worth as much. There is that kind of variable, but there is a lot of standard kinds of action that can be easily decided upon, like an uncontested divorce, or a house transaction and so on, and to my knowledge, it's pretty standard here.

I think the public ought to realize though, that they can make waves and what they would do in those circumstances, is to have this brought to the Judge.

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: Yes, just one interesting point there. The witness again said or has referred to is, in the case where you have a young lawyer, a new lawyer, just recently graduated and has served his apprenticeship and the rest of it or whatever, and he is charging a fee, how does the client know that this fellow is just -- you know, inexperienced, and he's going to get his bill and based on a schedule of experience. Is there any protection this way, and that's --

Mr. Phelps: Well I understand the concern and there's no absolute protection. There is only that one proviso I can give you, and I would think also that this Committee may have something to say about that when they impose the regulations.

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: I would just like to say, Mr. Chairman, I realize that this kind of a situation would prevail amongst many services, you know, we can go to the automotive trades and everything else, but I thought that was interesting.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, with that example that you used where you were doing an estate for a client, and you phoned Vancouver to a top lawyer who charged \$100.00 an hour, you say the fee structure here

is 20 percent plus, would you turn around and charge your client \$120.00 for that advice?

Mr. Phelps: Heavens no, Mrs. Watson. No, that would be a disbursement. When you have to use the sheriff to serve documents, when you have to obtain any kind of expertise from any other kind of firm, a doctor or a lawyer that specialized in something like that, that is simply a disbursement and the client -- you explain to the client what you are doing, and charge -- he pays that fee, nothing plus.

We aren't retailing a whole-sale service.

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, I would just like to point out that anyone consulting a member of the legal profession is not hindered in any way from inquiring what this service is going to cost him. I'm sure that now lawyer is going to object to answering that question. It's a fair question, you can say how much will it cost me if you do this, and they'll tell you, and if you think it's too much, you walk out of the office and that's the end of that, and this applies to all professional people.

You can ask the doctors the same question.

I would just also like to add, Mr. Chairman, that if we continue to inquire of this witness, we are going to have to pay professional fees this afternoon.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, I think we have a right to, as I said before, I think that we do give professional people protection under the law, and this is fine, but we should be looking at ways and means where we can give the consumers, the people who are buying that service some sort of protection, and I'm trying to grope and find out just where you can, and we have the Yukon Law Society using the schedule of fees that they use in B.C.

I would like to know whether this is one of the highest schedules in Canada, or isn't it? -

Now, these are the type of things that I think we have every right to ask here. Because I feel that we need to give professional people some type of protection and the medical people and the legal people, but on the other hand, I don't feel very badly at all in standing up here and putting forth these type of questions, and I would like to know how the B.C. schedule compares to other provincial schedules. In fact, I would like to have copies of them.

Mr. Phelps: Well firstly, if I may answer most of the words contained in this long, long Bill Number 7, they are contained for the protection of the clients. It's the lawyer that has to be subjected to prosecution, to all kinds of very strong police powers.

To answer your question, the highest, to my knowledge, the highest fees in Canada are probably in the Toronto area of Ontario, and there's instances there where they charge quite a lot more than we do, you know, given common--sort of a standard type of case like a divorce case, they are probably 20 percent

higher than us.

Vancouver, I think is about on a par with Edmonton. I am talking about average costs, and I think across Canada that the hourly rate and so on is pretty close, except that Ontario, for some reason, stands out in my mind as being exceptionally high. I think it's also, if I may say so, I think that lawyers living here or in the north are entitled to some rewards for the cost of living here, and that's why I mention this. 20 percent seems to be standard tacked on to the average fee schedule.

But then again, the average lawyer up here I don't think enjoys the same income as the average lawyer in Vancouver or Calgary, I'm sure of that, given, you know, the same type of person, the same experience and so on.

Mr. Chairman: Mr. Lang?

Hon. Mr. Lang: Mr. Chairman, just to pursue this a little further, in other words, there is nothing actually written down, other than for the few things that are delineated by the judge. Any other cases, there's nothing saying that the lawyer in the Yukon Territory can't charge what the traffic can bear?

Mr. Phelps: Well, I think the--

Hon. Mr. Lang: It's up to the lawyer.

Mr. Phelps: No, I think the Appendix M to the Supreme Court Rules is pretty comprehensive. It's awfully hard, it's been simplified somewhat, because originally it was so much per folio, whatever that meant and so on, it was pretty hard to bring a Bill within its ambit.

No, I think the--basically, there is pretty well the same protection as there is in B.C. I would hope that the Discipline Committee would get around to clarifying the procedure. Frankly I would like the public to be, you know, made aware of their rights with respect to fees and so on, but again, it's just like any other industry, you know, there's going to be a variance, and there's always going to be the odd person who charges more than they ought to in the circumstances.

Mr. Chairman: I will now declare a brief recess.

Recess

Mr. Chairman: I will now call the Committee to order.

Mr. Lengerke: prior to the recess, did you have a question for the witness?

Mr. Lengerke: No, I am not going to carry it through.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Yes, I do have one though. There is, I have an understanding now that there is a schedule of fees that they use within the Yukon Territory. I'm wondering if we could have this schedule made available to us, because it is going to affect us a great deal when we consider Legal Aid. I would like to see comparison of this schedule of fees with other

jurisdictions.

Mr. Phelps: Certainly—I'll endeavour to—my problem is that I have a book in my office, but it's old, it's just about three years old, but that's what I have been using, and I am glad that I have been called before you because you have reminded me to raise my fees, but I'll get the latest average, it's a bound booklet, and provide it.

Mrs. Watson: Mr. Chairman, that doesn't answer my question. I want the schedule of fees that they are charging at the present time.

Mr. Chairman: Mr. McCall?

Mr. McCall: I think we have opened up a can of worms here.

Mr. Chairman: Yes, we do have a reluctant witness, don't we?

Hon. Mr. McKinnon: He's not hostile yet.

Mr. Chairman: Fifty-five, one:
(Reads Section 55. (1))

Mr. Chairman: Two:
(Reads Section 55. (2))

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, one question regarding 55. (1). "Order that the name of the barrister and solicitor be struck off the roll". That is the Yukon roll, does that still entitle the barristers and solicitor to practice law in any other Province of Canada?

Mr. Chairman: Mr. Legal Advisor?

Mr. Legal Advisor: Mr. Chairman, legally yes, but the Society is notified from Province to Province and they would take appropriate action, I would expect.

Mr. Chairman: Fifty-six, one:
(Reads Section 56. (1))

Mr. Chairman: Two:
(Reads Section 56. (2))

Mr. Chairman: Mr. Gillespie?

Mr. Gillespie: Mr. Chairman, I think I am seeing something that I should have found before coming before this Committee.

Back in 52. (2), where the Committee has reprimanded a barrister and solicitor, it may in addition, fine him a sum not exceeding \$300.00, and then in 55. (2), the Committee may in addition to a reprimand, fine him a sum not exceeding \$5,000.00. I may be reading this too quickly at the spur of the moment, but there seems to be a contradiction here.

I wonder if I could ask the Legal Advisor?

Mr. Legal Advisor: With respect, Mr. Chairman, one is where it goes through the whole gamut, and he's

found guilty of conduct unbecoming; in the other one, it just considers that his conduct is conduct, in other words, they are not making a formal finding of guilty, they are just issuing a reprimand, which is equivalent to an admonishment without a formal finding, and in such a case they impose a fine of \$500.00.

In this case he's guilty of something, and they may not suspend him, but they will give him a heavy fine.

Mr. Gillespie: Thank you, Mr. Chairman.

Mr. Legal Advisor: \$5,000.00 is the fine for this.

Mr. Chairman: Appeal to Appellate Division, 57.
(1):
(Reads Section 57. (1))

Mr. Chairman: Two:

(Reads Section 57.(2))

Mr. Chairman: Three:
(Reads Section 57.(3))

Mr. Chairman: Four:
(Reads Section 57.(4))

Mr. Chairman: Fifty-eight, one:
(Reads Section 58.(1))

Mr. Chairman: Two:
(Reads Section 58.(2))

Mr. Chairman: Three:
(Reads Section 58.(3))

Mr. Chairman: Fifty-nine, one:
(Reads Section 59.(1))

Mr. Chairman: Mr. Fleming?

Mr. Fleming: I am still a little confused here when Mr. Gillespie asked that question as to the \$300.00 and the reprimand and then you go over to (2) or 55(c) and it says reprimand the barrister and solicitor again, which in a sense I don't see why it's even there, and then in addition to an order of suspension, or reprimand, I don't see why reprimand should be there again either, because it looks like you could charge him \$5,000.00 just for a reprimand.

I feel that you have already gone through it over here and he has possibly paid his \$300.00 or just had a reprimand and been back again.

Mr. Legal Advisor: No --

Mr. Fleming: I still am not clear on it.

Mr. Legal Advisor: As I said, the intention is that a reprimand would be issued without a formal finding of guilty. Section 55 requires that he is found guilty, he be reprimanded without being found guilty of the offence charged. It might be -- that charge is abolished and he pleads guilty to an equivalent or lesser offence, or being careless, not answering a letter to his client, but

not actually taking the client's money, so he is reprimanded and fined for it.

So in this case he is found guilty of the offence charged, and to go to this length, it would have to have been a fairly serious matter.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman there may be provisions for this in the Ordinance. I can't recall it. If a barrister or solicitor is found guilty of some misappropriation of funds before the committee, is there any place where he has to pay back to the party from whom these funds were taken, to make restitution to the person that he sort of illegally taken the funds from, or if there has been a glaring over charging of fees, is there any place where, if he is found guilty, he would have to pay this back to his client, or the victim of his sort of unethical behaviour?

Mr. Legal Advisor: No, Mr. Chairman.

Mrs. Watson: Mr. Chairman, should we not consider that?

Mr. Chairman: Mr. Legal Advisor?

Mr. Legal Advisor: Perhaps this might be considered. It doesn't find its place here. The reasoning behind it is that a committee of this nature is not a court and cannot make an order in a matter which may not be precisely before it.

There may be, no doubt that money has been taken, but a doubt as to how much and how much should be repaid. That would be the subject of a separate action or of a criminal charge. That committee may or may not have before it. It is deciding only a single issue. Has this particular person been guilty of conduct unbecoming a barrister and solicitor.

I would apprehend that during the course of the last day of the trial, the person knowing he was going to be found guilty, or knowing that a penalty was going to be imposed, would hasten to ask for an adjournment or suggest that an adjournment be granted so that he could take certain steps to remedy the matter. That might be one of the steps which he would take.

It would be difficult for us to give this committee the power to actually decide what might be a complicated law case and make an order. That was the answer to the first question. At this point I have forgotten what the second question was.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, if the client who had been wronged would the evidence from the testimony and the document of the court of inquiry be available to the client to use as evidence in an action with the courts, or is it privy to the committee?

Mr. Legal Advisor: Yes, they would be made available upon payment of the normal charges and would be available with the exception that where a charge of a criminal nature, and the protection of the Evidence Act and the protection of the particular

section we sought, that question could not be used as a portion of that evidence.

Of course, documents which were made available you could get a copy of them from some other source. So he would be saved a considerable amount of trouble in bringing his law case and bringing it to a successful conclusion.

The answer to that question, in general terms, yes.

Mr. Phelps: I might also add, if I may, that the lawyer who has been suspended may desire to make these payments on a voluntary basis in order to practice law again, that is the sanction. It is not a judgement that can be used and enforced against him, but he may not be allowed to practice again if he doesn't pay up.

That is certainly the underlying --

Mr. Legal Advisor: Yes except in some of these cases, and again, anything we discuss does not relate to the Yukon Territory but to across Canada, generally. Sometimes there are cases which involve frightening amounts of money that go astray. It is completely outside the power of an individual to ever recover those monies which have gone an gambling investment, or been stolen by confederates of the particular person being dealt with. He has no power to recapture that money. He might be suspended and then make an application five or ten, fifteen years later for permission to come back.

If it was a small sum that it be made condition on him paying that money back, but not being a lawyer he would have little access to high income anymore so he mightn't be able to pay these large sums of money.

If he was able to pay a reasonable amount of money they would let him get back his gown after a few weeks.

Mr. Phelps: If I might just make the comment, unless he went to work at Faro.

Mr. Chairman: Mr. Legal Advisor, would it be within the authority of the committee under this ordinance to direct that some legal action be taken?

Mr. Legal Advisor: No Mr. Chairman. This has one narrow function. This is a disciplining committee and the whole of this procedure, technical as it is, is directed to a single end and that is to decide a guilt or not guilty verdict on one issue, ethical conduct.

Mrs. Watson: Mr. Chairman, could they not recommend that he be suspended and not be allowed back on the role until restitution is made to his client, wouldn't that be a term of one of their suspensions possibly.

Mr. Legal Advisor: That would be a fairly normal one, yes, Mr. Chairman.

Mr. Chairman: Sixty, one.
(Reads Section 60.(1))

Mr. Chairman: Sixty-one, one.
(Reads Section 61.(1))

Mr. Chairman: Two.
(Reads Section 61.(2))

Mr. Chairman: Three.
(Reads Section 61.(3))

Mr. Chairman: Sixty-two, one.
(Reads Section 62.(1))

Mr. Chairman: Two.
(Reads Section 61.(2))

Mr. Chairman: Three.
(Reads Section 62. (3))

Mr. Phelps: If I may just interject, Mr. Chairman. There was one point that I did raise with the administration, and that is where a barrister and solicitor has been suspended it ought to be mandatory that the other members of the bar in the Yukon and members outside the Yukon be notified in writing immediately

Mr. Legal Advisor: Who should be notified, Mr. Chairman?

Mr. Phelps: The members of the bar, the other barristers and solicitors. I don't think there is anything mandatory with respect to that notice being given. It ought to be given because the lawyers will be dealing with that individual and if they aren't notified immediately something grave could -- some grave consequence could result.

Mr. Gillespie: Mr. Chairman if my interpretation is correct that is covered in 61 sub 2. The discipline secretary shall give notice of any suspension and striking off of a barrister and solicitor to the secretary of any provincial law society, and that phraseology would include the Yukon Territory.

Mr. Phelps: I am saying that notice ought to be given to the lawyers wherever possible. That is what happens in B.C. As a member of the B.C. Bar you receive notice right away, written notice and it is just a good precautionary step.

Mr. Legal Advisor: Mr. Chairman this happens in B.C. and other places because each lawyer there is a member of the Law Society and they get a monthly or bi-monthly publication which contains the news. In the item just immediately under the obituary notices is included news of departed brethren.

They all read it and they find out about it. I would apprehend that if we sent notice to Alberta in relation to a member of the Alberta Bar who was coincidentally a member of the Yukon Bar that will be published in the Alberta Journal Gazette every month, the same way as B.C. It would be hot news.

Mr. Phelps: All I am saying is that I would like to know about it in case I am dealing with that person.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, I don't think the Legal Advisor answered that. Would it be possible to notify each individual member within the Territory, or should it be to the Law Society?

Mr. Legal Advisor: It would be an extra chore that we would hesitate to take on, if we have 80 members, it means that we have to send out 80 letters telling them what happened. They could obtain the news, in any event, at roughly the same time, through their Law Society Gazette. It seems an unnecessary chore.

Mr. Phelps: My point is simply this, that surely this isn't going to be such an everyday occurrence that it's going to be too burdensome to the administration, and surely, it's important that practicing lawyers know for the protection of their client immediately—or as soon as possible about the suspension, because that person may have been in the process of absconding with funds, trust funds, and you may, as a lawyer, be about to send him a large cheque in trust, of your client's, and he might take that as well, and I think that we ought to be, as a matter of course, notified in writing immediately.

Mr. Chairman: Mr. Gillespie?

Mr. Gillespie: Mr. Chairman, I agree in principle with what the witness has said. I think though, that again in 60 (1) (3) (a), that the Committee would direct, in an instance of the sort that Mr. Phelps has just described, that the bar who might be affected in the Yukon would be given that Notice.

In other words, I think that in this particular matter, we could leave it up to the Committee to direct that notice is properly given to all those who are most heavily concerned with that.

Mr. Chairman: Mr. Lang?
Mrs. Whyard?

Hon. Mrs. Whyard: Yes, Mr. Chairman, I would agree that—with the witness that notification should go out in the mail. Frequently professional journals are quarterly, or less, and the time lapse would be important in that case.

Mr. Chairman: Is that the wish of the Committee?

Some Members: Agreed.

Mr. Legal Advisor: Could I ask just one question? He's a member of the B.C. Bar; does he get a letter every time a B.C. bar member is disciplined or struck off?

Mr. Phelps: Yes.

Mr. Legal Advisor: Personally?

Mr. Phelps: No, I get a notice, a notice is mailed to me.

Mr. Legal Advisor: Otherwise than the Gazette, the monthly Gazette?

Mr. Phelps: No, I receive this information in a letter that contains these grave tidings.

Mr. Gillespie: May I ask a question, Mr. Chairman?

Mr. Chairman: Mr. Gillespie?

Mr. Gillespie: Is not this question covered in 61 (2)? Or should it say "provincial or territorial law society", rather than just saying provincial law society?

Mr. Legal Advisor: No, Mr. Chairman, it's not covered in this, because what the witness is asking for, is a special letter be sent to every member of the Yukon Bar, giving him news if it happens to be hot news.

Mr. Phelps: Just a mimeographed notice, that's all.

Mr. Legal Advisor: But I think this can be done as a matter of routine.

Mr. Chairman: Mr. Fleming?

Mr. Fleming: Yes, Mr. Chairman, I would just like Mr. Legal Advisor to answer me something. I'm just wondering, not that I don't trust all lawyers, but in the case where the Committee has found the lawyer possibly guilty of an offence, and suspended him and he does come to a Court of Appeal and proves his case was actually not guilty, and he had been proven guilty by the Committee due to their corroboration together, you know, as three people or five people saying he was guilty, some way, you know, that they should—what action can be taken against the Committee? Would the Committee be suspended or not?

Mr. Legal Advisor: We have taken care of that one, Mr. Chairman, there is a Section saying that nothing the Committee does is wrong.

Mr. Chairman: Clear?

Sixty-three, one: I'll read the amendment:
(Reads Section 63. (1))

Mr. Chairman: Two:
(Reads Section 63. (2))

Mr. Chairman: Three:
(Reads Section 63. (3))

Mr. Chairman: Four:
(Reads Section 63. (4))

Mr. Phelps: This, Mr. Chairman, is a very hot potato. It's one of the things that the members of the bar feel very, very strongly about. Again, I have brought this concern to the attention of the administration, and hence the -- this amendment.

I would also like to say at this point, that pending how I am received, Mr. Nielsen would like very much to, on a personal basis, comment on this to you.

Now, Mr. Nielsen has been tied up in court today, I don't know if he's out free yet, but perhaps I could

make some comments and you can determine whether you would like to hear him this afternoon or at some other time.

The basic amendment has come a long way towards appeasing the members of the bar. Our feeling is simply this; that the funds ought to be under the control of the Law Society. We are quite in agreement with them being used for the purposes set out here, in the administration of the Ordinance, that's fine, the administration of the Legal Aid Ordinance, that's fine, and if there's anything left over to go to the law library.

Really, the only area of concern, and it's a very strong concern to people such as Mr. Nielsen and myself, is that we want to ensure that this money that comes from trust accounts, does not end up being completely and forever controlled only by the government, that we ought to have some control over the spending of the money.

Now if it's set up in a trust account, possibly it could be that the signing authority could be such that we would sign jointly with the government officials or what-not. The point is that given the strong feeling about government interplay in the affairs of lawyers and their clients, I would suggest, to you, that cooperation of the bar is essential here, that the request is reasonable, because the intention of the bar is to spend the money in accordance with the priorities as set forth in sub-section (2). I would myself like to see this set up in such a way that you would have the cooperation, the full cooperation of the bar, because if somebody feels on principle strongly enough about it, if there are any members of the bar feel strongly enough about this point, about control not being given completely over to the government, then of course they can insist that every drop of money that would come into trust be placed in a special account for the client, in the interest of the client and no money would accrue to the fund. I'm suggesting that the bar, every member is in agreement with the money being spent in this way. It's simply a matter, really, of the next fall step as to how this money is to be controlled.

I am also suggesting that, you know this cooperation is necessary, and there are those who feel strongly on principle that the money ought not to be gobbled up by the government, or even taken into a completely government controlled bank account.. That's the position I outlined, and I think it is fair to say that it's the position of all the lawyers, and very strongly the position of Mr. Nielsen, and certain other individuals.

So what I am, I guess briefly saying, is that there has to be complete assurance that the money is to be spent in the legal field, which includes this Ordinance, and there ought to be some, even if it's joint control, there ought to be some control vested in the president or the president and secretary of the Law Society as well as the government.

Mr. Chairman: Mr. Lang?

Mr. Phelps: I think --

Hon. Mr. Lang: Mr. Chairman, I just want something clarified.

If we do pass this, I don't know if I heard you right

or not, you suggest that it would still be up to the individual solicitor whether or not they wanted that trust money to go into the government instead of in trust?

Mr. Phelps: No, the wording is that this often happens. Right now the situation, to give you some background, is this; that it's improper for a lawyer to collect interest on trust monies, because the money is the clients.

In very large transactions or transactions that are going to take a long time, the client comes in to you and you say look, this is going to take some time and you give me quite a lot of money. I am going to set up a special account, a special interest bearing account, possibly in a separate bank and you will get the interest, you see. So it's open for the lawyer in every case to say to the client, look, I'll put this money into an interest bearing account and you will get the interest.

Hon. Mr. Lang: Yes, but --

Mr. Phelps: It's just a matter of degree and how strongly --

Hon. Mr. Lang: But Mr. Chairman, I think the difference here is we are dealing with trust accounts that are changing every day, eh, isn't this the difference?

I mean, in relation as a client to a solicitor, I would most definitely want the interest if I had a lot of money and was going to go over a set period of time of six weeks, but in a day or two days, this is where this money would accrue from is the short transactions.

Mr. Phelps: No, what happens is that, you're right, they are mostly short transactions and so on, but there is nothing preventing, on a very large scale, saying to the client, well do you want this in an interest bearing account, or do you want the government to get it?

Hon. Mr. Lang: Well, Mr. Chairman, my question is, then why isn't the client doing it now if it's going to be that --

Mr. Phelps: Well --

Hon. Mr. Lang: -- for his own financial benefit?

Mr. Phelps: My answer is --

Hon. Mr. Lang: I would only think, to assume to think that people that are dealing with large amounts of money have an idea of the -- how a financial transaction takes place, and also an idea of interest rates, and if the monies, and this is -- if the money is that substantial, I am sure that they are going to go into a trust account, or -- for the interim period.

I can't see it for a day or two days.

Mr. Phelps: No, it's a question of degree, with respect, it's very seldom a day or two days, but anyway it's a question of degree, and it's a question of how strongly the client feels about it, you know, on principle.

Some of them may say no, I want it in my own ac-

count.

Hon. Mr. Lang: So if we do pass that, it is still up to the client to see whether or not he wants a trust fund set up. This is to pay monies that are sitting in the bank and not being used, is that not my interpretation -- that's my interpretation of it?

Mr. Phelps: Nothing affects any arrangement made between a barrister and solicitor and his client, to deposit monies in a special account or not.

All I am saying is this, that members of the Bar, a large number of members of the bar feel very strongly about this issue of control, Mr. Nielsen being one of the most vocal on that issue, and I'm suggesting that what we are asking is that some of the control not -- over this money be partly vested, at least partly vested, in the Law Society and in the government.

It's not that we are against using it for these things, it's being against the principle of a certain kind of taxation that may operate to the detriment of the client. You know, it's the fundamental principle of how far government can go in intermeddling with such things.

Hon. Mr. Lang: Mr. Chairman, I--

Mr. Chairman: Mr. Gillespie?

Hon. Mr. Lang: I would ask Mr. Gillespie to explain the transactions or whatever that takes place here in these trust funds, because I don't think--myself I am having difficulty understanding why any client would want to let any of his interest accrued from trust funds, go to the government or go to the lawyers or sit in some place where it can't be used, and I would like to-- maybe Mr. Gillespie can elaborate on that.

Mr. Gillespie: Mr. Chairman, I can't elaborate at length on the question that Mr. Lang has raised, other than to say that the way he described it earlier on, as I understand it, it is quite correct. For the most part these transactions are transactions that occur over a day, and monies are moving in and out of this trust account in such a way that it would be virtually impossible for anybody to keep track of the interest accruing to a particular individual, and so neither the lawyers nor the banks nor the clients feel it worthwhile to keep track of that money, and therefore don't. Therefore, the money just sits in the bank, and the interest at this point in time stays with the bank. It doesn't go to the client, to the lawyer or to the government, to a foundation or anything, so this is why it's done in that way, and this is why there is the sum of money that we are concerned about here.

Mr. Phelps: Perhaps I could just approach the problem in a different way, and see if it makes any sense to the members.

What the government is asking from the clients is for the lawyers to say look, we normally put your money in a non-interest bearing account, and this is common practice, and that's so that we aren't tempted to do the wrong thing and collect interest from it, and

it's partly a bookkeeping chore, so the next step is, we say to the client, now that's the normal practice.

If you have a large number, amount of money or a situation where you might be able to benefit from that principal and derive interest, then of course we will make special arrangements. We will put in a 90 day note, or we will put in a six and a half percent or whatever, and this is done—I hate to estimate how often it is done, but it is done on a fairly regular basis.

Now, the third step is this, then we say to the client now look, the government has passed an Ordinance, and they would like to use your money. The government would like to use your money, this trust money, and they propose to gobble up this money and spend it as they usually do on Lord knows what. Do you want us to place your money into a trust account that will give them the interest?

They could say no way, no way, I don't like the way they are spending that money. It's my principal, and it's my interest, and if there is no interest comes from it, that's fine. They can say that, and we can say fine, we will put that into an account with no interest.

You might get some interest, but normally it has to be a minimum amount of time but that's your privilege. Or we can say look, your money won't get you any interest. There are some things that can be done with that money which are good, and they are related to law, and they can be used to discipline lawyers, and the money can be used for legal aid, and it can be used for the law library, and we like these uses, and we are asking, you know, I would like to see you put this money in a place where the interest can be earned and used for that.

Now, what I am suggesting to you is this, that if, most clients would say well fine, if it's going to be used for these purposes, we're assured of that, and you think it's a good idea, yeah, I think it's a good idea, but if you feel strongly against the government having it, you know, it's your choice.

Now, you can see the different reactions. Now, what I'm suggesting is simply this, that if the Law Society members have some control over the spending of the interest which the client's money earns, then you are going to get more cooperation from the lawyer who is selling the client into earning this money for you. It's the client's money, not ours.

Hon. Mr. Lang: Oh, I realize that.

Mr. Phelps: And that's the point, I think that's the point that Mr. Nielsen would raise in a far more stronger fashion, but that's the issue. All I am saying is fine, we agree with this kind of purpose. We are simply saying that in order for us to assure clients that they are doing the right thing in allowing the government to use their money and earn interest from it, that we ought to have some control over it, so we can assure them it is going to be used for beneficial purposes. I think that's the crux of the argument, and that's all I wish to say.

Mr. Chairman: Mr. Lang?

Hon. Mr. Lang: Well, I see your point, but on the other hand, I get the impression that we are almost

being blackmailed, in order to be able to get this money, and I fully realize it's the client's money, but in order so that the lawyers in Whitehorse will stand up for the Government of the Yukon Territory, they want signing authority, and if we are not prepared to give that signing authority, then they may not be prepared to ask for that monies to go to the government.

Mr. Gillespie: Mr. Chairman, you can cut it either way and you can get the same thing as far as I can understand. I don't see why the local bar should feel so strongly about this matter, because we can do nothing as proposed in this amendment, we can do nothing that wouldn't be done if the money were held in some kind of a foundation, as opposed to an internal trust account.

This trust account, pursuant to this Ordinance, can only be used to receive money from that single source, from these trust accounts, and it can only be used for certain purposes as outlined here. There will always be an accounting of the monies that are taken in, there will always be an accounting of the monies disbursed. This whole Section looks forward to the day when the bar should form itself as a statutory body or a statutory society, and when that time comes, all the books of account will be there, both the -- showing both the amounts of money taken in and the amounts of money disbursed.

I see no reason why they should feel as strongly as they do, and really all that we are -- one of the things that we are achieving here, by this process, is simply an ease of administration. The money comes in, we don't have to bill them for the monies that we expend on their behalf. By "them", I mean the foundation that would be set up, if as the Bar Society proposes, there were to be set up a foundation. The money would be received by the foundation, the Territorial Government would in turn spend money in the administration of this Ordinance, and in legal aid, and towards the expenses of the law library.

We would then have to turn around and bill the foundation, and then receive the money in return, and it seems like an awful lot of administration to achieve nothing, that isn't achieved in the way we have got it set out here, that I can understand.

Mr. Phelps: My only reaction is I can't see much in the way of administration. If it amounts to the same thing, why not allow it to go into a foundation with those goals only, and the money be used that way?

But the point is that there are some members who feel very strongly about it, and I think this has gone myself personally, I feel that this has gone part way to our position. I myself personally, you know I am here speaking for the bar, I am telling you what they think, and some of them feel more strongly than I do. I just don't see that -- I don't see why there should be any problem with a foundation that would simply commit its money to you.

But you know, it may sound like a fairly picayune point, but that being the case, I think you should consider that you would have a lot more co-operation from certain members than you have now. I don't see anything against a law foundation which would be established to provide the money for these purposes only.

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, whether or not it's a picayune point, perhaps we could clarify that question by asking what kind of money are we talking about here? What is happening to it now, and how does Mr. Phelps visualize the Law Society administering this through the Territorial Treasury?

I fail to understand how the two bodies could jointly be paying bills and depositing funds, since you don't have a full time office or a full time employee for the Law Society at this stage, how would you visualize this working?

Mr. Phelps: My suggestion is simply this, that we have a law foundation, its purposes would be in accordance with what you have got here in sub-section (2) of the amendment, and all that would happen is they would operate a bank account, a trust account. The interest would go into that trust account, and once a year they would hand it over to the government, that's all. They would have the control of doing it and they could say to the client, those who feel very strongly about it, look it, we can assure you that this is what it is going to be used for, and there's that extra incentive to some people who feel very strongly about the government swallowing up this money.

I know that there's a lot of people in a free Territory such as this, that if they are asked, for some reason, to give money in a charitable way to an institution like this government, they may balk. I can think of one or two examples, and really that's what's being asked of them, that they act in a charitable way towards the government, and this simply makes the pill tastier. It puts candy coating on it, so to speak.

Hon. Mrs. Whyard: May I have an answer, Mr. Chairman?

Mr. Chairman: Yes, Mrs. Whyard. You didn't answer her first two questions.

Mr. Phelps: That there would be a law foundation established. Oh, I'm sorry.

That is very hard to answer. I suspect, and I'm only guessing, that the average trust monies right now, on a year-round basis of all the law firms, and I'm giving you—it's a guess, would be in the neighbourhood of 350 to 400,000.00, sort of a constant cash position. I understand from Mr. Legal Advisor, that the banks would pay something like, am I correct in three and a half or four percent on that money? It's a current account, so you wouldn't get what you would normally get for packages, of money put in for 90 days or something, and so your revenue would probably be in the area of—I'm guessing, you know, 11 to 15,000 a year.

Mr. Chairman: The other part of the question was what is happening now?

Mr. Phelps: Oh, what happens now is nobody gets any money. You have special accounts for clients that

you know will get some interest, and the bank rubs its hands with glee whenever a new law firm comes to town.

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, then if I understand this clearly, there is some vague figure in the area of 350,000 which is the sum total for all the legal firms in this area?

Mr. Phelps: Yes, it would approximate that much on money that would not be placed in special interest accounts for the client.

Hon. Mrs. Whyard: And at the moment, nobody is deriving any interest from the—

Mr. Phelps: That's right, except the bank.

Hon. Mrs. Whyard: So then why would anybody in their right minds object to having some interest derived and put to some good purpose?

Mr. Phelps: Well I suspect that the answer to that is simply this, that they have to be approached to do this for the government of the Yukon Territory, or for the administration of legal aid and so on, and if it's put -- if it's done in the way I am suggesting, then they are more likely to do it.

There's a lot of people who would just balk at giving money to the government. They feel bitter about being overtaxed as it is. I can think of a lot of people who think that they pay a lot of taxes, that go to welfare recipients, and they feel this is possibly unjust. I don't know, I think there is one or two members around this table that feel that way.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Well, Mr. Chairman, how does that money get into that account now? You know, do you mean to say you are going to sell it to clients and you are going to say there are two ogres that will get it? The Benevolent Law Society or the Y.T.G.?

Mr. Phelps: No, I'm suggesting--

Mrs. Watson: How does it get in there now?

Hon. Mr. McKinnon: The least of the two evils will take it.

Mr. Phelps: What I'm suggesting is simply this, that the trust money, the client has to be made aware that he is allowing somebody to use that principal for the purpose of earning interest.

I can't just take your money and use your interest on it. It's the same problem.

Mrs. Watson: What are you doing with it now?

Mr. Phelps: I explained that there is no interest. There is no interest on this money.

Mrs. Watson: Can't you tell him the same thing? There is no interest now.

Mr. Phelps: We're using his money. We're suggesting that the government should be allowed to use his money. I could say that, certainly. Would you rather it went to the government?

Mr. Legal Advisor: Let me explain one point. The reason the legislation is drafted the way it is is because it is doubtful how much legislative power this Territorial Council has in relation to the banks which has reserved power from it under the Yukon Act as it is in the other provinces.

The technique that is used to impose this tax was to direct the lawyers over whom we have control to tell the banks what to do with the interest. They are asked to instruct the banks to pay interest which can be collected. It is a technical matter.

Mr. Chairman: Mr. Legal Advisor, I think you have just supported the witness' stand.

Mr. Legal Advisor: I'm not standing to support or unsupport anything. I'm protecting a matter. This legislation is drafted that way.

Mr. Chairman: Mr. Fleming?

Mr. Fleming: You might say the same thing about me because I do support the witness from this stage. I am supporting him. The money that is taken, I understand it is taken now, there is no interest to anybody and it's a private person's money and I feel in the case of their society, in the case of their work, that they are the ones that are helping to earn interest on this money.

It is my money. It's their money. It's being put into a bank and of course the government is going to get their paws on it, you might say, but the fact remains that I still should have something to say about it and so should they, because they are earning it. I think they should have more or less a right to say who and where it is spent to rather than just throwing it down the drain.

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: Yes, Mr. Chairman, just an observation here. I would venture to say this that even if the interest does stay with the bank then I would think that it would have quite an influence to the bank in the banks dealings with the law firm.

Mr. Phelps: All I can say in answer to that is that of course, it always does, but I suspect that if they have that kind of money at three and a half percent it will still have that kind of influence, or nine percent.

Mr. Lengerke: Yes, just following up on that Mr. Chairman, I just want to say that there is nothing wrong with that.

Mr. Chairman: Mr. Lang?

Hon. Mr. Lang: No, Mr. Chairman.

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman I think we are all aware of the fact that it was recently disclosed to the citizens of Canada that the banks in this country have just reported an all time high in their annual profits. In fact one of them had an increase of one hundred and eighty per cent in its overall profits for its operating year. I think that anything we can do to get in on this gravy train and get it into the hands of the administration is well worth circulating.

Mr. Chairman: Mr. McIntyre?

Mr. McIntyre: Mr. Chairman, I wonder if I can ask the Legal Advisor a question. In view of all the discussion about the interest in the bank, couldn't we -- have we the power to say in this Ordinance that all of the costs of administration be borne by the law society and forego the interest?

Mr. Legal Advisor: We have that power Mr. Chairman.

Mr. McIntyre: Well let's do it.

Mr. Chairman: Mr. McKinnon?

Hon. Mr. McKinnon: Mr. Chairman, I was one of those who was very much convinced by the members of the Law Society who made this point the first time we went through the Ordinance. I thought that we had met all of their objections by the amendments to this ordinance. The reason being that we have specified exactly, and these are the only reasons, and a separate account of the government, the only method in which this money earned on interest can be used, and from what I understand from the witness, the Law Society agrees to the method that the government has seen fit to spend the interest on this money.

Then Mr. Chairman, there was no way that the Government of the Yukon Territory could fenangle, in any way, shape or form this account because it becomes a public account of the Yukon Territory.

It is a separate account that has to, by law, come before this House and before the Assembly and before the public for tabling. The accounts state exactly how much monies go in to it, what they are disbursed for on the lined items in these three areas, and these three areas only, that the money and the interest can be used for.

I thought that with this amendment which I supported, in subcommittee on legislation, that all of the objections that had been raised by members of the legal profession would have been met.

I am very interested with all the safeguards that go on with the public accounting of the accounts of the Yukon Territory to the point where even the Auditor General has a look at these special accounts and says that -- to the government of the Yukon that you are either using the money under the statutory

requirements which you said you are going to use it, or you are not. There is no way that those total efforts of of the Law Society hadn't been protected and hadn't been included in this amendment.

I am rather surprised to find out that they have not been. I would be very interested in seeing a draft amendment by the members of the Law Society as to how the objections, which I thought we had met, are not met. Even more, their interest in this matter could be safeguarded, because I thought we had taken every aspect of it into consideration with the amendments to this Bill Mr. Chairman.

Mr. Phelps: The only reply I can make is that again, there be the extra step of the Law Foundation which would have these purposes and pay it over. That is the only thing. I have admitted already that since I raised the difficulty the government had come, certainly, a good part of the way. It doesn't seem to assuage the fears of some of the members of the bar.

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: Mr. Chairman could we then ask the Legal Advisor to see if he could make some specific amendments to 63.(1) and spell this out and maybe do this in conjunction with the Law Society.

Mr. Legal Advisor: Mr. Chairman, the Legal Advisor drafted this particular section and he reproduces, as he thought, what represented the policy of the government after receiving representations from the Law Society. The intent being to create a special identifiable fund. Now that fund will be administered by the Territorial Treasury, by this Council. The only alternative is to create still a special fund and have it administered by the treasurer of the Law Society.

Mr. Lengerke: Yes.

Mr. Legal Advisor: But then they would be paying government bills with that money and that would be funny.

Mr. Lengerke: Okay, Mr. Chairman.

Mr. Phelps: Well again all I can say is that it is not our money, it is the clients' money.

Mr. Chairman: Sixty-four, one:
(Reads Section 64. (1))
(Reads Section 64. (2))

Mr. Gillespie: A typographical error, Mr. Chairman?

Mr. Legal Advisor: It should be just Ordinance, rather than "part" because it is transferred.

Mr. Chairman: Sixty-five, one:
(Reads Section 65. (1))

Mr. Chairman: Sixty-six, one:
(Reads Section 66. (1))

Mr. Chairman: Sixty-seven, one:
(Reads Section 67. (1))

Mr. Chairman: Is it the wish of Committee that the Law Society come out with specific recommendations in the areas that have come into question?

Some Members: Agreed.

Mr. Phelps: May I just ask this question, Mr. Chairman? I take it we are dealing then with the point on the law foundation that I have raised?

Mr. Chairman: Yes.

Mr. Phelps: And again I haven't come back to the Law Society with respect to this amendment, because I haven't seen it before today. I understood there was something in the works for this, but I should discuss it with the members to see how strong they are and exactly what they want from here.

No, I haven't had a chance to discuss this particular amendment. I am saying their position was X, and I'll just see how flexible the membership is.

Secondly, on the question of privilege, those are the two areas, aren't they?

Some Members: Yes.

Mr. Chairman: When can we expect you to be available, Mr. Phelps?

Mr. Phelps: Doesn't a guy ever get a chance to practice law? I think that possibly Wednesday, would Wednesday be—

Mr. Chairman: Yes.

Mr. Phelps: No. Wednesday I can't. How about Thursday?

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, I see no need for the witness to be here. They can send us a written submission, but I don't see any need for the witness to be here whatsoever.

Mr. Chairman: Mr. Gillespie?

Mr. Gillespie: Mr. Chairman, I wonder if it wouldn't be an idea for the local bar to prepare a written submission and have that examined by the administration, because the administration has to indicate at that time in this Committee, whether it is prepared to go along with what they are recommending or not, so we need to have it in the administration's hands in time for the administration to examine it, before it is dealt with in Committee, if we may.

Mr. Chairman: Agreed?

Some Members: Agreed.

Mr. Chairman: Is Committee in agreement with that? If that can be made available, on fairly short notice.

Mr. Phelps: I would think so, because there is, we have narrowed the issues down substantially.

Mr. Chairman: The Chair will now entertain a Motion for Mr. Speaker to resume the Chair. The witness may be excused.

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

Mr. Chairman: Is there a seconder to that?

Mr. Lengerke: I second that.

Mr. Chairman: Agreed?

Some Members: Agreed.

Mr. Chairman: Carried.

(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?

The Chairman: Mr. Speaker, Committee convened at 10:35 this morning to discuss Bills, Sessional Papers and Motions.

Mr. Gillespie, Administrator, Mr. Willard Phelps, president of the Yukon Law Society, were present as witnesses during the review of Bill Number 7. Mr. Phelps was excused as a witness when Committee recessed at 11:40 a.m. Upon Committee reconvening at 11:45 a.m., Susan Burns and Leona Lane representing the Consumers Association presented to the committee of the Whole a brief relating to Bill Number 7. Mr. Chairman on behalf of the Committee thanked the representatives of the Consumers Association and excused the witnesses. Committee recessed at 12:10 p.m. and reconvened at 1:30 p.m. with Mr. McCall in the Chair.

The Chairman resumed the clause by clause reading of Bill Number 7. After a brief recess the Chairman returned to the Chair and Mr. Phelps was invited to enter the Chambers as a witness on Bill Number 7. Later Mr. Gillespie joined the Committee as a witness.

I can report progress on Bill Number 7.

At 4:20 it was moved by Mr. McCall, seconded by Mr. Lengerke that Mr. Speaker resume the Chair and this motion was so carried.

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

Some Members: Agreed.

Mr. Speaker: May I have your further pleasure? The Honourable Member from Whitehorse Riverdale?

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

Ms. Millard: I second that motion.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse Riverdale Seconded by the Honourable Member from Ogilvie that we do now call it five o'clock. Are you prepared for the question?

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the motion is carried.

Motion Carried

This House stands adjourned until 10:00 a.m. Tuesday morning.

Adjourned



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The Yukon Legislative Assembly

Number 10

4th Session

23rd Legislature

Debates & Proceedings

Tuesday, December 9, 1975

Speaker: The Honourable Donald Taylor

The Yukon Legislative Assembly

December 9, 1975

(Mr. Speaker Reads Daily Prayer)

Mr. Speaker: Madam Clerk, is there a quorum present?

Madam Clerk: There is, Mr. Speaker.

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

ROUTINE PROCEEDINGS

Mr. Speaker: We will now proceed with the Order Paper, and under Daily Routine, are there any Documents or Correspondence for tabling this morning?

Hon. Mr. McKinnon: Mr. Speaker, I have for tabling this morning, Sessional Paper Number 9, "Restrictions on Recruitment and Outside the Territory Travel".

Mr. Speaker: Are there any further Documents or Correspondence for tabling? Are there any Reports of Committees? Introduction of Bills? Are there any Notices of Motion or Resolution?

The Honourable Member from Ogilvie?

Ms. Millard: Mr. Speaker, I would like to give Notice of Motion respecting mileage paid to individuals outside the public service.

Mr. Speaker: The Honourable Member from Kluane?

Mrs. Watson: Mr. Speaker, I would like to give Notice of Motion, seconded by the Honourable Member from Riverdale re the Government of the Yukon Territory Analysis and the Position of the Yukon Indian Land Claim, and further I would like to give Notice of Motion that Sessional Paper Number 9 be moved into Committee.

Mr. Speaker: Are there any further Notices of Motion or Resolution?

The Honourable Member from Whitehorse Riverdale?

Mr. Lengerke: Mr. Speaker, I would like to give Notice of Motion re goals for Yukon's Economic and Social Future, moved by myself, seconded by the Honourable Member from Kluane.

Mr. Speaker: Are there any further Notices of Motion or Resolution? Are there any Notices of Motion

for the Production of Papers? We will then proceed on the Order Paper to Orders of the Day.

ORDERS OF THE DAY

Motion Number 10

Mr. Speaker: We have Motion Number 10, moved by the Honourable Member from Whitehorse Riverdale, seconded by the Honourable Member from Ogilvie, that it is the unanimous opinion of this House that the program of Alcohol Problem Prevention outlined in Sessional Paper Number 4, be carried out by the Yukon Territorial Government within approved budgetary limits.

The Honourable Member from Whitehorse Riverdale?

Mr. Lengerke: Yes, Mr. Speaker. In speaking to the Motion, it really does not need much explanation. The Sessional Paper Number 4 as presented, indicated clearly the needs for a comprehensive program of alcohol problem prevention. Certainly I feel that the discussion that went forth through this House was indicative of the concerns that we all have with regard to this problem. Therefore, I suggest the Motion be adopted.

Mr. Speaker: Any further discussion? Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare that the Motion is carried.

Motion Carried

Motion Number 11

Mr. Speaker: The next Motion is Motion Number 11. Moved by the Honourable Member from Whitehorse Riverdale, seconded by the Honourable Member from Hootalinqua, that the Legislative Assembly of the Yukon, request the Canada Radio Television Commission and the Minister of Communications to give immediate and favourable approval to the application on behalf of the Teslin Community Club for an interim licence to operate and maintain a broadcast transmitter and earth receiving station at Teslin, Yukon, pending the C.R.T.C. hearing in January, 1976, and further that favourable consideration be given to the

final application.

The Honourable Member from Whitehorse Riverdale?

Mr. Lengerke: Again, Mr. Speaker, this Motion needs really no explanation other than the fact that it's a typical reaction to action taken by a community on their own. I think the initiative shown by the people of Teslin, certainly the initiative shown by this government in working along with the people of Teslin is part of this Motion.

I strongly hope the House will support it. Further to that I have information from Ottawa via telex this morning, that the Federal Communications Department says it is trying to facilitate authority for a community television receiver in Teslin, to rebroadcast signals from the Anik satellite. A spokesman for the Department said it is interested in having the service approved. Necessary application have been made, of course, and the other important part of it is that a formal notice that it will hold a public hearing in Toronto January 13th to hear an application from Teslin Community Association. It is for a licence to rebroadcast the CBC Northern T.V. Service on Channel 13 with a transmitter power of 5 watts.

Now, I think the Motion again just suggests that they do that very swiftly and give favourable support to the application.

Mr. Speaker: The Honourable Member from Hootalinqua?

Mr. Fleming: Yes, Mr. Speaker. In seconding this Motion, I feel that we have come a long ways in the last 20 years or so that we have been trying to get television into the small communities in the Yukon Territory. I must just say that I think it goes to prove that if you are right and you will pursue the matter and don't give in that some day somebody will see it somewhere to help you out.

As I say, we have had a lot of help at Teslin, and now through Teslin doing this, I feel that it is going to help the rest of the communities, and as I say, that's about all we said. I think the Honourable Member has said the rest of it.

Mr. Speaker: The Honourable Member from Kluane?

Mrs. Watson: Yes, Mr. Speaker.

I don't know whether the people around this House are aware that every person in the small communities in the Yukon Territory is aware of the test station at Teslin, and are watching it breathlessly. They are very hopeful for Teslin that the interim licence and eventually a permanent licence will be granted to them, because we all realize this is the test, and if Teslin is able to win the battle, then every other community in the Yukon Territory will be able to have the service of a T.V. reception.

Mr. Speaker: Is there any further discussion? Are you prepared for the question?

Some Members: Question.

H. Watson E/W
Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare that the motion is carried.

Motion Carried

Motion Number 12

Mr. Speaker: The next Motion is Motion Number 12. It has been moved by the Honourable Member from Kluane, seconded by the Honourable Member from Watson Lake, that matters relevant to the Historic Sites and Monuments Board be discussed in Committee of the Whole. Is there any discussion?

Mrs. Watson: Question, Mr. Speaker.

Mr. Speaker: Question has been called. Are you agreed?

Some Members: Question.

Mr. Speaker: I shall declare the Motion as carried.

Motion Carried

Motion Number 13

The next Motion is Motion Number 13. Moved by the Honourable Member from Kluane, seconded by the Honourable Member from Hootalinqua, that whereas adoption of the metric system of measuring highway distances has resulted in the removal of Alaska Highway mileposts, and whereas the milepost is regarded by many residents as a link with a significant era in the development of the Territory; therefore be it resolved that the Yukon Government replace key mileposts removed from the Alaska Highway through metrication, with an enlarged replica of the original milepost in order to retain the historical significance of the Yukon Highway Milepost.

The Honourable Member from Kluane?

Mrs. Watson: Yes, Mr. Speaker.

If you recall, I asked the Commissioner the question regarding the removal of the mileposts, and on the basis that our first whereas was very premature, the removal of the mileposts, was certainly premature. I would really prefer to have this Motion state that the mileposts be put back, but I realize this is not possible, and so I have adopted a Motion or a resolution came from the Yukon Advisory Committee on Tourism who met in Whitehorse last week.

These people also were concerned about the mileposts, as it affects their businesses and operations along the Alaska Highway, and they have suggested rather than putting back the milepost signs per se, that historical type of mileposts be put up along the Alaska Highway, in key positions.

I know that this Motion leaves it fairly wide open for the administration to determine what the key positions are, but I am very hopeful that the administration does

not deal with this motion in a token manner. In other words, I want some—I am looking forward to some very realistic types of historic mileposts put at fairly close strategic areas along the Alaska Highway.

I think that we could be accomplishing two things. We could be assisting in the promotion of tourism, and also putting back the milepost signs to indicate locations on the highway if we adopt this Motion.

Mr. Speaker: The Honourable Member from Whitehorse Riverdale?

Mr. Lengerke: I rise in support of the Motion. I also say that in talking with the tourism industry, that they are very concerned on this matter, that engineers and contractors have expressed concern that the mileposts were taken down. People responsible for publications outside of the Yukon Territory, that set out locations and explain various locations and significant locations within the Yukon, have said—have expressed concern at the swiftness that the posts were taken down, and also further expressed the concern that they wished some posts were put back up.

So therefore I can certainly support this Motion.

Mr. Speaker: The Honourable Member from Hootalinqua?

Mr. Fleming: Yes, Mr. Speaker, I can also support this Motion. At the time the mileposts were taken down, which was a very bad time, I must say, due to the tourist people coming into the country, and this is, or was something that could be an historical fact. Those posts have been there since the highway started, and they were something that the people looked forward to.

Signs and all these other things didn't mean too much, but the mileposts meant a lot to any traveller because he knew when he looked at his travel agent's book and so forth, that the was going, milepost so and so, more so than a name of a place.

Now, when they were taken down, it was dealt with in a token manner, I felt, because there was certain posts offered to museums and so forth as more or less to keep for historical significance. But in many instances, those very posts that they wanted them to have to keep, were not even on the highway when they were giving them away. They were more or less offering them to the people. I think that this idea of placing something that will be permanent, and possibly can be moved when the highway is all straightened out and will be for a long time and possibly forever, an historical thing in this Territory.

So I fully support the Motion.

Mr. Speaker: The Honourable Member from Whitehorse North Centre?

Hon. Mr. McKinnon: Mr. Chairman, or Mr. Speaker, I'm sorry, just to give a little of the background of the government's position on this controversial item. I am very happy that members brought this item to the table at this Session. When I had heard of the rapidity by which the milepost signs

had been removed, particularly from the Alaska Highway, I don't think I am telling any tales out of school when I say that I raised the matter in Executive Committee, in support of exactly the type of motion that has been brought here to us today, that at least some of the mileposts of significance be maintained on the highway.

I don't think that I am telling any tales out of school either, but the Assistant Commissioner in charge of the Department of Highways, Mr. Miller, said well we will look into it, but somehow I can't get very excited about your suggestion. It seems to me that when Assistant Commissioner Miller doesn't get very excited about an idea, that other members have brought forward to the Executive Committee, that not too much happens in that respect, Mr. Speaker.

So I am very happy to see the Council or the Assembly bring this matter forward as an instruction to the government that these things happen. As a person who worked many, many years on the Alaska Highway and saw the transition of a place on the Alaska Highway like Blueberry, which became known as 101 because it was milepost 101, and the name of the whole community changed from Blueberry to 101, because that was what everybody knew it to be.

I don't think I will ever know Haines Junction as anything else but milepost 1016 or the reason for a lodge being at milepost 777.7, is exactly because that was the only attraction of the place to put a lodge was the milepost, the four sevens.

When we were on the highway in the bush and the girls would arrive at Beaver Creek for their summer, it was always "let's go to one two over twice for a party on the weekend". You know, these things really have some significance, some meaning to a person who has worked and travelled for many, many years along the length and breadth of the Alaska Highway. I can only say, Mr. Speaker, that I support the Motion wholeheartedly, and I hope that there will be a watchdog on the Executive Committee, to make sure that there isn't only tokenism given to the Motion, Mr. Speaker.

Mr. Speaker: The Honourable Member from Whitehorse Porter Creek?

Hon. Mr. Lang: Yes, Mr. Speaker, I have to rise in support of the Motion. I think there is one important factor that we are missing, and this is in regards to the population, the permanent population of the Yukon. I know I have had many comments from people of the Yukon who said I go down the road and I don't know where I'm at, and sometimes I'm in that position as well. We go down the road and you look and you see the kilometre posts and you say just where are we, and then we look at our speedometers and there's no coordination at all. I think that this is a very important fact, Mr. Speaker, that we do get these signs up in the significant points along the highway, so that we can give our Yukon residents as well, some direction in regards to where they are at along the highway.

Mr. Speaker: The Honourable Member from Whitehorse West?

Hon. Mrs. Whyard: I am the little old white haired mother of the mileposts, after all I should be allowed to speak at great length on this motion.

I refuse to introduce any crass commercialism into this House, Mr. Speaker. I did at one time have the honour once of being the editor of a well known Canadian publication which based its entire existence on this symbol.

I would be tempted, if I were in that position now, to instigate some kind of legal action against the government that had removed my means of livelihood.

I can't think what title is going to be used in the unhappy day when we have nothing but kilometres on that road, maybe the "meter reader," I don't know.

Quite seriously I was enraged with the speed and efficiency which some unknown members of this government attacked those mileposts a year ahead of any announced plan for their removal, for no reason anyone here has been able to pin down. I think we must lay it at the feet of an eager beaver who was so immersed in metrification for this government that we were breaking all records.

In fact, my objection was that the Canadian government has not, as yet, passed the Metrification Act which makes it a federal law and there is no reason why we should be jumping in ahead of them on this floor.

Mileposts are, as other members have pointed out, definitely a part of the history of this country. We would have holes in our head if we removed them for any stupid reason of substituting a system which is not accepted yet in this country.

I just like to add my little two bits worth and I am happy to say that the shape in which this motion has been drafted can certainly receive my approval.

Had it said restore the original I would have had to give back mile 917.

Mr. Speaker: Is there any further discussion? Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare that the motion is carried.

Motion Carried

Mr. Speaker: This brings us to the end of the Order Paper. May I have your pleasure at this time?

A Member: No question period?

Mr. Speaker: Oh I am sorry, I am sorry, I almost forgot the question Period.

QUESTION PERIOD

Mr. Speaker: We have with us Mr. Administrator this morning. Would you proceed with your questions? Have you any questions this morning?

Mr. Administrator?

Mr. Administrator: Mr. Speaker I have an answer to a question raised yesterday by Councillor Millard, who wished to know whether the recently announced program which will train local residents to operate air strips in their communities will be implemented in the Yukon.

The answer, Mr. Speaker, is that the M.O.T. training program involves all the facets required in the running of total airport systems. For example, air strips, air services, radio, telecommunications, et cetera. The program is designed to operate all across the north, including the Yukon.

In Yukon trainees for Y.T.G. airstrips will be hired as Territorial employees and recruited from the appropriate community as and when required.

Thank you, Mr. Speaker.

Mr. Speaker: Are there any questions?

This then brings us to the end of the Order Paper. What is your pleasure?

The Honourable Member from Pelly River?

Mr. McCall: Mr. Speaker, I move that Mr. Speaker do now leave the Chair and the House resolve itself in Committee of the Whole for the purpose of considering Bills, Sessional Papers and Motions.

Mr. Hibberd: Seconded.

Mr. Speaker: It has been moved by the Honourable Member from Pelly River, seconded by the Honourable Member from Whitehorse South Centre that Mr. Speaker do now leave the Chair and the House resolve in a Committee of the Whole for the purpose of discussing Bills, Sessional Papers and Motions.

Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the motion as carried.

Motion Carried

Mr. Speaker leaves the Chair

COMMITTEE OF THE WHOLE

Mr. Chairman: I now call this Committee to order and declare a brief recess.

Mr. Chairman: I now call this Committee to Order.

Bill Number 20 Continued

It is our intention this morning to carry on with Bill Number 20, "An Ordinance to Amend the Labour Standards Ordinance". For this purpose, Sessional Paper Number 8 has been supplied to Committee members. This paper was never moved into Com-

mittee, but if, with the unanimous consent of the Committee members, we will be in a position to use the contents of this paper. Is that the wish of the Committee?

Some Members: Agreed.

Mr. Chairman: 1. Section 2 of the Labour Standards Ordinance is amended by deleting the definition "shop" therefrom.

Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, I had hoped that Mr. Legal Advisor might be here. Maybe he could give us -- we could continue reading the Bill and he could give us the reason for the deleting the definition "shop"

Mr. Chairman: 2. Section 2 of the said Ordinance is further amended by repealing the definition "standard hours of work" and substituting the following therefor:

(Reads Section 2)

Mr. Chairman: 3. Subsections 5(1), (2), (3) and (4) of the said Ordinance are repealed and the following substituted therefor:

(Reads Section 5.(1))

Mr. Chairman: Two:
(Reads Section 5.(2))

Mr. Chairman: Three:
(Reads Section 5.(3))

Mr. Chairman: Four: Section 8 of the said Ordinance is repealed and the following substituted therefor: 8.(1):
(Reads Section 8.(1))

Mr. Chairman: Mr. Legal Advisor, we are reviewing Bill Number 20. It has been requested by Committee if you could give us a definition of "shop"?

Mr. Legal Advisor: Mr. Chairman, basically they divide in controlling the Labour Standards Ordinance, only for the Sections that are under discussion, into a "shop" which means a place where the public are accustomed to come and be served, and all of the other places which are not shops.

If this change goes through in the form in which it is suggested, then it would be unnecessary to have this definition kept alive, because then we would be dealing with all places where people work.

The Commissioner would know more about this because he was closely involved at a point in time when this was being discussed some eight or nine years ago, and at that time, the question arose as to whether a baker who was baking was a shop or was not a shop, and it was held that he was in a shop situation when he was selling bread in the front portion of it, but he was not when he was manufacturing the bread at the back. But where it's mixed, the shop definition takes over.

The same thing has arisen in respect of the preparation of meals in a restaurant, where in one part of the business they prepared meals for transmission

of the packed article to an aircraft on contract, and the people who are doing that were not a shop, but the chef who was preparing meals for service in the area where the people were actually eating, was deemed to be in a shop. This has a big influence on the number of hours of work.

Mr. Chairman: Mr. McCall?

Mr. McCall: Thank you, Mr. Chairman.

I would like to ask the Legal Advisor a question. It's on a lot of the members' minds here. Do you find anything technically or otherwise wrong with these proposed amendments?

Mr. Legal Advisor: No, Mr. Chairman, I didn't. I drafted it.

Mr. Speaker: Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, in relation to Section 1 and the suggestion that we delete the definition "shop", what effect does this have? I mean, were this to happen, what effect would it have on the balance of the Ordinance wherever shop is referred to?

Mr. Legal Advisor: It's not referred to anywhere else, Mr. Chairman, except in the particular area we are dealing with.

Hon. Mr. Taylor: M'hmm, okay.

Mr. Chairman: Mr. Fleming?

Mr. Fleming: Yes, Mr. Chairman. I would like to ask either Mr. Chairman or Mr. Legal Advisor a question before we go too far, as to the legality of myself speaking on this Bill, and also possibly voting on this Bill, as I do have, I think a conflict of interest. I would like to know, can I speak and not vote? Can I speak and vote? Well, I won't vote, I will put it this way, I am not voting, but can I speak on the Bill?

Mr. Chairman: Mr. Legal Advisor?

Mr. Legal Advisor: Anything which I would give would only be an opinion, Mr. Chairman, but it would appear to me that research into the practice involved in other legislative assemblies could give rise to this statement, but where a law-making body is discussing legislation, even on voting on it, then when the members present are made aware of the possibility of a special interest that an individual member may have, he has done his duty to the Assembly. There is no conflict in voting for an Ordinance, or voting against an Ordinance purely by reason of the fact that a particular individual may be said, or alleged to be a special gainer in some facet of his private life, other than his public life.

The situation is quite different than the decision maker in an Executive Committee or a cabinet who behind closed doors will be making decision, which may personally affect him, unknown to the outside world. It's quite different, so that a shareholder in a company that's imposing -- where the question arises,

will we impose a tax on tobacco, and he might be a shareholder in a company, he may or may not gain an advantage.

He is not forbidden by the conflict of rules, in any way from voting or not voting on this. What I am saying is, basically the practice of the British Parliament over the years, and that is the members **should indicate his conflict, and then his duty is done.** Subsequently, it's up to the House to control him or set its own rules or standards, but he is a law unto himself.

Mr. Chairman: The Yukon Chamber of Mines has requested to be witnesses for this Ordinance. Is it the wish of Committee that they do attend?

Some Members: Agreed.

Mr. Chairman: Would the members then—
We now have present with us, Mr. Cam Ogilvie and Mr. Paul White.

Mr. White: Mr. Chairman, Members of Council, Mr. Legal Advisor, Ladies and Gentlemen.

I would like to make clear that I am here both as a Member of the Chamber of Mines, but really as an individual citizen, and an employer and an employee, who has not been consulted on this legislation, and would thus like to present some views,

My first complaint about the legislation is essentially with Section 5, sorry Section 3, which amends certain sub-sections of Section 5 of the Labour Standards Ordinance. I wonder what consultation has been done with the public of the Yukon that might be affected with relation to these Sections.

I have had in the past, particular trouble with the lack of clarification of Section, sub-section (3) to Sub-section (5), Item (b) being the individuals who search for minerals, since that was originally intended, as I understood it, as a one man prospector exemption, which in these complicated times, has resulted in some confusion by the many service people who are technically, in my mind, engaged in the search for minerals, but who in the opinion of the Labour Standards Ordinance Inspectors may not be engaged in the search for minerals. I cite the case of a diamond driller or a soil sample gatherer, who is not really engaged in the search for minerals, he is engaged in the collection of samples, as a means of making a living. I don't think the point has to be belaboured, but it has caused a lot of trouble in the past. I express concern about it, since I have, on many occasions, had myself and employees in the position where we were in trouble with the Labour Standards Ordinance, when we thought we were engaged in the search of minerals, and the Labour Standards Ordinance administrators did not think we were engaged in that search.

I'm also concerned with the passing of a Bill, which provides at the end of the Bill for sub-section (f) of Sub-section 3 of sub-section (5) of Section 3 of this proposed Bill, that such other persons or classes of persons as may be designated by the regulations as persons or classes of persons to which this part does not apply.

At the present time, there are at least four of those exempted by Commissioner's Orders, in addition to those listed in the proposed Bill. There are, oddly

enough, and I find it hard to comprehend, certain drilling companies named by companies, not by occupation, which I find an interesting and confusing situation, since over the last six months, I have been an employer of drillers, and not one of these companies, and see a natural conflict there.

There are certain collective agreement employees exempted by Commissioner's Order 1974-240. There are land surveying industry exemptions under Commissioner's Order 1974-175, and the guiding and outfitting businesses exempted under Commissioner's Order 1972-304. So we have five exemptions under the existing legislation or proposed Bill. We have additional exemptions by Commissioner's order, and we have other exemptions that can be obtained by applying to those industries which the federal government controls. I have been through that exercise in the past, in which I have exempted all my employees who were in any way engaged with the transportation industry, by federal labour order.

I would suggest that this Bill be, if the Council sees fit, taken back into Committee to try to tighten up the whole situation before simply passing a Bill which will only have more exemptions applied for and thus create confusing problems for those who do not know which exempt class or which non-exempt class they fall into.

In general principle, I find the Bill restrictive. I wonder about the case, the cases that I have been involved in, where one must by economic necessity, replace an employee at the end of 40 hours, with a lesser skilled or perhaps even unavailable employee. I suppose that's what the exemptions under the Commissioner's order are intended to cover, but I express concern that the confusion that attends these exemptions, as far as occupational performance in the Territory, that there is some reason for concern.

Those in general, are my concerns, and I would not like it to be confused that I am interested in causing employees to work long hours. I am interested in the practicalities of some minority groups that have not been consulted with relation to this Bill.

Mr. Chairman: Thank you, Mr. White.

Mr. Ogilvie, do you have anything you would like to add?

Mr. Ogilvie: No, thank you.

Mr. Chairman: Are there any questions of the witnesses? **Mr. McCall?**

Mr. McCall: Thank you, Mr. Chairman.

What the witness has brought up is quite interesting. As far as research, if we look at the Private Member's Bill, which it is, it is strictly dealing with the hours of work. As far as the other exemptions and the tightening up of this Bill, that would have to come from the government, as a Public Bill.

The intent of this Bill is to clear up once and for all, the hours of work for all employees in the Yukon. Some employees are very fortunate—

Mr. Chairman: Excuse me, Mr. McCall?

Mr. McCall: Yes, Mr. Chairman?

Mr. Chairman: Do you have any questions of the witnesses?

Mr. McCall: No, I haven't. I am speaking on behalf of my Bill

Mr. Chairman: Are there any further questions for the witnesses?

Mr. Taylor?

Hon. Mr. Taylor: Yes, Mr. Chairman.

Inasmuch as we are discussing the content of Sessional Paper Number 8, it states there that the amendment changing the hours of work to a maximum of 40 in the week, affects almost all employees and employees in the Territory who are not in the mining business. It occurs to me from my own experience, that indeed this would, in effect, affect many people who are in the mining business, and yet not working under a collective agreement.

Perhaps Mr. Ogilvie might have some comment on that subject?

Mr. Ogilvie: It could affect two different categories of people, referring to the Ordinance itself, you will see there is an exemption under 5 sub (4) sub (b), "individuals who search for minerals", and the only reason I came here today was hopefully that there would be some clarification of exactly what that means.

It seems to me that a prospector or a kid who is employed to go out and search for minerals is clearly excluded, but there are two that I am not clear about at all. One of them would be another person working in that camp whose own individual duties do not put him—a cook, for example. I don't know, I don't know whether he is or is not exempt. That would be one kind of thing.

I might point out that one of the conditions of his hire usually is a recognition that he is going to be working long hours, and that's why he gets anywhere from \$900.00 to \$1,400.00 a month. He would probably get about \$600 if he was on a 40 hour week. It seems to me that's already included in his conditions of hire, but I think cases are beginning to come up now where after they get back to the city and are getting a little broke, they find this and think they might have some cause to come back and get time and a half after 48 or 44 or 40, when a lot of people might think they had already got provision for that.

So that's one kind, and I think as Paul said, I think the clarification of it, if you ever decide to open up the whole Act, the whole Ordinance might be worthwhile.

Now, the other one that would specifically be affected by I think the amendment itself, is diamond drillers who are not governed normally by collective bargaining agreements. I think we have to be careful on this one in that the diamond drillers themselves, the individuals are out there solely for the reason of seeing how many hours they can get, and how much total gross money they can get. If you restrict them to 60 or 48 or 44 or 40 hours a week, it doesn't create more jobs, it just means that those guys won't be there. They all want to work at least 70 hours a week.

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: Yes, Mr. Chairman, perhaps the Legal Advisor could clarify that one point for me. That was going to be the question that Mr. Ogilvie cited as an example.

Individuals who search for minerals, for instance, if it was a ten man crew and they had a camp cook and some support help, would those particular people be exempt?

Mr. Legal Advisor: I don't know, Mr. Chairman. The actual operation of the Ordinance, I don't do on a day-to-day basis, but the origin of the expression "individuals who search for minerals", is to exclude companies. That's how it's drafted in that way, and it's intending to mean prospectors.

Mr. Lengerke: Correct.

Mr. Legal Advisor: But you would really want from the Labour Standards people themselves what they do on a day-to-day basis and how they attribute the exemption back or forward, I don't know.

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: Mr. Chairman, is the Legal Advisor really telling me then that we need a further clarification from the Federal Labour—

Mr. Legal Advisor: No, Mr. Chairman, what I'm suggesting that you need is you want to have Mr. Taylor or a Chief Inspector in his department find out exactly how they applied that exemption on a day-to-day basis; whether it is claimed, and if claimed, on what grounds they grant it?

Mr. Chairman: Mr. McCall?

Mr. McCall: Thank you, Mr. Chairman.

I would like to assist the Legal Advisor in answering the question of Mr. Lengerke. If he reads the regulations, it's very explicit.

Also one point I am concerned about, with no disrespect to the witnesses, we are discussing items that are not being repealed in this Bill. The Private Member's Bill I have in for debate, we are not going to debate items that are already in the Labour Standards Ordinance. That is not the reasons why I presented this Bill.

Mr. Chairman: I think, Mr. McCall, once the Labour Standards Ordinance is before us, we are at liberty to discuss whatever is there.

Are there any further questions for the witnesses?
Mrs. Watson?

Mrs. Watson: I would like to ask the witnesses whether basically the thrust of your presentation today, is that the whole section, the whole part, requires very badly clarification for people who have to work with it?

Now, if we make the amendment that is proposed

here, will further complicate the situation without clarifying the deficiencies that are there? Is this the thrust of your presentation?

Mr. White: It is difficult to sum up that quickly, but the thrust of my presentation is that for those people who already have a problem dealing with the 48 hour week maximum or minimums, as you wish to look at it, will have even more trouble with the 40 hours a week, and it's not because of the number, it's because of the Ordinance.

Mr. Chairman: Thank you, Mr. Ogilvie and Mr. White, you are excused.

It was not the intention of the Chair, Mr. McCall, to interfere with your speaking in support of your Bill, but now is the opportunity if you so wish to do so.

Mr. McCall: Mr. Chairman, I think Mr. Berger has something to say.

Mr. Chairman: Mr. Berger?

Mr. Berger: Yes, Mr. Chairman, I would just suggest to the Committee maybe we should get Mr. Taylor for further clarification of this particular item that we are discussing, before we go any deeper into the Bill.

Mr. Chairman: Is this the wish of Committee?

Some Members: Agreed.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, I disagree. This Section needs a great deal of work, and there's no way that I could even consider the amendment that is here before us today, without giving this Bill back, this whole Section back to the administration and say by the time we have our next Session of Council, please, we want some clarification on what you are trying to do. If they want to put in the 40 hours, you know, this is something that can be debated at that time, but I think that the members made a very good—the witnesses made a very good point.

When I reviewed the Section that was being amended, and I tried to interpret what was meant in the legislation, and apply the amendments that are suggested here there's just no way that I could get any sense out of it. That is why I asked for background material, and we have it in Sessional Paper Number 8, and if you think that provides any clarification, and we have to remember that this is very important. People work under this legislation, employers and employees, and we have to be fair to both sectors of our population.

I would suggest the Bill go back to the administration, and if clarification is required, let them come forward with some clarification on the sections that are even in question now. I couldn't even consider this until that's clarified, and we cannot do it by having Mr. Taylor here.

I refuse to bring in a midnight amendment, by amending a Labour Standards—amending it from this floor after we hear one brief presentation by Mr.

Taylor. We have got to be out of our minds, the ramifications of it.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Yes, Mr. Chairman, I can find no difficulty in having Mr. Taylor here to try and straighten out some of the questions that have occurred, both to those who were witnesses this morning, and those that arise in the eyes of members.

I think we must remember very clearly that we are not sending this Bill back to the administration, because it didn't come from us in the first place. This is a Private Member's Bill from one of the Members of the House, and I think it behooves us to give it every consideration we can, to either accept it or reject it, on the basis of our feelings, having been given all the pertinent data, and having all the questions asked that we can.

I find no difficulty in accepting the suggestion that Mr. Taylor come forward to answer questions of the House.

Mr. Chairman: Is it the wish of Committee that Mr. Taylor be requested to appear as a witness?

Some Members: Agreed.

Mrs. Watson: Disagreed, disagreed.

Mr. Chairman: Can I have a poll, please? All those in favour? I will now declare a brief recess.

Recess

Mr. Chairman: I now call this Committee to order. We now have with us, Mr. Herb Taylor, the Territorial Secretary.

Are there any questions for the witness? Mr. Fleming?

Mr. Fleming: Yes, I would like to ask Mr. Taylor if he can tell me what employers who are members of the employer's family actually means. Now, I am asking this because Mr. Legal Advisor a moment ago I think said that individuals who search for minerals, includes more or less a company, therefore I would ask too, does employers who are members of an employer's family, is that any difference, than if they are working for a father who has a company, or if he is just a private individual with a small business? Is there any difference?

Mr. Chairman: Mr. Legal Advisor?

Mr. Legal Advisor: Mr. Chairman, on a point. I said the exact reverse, I think, at least I meant to. It includes an individual as a person, because if you said person, person is defined in the Companies Ordinance including a company, so we want to make it clear that it is a human person.

Mr. Chairman: Mr. Fleming?

Mr. Fleming: In response then, Mr. Chairman, I

must apologize to Mr. Legal Advisor for misunderstanding him. I still would like the question answered that I gave about employers who are members of an employer's family, if this family is working for say, their father who owns a company. Are they also exempt, or is it just working for a private concern?

Mr. Herb Taylor: Well, if they are working for a company, they are working for a company. They -- as far as I am aware, they can't be a member of the employer's family, because the employer is the company. That would include the father, the son and the Holy Ghost and everybody else, but if they are working for a company, but if they are working for an individual, that's the man has his son or his daughter and what-not working for him, and he's not a company, that's what that is.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, I have a question for the witness.

Under the Commissioner's Order under Section 5(h), there are certain companies, specific companies exempt from this Section. Now, when you exempt a company, do you exempt all of their employees? For example, a drilling company who probably has a cook out there, who may have a bookkeeper in Whitehorse, by exempting the company, would you be exempting all the classes of employees that company has?

Mr. Herb Taylor: Did you say 5(3), 5 sub (3)(e), did you mean?

Mrs. Watson: Yes, (h), (h), no, that's farm labourers, such other persons or classes as may be designated by regulations?

Mr. Herb Taylor: Oh yes, we exempt the whole company, everybody that works for the company.

Mrs. Watson: That means the cooks, the bookkeepers are all exempt then?

Mr. Herb Taylor: All the company's employees, yes.

We have some, I believe you are referring to some of these regulations where we have exempted a specific company for the purposes of working their employees in a four day week would be one of them, and that includes all the company's employees.

Mr. Chairman: Mr. McCall?

Mr. McCall: Thank you, Mr. Chairman.

I would like to ask Mr. Taylor, in the discussions we have had prior to presenting this Bill, do you see any problems with the exclusion of domestic servants and farm labour?

Mr. Herb Taylor: Problems such as what, would you be referring to? Do you mean with enforcement of the Ordinance, or do you mean specifically concerning this one Section of the Ordinance, taking the exemption out of that Section?

Well I don't see any problem there, because taking the exemption out of that Section really doesn't do anything, because they are exempted under Section 3, so I would say that it really doesn't matter whether that specific exception is in that Section or not, because they are exempt under 3.

When I say that, I mean we would take the view that an industrial establishment doesn't include a farm or a home where a domestic servant would be employed.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, the question arose earlier in discussions in Committee, realting to the clarification of individuals who search for minerals, and whether or not this is restricted to a prospector, or whether it could be construed as to include someone who is taking soil samples in the pursuit of a mineral deposit, diamond drillers who are drilling in pursuit of finding an economic ore deposit.

How far does the administration go in interpreting who is under sub (b), "and individual or individuals who search for minerals"?

Mr. Herb Taylor: Well, I would hesitate to say just how far this exemption can be carried, but it originally read "Persons who search for minerals", and as the Legal Advisor explained, persons then could be interpreted as being a corporation, so it was amended to read individuals because we did not want to exempt companies who sent crews out searching for minerals. They, we feel, are covered.

This part, this Section or this exemption only exempts individuals who search for minerals, and individuals mean individuals because we did not want to exempt companies who sent crews out searching for minerals. They, we feel, are covered.

This part, this Section or this exemption only exempts individuals who search for minerals, and individuals means individual people like prospectors, but not companies.

Hon. Mrs. Whyard: Mr. Chairman—

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: —I have a little problem with that explanation, because if this applies only to individuals and not companies who are prospecting.

We have heard people who are actually out in the field are exempt, including all the employees of companies. What's the difference? Where do you draw the line, Mr. Chairman?

Mr. Herb Taylor: We draw the line if somebody is working for a company. They may be working, they may be out in the field, but if they are working for a company, if there's a crew out there and they are employed by a company, they are not exempt under this Section. That has been our view.

This only exempts individuals who are not connected with the company. They are working for themselves. That was the intent of the amendment.

Hon. Mrs. Whyard: Mr. Chairman?

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: I'll have to come back on that.

Mr. Chairman: Ms. Millard?

Ms. Millard: Mr. Chairman, but we have heard that there are some companies that are exempted. How does a company become exempt?

Mr. Herb Taylor: Under this particular Section?

Ms. Millard: M'hhmm.

Mr. Herb Taylor: Do you mean under this, where it says "individuals who search for minerals"?

Ms. Millard: No, under anyone designated in the regulations under (f). Is there an application, and —

Mr. Herb Taylor: They make an application and the company itself is specifically exempted.

Ms. Millard: Mr. Chairman?

Mr. Chairman: Ms. Millard.

Ms. Millard: And then the application goes to you, or does it have to go through the Commissioner and be regulated?

Mr. Herb Taylor: It has to go through the Commissioner and then the regulation has to be prepared.

As I say, I think the only ones who are exempted now, are companies who wanted to put their employees on the four day week, and the regulation in these particular cases states that they may work their employees as much as a 10 hour day, four days a week only. That gives them a 40 hour week. If they work one hour over that 40 hours, they are not exempted, and then they must pay all their employees who worked more than the 40 hours, two hours overtime every day.

In other words, they are back to the eight hour day, if they go over the 10, or the 40 in the week. That's —

Mr. Chairman: Mr. Fleming?

Mr. Fleming: Mr. Chairman, I would ask the witness to just — he has more or less answered it in a way, and yet what specific reason would the company have to have for being exempt from these regulations? What would he be doing? What can he do? What's his actual occupation, or what — he must have something, he must be mining, he must be digging in the ground, he must be doing something. What is it that can cause him to be — to get a Commissioner's order or anything else to exempt him? What is he doing?

Mr. Herb Taylor: The only thing that the company, the only requirement up to now is that the company wishes to work its employees and allow them to work a four day week. They would have three days off then every week, so we allowed them, and we are not the first jurisdiction, it's in some of the provinces also.

They allow them to work four days with a maximum of 40 hours. That's a maximum of 10 hours per day, and only for the purposes of working a four day week, not because of any specific type of work they do.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, I wonder, your interpretation or the administration's interpretation of Section (h) is very different from my interpretation of it, and that's the exemptions, and I'm sure this is where the confusion arises with the employers and employees.

After reviewing the legislation and the proposed amendments, I had a different interpretation of that Section completely, and it's rather interesting to see the information that we are getting back today.

One question, you say that by Commissioner's Order exemptions are made, and that it is the decision of the administration. Isn't there a provision in the legislation for a labour advisory committee, and do not these applications for exemption go to that committee?

Mr. Herb Taylor: Not in this particular part, Mr. Chairman. The Labour Standards Advisory Board has certain duties which they are asked to perform, and they have certain responsibilities that are set out in this Act, in this Ordinance, and they are not under that particular Section.

The section reads that "This part does not apply to such other persons or classes of persons as may be designated by the regulations, as persons or classes of persons to which this part does not apply".

Now, in other words, any employer can apply to alter the hours of work, away from the eight hour day, and 44 or 48 hour week, under this Section, and he may then be exempted by regulation.

Mr. Chairman: Mr. McIntyre?

Mr. McIntyre: Mr. Chairman, the witness stated that the only firms that were exempt were those who wanted to work a four day week, and it's my understanding that both firms of land surveyors are exempt under this particular Ordinance, and they certainly work more than a four day week.

Mr. Herb Taylor: They weren't exempted by regulation under this particular Section. They have been treated under another Section of the Ordinance, and with the approval and with the recommendation of the Labour Standards Advisory Board, these land surveyors were treated as a special class of employee with an entirely different type of work, where they are out in the bush all the time, and there were a couple of drilling companies who were exempted also, and they were even allowed to work a 12 hour day, up to a certain number of days, with the specific requirement that after that period, they were forced to give their employees a certain number of days off.

But that was at the discretion of the Labour Standards Advisory Board.

Mr. Chairman: Mr. McIntyre?

Mr. McIntyre: Supplementary to that. Then there is another Section in this Ordinance that provides for exemptions as well?

Ms. Millard: What is the Section?

Mr. Herb Taylor: Yes, there is.

Mr. Herb Taylor: Yes it would be 6.(2). These applications are put to the Labour Advisory Board and if the Labour Standards Advisory Board advises the Commissioner that they feel that these companies should be exempt, the Commissioner gives them an exemption.

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, to quote a famous author, this gets interesting and interesting. I would like to ask for further clarification then. Am I given to understand that people working in the field in a short summer season are actually asking for a four day week?

Mr. Herb Taylor: No, not necessarily, people that are working in the field in the summer on a very seasonal work are asking for a six or seven day week, 12 hours a day.

The people, one particular class of employee that asked for a 4 day week were the City of Whitehorse employees. They put them on for the summer season for a four day week. I think they only work then, somewhere around nine hours a day. I think it was about a 36 hour week.

In the field they are asking for extensions rather than reduction in their number of hours worked. The Mid-West Drilling Company and some other companies asked on behalf of their employees to work 12 hours a day, seven days a week for two or three weeks at a time and they would give them a full week off and bring them into town somewhere, where they could have some relaxation.

Mr. Chairman: Ms. Millard?

Mr. Millard: Are we to understand then, there are two routes that some company or an individual could go to have the exemptions imposed?

One is through the Labour Standards Advisory Board and the other is directly through the Commissioner?

Mr. Herb Taylor: That is right. One is under section 5 and one is under section 6.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: I have one question. Going back to that section under individuals being exempt, individuals who search for minerals.

I wonder if you can give me an example of an individual who is searching for minerals, this doesn't

apply to companies, the only individuals that I can think of who search for minerals are people who are self-employed. You know, they can work as long as they like. The section must be almost meaningless to me, now, maybe my interpretation is wrong.

I would like to -- what is the administration's interpretation?

Mr. Herb Taylor: Well I am afraid that I would have to agree with you. The idea that we wanted to get across was that companies were not exempt. What we could have done was remove that 3(b) entirely and we would have accomplished the same thing, is that not right?

Mr. Legal Advisor: Yes, Mr. Chairman. It is there not because it does anything, but prevents something being done.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: I would like to ask the witness a question, who is in charge of the administration of this legislation, do you think it could be redrafted to clarify it so that there would be better understanding from the administration parts and the parts of the people who use the legislation?

Mr. Herb Taylor: This particular section here might be redrafted, or reconstructed by just striking out that particular section that causes you some concern and it would improve it, as far as I am concerned. It really doesn't do anything. Individuals are exempted now, but when it was amended that was the intent to keep companies from feeling that they were exempt.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman I think I wouldn't agree to lift this exemption from the ordinance if it is only intended to help the prospector. Perhaps there are other aspects to this that we have not heard. I would certainly disagree with lifting out of the existing ordinance, not discussing this Bill here, but lifting out of the existing ordinance the provision for individuals who search for minerals.

I think it has worked reasonably well. I don't think it has caused the administration any great problem. Perhaps I am wrong, but I haven't heard of any. I think it should remain.

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman I wonder if I could be informed roughly how many applications for exemption are dealt with annually under this section now, at the current rate. Having learned that can we project what would be anticipated if the working week is reduced to 40.

Mr. Herb Taylor: Mr. Chairman, do I understand you want to know how many applications under Section 6 or under Section 5?

Hon. Mrs. Whyard: All right, both.

Mr. Herb Taylor: Under Section 5, there have been very few. I could probably enumerate them from memory, but I would sooner not because I might miss one or two, but the thinking at one time a couple of years ago was that a lot of different industries were working around to a 40 hour week, to a four day week, but this seems to have backed off. There is not so much talk about that any more, but on the other hand, under Section 6, there has been a considerable number of applications for exemption, so that they could work longer hours with the longer periods off work in between, say they might work for two or three hours, or two or three weeks straight and then have a full week off.

To give just a snap judgment or an opinion, I would say that the trend is to more and more companies who work seasonal, wanting to work longer hours than those who want to work shorter hours.

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: So, Mr. Chairman, are we being told then, in effect, that the majority of these applications for exemption come from the mineral industry or tourism, seasonal occupations?

Mr. Herb Taylor: Under Section 6, yes.

Hon. Mrs. Whyard: So therefore, Mr. Chairman, these are the industries that would be most affected by this Bill?

Mr. Herb Taylor: I would think so, yes.

Mr. Chairman: Thank you, Mr. Taylor. The witness is excused.

Mr. Herb Taylor: Thank you.

Mr. Chairman: Mr. McCall?

Mr. McCall: Thank you, Mr. Chairman.

I think it is reasonable to say that myself, who presented this Bill, has been very patient and understanding to Members that do not understand the Labour Standards Ordinance and what it implies, to people that don't know what it's like to work for a company, that forces you to work 48 hours at a very minimal rate of pay.

It's also very interesting to find that surprisingly enough, that big business is trying to scuttle something else for the working person in this Territory, and it seems to provide a significant amount of impact on some of our members in this House. I'm rather surprised at the intelligence of some of these Members when they see that a private bill is being presented on behalf of their constituents, that are not in a position like those in a bargaining unit, who have had 40 hours for many, many years. In fact, some have had 35 hour weeks.

Some of the questions brought up today by some of the members, which were asked of some of our witnesses present, has no bearing whatsoever on this

Private Bill. I think I have shown that I have had more patience with some members than others.

As far as I am concerned, Mr. Chairman, I think this Bill should go forward, with all due respect to all Members. I think we should show our initiative to the people we are supposedly representing in the Yukon, and I don't mean businesses, I mean people. People that elected us; people that we are answerable to. I'm not answerable to big business, I'm answerable to my constituents.

Fortunately, the large percentage of my constituents are organized, so it doesn't affect them it doesn't affect me personally. What it does affect is the people that are not organized. The poor unfortunates who are still on a basic subsistence rate of pay, like \$2.70, or \$3.00 per hour. These same people that are asked to work still a 48 hour week, and are still going on in the Yukon, still going on.

I got many compliments when this Bill came out in the public, from managers of hotels in Whitehorse. I was very surprised. I think some of the members, when they checked back on their own constituents found that even their own employees had been on 40 hours and they didn't even know about it.

So, Mr. Chairman, as far as I am concerned, I did enough research and work on this minor amendment, and I say minor. We are dealing mostly with the hours of work; yes, some people may compare with the provinces, but we are in a very significant situation up here. We are dealing with seasonal employees, and nobody stops to think about the people that are here 12 months of the year like myself and all the Honourable Members here. We are not seasonal, we are here 12 months in the year.

I'm not a tourist, I don't like to be classified as one, although some of my constituents think I am. The point I am trying to say here, Mr. Chairman, is this, that I am quite surprised that witnesses with very insignificant information should be presented here at the request of members, which have no bearing to this particular amendment, and I say that this Bill is to help the unorganized people more than anybody else in the Yukon, and I believe in it.

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Yes, Mr. Chairman.

I rise as one of the uninformed and unorganized. I seek information from every source available, Mr. Chairman. Labour matters and union matters are not my particular field.

I would like to take the Honourable Member on in a debate some day on my own ground, however, speaking as someone who has never had the opportunity to go onto a union, and has chosen their own terms of employment, and their own hours of work, which for a period of years were up in the 70's and 80's per week, no 40, there is something that's got to be said for being in control of your own conditions, and you make up your own mind about your own priorities, whether you want to make a lot of money working overtime, or whether you want to do the kind of thing you want to do in your own way.

There are other compensations for good honest toil besides money. I have found a great deal of com-

pensation in a sense of satisfaction which I have got out of working my butt off for very little money. I may be unique, I may be like the dodo, the last of an extinct type, but I am not going to sit here and pretend that I know the things that I am not informed about. I am going to ask for information, and I don't think I need to make any apology whatsoever for that.

Mr. Chairman: Mr. Lang?

Hon. Mr. Lang: Mr. Chairman, the Honourable Member from Pelly River gave a very eloquent speech. There is one section here that we really haven't discussed. I would like to know, since we do have a labour leader in our midst, and we are, whether the Honourable Member is aware of it or not, the economy is based, the economy of the Yukon is based on industry.

Section 4, "section 8 of the said Ordinance is repealed and the following substituted therefor." I want to know, how does this fit into a collective agreement in regards to at least two full days of rest in the week and wherever practical Sundays should be one of the normal days of rest in week.

In other words, if an individual is working in a mine and he is on a swing shift, so he works Thursday, Friday, Saturday, Sunday, and Monday and he gets the Tuesday and Wednesday off, or maybe has to work overtime or something further to that.

What I am saying is, is that Saturday and Sunday — would that be time and a half?

Could the Honourable Member who has done so much research on this give me an answer?

Mr. Chairman: Mr. McCall?

Mr. McCall: Thank you, Mr. Chairman, I would like to answer the question that the Honourable Member has just brought up, twice if I may. The first answer is a simple one. As to the language in the amendment, you have to cover off the extra day without defining it like Saturday and Sunday. Sunday has already been established in the Ordinance. You have to cover off, as far as language, the other day. There is a five day, 40 hour week, that is Monday to Friday, that is office hours.

Okay, to answer it secondly, as to how does it affect an individual, shall we say, working in an operation like a mining operation. In our particular case, shall we say, at Cyprus, the situation is on a continuous operation. It is 365 days in a year.

This works out to a 4 shift system, which works out to seven days on and two days off. It works in such a way that in any given part of the week, no matter where you start your shift, if you work through the weekend you are on normal straight time. You are not on an overtime rate.

It works out on a 21 day cycle over a period of one month, it would mean that you would get one overtime shift in a 21 day cycle.

Therefore you could work for 2 weekends without any overtime rate.

If that is answering your question.

Mr. Chairman: Mr. Fleming?

Mr. Fleming: Yes, Mr. Chairman. I am a little confused as to how that comes to seven days.

I do have some comments to make. I sympathize with the member and the problem he is having with his Bill. I think maybe he is trying to help people in the right place. On the other hand, I would like to see these people helped, which is the people that are at the bottom of the heap.

I find that whenever legislation of this type is brought in, or whenever a union or anything in that way negotiates anything for the people, in the long run, somehow it does end up by hurting the economy of the country.

I find here, now, if it is a small group it won't hurt too much. I find in this little piece here where we are going to say no 48 hour week, you will pay overtime at 40 hours a week. People have been paying, we will say, 48 and then overtime.

Immediately they do this, we will take for instance, the industry, the light companies out here, or some essential services, where they will get on Friday or Saturday, if they work 5 days, they will draw, say ten dollars an hour standard, they will get another five dollars an hour for that day, which means forty dollars a week per person in that company has to be paid by somebody.

On the other hand, the little fellow who is working for three dollars and twenty-five cents, which is a minimum wage, will get a dollar sixty-five. Again, I say if this is a small group it won't mean much. On an overall picture, if it was taken all over the Yukon and it hit all at once, you would find that the cost of living and everything would go up to accommodate the five dollars an hour for that eight hour day, and the little fellow is getting a dollar sixty-five to pay for it.

I think this is the problem, I don't think anybody can deny this. This is the problem that we are in today over a hundred years, or fifty years or twenty years of negotiating with unions and drawing overtime and such things as this.

I am all for a fair wage for everybody, but I am not for any overtime situation in any case because of this effect it will have on the country.

I would like to ask the Member a couple of questions now as he brought the Bill in. I think this is allowed, is it not? Due to the fact that you brought the Bill in?

I would say how many employees will it affect in the Yukon Territory now in making a little more money, and hopefully, I would like this.

The second question is, how many companies or private enterprises would it affect in reverse?

Mr. Chairman: Mr. McCall?

Mr. McCall: Thank you, Mr. Chairman.

I think in answer to the first question how many employees does it affect? There is one thing I want to make quite clear. This is not being presented to encourage a company to pay an employee overtime rates. The effect of this Bill is to standardize a work week, the effect of this Bill is to allow an individual time to himself without being restricted to a six day week, seven day week like some of our industries are getting away with.

The percentage of industry who it affects, it is the

small percentage that is not in a position where they can, shall we say, bargain for themselves as an association or a union or whatever stigma, as some people call it, want to attach to it.

I want to make one other thing quite clear, Mr. Chairman, which I may not have done before. This is to assist and help the unorganized people in the Yukon, people that the Honourable Member employes himself, with all due respect. This is not to jeopardize industry, this is not to push up prices. This is to standardize and recognize that a work week is 40 hours, and nothing else.

It does not affect me, it doesn't even help me. I'm not presenting it on my behalf. I'm presenting it for people who have never presented, even by some of their elected members here, are never presented or represented, that's what it's for.

Mr. Chairman: Mr. Fleming?

Mr. Fleming: Supplementary, Mr. -- yes, I agree substantially with that, but it does, I think the fact that it may cause overtime to be paid in cases where it is not now, I think will affect everybody. It's got to affect everybody, and not only -- the direction is going -- you are trying to do the right thing, but I am not so sure that this is the way it is going to end up.

As for affecting myself, as I say, my employees are being paid on a 40 hour week, and I'm quite happy about it, and as I think he spoke before, I didn't know about it. I'm not getting my nose into my business that close, but it's a very good thing, they should be paid.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Yes, Mr. Chairman.

That was one of the points I wanted to make. If an employer at this time wished to go into a 40 hour week situation, he has every opportunity to do so, because there is nothing which excludes him in this Ordinance, in this legislation at this time, from doing that.

But I heard comments made about wanting to help, that this Bill is intended to help people who are unorganized. I have stood in this House year after year after year, perhaps not before this particular assembled group, trying to promote ways and means to help the people who live in unorganized areas, that is out in the hinterlands of this country, trying to find, as I found in British Columbia, the ways and means of extending the hours of work and giving additional time off for people who live and work in remote areas.

People don't want to go to work and work for an eight hour day, five or six days a week, and then sit for 16 hours a day and sit through a Sunday out in the bush. They want time off, they want to be able to work as long as they can, and then get the days off and come to town and enjoy themselves for 2 or 3 days, and I think there isn't a member here who wouldn't understand that position.

To suggest to me that we would enforce legislation which would curtail this trend, this trend I have fought for so long, I find that entirely repugnant, and not indeed in the interests of the people who are unorganized and live in the unorganized areas.

I might say that perhaps these people are

unorganized because they truly wish to be unorganized, and I know of many situations, I know of many people who feel that the unions no longer belong to the working man. I sometimes in many instances agree with them. I think we found that out in the postal strike.

So, you know, I think you have got to view this from all sides, and view it from the view of the affected individual. I think it was pointed out before Committee this morning, Mr. Chairman, that by at least one segment of the community that said he was an affected individual, and he would have liked to have been consulted in this matter.

Before we bring down any major revision to the Labour Standards Ordinance, I feel it's incumbent upon this Committee and the House to ensure that enough of the segment, or a good cross-section I should say, of the people affected by the labour legislation should have some opportunity, some advance knowledge, advance warning, if you will, of the suggested changes to the Labour Standards Ordinance, so that they can make representations to government, make representations to individual members, as to their feelings in the matter, so that we could make a comprehensive change perhaps, but at least bring in legislation which is fair, and works in the best interests of the people of the Yukon.

For these reasons, among others, Mr. Chairman, I wish to state to members of Committee, I cannot support this Bill.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Yes, Mr. Chairman. The Honourable Member from Pelly when he spoke, he indicated that this legislation was for people and that he represented people, not big business.

I represent people, but I include in my definition of people, people who have often invested their life's earnings in a business and people who work their gut out to keep that business going, and people who would only wish that they were able to limit themselves to a 48 hour or a 60 hour week.

So I think in a certain degree we have to take these people into consideration. It is well and good for the Honourable Member to classify the employer with the employer that he is familiar with, but we have other employers in the Yukon Territory that require attention.

Now, I can understand the goals that the Honourable Member was trying to achieve by bringing in this legislation. I wished that he would have used his capabilities, and capable he is or he wouldn't be holding the job he has, I hope, his intelligence and his research ability, to look at these specific sections and if he had read the Bill, he would know what I mean.

The sections that were brought before us today by the witnesses, the sections that we all zeroed into when we reviewed the amendments and as they applied to the Bill. That is where the work is required. That is where the clarification is required.

That section is the section which injures more employee-employer relationships within the Yukon Territory. The interpretation, most of your court cases

under the Labour Standards are on those sections. In many instances, employers' interpretation is wrong, and they pay through the nose when they get before the Labour Standards—through the courts and it hasn't been a deliberate action on their part.

I am sure that any of you here, who went through that section this morning, and if you were an employee and an employer, I think all 12 of us would interpret it a little differently.

That is where the work is required and I wish the Honourable Member would use these capabilities that he has in providing recommendations to the administration on what sort of clarification is required, then he would be in a position to bring forward the type of Bill he has here today.

On the basis of this I just find it impossible to support his Bill.

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: Mr. Chairman, I might as well have my kick at the cat. I just want to make it clear to this House that I was probably very much part of, one of the witnesses mentioned a four day work week for the City of Whitehorse, I think in my history, I think you could find that I have supported Bills such as this. Certainly trends such as this to improve, what I think is quality of life.

I would like to emphasize that in this day and age, and especially in the north, we as a society should be trying to provide a better quality of life for all our citizens.

To some people that applies to the number of hours that they work. To others, that applies to the amount of leisure time that should be available.

There is no doubt in my mind that there is a trend across this country to further reduce the work week. I have no difficulty with that concept. I do know, however, that cases exist, particularly in the north, whereby longer hours of work over a specified time frame or season are required, but still falling in line with the overall annual goals of productive hours.

I believe there are mechanisms available for that kind of exemption and perhaps those exemptions should be further clarified.

I would like to make my position clear that I do agree with the reduced work week concept, providing we can find ways of encouraging and accelerating production during those hours of work. Perhaps we would do well to put that kind of thing in place.

Mr. Chairman: Thank you. Mr. Berger?

Mr. Berger: Mr. Chairman, we are supposed to go for lunch and I would like to speak on the subject. I would suggest that we call it lunch time right now.

Mr. Chairman: The Committee now stands adjourned until 1:30.

Mr. Chairman: I now call this Committee to order. We will proceed with the discussion on Bill Number 20. Mr. Berger?

Mr. Berger: Thank you, Mr. Chairman.

I find it quite amazing that some members of this House, say I am elected to do a certain job, I didn't mind working so many hours. This is fine, but in the labour force that Canada has right now, of about 9 million people, if everybody would do the same thing, where would Canada be today?

Somebody has to do the menial jobs, which is certain Member selected not to do, and I think it's our obligation to look after those people.

The other thing is, I find it also amazing to say it's quite all right to have the Chamber of Mines here, and the Chamber of Commerce, a Legal Professions Association, a Medical Professional Association, it's quite all right, the unions we run down. Unions have outlived their usability and have been useful to society. What are we doing here? We are playing with words. What are associations? Nothing but unions, because one doctor, one lawyer, one mind decided they couldn't do anything themselves, so they formed a union. We call it differently, so if it's all right for those people to form an association or union, it should be all right for the ordinary man on the street, who serves a meal at lunchtimes, who goes out and makes the bed when you stay in a hotel, and I think it's our obligation to look after them people.

The other thing, the main part of the Bill is disappearing in the discussion altogether. We are talking about a 40 hour week, to reduce the work hours from 48 presently set down to 40 hours. We are picking around on something, 5 3(b) and (b) and all sorts of things. That's been in legislation for years. None of those members found it worthwhile to pick around in the thing, not even the Chamber of Mines came around and said this was no good. Why now?

Mr. Chairman: Ms. Millard?

Ms. Millard: Yes, Mr. Chairman, I rise in firm support of this Bill. I think we have been drawn into an argument like the Honourable Member from Klondike has said, that has no relevance here. The relevant part is Section 5(1). We can bring back the other Sections if we have to, let's talk about the 40 hour week, not about the exemptions or anything else.

We can bring that back when the government feels it's necessary, obviously the government hasn't felt it necessary to bring in these exemptions. Whether they have had any petitions from the Chamber of Mines or Chamber of Commerce, et cetera, on these exemption, obviously it's waited until today when this Bill has come forward, which is to me, one of the most important things that should be passed in this Territory.

I don't know how people who can sit around here who have never worked for two-seventy an hour in a restaurant washing dishes, cleaning floors, working shift work, can say that 40 hours a week is too little in a job like that. I have worked in those jobs, and I know how difficult it can be for someone, especially, it's impossible for a person to raise a family on that, so at least we can give them the consideration of a wage - a restriction on the number of hours that they are working, so that they can spend their time with their family, so they can make a decent wage after those hours.

I think 40 hours a week is certainly a maximum that

we should be considering here.

Again, Mr. Chairman, I would like to add my firm support to this, and we can start discussing the other matters at a time more convenient.

Mr. Chairman: Mr. McKinnon?

Hon. Mr. McKinnon: Mr. Chairman, may I say how pleased I was to see the Private Member's Bill come forward, because I'm sure, knowing if it had gone through Executive Committee, the dog fight that we would have had prior to the amendments coming to the table.

How pleasant it is, almost after a year, to be able to speak freely, unhampered and unfettered by government policy, Mr. Speaker. It is a very real pleasure. The government has, as you know, taken no policy on this Private Member's Bill, and all Members are going to be allowed to -- will vote according to whatever arguments are made and the dictates of their conscience.

Mr. Speaker, or Mr. Chairman, I have no problem at all in supporting the principle of the Bill as presented by the Honourable Member from Pelly. I think that we can go back as far as about 10 years ago, in about 1965, when we could prove, at that point in time, that probably some 80 percent of the people of the Yukon were unionized in some form or another, either under a government union organization, P.S.A.C., or the various larger union organizations that had moved into the Yukon Territory.

Even though the Labour Standards Ordinance called for some 48 hours in some instances and 44 in the other, the facts of the matter are that with the strength of the union agreements, the vast majority of the people in the Yukon, as far back as 10 years ago, have enjoyed the benefits of only having to work a 40 hour week.

There is no protection for those people who do not have the advantages of having an organization to look after their needs, such as a union or such as a government organization, other than this Yukon Legislative Assembly. I think that in the year 1975, when the unions and other organizations are demanding less than 40 hours, some of them down to thirty-seven and a half hours a week, some of them down to 35 hours a week, that certainly it's the time for this Legislative Assembly to be able to move to 40 hours a week, where most of the people of the Yukon have been protected, and have enjoyed these benefits for some 10 years.

I think there's, with respect, some red herrings being raised in the other Sections of the Bill at this time. We are debating 40 hours a week. I like the flexibility of the Labour Standards Ordinance under the Section which do now allow under the Labour Advisory Board or the Commissioner, for different organizations for different purposes to be able to go and get exemptions.

A case in point, when I worked for the Communications company, they told us flat out they were only going to pay us for 40 hours a week, and if we wanted to work any longer, they would be agreeable to it, and we could work up to 60 hours, but we would get paid straight time for it. We as workers, made the

decision that we didn't want to work 40 hours a week. We were all going to university, we would rather work 60 hours a week in the bush to be able to get that money, even though it was straight time, and had something to do instead of just sitting around twiddling our thumbs. So the point was made, and the employer and the employees and the Labour Standards Board agreed and that was allowed and permissible.

So, with that type of flexibility under the Ordinance, I have no qualms at all, Mr. Chairman, in supporting the terms of the amendment. I am quite proud of my involvement in the terms of the Labour Standards Ordinance. I remember it distinctly as my first fillibuster in this House, back in 1961, where there was no provisions in the Labour Standards Ordinance for a labour standards office. It was quite exciting for me at that time to stand up and say that the Labour Standards Ordinance would not go through until such provision was made for the working people of the Yukon Territory. I think my record as both an employer and as a legislator since that time, will back up that I do have a record of supporting amendments and supporting legislation that I think on behalf of those people who, because they are not members of a union organization, or because they are not members of a powerful organization, or are not members of a government organization, that there is only one group of people who can protect them, and that is this body. I accept that responsibility and hope that in the field of progressive labour legislation, that I will always support those types of policies.

Thank you, Mr. Chairman.

Mr. Chairman: Mr. McCall? Mr. Fleming?

Mr. Fleming: Yes, Mr. Chairman. Being in a position, as I said this morning, where I felt that I did not have a vote on this Bill due to a conflict of interest, and was informed that actually I guess I can vote, but my feeling still holds, I will not be voting, but I must voice my opinion again, and I wish it to be known.

I think I am possibly all alone in this, that is why I probably haven't brought some things to this House that would raise the wages of the people that are working for nothing today, which is the people that are working for three and a quarter in hotels and motels and cafes and such. I have no qualms about paying overtime, myself even in my own business, because it is the only way that I can see to give them people what they have coming today. I would much sooner see where the wages were paid to them as to what they are worth and what they should be getting, according to the cost of living today, and no overtime, and no rises which consisted of a 10 percent or 15 percent, whereas the richer get richer and the poorer get poorer.

That is all that I wish to understand, because in a few years time, I think we are going to see some changes, because you can see today where the federal government has had to bring in something to try to stop the inflation. I think you will find that wages is one of the things, and one of the places, and it isn't that we don't want the people to be paid, but it's the system, the way we have been running the country for many years. I have spoken on it before here, I won't elaborate any

more.

As I say, I will not be voting on the Bill. I just want it understood that I don't disagree with the 40 hour week under the circumstances, because there's no other way that I can pay my employees what I should pay them, because the government won't allow me to pay them \$9.00 an hour for a 60 hour week, so I am stuck with it. I won't be voting.

Mr. Chairman: Mr. McCall?

Mr. McCall: Thank you, Mr. Chairman.

There's just one thing that I would like to say. I am quite alarmed at the reaction that this Bill has received. I have been left with very mixed feelings on it, whether I should withdraw the Bill or not. Because the manner in which some of the Honourable Members have reacted, has shown me that they are not representing people of the Yukon. They are only representing their own selfish needs or industry.

I didn't come to the Yukon just for the industry. I came to the Yukon because I liked the Yukon.

Yes, I am involved in unions, we have a lot of power, some people seem to think, but we are responsible to people like everybody else. We consider the little guy, that doesn't want to be involved with organization, but that wants to live his own private life, that want to wash dishes in a hotel and live out in a lodge in the middle of the Alaska Highway.

I'm concerned with these people, this is why I presented the Bill. As the Honourable Member, a moment ago, mentioned, that the government is not opposed to this Bill, I made sure that my research showed that we do have a parallel with government, to consider the same people that I am considering, more so than some of our Honourable Members.

As I say, I have very mixed feelings, and the reaction I have received has taken me by surprise, because if we are representing people, we should be formulating legislation for the people.

Mr. Chairman: Mr. Taylor?

Mr. Taylor: Mr. Chairman, in the face of it, I still just wish to reiterate that I feel the Bill is premature at this time.

I reassert my position that I feel that some of the people whom this Bill will affect, should have an opportunity to be consulted prior to making it into law. I think it's too hasty, and for these reasons I wish to reassert my position that I will not vote for the Bill.

Mr. Chairman: Mr. Berger?

Mr. Berger: Yes, Mr. Chairman.

The statement that the Honourable Member from Watson Lake made just now amazes me. I can't get over that.

The Honourable Member from Pelly River has said, and some other Honourable Members, that this Bill is mostly concerned with the unorganized people.

Now, how are we ever going to get unorganized people up here to present their case? The only way they could is if they form a union, then they don't need us. The only thing what the members seem to be con-

cerned with, and I have to say it over and over again, is the Chamber of Mines and the Chamber of Commerce and nothing else.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, in reply to the Honourable Member from Klondike, there are a lot of people who are not involved -- I am not talking for the Chamber of Mines, I am not speaking for the Chamber of Commerce. I just wish to make it clear that I am speaking for people, not only in my own constituency but some people throughout the Yukon, whose circumstances I know, whose opinions I have some knowledge of, but certainly not in the total content of this bill. I find this bill will work a hardship on many people in the bush. It is not the Chamber of Mines and the Chamber of Commerce, however I did appreciate their remarks this morning. It is everybody, people working in highway lodges, stores and this type of thing throughout the territory and people who do not live within the municipal boundaries of the City of Whitehorse, from which the thinking of government, it doesn't extend beyond the municipal boundaries of this place.

Yes, there is a Yukon besides Whitehorse and I am thinking of those people.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, I wasn't going to speak again, but I just had to in the light of the remarks made by the Honourable Member from Pelly again, that he represents people.

That no one else, or anyone who seems to not be prepared to support the bill does not represent people.

I don't know whether he was fishing to draw my attention, well, he succeeded.

Also with the Honourable Member from Dawson, your coming in here saying it shall be 40 hours. You are saying Chamber of Commerce came in here and made representation, all of the rest of the big corporate structure came in here and made representations, but the little guy who is being affected didn't come in here and make representation. That is true, and some of the small business people weren't in here to make representation neither, neither were the employees that we are talking about.

I would like to know whether these people actually would like a 40 hour week or would like to have the 44 or the 48. You can rest assured, particularly in Whitehorse, the employers are not going to pay that four hour overtime if they are on shift work. They will just hire extra personnel.

So their earning power is going to be reduced by your 40 hour week.

Here is one other thing that you people haven't considered, is that the fact in outlying areas, outside of the Whitehorse, you can't -- if they have to hire more personnel to accommodate workers working a 40 hour week to cover a certain number of hours, they not only have to find the employee, they also have to provide the accommodation for them.

Which in itself is a great thing. These are the things I think should be taken into consideration. This is why

this morning I was questioning the legislation, the exemptions that are being used.

Mind you, I think, that in some instances the exemptions are being abused. I think some review should be made of the seasonal employee within the territory.

I think these are the ones that the Member from Riverdale was speaking about. One does not have too much hang-ups on a 40 hour week as far as permanent employees are concerned. I do have hang-ups, it would apply across the board and so many of our seasonal workers would be affected by it.

This is why I was saying I can't support the bill. I would be prepared to have a review made and have some seasonal employee structure established, in consultation with some of the employees who work only seasonally, and some of the employers who have to have a labour force on a seasonal basis, come up with something and then go for your 40 hour week for full time employees.

I think you would get unanimous support from this House on this type of a motion.

I would ask the Honourable Member not to pursue this bill at this time and to let the administration come back, or come forward, not back, they haven't done anything yet, come forward with a review of that section. To put the 40 hour week in for permanent employees and to put some provision in the legislation that is clear, and is understandable, on seasonal employees.

I would really request the Honourable Member to consider this and in February handle the situation on a permanent-seasonal employee basis.

Mr. Chairman: Ms. Millard?

Ms. Millard: Mr. Chairman, it amazes me, the unrealistic opinions that people have from their ivory towers, that are sitting here.

I have worked in this industry for many years. Until I was elected I was working as a labourer. I have worked as a cook, waitress, a bar maid, a cleaning and I think that I can witness to the fact that I represent that industry. I represent it here and now. We don't need to have any -- we can bring in waitresses from down the street if you like. They will be saying the same thing that I am saying, they are the lowest paid people they have trouble with overtime, they cannot receive overtime. A lot of times they are being misused.

The only protection that is afforded to them is this Assembly. We are throwing that right out the window for those people that serve us. It disgusts me that a woman can stand and say the things that are being because 99 percent of the people in this industry are women. It is a women's issue as well as a labour issue.

It is something that has to be really thoroughly understood, is that, women have been used in all kinds of ways, and this is just another way that they are being used. Not being allowed the exemptions that every other union gives them.

It is amazing to me that the Honourable Member from Kluane can expect that we are going to be organizing these unorganized people who have never been organized and never every probably will be. One

union has been trying to organize the people in one hotel in this town, for many many months and has finally been successful, but it had a long uphill climb to do so.

We are not ever going to be able to have them represented, especially the seasonal employees.

I will give you a good example of what happened in Dawson City when I first came there. Yukon Consolidated Gold Corporation used to hire seasonal employees, men, who were paid to work on the dredges for the summer. Most of them were university students. They had a union which met in the wintertime, so that the only members of the union who met were the bosses.

The guys who came up and worked in the summer were left with the decisions that were made in the winter time by their bosses. They were being paid, when I arrived in Dawson in 1965, a dollar sixty-five an hour for labour that was brought up. They had to pay their own way out of their first pay cheque. They were really enslaved to that company for the summer months.

There are things like this that are happening all along the highway with waitresses. They are brought up, they have to pay their own way out again. So they have to pay their way up, their way out, they are stuck to that lodge for several weeks at a time. They are not given any benefits. No medical coverage. No anything. A meal a day, three meals a day while they are cooking, while they are scrubbing floors, while they are being treated as second class citizens as waitresses.

I just appeal to the humanity of this Assembly to think of what is happening to those people, and lets get down out of our ivory tower and take a real look at what the real Yukon.

Mr. Chairman: Mr. Berger?

Mr. Berger: Thank you, Mr. Chairman.

I have to rise again because I can't understand how we are going to conduct a survey on the wishes of the seasonal employees. Are we going to bring up one or two people, as we know they are not going to work 40 hours, they like to work 80 hours just like the 1900's, or are we going to create second class citizens, as we have already in some sections in the government?

Because when you are a casual employee, you have no rights. You are at the whim of anybody, because you are casual. Is that what we want to do? Create second class citizens in this day and age?

Mr. Chairman: Mr. McCall?

Mr. McCall: Thank you, Mr. Chairman.

I don't have very much to say, in respect to the Honourable Member from Kluane, I think she is thinking in the wrong direction. I don't think this debate is leading us anywhere. I think the attitude of some here, as to the union organization, is being dragged into this debate, I don't think it's necessary.

All I say is that when the vote is taken, each member should consider whether they can live with their conscience and their constituents afterwards.

Mr. Chairman:
(Reads Preamble)

Mr. Chairman: Mr. McCall?

Mr. McCall: Yes, Mr. Chairman, I move that Bill 20 be moved out of Committee without amendment.

Mr. Chairman: May I have a seconder?

Ms. Millard: I second it, Mr. Chairman.

Mr. Chairman: It has been moved by Mr. McCall and seconded by Ms. Millard, that Bill Number 20 be moved out of Committee without amendment. Are you ready for the question?

Some Members: Question.

Mr. Chairman: I'll ask for a show of hands. Those in favour? I declare that Bill Number 20 is now out of Committee.

We will proceed now to the --

Motion Carried

Mr. Fleming: Excuse me, Mr. Chairman. Point of privilege, I think, I would -- or maybe I didn't understand quick enough -- I should have brought it up before, but I would like it brought for the record that I abstained in this case, for the reasons I have given before here in this House.

Mr. Chairman: Thank you, Mr. Fleming.

Amendments to Bill Number 8

We will proceed with the amendments to the Medical Profession Ordinance, Bill Number 8. Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, I have received a request from Mr. Richard Avison, the Regional Director for Medical Services, Health and Welfare of Canada, to be with us during our discussion of these amendments.

Mr. Chairman: Is that the wish of the Committee?

Some Members: Agreed.

Mr. Chairman: I would ask Mr. Avison to join us from the gallery.

I would suggest at the same time we are considering the amendments to Bill Number 8, that we also consider Legislative Return Number 5, because it concerns the same witness.

Hon. Mrs. Whyard: Legislative Return Number 5?

Mr. Chairman: Yes, Medical Services Provided to Status Indians.

Mrs. Watson: Mr. Chairman, I haven't been able to hear a word down here with the window open, and the

noise in the gallery. I just can't hear.

Mr. Chairman: We are going to discuss the amendments to Bill Number 8, the amendments to the Medical Profession Ordinance, and at the same time, Legislative Return Number 5, Medical Services Provided to Status Indians.

Mr. Chairman: I will declare a brief recess

Recess

Mr. Chairman: I will now call the Committee to order.

We have present with us, Mr. Richard Avison, Regional Director for Northern Health Services. Would you proceed, Mr. Avison?

Mr. Avison: The reason I asked to be permitted to comment is because the Medical Professions Ordinance is in the process of being amended. I wanted particularly to speak on how that Ordinance will apply to federal medical officers, those employed by Yukon Region Medical Services.

Before getting into the substance of it, I wanted to say a couple of things which are—for instance, the federal medical officers employed in the Yukon, have traditionally been registered and licensed to practice medicine under the Medical Profession Ordinance, and that practice should, of course continue.

The Medical Profession Ordinance at the moment, applies to such a medical officer, when he practices medicine on his own behalf, not in connection with his government duties. I believe that also should definitely continue and so there's not at all commenting upon that.

I did want to talk particularly about how the amending Ordinance presently being considered will apply to such a federal medical officer. Particularly, on the fact that the disciplinary provisions of the present amending Ordinance, would apply to such an employee, even though all the work he did was as directed by the government, his employer, and for which his only compensation would be his basic salary.

It would seem to be to be undesirable to have these disciplinary provisions, and I'm referring here to the appointing of the Board of Inquiry, to have these provisions apply to such a government salaried medical officer, and there are two reasons for this. The work and competence of such a medical officer are subject to departmental review and evaluation, both locally and by senior medical staff who visit from Ottawa.

In that sense, it would be to impose a second level of review, to subject such a medical officer to discipline as recommended by a Board of Inquiry under the Ordinance.

The second reason is this: In some situations, it's the job of a government medical officer to take decisions which are going to be unpopular, unpopular with doctors in private practice. If the medical officer, in carrying out those duties, is going to be made sub-

ject to a Board of Inquiry, appointed upon the signature of three doctors in private practice, then there's the possibility that the freedom of that medical officer to carry out his responsibility as directed, will be limited, and that would be a bad arrangement.

As written in the present amending Ordinance, three doctors may request that a Board of Inquiry be appointed. The Ordinance says that the Commissioner shall appoint the Board of Inquiry, and in another Section says "The Commissioner shall carry out the recommendations of the Board of Inquiry". I think it's significant that this wording doesn't leave room for discretion by Y.T.G. officials.

So in summary, what I am saying is that a government salaried medical officer, whether federal as now, or in the future Territorial salaried, is subject to the discipline of his own department, so that a further mechanism for discipline is perhaps not indicated, and that such a medical officer ought to be protected from pressure, so that he will be in the best possible position to carry out his responsibilities.

Mr. Chairman: Thank you, Mr. Avison. Are there any questions for the witness? Ms. Millard?

Ms. Millard: Mr. Chairman, I wonder if we could have an example of a situation where a doctor in public service with the government is going to be in conflict, will have an unpopular position to maintain in the face of private practice?

Mr. Avison: Well there's a number of examples. One of them is when, for instance, a Regional Director is also a Medical Officer, and it happens to be a time of budgetary cut-backs, then it falls to his lot to be the executive person to implement some of those unpopular changes.

Another circumstance is in the administration of a number of programs, by the way they are cost shared kind of programs, cost shared with the Territory, infectious disease control and tuberculosis control and so on, the example at the moment is the medical officer now employed with the Yukon Region Medical Services, is right involved at the case level, directing where a particular patient will be cared for.

In those kinds of circumstances, there clearly can arise, and occasionally does arise, a difference in interest.

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, am I to understand that what Mr. Avison is telling us here is that he seriously believes that three qualified members of the medical profession operating here in the Yukon, would actually make themselves available to demand an inquiry under the terms of this Ordinance, because they were personally annoyed by an action of senior medical officers?

Mr. Avison: I'm not suggesting that. What I am raising for your consideration is whether the amending Ordinances which provides for that, is in a desirable format.

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: I would think that in recent months, there has certainly been cause, if that's the kind of thing that you are considering a vulnerability, and in each case I think that the medical profession has acted with maturity and gone to the place from which the action initiated. They have not offered up upon the sacrificial altar, the medical officer who had to carry out the orders.

I do not understand the concern of your department. I would like to add further that if we are going to eliminate from our jurisdiction, every federal officer operating in the Yukon, we might as well fold up and go home.

Surely, if we are competent to have a Medical Professions Ordinance, through which the medical profession has volunteered to discipline itself, any qualified, registered and licenced medical practitioner, whether he is federal or territorial or from Timbuctu, should come under the terms of that Ordinance, and I cannot imagine any set of circumstances such as you are describing, ever actually taking place.

I would consider that if one member of the medical profession was annoyed by an edict from the senior medical officer, he would probably blow off steam and complain and go through the usual performance, but I cannot seriously accept a suggestion that three such medical practitioners would combine forces on such a petty basis to demand an inquiry into a colleague's professional competence.

I would think that the terms that we have been inserting into this Ordinance, in order to bring the practice of medicine under scrutiny, and to bring the possibility of improvement of such services down from the requirement of malpractice and gross misconduct to the level where we have it now of competence, in the public interest, that's miles away from any such petty conflict of personality where you are suggesting.

I think the three doctors here would say then let's get this guy, and go to the Commissioner and demand an inquiry. Even if they did, which seems a little far out to me, even if they did, I cannot see that any Board of Inquiry appointed to look into it would give it the time of day. They are there on serious medical incompetence grounds. They are not there to look into a frivolous -- I just can't understand that, Mr. Avison. Maybe I'm completely misinterpreting your remarks.

Mr. Chairman: I would like to pass the chairmanship over to the Deputy Chairman at this point.

(Mr. McCall takes Chair)

Mr. Chairman: Thank you, Mr. Chairman. I believe Mrs. Watson has a question.

Mrs. Watson: No, Mr. Chairman.

Mr. Chairman: No? Mr. Berger?

Mr. Berger: Yes, Mr. Chairman, I have a question of the witness.

I'm concerned about this, in the outlying areas. We had the cases like where, I'm from Dawson City, where we had no medical practitioner up there, and the Chief Medical Officer had to make a trip on a bi-monthly basis to Dawson.

In actual fact, he was practicing medicine, and I cannot see how it would be accepted in this Ordinance as soon as he practiced medicine.

Could you explain how you would make this possible?

Mr. Avison: Well, I make these comments, that under the Ordinance now in force, he is exempted, and the other comment is that I'm not suggesting that such a medical officer practicing clinical medicine in pursuit of his employed duties, should not be registered, because I believe he should be registered.

I was merely suggesting that if it comes to a matter of disciplining him in relation to the duties that he carries out, and for which he is paid, that there is a mechanism of review and evaluation of his work within the department already.

To institute disciplinary action in the way described in the Ordinance, would be to institute a second level of review.

Mr. Chairman: Mr. Hibberd?

Dr. Hibberd: Thank you, Mr. Chairman.

I would like to ask the witness what is wrong with a second level of review? There is certainly enough precedence that every doctor who is practicing in the Territory today has other areas which he is still subject to review on a professional basis.

I would think that the medical officer of health is at this stage a federal employee then he should welcome the opportunity to be reviewed by his peers.

This is the whole thrust of what the medical Ordinance is trying to do. It is trying to obtain a high standard of qualification and I think that anyone who is in the jurisdiction in the Yukon should be subject to these same high standards. I don't understand why the witness is objecting to it.

Mr. Chairman: Mr. Avison, do you wish to comment on that point?

Mr. Avison: Yes, Mr. Chairman.

A medical officer practicing in the Department of Health and Welfare, is subjected to a review appraisal, by his colleagues, by management, by his seniors within that department.

Now, the particular point of concern arises from the fact that a federal medical officer is required, in addition to carrying out clinical duties, to carry sometimes onerous responsibilities, to take sometimes unpopular decision at the same time, and that the peer review by the medical profession in this context doesn't really have applicability.

Mr. Chairman: Mr. Berger?

Mr. Berger: Thank you, Mr. Chairman.

Part of this subject was touched on, that was meant

as a supplementary thing and the question I asked before is -- I'm sorry for the truck underneath the window, it's not mine. Could we possibly insert something which would in this way shape could administrate a medical officer, possibly a practitioner. Say, for example in case of emergency as a chief medical officer he had to go out in the field to practice medicine so could we possibly come up with a compromise of administrator and practitioner?

Mr. Chairman: Do you wish to comment on that, Mr. Avison?

Mr. Avison: Well I think it would be an improvement if it was clear-cut, that disciplinary action would be in relationship only to clinical practice of medicine.

Mr. Chairman: Mr. Lang, do you have a question?

Hon. Mr. Lang: Yes, Mr. Chairman.

My understanding is that we are strictly speaking of medical competence, and you alluded to a senior management of the federal department. Now, when they review the medical officer, do they have a Board of Inquiry to review the medical competence of that individual, or do they just review the administrative abilities of that individual?

Mr. Avison: No, it's not really a Board of Inquiry, but periodic appraisal, and the medical officer's performance in all spheres are considered.

Mr. Chairman: Mr. Hibberd?

Dr. Hibberd: Thank you, Mr. Chairman.

I think the primary thrust again of the Ordinance is professional qualifications of an M.D. who is going to practice. Now, what you are alluding to is his competence in his job. We are not interested in that. What we are interested in is that he carries on a level of professional qualifications, and I don't think that your objection on the basis of a review by his peers is the same thing whatsoever. It's a different field.

We are asking for his professional qualifications, and if he is in the Yukon Territory, I would submit that he should be subject to the same legislation as all doctors have to follow. You yourself are not a doctor, therefore you don't have to face these problems. It's incumbent on him that he does have an M.D., that he is subject to this legislation.

Mr. Chairman: Mr. Avison, do you wish to comment?

Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, if we could just go back a step or two with Mr. Avison, under the terms of this Medical Profession Ordinance, a Board of Inquiry can be instituted on the basis of a complaint from an individual in the community, or from the three medical professional people.

I understand your point, and that is that a federal employee should be disciplined, if you like, but at least

assessed by a federal department officer. Are you saying then, that if a member of the public in the Yukon felt that there was a grievance or a complaint against the medical care received from a federal medical officer, they would have to go through the federal department of lay that complaint, and that it would not be the property of this jurisdiction?

Mr. Chairman: Mr. Avison?

Mr. Avison: I think it would be desirable that they go through the federal department, in that that's the department that employs the medical officer, that assigned him the duty of carrying on clinical care in that area.

Hon. Mrs. Whyard: Mr. Chairman? Mr. Chairman?

Mr. Chairman: Yes, Mrs. Whyard?

Hon. Mrs. Whyard: All right, let's take this a little farther. There are a number of federal agencies operating within the Yukon. Take the Armed Forces. If a member of the Armed Forces in any country, in any province, under any jurisdiction, breaks a law of that jurisdiction, he not only has to face his own firing squad, but also civilian authorities. There are not two laws for members of federal government departments.

If you are a professional, you also face the judgment of your professional peers. If you, for example, are a civil engineer, or a land surveyor, and you are considered to be guilty of conduct unbecoming that profession, it's the professional group that deals with you. Your employer will be guided by what the professional group decision was.

If they say you are not competent to operate in that profession, then your employer is going to take that advice.

Now, you are asking us to reverse that position and let the employer make the decision without any professional group.

Mr. Chairman: Mr. Avison, do you wish to comment on that?

Mr. Avison: Yes, particularly on the last part, because it lies—the option lies with the employer to obtain information from knowledgeable people, which he certainly could do, so I would say that I wasn't precluding the employer from obtaining information from knowledgeable, in this case, medical practitioners on site.

Mr. Chariman: Mrs. Watson?

Mrs. Watson: A question for Mr. Avison.

Mr. Avison: your federal medical health officers, I think what you are referring to are the people more at the administrative level, rather than the practicing level, right?

Mr. Avison: Yes, that's where my concern comes.

Mrs. Watson: Okay, now, I think basically your concern then is that medical health officers, federal, at

the administrative level often—tell me if I am right or not, are in the position where they question the professional competence of doctors who are working within the institution in which they have administrative jurisdiction? Is this where some of the problems could be?

Mr. Avison: Well, as we are presently structured, that's a very unlikely event, and I should clarify.

For instance, we have an organized medical staff of the Whitehorse General Hospital, which are self-disciplining, so that there is—it doesn't arise, the particular medical administrator would be in the position to criticize as you described.

I could see instances where this might arise, but very infrequently.

Mr. Chairman: Ms. Millard?

Ms. Millard: Mr. Chairman, I think we are really in the wrong field, when we are looking at professional discipline, because to me professional discipline is a positive thing. It's not something that is just rapping people on the fingers and fining them and everything else, it's something that is called for by the medical profession, and we have seen the legal profession, to discipline themselves, so that the person has a professional group to refer to, a professional standard to refer to, something that is known intimately by his peers, what he is up against in every section.

I don't see how anyone but another doctor can actually feel competent to do that sort of thing, and I think it's great that they are carrying that on and taking that on themselves, because as a professional person, that's what they should be doing. They should be self-disciplining and self-growing and should become a more positive entity because of it.

I don't think we should always look on the negative side of this thing. I can see where some administrator who has been pushed up through the ranks and has three or four doctors under him, really could be in National Health and Welfare and not understand what an actual doctor faces in the field in the Yukon. He might be sitting in Ottawa in his nice, little warm office, and he has no idea what's going on.

How can he actually discipline a medical person? I'm sorry, that's not really a question of the witness, editorializing.

Mr. Chairman: Yes, Mrs. Whyard?

Hon. Mrs. Whyard: I don't really see that we are making any headway here, and it would be my suggestion that we read the amendment and get the opinion of this House.

Mr. Chairman: Is that the wishes of the Committee?

Yes, Mr. Hibberd?

Dr. Hibberd: Mr. Chairman, is it necessary to have the witness with us while we are reading this amendment?

Mr. Chairman: Yes, Mr. Fleming?

Mr. Fleming: If I thought the witness was about to be excused at this time, Mr. Chairman, and possible due to the fact that I did bring Legislative Return Number 5 to this House, and I did have a few questions on that, I wondered if it could be discussed at this time, or could I ask a question or two at this time?

Mr. Chairman: If there's no objections, Mr. Fleming. Please proceed if you wish to ask the witness more questions.

Mr. Fleming: Yes, Mr. Chairman.

As you know, I asked a question in this House as to number 4 and 2 of National, Health and Welfare Department provides the following, and it is the provision or financial support for supplementary medical assistance to Status Indians, including drugs, air transport, both regular and charter, vehicle transportation, boarding accounts, dental care, optometrist treatment and hospitalization for mental sickness. That is the way the Ordinance reads.

The question I ask is what is meant by provision of financial support for supplementary medical assistance to Status Indians, including drugs, air transport, both regular and charter, vehicle transportation, boarding accounts, dental care, optometrist treatment and hospitalization for mental sickness. The answer I got from, I think Mr. Avison's Department, down through our Health and Welfare Department to this House -- up to, okay, sorry, the term, financial support refers to payment by the Department of National Health and Welfare of costs or part of the cost of the listed medical supplies and services for medically indigent Status Indians.

The Department provides support, in that it pays what the individual is unable to pay. Employed Status Indians are able to pay and do pay for a considerable number of these supplies and services themselves.

Now, in that question, I don't feel I got much of an answer, because what I would like to know, and I think I will just give these questions now and there are four of them altogether, I'll take the two that deals with this part, and I would like to know, who is going to decide who is unable to pay, and who is not able to pay? Who decides that, because it isn't answered here, it is just "individual who is unable to pay".

I would like that answered, and how are they to decide if there is such a body, and where it is to come from?

Mr. Chairman: Is that the second question?

Mr. Fleming: That is two questions, and I will give Mr. Avison time to write them down, I am sorry if I am going too fast, and another question, what would be the case of an Old Age Pensioner, or also people that are on welfare, and I'm speaking of Status Indians?

Now, my question number two to the Commissioner was on another, on the same, in the same area actually, and I asked what is included in terms of optometrist's treatment, and the answer I received, "included within the term 'optometrist's treatment' are refractions, the provision of glasses and repair of glasses".

Now, that is very good, but the question there again

is, where is the cut-off, where do you find out if they are able to pay or not able to pay again for say a pair of glasses worth \$65.00 or \$75.00, and I'm asking this question because we have had the problem, and Mr. Avison is aware of it too, I think, and we would just like a few answers.

I think that's about all.

Mr. Chairman: Before Mr. --

Mr. Fleming: But I would like clarification in simple language, if possible, so I can understand it.

Mr. Chairman: Thank you, Mr. Fleming. Before Mr. Avison answers, if there's no objections from the Committee, I would like Mr. Avison to answer all four questions before any more questions are put to Mr. Avison.

Mr. Avison?

Mr. Avison: Mr. Chairman, I'll try and answer in simple language, but I would alert you that we are in an area where the policy is not precise.

If I could give a little background. The federal government annually votes a sum of money for financial support to medically indigent Status Indians. It has done so for a large number of years, and at an earlier stage it was perhaps possible in the votes, to identify this, which is not at the moment possible, because these sums have been lumped in with total budgets.

There is very little guidance available, as to definition of medically indigent Status Indians, and very little guidance on how to administer.

Speaking to your question, who is going to decide who is unable to pay, generally the time arises at the time of the delivery of the service. The person, present is an employee of the Health side so generally, therefore is the employee of the Health Department.

In certain instances, it is possible that advice from Indian Affairs Branch can be obtained.

The second question is how are they to decide? There are really very few guidelines except to say, that is generally acceptable to ask the person in question, are they able to pay, would they like to make a contribution to the such and such cost of this supply or service.

The third question, what would be the case of an Old Age Pensioner or people on welfare? I will take the easier one first. People on welfare generally, the—that is taken to be fully adequate definition of medically indigent.

Old age pensioner is questionable. Certainly if the supply or service is an expensive one, it would usually be assumed that an old age pensioner should receive support in meeting the cost. Many old age pensioners do make a contribution to supplies and services provided.

The fourth question, where is the cut off, for instance, for a pair of glasses worth sixty-five to seventy dollars, this is an example of a more expensive item, and it is the practice to ask for a contribution according to what—to the individuals own circumstances. Having clarified that matter to provide the remainder of the

rather high sum of as I say sixty-five or seventy.

Mr. Chairman: Mr. Fleming are you satisfied with those?

Mr. Fleming: Very satisfied, yes, Mr. Chairman.

Mr. Chairman: Yes, Mr. Hibberd?

Mr. Hibberd: Mr. Avison, with the information that you have just supplied us with really amazes me. I think there must have been a basic policy shift on the part of the department. It had been my understanding for several years, that the Status Indians enjoyed the prerogative of having these services paid for them by the Government of Canada. But what has happened, apparently, in recent months, I gather is there has been a change in the policy, that I am disturbed by the unequal application of these policies that you give us today.

I know, and I think you might be aware too, of the circumstances where in some communities the Indian people are not asked to pay anything, other places they are asked, as you suggest, and in other places, payment is demanded of them.

It is completely inconsistent. There seems to be no pattern to this. I would think that if I was a Status Indian I would be very concerned what my actual status was under the provisions of the Medical Assistance.

Mr. Chairman: Mr. Avison?

Mr. Avison: I don't know of any change in policy. There are, certainly, in this area, are considerable difficulties in administering this kind of approach. I would say that we have not even come close to achieving the ideal of uniform administration across the Yukon. However, our people continue to do as best they can in that respect.

Mr. Chairman: Mr. Hibberd?

Mr. Hibberd: I still have problems, and I don't think that I have got the answer that I requested from the witness.

I will give an example. A patient leaving a doctor's office to go to the hospital to get an x-ray is given a voucher without question to take a taxi over there. Whereas if a person has pneumonia in Teslin, they have to pay for their drugs. Now there is a lot of inconsistency here, is there no direction given these people?

Mr. Chairman: Mr. Avison?

Mr. Avison: Well, we do attempt to give direction, which is extremely difficult to do in the absence of a more clearly defined overall policy. One thing I would say is that in the area of payment for drugs, and we are talking to medically indigent status Indians, we are really not attempting to receive a contribution in that context. The particular difficulty that you refer to I am fairly confident will not continue in the future. Your point of the requirement of the medically indigent

status Indian to pay for drugs, for medically required drugs.

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman I think Mr. Avison is in a very difficult position. He put his finger on the root of the problem here when he says that the federal policy is not precise. That is the understatement of the year. He is in a difficult position of trying to administer a policy which is unadministerable, if you want. The crunch here occurs in the health centres and the nursing centres where the nurse has to make a decision based on this phoney policy. It began with free and subsidized health care for all status Indians, because it is one of the original responsibilities of the Department of Indian Affairs. Now, of course, in changing times, as you will see in one of the sections here, premium assistance is supplied for the Indians who are not in the employable force where it is deducted to all employees pay towards Medicare.

So you have a split here now. You have some employed native people who are paying their own medicare via deductions from their pay cheques. So you extend that a little further to the point where from the point of view of the health nurse, who is handing out the drugs or the medical services, that is an employed person who is economically competent to pay for what he or she is getting.

They you have the difficulty right there, because, if the health nurse then says, look Joe, this is going to cost you three fifty for this bottle of cough syrup or whatever, if he is a responsible Canadian, he says okay and he pays for it. But if he wants to sit on his duff and do nothing all year long he can get it for free because he is an Indian. It is a very unjust situation for those who are paying and trying to assume responsibility when they see others who do not under the same service, under the same policy in the same nursing centre. This is the point that the Honourable Member from Hootalinqua has raised at this Table, and it is a very good point.

I have every sympathy for Mr. Avison because if I were in his position I couldn't administer that policy and make it look sensible.

I don't think anyone could. It is just another one of our growing pain problems in this country where we are trying to move forward to the day when we will all be under the same treatment and under the same policy for medical services.

It is one more argument, as far as I am concerned, for the transfer of health responsibility to this Territory.

Thank you Mr. Chairman.

Mr. McCall: Mr. Avison, do you wish to comment? Mr. Hibberd?

Mr. Hibberd: Mr. Avison, with regard to the medical services, there has been a problem arising again in the field of chronic diseases, which again refers to quite innocent in policy. I just don't understand again where the government accepts its

responsibility in terms of what is considered a chronic disease that receives financial support.

Now there again has been a shift in policy. There are many people who have contracted certain diseases, who at one time had their drugs paid for, but this again, there has been a shift. There are people that are dropped off the list. They don't know whether they are on the list, they don't know whether they are going to have their drugs paid for. Again, there seems to be a lack of consistency in policy.

Mr. Chairman: Mr. Avison?

Mr. Avison: I don't particularly want to comment except to acknowledge that that's a correct description.

Mr. Chairman: Ms. Millard?

Ms. Millard: Mr. Chairman, just for clarity, because for four years in Dawson I was a social worker there and I had a lot to do with white, Status and Indian people also, who were medically covered.

I would like to point it out to members that there are, there is medical coverage for white status indigents, and the only difference that I can see was the administration of the policies. The policies were pretty parallel. The person had to be indigent, and certainly we as social workers had a definite system where we had an application, if the person passed the application, they were qualified for medical coverage.

However, in the Indian Affairs Department that was not the case. We very seldom even saw an Indian agent, so that it was up to the poor little public nurse down the road, and in a lot of cases, the presumption was that because they were Indians, they were indigent, and that to me is the wrong. It's not that the policy wasn't written down somewhere or that it shouldn't -- it was just not applied right down in the field where it should have been, the way it was with the Welfare Department.

So, I would certainly like to make it clear to the people here that Indians have not been favoured in any way, because in that policy they are actually being prejudiced against, because they were being presumed as being indigent, when in a lot of cases they weren't, and we can see the damage that has been done by that kind of presumption.

Mr. Chairman: Thank you, Ms. Millard.
Mr. Lengerke?

Mr. Lengerke: Yes, Mr. Chairman. With respect, I had hoped that you, Mr. Avison, would have as your priority the immediate establishment of a policy for the delivery of medical services to the Indian, and I would just ask you this, could this House possible help you in any way by communicating to your Minister, its observations that we have noted here?

Mr. Chairman: Mr. Avison?

Mr. Avison: Generally, we are in an area where thinkers greater than myself have grappled for a long

time. The other thing, in response to your second question, is that we are in a recognized area of federal jurisdiction, so I think that perhaps is a guidance on that point.

Mr. Chairman: Mr. Hibberd?

Dr. Hibberd: Mr. Chairman, I wonder if Mr. Avison is in a position to give us a progress report on the transfer of medical facilities from the federal jurisdiction to the Territory?

A Member: Very good.

Mr. Chairman: Mr. Avison, do you wish to comment?

Mr. Avison: No, I am really in no position to do that.

Mr. Chairman: Mrs. Watson, do you have a question?

Mrs. Watson: Mr. Avison, I would just like to remark that I think that we are all aware of the very cloudy nature of your policy regarding delivery of services, particularly to Status Indian people, and it falls upon the health nurse at the local level in the health station, and from any observations that I have been able to make, I think that they are doing a very creditable job in this regard.

They have a very poor policy, and they are being as fair, and I haven't heard too many complaints against it.

Mr. Chairman: Thank you, Mrs. Watson.

Is there any further questions for the witness? I would like to thank Mr. Avison for attending today.

Before we go into the reading of the amendments clause by clause, I would declare a brief recess.

Recess

Mr. Chairman: I will now call the Committee to order.

We will go through the reading of the amendments. We will start with amendment 2, sub-section (1). This is amendments to Bill Number 8. 2. (1):

(Reads Section 2. (1))

Mr. Chairman: Three, sub-one:
(Reads Section 3. (1))

Mr. Chairman: Four, sub-one:
(Reads Section 4. (1))

Mr. Chairman: Yes, Mrs. Watson?

Mrs. Watson: Yes, Mr. Chairman, is it a requirement for 2 and 3, this is what I asked last time and I didn't get it clear, is it a requirement of (b), sub (2) and (3), do they also have to be a Licentiate of the Medical College of Canada?

Mr. Chairman: Mr. Legal Advisor?

Mr. Legal Advisor: No, Mr. Chairman, that's not the intention. The intention is to reduce the present five methods of qualification to three, and either of those three would qualify a person.

In the first one, he has to graduate from an approved university, and approved is now defined, and he has to be either a Licentiate of the Medical Council of Canada, or a Certificat of the Fellow—or a Fellow of the Royal College of Surgeons.

Now, the intention there is that the normal 99.9 percent of individuals will be graduated from approved universities, and will be a Licentiate of the Medical Council of Canada, which in fact vets whether or not the person is of good character and has got the qualifications.

There is said to be a very narrow class of case where a person might have a very narrow speciality, and there might be a case where the person would be a graduate from an approved school and be a Certificat or Fellow, but not be a Licentiate.

Now, the question is the Yukon Medical Association recognizes this is so. The Federal Advisors think it would be better for us to eliminate the fellowship, because the everybody should in this category be a Licentiate because then they would approve of their qualifications as well as their graduation, so there's a slight difference of opinion on this point.

Mr. Chairman: Clear?
Four sub-section (2):
(Reads Section 4. (2))

Mr. Chairman: Three:
(Reads Section 4. (3))

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: It's okay, I had a question that was just answered.

Mr. Chairman: Clear?
Five, sub-section (1):
(Reads Section 5. (1))

Mr. Chairman: Eight, four:
(Reads Section 8. (4))

Mr. Legal Advisor: Mr. Chairman, this has the automatic effect of allowing a single permit to be issued at 12 months, but the renewal will be limited to one renewal, which is a total, as the Medical Association asked for, of two years.

Mr. Chairman: Did you have a question?
Fifteen, sub-section (1):
(Reads Section 15.(1))

Mr. Chairman: Sub-section (5) of 15:
(Reads Section 15.(5))

Mr. Chairman: Twenty, sub-section (2):
(Reads Section 20.(2))

Mr. Chairman: Twenty-four, sub-section (2):
(Reads Section 24.(2))

Mr. Chairman: Twenty-six, sub-section (1)(c):
(Reads Section 26.(1)(c))

Mr. Chairman: Twenty-nine, sub-section (2):
(Reads Section 29.(2))

Mr. Legal Advisor: Mr. Chairman, there's a misprint in the second line, it's to be Yukon Medical and not "Mecial Association".

The amendment as made there is to permit the Commissioner to consult with the Yukon Medical Association, when he is considering the restoration, but it appeared somewhat improper that a judge at a hearing should be forced to consult with anybody, so that the language reflects this thought.

Mr. Chairman: Thank you, Mr. Legal Advisor.
Thirty, sub-section (1):
(Reads Section 30.(1))

Mr. Chairman: Yes, Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, I have just found the solution to the problem we were discussing earlier today.

Mr. Chairman: Good, we can go home.

Hon. Mrs. Whyard: And that is that any federal medical officer could be practicing under the Gospel according to the Federal Department of National Health and Welfare.

Mr. Chairman: Clear?
Thirty-one, sub-section (2):
(Reads Section 31.(2))

Mr. Chairman: Clear?

Mr. Legal Advisor: Mr. Chairman, the particular section that I mentioned there, sub-sections (4), (3) and (5) are the ones which require him to pay a fee, and then to renew his fee every year.

Mr. Chairman: Thank you, Mr. Legal Advisor.
Ms. Millard?

Ms. Millard: When we went through this Bill the first time, there was a question in my mind about the board meeting, and that there is no provision for them to come back within a reasonable time with a finding to the person who is being charged. I wonder if the administration could tell me why this hasn't been considered?

Mr. Chairman: Mr. Legal Advisor?

Mr. Legal Advisor: Mr. Chairman, it was considered and debated exhaustively by the people who were considering it, but it was felt that there may be good reasons for an unduly long delay when the board is sitting. It is not uncustomary in such a case that they indefinitely postpone a hearing pending certain things being done, and this is one of the hidden disciplinary powers that such a board had, and we thought it better

not to limit them in the terms of time.

Ms. Millard: Mr. Chairman?

Mr. Chairman: Yes, Ms. Millard?

Ms. Millard: I don't really think that the quotation "a reasonable time" is limiting anyone. If they can prove to an appeal board or a judge that it was within a reasonable time, according to the -- I mean, you can't just adjourn and adjourn without some sort of reason, so I would think that they should have to be accountable for those reasons.

They could adjourn for 10 years, as long as they had reasonable reasons to go by.

Mr. Legal Advisor: Mr. Chairman, sometimes the object of the exercise is to adjourn the matter indefinitely. *Sine die* is the Latin expression, and provided something has continued to happen, such as a person does courses, does not offend again, the Board would not reconvene, and then the matter dies by the influence of time.

It's a technique of this particular type of jurisdiction.

Ms. Millard: Yes, Mr. Chairman --

Mr. Chairman: Ms. Millard?

Ms. Millard: --supplementary to that, then why does it not read that the Board has the power to adjourn *sine die*?

Mr. Chairman: Mr. Legal Advisor, do you wish to comment on that?

Mr. Legal Advisor: I just don't know a good answer to that one, Mr. Chairman.

Mr. Chairman: Mr. Taylor, do you have a question?

Hon. Mr. Taylor: Mr. Chairman, perhaps if there is -- or when the debate is concluded on the Bill, I would then move the appropriate amendment which would involve all the amendments.

Mr. Chairman: I was coming to that, Mr. Taylor.

Ms. Millard: Mr. Chairman?

Mr. Chairman: Yes, Ms. Millard?

Ms. Millard: Are we going to accept the amendment 31. (2), after all the discussion that went on? I believe it should be simply deleted and federal employees included in that.

I'm confused here.

Mr. Chairman: Mr. Hibberd, do you wish to comment?

Mr. Hibberd: Mr. Chairman, I think this qualifies under what we have -- the Committee actually wished,

the disqualifications don't refer to the areas under discussion.

Mr. Chairman: Is that satisfactory, Ms. Millard?

Ms. Millard: Yes, thank you.

Mr. Chairman: Seeing that there is no further question -- yes Mrs. Watson?

Mrs. Watson: Mr. Chairman, I would refer to Section 24. (2), the amendment, and I--

Mr. Chairman: Yes, Mrs. Watson?

Mrs. Watson: -- am a little concerned with the Commissioner consulting with the Yukon Medical Association, which is fine, but I am wondering if in some instances we have to ensure that there shouldn't be any undue delay in a reply from the Yukon Medical Association.

You know, I can see that the protection of the public is of importance there to suspend someone until the inquiry is held. If there's undue delay with the Medical Association, if it is a dicey thing within their own Association, and they just delay without giving a reply, is there anything that we can do to protect the public?

Mr. Chairman: In your suggestion, Mrs. Watson, are you suggesting that we in 24 sub-section (2) that we restrict the communications between the Commissioner and the Yukon Medical Association?

Mrs. Watson: Mr. Chairman, no I'm not, the Commissioner consultation with the Medical Association, but how long does he consult before action is taken?

Mr. Chairman: Mr. Hibberd?

Mr. Hibberd: Mr. Chairman, I think that the undertaking of the Yukon Medical Association, and their desire to set a high standard, automatically takes care of the problem which is in Mrs. Watson's mind. They most certainly want to have the responsibility, and it's incumbent on them to react with alacrity.

Mr. Chairman: Does that answer your question, Mrs. Watson?

Does it answer the question?

Mrs. Watson: No, it doesn't.

Mr. Chairman: Ms. Millard?

Ms. Millard: Well I think it is actually right in this Section, because it says the "Commissioner may, after consultation, suspend". They are not suspended before the consultation, it's after it's been consulted, they are suspended until the Board makes a decision and there again is my problem, that I think that the Board can sit on that decision, which is really the crunch of the issue, not whether or not the Commissioner is talking with the

Y.M.A.

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, I think the Honourable Member has a valid point. There is no time reference in there, in that Section. We do provide for the person to apply for a rehearing, and a be reinstated, but we do not have a time frame there, Mr. Legal Advisor.

I wonder, Mr. Chairman, I hate to delay the passing of these Ordinances. I wonder, Mr. Chairman, if you could assist us in this problem, because there is not ime frame there, during which the man may be suspended.

Mr. Legal Advisor: Mr. Chairman, can I give two instances from the Legal Profession Ordinance?

Mr. Chairman: By all means.

Mr. Legal Advisor: There are two lawyers who -- against who charges were brought some years ago, and when the matter went to court, difficulties arose on the proof for 15 charges, in respect of the lawyers concerned, not all against the same individual, and after the first day of hearings, the two lawyers made an offer to the judge, to the court, and said "We will give an undertaking never to practice law again, and we will resign from the profession", and the judge then adjourned the matter sine die.

I presume the judge felt that justice was done.

Now, there would be cases parallel to that, but if the judge had to make a finding within a measurable time, then he wouldn't have the option to make that particular finding.

Mr. Chairman: Mr. Hibberd?

Mr. Hibberd: Mr. Chairman, the particular Section under consideration at the moment only refers to the question of mental competence or otherwise. It doesn't refer to the general problem of suspension for other reasons.

Mr. Chairman: Mrs. Whyard, in answer to your question, as far as my -- my own suggestion would be as far as 24 sub (2), my interpretation and suggested answer to it would be that we should consider it as the language sits in sub (2), because I would consider that if we add a restriction on time, each case would have to be dealt with on its own merits, and to add a restriction as far as the time factor, you could add a lot of problems to any case that may come before the Medical Association, or the Commissioner or whatever.

Hon. Mrs. Whyard: Mr. Chairman, I wonder if the Honourable Member would agree with me then that in the section above, 24 (1), the word "promptly" would suffice for her purposes? "The Commissioner shall promptly appoint a Board of Inquiry"?

That does put some time limit on what is gong to happen, and from there on, I think every provision is

made to protect the rights of the individual concerned.

Mr. Chairman: Mrs. Whyard, I don't want to enter into a debat with you, but you are suggesting putting a word in 24, subsection (2)?

Hon. Mrs. Whyard: No, Mr. Chairman, there is a word in Section 1, promptly.

Mr. Chairman: Okay, as long as I know what we are discussing.

Mrs. Watson, do you want to comment on that point that Mrs. Whyard brought up?

Mrs. Watson: Mr. Chairman, I didn't want to delay this. We must get through with this promptly. I am quite prepared to accept it as it is.

It may be a problem, it may not, I don't know. I brought it up and I think there are two areas where there could be undue delays. There could be an undue delay with the Commissioner's consultation with the medical profession, and there could be an undue delay with the hearing being held and this person who is being suspended, so we have two areas there.

I think maybe we should have a look at it and see whether the draughtsman is able to come up with soemthing for the morning.

Mr. Chairman: I can see we do not have a consensus. Is that the wishes of the Committee?

Mr. Berger?

Mr. Berger: I can't really agree, and I have to agree with the Honourable Member from Whitehorse South Centre. I mean, we are dealing here with a mental problem, and I can't see anybody dragging his feet on a problem like this. It's a serious matter. I really can't see that it's necessary to put anything in there.

Mr. Chairman: Yes, Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, perhaps inasmuch as this is a Bill as originated with the government, perhaps we could leave that to the discretion and the opinion of the Minister of the Department.

Hon. Mrs. Whyard: Mr. Chairman, my opinion is—

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: —the Commissioner shall promptly appoint a Board of Inquiry, as soon as this complaint has been made. I would expect that that would be a prompt appointment and the Board would then proceed.

The Honourable Member's concern was that a person would be in limbo for some period of time, but I don't think so reading this Section. The Board would proceed to examine his mental state and would either suspend him or not, and reinstate, and I think it's safe.

Mrs. Watson: Mr. Chairman, I'm quite prepared to accept the amendment as presented, the whole

amendment paper, I'm quite prepared to accept it.

Mr. Chairman: My suggestion at this time would be each one to consider the language as it sits, and give it a whirl, the amendment.

Okay? Okay, if there's no further questions I would like to hand the Chair back over to Mr. Hibberd to read the Preamble.

(Mr. Hibberd resumes Chair)

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: I'm not clear on what's happening here, Mr. Chairman. Is it the wish of Committee now to deal with the amendments?

I would then move, Mr. Chairman, that the amendments to Bill Number 8 as read from the Chair be adopted as written.

Mr. Chairman: A seconder?

Mr. McCall: I'll second that, Mr. Chariman.

Mr. Chairman: Are you ready for the question?

Some Members: Question.

Mr. Chairman: Are you agreed?

Some Members: Agreed.

Mr. Chairman:
(Reads Preamble)

Mr. Chairman: Could we have a Motion to report the Bill out of Committee as amended?

Mr. McCall: Mr. Chairman, I would move that Bill Number 8 be moved out of Committee.

Mr. Chairman: A seconder?

Mr. McCall: Be reported out of Committee as amended.

Mr. Chairman: Are you ready for the question?

Some Members: Question.

Mr. Chairman: Are you agreed?

Some Members: Agreed.

Hon. Mr. Taylor: With respect, it's first necessary to restate the Motion, the Motion not being a Motion before it is read from the Chair.

Mr. Chairman: It has been moved and seconded that Bill Number 8 be moved out of Committee as amended, or reported out of Committee as amended. Question?

Some Members: Question.

Mr. Chairman: In favour?

Some Members: Agreed.

Amendments to Bill Number 1

Mr. Chairman: We will proceed with the amendments to Bill Number 1, the Highways Ordinance.

Section 12. (6) (c):
(Reads Section 12. (6) (c))

Mr. Chairman: Twenty, one:
(Reads Section 20. (1))

Mr. Chairman: Two:—

Hon. Mr. Taylor: Mr. Chairman?

Mr. Chairman: One moment.
(Reads Section 20. (2))

Mr. Chairman: Mr. McIntyre?

Mr. McIntyre: Mr. Chairman, I just wonder how far that 20. section (1) would go, because if the road were closed improperly, and proper signalling devices weren't put in, and a person had a motor vehicle accident due to that, does this mean that he wouldn't be able to collect any damages, either from the government or from the insurance company or whatever?

Mr. Legal Advisor: Not in my opinion, Mr. Chairman. What they are talking about is damage resulting from the fact that the road is closed for a day and somebody can't get to the place he designs, but the negligence of the manner of closing the road would leave the person open to damages.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, I'm pleased to see that 19 is not included in the amendment that in fact anyone aggrieved under 19 can seek compensation. However, I do not agree with 19. (1), and I feel that we must amend or cause some changes to be made to 19. (1). I feel that 19. (1) offends the civil rights and liberties of the individual.

I stated yesterday on another Bill, that in the Canadian Bill of Rights, it's stated or it deals with the right of the individual to life, liberty, security of the person, enjoyment of property and the right not to be deprived thereof, except by the due process of law.

We, of course—our function as Parliamentarians, Mr. Chariman, is not only to approve legislation which has been forwarded to us by the administration, but it is our singular duty to ensure that no bad legislation hits the law books. In this regard, I think you will recall that a Court of Law in attempting to interpret those edicts which flow from this House, must resolve questions with absolutely no doubt whatsoever, no reasonable doubt in their minds, or the plaintiff—or I should say the defendant goes free.

In this case, I think we must satisfy ourselves that we are doing the right thing in permitting Section 19 to

continue. I think you will all agree that all fundamental civil rights in this country have flown from the Magna Carta and are in our care and custody, insofar as the legislation we make can be interpreted in this Territory. These protections must be accorded our citizens.

If you look at 19. (1), and let's just restate it again, "Where a peace officer finds—underline—upon any land," now that's private land, public land, any land, conditions existing which may, and I underline "may" cause danger to life or property of any person travelling on a territorial highway, no cause is shown here.

Now, if that was to state that which may—or if he has to show probably cause, perhaps that would take on a different meaning, or have reasonable cause to assume that danger to life or property could result from something in this situation, then I could say perhaps it could be more palatable. But what you are doing, you are just saying which may cause danger. Who says it might? The constable says it might, or the peace officer says it might. t.

There may be something happening which is a danger to the public or on the highway, but you are leaving a wide discretionary power, which involves itself with civil rights, in this Section.

Now it goes on to say the "peace officer may enter upon the land with such equipment and persons as he deems necessary and do any acts necessary". Now you give him discretionary power in two more fields, to pick up this equipment and persons as he deems necessary.

Then the end all, and do any acts necessary to remedy the condition. You've given three options of discretionary power here. As I say, although I feel that this bill is exceedingly important bill to the people of the Yukon in its other aspects. I don't think in conscience, that any member here, faced with a situation as grave as this, could permit this bill to go through with 19.(1).

Let me show you. The Criminal Code provides, under section 232, "everyone who, with intent to endanger the safety of any person places anything upon, or does anything to any property that is used for, or in connection with the transportation of persons or goods by land, water or air, that is likely to cause death or bodily harm to persons, is guilty of an indictable offence, and is liable to imprisonment for life."

So the Criminal Code has already provided for a situation, or one of the situation that may have been envisaged by the draftsman, or the architect of this bill.

This is provided for already in the Criminal Code. There are other sections in the Criminal Code, 241; "everyone prevents or impedes or attempts to prevent or impede any person who is attempting to save his own life or without reasonable cause, prevents or impedes or attempts to prevent or impede any person who is attempting to save the life of another person, is guilty of an indictable offence."

Well a peace officer can, under certain conditions, I would submit, come onto property and if anyone in fact impedes him, there is provision there as well.

Under section 42(1) of the Criminal Code, "everyone is justified in peaceably entering a dwelling

house or real property by day to take possession of it, if he or some person under whose authority he acts is lawfully entitled to possession of it."

Now here they state the interesting subject "by day to take possession", and only to take possession, if they can show a piece of paper, something they can prove, legally they have that right.

I submit if you are going to embark on a clause as broad as this, then cause should be shown and the warrant from a court, jurisdiction or something should be provided before entry is obtained by the peace officer.

After all we are talking about a man's home and property and a man's home and property were always held inviolate, except under certain circumstances which may be provided for in the Criminal Code.

Section 73(1) could perhaps fall back on the peace officer. "A person commits forceable entry when he enters real property that is actual and peaceable possession of another in a manner that is likely to cause a breach of the peace or reasonable apprehension of a breach of the peace whether or not he is entitled to enter."

So you are into a whole bag of tricks here. I haven't had the opportunity to research farther into the Criminal Code, but I find that provision is made, for what I believe is intended to be found in Section 19.(1).

I restate the position that inconsidering the whole question that there is too much power given, and discretionary power given to a peace officer in 19. I say that this section offends the Canadian Bill of Rights. I say that if the Government of the Yukon Territory cannot, conclusively, tell me that it does not, then the Government of the Yukon Territory should withdraw the section and come in with something more compatible along the lines I am talking about, or it will be my intention to -- it is my duty, I have no other course, as a sitting member of the House, than to propose that 19.(1) be deleted.

Mr. Chairman: Mr. McKinnon?

Hon. Mr. McKinnon: Mr. Chairman we looked at this very seriously on sub-committee on legislation. When you take a look at 19.(1) the terms are so narrow, you know, we are just stretching our imagination to come up with examples where it would apply. It is like the insurance policy where the only time you collect is if you get hit by a snowball thrown by a blind person in Acapulco in July or some such clause in the insurance.

19.(1) says where a peace officer finds upon any land conditions existing which may cause danger to life or to property of any person travelling on a territorial highway. Now the only way he can enter that land, if upon that land there are conditions which may cause danger to life or to property, not on the land in any way, shape or form, but on that land, conditions that may cause danger to life or property that is on a territorial highway.

The only example we could use is in the case of an avalanch or a snow slide or some such instance where a police car comes along and there is a rock slide. He has no ability of running around and finding where the person lives or whose land it is or anything else. He just allows the equipment that is going to clear away the

rock slide, or the snow slide, to go onto that property to cut the fence so that there is no danger to the person travelling the highway.

That is the only instance the person is capable, the peace officer is capable of doing it. We added a section that in that instance, that there would be compensation allowed for the fence that is damaged or anything that takes place upon that land. It is just so absolutely narrow to take care of an eventuality of an Act of God. Really there is no one who supports the whole thrust of the whole civil libertarian movement more than I do, but this section is narrowed to the point where it has to be a major calamitous act of God that a police officer finds and is able to move on. He has to have that ability to move on in this instance, and we even broadened the section to allow compensation to be paid in this instance.

If other members have more vivid imaginations than the members of the sub-committee on legislation and give us other examples in these narrow parameters where this power can be used.

The Criminal Code does apply. If an officer doesn't have these conditions and does move on that guy is going to get nailed in a court of law, if the citizen brings action against him.

You know, we have so many instances where the civil liberties of a person are really being trod upon. Now let's not go into the imaginative process in this area where they could be, because we can't find examples of where they could be.

Mr. Chairman: Mr. Berger?

Mr. Berger: Yes, Mr. Chairman, I have to disagree with the Honourable Member from Whitehorse North Centre, because I have a vivid imagination, that spells out to me this peace officer could possibly remove my house. If he thinks that my house is too close to the highway and it obstructs the view of a vehicle and he thinks that it is dangerous, he could possibly go there and remove it.

He could possibly remove a tree, a fence, anything that is on my property there, if he thinks it is endangering anybody's life or property on the highway. I have to agree with the Honourable Member from Watson Lake on this.

Hon. Mr. McKinnon: The right-of-way where you are allowed to build that fence and that house is how many feet? I don't know the actual number of footage away from the highway, and that's what the legislation says is the safe distance from the highway.

Now, how can a police officer come up and say, you know, that you're off the right-of-way, you're off the highway, but I have decided -- you know, the police officer just could not make that argument wash in a court of law, in no way, shape or form, he would get drummed out of the force if he attempted, because of a personal vendetta against you, to make you move your house or your fence or any other piece of property.

You know, there still is, you know, I know it has been there for sometime, and sometimes I do question it, but there still is in those instances, in this country, a pervailing sense of justice and the courts just do not allow a police officer to act in this manner, or the

person agrees not to seek the benefit of the law in these instances. They just don't happen.

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: Yes, Mr. Chairman, the record will show that I rose in this House on a number of instances with respect to the clause, and with due respect to the member from Watson Lake and the Klondike, I just see no difficulty whatsoever. I really don't.

I can think of many illustrations, but really I would be quite happy to amend the thing to, in some other form in which it would say exactly the same thing. There's just no problem with it.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, the power that the Honourable Member from Whitehorse North Centre was talking about and the discretion of the court is one thing. The discretion of an individual peace officer is another.

For instance, I can recall standing in this House not too long ago, and asked to approve a Bill which would have made peace officers out of every officer of the government of the Yukon Territory.

Hon. Mr. McKinnon: And I opposed it.

Hon. Mr. Taylor: And Mr. Chairman -- that's right, and the House in its wisdom said oh no, absolutely not, we have got to get rid of that little item and we did very quickly and promptly.

Now, I'm still saying that another House may not be as objective as was the one that threw out this, in which case any officer of the Government of the Yukon Territory, had this been in force, could have walked into a premise, so we are not just talking about police officers. We are talking about peace officers, and there are many people who exercise the powers of peace officers beyond police officers.

But in any event, I am still saying, and I am asking you to take a look at 19.(1), because I want to vote for this Bill, but I can't in conscience vote for a Bill which in my opinion offends, or could, through the discretionary powers you are giving to a peace officer, offend the civil liberties and rights of the people of the Yukon Territory in this case. I just can't do it in conscience.

I'm just not prepared to accept from the administration the idea, well there is one instance, and we are going to have an avalanche and that's what it's there for. If that's what it's going to be for, spell it out and say what it is going to be for. I think in any event, no matter what you do with it, you have got to give, or make the peace officer show probable cause or something of this nature, or go and get instructions or permission from the Commissioner of the Yukon, or from a court of jurisdiction, from somewhere, but I can't buy the argument that he has to have this authority for an on the spur of the moment decision, because under the Criminal Code and other Acts of Canada, he has right of entry.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, it occurs to me that the Honourable Member from Watson Lake is a member of Emergency Measures Organization in Watson Lake --

Hon. Mr. Taylor: That's right.

Mrs. Watson: -- and I would hope in performing your function in emergency measures, you would be prepared to enter upon property and take the necessary measures to protect life of people on a highway without running to the Commissioner, without running to all sorts of people. If you are not prepared to do that, I don't think you should be on the Emergency Measures.

You must, you are there because you can interpret what an emergency is. Peace officers should be able to interpret what an emergency is. You know, we are not giving them any more power here, than you people on the Emergency Measures Organization have. I would hope that you are not going to run for advice when there is an emergency.

Hon. Mr. Taylor: Mr. Chairman?

Mr. Chairman: Mr. Lang?

Hon. Mr. Lang: Mr. Chairman, my only point on this is that Mr. McKinnon has put it very well, and as he said, the sub-committee of legislation looked at it very hard and though well, how can we change this?

Would the Honourable Member from Watson Lake please come up with an alternative from what we have here? To me, it covers everything that you have asked.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, I just rise to state that the Honourable Member from Kluane must be right out of her tree. She knows as well as I do that there is provision for emergencies, and Emergency Measures functions under that Ordinance, and we don't run around with sections like this and marching across people's property and--

Mrs. Watson: You don't?

Hon. Mr. Taylor: Well just have a nice big laugh, and when you get finished of it, start thinking about the responsibilities you have as members to the protection of the life and civil liberties of this Territory.

That's what I'm here for, and I hope to God that some day you will realize that maybe that's a consideration of some of you that scoffed today.

Yeah, I have an alternative, delete Section 19. (1).

Mr. Chairman: I would ask the--Mr. Taylor to also accept the responsibility as a Member of this House in his reactions to other Members.

Mr. McIntyre?

Mr. McIntyre: Mr. Chairman, I have no problem in accepting this amendment. I would suggest that in order to terminate this somewhat useless and specious arguments we are hearing from Mr. Taylor, that he make a Motion as he chooses and see if he will get a

seconded and we can then vote on it.

Hon. Mr. Taylor: Yes, I will make the effort. I would move that Section 19, sub-section (1) be deleted from Bill Number 1.

Mr. Chairman: Is there a seconder?

(Reads Preamble)

Mr. Chairman: Highways Ordinance.

Hon. Mr. McKinnon: Mr. Chairman, I would move that Bill Number 1 be reported out of Committee as amended.

Mr. Chairman: Seconder?

Hon. Mr. Taylor: Mr. Chairman?

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Being as how everybody appears to be in such a rush to get rid of this thing, you just have one problem. You forgot to adopt the amendment to the Bill.

Mr. Chairman: I will entertain a motion to that effect.

Hon. Mr. McKinnon: Mr. Chairman, I would move that the amendments to Bill Number 1 be adopted as read.

Mr. Chairman: It has been moved by Mr. McKinnon, seconded by Mr. Lengerke that the amendments to Bill Number 1 be adopted as read.

Are you ready for the question?

Some Members: Question.

Mr. Chairman: Are you agreed?

Some Members: Agreed.

Hon. Mr. Taylor: Disagreed.

Hon. Mr. McKinnon: Mr. Chairman I would move that Bill Number 1 be reported out of Committee as amended.

Mr. Lengerke: I second that.

Mr. Chairman: It has been moved by Mr. McKinnon, seconded by Mr. Lengerke that Bill number 1 be reported out of Committee as amended.

Are you ready for the question?

Some Members: Question.

Mr. Chairman: Are you agreed?

Some Members: Agreed.

Amendments to Bill Number 2

Mr. Chairman: We will proceed with the amendments to Bill Number 2 the Legal Aid Ordinance. Twenty-three, two.
(Reads Section 23.(2))

Mr. Chairman: Three.
(Reads Section 23.(3))

Mr. Chairman: I will entertain a motion.
Mrs. Watson?

Mrs. Watson: Mr. Speaker, before we proceed to move the Bill, to report it out of Committee as amended, I would like to again, draw the committee's attention to my opposition to the Bill.

Basically we have no idea of the amount of money that we are looking at. Could, not this coming year, but the year after, and the year after that, we have no idea of the increase in court costs that we will be faced with. Again that is my one objection.

Secondly, too many of these programs get out of hand, are difficult to control, and there is an abuse of public funds.

Those two basic reasons are my objections to the Bill. My first reason, when we have no idea of the possible expenditure in the past, makes me refer to the Sessional Paper we have today. I believe it is Sessional Paper number 9 where the over expenditure we have, we will be having this year, and the amount of money that the government will be expected to sort of make up by restricting existing programs and existing staff. We know that the Government of Canada is embarking upon a program of cut backs and restrictions. We know that the Government of Canada is looking now at decreasing their cost sharing in the medical scheme. We know that they pulled back out of the Arctic Winter Games. We know that they are talking about new agreements for R.C.M.P. protection.

What is there to say that they are not going to go back on this fifty percent cost sharing. It is the indecision of the whole thing that prompts me to ask this Council to consider delaying this bill until we have some idea of the financial picture with the existing program for the next fiscal year.

It appears to me we are having problems, we are going to have problems paying for the programs this year. Here we are looking at putting in a new program for next year.

I would really ask the members to consider just leaving the Bill in Committee, and considering again when we go back to the budget in February, if at that time we can see it financially possible to embark upon such a program.

Mr. Chairman: Mr. Fleming?

Mr. Fleming: Yes, Mr. Chairman, I would like to rise in support of the member, as she just spoke now, for the same reasons. I won't go on and on about them. I do rise in support of those very same reasons. I don't think it would be too bad a situation if we did keep this bill aside for say, another three or four months. After all, we have been many many years without it. I am a little leery of many parts that could be abused. I find many programs like that that have been abused. As the

member has spoken, we don't know how much money we are going to have in the next year. We don't know whether they are going to continue to pay these things or not in cost sharing them. I would say I don't support the bill either, today.

Mr. Chairman: Ms. Millard?

Ms. Millard: Mr. Chairman, I have to raise an objection to not passing this Bill. I think it's high time that we had this Bill in the first place. Why is it every time a question of cutting down the budget, it comes to humanitarian things, where —things where we are trying to help people. Why don't we not build a few more bridges? Why do we have to pave all the way to Lac LaBerge, there are all kinds of things that should have other, less priority than the things that we are here to help the people in the Territory, and this is going to be a very essential part of the legal system as it is in other jurisdictions.

It isn't true that we don't have anything to go on, that we have no knowledge of how much it's going to go on, that we have no knowledge of how much it's going to be used or abused, because we do, because there are all kinds of examples in the provinces where this system has been in existence for a long time, and I would have faith enough in the administration that they have looked into this matter, and they have gotten information from outside.

So I think any question of money, we have to look at all things to cut back on, not just the ones that involve helping people in the Yukon, which there are too few programs of already, as far as I am concerned.

Mr. Chairman: Mr. McCall?

Mr. McCall: Thank you, Mr. Chairman.

I would like to make a comment before I make a Motion.

I believe in the concept of Bill Number 2. I think at this time it would not be appropriate to move it out of Committee. We are not quite sure of the assets we are going to be using, as far as the funding of this particular Bill, which I find is a very good Bill, to be quite honest with you, but in view of the concern which has been moved around the Committee today on Bill Number 2, I would like to make a Motion on this point in time.

I would move that Bill Number 2 be tabled until such a time that we are accountable as far as budget estimates.

Mr. Chairman: A seconder?

Mr. Fleming: I will second it.

Mr. Chairman: I will declare a brief recess.

Recess

Mr. Chairman: I now call this Committee to order.
Mr. McCall?

Mr. McCall: Yes, Mr. Chairman, due to a little bit of

misunderstanding on the Motion I presented a moment ago, I would like to reword my Motion if I may, and just a brief comment on it.

As I see it, Bill Number 2 is a good piece of legislation, and at this particular time I don't think we are quite prepared for it, so I would like to move that Bill Number 2 die in Committee at this time.

Mr. Chairman: Mr. Fleming, as seconder, do you consent to the withdrawal of this Motion?

Mr. Fleming: Yes, Mr. Chairman, in respect to this. I'm, you know—

Mr. Chairman: We have to have a seconder for the present Motion. If we could have a seconder, and then we could go on.

Mr. Fleming: But do we not, Mr. Chairman, remove the other Motion first?

Mr. Chairman: Yes, we have a Motion that is not seconded—

Mr. Fleming: And that in no way is going to jeopardize this Bill?

Mr. Chairman: No.

Mr. Fleming: I remove my first second.

Mr. Chairman: Do we have a seconder?
Mrs. Watson?

Mrs. Watson: Mr. Chairman, I will second it.

Mr. Chairman: It has been moved by Mr. McCall, seconded by Mrs. Watson, that Bill Number 2 be left to die in Committee.

Hon. Mr. McKinnon: Mr. Chairman, I would like to speak on the Motion to let this Bill die in Committee.

I'm quite in agreement with this Bill being processed at this time, the reason being that all Members should remember that in the spring budget session we voted a total of \$70,000.00 for the provision of legal aid in the Yukon Territory.

That is combined, the Territorial and the Federal government share, \$35,000.00 coming from the Territory, and the cost sharing arrangement being agreed to with the federal government that would provide the \$35,000.00 from their coffers. The only way that they would and will contribute to a scheme or share any money to the Government of the Yukon Territory, is if a comprehensive civil and criminal legal aid program is entered into.

We have only got how many months to go now until next fiscal year, four or five months, and there is no possible way that the total costs of the involvement of the federal government can be cost shared in that period of time, so the monies are there and are more than ample monies for the provision of this program under the vote of the Department of Legal Affairs in the present year's estimates.

It seems to me, Mr. Chairman, that many of us, and I think that we all recognize that this was the reason why the \$70,000.00 was voted in this year's estimates,

that there was pressure from many of the members that before this fiscal year was out, such a program should be introduced to the Yukon Territory. I agree with those arguments, and I still agree with them, because there is no way that much of the legislation which we now have on our statute books can be enforced without the involvement of a civil legal aid program.

I was one of the movers for having this type of a program initiated to the Yukon Territory, because I have run into instances where constituents, and I can just go no further with them, they need the help of a solicitor, they can't afford one, and they are being screwed by government and government agencies because of it.

The money was budgeted for these reasons, prior to being in the Executive Committee, and a member of the government, I was for this program, I have not changed my attitude in any way, shape or form since becoming a member of this administration and government, and I still say that at this moment, at this time in the Yukon's history, that people are suffering because of their inability to be able to finance a lawyer under civil programs on which they have been wrong. I think that with the money already voted for the program, because we intended to have it initiated in this fiscal year, that we are going to have no problem in meeting the demands upon the public purse of the Territory, because we planned this program to go into effect this year, but because there are people in the Territory presently suffering because there is not a program of civil legal aid in the Territory, that we should not allow this Bill to die in Committee, and should process it and let it go.

All members have the ability at every budget session, of reviewing the programs for the twelve months, of seeing if we ran along the parameters in the budget which we said we were going to. If we are not, then we can cut it down or we can eliminate the program, or do anything that Members want.

I just would close, Mr. Chairman, by saying that I support this Bill at this time, that I do not want to see it die in Committee, that there is no fiscal problem in meeting the obligations of this Bill if passed at this point in time, and we could have the Commissioner assenting to a civil legal aid program in the Yukon at prorogation of this House, and I think that's a responsibility that should not rest lightly on any of our shoulders, and it's one that we should allow to go into practice.

Thank you, Mr. Chairman.

Mr. Chairman;
(Reads Preamble)

Mr. Chairman: Legal Aid Ordinance.

Hon. Mr. McKinnon: Mr. Chairman, I would move that Bill Number 2 be reported out of Committee as amended.

Mr. Berger: I will second that.

Mr. Chairman: It has been moved by Mr. McKin-

non, seconded by Mr. Berger that Bill Number 2 be reported out of Committee as amended.

Are you ready for the question?

Some Members: Question.

Mr. Chairman: Are you agreed?

Some Members: Agreed.

Mr. Chairman: We will proceed with the amendments to Bill Number 4.

Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, just before we consider the amendments, I have a question -- I see Mr. Legal Advisor in the House, respecting this Bill, and I am wondering at his time if I could quickly ask a question?

I would like to direct a question to Mr. Legal Advisor, Mr. Chairman. I have received, during the course of the summer, a letter from a company who is a transportation company, who was told that he could no longer have his company registered in the Yukon Territory, and I am wondering if I could know why.

Now, in a letter to this company from the Registrar of Joint Companies, it said,

"It has been brought to my attention that an amendment to the Yukon Act some time ago removed the legislation-making powers of the Commissioner-in-Council, as it pertained to incorporation of air transport companies in the Yukon Territory. It may be advisable, therefore, if your company is not already incorporated outside the Yukon Territory, to have it incorporated either in a province or as a federal company".

Quite briefly, I received a covering letter with this. This would appear to be a great step backward in our fight to gain some degree of self-government. We have always been a Yukon company, we have no desire to become a B.C. company, Alberta Company of federal company.

My question is, what gives rise to this? What was taken from the Yukon Act, when, and is it indeed possible for this company to continue to be registered as a Yukon company? It is an air transport company.

Mr. Legal Advisor: Mr. Chairman, the Yukon Act sets out the kind of companies we can control in our legislative powers, and I'm not sure when the amendment was made, but it was made in such a way that puts it outside our power to deal with it.

We are also not able to deal with steamship companies, telegraph companies, and so on, and air transportation companies is included in that class, in that we have lost our power to deal with them.

How long ago the amendment was made, I don't know, but it was probably made a long time ago.

Hon. Mr. McKinnon: It was 25 or 30 years ago. They finally caught up with him.

Hon. Mr. Taylor: Then, Mr. Chairman, --

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: -- I can conclude that there is no conceivable way or round-about way that this company can be registered. Could it be registered federally and then registered as an extra-territorial company perhaps?

Mr. Legal Advisor: I think it could do that, yes, Mr. Chairman.

Hon. Mr. Taylor: That would be legal? Thank you, Mr. Chairman.

Mr. Chairman: Seventeen, one: (Reads Section 17. (1))

Mr. Chairman: Ms. Millard?

Ms. Millard: I must be blind, I can't see any change from the original.

Mr. Legal Advisor: Mr. Chairman, I was just trying to read the small print, and I can't catch up with it. It was a spelling error in calculation.

Mr. Chairman: One forty-seven, one: (Reads Section 147. (1))

Mr. Chairman: Mr. McCall?

Mr. McCall: Thank you, Mr. Chairman.

In considering Bill Number 2 and the seemingly can of worms I seem to have kicked over, some of the remarks the Honourable Member has just stated, I would agree with.

My prime concern in presenting this Motion was although we have budgeted this fiscal year, with approximately four or five months left, for an amount of money to cover this particular program in order to get it off the ground, what I am concerned about is out next budget and our next fiscal year.

Knowing the inflationary rules that are being brought down, I am wondering just are we going to be able to make or carry on with the commitment in presenting this Bill to the public at this particular time?

If the Minister of Local Government can assure me that what he can see on the horizon as to help or maintain this program, I would be only too pleased to withdraw my Motion.

Mr. Chairman: Ms. Millard?

Ms. Millard: Mr. Chairman, haven't we been assured that if we pass civil legal aid, the federal government will pay 50 percent running cost? Up to this point, I have assumed that we have been paying the \$35,000.00 a year that it's cost for criminal legal aid.

If we pass civil legal aid, we will get it all paid for by the federal government, the civil part, so it's not going to cost us a cent now or five years from now -- I don't know how long the program is, three years probably if it's a federal program, but we don't have to worry

about money.

Mr. Chairman: Mr. McCall?

Mr. McCall: Yes, Mr. Chairman, that's what I am most worried of, money, and like I say, if the Honourable Minister for Local Government can assure me that this good piece of legislation can be maintained, or even improved upon, in his own opinion -- I'm not asking him to commit himself as far as his responsibilities as a Minister, but if he can assure me, I would be quite prepared to withdraw this Bill, or this Motion.

Mr. Chairman: Mr. McKinnon?

Hon. Mr. McKinnon: Mr. Chairman, I could no sooner look into my crystal ball and assure the Honourable Member of that, than the Honourable Member from Pelly can assure me that the union he represents will not be going for any wage increases with the company, Cyprus Anvil, during the next five year period.

Mr. McCall: Mr. Chairman?

Mr. Chairman: Are you ready for the question?

Some Members: Question.

Hon. Mrs. Whyard: Mr. Chairman, I'm sorry. I missed the Motion, I was out.

Mr. Chairman: I am going to read it.

It was moved by Mr. McCall, and seconded by Mrs. Watson, that Bill Number 2 be left to die in Committee. All those in favour?

Contrary?

Some Members: Agreed.

A Member: We can't hear you.

Mr. Chairman: I'm sorry, I will re-read the Motion; that Bill Number 2 be left to die in Committee. All those in favour?

Some Members: Agreed.

Mr. Chairman: Contrary?

Mr. Chairman: The Motion is defeated.

Motion Defeated

Mr. Chairman: I will now entertain a Motion regarding amendments to Bill Number 2.

Hon. Mr. McKinnon: Mr. Chairman, I would move that the amendments to Bill Number 2 be adopted as read.

Mr. Chairman: Secunder?

Mr. Berger: I will second that.

Mr. Chairman: Bill Number 2, it was moved by Mr. McKinnon, seconded by Mr. Berger, that the amendments to Bill Number 2 be adopted as read.

Are you in favour?

Some Members: Agreed.

Mr. Legal Advisor: This is also an error in the printing out originally when the Bill was being typed up. We are talking about in the original Bill, the filing of a certain matter prescribed by paragraph blank, and when we found the blank it turned out to be the statement we are talking about in this amendment.

Mr. Chairman: One fifty-four, one:
(Reads Section 154. (1))

Mr. Chairman: One fifty-seven, one:
(Reads Section 157. (1))

(Reads Section 157. (1))

Mr. Legal Advisor: The number was wrong, it should have been 157 instead of 156.

Mr. Chairman: Clear?

Hon. Mr. Taylor: Mr. Chairman?

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Was it not in this Section where we were discussing the question about attorneys.

Mr. Legal Advisor: Not necessarily in that Section, no it wasn't that Section, Mr. Attorney -- Mr. Chairman. The question of how to handle the request made by the Honourable Member, to make it clear to the public that the expression "filing a Power of Attorney" or that an attorney must do something, was exhaustively discussed and no solution was arrived at by the people who discussed it, other than something to say that an attorney is not a lawyer or some such thing, which is a statement of law, which they could gather for themselves.

In fact, there has been no change as a result of the question of the Honourable Member.

Hon. Mr. Taylor: Mr. Chairman?

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Yes, Mr. Chairman, what I think I did finally offer as a solution to it was under this Section, 150 -- pardon me, under this Section anyway under 154, that attorney be clearly defined as including an agent, rather than just a lawyer, because I think I made the point that attorney to the average person on the street means a lawyer.

If someone was considering the formation of a company and saw that he had to have an attorney, he would

immediately be led to believe that he had to have a lawyer, and could not have, in fact, a person to act in that capacity as an agent. I think it's - I still think it's important that you spell it out, and in the interpretation section involved, which I believe is 154.

Mr. Legal Advisor: Well, Mr. Chairman, it appears that the only kind of company that has to deal through an attorney is an extra-territorial company, or a company coming from outside which has to register itself here the second time, and under normal circumstances, they would be using a lawyer to transfer the papers of the company from one jurisdiction to another, but they don't have to have lawyer to continue to be the agent of a company and to have that as its registered office.

So it was decided by the administration that there was no solution to it, and it didn't seem a correct solution to define who an attorney was or not, because an agent is not an attorney, and an attorney is not an agent for all purposes, and it would add a lot of confusion.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: I can certainly say that my batting average today isn't all that good, but I still think that when we make laws we should make laws that can be understood by the people. If you are going to say something in law, say it, and if you mean attorney means lawyer, that's what everybody assumes, it means a lawyer.

We know at this table, and those of us who have been involved in this discussion, that that could mean an agent, but the man in the street doesn't know and will never know, so I conclude that this is just another way that we will ensure a good prosperity for the lawyers in the Yukon Territory.

Mr. Chairman: One sixty-five point one, one, (f):
(Reads Section 165.1 (1) (f))

Mr. Legal Advisor: That was just a misspelling that occurred, Mr. Chairman.

Mr. Chairman: Three thirty-seven five:
(Reads Section 337. (5))

Mr. Legal Advisor: One of the Honourable Members scored a strike in that one, Mr. Chairman.

Mr. Chairman: Three thirty-seven, twelve:
(Reads Section 337. (12))

Mr. Legal Advisor: It was a typo, Mr. Chairman.

Hon. Mr. McKinnon: Mr. Chairman I would move that the Amendments to Bill Number 4 be accepted as read.

Mr. Chairman: Secunder?

Mr. McCall: I second that.

Mr. Chairman: It was moved by Mr. McKinnon, seconded by Mr. McCall, that the Amendments to Bill Number 4 be adopted as read.

Are you ready for the question?

Some Members: Question.

Mr. Chairman: Are you agreed?

Some Members: Agreed.

Mr. Chairman:
(Reads Preamble)

Hon. Mr. McKinnon: Mr. Chairman I would move that Bill Number 4 be reported out of Committee as amended.

Mr. McCall: I second that.

Mr. Chairman: It was moved by Mr. McKinnon, seconded by Mr. McCall that Bill Number 4 be reported out of Committee as amended.

A Member: Question.

Mr. Chairman: Are you in favour?

Some Members: Agreed.

Amendments to Bill Number 9

Mr. Chairman: We will proceed with the amendments to Bill Number 9, The Motor Vehicles Ordinance.

Five, six.
(Reads Section 5. (6))

Mr. Chairman: Fourteen, one.
(Reads Section 14. (1))

Mr. Chairman: Sixteen, one.
(Reads Section 16. (1))

Mr. Chairman: Forty-four, one.
(Reads Section 44. (1))

Mr. Chairman: One sixty-four, two.
(Reads Section 164. (2))

Mr. Chairman: One seventy-one, one.
(Reads Section 171. (1))

Mr. McCall: Mr. Chairman, I move that we accept the amendments as read.

Mr. Chairman: Secunder.

Mr. Lengerke: I second that.

Mr. Chairman: It was moved by Mr. McCall, seconded by Mr. Lengerke that the Amendments to Bill Number 9 be adopted as read.

Are you ready for the question?

Some Members: Question.

Mr. Chairman: Are you agreed?

Some Members: Agreed.

Mr. McCall: Mr. Chairman, if I could draw your attention or a second.

I would move that Bill number 9 be reported out of Committee as amended.

Mr. Lengerke: I second that.

Mr. Chairman: It has been moved by Mr. McCall, seconded by Mr. Lengerke that Bill Number 9 be reported out of Committee as amended.

Are you ready for the question?

Some Members: Question.

Mr. Chairman: Are you agreed?

Some Members: Agreed.

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

Ms. Millard: I second that.

Mr. Chairman: Question?

Some Members: Question.

Mr. Chairman: Are you agreed.

Some Members: Agreed.

Mr. Chairman: Carried.

Motion Carried

Mr. Speaker resumes the Chair.

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

Dr. Hibberd: Mr. Speaker, Committee convened at 10:40 a.m. to consider Bills, Sessional Papers and Motions.

Committee reviewed Private Members Bill Number 20. Mr. Cam Ogilvie and Mr. Paul White representing the Yukon Chamber of Mines were present as witnesses. The witnesses made representation then were excused. Mr. Herb Taylor, Labour Standards Officer was called as a witness.

Committee recessed at 12:00 noon and reconvened at 1:30 p.m. when discussion of Bill Number 20 continued.

It was moved by Mr. McCall, seconded by Ms. Millard that Bill Number 20 be reported out of Committee without amendment. This motion was carried.

Committee was advised that Mr. Avison, Regional Director of National Health and Welfare was available

as a witness on Bill Number 8, and on Legislative Paper Number 5. Committee agreed to hear Mr. Avison. after the witnesses presentation the Chair passed to Mr. McCall. The witness was excused and at 3:00 and the Chairman declared a brief recess.

Committee resumed at 3:20 with a clause by clause reading of Amendments to Bill Number 8. At the close of debate Mr. McCall handed the Chair back to Mr. Hibberd. It was moved by Mr. Taylor, seconded by Mr. McCall that the Amendments to Bill Number 8 be accepted by Committee and that motion carried.

It was then moved by Mr. McCall seconded by Mr. Lengerke that Bill Number 8 be reported out of Committee as amended and this motion carried.

Committee then read the Amendments to Bill Number 1. It was moved by Mr. McKinnon, seconded by Mr. Lengerke that the Amendments to Bill Number 1 be adopted as read and that motion carried. It was then moved by Mr. McKinnon seconded by Mr. Lengerke that Bill Number 1 be reported out of Committee as amended and this motion carried.

The Chairman then proceeded with the amendments to Bill number 2. It was moved by Mr. McCall, seconded by Mrs. Watson that Bill Number 2 be left to die in Committee. That motion was defeated.

It was then moved by Mr. McKinnon, seconded by Mr. Berger that the Amendments to Bill Number 2 be adopted as read and this motion was carried.

It was then moved by Mr. McKinnon, seconded by Mr. Berger that Bill Number 2 be reported out of Committee as amended and that motion was carried.

Committee then proceeded with the Amendments to Bill Number 4. It was moved by Mr. McKinnon, seconded by Mr. McCall that the Amendments to Bill Number 4 be adopted as read that that motion carried.

It was moved by Mr. McKinnon, seconded by Mr. McCall that Bill Number 4 be reported out of Committee as amended and this motion carried.

The Amendments to Bill Number 9 were then read from the Chair. It was moved by Mr. McCall, seconded by Mr. Lengerke that the Amendments be adopted as read. This motion carried.

It was then moved by Mr. McCall, seconded by Mr. Lengerke that Bill Number 9 be reported out of Committee as amended and this motion was carried.

It was moved by Mr. McCall, seconded by Ms. Millard, that Mr. Speaker do now resume the Chair and that motion carried.

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

Some Members: Agreed.

Mr. Speaker: May I have your further pleasure? The Honourable Member from Ogilvie.

Ms. Millard: Mr. Speaker, I move that we now call it five o'clock.

Mr. Speaker: Is there a seconder?

Mr. Fleming: I second that.

Mr. Speaker: It has been moved by the Honourable Member from Ogilvie, seconded by the Honourable Member from Hootalinqua that we do now call it five o'clock. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare that the motion is carried.

Motion Carried

Mr. Speaker: This House stands adjourned until 10:00 a.m. tomorrow morning.

Adjourned

LEGISLATIVE RETURN NO. 8

(1975 Third Session)

(tabled Dec. 8)

December 4, 1975

Mr. Speaker...Members of Council On Friday, November 28, the following question was asked in Council:

In the next months, is the Game Department going to be investigating the possible ecological damage to wildlife which will ensue if a proposed dam is put on the Stewart or Pelly Rivers? If so, what is the outline of their investigative program?

Answer to the above question is as follows:

During the winter of 1974 the Yukon Game Branch began a series of river surveys as part of its Territory-wide wildlife inventory program.

Many river valleys are of great importance for wildlife, in particular for wintering areas of moose, breeding and staging areas of waterfowl and other birds and as year-round ranges of many furbearers. The carrying capacity of many river valleys and their biological productivity exceeds that of neighbouring uplands by 5 to 10 times.

These surveys will allow the Game Branch to make comparisons between different river valleys; they will

point out the more significant biological features of the area; and they will provide some baseline information on which more detailed studies can be based.

To show the seasonal trends that ecological systems undergo these surveys are done three times during the year: 1) a late June survey is designed primarily to catalogue the various bird species that utilize the area for breeding purposes and to establish indices on moose productivity based on calf to cow ratios; 2) a late September survey serves to investigate the importance of the valley for migratory purposes of birds (primarily waterfowl), survival of moose calves and sex ratio of moose during the rutting season, and lastly, to describe plant communities which were submerged during the "high water" surveys during June; 3) a late winter survey to estimate the numbers of moose using the valley as winter range and to document furbearer activity based on frequency of tracks and other signs.

During this winter and next summer the following rivers will be investigated: Pelly-Macmillan, Stewart, Teslin-Yukon, Nisutlin and Old Crow-Porcupine. Work on the Nisutlin and Pelly-Macmillan Rivers has already begun.

From these investigations, preliminary comparisons could be made of the ecological damage to certain river valleys, should they be subject to damming for hydro electric purposes.

P.J. Gillespie,
Member, Executive Committee

SESSIONAL PAPER NO. 8 1975 (3rd) SESSION
(TABLED DEC. 8)

December 5, 1975.

Mr. Speaker... Members of Council Motion No. 5

On Tuesday, December 2, 1975, Councillor H. Watson proposed Motion No. 5, which read as follows:

That Administration provide for this House, background information required for Bill No. 20, namely:

1. What classes of employees will be affected
2. What labour laws other jurisdictions have in force re: hours of work and any other pertinent information.

The reply to the Honourable Member's question is as follows:

1. The amendment changing the hours of work to a maximum of 40 in the week affects almost all employees and employers in the territory who are not in the mining business. Mining companies that have union agreements set out a maximum of 40 hours in a week and 8 hours in a day.

This, in other words, affects all garages, retail stores, highway lodges, hotels, motels, wholesalers, and local governments that are not covered by union agreements. The few other industrial establishments that are not either covered by a union agreement or that are not wholesalers or retailers are restricted to a 48 hour week. The territorial and federal government

departments and agencies are not governed by the Labour Standards Ordinance.

2. Subject to minor exemptions the maximum hours in the provinces are as follows:

Alberta, British Columbia, Manitoba, New Brunswick and the Northwest Territories set out maximum hours for all employees at 44 hours per week and 8 in any one day.

In Saskatchewan the maximum hours are set at 40 per week in the retail food trade and 44 hours per week for all other employees.

In Newfoundland the maximum hours for employees in shops has been set at 40 hours with a maximum for all others being 48 hours.

In Nova Scotia, Ontario and Prince Edward Island the maximum hours have been set at 48 hours for all other employees.

All of the above are subject to a maximum of 8 hours in a day.

3. The amendment to subsection 5 (3) which deletes the exemption of domestic servants and farm labourers does not have any effect as these two classes of employee are exempt from the Ordinance by virtue of Section 3 which states that the Ordinance applies to the operation of any industrial establishment. This definition does not include private homes or farms.

J. Smith,
Commissioner

SESSIONAL PAPER NO. 9 (1975 THIRD SESSION)

(TABLED DEC. 9)

December 8, 1975.

Mr. Speaker... Members of Council

As I indicated at the opening of this session, the rapidly rising cost of government has been a source of increasing concern to the Executive Committee. Despite our efforts to restrain costs, we are presently projecting over-expenditures in operation and maintenance of approximately \$2,600,000 for the current fiscal year. This over-expenditure is attributable to the recent settlement with the Public Service Alliance and unexpected increases in cost due to inflation. Of the total \$2,600,000 overrun, approximately \$1,600,000 will be received from the Federal Government by an increase in our deficit grant. The remaining \$1,000,000 will be taken from our rapidly depleting working capital.

In order to reduce our over-expenditures in this budget year and to lessen the impact on the 1976-77 budget, the Executive Committee has decided to impose internal restraints at this time on expenditures which will not adversely affect the public.

We therefore intend to institute a freeze on all vacant positions including those currently advertised which have not been filled and any further vacancies for the remainder of the fiscal year. Any exception to this freeze will be based on "the Governments commitment to provide an immediate and on going service to the public, which cannot be delayed". It is estimated that this measure will save approximately \$220,000 in salaries and fringe benefits and an additional \$35,000 in recruitment costs for an estimated total saving of \$255,000.

In conjunction with this move, virtually all government travel outside the Territory will be eliminated until March 31, 1976. This should provide at least another \$32,000 in savings in this fiscal year.

Undoubtedly, certain inconveniences will result from the imposition of these restraints. However, we hope that Council will understand the need for strong measures at this time and will support the government in its efforts to reduce costs without sacrificing the level of government service which the public may reasonably expect.

P.J. Gillespie,
Administrator.

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The Yukon Legislative Assembly

Number 11

4th Session

23rd Legislature

Debates & Proceedings

Wednesday, December 10, 1975

Speaker: The Honourable Donald Taylor

The Yukon Legislative Assembly

Wednesday, December 10, 1975

December 10, 1975

(Mr. Speaker reads Daily Prayer)

Mr. Speaker: Madam Clerk, is there a quorum present?

Madam Clerk: There is, Mr. Speaker.

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

ROUTINE PROCEEDINGS

Mr. Speaker: We will not proceed with the Order Paper. Are there any Documents or Correspondence for tabling this morning?

The Honourable Member from Whitehorse North Centre?

Hon. Mr. McKinnon: Mr. Speaker, I have for tabling today, Legislative Return Number 9.

Mr. Speaker: Are there any further Documents or Correspondence?

The Honourable Member from Whitehorse West?

Hon. Mrs. Whyard: Mr. Speaker, I have for tabling, Legislative Return Number 10.

Mr. Speaker: Are there any Reports of Committees? Introduction of Bills?

I believe at this time Mr. Administrator wishes to address the House.

Mr. Administrator: Mr. Speaker, it is the government's intention to introduce a financial Bill, Third Appropriation Ordinance, 1975-76, for defraying charges and expenses of the Public Service of the Yukon Territory for the 12 months ending March 31st, 1976. This Bill relates to amendments which will be introduced to the Elections Ordinance.

Mr. Speaker: Thank you, Mr. Administrator.

Are there any Bills for Introduction this morning?

The Honourable Member from Whitehorse North Centre?

Bill No. 13 Introduced

Hon. Mr. McKinnon: Mr. Speaker, I beg leave to move, seconded by the Honourable Member from Klondike, for leave to move Bill Number 13, Third Appropriation Ordinance.

Mr. Speaker: Is the seconder the Honourable Member for Klondike?

Hon. Mr. McKinnon: Yes, Mr. Speaker.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse North Centre, seconded by the Honourable Member from Klondike, for leave to introduce a Bill entitled "A Third Appropriation Ordinance 1975-76". Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the Motion as carried.

Motion Carried

Bill Number 14 Introduced

Hon. Mr. McKinnon: Mr. Speaker, I beg leave to move, seconded by the Honourable Member from Klondike, to introduce Bill Number 14, an Ordinance entitled "An Ordinance to Amend the Elections Ordinance".

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse North Centre, seconded by the Honourable Member from Klondike for leave to introduce a Bill entitled "An Ordinance to Amend the Elections Ordinance". Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the Motion as carried.

Motion Carried

Mr. Speaker: Are there any further Bills for introduction this morning?

Are there any Notices of Motion of Resolution? The Honourable Member from Hootalinqua?

Mr. Fleming: Yes, Mr. Speaker, I give Notice of Motion, seconded by the Honourable Member from

Kluane, that highway signs, commercials, regulations be considered in Committee of the Whole for discussion.

Mr. Speaker: Are there any further Notices of Motion or Resolution?

Are there any Notices of Motion for the Production of Papers?

We will then proceed under Orders of the Day to Motions.

ORDERS OF THE DAY

Motion Number 14

Mr. Speaker: The first Motion, moved by the Honourable Member from Ogilvie, seconded by the Honourable Member from Klondike, that it is the opinion of this House that the Minister of Health, Welfare and Rehabilitation look into the policy of mileage paid to travellers for medical reasons with a view to varying the rates paid to the travellers.

The Honourable Member from Ogilvie?

Ms. Millard: Mr. Speaker, I would just point out briefly that the mileage that is now paid to the people who have to say, come to Whitehorse for a specialist's appointment, et cetera, is 10 cents a mile, which is completely ignorant of the actual cost of what a person pays out when they do travel on the Yukon Highways. Their price of gas is much higher than that, and the wear and tear on the car itself, especially in the winter, and especially considering the fact that a lot of people take time off work to attend medical appointments, especially with specialists. I would ask the indulgence of this Assembly to pass this Motion so that it can at least be looked into and see if it can be altered.

Mr. Speaker: Is there any further discussion?
The Honourable Member from Klondike?

Mr. Berger: Yes, Mr. Speaker. In seconding the Motion, I fully agree with the whole thing.

I would further like to point out that there's lots of times, at the present the government pays bus transportation and any other transportation, if it's available. There's lots of time, especially in the case of a specialist's appointment, you have to rush down with a car from the outlying areas, and the cost involved, as the Honourable Member from Ogilvie pointed out, are incredibly high these days, and 10 cents a mile is definitely not going to cover this.

The other thing is too, as happened to me personally, if you have to come down on treatment or so, you're located in a hotel, and you have to go to the hospital, you need transportation, and the cost of taxis is so incredibly high, so if you could possibly use your own vehicle in town, you could save a considerable amount of money.

Mr. Speaker: The Honourable Member from Whitehorse West?

Hon. Mrs. Whyard: Mr. Speaker, I'm happy to give consideration to this request if the House approves this

Motion.

At present we are restricted to this mileage rate by the terms laid down in the policy manual applying to members of the public service, and the rate that is paid is the same rate as is paid for mileage when a public servant is using his own vehicle at his own wish.

If his employer instructs him to use his own vehicle for official business, the rate is higher. I don't know why we quibble about these things, but there is a distinct difference in the rate, between 10 and 17 and 21 cents per mile. If the House wishes to approve this Motion, I will certainly see if we can straighten out the administrative lines on it.

Mr. Speaker: Is there any further debate? The Honourable Member from Hootalinqua?

Mr. Fleming: Yes, Mr. Speaker, I rise to speak a little on the Motion, because I have been involved where there has been problems. I would like to make this comment now and possibly the Honourable Minister of Health can get a little input more into the people's problem out of the town area.

There seems to be again in the policy that's laid down, where it seems to hurt, there is no definite thing. You can take your car and you can take a bus if there's one available, and of course if you take the car, Mrs. Whyard says this 10 cents a mile; but the bus on the other hand may be \$11.00 and the 10 cents a mile may amount to \$9.00. There is nothing that is definitely laid down in the policy, whereas you know, it is either so much or it is not so much.

It is one of those things again where the policy is sort of -- a little bit slipshod, I would say, and you did answer one of my questions I was going to ask about the difference between the 17 and the 10 cents a mile, and the idea of the employer ordering a person to take his car, then he gets more, I don't know why myself, but I just felt I should speak a little on it.

They are having a problem with it, I know that.

Mr. Speaker: The Honourable Member from Ogilvie?

Ms. Millard: Mr. Speaker, just to point out as a last note, any medical person -- any person coming down for medical reasons does not -- there's no allowance paid to him for hotel or meals, so that if they are gone for two or three days, this can be a healthy cost against the person.

Mr. Speaker: Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare that the Motion is carried.

Motion Carried

Motion Number 15

Mr. Speaker: The next Motion is Motion Number 15. It is moved by the Honourable Member from Kluane, seconded by the Honourable Member for Riverdale, "Whereas this Assembly has not taken the opportunity to publicly declare its views concerning the Yukon Land Claims, and whereas negotiators of the government of Canada and the Council of Yukon Indians are negotiating an agreement in principle, be it resolved that the policy defined in the Yukon Territorial Government analysis and position for Yukon Indian Land Claims, be adopted as the goal to be achieved through negotiation for any settlement thereafter agreed to.

"And further be it resolved that this Resolution, together with a copy of the policy statement of the Government of the Yukon Territory, on Yukon Indian Land Claims, as contained in the report entitled 'Government of Yukon Territory Analysis and Position, Yukon Indian Land Claims', be forthwith directed to the Honourable Pierre E. Trudeau, Prime Minister; the Honourable Judd Buchanan, Minister of Indian Affairs and Northern Development, and every Member of the Senate and House of Commons".

The Honourable Member from Kluane?

Mrs. Watson: Yes, Mr. Speaker, I welcome the opportunity to speak on this issue, particularly on a motion which asks this Assembly to adopt as a basis for negotiations the Yukon Territorial Government's Position Paper, the goals that they are attempting to achieve through that position paper.

It has been a long time in this debate coming to this House, where the Honourable Members are given the opportunity to stand up in public and express their views on the land claim negotiations, more specifically on Y.T.G.'s position paper, and possibly even on the federal government's position paper.

I think that it is essential that we do have this type of debate. It is essential for two reasons. I think we have to show the government of Canada our opinion on the position they are taking on the Land Claims, because, after all, we are the representative body of all of the people of the Yukon Territory, regardless of their racial origin. It is also imperative that we give some indication to our executive committee members, elected and our Commissioner who sit at the negotiating table on behalf of the Yukon that there is some direction to the goals that we would like to see achieved in a settlement of the Yukon Indian Land Claims.

These people cannot carry any strength at the negotiating table if they do not have a consensus and the support from the people of this House.

I think you are all aware that I was involved in the compiling of the Territorial Government's position paper. Personally I do not agree with everything that is in there, but I have compromised, compromised for a solid year, more than a year it took to gather together and to arrive at this position.

Basically I support it very much and also I am very proud of it. It is my greatest regret that the Government of Canada, more specifically the people within

the Department of Indian Affairs, who wrote the federal paper, did not take the time to properly review this position paper. Had they taken the time, and had they done their homework, and had they done their research, I am positive their federal position paper would have been a little different.

We hope very much, and I hope very much that even by sending the policy statement, the one statement, to every Member of the House of Commons and Senate in Canada that we may show these people that you can solve the Indian Land Claim issue satisfactorily and as a final settlement, agreeable to all people. Unfortunately they didn't seem to feel, or take the Territorial Government serious enough in the work that they did, and I think it is up to this body, as the representatives of the people of the Territory, and as the legislative arm of the Territorial Government to use all the political pressure we can to make them see the goals that we are trying to achieve.

This is a proposal for a settlement. A settlement extinguishes something. The Yukon Indians feel that they have a legitimate claim on the land in the Yukon Territory. This has never been decided legally. I doubt whether it ever will. The federal government has agreed that they do have some sort of claim, and they are prepared to negotiate a settlement. Their proposal does not settle the claim. It does not extinguish the claim. Their proposal again is a token type of proposal that the federal government has been making to the Indians over the years.

Their proposal provides for the continued structure of their bureaucracy of Indian Affairs in Ottawa.

Mrs. Watson: Their proposal assures that there will be continuing work for the employees of Indian Affairs in Ottawa. Their proposal proposes a similar Indian bureaucratic structure in the Yukon Territory. Where is the poor Indian in the Village going to fit in with this bureaucratic structure, and still live under the Territorial Government? I just fail to see how it can be accomplished.

This, the goals that are outlined in this paper, start with the premise that all people should be equal, and I think basically this is a great deal of the problem of the Indian people today. The whole structure of dealing with Indian people is bad at the core. They have special privileges, and very, very special discriminations against them in the Indian Act.

How can you build from a rotten, crumbling base -- and this is the fallacy of the whole settlement that the federal government is embarking upon now. It's a sugar coating, it's an appeasement to keep them quiet for a while. This is not. This says let us get at the root of the problem, and make these people equal before the law. Take away the special privileges and discriminations against them, and challenge them and give them the obligations and the responsibilities of all other citizens in the Territory.

This paper proposes, and we all recognize that the standard of living, the economic situation and in many instances the social situation of the Indian people of the Territory needs to be raised. I don't think any of us argue that they require a stimulus economically, and this is proposed in this paper also. Land, money, resource sharing, to give them the stimulus, the

economics -- to bring them up economically at a par with everyone else, so that they are equal legally, so that they are equal economically. Then, they can choose with the finances that they are getting, what special opportunities or special concessions that they should have.

If they want to have special counsellors for Indian children; if they want to have a very deep and comprehensive program on bringing back their Indian language, they are able to do it with their funds, but the decision is theirs to make, not yours or mine. They will attend our schools, and they will get special privileges based on need, not on race. But if there are things within their culture that they feel, additional programs, they will have the financial ability to do it themselves. If they are successful or unsuccessful, it will be their responsibility, and the Territorial Government under this will continue to bring in special programs based on need.

There are people who do not have, who are not up to the standards that we would like to see them have, and there are special programs that we as a government have to bring in, but the programs will apply across the board, regardless of the people's nationality or the colour of their skin.

On the basis of this, I completely support this paper, and I can't say strongly enough in this House, how much, the distaste that I have for the paper that the federal government came forward with.

As I said, it's a token, and it's a continuation of the patronage that they have had in the years past. They don't want to let go of the Indians.

And Mr. Speaker, I do not see how any settlement based on this paper without accommodations made, both structurally, constitutionally and financially within the Territorial Government structure, can we accommodate a settlement under these terms. Our government, and the federal government, never gave one consideration to that. They are going to settle the Indian land claims; they are going to enlarge a wheel, put it back in the mechanism and wonder why it isn't going to work. They have forgotten to look at the mechanism and it's time their attention was brought to that, that they have to look at the Yukon as a whole. That they have to be prepared to make constitutional adjustments, fiscal adjustments, and possibly even structural adjustments in the government itself, in order to accommodate that settlement under these claims.

They didn't come forward with that. In fact, they are almost driving the Indians to go to a separate government, and I say, Mr. Speaker, if they are not prepared to make the adjustments in the Yukon, and if they are not prepared to consider how this is going to work in the Yukon, politically, administratively and economically, then maybe the only thing that will work will be two separate governments. I know that there isn't one person in the gallery, there isn't one person who is listening today on the air, and there isn't one person here, who wants two separate governments in the Yukon Territory.

I think all of the people around this House are prepared to bend and accommodate only so far, and I think the ball is now in the federal government's court,

and they better do a little bending too.

The Indian people in the villages and communities, and I just went through an election, and one-third of the voters in my constituency are Indian people, and I got a fair share of those votes. The Indian people in the communities do not want two governments. Basically, regardless of what the advisors across the river say, and regardless of how their Indian representatives have been brainwashed, the Indian people do not want two governments.

They want their children to go to school in Yukon schools, because they know that if they go for two separate governments, and they opt out for a separate school system, they know that they are not going to be able to opt into the Yukon system and back into the Indian system. They will be in the Indian system, because the funding for their education will be given into the Indian system.

The same thing applies with municipal structures. They will live in the municipalities that the Indian bureaucrats, society, or corporation will assign them to, and they won't be opting in and out. The peoples in the communities realize this, the people in the communities do not want a separate government. They want a settlement, and this applies to native and non-native people. They want a settlement, a fair-settlement, an equitable settlement, and I think all of our political forces--and if there ever has been an important time in the Yukon Territory when we faced the Federal Government, now is the time.

We have to tell them, this is our first priority. Failing that, and it appears as though you have jammed this down our throat without even giving this consideration, because this would settle it, this will appease it.

The Federal Government, that is my first alternative.

My second alternative is Federal Government, you better bend as far as the Yukon Territory is concerned. Constitutionally, financially, economically. You have to make our Yukon government able to accommodate a settlement under this, and failing that, the only route I know open to either the Indian people or to us, is two governments, and Mr. Speaker, that is not what any of us want.

Thank you, Mr. Speaker.

Mr. Speaker: The Honourable Member from Whitehorse Riverdale?

Mr. Lengerke: Mr. Speaker, as seconder of the Motion, I certainly can say that I—I guess I can't really add too much that the Honourable Member from Kluane has said, however I would like to say this as seconder. That I have no argument whatsoever with the view that the Indian people have a claim.

I do, however, have a strong opinion as to how that claim should be settled, and it hinges mainly on the opinion that the Indian Act, as it is administered today, must be abolished.

I can see rapid progress and success in being able to deal with people with equal rights, and I know many Indian people who feel the same way, and who would welcome that opportunity. I would be the first to then strengthen the program such as education, health,

economic development, to provide for the disabled and the disadvantaged, if I could deal from the same deck.

Believe me, I have no difficulty in accommodating the need for such things as special counsellors, Indian counsellors, et cetera, if we can arrive at these priorities from an equal base, and I'm more convinced that this would be the decision amongst the majority of our citizens.

After having reviewed and received, or received and reviewed the Yukon Territorial Government's analysis and position with respect to the Yukon Indian Land Claims, I was rather surprised to find that I could generally support it. I would, however, like to have the opportunity at some early date, to have the position clearly expanded to indicate to the Indian people the benefits that are arranged through such an arrangement, or available through such an arrangement.

In saying this, I would like to make it clear that I favour and support a one time cash and land payment, upon which the Indian people would qualify for all social and economic programs available to Canadians and Yukoners now and in the future, leaving a financial and land payment available to the Indian people to do with what they wish within the jurisdiction of this country.

In conclusion, Mr. Speaker, I want to say that I have great faith in the Indian people themselves, in accepting and meeting the challenge of individual determination within the system available to us all. I caution them however. I caution the grass roots Indian people to not fall into the trap of listening to the empire of fat cats and along-for-the-ride individuals, that we must all be aware of.

In supporting the resolution, I strongly urge the federal government to thoroughly examine it, to read it.

Thank you, Mr. Speaker.

Mr. Speaker: The Honourable Member from Whitehorse Porter Creek?

Hon. Mr. Lang: Mr. Speaker, I rise in support of the Honourable Member from Kluane.

Mr. Speaker, everyone knows my involvement with this matter. Some people have called me the "Devil's Advocate"; others have referred to me as the most vociferous critic of land claims; other have labelled me as "that angry young man". And others, Mr. Speaker, have called me a racist.

I would like to point out I am not a racist. I believe in one principle, equality. I do not believe in preferential status.

I trust that all members around this table realize the importance of this Motion. It is not only giving guidance to us as the Executive Committee of the Yukon Territorial Government, but also telling, Mr. Speaker, telling the Prime Minister of Canada what we as Yukoners want for the future, and it's time somebody told him.

At present, the future does not look good. We only have to look at the federal working paper as presented by the Honourable Judd Buchanan. If the land claim settlement is determined by the guidelines in that

paper, there will be a state of apartheid in the Yukon forever.

Mr. Speaker, I have studied, thoroughly reviewed the federal working paper, and I am unable to see how we as Yukoners, Indian or white, can live with a settlement which will be impossible to administer. This paper advocates a reserve system, which has proven unworkable in the south, and I contend will not work here.

It will be disastrous to have two governments in the Yukon. A James Bay will not work for the Yukon.

Mr. Speaker, the land claims must be structured to work for and accommodate all Yukoners, and by all Yukoners I mean both Indian and white. We only have to look at Alaska to see how important this is.

I would like to read to you a quote made by an Alaskan in 1967, prior to the Alaska Land Claims.

"Unless the course of the history of disputes over Indian title can be considerably modified, Alaska's phenomenal economic expansion will falter, and the adult men and women, both native and white, who now charter its courses, will have gone to their graves before the controversy is settled. There will be a few winners and many losers.

"The natives will bear the principal burden. They can advance and develop only with Alaska. Unlike most of the whites, they cannot go back to their former homes, they are already there".

Mr. Speaker, I would like to say that I lived in Alaska for two years, and I contend, and many Alaskans contend to this day, the ramifications of their settlement have not yet hit home, because they are going through that interim inflationary period of pipeline.

The federal government clearly states that the land claim settlement will only extinguish aboriginal rights. The Indian Act, and the Indian Affairs Branch will continue as before.

Mr. Speaker, as many Yukoners, I do not believe in the concept of aboriginal rights, but I would like to say that I do believe that the Indian Act and the Indian affairs are negotiable, and the reason I say this is for the sake of the Indian people of Yukon.

The Yukon Legislative Assembly has never made a policy statement on land claims, and Mr. Speaker, time is running out. I personally feel that it's incumbent upon all members to accept this policy statement. There are some areas that I really basically do not agree with, but overall, as a Yukoner, I can accept the analysis paper.

I only have one more thing to say, Mr. Speaker. It is time for all duly elected people, including our Member of Parliament, to face up to this issue. Whether you or I or anyone else likes it, the crunch is here.

Thank you, Mr. Speaker.

Mr. Speaker: The Honourable Member from Whitehorse North Centre?

Hon. Mr. McKinnon: Mr. Speaker, I'm very sorry that this debate could not have taken place maybe six months to a year ago.

I think I would like to open by laying to rest any rumours or any statements that it was any fault of this

Legislative Assembly or the Executive Committee that this debate did not take place at that time. From the very moment that the Executive Committee had prepared their position paper, and from the very moment after great deliberation—in fact, if you want the truth, a good knock-down, drag 'em out fight between the powers that be in Ottawa and the Members of the Executive Committee and the Legislative Assembly, the members of the Legislative Assembly were allowed to see a document that the taxpayers of the Yukon had paid for.

The moment that they saw it, they wanted to make that document public, as did always the Members of the Executive Committee. They were prohibited, this Territorial Government, though they had prepared that position paper, though the taxpayers of the Yukon had paid for the compilation of it, the powers that be in the federal government told the government of the Yukon that they could not make it public.

Then, Mr. Speaker, when the federal government authorities decided in their wisdom that they had made a mistake, after about a year of sitting on the position paper, they announced from Ottawa that there was no reason at all why the position paper should not be made public.

Mr. Speaker, I said at that time, and I say now, that I thought it was shoddy treatment, that it was unfair treatment, that it was colonial treatment, and of course it just further showed the status that the Yukon Territory finds itself.

When the position paper was released, Mr. Speaker, I had no problems in saying that I accepted the policy of the statement. I have always said publicly, and I have not been scared to state it, that I believe that the whole concept of negotiation, as the Honourable Member from Pelly knows full well a lot better than I do, means going in and giving up something in order to get something, and asking for the moon and the stars, and compromising down to a position that is acceptable.

The Yukon Territorial Position Paper overall policy states that yes, there is a moral and a legal claim to land in the Yukon by the Indian people. I have always agreed to that; that yes, there should be a settlement, and yes there should be something given up in exchange for that settlement. The exchange that the Yukon Territorial Government saw was special status under the Indian Act. I agree with that philosophy also, because like any other Member at this table, I think that they would all like to see all of Canadian systems—or all of Canadian people equal and bound by the laws of the Territory and the country.

So, I am going to have no problem supporting the Motion, because that was the goal that we wanted to achieve, and it's the goal that we still want to achieve. However, I think that we should all get down from the fine political rhetoric that we hear on this question, and down to the nuts and bolts of the situation.

There is no doubt that the federal government owns all of the 270,000 square miles of land in the Yukon Territory. They have said in their position paper, that the natives will be given land, no ifs, buts or whys, they are going to be given land. How much is negotiable. If you don't accept that, you know, go home, because you are not accepting the inevitability of what is happening

in the Yukon, and the first thing that you should be if you want to sit at this table representing all the constituents in the Yukon, is practical.

The second thing, they said there was going to be money, no ifs, buts or whats, there is going to be money, that's all there is to it. Right, we agree with that too.

We also know that they rejected the opinion of the Yukon Territorial Government that the quid pro quo for land and money should be the extinction of special status under the Indian Act. We know this. Anybody who reads the federal government paper, and you don't have to be a Rhodes scholar, a genius to read through the lines and realize that there is not going to be, for politically expedient reasons in Ottawa, the extinction of the rights of the Indian people under the terms and conditions of the Indian Act.

We don't like that, I wish we could have said it publicly a year ago. We say it now, I think it's a little after the fact.

However, what does that leave us with? If there is land going to be given, and there is going to be land given, if the rights and privileges under the Indian Act aren't going to be extinguished, it means, Mr. Speaker, that there can be created in the Yukon Territory a reserve system. Under the Indian Act where land is given and the reserve system is allowed, under Sections 81 and 83 of the Indian Act, the Indian people have the ability, have the right and they have the prerogative of setting up individual municipal structures. That cannot be denied under law, and that is a fact also.

Where does that leave us? I have spoken strongly, and I will continue to speak strongly against the concept of separate governments in the Yukon. I happen to think, in my whole involvement in politics up to this point, is that we have one too many governments already in the Yukon. That's the Feds, and the faster we can get them to hell out of the Yukon, the happier I'll be, but we should be in a normal structure as any of the provinces with a provincial and a municipal structure of government, and those federal things be given under the B.N. Act to the federal government, that the local decisions that the federal government is taking in the Yukon be under a provincial type of government, that being the Territorial Government.

Mr. Speaker, it is time for the Yukon Territorial Government, and the people of the Yukon, through their elected representatives, to take and seize the initiative for the first time in the total land claims question. Up until now, we have been reacting to everything that has been said and done in the negotiations taking place.

The facts of the matter are that if the Indian people under the settlement want to create, under the terms of the Indian Act, separate educational and separate municipal institutions, that they can do so.

It is up to the Territorial Government and the Members of this Assembly to prove to the Indian people of the Yukon that they can be accommodated, that they can be served, that their interest can be protected and guaranteed by this Yukon Legislative Assembly.

Mr. Speaker, if I can't convince the government of the Yukon through the Executive Committee and the Members of this Assembly, that the Yukon Territorial

Government isn't prepared to do this, and isn't prepared to bring amendments to legislation, at both the Local Improvement District Ordinance, the Municipal Ordinance and the Territorial Elections Ordinance, to guarantee assurances to the Indian people of the Yukon, I will be out that door tomorrow and you won't have to worry about seeing me around this table any longer.

Mr. Speaker, if we are not prepared to accommodate in those areas, if we are not prepared to show without any qualifications that we have the interest of all Yukoners at heart, Mr. Speaker, the Yukon is going to be separated, not into three levels of government, but four levels of government.

The only thing I want to say Mr. Speaker, that the children of all Yukoners, somewhere in the future, it doesn't matter whether they happen to be children of Indian Yukoners, children of white Yukoners, children of people of mixed marriage in the Yukon, that all of those children at some point in the future will damn everyone of their fore fathers who ever allowed, through not being flexible, and not being big enough to allow the Yukon to be separated on splits along racial lines.

That is the danger that we are facing, and that is the one area that we have the ability of moving in, we have the ability of doing everything in our power from preventing this happening. Everyone of us must do our utmost so that the members of this Assembly do not go down in history as the Members of the Assembly that allowed, or didn't, or weren't big enough to try to accommodate all Yukoners into the Territorial system of government.

Mr. Speaker, this then lays the responsibility on the Indian people of the Yukon, but they should have an offer from this government to refuse so history will record who refused the accommodation in local government institution to allow the Yukon to continue and to be serviced with the Government of the Yukon Territory and not another branch of government.

It is impossible, Mr. Speaker, when you get into the mechanics and the practicalities and the nuts and bolts of it to think that in the small communities of the Yukon, which are just miles and eons and light years away from James Bay settlements and special status for Old Crow, which we all know are completely different, to think of the communities that we all know like Carmacks and Haines Junction and Destruction Bay and Ross River and Beaver Creek, to think in those communities of the sewer and water lines stopping at the villages, it is just loathsome to my way of thinking. To think of, in those small communities, two school structures set up, two welfare delivery systems, two municipal structures, the uneconomics of it, the inefficiency of it, the impracticality of it and most of all the actual separation of races because they happen to be Indian and some happen to be white in these small communities. No one could think of anything more tragic that could happen.

So the Government of the Yukon Territory is prepared to take this responsibility and onus upon their shoulders and present positive methods and changes in Territorial Ordinances that will prove our interest in making this work. I only hope, Mr. Speaker, that when those things and those ordinances and those changes are presented to the Members of the Yukon Legislative Assembly, and I know this to be a fact, that we will not

find them wanting in this most important issue that is facing the Yukon at this time.

Thank you, Mr. Speaker.

Mr. Speaker: The Honourable Member from Mayo.

Mr. McIntyre: Mr. Speaker, I wholeheartedly agree with the position taken by the Honourable Member from Whitehorse Centre. I have no problem accepting the position paper for what it was intended, the advise of the Territorial Government to the senior government on how the Territorial Government would like to see the Land Claims issue settled.

Since it was prepared, however the federal government have made an offer, in the form of a working paper, to the Council of Yukon Indians. Negotiations are proceeding on the basis of the federal working paper and I have confidence in our Commissioner, who is taking part in the negotiations, to represent the best interest of all Yukoners.

In conclusion I must say that I accept the principles of aboriginal rights and aboriginal titles. I would hope that any settlement of these Land Claims would not result in a parallel government structures in the Yukon.

Mr. Speaker: The Honourable Member from Klondike?

Mr. Berger: Thank you, Mr. Speaker.

I have no problem supporting this Motion. I can't add very much, especially the Honourable Member from Whitehorse North Centre said most everything that was in my mind, and maybe I couldn't express myself that way.

I have no problems supporting the aboriginal land claim. Maybe I'm in a little bit different position than all of you Members here. I am not from Canada. I'm a minority group when I first came in here. I belong to Canada now through naturalization, but I think it's very, very important to establish the right of a minority group, and this right, I think is outlined in the position paper, and lots of it could be changed through negotiation.

So this is what I am saying, I have no problem supporting this. I do have objection to the federal government position paper, because as everybody else knows and everybody -- most everybody said already, it creates two governments in the Yukon Territory. I'm just thinking what's happening these days in other countries in this world, in Africa especially, where you have two races and one country, and you have apartheid. Nobody can work together, and the country is split, the costs are immensely, and the social impact of the whole thing, I think it causes trouble which can't be settled in the next hundred years.

I only hope somewhere along the line the federal government is listening to us, because up until now they haven't proven it, that they are listening, so all what I can say is I hope somebody is listening to us today.

Mr. Speaker: The Honourable Member from Hootalinqua?

Mr. Fleming: Yes, Mr. Speaker, I really, really

welcome the opportunity to say something at this time on this matter, because it's been something of very grave concern to me for many, many, many years. In rising, I am supporting the government's position as to their analysis as it is in this paper.

In my opinion, what the resolution is saying now is that we will accept what is in the policy and the philosophy of this paper, because it is a fair thing. I don't expect to believe in every part of it, every word in it, but I take it as a base to start something that will end up fair, and I take it as an honest thing that was made and written here by the people that worked here with the native people in this country. I'm quite sure that in that paper, there are many, many views that came, somehow or other, to the people who was doing this right from the native people. I'm sure that didn't all come from bureaucrats in Ottawa, it didn't come from just anywhere, it came from this country where we live, and the people that are in it, white and native, their views I think are in that paper that we are passing a resolution for today. And anybody who don't believe in it, I couldn't understand it.

I myself, I would like to speak a little longer, Mr. Speaker, on my beliefs and I would like also to—I would hope, I should put it, that the native peoples are listening today. This is the first time we have been able to say how we feel and how we are going to stand up for them against them or otherwise. I'm going to say this, that I'm very sorry, very sad in a way that I have to say something against my own government, which is the federal government, but I would like the people to listen, and the native people to listen and think hard, because that's what I have done at this table today.

I have sat here and listened to other people, and they can speak very profoundly, with large words and things, but I'm sure the native people, some of them don't understand yet today, what has been said here possibly.

So I would like to speak at their level, and I would like them to think hard, and think what's happened in the last hundred years, where they were given some rights and privileges. They said given, there is no such word as given. Somebody came to this country, my grandfather or somebody came to this country, and they may have conquered some of them, they may have just met some of them and agreed to live together here in this country.

But in any case, there was nothing given to the native person. When the government says they gave them something, they didn't give them anything. They allowed them to have a special privilege which would put them down the drain forever, and degrade them as long as they lived, because they couldn't be an equal of their white brother, as we would call it.

So I am putting the blame right at the federal level. I would like the Indian to think now as to whether this is going to go on for another hundred years or not, because in the federal government's position paper, they say we are going to give you, more or less, or let you still have these privileges and rights which are extra, that other people won't have. I would like them to think, just think back, has it helped them in the last hundred years to have those rights and privileges? And also, because of those rights and privileges, not have the right to stand up many times and say to the

government of Canada, and any other government they are under, that we want this and we want that. They haven't had that right, because of that, they haven't had the right to get into the schools 100 years ago when it first started.

They didn't get the right to go down to the beer parlour and drink a drink of beer. It done them no good in the long run when they got it, but if they had had that right to start with, and never been set aside, they would maybe have been all right today.

So I ask them now, I would like them to listen and just think back, did it help them? Now the federal government is offering it to them again. Is it going to help them again? It's not going to help them one little bit, because they are going to be degraded for another 100 years, until such time as the problem is solved.

I would like them to think, when government says we are going to give you some land, they are not going to give them any land. The land belongs to them now and us, they are not going to give to them. They are going to take a small parcel of it, and they are going to set it aside for them under a big bureaucratic machine, and the native person at the bottom isn't going to see enough to even buy his coffee for the year at any time out of it, which has happened with the Department of Indian Affairs. I think the native can understand this at the low level. He understands this, that he has been taken for a hundred years.

It's the same thing that is coming out in the government's offer now, exactly the same thing. "We are going to give you something", they don't give, they already own it, it's theirs anyway, and it's ours too.

They say they are going to give them the resources, they are going to give them 50 percent of the resources off of certain lands. The same thing applies, they are going to give the resources back to the big government machine again, and the government is also going to reap the other 50 percent off of those resources, so they are not giving them nothing, absolutely nothing. I say that those resources belong to the native people, they belong to us. I don't think there is any such thing as give. They are ours.

As I say, I just would like the native people to just think, sit back and think, and you sit back and think too, as to what has happened in the last 100 years, and under this same thing, and they are being offered exactly the same thing again, exactly the same thing again that they are being offered from the federal government. This paper, if it was adopted in some way and changed in parts here and there, we, or the Territorial Government here have said, and I think I can believe them better than the federal government, that they will let these people join into this Council, not into our schools, their schools. That's where I differ from saying things as other people would say.

I don't say our schools, I say their schools and our schools. They belong to all of us, they don't belong to us or them. The money comes from all of us. I say that that's the way it should be, and I am not an orator of big words, but I think the native people may understand me a little better.

Further, Mr. Speaker, I don't think I have anything else to say, other than I support the paper, this paper wholly, and as far as I am concerned, I will reject the

federal government's offer in any case if I was a native person, and hopefully the native voice from the villages and from away down below will get to the negotiating table, and be heard there, because I think it was heard in this paper that we are trying to put over, but I don't think it was really heard in the federal government paper, not voiced in the villages.

If it was heard, I think maybe it may have been misunderstood, or changed by people that are negotiating, by people that are in a higher bracket, that like to change things for monetary gain.

That's the way I feel, I support it wholly.

Some Members: Hear, hear.
(Applause)

Mr. Speaker: The Honourable Member from Ogilvie?

Ms. Millard: Mr. Speaker, I cannot support this resolution, this Motion. I cannot support it for two main reasons, first of all is the irrelevancy of the use of paper which is suggested.

The paper itself is not relevant to the negotiations. It probably never has been relevant to the negotiations. Therefore, we are being just silly to say that it should be adopted as the goal to be achieved.

The Yukon Territorial Government is not involved in the negotiations. The Federal Government is negotiating with the Indian people, and we are quite a separate body. Hopefully, we represent both sides, white and Indian. Looking around me, I don't know if that is really true. I believe on the use of the paper, if the Indians or the federal government wanted to use the policy that's suggested in the Territorial stand, that it would already be there. We are being silly to accept anything else. We have to accept the reality of the situation.

My second objection to the Motion is the policy itself, that is within the Yukon Territorial Government's stand on Indian Land Claims. I find that this stand is very unrealistic, I seem to be using that word an awful lot lately, because it seems to me we are really sitting in our white ivory towers and not seeing what is going on in the actual Yukon.

It's myopic. It does not accept the actual reality of what is going on. The Indian people have always had special treatment under the Indian Act. We have to accept that fact. Giving them a bunch of money is not going to change that. They are separate people, psychologically, emotionally, certainly socially in this Yukon Territory. This has to be taken into consideration.

I find the policy paper is far too narrow to accept the fact of the reality of the difference between Indians and whites in the Yukon that has been perpetuated since the white people came here.

Further than that, I believe the policy is riding on the backs of the Indian Land Claims, to achieve what this Territorial Government should have achieved by itself a long time ago. We should have ourselves negotiated with the federal government to do what we want with the land in the Yukon Territory. We shouldn't have to wait for Indian Land Claims to come first, and then to say we are going to go along on this handwagon and we are going to get our land too.

Why don't we do it ourselves? Are we jealous of the Indians because they have made a land claim? I wonder. I certainly cannot accept the argument that is going around this table, that there might be two separate governments should the paper that is being proposed by the federal government be accepted, or one similar to it.

It's impossible for me to understand that logic. It seems to me that's a very black and white way to look at things. At the moment, the Indian people are not represented in our territorial government, in our federal government, our civic governments, but let's take a look at that fact.

There is civic government within territorial government. There is territorial government within federal government. Why can't there be a ward system within that system which represents the Indian people, the Indian point of view, especially after land claims when they will have an economic structure to talk about and to work with the rest of the Yukon with.

I have no qualms in accepting any alterations to the Municipal Ordinance to fully accept the fact of Yukon life. There's no reason why the emotional issue of two separate governments should be brought up in this context at all. It's completely irrelevant.

Beyond all this, the whole policy paper that the territorial government has put forward to me is really immoral. I really feel that we mistreated the Indian people up to this point, and we are going to mistreat them further, by trying to impose the territorial government on them in place of the federal government which is now overruling them.

Why should they accept that? Why should they accept a difference in name? It's still a white government telling them what to do, and I think—they have my total support and my total knowledge that they are going to be able to handle what is going to happen to them.

This is what they are saying in the paper, together today for our children tomorrow. Let us look after our own problems, we are capable of it. We are not afraid, we have been through these problems, we know what we can do and we are ready to do it.

This Territorial Government is not ready to accept the fact that we are not giving the Indian people any sort of recognition in their special problems at this point.

We do not have an education policy which reflects the problems in the education system, which Indian people are experiencing. When are we going to recognize the fact that we have social problems in the Yukon, and start looking at them with reality?

On that basis, Mr. Speaker, I cannot but reject this Motion altogether.

Mr. Speaker: Is there anyone else wishing to debate this Motion?

The Honourable Member from Whitehorse West?

Hon. Mrs. Whyard: Mr. Speaker, I was claiming the privilege of being the last on this debate, it being International Women's Year. Are there going to be any other speakers?

Mr. Speaker: Yes, I believe that—

Hon. Mrs. Whyard: In the debate, Mr. Speaker.

Mr. Speaker: The Honourable Member from Whitehorse South Centre?

Mr. Hibberd: Mr. Speaker, I would like to draw attention to the members of the House, that it was through my efforts during the last Session that we did have a petition tabled, so that this same position paper could be released and could be discussed at that time.

Now, I agree that difficulties did arise that were not of a local nature, and that it was the federal government that did not permit us to release that paper at that time. But now the position has changed. Now these negotiations are going on. Now that paper has lost some of its significance.

It is not our role to interfere with these negotiations, but I think it is our responsibility as elected individuals to try and influence the people who are at the negotiating table, on behalf of the interest of all Yukoners.

I cannot agree with statements that have been made recently that the common, the availability of land is not meant for the Indian land claims. I think it is important that these negotiations go on and reach conclusion as quickly as possible, so that land again will become available for all Yukoners.

I'm in basic agreement with most of what the Territorial Government position paper has to offer. First of all, it does recognize the responsibility that land claim settlement is to be negotiated, and is important.

It is also important that the basic thrust of those negotiations must be to attain equal status for all Yukoners, that all Yukoners are given the opportunity to attain equal status, and at that point, Mr. Speaker, I feel that we should have equality under Canadian law, that there should be no special status under Canadian citizenship.

I cannot agree with the Honourable Member from Ogilvie. I think the Territorial Government is very intimately involved in these negotiations. The Commissioner is sitting at that table. The Members of our Executive Committee are directly involved in those negotiations, and they are for very good reason, because all of the institutions which are involved in these negotiations, are what are actually being negotiated now, and they have to be involved, because we have jurisdiction over those things.

I think this is, as has been said by other members, is the basic thrust of what those negotiations must achieve for all Yukoners to be happy. That these various areas of government are integrated into one system of government for all Yukoners.

Mr. Hibberd: Thank you, Mr. Speaker.

Mr. Speaker: The Honourable Member from Pelly River.

Mr. McCall: Mr. Speaker, in view of what the Honourable Members have said around this Table this morning I have very little to add to it.

What I have to say will be very short and sweet, I do not want to be branded along with the bureaucrats in

the federal government as a person that speaks with a forked tongue.

Mr. Speaker: The Honourable Member from Whitehorse West?

Hon. Mrs. Whyard: I have a couple of problems in supporting this motion, Mr. Speaker. One is that it is a year late, through no fault of ours and thus has lost some of the impact it could have well had on the federal position.

The second is the phrasing of the resolution that this position paper be adopted as the goal to be achieved through negotiation. I think now, a year later, the word basis could be adopted, rather than goal. I think all of us have reached a point in our thinking and our acceptance of the factors in this negotiation where we see that we must go farther and we must come up with additional enlargement and future planning which is going to solve this problem so that all of us can continue to live in the Yukon.

When this paper was released to us confidentially a year ago, Mr. Speaker, all of us I think abided by the restrictions on the publication. I am pretty proud of that record.

I am also very proud of the fact that this position paper was prepared by young people who were born and raised in this country, who were assisted to go outside to university for further training and who came back with that training and were available when the territory needed good minds. Their minds were responsible for this product.

I would like to go on the record, today, Mr. Speaker, acknowledging the debt that this government owes those people, for not just the mental effort they put into the assignment they were given, but for the additional contribution they made in the writing and preparation and revising and rewriting and revising and final writing of this paper.

They have taken part in the formation of the History of this country. Now a year later, we are allowed to release the paper. There are three ways I must approach the contents of this volume.

One is, as an individual who lives here, and has for 30 years. One is as a representative of the voters of Whitehorse West, and one is as a Member of this government, although I was not a member of the government which prepared the paper.

I think I can safely sum up the reaction of my first two positions in the words of one of the constituents who phoned me this morning, having had an opportunity to read this paper, and having heard that this debate was going to take place, and she said it was with a feeling of relief that she was finishing the reading of the Claims Paper. There has been so much mysterious misinformation built up about the contents of this paper that I think it was with a feeling of dread that most people finally accepted and began to read it. Having read it, I think they concur with most members of this House that there is nothing in that paper to fear, and there is nothing in that paper to regret.

I am confident that we can say because of our information, so far, that there has been no violent reaction from the Indian people to this paper. There is no problem as far as this motion goes, in my mind, that

we support this analysis paper as a basis for negotiation and ongoing discussions with the Indian people whose future is at stake as much as ours.

Now, the measure of support for this policy is very important to me as a Member of this Government, as it is to all members of the Executive Committee who must in turn sit at that negotiating table when the departments with which we are involved are under discussion. We have to know that there is support for the position we are going to state there. Until now there has been no opportunity to receive that support.

When the matters concerning the Department of Welfare or the Department of Health, or the Department of Rehabilitation are being negotiated probably after agreement in principle has been reached, and we get down to the nitty gritty of how our settlement plans are going to be carried through.

I will have to sit there and I will have to know what the official position of this Department will be, and there has to be some kind of groundwork and basis for that position, so it's with great relief that I have finally heard this paper discussed and the views of all members of this Legislative Assembly made known.

It's impossible to expect that twelve people are going to have exactly the same reaction to any policy, whether it's Indian Land Claims or how often there should be a coffee break in the new capital building. There are 12 individuals here, and we are in the unique position of being allowed to represent the views of the people of the Yukon in the way we see fit. We are not tied to party lines, we do not have to follow a party policy on this matter or any other matter in this House.

Therefore, I would have anticipated that there would be people who objected to certain portions of the paper and to certain portions of this Motion, but I think it has been made eminently clear, Mr. Speaker, that every Member of this House has one basic wish in common with all others, and that is that we must continue in this country with one government, which will provide equal opportunities for all representations.

One of my favourite stories, Mr. Speaker, is about the opening of what used to be called the New Imperial Mine, which is now Whitehorse Copper Mines. It was the first new mine to be opened in the Yukon for many years, and it was a great day for the Yukon, and there were plane loads of V.I.P.'s flown in for the big opening ceremonies and the party which followed it.

The Minister of Indian Affairs at that time was the late Honourable Arthur Lang, and Mr. Lang was then on one of his "everybody has got to hire an Indian kick". He was the number one guest at that opening, shown around the mill and the property and the open pit which was then being developed by the mine manager. When they got into the open pit and were watching some of the work going on, the Minister said to the manager, "How many Indians do you employ in this mine", and the manager said "We don't employ any Indians here".

Mr. Lang was slowly turning purple, and his aides were getting very nervous, and the mine manager, whose name was Ross Kenway, shoved his hard hat back on his head and he said "I don't know, the guy over there on the truck, the guy on the shovel, they might be Indians, I don't know. We don't ask them.

There is nothing in the personnel files of this mine which says whether a man is an Indian or not. If he can do a job we hire him, if he fluffs it, we fire him".

Mr. Speaker, there is only one other thing I would like to say at this time. I have every confidence that this government is going to bring forward proposals which will satisfy all the needs of all the people in this country. If I felt so strongly as the Member from Ogilvie feels about native representation in this government, I think I would not have opposed a native candidate in my riding.

There are going to be more and more opportunities, as there have been in the past, for any native candidate to run at the civic or the territorial or the federal level, and because they have had some years now to catch up at an educational level and become competent in all the areas in which they must serve, they are going to be elected and we are going to welcome them to this House. I cannot associate myself with any statement that this House shows any discrimination in the means or the methods of election to this House.

I would just like to finish, Mr. Speaker, by saying that I don't know whether the Honourable Pierre Elliott Trudeau has ever had the opportunity to read the position paper, and I don't know whether he will now, but I would hope that every Member of Parliament, and every Member of the Senate would take time to at least go through it quickly. We have had misrepresentation of this government's stand on the Indian land claim settlement from the beginning, outside.

I don't think Canadians know what is really going on in this country, at any time, and particularly on this issue, a great deal of coverage has been distorted, and that is the only information they have received, Mr. Speaker.

I would hope that somehow through distribution of this analysis paper, there will seep through to the level of the average Canadian, some small vestige of understanding of what is involved here, and some small vestige of understanding that the Territorial Government approach to this problem is a good one.

Thank you, Mr. Speaker.

Mr. Speaker: I am wondering if at this time I could ask the Deputy Speaker to assume the chair?

Mr. Hibberd Assumes the Chair

Mr. Speaker: The Honourable Member from Watson Lake?

Hon. Mr. Taylor: Thank you, Mr. Speaker, and I must apologize to the Honourable Member from Whitehorse West, who I believe in the interests of International Women's Year to have the last word, perhaps this points out that there is equality between men and women, however I bow to the Honourable Member from Klwane, who I am sure as mover of the Motion will on behalf of the ladies of our midst, have the final word.

I was very impressed by many of the remarks, Mr. Speaker, I have heard this morning in relation to this most serious question of land claims, and I agree whole-

heartedly with those who have pointed up today, the fact that many people in the Territory have no opportunity, up to this point, to understand at least what the Territorial Government's position was in relation to the negotiations now underway.

I reflect back, and I really don't think that many people in the general public understand that these negotiations in fact, have their foundations in the Royal Proclamation made by the King, on October the 7th in the year 1763. And in that year, Mr. Speaker, and I'll just briefly read a pertinent excerpt from that Proclamation, it states quite clearly:

"We do, with the advice of our Privy Council strictly enjoin and require that no private person do presume to make any purchase from the said Indians of any lands reserved to the said Indians within those parts of our colonies where we have thought proper to allow settlement, but that if at any time, any of the said Indians should be inclined to dispose of the said lands, the same shall be purchased only for us in our name at some public meeting or assembly of the said Indians, to be held for that purpose by the Governor or Commander in Chief of or colony respectively within which they shall lie".

So it was, Mr. Speaker, and Honourable Members, that the right of the native citizens of our Territory found a foundation in their right to a settlement of those land claims, a right granted so long ago.

I agree with those who suggest that this is not a time for rhetoric or criticism, but I do agree and I believe the Honourable Member from Whitehorse North Centre in his remarks stated quite clearly it is a time for objectivity, it is a time for initiative.

I add my support to those, Mr. Speaker, at the -- in the Chambers this morning, who support the position, be it a year old, of the Yukon Territorial Government in its position paper.

I express concerns that the result in negotiations will be one which will only extinguish a land claim and is not comprehensive to include aboriginal rights. I regret that, as some Members have stated at the table, and perhaps we will have another head-on confrontation, or should I say our children will have a confrontation on the question of aboriginal rights at some time in the future. It is, to me, a tragedy that the whole question could not be settled at this time, but however that is also a fact.

Lands not included in the settlement, whatever they may be, and there will be settlement on lands with native people. I feel very strongly all lands not included in this settlement should, following the agreement, be turned over to the people and the beneficial use and control of the people of the Yukon Territory. I feel strongly on this.

In resource sharing, in constitutional issues as far as they are concerned, Mr. Speaker, I consider them to be separate questions and it is my belief that they should be dealt with separately in this House, on behalf of native and non-native people. I don't consider them as being part of the settlement at this time.

My greatest concern is that expressed by many Members, Mr. Speaker, and that is the question of a state within a state, which I certainly do not agree with. I couldn't agree in any way, shape or form with this concept, because it offends the premise and the realization of government in Canada, it just cannot be.

I concur with those who say we should take

initiative to attempt to prevent this happening. I would be one of those people on behalf of those I represent, and on behalf of the general population of the Yukon, to take a stand and a rational and reasonable stand in negotiations, which would provide for initiative in the areas as outlined perhaps again by the Honourable Member from Whitehorse Centre.

The area of the Elections Ordinance, the area of the Local Improvement District Ordinance, the area of the Education Ordinance, the area of any Ordinance, whereby we can sit down, ourselves, as people of the Yukon, representing all people of the Yukon and discuss with those who represent the Council of Yukon Indians.

In other words, what I am attempting to say, Mr. Speaker, is Yukoners talking to Yukoners about mutual problems of concern, and I think by this vehicle, perhaps we may avoid two governments and two states within the Yukon Territory.

Now, the basic negotiations are, of underway. They are well advanced, I understand, between the Council of the Yukon Indians and the federal government, and it's clear that they are negotiating in respect of the Yukon, and all the people who reside in the Yukon. It is my hope that at least from this point on, now that we are in negotiations, that the negotiators of the C.Y.I., the negotiators on behalf of the federal government, will insist, as we insist, that we remain at the table as active participants in negotiation as a government, until these negotiations are concluded.

I am confident that those who are negotiating on our behalf, in the form of our Ministers of the House, some in the form of officers of the Government of the Yukon Territory, will do a creditable job, will negotiate with a good basis of understanding of the Yukon, its people, its problems and its future. I think these people are far more capable of negotiating these issues than certainly anyone including the wise men, so-called, from the East.

I pray, Mr. Speaker, in closing that may there be, in this Chambers today, a diversity of opinion. It occurs to me from listening to the many interesting remarks made in this House today, that there is common objectives. Maybe we are all spelling it out in our own way. Perhaps we are at loggerheads on some of the finer points raised in the Chambers today, but I think we are all seeking the same objective, a just and fair settlement of land claims.

So I simply say, Mr. Speaker at this time, that I would join those, were I to have a vote, in supporting the resolution before the House and may I, in conclusion, say it is my hope again that these negotiations continue unimpeded with the full support of the Government of the Yukon Territory, on behalf of this House, and on behalf of all of the people of the Yukon, and I wish them God speed.

Thank you, Mr. Speaker.

Mr. Speaker: Thank you. I would ask the Speaker to assume the Chair.

(Mr. Speaker resumes Chair)

Mr. Speaker: The Honourable Member from Klucane?

Mrs. Watson: Yes, Mr. Speaker. I won't belabour this much longer, but I would like to take the opportunity to applaud the presentation by the Honourable Member of Hootalinqua, who said it so well, so basically and so eloquently, and it took many people to write this book, and he compiled it and said it in a few minutes.

The fact that this book came out in October of '74, it is more than a year old, and this Council, or this House can still support it and accept it, indicates to me that it can be a very useful guide, basis and very hopefully, a goal for negotiations.

There's only one thing that I would like to draw attention to, and that is the Honourable Member from Whitehorse North Centre's remark on that the Yukon must prove to the Indians that we can and will accommodate them. I don't think there is any question in anyone's mind, but there are limitations to the areas in which we can accommodate them.

There are Ordinances, fine, but financially, economically, are we in a position after a land claim with the structure of government which may have to be accommodated to suit them too, to accommodate them in the Yukon Government, and this is the basis of my rejection for the federal paper. They are prepared to make the settlement, but no the accommodation within the government structure that the settlement will have to face, and this is one of the key issues, I think in this whole debate and question today, and this is the key issue that has led to the Motion which the Honourable Member from Riverdale has at the House before you today also.

Thank you, Mr. Speaker.

Mr. Speaker: This at this point closes the debate on the Motion. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: Are there any disagreed?

Ms. Millard: Disagreed.

Mr. Speaker: Madam Clerk, would you poll the House?

Madam Clerk: The Honourable Member from Whitehorse South Centre?

Dr. Hibberd: Agreed.

Madam Clerk: The Honourable Member from Mayo?

Mr. McIntyre: Agreed.

Madam Clerk: The Honourable Member from Klondike?

Mr. Berger: Agreed.

Madam Clerk: The Honourable Member from Hootalinqua?

Mr. Fleming: Agreed.

Madam Clerk: The Honourable Member from Kluane?

Mrs. Watson: Agree.

Madam Clerk: The Honourable Member from Ogilvie?

Ms. Millard: Disagree.

Madam Clerk: The Honourable Member from Whitehorse Riverdale?

Mr. Lengerke: Agreed.

Madam Clerk: The Honourable Member from Pelly River?

Mr. McCall: Agreed.

Madam Clerk: The Honourable Member from Whitehorse Porter Creek?

Hon. Mr. Lang: Agreed.

Madam Clerk: The Honourable Member from Whitehorse West?

Hon. Mrs. Whyard: Agreed.

Madam Clerk: The Honourable Member from Whitehorse North Centre?

Hon. Mr. McKinnon: Agreed.

Madam Clerk: Mr. Speaker, the vote is 10 yays, one nay.

Mr. Speaker: The yays have it, I declare that the Motion is carried.

Motion Carried

Motion Number 16

Mr. Speaker: The next motion is motion number 16. Moved by the Honourable Member from Kluane, seconded by the Honourable Member from Watson Lake, that Sessional Paper number 9 be moved into Committee for discussion.

Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare that the motion is

Motion Carried

Motion Number 17

Mr. Speaker: The next motion is Motion Number 17. It has been moved by the Honourable Member from Whitehorse Riverdale, seconded by the Honourable Member from Kluane that whereas the economic and social future of the Yukon is being questioned by both non-Indian and Indian people today and also in relation to the proposed settlement of the Yukon Indian Land Claims, it is imperative that a strategy and guidelines now be formulated and adopted in concert with the final Land Claims to clearly provide for Yukon's independent economic and social status and to answer the question, what kind of a Yukon do we want, therefor be it resolved that the Yukon Territorial Government immediately initiate negotiations with the federal government of Canada to provide funding to be used to specifically define a pattern of strategy for Yukon's economic and social development by setting out objectives and priorities for Yukon by the citizens of Yukon generally in line with national aspirations to identify and attain goals for Yukon's development in such areas as government, education, health, recreation, labour and tourism, pollution and environmental considerations, transportation and communications, land control and use, resource and social development and resource revenue sharing by considering conclusions and desires expressed in already compiled and tabled major resource and social development reports, and by responding to concerns already expressed through Yukon's Northern Resource Conference and social and people oriented forums, as well as native people groups, associated organizations and government agencies, but primarily through a disciplined, co-operative participation and involvement of citizens from all representative sectors of Yukon to be known as the Committee on Goals for Yukon Development.

Be it further resolved that if general accord is reached with the federal government for the funding of such an assignment that legislation be prepared, introduced and considered at the next Session of the Yukon Legislative Assembly, setting out the full terms of reference, make-up of the Committee and schedule for completion to coincide with the final Land Claims Settlement.

The Honourable Member from Whitehorse Riverdale?

Mr. Lengerke: Thank you, Mr. Speaker.

First I would like to make these comments about the motion. I would like inserted that "Goals for Yukon's development to 1985", I would like the Members to consider that.

Second, I would like this resolution to be directed to the Minister in charge of the Department of Indian Affairs and Northern Development.

Third, that financing does not have to come exactly from the federal departments but could come from Y.T.G. as well.

These are just other considerations.

Now, Mr. Speaker, I don't want this motion to be interpreted that we are riding on the backs of the Indian Land Claims. The question of, and a solution to Yukon's independent economic and social future is very -- is still very much before us. I know Y.T.G., or the Yukon Territorial Government has continually been banging on the door of the feds to get more control. To me it is imperative that we have this control so that in fact we can provide the flexibility, the accommodations, as we were talking about earlier in the government's Yukon Indian Land Claims position paper.

What kind of Yukon do we want? What can we expect for our children and the students in the future? To solve this problem we must also ask the basic question of how big do you want Yukon to grow? How many more people do you want in Yukon? In Whitehorse? In Watson Lake, in Faro, in Dawson?

Think about that. Obviously this governs the degree of social and people orientated programs. The amount of job opportunities that you want to create. The special programs that you require. The magnitude of transportation and communication systems, education, health and so on.

In other words, what is required? Or what are our goals for Yukon's development?

I campaigned on this issue and I committed myself to try to do something about it. The whole problem of Yukon's future has been further aggravated by the fact that we now have an Indian land claims before us. As I said before, I don't argue with the land claims, other than I want to deal from it from an equal base.

In determining Yukon's future, I think one can look at the Indian land claims in the same light as you would an industry, a major industry, a major development in Yukon. What questions do you ask about major development? You ask things like what are the social and economic impacts? What effects will it have on Yukon's growth? How might the rest of Yukon develop to accommodate this? Will the claims set new priorities for social programs? Will we see new industry springing up? Will we see accelerated resource development on the lands in question that are affected? Will we require new and amended government structures, or do we have to assume the responsibility?

As I said before, land claims is really only one question. You could use the same example of how about paving the Alaska Highway, the impact there. The pipeline developments, smelters, hydro developments, the same questions can be asked.

These type of developments influence our housing needs, our infrastructure, standards of social programs and so on and so on. Our daily requirements.

I strongly believe we should be ready to identify the opportunities and to what extent we want to develop. An inventory of opportunities or goals for Yukon's economic development for the next ten years must be defined and compiled and generally committed to by this government.

For instance, if you want to continue the same level of social services or people orientated services, you must either have control of our growth, so that it might be zero growth or very minimum, because you need an economic base, a stronger economic base to cope with the costs for this service, or either that you need a

commitment from the rest of Canada that they are going to support you financially.

The intent of the action that I have suggested in Motion 17 is an attempt to let the people in on the process of planning their future.

People from all sectors of Yukon. I know that funding is available from the federal government to do such a scheme, to do such a project. I would envision that we would have very small core team and this might be of some professional people right here with the Yukon Territorial Government.

They would coordinate the efforts, the findings of a citizen committee, the committee on goals for Yukon's development. This, for instance, to give you an example, if we are talking in the mining field, opportunities would be zeroed in on by geologists, the miner in the ground, under the ground, the support help associated with the mining industry, they would be allowed input into what the goals, what they feel were the opportunities in the mining industry.

This would be compiled and sent in to this committee to tie together. In other words, that is one example. We can use the same thing in education. We can use the same thing in health services. We can use the same thing in transportation.

A positive reaction to this resolution will challenge the citizens of Yukon to identify realistically the opportunities which lie within their grasp, and thus begin building the kind of Yukon they would like to have by the end of the next decade.

I am sure just from the information and data that has already been collected and identified, that the opportunities will be numerous, rich and varied and that seizing them will require determination, intelligence, hardwork and cooperation.

Thank you, Mr. Speaker.

Mr. Speaker: The Honourable Member from Kluane.

Mrs. Watson: Mr. Speaker, in supporting this motion we always—almost it is a coined phrase, "our economic development," our social development, we want constitutional reform, you know we are always coin phrasing these things. We are always saying we should have—the federal government is interfering, they are hoisting programs on us. It is so easy to use these phrases and then we get back into the normal humdrum of a rat race type of argument over amendments to the Labour Standards, or this type of thing.

We have to begin to look ahead and do some planning, and do take some initiative. We have been waiting for the federal government to develop a master plan into which we fit, but I don't think they are going to do it. If you are aware of the Natural Resources Conference that was held in the Yukon, it was so obvious that the goals or the aspirations of Yukon are not known.

Development won't come in, won't be carried out unless there is some goal and some commitment by this government and by the federal government and we have to take the initiative. It is so imperative because of the Land Claims Settlement which is pending and as I have said before, there is no way, under the existing structure that you can accommodate the Indians in the

Land Claims Settlement. They are going to be off on another way, hopefully, doing a little bit of development and the federal government likely will be off in another way. Maybe that is the idea. Maybe that is the strategy behind it all, divide and conquer, forever and a day you will have a colony, or colonies up there.

I would very much support this motion. I would like to see it discussed and maybe for a change we will take the initiative and go to the feds, "look we have an idea, will you help us see whether we can formulate some policy, and will you support us in it."

Thank you Mr. Speaker.

Mr. Speaker: I think at this time we will stand the House in recess until 1:30 this afternoon.

The House now stands in recess until 1:30.

Recess

Mr. Speaker: I will now call the House to order. Prior to rising in recess, we were discussing Motion Number 17. Have you any further debate on Motion Number 17?

The Honourable Member from Mayo?

Mr. McIntyre: In connection with Motion Number 17, Mr. Speaker, I'm wondering if the proposal here is either for a new Carr study or an upgrading of the Carr report, and if that is the case, we must remember that that initial report cost somewhat over a hundred thousand dollars. An upgrading of it today would probably cost at least as much, and if we are trying to save a little money in our next year's budget, this is one item that is going to increase it by probably a hundred to two hundred thousand dollars, depending on the scope of the direction we give the people who conduct this investigation.

Mr. Speaker: The Honourable Member from Whitehorse South Centre?

Dr. Hibberd: Yes, Mr. Speaker, I rise in support of this Motion.

In view of the tremendous impact that the Indian Land Claims will have on the total Yukon economy, and on the utilization of Yukon land, I think it is important that we have a policy formulation at this stage, in view of these Indian Land Claims.

Mr. Speaker: The Honourable Member from Klondike?

Mr. Berger: Yes, Mr. Speaker, I really can't see how we could come up with a policy right now, in view of the Indian Land Claim settlements. I mean, we don't know what the outcome is going to be, we don't know anything.

I think any policy that is going to be set down in the future, and I don't disagree with the policy, but it has to include any settlement that is going to be made, and I think it's a little bit too early to call for a Committee to sit down and come up and say let's formulate a policy. I think this is what we discussed this morning, we have to include the native people in that, we can't form a policy excluding that people, and I think it's premature

to talk about any policy.

I mean, there's enough policies, there's enough studies to be made. The Honourable Member from Mayo mentioned the Carr report. There is half a dozen other reports have been made on the Yukon Territory, and in the future, I could possibly see a different form of government we are going to have, where it's maybe the party politics going to be influencing the policies of the Yukon Territory.

Mr. Speaker: The Honourable Member from Whitehorse West?

Hon. Mrs. Whyard: Mr. Speaker, there are a couple of observations I would like to make about this Motion.

One is that I don't know if most Members are aware, but this government is asked to present its goals for Yukon development from time to time by the federal department, which is supposed to incorporate our input into their federal position on northern development, and there was a recent revision of that northern development paper, which was so hastily prepared or so tardily presented to this government for consideration, that there was no time to prepare a submission from the Territorial point of view.

It might be of value to pursue it from that approach, and secondly, I wonder if the Honourable Member is aware of the research already conducted over a period of years by a group of competent people here in the Yukon, and their organization is called the Yukon Research and Development Institute, and whether or not you might utilize the services of such a group, rather than going into an overall government production might be worthy of consideration, Mr. Speaker.

Mr. Speaker: The Honourable Member from Ogilvie?

Ms. Millard: Yes, Mr. Speaker, I would like to support this Motion in principle, but I think it gets a little hazy because of its length, and so there is some details I think are probably interpreted a dozen different ways. But generally speaking, I think this is what I was saying this morning when I said I felt that the Territorial Government should be doing something about its own so-called land claims.

In that, I understand in this position that the Indian people would be representatives as people in the Yukon, and I think that's very fair. I think the land claims are quite separate from this Motion, but can be included as a part of it, and certainly the Indian people are carrying on their own negotiations apart and separate from what we are doing too, because they are represented.

It gets rather complicated, I can see, but that's why we should have an extensive committee, and one that starts now, because I don't know whether it should go to 1985, or what the date should be, but certainly we should spend enough time and energy and involvement in this to really find out where we are and where we are going.

I can fully agree with this Motion.

Mr. Speaker: The Honourable Member from

Whitehorse North Centre?

Hon. Mr. McKinnon: Mr. Chairman, I will support this Motion mainly because if anyone can write a Motion that consists of one paragraph of 17 lines without one sentence, Mr. Chairman, or containing only one sentence, it certainly deserves the support of this House.

However, Mr. Speaker, I think that every Member of this Legislative Assembly has certain goals and objectives for the Yukon Territory, and I don't think any of us would be putting our name before the electorate if we didn't have certain goals and objectives.

I'm ready at the drop of a hat, and some say much too willingly to give answers on any one of these areas, where I would like to see the Yukon heading, and where I think it is heading, and I don't think that anybody in any of these important headings contained in the resolution that doesn't have ideas on them, should be sitting around this table.

However, I have always agreed with the involvement of citizens, of all the citizens of the Yukon, in a process of feeding input into government sources so that the people who are making the resolutions and are dealing with the legislation, do have a fairly good idea of what the people of the Yukon are thinking on any given matter at any given time, and I understand that the onus primarily is on citizen involvement in this Motion, and I would like to see this type of citizen involvement on these most important areas of the Yukon's future development.

I would have to agree with the Honourable Member from Mayo that one of the things that is going to be taken very stringently in next year's budget, is any more consultant's fees and consulting papers. The Department of Local Government has had a very high monetary involvement in studies, some of them good, some of them bad. They didn't have any last year and they ain't going to have any next year either, or as long as I remain in charge of the Department of Local Government.

So it would be folly, I think to think that with the budgetary restraints and the areas that we have already identified as being cut for next year, that we are going to go into the wise men from the east once again coming to the Yukon and rubbing their hands in glee, because they have a 200 grand contract with the Government of the Yukon Territory. If that is the desire of the mover of this Motion, he is just not going to find that kind of money available for these kind of things in the next budget year.

So as the Motion reads, Mr. Speaker, I have no difficulty in supporting it, and I wish the mover well in getting the type of citizen involvement that he envisages by the passage of this Motion. I think that any time that we can do that, it's a valuable exercise in this House, Mr. Speaker.

Mr. Speaker: The Honourable Member from Whitehorse Porter Creek?

Hon. Mr. Lang: Yes, Mr. Speaker.

I rise in support of this Motion, and I think it's very important, Mr. Speaker, that we as the Yukon Territorial Government and the Federal Government,

start looking into accommodating the other segment of the population, which happens to be the majority of the people in the Yukon, in order so they can justify a land claim settlement to Yukoners, and I mean by the Yukoners that will not be participating in that Land Claim Settlement.

I think this is the key, Mr. Speaker. I think it's very important that the people of the Yukon can see that we also have a future, and it's also pointed out in this Motion that the native population of the Yukon will take part in this, and I think this is very important, as we discussed earlier this morning.

I think it is very important, Mr. Speaker, myself as an elected representative, from one area of the Yukon, there is only one way that I am going to be able to justify a land claim settlement is to be able to say well, this is what the federal government and the Y.T.G. have come up with for the other segment of the population, in order to alleviate the problems that are presented to us today.

Mr. Speaker: The Honourable Member from Whitehorse Riverdale?

Mr. Lengerke: No, I didn't indicate.

Mr. Speaker: Oh, I am sorry. Oh, the Honourable Member from Hootalinqua?

Mr. Fleming: Yes, Mr. Speaker, I rise in support of this Motion for some of the same reasons I rose this morning, in support of a Motion, because I feel here that this does show that this government wishes to have participation from all segments of society.

Little can I say, except that I wish that possibly the two societies were dealing together now instead of the one that we have taking care of things in Ottawa.

I do support this Motion.

Mr. Speaker: The Honourable Member from Whitehorse Riverdale?

Mr. Lengerke: Thank you, Mr. Speaker.

I just want to express my appreciation to the Honourable Members for their comments. I do appreciate them all and I do know the significance of them.

I want to say this, that what I propose here is not another study. It's not another consultant's report, we have got tons of those sitting on the shelves, ask anybody in this building and they can tell you that.

I want to keep expenses to a minimum with this, and that's why I said people are going to be involved. We hear the cry all over this Territory, we want to be involved in dictating our future, so I am throwing that challenge out by this, Mr. Speaker. We are going to involve them, and if they don't respond, well I guess we won't have a "Goals for Yukon's Development" until 1985.

Certainly we are going to include the Indians in this. They are going to be very much involved. The Honourable Member from Whitehorse West said something about a Yukon Research and Development group. I happen to be a member of that group, and I'll tell you that these are the kind of groups that I think

are going to have to have an input into this, are going to be committed to this and are going to be involved, so in fact we will be using that type of an organization.

As I said earlier this morning, and I used the Land Claims just as an example, I used the Land Claims impact as another industry. I said you have to measure what the impact is, how you are going to cope with it, what in fact are you going to do, how is it going to fit into the scheme of things?

I just say that this is really the first step in putting our -- plotting our own future, in really presenting our own plan and not accepting one given to us by the federal government. I think it's really a position paper of our own claim, if you want, and I think it is very important that we take this first step, Mr. Speaker, and with that, I ask that the Honourable Members support this Motion.

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Mr. Speaker: Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare that the Motion is carried.

Motion Carried

Mr. Speaker: We will now proceed to the Question Period.

QUESTION PERIOD

Mr. Speaker: Have you any question? The Honourable Member from Ogilvie.

Question Re: Monthly Statement of Welfare Recipients.

Ms. Millard: A verbal question for the Minister of Health, Welfare and Rehabilitation. I understand it's the policy of the welfare branch to have welfare recipients of social assistance make a monthly statement of their earnings, and whether or not they still need assistance.

I'm wondering why this should be necessary for obviously long-term social assistance cases.

Mr. Speaker: The Honourable Member from Whitehorse West?

Hon. Mrs. Whyard: Mr. Speaker, I think the implications are obvious. It is no one's wish to use the taxpayers' dollar to subsidize and support someone whose economic conditions may have changed, I would think it is well within the jurisdiction of the individual social worker involved with the client to use their own

good judgment regarding the necessity for any such procedure, but if the Honourable Member requires more information than that, I will look into the matter.

Mr. Speaker: The Honourable Member from Ogilvie?

Ms. Millard: Supplementary on that, perhaps. My problem really is with the policy, is it a directive from Whitehorse that everyone has to do it, or does the social worker in the field make the decision? That is really more or less what the question was.

Hon. Mrs. Whyard: I will bring in a reply, Mr. Speaker.

Mr. Speaker: The Honourable Member from Ogilvie?

Question Re: Pharmaceutical Inventory in Dawson Hospital

Ms. Millard: A further verbal question for the Minister of Health, Welfare and Rehabilitation. On the Executive Committee's trip to Dawson, the pharmaceutical ordering from the hospital in Dawson was brought up, and it was suggested then that a larger inventory is needed at Dawson City, because many of the drugs that are needed by people in Dawson have to be sent for to Whitehorse.

I'm wondering if the Honourable Minister has looked into this, and if there is any hope of making a larger inventory at Dawson?

Hon. Mrs. Whyard: Yes, Mr. Speaker, this matter was investigated and discussed with the Northern Health and Medical Services personnel. If the Honourable Member is interested, I can make available to her, the correspondence on the subject.

Mr. Speaker: Are there any further questions? We will then proceed on the Order Paper to Public Bills.

I am sorry, Private Bills are first, that is correct. To Private Bills. What is your pleasure?

The Honourable Member from Pelly River?

PRIVATE BILLS

Bill Number 20, Third Reading

Mr. McCall: Yes, Mr. Speaker. I move, seconded by the Honourable Member from Whitehorse North Centre, that Bill 20, "An Ordinance to Amend the Labour Standards Ordinance" be read a third time.

Mr. Speaker: A third time, is this correct?

Mr. McCall: A third time.

Mr. Speaker: It has been moved by the Honourable Member from Pelly River, seconded by the Honourable Member from Klondike, that Bill Number 20 be now read a third time.

The Honourable Member from Kluane?

Mrs. Watson: Yes, Mr. Speaker, I must take the last opportunity available to me to voice my objections to

this Bill. I think you have heard some of my objections before, but I have to reiterate them, and one very basic reason that I am opposed to the Bill, the amendments, the amendments to a Labour Standards Ordinance, one of the most important pieces of legislation in our books, one of the most controversial, and a piece of legislation that affects almost everybody -- adult person in the Territory, and yet we would permit an amendment to such an important piece of legislation to be brought in through the back door on a Private Member's Bill, where the rest of the people of the Territory are not given the opportunity to review it and to pass it through this House as law.

I am hopeful that the three elected people who sit on the Executive arm of this government will accept their responsibilities as far as bringing legislation into this House, and assume that responsibility and say fine, we have gone through this Private Member's Bill. I think we have an indication from this House that there is a need for some amendments to it. We will take the Bill under hand, we will have the proper research done, we will see what we can do with the Bill because it was very obvious, and I'm sure that the three people that are sitting there on the government side will agree yesterday when the witnesses were there, that this is a Pandora Box, and that when you open the lid, you do find some very grave inequities. You do find some areas that certainly do need clarity, and that a review should be done of that -- of the whole Section and then look at it as a part of the whole legislation.

I recall the Honourable Member from Klondike who spoke and said the only witnesses we had here were the employer segment of the population, which is true, very true, but if you rush through something like this, you are not giving other people an opportunity, and I have people in my constituency who would want to appear here as a witness, but who because of their rush, are not able to come in, and I would request that the third reading of this Bill be defeated, with the understanding that the government people, who must assume this responsibility, that's why they are there, will undertake properly to review this Section, standard hours of work. Not just as it applies to the one area and the exemptions that are there, and many of the exemptions are purely at the discretion of the administration, and come to us when we sit again, and present a Bill on this Section.

Thank you, Mr. Speaker.

Mr. Speaker: The Honourable Member from Whitehorse North Centre?

Hon. Mr. McKinnon: Mr. Speaker, if I could speak on third reading of the Bill actually because this elected Member on the Executive Committee accepts his responsibility to all people of the Yukon. I have no problem at all supporting something which I think is on behalf of all the people of the Yukon, no matter where it comes from. I am not interested in the game of political one-upmanship, and I have always been rather disgusted and—at some of the hoary old traditions and methods of doing business amongst governments and the reasons why things never get done. I remember and I spoke against it at that time, and I still believe in it, I would be a hypocrite if I went

against it, that Members in the last Government when there was a suggestion, which they supported and came from an opposition member that they took that motion, or that amendment, and did not act on it at that time, but took it back through legislative programming and Executive Committee, then brought it down as a piece of government legislation.

That to me is political gamesmanship and one-upmanship and it is not the kind of thing that really, I think, that people of the Yukon Territory have elected us to do.

If any private member, Mr. Speaker, can bring about legislation, that the majority of us can agree with, through motion, or through a private members bill, then I have no difficulty at all, if I agree with the principle, and I agree with the legislation that is presented in supporting it at the moment, instead of going around through the normal methods of government channels. I think that with this kind of effort by the present Executive Committee and the government that all members can truly feel that they can be involved in this government and be a part of this government, and can make legislation to the benefit of their constituents, and we don't have to force ourselves into government and opposition camps at this moment in the Yukon history. I don't happen to believe in that at this time in the Yukon either.

So Mr. Speaker with those remarks, I have no difficulty whatsoever in adding my support to the Bill, regardless of what my colleagues, the other two elected members on the Executive Committee vote on the Bill.

Mr. Speaker: The Honourable Member from Whitehorse Porter Creek?

Hon. Mr. Lang: Yes, Mr. Speaker, I have to support the Bill because I do believe in a 40 hour work week. I also sympathize with the Honourable Member from Kluane. I fully realize the implication that it is going to have on some of hers, and some of the other members from the outlying areas, their constituents. I think it is incumbent upon the Executive Committee to look through, we realize that there is grey areas in this legislation and I think it should be cleared up.

I myself, personally, will make that commitment that we have to go through that piece of legislation and see where we can clear these problems up for the employee and the employer.

With time, permitting, hopefully it will be ready for this coming Budget Session. I think it is that important.

Mr. Speaker: Is there any further debate?

A Member: Question.

Mr. Speaker: The question has been called. Are you agreed?

Some Members: Agreed.

Mrs. Watson: Disagree.

Mr. Speaker: Madam Clerk, would you poll the House please?

Madam Clerk: The Honourable Member from Whitehorse South Centre?

Mr. Hibberd: Agreed.

Madam Clerk: The Honourable Member from Mayo?

Mr. McIntyre: Agreed.

Madam Clerk: The Honourable Member from Klondike?

Mr. Berger: Agreed.

Madam Clerk: The Member from Hootalinqua?

Mr. Fleming: I am abstaining.

Madam Clerk: The Member from Kluane?

Mrs. Watson: Disagree.

Madam Clerk: The Member from Ogilvie?

Ms. Millard: Agree.

Madam Clerk: The Member from Whitehorse Riverdale?

Mr. Lengerke: Agree.

Madam Clerk: The Member from Pelly River?

Mr. McCall: Agreed.

Madam Clerk: The Member from Whitehorse Porter Creek?

Hon. Mr. Lang: Agree.

Madam Clerk: The Member for Whitehorse West?

Hon. Mrs. Whyard: Agree.

Madam Clerk: The Member for Whitehorse North Centre?

Hon. Mr. McKinnon: Agree.

Madam Clerk: The vote is eight yays, one nay and one abstention.

Mr. Speaker: The yays have it. The motion is carried.

Motion Carried

Mr. Speaker: Are you prepared to adopt the title to the bill?

The Honourable Member from Pelly River?

Mr. McCall: Mr. Speaker I move seconded by the Honourable Member from Whitehorse North Centre,

that Bill 20 do now pass and that the title be as on the order Paper.

Mr. Speaker: Is this seconded by the Honourable Member from Whitehorse North Centre?

Hon. Mr. McKinnon: Yes.

Mr. Speaker: It has been moved by the Honourable Member from Pelly River, seconded by the Honourable Member from Whitehorse North Centre that Bill Number 20 do now pass and that the title be as on the Order Paper. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mrs. Watson: Disagreed.

Mr. Speaker: I shall declare that the motion is carried.

Motion Carried

PUBLIC BILLS

Mr. Speaker: We will proceed to Public Bills. The Honourable Member from Whitehorse West?

Bill Number 8, Amendments, First Reading

Hon. Mrs. Whyard: I move, seconded by the Honourable Member for Whitehorse South Centre, that the amendments to Bill Number 8 be read a first time.

Mr. Speaker: It has been moved -- sorry, I didn't get your seconder.

Hon. Mrs. Whyard: Whitehorse South Centre, Mr. Speaker.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse West, seconded by the Honourable Member for Whitehorse South Centre, that the amendments to Bill Number 8 be now read a first time.

Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the Motion carried.

Motion Carried

Bill Number 8, Amendments, Second Reading

Hon. Mrs. Whyard: Mr. Speaker, I move, seconded by the Honourable Member for Whitehorse South

Centre, that the amendments to Bill Number 8 be read a second time.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse West, seconded by the Honourable Mmember from Whitehorse South Centre, that the amendments to Bill Number 8 be now read a second time.

Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare that the Motion is carried.

Motion Carried

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

Bill No. 8, Amendments, Third Reading

Hon. Mrs. Whyard: Now, Mr. Speaker.

I move, seconded by the Honourable Member for Whitehorse South Centre, that Bill Number 8, "An Ordinance to Amend the Medical Profession Ordinance" be read a third time.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse West, seconded by the Honourable Member from Whitehorse South Centre, that Bill Number 8 be now read a third time.

Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the Motion carried.

Motion Carried

Mr. Speaker: Are you prepared to adopt the title to the Bill?

Hon. Mrs. Whyard: Yes, Mr. Speaker. I move, seconded by the Honourable Member for Whitehorse South Centre, that Bill Number 8 do now pass and the title be as on the Order Paper.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse West, seconded by the Honourable Member from Whitehorse South Centre, that Bill Number 8 do now pass and that the title be as on the Order Paper.

Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare that the Motion is carried and Bill Number 8 has passed this House.

Motion Carried

Bill Number 1, Amendments, First Reading

Hon. Mr. McKinnon: Mr. Speaker, I move, seconded by the Honourable Member for Pelly River, that the amendments to Bill Number 1 be read a first time.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse North Centre, seconded by the Honourable Member from Pelly River, that the amendment to Bill Number 1 be now read a first time.
Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the Motion carried.

Motion Carried

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

Bill Number 1, Amendments, Second Reading

Hon. Mr. McKinnon: Now, Mr. Speaker. I move, seconded by the Honourable Member for Pelly River, that the amendments to Bill Number 1 be read a second time.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse North Centre, seconded by the Honourable Member from Pelly River, that the amendments to Bill Number 1 be now read a second time.

Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the Motion carried.

Motion Carried

Mr. Speaker: Are you prepared to give third reading to this Bill?

Bill Number 1, Amendments, Third Reading

Hon. Mr. McKinnon: Yes, Mr. Speaker. I move, seconded by the Honourable Member for Pelly River, that Bill Number 1, Highways Ordinance,

be read a third time.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse North Centre, seconded by the Honourable Member from Pelly River, that third reading be given to Bill Number 1.

Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the Motion carried.

Motion Carried

Mr. Speaker: Are you prepared to adopt the title to the Bill?

Hon. Mr. McKinnon: Yes, Mr. Speaker. I move, seconded by the Honourable Member for Pelly River, that Bill Number 1 do now pass and that the title be as on the Order Paper.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse North Centre, seconded by the Honourable Member from Pelly River, that Bill Number 1 do now pass, and the title be as on the Order Paper.

Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the Motion carried and Bill Number 1 has passed this House.

Motion Carried

Bill Number 2, Amendments, First Reading

Hon. Mr. McKinnon: Mr. Speaker I move, seconded by the Honourable Member for Ogilvie, that the amendments to Bill Number 2 be read a first time.

Mr. Speaker: It has been moved by the Honourable Member for Whitehorse North Centre, seconded by the Honourable Member from Ogilvie, that the amendments to Bill Number 2 be now read a first time.

Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are You agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the Motion carried.

Motion Carried

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

Bill Number 2, Amendments, Second Reading

Hon. Mr. McKinnon: Now, Mr. Speaker.

I move seconded by the Honourable Member for Ogilvie, that Bill Number 2 be read a second time.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse North Centre, seconded by the Honourable Member from Ogilvie, that Bill Number 2 be now read a second time.

Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the Motion carried.

Motion Carried

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

Bill Number 2, Third Reading

Hon. Mr. McKinnon: Now, Mr. Speaker.

I move, seconded by the Honourable Member for Ogilvie, that Bill Number 2 be read a third time.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse North Centre, seconded by the Honourable Member from Ogilvie, that Bill Number 2 be now read a third time.

The Honourable Member from Klwane?

Mrs. Watson: Mr. Speaker, I'm sure everybody would be disappointed if I didn't stand and rise to this occasion. However, we have had quite a long exercise with this Bill, and yesterday in Committee, several members expressed their second thoughts about passing the Bill into law at this time, and a Motion was put forward that the Bill be deferred or be left die in Committee and be reintroduced again at the next session.

Then the Honourable Member, in his very eloquent manner came in and stated that—and I really don't think he did it deliberately, I believe he had a wrong or an erroneous copy of the budget, because I have checked this out, and stated that there was \$70,000.00 in this year's estimate for legal aid, and that we have the authority to go ahead and embark upon civil and criminal legal aid at this time.

Mr. Speaker, we have \$35,000.00. There is no vote provision made within the '75-76 estimates to bring into effect a civil legal aid program. Originally it had been planned to bring in civil legal aid last budget session. Because of financial pinches, the Legal Aid Bill was deferred for the middle of the year, and then the

requirement for the financing of it would roll with this coming fiscal year.

So there is no money in this budget right now that would allow the government nor a vote wording within this establishment to allow the government to embark upon the civil legal aid program.

There is no agreement at the present time with the federal government on cost sharing, so that we have to hurry it through and bring it into effect.

So the second thought some of the Committee had, some of this House had regarding deferring the Bill until we are able to assess our financial situation, really could be implemented because you can't spend any money anyway, so you might as well -- you could easily defer the Bill until the next Session and have it reintroduced, if it is found that there are funds available for it.

Mr. Speaker, we had a Sessional Paper given to us yesterday, where the Commissioner, the administration and I'm sure the Executive Committee people, indicated to us the tight financial situation we are in today and they said in that paper, that there will be a freeze on any new position and there will be a freeze on travel.

Earlier during this Session, we adopted unanimously the comprehensive program for alcohol treatment and if you recall, that program does involve the hiring of some staff.

Now, where are our priorities? This means with the freeze that they will not be able to roll with the program, but surely to goodness, let's leave our options open so that we can set the priority and make sure that the alcohol program can roll in the coming fiscal year. They can't roll completely because they won't be able to hire the help they require, and here we are, passing another program when we can't bring into force the ones we need at the present time. And it's your decision, I have made up my mind.

I just cannot agree and condone, another social type of piece of legislation that can be abused, the amount of which we don't know how much it will be, and it could easily grow out of proportions which it has done in every other province in Canada, and we are going to pass it into law now before we don't know what our financial position is next year.

Thank you, Mr. speaker.

Mr. Speaker: The Honourable Member from Pelly River?

Mr. McCall: Well, Mr. Chairman, as all members are aware, I made the Motion yesterday, asking for this Bill to be, as the Honourable Member says, deferred or die in committee.

It was not just basically for the financial reasons that yesterday I asked for it to die in Committee. My opinion that was stated yesterday as to the piece of legislation we were debating, I see nothing wrong with it. I think it's very good, forward thinking piece of legislation.

The figures that were quoted a moment ago by the Honourable Member, I know for a fact I didn't state those figures, although I find them very interesting.

What I am concerned about, Mr. Speaker, is that we

do need this type of legislation. The question that was in my mind yesterday when I put forward the Motion, was are we ahead of our time, and what I mean by that, is are we in a financial position to pass the legislation now, or can we wait three or four months after we have seen the budget estimates? This question I cannot answer at this point, so in concluding, Mr. Speaker, I would like it to be recorded I will abstain when the vote is taken on this piece of legislation.

Mr. Speaker: The Honourable Member from Hootalinqua?

Mr. Fleming: Yes, Mr. Speaker. I would like to rise at this time too, due to a discrepancy yesterday afternoon which is no fault of our own, for probably from ignorance of the way maybe that sometimes the House is run, and we just haven't learned or we are a little behind on just exactly what the procedure is.

I did second the Motion yesterday to have the Bill set over until the budget was announced and so forth, and then from finding that it had changed, I had to withdraw my Motion, and when the Bill came through as to go ahead, I had to more or less vote for it when I should have been voting against it, a very mixed-up situation.

I don't have any problem with the Bill. I always felt that the underdog needs some help, and he does need some advice and he does need a lawyer when he hasn't got the money to handle his cases, so I'm in agreement with the concept, but I would like more assurance from the government before I vote, that this money is there and available, so that I would be able to make a little better decision.

Thank you.

Mr. Speaker: The Honourable Member from Whitehorse Riverdale?

Mr. Lengerke: Yes, Mr. Speaker.

I too rise in support of the Honourable Member from Kluane. As I indicated yesterday, I would not be voting in favour of this Bill. I was not satisfied during the questioning of this Bill with respect to the projected costs, and I fully expect a drastic increase over the estimates that were indicated to me.

I think I could have supported the Bill at this time, had we been able to establish some sort of ceiling on those expenditures.

Mr. Speaker: The Honourable Member from Whitehorse North Centre?

Hon. Mr. McKinnon: Mr. Speaker, I thank the Honourable Member from Kluane for giving me the benefit of the doubt and I won't bring the budget I was reading in and insult the House's intelligence, because it does say \$70,000.00. I wouldn't even have tried to pull a trick like this in the House, because I know I would be tripped on it if I did try it.

Mr. Speaker, the facts of the matter are that there is no agreement at the moment signed between the government of Canada and the government of the Yukon to cost share the comprehensive program of civil and criminal legal aid. 24 (1) of the Bill is the

saving Section. It says "This Ordinance or any portion thereof shall come into force on such a day or days as may be fixed by the Commissioner".

Mr. Speaker, with assent to the program of civil and criminal legal aid, the government of the Territory can then negotiate for the agreement to be signed with the government of Canada, so that hopefully by the next fiscal year, that we can budget and we can put into practice, a comprehensive civil and criminal legal aid program in the government of the Yukon.

I think the protection that the Honourable Members are looking for should be probably a guarantee by the government that this Ordinance not come into force until April 1st of 1975. That would give the government the ability between now and the budget session, of being able to negotiate and sign an agreement with the government of Canada, so that we would not delay the implementation of the program another six months following the legislative authority in negotiating the agreement. I think that that protection can be guaranteed by the government and that we should be allowed the ability to negotiate under legislative authority, the terms and arrangements of the agreement with Canada, so that we do not delay any further after the budget session, the coming into effect of this Ordinance.

Mr. Speaker, I have no problems at all in giving the assurance of the government, if we are given the legislative authority of negotiating the agreement, that this Bill will not be into effect prior to the next fiscal year, because from what I understand from Mr. Assistant Commissioner, it is going to take this time for negotiations.

So if we don't have the legislative authority to be able to get into the agreement, we are going to be thinking six months down the road following the fiscal, the budget session and April the 1st.

So with those remarks, Mr. Speaker, I see no difficulty, and with that agreement of this government that this will not be in effect prior to the budgetary session where it will be a line item in the budget, that we should be given the legislative authority to seek an arrangement with the Government of Canada that we can have the agreement signed, sealed and delivered with Canada and be ready to move on this legislation in the 1976 fiscal year, Mr. Speaker.

Mr. Speaker: The Honourable Member from Whitehorse Porter Creek?

Hon. Mr. Lang: Yes, Mr. Speaker. I can sympathize with the member from Kluane, because I know she fully realizes and -- what the government of the Yukon Territory is up against, in all probability in the on-coming year.

I myself personally as part of the government of the Yukon will guarantee that we will be taking a hard, hard look in assessing our priorities, and we will have an answer when we come back in the budget session.

Mr. Speaker: Any further debate? The Honourable Member from Kluane?

Mrs. Watson: Yes, Mr. Speaker. Just to cut it off short, I am pleased to hear the Honourable Member

from Whitehorse South Centre give the assurance to the rest of the House.

I am going to oppose the Bill, I oppose the principle of the Bill, I will continue to oppose the principle of the Bill. I am opposed to these types of gestures that are coming more and more from the government, and as I said before, the old arm off the government, and is just squeezing around you just a little tighter all the time, and I have -- when I came into this, when I ran for election, I made this commitment very clear to my constituents, that I believed more clearly on giving an individual the opportunity to take care of himself, to provide the incentives within our economy and our society, rather than the big arm of the government, take over and take care of your children, take care of your legal needs, take care of everything and this is what is happening today.

But I am pleased that the government has seen fit to make the commitment that they will have the Bill assented to, enter into agreement, try to get an agreement with the Federal Government, and not embark upon the program, which they can't do, budget wise really until the new fiscal year. But I will have to be opposing the Bill.

Mr. Speaker: Perhaps I owe the House an apology, I neglected to note that the Honourable Member from Klwane had not move a motion and permitted her to address the House, however, I would then call the question. Are you agreed?

Some Members: Agreed.

Mrs. Watson: Disagree.

Mr. Speaker: Division has been called, Madam Clerk would you poll the House please?

Madam Clerk: The Member for Whitehorse South Centre?

Dr. Hibberd: Agreed.

Madam Clerk: The Member from Mayo?

Mr. McIntyre: Agreed.

Madam Clerk: The Member from Klondike?

Mr. Berger: Agreed.

Madam Clerk: The Member from Hootalinqua?

Mr. Fleming: Agreed.

Madam Clerk: The Member from Klwane?

Mrs. Watson: Disagree.

Madam Clerk: The Member from Ogilvie?

Ms. Millard: Agreed.

Madam Clerk: The Member for Whitehorse Riverdale?

Mr. Lengerke: Disagree.

Madam Clerk: The Member from Pelly River?

Mr. McCall: Abstain.

Madam Clerk: Member from Whitehorse Porter Creek?

Hon. Mr. Lang: Agree.

Madam Clerk: The Member from Whitehorse West?

Hon. Mrs. Whyard: Agree.

Madam Clerk: The Member from Whitehorse North Centre?

Hon. Mr. McKinnon: Agreed.

Madam Clerk: Mr. Speaker the vote is eight yays, two nays and one abstention.

Mr. Speaker: The yays have it. I declare the motion is carried.

Motion Carried

Mr. Speaker: Are you prepared to adopt the title to the Bill?

Hon. Mr. McKinnon: Yes, Mr. Speaker I move seconded by the Honourable Member for Ogilvie that Bill Number 2 do now pass and that the title be as on the Order Paper.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse North Centre, seconded by the Honourable Member from Ogilvie, that Bill Number 2 do now pass and the title be as on the Order Paper.

Are you prepared for the question?

Some Members: Question.

Mr. Speaker: I shall declare that the motion is carried.

Motion Carried

Mr. Speaker: Bill Number 2 has passed this House. The Honourable Member from Whitehorse Porter Creek?

Amendment to Bill Number 4, First Reading

Hon. Mr. Lang: Mr. Speaker, I move seconded by the Honourable Member from Pelly River that the Amendments to Bill Number 4 be read a first time.

Mr. Speaker: It has been moved by the Honourable Member from Porter Creek, seconded by the Honourable Member from Pelly River, that the

Amendments to Bill number 4 be now read a first time
Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the motion carried.

Motion Carried

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

Amendments to Bill Number 4 Second Reading

Hon. Mr. Lang: Now, Mr. Speaker, I move
seconded by the Honourable Member from Pelly River
that the Amendments to Bill Number 4 be read a
second time.

Mr. Speaker: It has been moved by the Honourable
Member from Whitehorse Porter Creek, seconded by
the Honourable Member from Pelly River, that the
amendments to Bill Number 4 be now read a second
time. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the motion as carried.

Motion Carried

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

Bill Number 4, Third Reading

Hon. Mr. Lang: Now, Mr. Speaker, I move seconded
by the Honourable Member from Pelly River that Bill
Number 4 An Ordinance to Amend the Companies
Ordinance be read a third time.

Mr. Speaker: It has been moved by the Honourable
Member from Whitehorse Porter Creek, seconded by
the Honourable Member from Pelly River that Bill
Number 4 be now read a third time. Are you prepared
for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the motion as carried.

Motion Carried

Mr. Speaker: Are you prepared to adopt the title to
the Bill.

Hon. Mr. Lang: Yes, Mr. Speaker, I move seconded
by the Honourable Member from Pelly River that Bill
Number 4 do now pass and the title be as on the Order
Paper.

Mr. Speaker: It has been moved by the Honourable
Member from Whitehorse Porter Creek seconded by
the Honourable Member from Pelly River that Bill
Number 4 do now pass and the title be as on the Order
Paper.

Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: I shall declare the motion as
carried, and Bill Number 4 has passed this House.

Motion Carried

Mr. Speaker: The Honourable Member from
Whitehorse North Centre?

Amendments to Bill Number 9, First Reading

Hon. Mr. McKinnon: Mr. Speaker I move seconded
by the Honourable Member from Whitehorse West that
the Amendments to Bill Number 9 be read a first time.

Mr. Speaker: It has been moved by the Honourable
Member from Whitehorse North Centre seconded by
the Honourable Member from Whitehorse West that
the amendments to Bill Number 9 be now read a first
time.

Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the motion carried.

Motion Carried

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

Amendments to Bill Number 9, Second Reading

Hon. Mr. McKinnon: Now, Mr. Speaker, I move
seconded by the Honourable Member from Whitehorse
West that the amendments to Bill Number 9 be now
read a second time.

Mr. Speaker: It has been moved by the Honourable
Member from Whitehorse North Centre, seconded by
the Honourable Member from Whitehorse West that
the amendments to Bill Number 9 be now read a second
time. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: I shall declare the motion as carried.

Motion Carried

Mr. Speaker: When shall the Bill be read a third time?

Bill Number 9, Third Reading

Hon. Mr. McKinnon: Now, Mr. Speaker, I move seconded by the Honourable Member for Whitehorse West that Bill Number 9 be read a third time.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse North Centre, seconded by the Honourable Member from Whitehorse West that Bill number 9 be now read a third time.

Mr. Berger: Yes, Mr. Speaker, I would like to rise at this time to say how disappointed I was not to see amendments brought in to control the operations of buses and taxis in the Territory. I think it is very very important, and I said it before, with our growing tourist industry it is very important to have proper equipment on the roads. All I can say is that I hope the administration as soon as possible that they see fit to bring amendments in to control those taxis and buses in the whole territory. Right now all we are controlling are bylaws in Whitehorse, Dawson and Faro, but in the rest of the territory you can operate any old equipment as a tourist transportation and I don't think it is right.

Mr. Speaker: Is there any further discussion? Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the motion as carried.

Motion Carried

Mr. Speaker: Are you prepared to adopt the title to the Bill?

Hon. Mr. McKinnon: Yes, Mr. Speaker, I move seconded by the Honourable Member for Whitehorse West that Bill Number 9 be now passed and that the title be as on the Order Paper.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse North Centre seconded by the Honourable Member from Whitehorse West that Bill Number 9 do now pass, and the title be as on the Order Paper. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the motion is carried and Bill Number 9 has passed this House.

Motion Carried

Mr. Speaker: May I have your further pleasure at this time?

The Honourable Member from Pelly River?

Mr. McCall: Yes, Mr. Speaker I move that Mr. Speaker do now leave the Chair and the House resolve into a Committee of the Whole for the purpose of considering Bills, Sessional Papers and Motions.

Ms. Millard: I second that.

Mr. Speaker: It has been moved by the Honourable Member from Pelly River seconded by the Honourable Member from Ogilvie that Mr. Speaker do now leave the Chair and the House resolve into the Committee of the Whole for the purpose of discussing Bills, sessional Papers and motions. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the motion as carried.

Motion Carried

(Mr. Speaker leaves the Chair)

COMMITTEE OF THE WHOLE

Mr. Chairman: I call this committee to order and declare a short recess.

Recess

Mr. Chairman: I will now call Committee to Order. For the record, we now have Mr. Robb McCandliss, as witness from the Yukon Conservation Society. Would you proceed, Mr. McCandliss?

Mr. Lengerke: Mr. Chairman?

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: Mr. Chairman, could Mr. McCandliss tell me his qualifications, if any, his professional qualifications?

Mr. McCandliss: Well first off, I am a member of the Conservation Society, and I am appearing here at their request.

I am a geologist by profession, about eight years in the industry, both oil and gas and mineral ex-

plorations, mostly in B.C., a good part of it in the Yukon, also Alaska.

Mr. Lengerke: Thank you. Thank you, Mr. Chairman.

Mr. McCandliss: The Yukon Conservation Society thanks this assembly for the opportunity to comment on the proposed amendments to the Land Use Regulations. We feel that they represent a sound step forward in the management of the Yukon's natural resources.

This Society feels that one of the Yukon's major legislative needs is to provide some control over the various activities that are capable of significantly affecting the land of the entire Yukon and the life dependent on it. We therefore wholeheartedly endorse the major theme of these amendments, which is to include the previously unprotected one-third of the Yukon into a land management zone. This will mean that at least a little thought will have to be given to the impact of potential land use operations in the central Yukon, something that has not been necessary to date.

It must be understood that these regulations merely permit a land use operation. They do not ensure that land use will be well planned and wisely carried out. All they do is minimize the adverse effects of the present unplanned developments until solid planning for the best uses of any given area has been completed.

The proposed amendments do not even do this as well as they should, since the assessment of environmental impact is done through the "intuition" of an inspector or engineer and not through environmental impact studies with an opportunity for public involvement, even for major projects.

It is well known that virtually all the hard rock mining and exploration carried on in the Yukon is by and large corporations and their subsidiaries. The regulations apply equally to individuals and to corporations. However, the corporation's employees are not individually responsible for anything that the corporation does, therefore it is the corporation and not the employee who must take the blame for anything done in violation of the regulations.

Corporations earn profits. They will try to lower their costs at every opportunity and instruct their employees accordingly. It is fair to say that pollution and damage save a company money in the short run, since it is cheaper to make a mess than to clean it up. The regulations may not be necessary for individual, independent Yukon prospectors, but they are absolutely necessary for corporations.

Even the minimal controls provided by these amendments to the regulations are undermined by certain exemptions in them. Worst is the section allowing anything to be done while looking for minerals. This is a backward step which releases from control, all the various aspects of prospecting such as the construction of access trails, trenching and so on.

Although many people may think that road and trail construction has little or no environmental impact, most biologists would agree -- as brought out very recently at the Berger pipeline inquiry, that roads can have very serious impact on the natural movement patterns of animals, than the more concentrated ac-

tivities such as mining.

The point that has been made recently at the Berger Inquiry is in connection with the Dempster Highway, and it is the opinion of most biologists the Dempster Highway is doing far more damage to the caribou than any pipeline could do.

To continue. Because they put permanent scars on the land and open this land up to uncontrolled private use, roads can have an enormous effect on other land uses as well. This does not mean that the Society opposes road construction as such, instead we urge that road construction should be examined and planned at least as thoroughly as other activities.

Since the intent of the regulations is simply to suppress unnecessary damage to the environment, and not to discourage or delay development; and since the Chamber of Mines in their recent brief to you indicated that they "welcome environmental controls", written for this purpose, there should be no opposition to eliminating these exemptions for mining and prospecting as recommended below.

Although the exemptions in other sub-sections of the proposed regulations appear to have less serious implications, they serve no apparent purpose except to weaken the regulations and we urge their deletion. In some respects, the proposed Class B permits increases the scope of operations to be regulated, while in other cases it excludes operations that would have been covered before. This is possibly a fair compromise to avoid delaying minor projects with little impact and we support these proposals.

Elsewhere, the proposed amendments appear to weaken the existing regulations, notably by the addition of the phrase "unless otherwise specified in a permit". We agree with the Chamber of Mines that this gives the engineer excessive discretionary power, and as explained below, recommend that this be deleted except in a very few instances.

We also agree with the Chamber of Mines brief in their recommendations numbered 18 and 28. However, we feel that their proposed rezoning of the Yukon is unrealistic, since the regulations provide only a minimum amount of protection for any part of the natural environment, there should be no objection by the Chamber to their application over the entire Territory.

The Chamber's other proposed amendments are designed to reduce the effective protection of the Yukon environment with the only benefit being a slight increase in convenience to the mining industry. Although we have not done a detailed study of the proposed amendments, it is clear that any weakening of the existing regulations will be to the long term detriment of Yukoners.

More specifically, we recommend that the Yukon Legislature consider the following:

(1) That the land management zones be extended as in the proposed amendments. Land management is analogous to game management provisions recently approved by this House, in that different parts of the Yukon need different protection. However, the Chamber of mines proposal to divide the Territory along a line of latitude, into an arctic and non-arctic sub-zone, is wholly inadequate and invalid. This is because discontinuous permafrost occurs over most of

the southern and central Yukon.

Secondly, regeneration is slow in all cold regions, including the sub-arctic since it varies greatly with the substrate and plants and animals involved, and finally because alpine areas, marshes and so on in the southern Yukon, may be just as fragile as the arctic tundra.

(2) That the other regulations in the October 20, 1975 draft be adopted as proposed but with the deletion of the section exempting exploration in other land uses, there is an error there. Other specific proposed amendments we would like to see considered are attached as Appendix A

(3) That the Government of Canada amend the Territorial Lands Act so as to remove the exemption for work on a mineral claim from the application of the Territorial Lands Use Regulations.

(4) That the Lands Use Advisory Committee, which has no legal status, be granted power to hold hearings on major land use operations in the same manner as the Territorial Water Board.

Thank you.

That concludes the brief. I would like to draw the attention of the Council to Appendix A, which contains the detailed amendments that the Society proposes to the legislature for their consideration.

Thank you.

Mr. Chairman: Thank you, Mr. McCandliss. Are there any questions for the witness?
Mrs Whyard?

Hon. Mrs. Whyard: It would be helpful to me if the members agree, to take this Appendix and work our way through the sections to which they apply. If we do it without Mr. McCandliss, we may have to go back for some answers.

Mr. Chairman: Is that Committee's wishes?

Some Members: Agreed.

Would you proceed, Mr. McCandliss?

Mr. McCandliss: Appendix A;

(1) In Section 2, in the definition of a "Class B Permit", that the following changes be made: in part (a) reduce 100 pounds to 50 pounds". The existing regulations require a permit for the use of 50 pounds in any one day. This at least should be retained, and in part (d), delete the phrase, "by more than two people". In a fragile area, a camp by even one or two people established over a two month period can cause damage lasting many years or even decades. The old regulations required a permit for any camp of over 200 days.

(2) Delete Section 3, sub (1) and renumber 3 sub (2) as 3 sub (1). That would mean, in effect, to delete all the exemptions under sub (1).

(3) In Section 6—

Mr. Chairman: Excuse me, Mr. McCandliss.

Hon. Mrs. Whyard: Could you just wait a minute

while we make these changes in our own copies, Mr. Chairman?

Mr. McCandliss: In Section 6, delete the phrase "other than rock trenching". This activity, especially as defined in these regulations, can cause damage as objectionable and dangerous as any other type of excavation, and restoration following completion of the appropriate tests or subsequent operations is just as important.

Mr. Chairman: Ms. Millard?

Ms. Millard: Mr. Chairman, could we have some explanation of what rock trenching is?

Mr. McCandliss: Mr. Chairman, trenching means drilling holes either with a small gasoline operated portable drill or by hand, and loading them with explosives, blasting the rock, removing the blasted rock and continuing this operation so as to make an actual hole in the rock, or it could—and it may include also, as well, removing the surface soil down to bedrock and then blasting.

(4) For Sections 9 sub (1), sub (a) and 12 sub (1), delete the phrase "unless otherwise specified" in the permit. It may be necessary to retain this for Section 9 sub (1) sub (b).

(5) Section 16 sub (2) should be tightened so that the damage resulting from the emergency operation is not greater than that which would have resulted from the emergency itself, a not unusual situation in the case of small fires and so on.

(6) In section 18 sub (1), and 18 sub (2), "may" should be replaced with the word "shall", at least for Class A permits. If the engineer does not have these data, he will not be able to assess the impact of an operation.

(7) In section 18 sub (4), we agree that the applicant should be given a copy of the Inspector's report on request, and further consider that it should be made available to any member of the public on request.

(8) In section 19, the time limits should be extended, at least for major projects. It is surely not unreasonable that a project involving \$100,000.00 or more should be planned and have an application made a year in advance, so that some impact studies and comment can be obtained. Perhaps these should require another class of permit, but within the context of the present proposed revision, this could be achieved by adding a sub-section between the proposed 19 sub (2) and 19 sub (3), to the effect "Notwithstanding subsections 19 sub (1) and 19 sub (2), an application for any land use operation involving over \$100,000.00 in expenditures should be made 12 months prior to the proposed start of the project, and the engineer shall issue a permit or refuse to do so and notify the applicant of his reasons for such refusal within 10 months of the acceptance of the application, following an environmental impact assessment and an opportunity for public comment on it".

Provision could also be made here requiring a review of such applications by an independent Land use Advisory Committee, improving and giving a legal basis to the existing Water Board for the land based

resources.

(9) Add to section 20, the engineer shall cause to be published in the major news media of the Territory of his jurisdiction, about the beginning of each month, a list of the permits granted or rejected during the preceding months, or still pending at its end, including the names of the applicants, type and location of land use operations, and the status of permit for each.

That concludes the Appendix A to the brief.

Mr. Chairman: Thank you, Mr. McCandliss.

Are there further questions for the witness? Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, I wonder if Mr. McCandliss could clarify for me because I haven't quite grasped the time frame here, in your proposal for Section 19, to extend time limits on any project over a hundred thousand.

They make application a year in advance, and then the engineer shall issue a permit or refuse to do so within ten months of the acceptance of the application, you mean of receipt of it, or what do you mean by acceptance of the application?

Mr. McCandliss: I expect that should be receipt of the application.

Mr. Chairman: Mrs. Whyard?
You are not clear yet?

Hon. Mrs. Whyard: Well, Mr. Chairman, I am just trying to ensure that upon receipt of the application, there will be either acceptance or rejection, but not another 10 months following that before the applicant who has already got a year's advance on his application, has to wait for action.

Maybe it's only me that's confused, Mr. Chairman.

Hon. Mr. Lang: No, I'm confused too.

Mr. Chairman: I agree.

What was the intent, Mr. McCandliss?

Mr. McCandliss: If a corporation intends to expend in excess of \$100,000.00 on any piece of public Yukon land, that is that could be considered a land use operation, we are proposing that they apply a year ahead of time, so that the anticipated effects, so that the possible effects of this operation can be determined, and a decision made, and then the applicant could be advised about that decision not later than 10 months after the application.

Mr. Chairman: Are we to conclude, Mr. McCandliss then, that there is a one year period followed by a ten month period?

Mr. McCandliss: No. The ten months is included within the 12 months.

Hon. Mrs. Whyard: So, Mr. Chairman?

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: What we are saying then is that the company makes its application, and two months later they find out whether or not they are going to go ahead next year? You are giving them ten months' notice in effect?

Mr. McCandliss: Yes, it is the other way around. They apply 12 months ahead of the date which they want to start work.

Hon. Mrs. Whyard: Yes.

Mr. McCandliss: They want to start breaking ground.

Hon. Mrs. Whyard: Yes, Mr. Chairman.

Mr. McCandliss: The government may delay up to ten months if necessary, in granting them permission to proceed.

This may be necessary for complete ecological studies of the damage that may ensue from the land use operation.

Hon. Mrs. Whyard: So, Mr. Chairman—

Mr. Chairman: Yes, Mrs. Whyard?

Hon. Mrs. Whyard: —if I just make it clear in my own mind, the corporation applies in May for a project which is going to start the following May, and it could be the end of, it could be March of the following year before they know whether or not they are starting that project in May?

Mr. McCandliss: Yes.

Hon. Mrs. Whyard: You are only giving them two months' lead time, Mr. Chairman, on a project of a hundred thousand dollars?

Mr. McCandliss: It's not a question of months, you know, it's a question of seasons in the sense that it may take a full summer season to estimate the impact, and then a winter to analyze the data. It's possible that ten months will be needed.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, I believe Mr. McCandliss is aware, of course, as a geologist with the mining industry, and it's intended then that where the programs, for instance for next summer are now being formulated by corporations, particularly in the exploration fields, these are programs that could run anywhere from a hundred thousand dollars to in some instances a million dollars a year in the Yukon, that no longer will they be able to forecast the programs now in November, December and January for the ensuing summer, that they will have to forecast them a further year ahead. Is this correct?

Mr. McCandliss: If the mining industry came under the control of these Land Use Regulations, that would be correct.

Hon. Mr. Taylor: Thank you.

Mr. Chairman: Carry on.

Mr. McCandliss: The situation here is that—the position we are trying to take is that the trust must lie with the government, and not industry. That if the industry is going to expand their drilling program on a property where they have done some and next year they want to go back and do more, and the government wants a year's lead time, the government has a pretty good idea of what they are going to do next year, and that the full ten months may not be used.

But the trust has to lie with the government, that they may require ten months.

Hon. Mr. Taylor: Fine, Mr. Chairman.

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, going a little further in that section, the reason for this request, or the time available for the impact study, is obvious, but then we see "and an opportunity for public comment on this". I wonder if Mr. McCandliss could explain how he visualizes this being done?

Mr. McCandliss: This ties in with our recommendation that the Lands Use Advisory Committee be given some legal status, and operate in an analogous manner to the Water Board.

Mr. Chairman: Mr. McCandliss, am I to understand that if a company has a major undertaking, and they have one year of exploration work underway, and at which time they wish to enlarge their operation, they again have to wait another year while the environmental studies are done? In other words, they are working at two year intervals? Would that be the effect of what you are proposing?

Mr. McCandliss: Oh, I would say that if they are operating in a given area, and they have made expenditure there, that whether or not a new permit required, or they can modify the existing one, it's really an administrative problem, and the society wouldn't feel competent to sort of advise as to when a permit should be renewed or revised, or whether a completely new application should be made.

Mr. Chairman: Would it not require a revision or a new permit for them to enlarge their enterprise, in which case it would be again subject to the year's review?

Mr. McCandliss: I'm not sure that I can answer that, in the sense that we didn't ourselves come to grips with that problem.

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: I wonder if Mr. McCandliss then is saying that these restrictions would apply to new operations only?

Mr. McCandliss: I think that --

Hon. Mrs. Whyard: On ongoing development?

Mr. McCandliss: -- is the intent of the Society, yes.

Hon. Mrs. Whyard: Thank you, Mr. Chairman.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Thank you, Mr. Chairman.

I have one question. It is from page 4 on your general comments, and I'm referring to specifically your first recommendation that the land management zones be extended as in the proposed amendments. You are using the plural zones, and I take it you are referring to the two zones, one for the Yukon Territory, and one for the Northwest Territories?

That's my question at this point.

Mr. McCandliss: Mr. Chairman, perhaps I should apologize for the language of this clause. The idea is -- of the amendments, is that the whole of the Yukon shall be a land management zone, and we support that. We feel that the existing land management zone or zones, the concept of zone should be extended to cover the whole Territory.

This is what the amendments propose, this is what we agree with.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Further to that, that same area, then reading further in your recommendations, I can't help but feel that you have certain areas that you feel should be a different zone. If you go down to "the Chamber of Mines proposal to divide the Territory along the line of latitude into arctic and non-arctic sub-zones", you are almost implying that further zoning is required, but not on a latitude basis.

Mr. McCandliss: The -- we support the concept, as does the Chamber of Mines, that the land use operations, and the permits for land use operations, should be site specific, so that the same rules apply throughout the Territory.

Because it's very hard to generalize about the physiography of the Yukon on the basis of something to the north, and something to the south, because there are other variables as discussed here.

I can't say much more than that on it.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, I have a general question, and I'm wondering if our witness today has had experience recently in the Northwest Territories where these existing Land Use Regulations apply, and if he feels that they are sufficient in their current form, and if they are being-you know, if they are being employed in such a manner as to keep the industry going over in the Northwest Territories?

Mr. McCandliss: I have not worked as a geologist in the Northwest Territories. I have not been there, as a matter of fact, so I really am not competent to say one way or the other.

Hon. Mr. Taylor: Okay.

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, it's an intriguing suggestion that the Land Use Advisory Committee should be established to operate in the same way as the Territorial Water Board, and I would like a little more background on that, if Mr. McCandliss wouldn't mind.

Would he, for example, from this brief, endorse the recommendation that only developments of a hundred thousand or more in value would go before that Board? What would be the scope of the hearings?

Mr. McCandliss: I think that that's the general intent of the Society's brief, 100,000, but that figure, it's sometimes dangerous to reduce everything to dollars. You miss a lot, you know, and there are some operations which are very expensive and do no damage, or virtually none, such as oil, very deep oil exploration hole could cost a million dollars or a more for a few acres, and others which could do a lot of damage over a wide area at a relatively low cost.

It would take—it's something probably that Ottawa or this Assembly, or preferably both, should decide that there are certain types of Land Use Operations which should come under control of a board which operates publicly, to which the public can appeal, pro or con, and given a development or land use operation, but as to whether it should be a hundred thousand or not, I don't know, but I think that that's a reasonable ball park figure.

Hon. Mrs. Whyard: Thank you, Mr. Chairman.

Mr. Chairman: Thank you, Mr. McCandliss, for your presentation this afternoon.

Is it the wish of Committee that we proceed at this time with further consideration of the Land Use Regulations, or do they wish time to digest the two briefs that have been presented to us?

Mr. Taylor?

Hon. Mr. Taylor: Yes, Mr. Chairman.

Perhaps inasmuch as we will be sitting on Monday, perhaps we could have the weekend to consider the two briefs and time to prepare, if necessary, presentations in respect of this question.

Mr. Chairman: Mr. Berger?

Mr. Berger: I just wanted to say exactly the same thing as Mr. Taylor.

Mr. Chairman: Mr. Lang?

Hon. Mr. Lang: I see Mr. Ogilvie in the gallery there. I am just curious to hear what his comments are on what the Yukon Conservation Society has presen-

ted.

Mr. Chariman: I think there must be some limitation, there must be some limitation on how often we call these witnesses back and we could go on indefinitely. If you care to ask him on your own, you are perfectly free to do so.

Hon. Mr. Lang: Okay, fine, I just thought some other members would like to hear what he says.

Mr. Chairman: What is the wish of Committee?

Mr. McCall: Mr. Chairman, I think we have already given the opportunity to the witness to appear in front of this Committee. I don't think it should start going around this table all the time.

Mr. Chairman: Is that the wish of Committee?

Some Members: Agreed.

Mr. Chairman: Then are you agreed with Mr. Taylor's suggestion that we defer this until Monday?

Some Members: Agreed.

Mr. Chariman: We will now proceed with Motion Number 7.

Motion Number 7

Motion Number 7, moved by the Honourable Member from Whitehorse Riverdale, seconded by the Honourable Member from Porter Creek, that the number of single trip permits as presently allowed under the regulations of the Motor Vehicle Ordinance, in Commissioner's order 1974-22, Schedule 2 (4) (b), be limited to two permits per vehicle per year.

Mr. Lengerke?

Mr. Lengerke: Yes, Mr. Chairman. I need my seconder here.

What I want to relate to the House is that you will recall that we did have a witness, a Transportation Association witness, and the Transportation Association have requested more time. They would like to present a brief outlining a number of amendments, and because of that, and because certainly there are more ramifications to some of the amendments than what we thought, I would like to ask the seconder if he would agree to withdraw that Motion at this time?

Hon. Mr. Lang: Yes, I will withdraw my second, Mr. Chairman.

Mr. Chairman: Is that the concurrence of the House?

Some Members: Agreed.

Mr. Chairman: We will proceed with Sessional Paper Number 6, the Arctic Winter Games.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: I think I would direct the most obvious question first, perhaps to the Honourable Minister of Education under whose budget this item would appear. Quite simply, will we and have we got the money for this program?

Hon. Mr. Lang: Mr. Chairman my understanding is this, with regards to money, and I realize it is a great deal of money, is that we will be asking for a supplementary, as it shows in here for the Arctic Winter Games, we will have the money, yes.

Mr. Chairman: I understand, Mr. Lang we will therefore be requesting supplementary funding in the forth coming budget?

Hon. Mr. Lang: Yes.

Mr. Chairman: That is so?

Hon. Mr. Lang: Yes.

Mr. Chairman: Mr. McIntyre?

Mr. McIntyre: It seems to me Mr. Chairman, that the amount of money that the Territorial Government is agreeing to supply out of their own monies has just about doubled since it was first discussed last spring. I am wondering, at the budget session next year when we are going to turn down requests, probably for day care and several education programs that are in effect now, that may be dropped next year, how are we going to justify to the people of the Yukon our support of the Arctic Winter Games, which really only effect athletes in the Whitehorse area. I just don't see how to justify it.

Hon. Mr. Lang: That is a very good question, Mr. McIntyre. I hope you realize the position of the Y.T.G. in regards to the Arctic Winter Games. We had some indications that there was a possibly of fundings from the federal government. We had to make a commitment one way or the other. We, as you know, the Yukon questioned very, very hard the inclusion of Arctic Quebec into the Arctic Winter Games and also, you know, that the Yukon was wondering why they couldn't raise the time period for these games, in other words, from two to three or four year periods.

Mr. Chairman, we made that decision to go with the Arctic Winter Games and I realize the monies, I was under the impression that we were going to get some funding to some extent from the federal government and that turned out to be not so.

In our estimation at the time we made the decision to go with the Arctic Winter Games. We felt that we had to complete the cycle since Arctic Quebec did come to Anchorage and did come to whitehorse and we felt that we, as a jurisdiction had to compliment what they had done in participating with us in the previous Arctic Winter Games.

I personally think that we should carry on with the Arctic Winter Games for this one last time. We are going to have an evaluation done by the Arctic Winter Games Corporation and our own chef de mission will

be looking and taking a very hard scrutiny of it. I agree with the Member that we are going to be going into the next budget session, quite conceivably looking at some substantial cuts, but I think that socially and politically as far as the rest of Canada is concerned, I think it is up to us to participate, the rest of Canada, I know that the federal government from all appearances looks -- seems to be a pre-game warm up to the forth coming Olympics.

Mr. Chairman: Ms. Millard?

Ms. Millard: Yes, Mr. Chairman I would like to register my objections to this transportation cost of \$82,160.00 simply to transport a few athletes from here to Arctic Quebec for a few days, within the time period which is mentioned in the present restraints, before the end of this fiscal year. How is this going to sit with people as the Honourable Member from Mayo has said, there will be programs which will obviously be cancelled which are now very important to the people, especially in the smaller communities.

I don't think it is going to sit very well. Has the Honourable Minister actually looked into this, since the restraints which were place on us yesterday, and is there any consideration of cutting down the number of people who are going?

Is that possible or simply looking at it very seriously as to throwing the whole thing out?

Hon. Mr. Lang: Well, there is no way they are cutting down the people going, Mr. Chairman, they cut it down to begin with, and the idea is that one 727 will be transporting the 232 participants.

I just think myself personally, I think we are morally obligated to carry on with this one last time of the Arctic Winter Games, and assess where we are at. It's up to the Members around this House to decide whether or not they want the Arctic Winter Games to continue.

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, I think we all realize that we are too far into this program to dump it at this stage. We have had scores of young athletes from every part of the Territory I can think of who have organized sports, competing for positions on Yukon teams and looking forward with great anticipation and pride to representing the Yukon in their own particular fields.

I think we all have to admit that the truth of this matter is that the whole thing has grown out of hand like Topsy. The original concept of the Arctic Winter Games was a very attractive one, and it was to benefit the Yukon and the Northwest Territories and Alaska and their athletes, who found very little opportunity to bring their competition level up to a standard where they could compete outside with athletes who had so many more advantages than our northern youngsters have, because of climate and various other reasons.

But now it has been enlarged to such a scope that we can't afford it any more. I think we have to face that fact, and as the Honourable Member has said, this

matter is going to be very carefully scrutinized, and he has already referred to these as probably the last Arctic Winter Games.

Mr. Chairman: I would like to turn the Chair over to Mr. McCall.

(Mr. McCall takes Chair)

Mr. Chairman: Thank you, Mr. Chairman.
Mr. Berger?

Mr. Hibberd: Mr. Taylor wishes to speak.

Mr. Chairman: I'm sorry, Mr. Taylor, you had a question for us?

Hon. Mr. Taylor: Well, I think the Honourable Member from Whitehorse West has described what I was -- basically what my thoughts were. I agree that it's unfortunate that when we talk about cutting programs, that everybody looks at the people oriented programs, unfortunately, that's been my experience in the House. Anything that directly affects the people, from community club grants to this type of thing, recreational items, they go ahead of any government programs as you will note.

But, yes, I think we are all very, very proud of our young athletes, and I think that even this year, and if it is the decision of the government to continue, that we should take into account the suggestions or the inferences made by the Honourable Member from Mayo, which are quite true, that there are an awful lot of disappointed young people in the Territory, because that the participants who go and participate in all these winter games, generally come from the Whitehorse area, and perhaps the reason for that, is that the play-downs and so forth that are held to establish who goes and who doesn't, are held in Whitehorse, and even at the local level, it is often beyond the capabilities of people in the outlying districts, both in time and money to get into participate in these things.

One good example is hockey. If you were living outside of Whitehorse, you can't be part of a team, because you can't be here for practices, and this type of thing, so there are certain difficulties with this.

Perhaps in some areas of contests, this could be overcome. I just rise, Mr. Chairman, to make the point that it always seems that when we talk about curtailing programs, and I do believe this has really got to be looked at it, it is getting too expensive and perhaps we don't have the money, but I would just like to raise the point as well that it seems every time that anybody wants to chop any money, it's on the people's side of this operation, and those things which are directly people oriented.

But I concur generally with the remarks made by the Member from Whitehorse West.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Yes, Mr. Chairman. I notice Sessional Paper Number 6 is not signed by the Commissioner. I wouldn't sign it either if I were him.

I really must sympathize with the Honourable Member from Porter Creek. We get into a trap, and this is what the Arctic Winter Games is, is a trap. It's been continually increasing in costs, not that the concept is a trap, but the costs have just been creeping up every year, and the commitments that the federal government made when the Arctic Winter Games' concept began, they have been pulling out of, and of course, the Arctic Winter Games' concept itself has been growing.

I was quite surprised that we weren't going to Greenland in 1978.

A Member: I agree.

Mrs. Whyard: I would like to go to Greenland.

Mrs. Watson: So I don't think we can blame the government, and I just don't think that we can blame the Honourable Member from Porter Creek. I think we have to assess and say enough is enough for the future.

I think the Yukon would come forward if we backed out at this stage of the game. I don't think it would be fair to our athletes, nor to the Yukon's image itself, so I think we have to go through with it, and the basic thing is that the feds last time picked up the lion's share of the transportation costs.

This time they are picking up the lion's share, the capital expenditure involved in making Chevreuille capable of handling the Arctic Winter Games. Let's be honest, this is what's happened, so I think we are going to have to come out of this Committee with some very strong guidelines that we can give to our Executive Committee Member who is in charge of recreation and sports, whether in fact when he goes to the Arctic Winter Games, if there's a seat for him, or when the evaluation is made --

Mr. Chairman: Order.

Mrs. Watson: -- that he must know that the Yukon --

Mr. Hibberd: He can go, he plays the bagpipes.

Mr. Chairman: Order, Mr. Hibberd.

Mrs. Watson: He must know what the representatives of the people of the Territory are prepared to accept as costs for this type of athletic venture. I think this is the direction he is looking for now.

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: Yes, Mr. Chairman, not too much to say on this, other than the fact that I believe that--or I understand we have a very binding contract with the Yukon Sports Federation in this regard. We certainly have a commitment to the athletes, and I know that--I see the federal withdrawal of assistance again, and I would just like to ask this: Have we really exhausted all the attempts to secure even a portion of that funding? I think in view of what the Honourable Member from Kluane has said about the federal government funding the site, I think we should make a strong

representation again from this House and let's see if we can secure some more funding.

Even if the attempt fails, we are going to carry on with this, I am sure. I am in support of it, but let's take another stab at it.

Mr. Chariman: Do you wish to comment, Mr. Lang?

Hon. Mr. Lang: Yes, Mr. Chairman.

Mr. Chairman: Mr. Lang.

Hon. Mr. Lang: From all appearances, I would say that we have exhausted every alley there is for the availability of monies. We made the approach to the Minister of Indian Affairs and Northern Development, and he subsequently sent it to the Minister of Health and Welfare, who is in charge of sports for Canada.

I personally not being an expert on the world of economy in Canada, and looking at our national deficit I don't think anybody is an expert, and looking at the news last night in regards to the federal government looking, apparently looking for a two billion dollar cut-back, not two billion dollars to give away, I would say, Mr. Lengerke, that our chances are very, very slim. Unless you have some avenue you know of?

Mr. Chairman: Mr. Berger?

Mr. Berger: Thank you, Mr. Chairman.

I personally am against this type of games. I think that Canada has gone game crazy. I think that there is all sorts of games, but I think we are missing one aspect of the whole thing.

To go back into the Territory, and I'm agreeing with Mr. McIntyre, the Honourable Member from Mayo, that it's not to the benefit of the whole Territory, because for one simple reason. There's hardly any school outside of the Whitehorse area who has physical education teachers, and I think if you want to participate in anything, you need to have the know-how.

I have no qualms about it, to say right here and now, to turn this thing back again, because I think we would be much better off to spend the hundred thousand dollars to hire physical education teachers. That would be of much more benefit to our young people, than to send them some place to a game and they maybe come back, they maybe make 20 points or 30 points, which I am against in the first place, because I think they should go there to have a good time, to learn other people's habits and social life, and meet other people, not to go there to earn gold medals and stuff like this, which has absolutely no value.

I think our whole idea is going backwards. First we go into competition, and then when they come home, maybe we have enough money to hire physical education teachers, and maybe teach them something, so I have—like I say, I have no qualms about it, to cut this right now, irregardless of the commitments we have.

Mr. Chairman: Thank you, Mr. Berger. Mr. Hibberd?

Mr. Hibberd: Thank you, Mr. Chairman.

As Mr. Lengerke has said, your Department, I understand, has entered into contractual agreement with the Sports Federation to run the Yukon contingent to the Arctic Winter Games. I think that the Sports Federation in this undertaking, have gone to great efforts to include all parts of the Yukon.

I have been personally involved in the evolution of one particular sport that is going to be represented at the Games. We were told in no uncertain terms that we simply had to have representatives at least trying out, from all areas of the Yukon; if we didn't do it, we were out of luck, we can't go, so it is a total—they are taking that responsibility on and they are doing it.

Another thing as far as costs, we talk about escalating costs. We missed the point why we have got escalating costs in this situation. We have got escalating costs because we have got to transport all these athletes from Whitehorse, Yukon, to Schefferville. That's the basic increase in cost. They have cut the number of athletes to try and accommodate this situation, but it's that pure, one simple item, that is causing the tremendous increase in the costs.

I have to, with deference to what Mrs. Watson has said, I think I do have to blame it on the Minister, because he is responsible for what goes on in his department. I would refer, Mr. Minister, to your contractual obligations with the Sports Federation, and I have difficulty in some of the decisions that have been leaking out, in that you have been undermining your own contract with the Sports Federation.

They are having difficulty making decisions, because they are not getting the support of the department of which you represent.

Hon. Mr. Lang: Could you please explain a little further?

Mr. Hibberd: I can explain further, but I won't now.

Hon. Mr. Lang: Well, Mr. Chairman—

Mr. Chiarm: Mr. Lang?

Hon. Mr. Lang: —I appreciate the Honourable Member's comments, for bringing them to my attention, because my understanding,—the Yukon Sports Federation has hired the coordinator, the coordinator is working within the Department of Education, has taken a desk in the office of the Department of Education. We are accommodating him as best we can, at least to my knowledge, and if there are problems, I hope the Honourable Member will bring them to my attention.

Mr. Chairman: Thank you, Mr. Lang. Ms. Millard?

Mr. Hibberd: Just if I may, if I may conclude, I had waited until this paper—

Mr. Chairman: Yes, Ms. Millard?

Mr. Hibberd: —was before the Committee before I brought these things up. If you wish, I will bring them in the form of questions to you tomorrow.

Mr. Chairman: Thank you, Mr. Hibberd.
Now, Ms. Millard?

Ms. Millard: Yes, Mr. Chairman, I am interested in the cost comparison. With the amount of money that is given to the Recreation and Amateur Sports Committee to be distributed amongst people in the Yukon, my objection is mainly that this money is going to be spent in one long splurge—well, not long, short splurge outside on a long trip, when I believe that the money is comparable to the amount of money that is spent in the whole Territory in a year, by the Recreation and Amateur Sports Committee.

Does the Minister have any details on how much money is distributed by that Committee?

Mr. Chairman: Does the Minister wish to comment on that point?

Hon. Mr. Lang: Yes, Mr. Speaker.
I just got the resume out of the—

Mr. Chairman: Mr. Chairman, thank you.

Hon. Mr. Lang: Mr. Chairman, I just got the resume of the monies for the Sports Advisory Board and I can bring that to your attention, if you like.

Mr. Chairman: Thank you, Mr. Lang. Mr. McIntyre?

Mr. McIntyre: Mr. Chairman, I hope the Minister of Education can assure us that when he is scraping around for money to send these athletes to Scheferville for the Arctic Winter Games, that he doesn't take it out of the pot for the kids of the Yukon that come up to Whitehorse to compete in the Polar Games next spring.

Mr. Chairman: Mr. Lang?

Hon. Mr. Lang: No, Mr. Speaker, this is not my intention.

I would also like to point out that the decision to take part in the Arctic Winter Games was made in approximately July, and it put the Yukon Sports Federation in a very, very bad situation in attempting to organize the athletes for the proposed Arctic Winter Games, and I would like to say that I commend the Yukon Sports Federation for taking this task on.

I also would like to say that if the decision was to be made whether or not we were to go into the Arctic Winter Games, it should have been made a hell of a lot sooner than July. I would like to say, Mr. Speaker, in taking the office in May, I was put in that position to make that decision, and I felt that we had to make this decision to go, in order to fulfill our commitment. I assure the Members here, as far as I am concerned, it is going to be very closely evaluated, maybe be cut back again to Yellowknife and Anchorage and Whitehorse. This may be an alternative, but I can assure you there will be an evaluation.

I also would like to point out that I think it shows the attempt of the Executive Committee to keep the

Honourable Members informed of what is happening within this government, because Mr. Chairman, if that was not the case, we could have quite conceivably left the Sessional Paper until February, and I welcome the remarks of the Members.

Mr. Chairman: Thank you, Mr. Lang.
Mrs. Whyard? Do you wish to comment?

Hon. Mrs. Whyard: Oh well, Mr. Chairman, in view of the more recent remarks, mine is frivolous. I thought perhaps a little constructive debate would happen instead of what we have been doing up until now, and one of the Members asked if we had explored all avenues for financial assistance, and I was merely going to comment, Mr. Chairman, that perhaps we should rename them and call them the Arctic Olympics, and try it from there.

Mr. Chairman: Thank you, Mrs. Whyard. Mr. Hibberd?

Dr. Hibberd: I neglected to mention previously, in terms of financing, one of the things that the Sport Federation has done, is they are making great efforts to raise money on their own, as I'm sure the Minister is aware. They are holding raffles, they are doing all sorts of things. They are doing their part, and these people are all volunteers. These are the Sports Federation themselves, not the athletes, they are all volunteers. They are working hard, they are giving their own time, they have their own jobs, but they are still doing all of this on a voluntary basis.

So really, there is a very positive contribution being made.

Mr. Chairman: Thank you, Mr. Hibberd. Mr. Fleming, do you wish to comment?

Mr. Fleming: Yes, Mr. Chairman.

I was listening to the comments around the table, and of course at one time I was a very strong advocate of Winter Games or any other games, of course for our young people I always have been.

I find that over a period of years, these things do develop into something that costs us thousands and thousands of dollars, when actually to start with they were meant to be a competitive sport, and I really feel sorry for the Minister of Education at the moment. I know he is in a bit of a bind because of the commitments we have made, possibly from some other — somebody else, but I feel that if we have a commitment, we must try and meet that commitment.

I don't know, I would consider any way I could, I thought of, but I can't think of anything just to raise money right at the moment. I think if we do have a commitment, let's meet that commitment, but I would say this, that maybe in the future when something like this comes up, or even now, we think a little bit about what's happening, or going to happen to something that we put ourselves into, and possibly, I heard a few members say that maybe some more money should be spent at home here, rather than to get involved in where you will in time have to spend money to go to these things.

So think about spending it in the Yukon more, and maybe coming up with one good athlete to send to operations such as this, instead of trying to send a whole big group of athletes. They can still have their fun in the sports, they don't all have to go to the top, because they are not all going to get there.

Sport is something that they all should be into, right from the beginning, so I think maybe we should just look at it that way and say, let's stay home. We have this commitment to make, I know, but in the future let's all sit down and look at it and say no, we will have our money spent at home.

Maybe you would do more good with it.

Mr. Chairman; Mrs. Watson?

Mrs. Watson: Mr. Chairman, very briefly, I am very glad that the Honourable Member from Whitehorse West, I believe it is, drew the attention of the Committee to the fact that some of the athletes, the athletes themselves are raising money, and number two, the government of the Territory will pay half of the costs.

I believe the athletes are raising the rest of it themselves, to a maximum of \$16,000.00, which is quite a large undertaking. So we must take this into consideration, but I am more concerned with the future. I mean, what's happened today, I don't think the Minister of education could have got out of it at all. The commitment was made by the government, I am sure, two years ago, the fact that the evaluations were done after the Anchorage Games, and I might say I wasn't very happy with the method that was used at the evaluation.

Because the Arctic Winter Games Corporation carried on the evaluation, and I don't know whether the Committee here are aware that the corporation that the Government of the Territory pays \$7,500.00 every year to keep the Arctic Winter Games Corporation going. These are ongoing, as long as we are part of these Games, we have made this commitment.

The evaluations were made after the Anchorage Games, and they were conducted by the Corporation. I like what is said in the last statement: "In addition, we will be conducting a similar exercise within the Yukon. The evaluation will be conducted by both government and non-government staff", and I think it would assist the government if we could come forward with some type of a Motion, so that they would know they have some political strength before they make a final decision on the future of the Arctic Winter Games, and I'm quite prepared to endeavour to introduce a Motion tomorrow.

I would like to hear some more feedback on it.

Mr. Chairman: Thank you, Mrs. Watson. Mr. Lengerke?

Mr. Lengerke: Thank you, Mr. Chairman. I think the Honourable Member from Kluane covered my comments again, other than the fact that the Honourable Minister said if I had some other ideas about funding, and I'm sure my ideas are not going to be unique in any shape or form. I would suggest, I would like to make a motion on this topic right now, on this point right now, that this Assembly does send a telegram to the Minister of Indian Affairs and Nor-

thern Development, requesting that he reassess this situation with respect to this funding.

Also, I would like to suggest that we ask our newly appointed Senator, Senator Paul Lucier, to maybe carry the ball for us in this plea as well. The Senator is a member of the Canada Sports Federation, and there may be some ideas that he may be able to help us with as well.

Mr. Hibberd: Mr. Chairman?

Mr. Chairman: Mr. Hibberd?

Mr. Hibberd: Thank you, Mr. Chairman.

I think the remarks from Mrs. Watson were quite interesting regarding the evaluation undertaken by the Arctic Winter Games Corporation after the last Games.

I made two recommendations after coming back from the Games. One was that they delete senior basketball from the games, they should leave it to the kids. They are having senior basketball.

The other recommendation I had is that they include a team doctor, I got pretty tired over there. They are going to send one.

I think we have to remember what the spirit of the Games is all about. This is an Arctic Winter Games where jurisdictions of -- like jurisdictions can compete with each other on a similar level. We go south, we get slaughtered. On this level of competition we have a chance. It is an Olympic competition, if you like, and I think this is what the spirit of the games are all about, and I think this is an important thing to keep in mind when you are considering what our commitments are and what you are going to do about those commitments.

I would also like to point out, or remind Members of the Assembly, that we talk about keeping the money at home. Every one of these sports that is represented at the Arctic Winter Games has trials and usually more than one trial, that takes place somewhere in the Yukon, and all the Yukon athletes that want to participate in them, have the opportunity to do so, and they have their expenses paid, to go to the centre where those trials are. Now that's pretty good for Yukon competition.

Hon. Mr. Taylor: Mr. Chairman?

Mr. Chairman: Yes, Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, on -- just on a point of order. I note that in debate recently that some members have suggested proposing a Motion at this time. I just wonder if it might not be better to propose such a Motion under Orders of the Day, rather than get into the recess and the usual hassle that comes in preparation?

Mr. Chairman: I am already aware of the Motion, Mr. Taylor, where the Honourable Member has decided to consider that.

Hon. Mr. Taylor: Yes, just on a point of order.

Mr. Chairman: Minister for Local Government?

Motion 7 12 Hist Sites clw

Hon. Mr. McKinnon: Mr. Chairman, I must say how much I appreciate the Honourable Member for Whitehorse South Centre's remarks, because I just can't believe the negativism and the pessimism that is put out around this table this afternoon on a concept that only a few short years ago, the people of the Yukon, and the Members of the Yukon Legislative Assembly were completely and totally behind, and that concept remains, Mr. Chairman. It might just be a little bit out of hand at this time.

I started working on the Arctic Winter Games' concept when there was maybe two or three, in the total of the north, Alaska, and Northwest Territories and the Yukon believed in it. We worked our butts off from about 1966 getting the first one in operation in Yellowknife.

There were hard headed realists who were putting it together, and I don't think that anyone who either attended, participated, or was involved in any way in the total community activity in Yellowknife in 1970, which I had the honour to be the first President of the International Arctic Winter Games' Corporation, or in 1972 with the absolute success of the same program in Whitehorse.

I don't think there was a member of the Community, in Alaska, the Northwest Territories, or the Yukon, that wasn't completely and absolutely and unequivocally behind the concept and the actual staging of the Arctic Winter Games.

Now, there's a few hard times and a few problems, and it's gotten a little out of hand. The politicians are just willing to close the tent doors and sneak quietly away.

The concept was good in 1970, which it was, in 1972, it's good in '74 and '76, and it's up to this Assembly, and these people to get it back on the rails and get it back into reality, instead of sitting here and knocking the decision and knocking the Minister of Education for being involved in the Arctic Winter Games. He has no choice, the choice is every bit as much mine and the Honourable Member for Health, Welfare and Rehabilitation and your choice too.

The first jurisdiction that drops out of it, that's the end of the Arctic Winter Games, and if the Yukon, after entering into a contractual obligation wants to renege on them, then you make the choice. I'll sure as hell vote against it, I know that for a fact.

Mr. Chairman, when I left the Presidency of the Arctic Winter Games Corporation, I thought that there should be new blood in that brought about new ideas, but little did I realize that the new ideas would be so far as to even think in the wildest imagination, that some day we would be transporting athletes right across the roof of Canada to a place called Schefferville, Quebec, which I didn't even know existed, and maybe didn't even exist in those days, to have this type of competition.

Please don't lose sight of the original basis of it. Please don't lose sight of the absolute success it was for everybody concerned in Yellowknife, and in Whitehorse. We do have ties, we do have commitments, we do have similarities. We do have a good time when people from the Yukon, Alaska and the Northwest Territories get together. So instead of sit-

ting around here and nit-picking and taking the thing apart, let's get it back on the rails again in a proper manner, so that the people of these three jurisdictions that share such a common destiny and so much in common, can get back to enjoying what was one of the best athletic and cultural and social events, because the politicians and the bureaucrats and the big shots weren't involved in it at all, and it was for the athletes, and it was for the peoples of the three communities, and we could get back to that concept again, if everybody around this table is willing to get it back on the rails again, instead of this kind of exercise as I see around the table this afternoon, which I am pretty disappointed in, to tell you the truth.

Thank you, Mr. Chairman.

Mr. Chairman: Thank you, Mr. McKinnon.

Any further discussion? If there is no further discussion, I would like to hand this back to the Chairman of Committees.

(Dr. Hibberd Resumes Chair)

Mr. Chairman: Mr. McCall, what do we do with the motion proposed, or was that dropped? Okay, fine.

Motion Number 12

We will proceed with Motion Number 12, Historic Sites. I would ask that Mr. Gillespie be brought in as a witness.

We will have a brief recess until the witness is here.

Recess

Mr. Chairman: I will now call this Committee to order.

We have for discussion, matters relevant to the Historic Sites and Monuments Board, and we have Mr. Peter Gillespie present with us as a witness this afternoon.

Are there questions for the witness? Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, it came to me as quite a surprise a couple of days ago, that it was reported apparently, in the media, and I didn't hear it there, but it was reported to me in the House that our Historic Sites and Monument Board is no longer. Certainly I would like to know if (a) if this is indeed correct, and (b) inasmuch as I have always considered this a very important board, the reasons why it has been disbanded.

Mr. Chairman: Mr. Gillespie?

Mr. Gillespie: Mr. Chairman, at the spring session of Council, the Historic Sites and Monuments' Board Ordinance was amended to increase the membership from 10 to 15, to allow the -- for 12 nominations from the Members of this Assembly.

These nominations were obtained. The appointments though were not made on the basis of these nominations. I want to make it very clear though, that in spite of the fact that the appointments have not been made, the Board is not and has not been disbanded.

I would like to elaborate on that if I may, to explain exactly what's happened, and I appreciate this opportunity to do that.

About the time that this matter came up at the spring session, work was started on a Parks Ordinance, which was to incorporate the prospect of both conservation and recreation parks, and historic parks and sites. It appeared then that substantial amendments might have to be made to the Historic Sites and Monuments Ordinance.

I personally felt at that time that it would be wrong to appoint the Board, when we were contemplating serious changes to its role. The appointments would turn out to have been made on a wrong pretext, and we couldn't then enlighten the members on just what those changes might be, because we hadn't yet had time to develop them.

This then brought us into the summer months when policy work continued, but the main attention was given to operational matters. In the fall, when -- two things happened. First, vigorous attention was given to our recreation, conservation parks policy once again, and the product of this work was an audio-visual presentation to the Northern Resources Conference, which I hope many of you here saw.

This presentation is now being taken through the Territory by Don Hutton, our Parks Planner, to let people know what we are planning, and to get their feedback on it.

In the meantime, we are consulting with Indian Affairs officials to identify and clear away a number of jurisdictional and legal problems associated with what we are trying to do in the area of parks.

This particular exercise that was presented to the Northern Resources Conference, however, did not deal with historic matters.

This brings me to the second thing that happened this fall. This occurred in the Executive Committee when we were examining budgets. In the 1975-76 budget, there is a \$30,000.00 capital item for Historic Sites. This amount is almost meaningless in terms of a viable Territorial Historic Sites Program. It leaves room only for a little research, a little stabilization, and a little signing, but nothing that amounts to anything that is really worthwhile by way of restoration and so on.

The Executive Committee recognized this, and directed that the Territorial Government's role and programs relating to historic sites be re-examined. An examination of alternatives and the cost they would incur is now being undertaken. As recently as last week, I met with a senior Historic Sites official from Ottawa, and some new ideas emerged from that meeting on how we might proceed with Historic Sites Programs in the Yukon.

This now leaves us in a state of flux, regarding how Territorial Historic Sites are going to fit into our proposed Parks Program. It also makes it even more uncertain what the nature is of the role of the Historic Sites and the Monuments Board, what role it is that they are going to play.

I have been reluctant, and I must take the responsibility for this, to have the Board appointed and to have it meet under these very uncertain cir-

cumstances. There is, however, a statutory requirement that a Board must be formed and that it meet at least once a year.

This leaves us no choice but to form the Board shortly, and to arrange for it to meet. Unfortunately, we haven't got our thinking straightened out to the point where we can get the Board's reaction to what we may contemplate doing in relation to the Historic Sites and Monuments Board itself.

I expect, though, that we will be in a better position to do that early in the New Year. In the meantime, all I can do is apologize to the Members of this Chamber, and to those we have nominated to the Board, for having kept you in the dark up until now.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Well, Mr. Chairman, I can certainly see, in light of the information given, that there are circumstances of which I was certainly unaware, but I think two things are important.

One is that if monies are available, and I feel some monies should be left available for the—for instance, the signing and identification of—general identification of historic sites. I think the Board has proven to be of value in this regard in the past, and I don't think that that program should be curtailed unless it is absolutely necessary.

My only other question would be out of the remarks that we have heard from our witness, Mr. Chairman, is he did mention, he said well there is some new ideas as to the role of the Board being formulated. Could we have any idea, you know, what perhaps—along what line will the Board be able to function in light of these new ideas?

Mr. Gillespie: Mr. Chairman, I'm afraid I can't give you any kind of a satisfactory answer on that. We haven't yet, in Executive Committee, examined the role that this government intends to play in the future regarding Historic Sites, and only when we have a firm understanding of what that role should be, and what position we are prepared to take on that, can we then determine as a second logical step, how the Board is going to fit into them.

So I'm afraid I don't have an answer to that question at this point in time.

Hon. Mr. Taylor: Well, Mr. Chairman, I simply conclude my remarks then by saying here is another case in point of where a people input, or a people program is being curtailed, and I hope when the budget comes around next spring, that you remember these things. The projects that seem to be curtailed are those ones which are either input for people, or really people oriented programs.

Think on it.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, I would like to ask the witness if he realizes that there is presently a statute on our books, which has a requirement for Historic Sites and Monuments Board, and there is a sum of

Historic sites

money within this year's budget, '75-76, \$30,000.00, the expenditure of which should be made upon the recommendation of the Board.

Now, I think that really, regardless of whether we are in a flux, and I can understand there is some planning and it does take time to get all of this planning, that surely we should continue with the legislation, or take it off the books, and appoint the Board, call them together, and at least let them make their recommendations regarding the money, the \$30,000.00.

I hadn't realized the Board hadn't been appointed, and in fact, in some of my conversations, I rather wondered at the reaction that I was getting from the Member that I had thought I had appointed, and until we have an alternative to this, adopted by this House, then I think we should proceed and call the Board together, make the appointment, and provide for the expenditure of the \$30,000.00. At least you have got this function for these people to perform.

Mr. Gillespie: Mr. Chairman, what Mrs. Watson has to say is absolutely correct in every respect. The Statutory requirement as I briefly indicated here is there and I do recognize that. We will be appointing the Board shortly. I am only hopeful though that we can do, there is nothing to prevent us from appointing the Board almost immediately. I am hopeful that we are going to have something very substantive for it to consider when it first meets. Certainly a part of this will be to seek its recommendations on how that money should be spent. We would also like to bring to it some firm ideas for its reaction on what role it should play and the role the territorial government should play with regard to historic sites.

Mr. Chairman: Mr. McCall?

Mr. McCall: Thank you Mr. Chairman. I am a little surprised in what Mr. Gillespie has stated in his brief comments at this point in time that the Board has not been appointed for various reasons. I was left with the understanding at the close of the session when these nominations were put forward, that in effect they would be appointed forthwith. Seemingly now we find out they have not. It is rather fine to hear Mr. Gillespie says they could be appointed almost immediately which is neither here nor there. What I am concerned about is there seems to be an area of confusion as to what this board is supposedly going to be doing. In the terms of reference in the session we put forward the nominations it states, and I will quote, "The board is required to prepare a long range territorial program under which regional and climatic priorities will be established and a comprehensive program laid down for the marking, preservation and development of historic sites throughout the Territory."

I think that is a very broad far reaching concept of what they are supposed to do as a board once, when and if they ever become appointed as a board.

Mr. Chairman: Mr. Fleming?

Mr. Fleming: Yes, Mr. Chairman, I think the Honourable Member from Kluane and also from Pelly

River almost stated what I was going to say.

I would like to ask Mr Gillespie at this time, was there any notice went out to the members that were more or less appointed by this group last spring and saying that they wouldn't be appointed for a certain time? Was there any direct attention given to this?

Mr. Gillespie: Mr. Chairman the answer to that question is there was not. I agree there should have been. All I can say is that I am personally responsible for the fact that it did not happen.

Mr. Chairman: Mr. Fleming?

Mr. Fleming: Mr. Chairman, that is the way I felt, thank you.

Mr. Chairman: Mr. McCall.

Mr. McCall: I would like to ask Mr. Gillespie one question. In view of what he just momentarily commented on, do we anticipate the board being appointed in the not too distant future?

Mr. Gillespie: Yes, Mr. Chairman.

Mr. Chairman: Mr. Berger.

Mr. Berger: Yes, Mr. Chairman, in view of what Mr. Administrator has said to us I was wondering if it is necessary to appoint, this board in this present age right now? You are talking about change of policy coming up, so I think it would be wiser to leave the thirty thousand dollars. We talked about we are going to be short of money all over the place. Why appoint the board now and try and spend the thirty thousand for actually really nothing?

Mr. Gillespie: Mr. Chairman, what we do with the thirty thousand dollars is one question. The question of whether or not we appoint the board is another. We haven't any choice but to appoint the board, because we are required by Statute to do so. Further than that I am hopeful that we will have something to show to them and get their views back on. That will be quite important. For that reason we would very much like to have them meet and consider what we have to put before them.

Mr. Chairman: Mr. Taylor? Are there any further questions for the witness?

Thank you Mr. Gillespie.

Mr. Chairman: We will proceed with Sessional Paper Number 9 regarding economic restraints.

Is it the wish of Committee that Mr. Gillespie be present during this consideration of this Sessional Paper? Mr. Miller. Is that the wish of Committee that Mr. Miller be called as a witness?

Some Members: Agreed.

Mr. Chairman: Mr. Miller, would you care to come forward?

nothing else would

We now have present with us Mr. Merv Miller. Ms. Millard?

Ms. Millard: Yes, I would like to ask our witness since they are going to institute a freeze on all vacant positions and do all kinds of other things, is there a mechanism for exemptions in this, is there something set up or is it just a blanket policy everywhere—

Mr. Miller: Mr. Chairman there is a mechanism for exceptions. Basically our position is that we will freeze those positions which will not effect service to the public. We have set up a mechanism whereby departments can appeal to the personnel department who will in turn refer, after their perusal, refer it to Ex Com for the final decision.

Mr. Chairman: Ms. Millard?

Ms. Millard: Could I ask the witness then if there is any limitation in time on the submissions to be considered? Are you going to be considering these over the next months or—

Mr. Miller: Mr. Chairman, these will be considered, those have been advertised and we not now proposing to fill will be considered as the department heads bring them forward and as positions become vacant between now and the end of March next year, the same process will carry on.

Mr. Chairman: Mr. Lengerke—

Mr. Lengerke: I would like to ask the witness how many positions are involved, roughly? Have you got any numbers on that?

Mr. Miller: Mr. Chairman, as I recall it, we currently have something in excess of thirty positions vacant or were in the process of being advertised, we are estimating that between now and the end of March that there will probably be another 30 to 40 positions come vacant.

Mr. Chairman: Ms. Millard?

Ms. Millard: Mr. Chairman, I would like to ask if other methods of cutting back are also being looked into?

Mr. Miller: Yes, Mr. Chairman we are currently reviewing all of our programs and activities within government. This process will carry on in the next couple of weeks and at that time the decision will be made as to whether there will be any programs or activities that might possibly be cut back on or cut out completely.

Mr. Chairman: Ms. Millard?

Ms. Millard: Mr. Chairman, of the two million six hundred thousand dollars that we are overdrawn in the current fiscal year, how much of this is actually the Y.T.P.S.A. increase?

Mr. Miller: Mr. Chairman, the net amount of the

Y.T.P.S.A. wage increase is a million six hundred and seventeen thousand dollars. That is the amount of money that we are getting from the federal government as an addition to our operating grant.

Ms. Millard: Is there a projection of what this cost will be next year?

Mr. Miller: Mr. Chairman I am quoting from memory, and I am not sure that I should, but it seems to me that it is something in the neighbourhood of two and a half million dollars.

Mr. Chairman: Mr. Miller, my arithmetic has problems here. The two million, six hundred thousand dollar overrun, one million, six hundred thousand dollars was received from the federal government leaving an over run of one million dollars of which you are projecting a saving of approximately three hundred thousand dollars?

Mr. Miller: That is correct.

Mr. Chairman: Leaving a further deficit of seven hundred thousand dollars?

Mr. Miller: That is also correct, Mr. Chairman.

Mr. Chairman: Ms. Millard?

Ms. Millard: Is it possible to sort of break down in two or three categories, the remaining million dollars? How has inflation effect -- what kind of programs are in there and how does inflation fit into that?

Mr. Miller: Mr. Chairman that covers all of the programs and I don't have the detailed breakdown of that with me, but just as an example, if my memory serves me correct again, in the Department of Education we are talking about an increased utility bill for heating and lighting of schools in the neighbourhood of a quarter of a million dollars. In our other buildings there would be additional cost because of heating and lighting costs. Material costs in general have gone up in the neighbourhood of fifteen to forty percent over the past year. Basically over the past 18 months because of our budget process, that is really the timing that we are looking at.

So that is the prime cause of the million dollar overrun, just in that particular area.

Mr. Chairman: Mr. Miller what happens to the seven hundred thousand dollars that we have yet to account for?

Mr. Miller: Mr. Chairman this will come, unless we find some other cost saving areas, this will come out of our working capital fund, which is I believe I indicated in that Sessional Paper, is rapidly being depleted.

Mr. Chairman: To what, Mr. Miller?

Mr. Miller: Well our estimates at the end of March '76 will be down around 2.2 million dollars in working capital. From what we would consider to be an ac-

ceptable level of approximately 4 to 5 million.

Mr. Chairman: Are there any further questions for the witness?

Thank you Mr. Miller. You are getting off pretty easy this session, I must say.

I will now entertain a motion for Mr. Speaker to return to the Chair

Mr. McCall: I would move that Mr. Speaker do now resume the Chair.

Hon. Mr. Lang: I will second that.

Mr. Chairman: Moved by Mr. McCall, seconded by Mr. Lang that Mr. Speaker do now resume the Chair. Are you ready for the question?

Some Members: Question

Mr. Chairman: Are you agreed?

Some Members: Agreed.

Mr. Chairman: Carried.

Motion Carried

(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. Hibberd: Mr. Speaker Committee convened at 2:40 p.m. to discuss Bills Sessional Papers and Motions.

A representative of the Yukon Conservation Society, Mr. Rob McCandliss was admitted to Committee to present the society's brief on the proposed amendments to the land use regulations. After discussion the witness was excused with Committee's thanks.

Motion number 7 was read by the Chairman. Mr. Lengerke, mover of the motion withdrew the motion and the seconder agreed. This met the general agreement of the Committee.

The Chairman then directed Committees attention

to Sessional Paper Number 6. After due consideration Committee moved to Motion Number 12 with Mr. Gillespie present as witness. After discussion Mr. Gillespie was excused as a witness. Committee then proceeded with Sessional Paper Number 9 with Mr. Miller present as a witness. When discussion was completed. The witness was excused.

It was moved by Mr. McCall seconded by Mr. Lang that Mr. Speaker do now resume the Chair and this motion was duly carried.

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

Some Members: Agreed.

Mr. Speaker: May I have your further pleasure?

The Honourable Member from Whitehorse Riverdale?

Mr. Lengerke: Mr. Speaker I move that we now call it five o'clock.

Ms. Millard: I second it.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse Riverdale seconded by the Honourable Member from Ogilvie that we do now call it five o'clock. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare that the motion is carried.

Motion Carried

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

Adjourned

LEGISLATIVE RETURN NO. 9
(1975 THIRD SESSION)

(Tabled December 10, 1975)

December 9th, 1975

Mr. Speaker,
Members of Council

On Monday, December 8th, Councillor Lengerke asked the following question:

"I would like to know at this time if the Yukon Territorial Government has recently been consulted by the federal Minister, or his representatives, responsible for Crown lands policy in the north, and if in fact there has been discussion and direction given, to put in effect a policy that would only allow 30 year leases of land outside the bounds of the municipality or organized subdivision.

Also in formulating land policy for the Yukon, has consideration been given to an amended survey system, and land use classification on presently recognized and future land tracts?"

The answer is as follows:

The Yukon Territorial Government has not recently been consulted by the Federal Minister or his representatives concerning the development of a

policy that will permit a "Lease Only" for land dispositions outside the bounds of a municipality or organized area boundary. Prior to my appointment the administration had expressed a great deal of concern about land use problems encountered where Titles have been issued before lease-purchase agreement terms were complied with by the applicants on lands found totally unsuitable for the applied for uses. Federal Lands were asked to cease such land disposition practises, and the leasing policy has been substituted in order to permit land dispositions to be continued until the land suitability, capability factors are evaluated, and a positive policy recommended based on good land use practises. It is not the government's intention to recommend the continuation of the "Lease Only" policy following the acceptance of the land use policy now being formulated.

Consideration is being given to changing the Land Survey System, however, the problem is not a simple one to solve. The Township System in use in Western Canada and Alaska has been considered as well as a survey system based on established legal right-of-ways. Both systems would be very costly to institute, and no positive recommendation has yet been made. Alaska's new township survey system started as a part of their Native Land Claims Settlement, and is estimated to cost \$10 million per year for 15 years.

J.K. McKinnon,
Member, Executive Committee.

LEGISLATIVE RETURN NO. 10
(1975 THIRD SESSION)

Tabled December 10, 1975

December 9th, 1975

Mr. Speaker,
Members of Council

On Thursday, December 4th, Councillor Watson asked the following question:

"I have a question for the Minister of Health and Welfare, and she may take this as a written question, and it's regarding the Yukon Region of Northern Health Services, and I think we all recall the notice that cut-backs, it was necessary to make cut-backs within their budget, and their proposal at one time was to close the surgical ward.

I would like to know in what specific areas they are proposing to make the cut-backs for the rest of the year?"

The answer is as follows:

In order to reduce expenditures "Yukon Region" has been holding a number of positions vacant. These positions include two Administrative Officer positions, two Public Health Nurse positions, one Dental Therapist position, and a number of secretarial and clerical positions, some of which are full time, others part time. In addition, cut-backs have been made in non-salaried areas such as by postponing to the next fiscal year a number of maintenance projects. It is the intention to continue these cut-backs for the remainder of the current fiscal year, however, no cut-backs beyond this level are planned.

Flo Whyard,
Member,
Executive Committee.



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The Yukon Legislative Assembly

Number 12

4th Session

23rd Legislature

Debates & Proceedings

Thursday, December 11, 1975

Speaker: The Honourable Donald Taylor

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The Yukon Legislative Assembly

Thursday, December 11, 1975

December 11, 1975

(Mr. Speaker Reads Daily Prayer)

Mr. Speaker: Madam Clerk, is there a quorum present?

Madam Clerk: There is, Mr. Speaker.

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

ROUTINE PROCEEDINGS

Hon. Mr. McKinnon: Mr. Speaker, if I could rise on a question of privilege this morning. If every time I felt that I was inaccurately quoted or misquoted in the press or unfairly treated, I would be up on my feet every morning, but on this most important issue, the Indian Land Claims, Mr. Speaker, I feel that I have to state a correction as quoted on Page 30 of the Whitehorse Star last night.

It says that I said, "McKinnon said the rights must be extinguished to avoid another level of government in the Yukon". Mr. Speaker, that is totally inaccurate. It is not a statement I made, it is not recorded in the votes and proceedings of the Journals of the House, and if anybody knows the stand that I have made and the statements that I have made, that is a totally false and inaccurate statement.

Thank you, Mr. Speaker.

Mr. Speaker: We will proceed this morning with the Order Paper, and under Daily Routine, are there any documents or correspondence for tabling this morning?

Are there any Reports of Committees? Introduction of Bills? Are there any Notices of Motion or Resolution?

The Honourable Member from Mayo?

Mr. McIntyre: Yes, Mr. Speaker.

I would like to give Notice of Motion, seconded by the Honourable Member from Klondike, regarding the naming of the new Mayo school.

Mr. Speaker: The Honourable Member from Klondike?

Mr. Berger: Yes, Mr. Speaker.

I would like to give Notice of Motion, moved by myself, seconded by the Honourable Member from Klone, that the Yukon Legislative Assembly is pleased to recommend to the Commissioner of the

Yukon Territory, the appointment of Mr. Peter Jenkins of Dawson City, Yukon to the Northern Canada Power Commission.

Mr. Speaker: The Honourable Member from Klone?

Mrs. Watson: Yes, Mr. Speaker. I would like to move, seconded by the Honourable Member from Mayo, "Whereas the Legislative Assembly wishes to proceed in pursuing a positive course of action to conclude an agricultural for the Yukon" -- "agricultural policy", pardon me -- "...for the Yukon, therefore be it resolved that this government identify high priority areas for the Department of Indian Affairs and Northern Development's intensified study effort in order to speed up the process of inventory investigations and the release of land for agricultural purposes if justification is shown".

Mr. Speaker: The Honourable Member from Hootalinqua?

Mr. Fleming: Yes, Mr. Speaker, I give Notice of Motion, seconded by the Honourable Member from Klondike, that the Liquor Ordinance be moved into Committee of the Whole for discussion.

Mr. Speaker: The Honourable Member for Whitehorse Riverdale?

Mr. Lengerke: Mr. Speaker, Notice of Motion, seconded by the Honourable Member from Watson Lake, that the Yukon Legislative Assembly is pleased to recommend to the Commissioner of the Yukon Territory, the appointment of Senator Paul Lucier as representative to appear before the Special Joint Committee on the National Capital Region, on behalf of the people of the Yukon.

Mr. Speaker: The Honourable Member from Whitehorse South Centre?

Dr. Hibberd: Yes, Mr. Speaker, I would like to give Notice of Motion, seconded by the Member from Whitehorse North Centre, regarding the Arctic Winter Games.

Mr. Speaker: Are there any further Notices of Motion or Resolution?

Are there any Notices of Motion for the Production of Papers?

We will then proceed to Orders of the Day.

ORDERS OF THE DAY

Motion Number 18

Mr. Speaker: We have Motion Number 18, moved by the Honourable Member from Hootalinqua, seconded by the Honourable Member from Kluane, that highway signs, commercials, regulations, be considered in Committee of the Whole for discussion. The Honourable Member from Hootalinqua?

Mr. Fleming: Yes, Mr. Speaker, I am making this Motion, it is because of the problem that was had last spring on the highway mainly, when the government decided to move all of the highway signs actually from the right-of-way, and of course I find that in these regulations they really couldn't do this completely, because of a failure in here somewhere to have enough authority to move some signs that were not listed to be taken out, according to our Ordinance and our regulations.

So therefore I felt that it should come to this table for discussion. I would like myself to maybe later make a Motion as to whether we should have the commercial signs at all, or whether we should try and make a regulation that is comprehensible and that they can police. At this time, if I could draw the attention to the Honourable Members, some of the problems that arise with the present regulations, I would like to do so.

The first one is that in the regulations you can have signs for commercial businesses along the right-of-way of the Alaska Highway, and I find that this is very, very discriminating, more or less and I'll give you the first reason. The land along the highway does not belong to any one person, it belongs to every individual, and of course another thing I think it should be kept clean.

The first sign which is given out, which could be a dollar to \$5.00 and so forth, actually infringes upon the rights of everybody else, because that person has the right to just go and pick his place for his first sign, if the Commissioner so agrees, and that is, in my opinion, the first step towards no equality. We all maybe want that place, so therefore, I feel that maybe we don't need these regulations at all.

Another one is the permit for the signs, and I have it here, the application is in the back sheet, and if I can go back to the price that is paid for the signs, it will be a little hard to locate right at the moment, a fee at the rate of \$1.00 for each \$100.00 or fraction thereof, of the estimated value of the sign, including the cost of erection thereof. That's fine, but the onus lies with the Commissioner to say yes or no, and all that that poor man has to deal with is a picture that has to come with this application saying we want to put up this sign, and it can't be any bigger than eight feet one way and twelve feet the other, which is in the regulations.

It doesn't say how small, but we wish to have a sign put up, and we will say that this fellow has a sign worth \$500.00 possibly, and he has to put it up so it will cost him another 50 or so. In the regulations, it more or less says that he can say here that the sign is worth a hundred dollars. Now it don't sound like very much, you can say \$4.00, but I find where it will be abused, Mr. Speaker. For \$4.00, some people will abuse \$50.00

of their own money, to get their own way, and I find the onus lying right with the Commissioner again where he has to really know what the sign is really worth. I just don't know how he is going to actually go through the section to look at the plan and say well, I don't think it's worth that much. That's a bad area, and I have a few more.

Hon. Mr. McKinnon: Mr. Speaker, I wonder if I could rise on a point of order. I thought the Motion was that we move this into Committee so that we could have this free wheeling discussion on highway signs in Committee, and I think that if the Honourable Member moved that motion, he would find unanimous agreement so we could get into this kind of debate in committee.

Mr. Speaker: Yes, perhaps this would be the proper course to follow.

Mr. Fleming: Yes, Mr. Speaker —

Mr. Speaker: The Honourable Member from —

Mr. Fleming: — I think maybe I misunderstood the procedure again. Sorry.

Mr. Speaker: Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the Motion is carried.

Motion Carried

QUESTION PERIOD

Mr. Speaker: We will now proceed to the Question Period. Have you any questions this morning?
The Honourable Member from Kluane?

Mrs. Watson: Mr. Speaker, to whom do I direct the question?

Mr. Speaker: To whom do you wish to direct your question?

Mrs. Watson: I would wish very much to have the administrator here.

Mr. McCall: Mr. Speaker, I think the Commissioner is in the building, isn't he?

Mr. Speaker: Yes, the Commissioner has been notified that we are in Question Period at this time, and perhaps he may be joining us later in the Question Period.

Have you any further questions? The Honourable Member from Whitehorse West?

Hon. Mrs. Whyard: Mr. Speaker, if it meets with

your approval, I will give an answer to a question addressed to me earlier in this Session.

Mr. Speaker: Proceed.

Hon. Mrs. Whyard: On Wednesday, November 26th, Councillor Hibberd asked whether the Territorial Government had considered hiring their own medical officer of health. The Chief Medical Health Officer is appointed under the Public Health Ordinance by Commissioner's Order, and the appointment is totally within Territorial legislative authority at the Commissioner's pleasure.

The position of Chief Medical Health Officer has traditionally been filled by the zone director of the Medical and Northern Health Services, National Health and Welfare. With the expansion to regional status some 18 months ago, Mr. Speaker, which is one of the steps on the road to transfer of health responsibilities to the Territory, the position has been filled by the program's medical officer, and it is not presently cost shared, but is part of the Yukon Region Headquarter's costs, funded entirely by National Health and Welfare.

If the position were to be Y.T.G. as opposed to federal, we would wish the costs to be shared by the two governments on a formula basis, and agreement to this would have to be obtained from the federal government.

It would not appear feasible to appoint a Territorial C.M.H.O. at the same time as National Health and Welfare is providing another medical officer at the same level. In fact, we are working towards consolidation, not duplication, of federal and territorial health services.

However, it is hoped, Mr. Speaker, that in the very near future, any medical officer having authority for supervision of medical and public health services in the Yukon, will in fact be a territorial official. In this way, we will be able to ensure that implementation of Territorial Ordinances will be controlled by the Territorial Government, and not subject to decisions made by a federal officer, acting on behalf of but not necessarily with the approval of the Yukon Territorial Government.

Thank you, Mr. Speaker.

Mr. Speaker: Are there any further questions? The Honourable Member from Kluane?

Question Re: Restoration of Ladue Sawmills

Mrs. Watson: Yes, Mr. Speaker, I will pursue my question with the Commissioner, although it is rather unfortunate my timing is such that I am not asking the administrator.

I refer to a clipping from the Yukon News dated September the 3rd, entitled "Ladue Sawmill to be restored". The Department of Tourism and Information has plans for a program which will see the stabilization and restoration of the old sawmill in Dawson City.

It continues to say that work is scheduled for September, October. Yesterday, in Committee of the Whole, the Administrator advised us the Historic Sites

and Monuments Board has still not been structured to assist in determining, and to assist the government to recommend to the government the use that should be made of the \$30,000.00 that is placed in the budget for restoration of historic sites.

My question is, is the money that is normally put in the budget for recommendation by this Board, being utilized in the restoration of the Ladue Sawmill, without prior consultation with the Board?

Mr. Speaker: Mr. Commissioner?

Mr. Commissioner: Mr. Speaker, I would have to seek time to bring back an answer, but I would be very pleased to do so.

Mr. Speaker: Thank you. The Honourable Member from Pelly River?

Question Re: Bidding on Freight Haul to Old Crow

Mr. McCall: Yes, Mr. Speaker, I have a question directed to the Commissioner, a written question.

It is my understanding, Mr. Speaker, that the B.N.T. aircraft was utilized to transport a water tanker and other machinery to Old Crow last week. Would the Commissioner inform me whether the local aircraft operators were given the opportunity to bid on this freight haul?

Mr. Speaker: That is a written question?

Mr. McCall: Yes, Mr. Speaker.

Mr. Speaker: Thank you.

Is there any further questions? The Honourable Member from Whitehorse South Centre?

Question Re: Territorial Public Health Officer

Mr. Hibberd: I have a question for the Minister of Health, Welfare and Rehabilitation.

In view of the circumstances, would it not be advantageous at this stage and now, that — for the territorial regulations to come under the direct control of this government, in terms of having their own Public Health Officer?

Mr. Speaker: The Honourable Member from Whitehorse West?

Hon. Mrs. Whyard: Mr. Speaker, I will have to bring in a reply.

Mr. Speaker: Are there any further questions this morning?

We will then proceed to Public Bills.

PUBLIC BILLS

Mr. Speaker: The Honourable Member from Whitehorse North Centre?

Bill No. 13, First Reading

Hon. Mr. McKinnon: Mr. Speaker, I move, seconded by the Honourable Member for Klondike, that Bill Number 13 be given first reading.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse North Centre, seconded by the Honourable Member from Klondike, that Bill Number 13 be now read a first time.
Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the Motion as carried.

Motion Carried

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

Bill No. 13, Second Reading

Hon. Mr. McKinnon: Now, Mr. Speaker, I move, seconded by the Honourable Member from Klondike, that Bill Number 13 be given second reading.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse North Centre, seconded by the Honourable Member from Klondike, that Bill Number 13 be now read a second time. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare that the Motion is carried.

Motion Carried

Bill No. 14, First Reading

Hon. Mr. McKinnon: Mr. Speaker, I move, seconded by the Honourable Member from Klondike, that Bill Number 14 be given first reading.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse North Centre, seconded by the Honourable Member from Klondike, that Bill Number 14 be now read a first time.
Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the Motion carried.

Motion Carried

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

Bill No. 14, Second Reading

Hon. Mr. McKinnon: Now, Mr. Speaker, I move, seconded by the Honourable Member from Klondike, that Bill Number 14 be given second reading.

... Mr. Speaker: It has been moved by the Honourable Member from Whitehorse North Centre, seconded by the Honourable Member from Klondike, that Bill Number 14 be now read a second time.
Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you —

Hon. Mr. McKinnon: Mr. Speaker, before the question is called, if I could speak on the principle of these two money bills that are put before the Legislative Assembly at this time.

Mr. Speaker, when the Assembly met in caucus, the first time that we were together, the matter of indemnities was one of the many topics of discussion.

At that time, Mr. Speaker, it was pointed out that the Members of the Assembly had been bound by a statute from indemnities that were given in the — the year 1970. It was four years now since any indemnities had been increased.

Mr. Speaker, it was at the urging of this Member and of the other elected members of the Executive Committee, that the timing could not have been worse at that time, to increase the indemnities and do the expenditures of the members of the Yukon Legislative Assembly, the reason being, of course, that the members of the Public Service Association work under negotiation.

I don't think that there is any doubt, Mr. Speaker, that if the indemnities had been raised at that time, the Members were looking in the area over a four year period, where the cost of living had increased some 40 percent, that they were responsible enough to be looking in the area of 25 percent in increasing indemnities and doubling their duty allowances.

I feel rather guilty, Mr. Speaker, because I believed at that time, I still believe, that is not an unwarranted increase in members indemnities considering the length of time over which they had had no increase. I feel doubly responsible Mr. Speaker, because the Member of this Legislative Assembly were responsible enough to agree with the position that they should not be going into a Bill that would increase their indemnities while the public service of the Yukon was under negotiation.

So, because of that fact, Mr. Speaker, every member of the Legislative Assembly because of the wage and price guidelines became a ten percenter, unfortunately, both those are the facts of life.

There was talk at the Assembly that members weren't bound because no where in the wage and price controls that members of the Legislative Assemblies in

the provinces and the territories were bound by the guidelines.

However, the members, once again, have proved their responsibility to say on our indemnity that we only be increasing ten percent.

What the Bill says in an awful lot of legalese and legal gobbledy-gook is exactly that is what happens. I have been through many of the indemnities of the Council and the Legislative Acts of the provinces and they are almost impossible to understand. I think we should say exactly what we are attempting to do by this indemnity. As a Member of the Executive Committee now, elected, my total indemnity is \$20,920.00. My indemnity will increase ten percent on that through the Bills that are before us.

The other Members are at the eight thousand dollars range and their indemnity will be increased ten percent.

It is interesting to see, Mr. Speaker, and I went through some of the different pay classifications of the public service of the Yukon and you will be happy to know that the elected members of the executive committee are now in the same pay range as probation officers, social workers, corrections cooking instructors, and camp ground supervisors.

Next year through the increase in our indemnities we will be a little below, as of April 1st, if we do nothing, we will be below next year, the elected Members on the Executive Committee, art and crafts instructors, vocational student advisors, french language instructors, wildlife biologists, building inspectors or photography supervisors.

I also note, with some interest, Mr. Speaker, that the Government of the Northwest Territories saw fit to bring in their elected members on the Executive Committee at a pay range which was equal to the Assistant Commissioners that were appointed. The Northwest Territories pays the elected Committee Members \$34,742.00 per annum, which is step five of Level 41 of Northwest Territories Public Service Pay Grades. That was based on the salary payable to the two Assistant Commissioners which is step six maximum of Pay Level 41.

I am going to say, Mr. Speaker, in the House that the Commissioner of the Yukon Territories attempted to do the same thing to the elected Members of the Executive Committee, to bring us into the Public Service on a pay range as the same as the appointed Assistant Commissioners which are in the \$35,000.00 a year range.

I am going to admit, Mr. Speaker, for the first time in my life, that sugar plums really did dance in my head and I saw a camper, and a big boat and a motor and the whole bit, but it took about 60 seconds to realize what was happening, that we were going to be like the Northwest Territories sucked into the Public Service in the Territory. There is no way I am going to come into this House, as a member of the House under the Territorial Elections Ordinance debating and in public what my indemnity is going to be.

Each one of the elected Members on the Executive Committee in about 60 seconds saw their annual indemnity of \$15,000.00 without any debate, and increase of \$15,000.00 by a Commissioner's Order go out the window.

I think that is the kind of responsibility that the elected Members are showing around this table. You know it is almost the same as whether you would have the guts to agree in principle, if somebody came up and offered you the Senators job, you would say no there is no way I could accept it because I disagree with the Senate in principle.

So, Mr. Speaker, we have done one other thing in the Bill, other than the ten percent, which I think we are stuck at as responsible members and that is an increase in the duty allowances.

It is ridiculous to think that a Member of this Legislative Assembly, the members inside of Whitehorse get one thousand dollars a year as duty expenses and members outside of Whitehorse get two thousand dollars. I happen to know, because of the members involvement in phoning me, and I am glad that you are in the Chair, Mr. Speaker because I know you would be embarrassed for me to say these things, but your phone averages in the two hundred or two hundred and fifty dollars a month because of the job you do for your constituents, and I know that to be a fact by the number of times you are on the phone to me when this House is not in session.

Out of that you get two thousand dollars a year for attempting to do your job. It is just an impossible situation.

I know the Honourable Member from Ogilvie is prohibited by law from dealing with her constituents in the Ogilvie riding in Old Crow because of the cost of transportation of going from Dawson to Old Crow, where she should be there ten or twenty or thirty times a year, as many times as she feels that she has to be, she is stuck in Dawson City and can't go to Old Crow because of duty expenses.

I know when I was in private enterprise I had a car allowance, I have an unlimited expense allowance and the whole bit. I have none of those things as a Member of the Yukon Legislative Assembly. If anybody want to go and ask for the production of papers, will find that I took the job of Minister of Local Government saying that I would be in the communities, I would be travelling there, I would be living amongst the people, I would be travelling around with the four men of the L.I.D. and I would be meeting with the L.I.D.'s and the people in the communities.

I did that to a certain extent, this year, Mr. Speaker and the only thing that prevented me from doing more was the constraints of having no expense allowance. I go in my own car, there is not a bit of mileage charged, there is not a meal charged, not a hotel room charged, nothing charged. It is my expense in doing my job and I don't think that should be coming out of my pocket, because I promised the people of the Yukon Territory that was what I was going to do.

So the Bill, through all the gobbledy-de-gook says that the increase in indemnities are 10 percent across the Board. We are sticking within the wage and price guidelines, that the allowances for doing their job as responsible Members of the Assembly, to members inside of Whitehorse goes from one to two; from outside of Whitehorse from two to four; and Members of the Executive Committee elected have a duty allowance of \$4,000.00. I think that these things have to be said, Mr. Speaker, because it's pretty hard to get to

the actual meat of what we are attempting to do through the language of the Bill.

Thank you.

Mr. Speaker: Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare that the Motion is carried.

Motion Carried

Mr. Speaker: May I have your further pleasure at this time?

The Honourable Member from Pelly River?

Mr. McCall: Yes, Mr. Speaker, I move that Mr. Speaker do now leave the Chair, and the House resolve into Committee of the Whole for the purpose of considering Bills, Sessional Papers and Motions.

Mr. Speaker: It has been moved by the Honourable Member from Pelly River, seconded by the Honourable Member from Whitehorse Riverdale, that Mr. Speaker do now leave the Chair, and the House resolve into Committee of the Whole for the purpose of considering Bills, Sessional Papers and Motions.

Are you prepared for the question?

Some Members: Question

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare that the Motion is carried.

Motion Carried

(Mr. Speaker leaves Chair)

COMMITTEE OF THE WHOLE

Mr. Chairman: I now call this Committee to order, and declare a brief recess.

Recess

Mr. Chairman: I now call this Committee to order. The intention is to proceed with Bills Number 13 and 14, and when the amendments to the Legal Professions Ordinance are available, we will proceed with them.

Bill Number 13

Mr. Chairman: Bill Number 13: 1: This Ordinance may be cited as the Third Appropriation Ordinance, 1975-76.

(Reads Section 2. (1))

Mr. Chairman: 3 (1):
(Reads Section 3. (1))

Mr. Chairman: Schedule "A", Appropriation or Item, Administrative Services, \$69,700.00 Clear?

I will entertain a Motion to have Bill Number 13 moved out of Committee. Mr. Lengerke?

Mr. Lengerke: I move that we now report Bill Number 13 out of Committee without amendment.

Mr. Chairman: Seconder?

Ms. Millard: I second that Motion.

Mr. Chairman: Whereas it appears by message from Peter J. Gillespie, Administrator of the Yukon Territory, and in the estimates accompanying the same, that the sum hereinafter mentioned in Schedule "A" of this Ordinance is required to defray certain expenses of the Public Service of the Yukon Territory, and for the purpose relating thereto, for the twelve months ending the 31st day of March, 1976.

Therefore, the Administrator of the Yukon Territory, by and with the advice and consent of the Council of the said Territory, enacts as follows: Third Appropriation Ordinance, 1975-76.

Are you ready for the question?

Some Members: Question.

Mr. Chairman: Are you agreed?

Some Members: Agreed.

Mr. Chairman: Motion carried.

Motion Carried

Bill Number 14

Mr. Chairman: Bill Number 14: 1. The Elections Ordinance is amended by repealing Sections 15, 16, 17 and 18 and substituting the following therefor: 15. (1):
(Reads Section 15. (1))

Mr. Chairman: Two:
(Reads Section 15. (2))

Mr. Chairman: Three:
(Reads Section 15. (3))

Mr. Chairman: Four:
(Reads Section 15. (4))

Mr. Chairman: Five:
(Reads Section 15. (5))

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Yes, Mr. Chairman. I would just like to point out in this Section, in the original section,

there was a provision for the speaker's indemnity, that is a salary for the speaker, and that was \$1,500.00, and perhaps what you are looking at here is a new duty allowance with no change in indemnity of \$2,500.00 for the Speaker, and a thousand dollars for the Deputy Speaker.

In fact, what has occurred here is that the Speaker's salary has been given up. The \$1,500.00 Speaker's salary is given up, and only — it's stated as a duty allowance to cover the responsibilities of the Speaker's office and the Deputy Speaker's office.

Mr. Chairman: Sixteen:
(Reads Section 16)

Mr. Chairman: Seventeen:
(Reads Section 17)

Mr. Chairman: Eighteen:
(Reads Section 18)

Mr. Chairman: 2. Section 19 of the said Ordinance is repealed and the following sections substituted therefor: 19.(1):
(Reads Section 19.(1))

Mr. Chairman: Two:
(Reads Section 19.(2))

Mr. Chairman: Three:
(Reads Section 19.(3))

Mr. Chairman: Four:
(Reads Section 19.(4))

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Yes, Mr. Chairman, Section 19 of the existing Ordinance provided in the case of Members attending Sessions, or I should say meetings of the Committees of the Council and so forth, in addition to their living allowance, a \$25.00 a day indemnity. I would just like to point out, Mr. Chairman, that that indemnity has been taken out of 19 and is lumped and forms part of the duty allowances referred to in former Sections.

Mr. Chairman: Mr. McKinnon?

Hon. Mr. McKinnon: As an aside to the Honourable Member, I came to the point where I would no longer go on any trips if I was asked to by Members of the Assembly, or by the Executive at the \$25.00 a day. I remember on an Arctic Winter Games trip that I was asked to go for to Anchorage by the Members of the Assembly, that I ended up on the \$25.00 a day allowance, and my hotel bill in the Anchorage Westward was \$34.00 a day and I had to eat in Anchorage on top of that, and the maximum that I could claim back to the government was \$25.00, so I made the point of thank you, but no thank you, whenever anybody asked me to go on government business from that point on.

Mr. Chairman: I would remind Mr. McKinnon that he was the only Member of the basketball team that

received any remuneration whatsoever.

Twenty:
(Reads Section 20)

Mr. Chairman: 3. The said Ordinance is further amended by adding thereto the following new section. 21.(1):
(Reads Section 21.(1))

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Just by way of explanation of this Section, Mr. Chairman, it was anticipated by some Members that they would wish at some point to have an Ordinance respecting the House as provincial jurisdictions do. They have legislative, or acts respecting their legislatures, and in compiling the Bill, it was noted that in the Workmen's Compensation Ordinance, there is a section which provides that notwithstanding we are covered by the government for compensation at this time, that the House by resolution can have themselves covered clearly separately from the public service. I'm sure all members would agree that as legislatures, we certainly do not want at any point, to be linked with the public service of the Territory.

In other words, we are elected representatives of the people, and in keeping with that philosophy, we have the new Section 21 embodied in this Bill.

Mr. Chairman: Thank you, Mr. Taylor. Mr. Fleming?

Mr. Fleming: I would ask, Mr. Chairman, the Legal Advisor a question as to Section 20. I'm not quite clear as to how the wages will rise in the years ahead, whether they will rise on a percentage business, or whether they will rise on a basis of the cost of living to every individual.

Mr. Chairman: Mr. Legal Advisor?

Mr. Legal Advisor: Mr. Chairman, I think the question is asked on a note of pessimism. There's no guarantee of this, as it is written, that wages will rise. This envisages that perhaps wages may fall. What it is intended to express here is that the treasury will have access six months late to the percentage increase or decrease of general workmen's salaries at a certain time, and then we will adjust the members' indemnities and allowances in accordance with the percentage figure.

It will be done six months late, so we have expressed it to be the calculation to arrive in September, but the increase only to be effective from the 1st of April the following year. That gives us a sufficient margin to allow for the information to come from Statistics Canada, which regrettably in these circumstances is usually six months late.

Mr. Chairman: Four. Section 9 of the Workmen's Compensation Ordinance is repealed.

Five, one:
(Reads Section 5.(1))

Mr. Chairman: Two:
(Reads Section 5.(2))

Mr. Chairman: Clear?

Some Members: Clear.

Mr. Chairman: I will now entertain a Motion. Mr. Lengerke?

Mr. Lengerke: I now move, Mr. Chairman, that we report Bill Number 14 out of Committee without amendment.

Mr. Chairman: Seconder? Mr. Taylor?

Hon. Mrs. Whyard: Just before you call the question on that Motion, I just wanted to say that we have heard the background on this Bill explained very clearly by the Honourable Member for Whitehorse North Centre, and I do not intend to delay you.

I would just like to point out that in my opinion, the members of this House have shown considerable maturity in their acceptance up until now, of the financial constraints of running for public office in this country, and I have a quote from the American Statesman Adlai Stevenson, that I would like to use at this time. I think it's apropos, and that is, "self-government is earned only by those who exercise self-control". I think that in the eyes of any federal jurisdiction, the Members of this House have now earned a little more kudos for their exercise of self-control, and should therefore be entitled to a little more in the way of self-government.

(Applause)

Mr. Chairman:
(Reads Preamble)

Mr. Chairman: It has been moved by Mr. Lengerke, seconded by Mr. Taylor, that Bill Number 14 be reported out of Committee without amendment.

Are you ready for the question?

Some Members: Question.

Mr. Chairman: Are you agreed?

Some Members: Agreed.

Mr. Chairman: Carried.

Motion Carried

Mr. Chairman: We will proceed now to consideration of Motion Number 18.

Motion Number 18, moved by the Honourable Member from Hootalinqua, seconded by the Honourable Member from Kluane, that highway signs, commercial regulations be considered in Committee of the Whole for discussion.

Mr. Berger?

Mr. Berger: Thank you, Mr. Chairman. I was just wondering if we could also be supplied with the High-

way regulations. I think none of us have it here except the Honourable Member for Hootalinqua.

Mr. Chairman: Is that the wish of Committee?

Some Members: Yes.

Mr. Chairman: I declare a brief recess.

Recess

Mr. Chairman: I will now call Committee to order. We will continue with the discussion of Motion Number 18. Mr. Fleming?

Mr. Fleming: I wasn't supposed to talk, Mr. Chairman. I was speaking out of turn, and now it's my turn, I am a little lost for words. I will start again.

I think I came as far as the operator's permits. I think I was explaining that at the time, and fairly well through it. Now, I am saying something else about the regulations and the effect that the stands to be used to put these signs on, the onus again lies on only more or less the Commissioner.

When a man applies for a sign through this application, he says it will be worth \$500.00 or so much money or so forth, and he draws a picture and he sends it in and Mr. Chairman, I can't see really how the Commissioner can sit and look at just a sketch, and really realize what that sign is going to look like on the highway. If there's one post under it, two posts under it, but what type of posts, what type of stand, there is nothing in the regulations. It's just put something up and put something under it.

He will have to judge every one, just that way, and under these regulations it is going to be hard, and as I say again, how small is not in the regulations. He's going to put up eight by twelve signs, and yet some people are going to put up two by two signs. The Commissioner, of course, will have the say but again he's going to have the problem of okaying all of these applications.

Now, how to police the situation is going to be costly I think, and a problem, because in a position — in the case of Whitehorse, for instance, a larger city where the highway goes by there, and there will be numerous signs, because they are only going to be say a hundred and fifty feet apart, and so forth. You could have three or four in Whitehorse, you could have six to seven, eight miles of nothing but signs with every type of peg underneath them and every size, all on the right-of-way. I would say, Mr. Chairman, that somebody trying to police that would have a problem going down that highway tomorrow morning and saying is there a permit for each one of these signs?

Mind you, there should be, but during the night somebody can put one up, and somebody is going to have to see that sign that's there, without a permit, and I think it will be quite a problem, to drive up and down the highway for D.P.W. men or the peace officers or the Commissioner in this case might have to be, by the looks of it, but all the onus is all on the Commissioner. I can see him in the morning driving his car up the road checking 500 signs along the highway and saying have these all got a permit or haven't they got a permit?

That's a problem.

I think that's only a few of the items that are not mentioned in these regulations, that there's not really down, so therefore we have the same problem we went back to last spring. People can do more or less what they wish, even though we do have regulations that says they partially shouldn't do them.

So as I say, I would like to have the feeling of the House, and possibly I may make a Motion drawn, to maybe withdraw this commercial set-up. I will explain a little more as to what did happen last spring, although I am sure all the Members are aware, and especially the Minister of Local Government I'm sure is very much aware, when they sent letters out and said take down your signs to people on the road, and I was one of those people that received that letter, and it said to cafes and garages, motels, so I went out and removed my sign.

I came home and a week later I had a letter saying you don't have to remove you sign, you can put it back. A little while later, there was a letter came out that said, if you-if the government removed your sign, we will go and replace that sign at our expense, but there was no letter that came out to say to the honest fellow that said you go replace your sign and we will pay it. It was for the dishonest ones that wouldn't take them down, he was to be paid to put them back.

Today the signs of course are more or less just the way they were after the schmozzle. There is one or two up here and there that knew that this regulation didn't cover them, and I will give you an example, and this one I can give you and tell you even the name, because there is no problem, it is the Craft Shop in Teslin. They forgot to put a Craft Shop. There is craft shops, there is fish sales, there is every sort of thing, they forgot to put this in there so he says I don't have to take my sign down, and he didn't.

A Member: What about the Jesus Saves?

Mr. Fleming: Yes.

Now, Mr. Chairman, I did go to my constituents, and of course, you only have my word for it, but they will back me up. The business people between here and Swift River including Carcross, I won't mention these people's business, you can check any time with any of them. I have one, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, two of them I haven't been able to get in contact with. They go from craft shops to hotels, to motels, to trailer parks, to stores and that is about all I have—oh no, there is some private people working as mechanics on tourists' cars and so forth and so on, that really is a private person, it is a business you know, that might be able to wish to put up a sign or something.

I have out of those 14, I have three that says to me, go to town and either get them to make a regulation that is a regulation and includes everybody, which would be a problem, or get them to take out the commercial signs off the highway and leave them alone.

The other 11 said take them off the Alaska Highway, we don't need them on the highways. The hotel downtown here, he can't put one out in front of his place on the highway, can he? Yet he is in business in the

Yukon Territory.

I don't think the people along the Alaska Highway, as a majority would say they wanted an opportunity even to put the signs on the highway.

Now, Mr. Chairman, these same people did ask some recommendations be made to the government here to help the problem. Out of the 14 or 15 I have there, they are practically all the same thing. Some of them in the Village of Teslin, which is off of the main highway, approximately a quarter to half a mile said please, when they do, which they hope you will do remove this commercial sign business, have the government put up their small signs to recognize a little town that is off of the highway, such as Teslin is there.

We do have a sign that says Teslin, maybe, but it don't say it is there. It just says Teslin, half mile. It may be down the highway down that way or it may be off that way. This was one of the comments that was quite noticeable all along the way.

All of them, almost all of them said the same thing, when we leave a town have them put up a government sign, yes, a town such as Teslin. Outside of Teslin that says the next town, which would be Whitehorse in this case, is 116 miles away. Have them possibly, not today or tomorrow, you don't expect them to do things like that, but have them, when they do these things to possibly some recognition of say, Chevron gas stations, Gulf gas stations, that your credit card must have and you need these things along the highway.

That there is campground facilities along the highway, not definite places, not say, Joe so and so has one at so and so. Just that there is these facilities between these sections.

Actually that is all they have asked for.

Of course, the same old story which they all have said, if you can't get rid of the commercial signs along the highway, because some people maybe won't wish to, just try and police the fact that you have an Ordinance now or a regulation that says you will cover the signs up in the wintertime.

I think it is going to be a problem to do it. There are signs along the highway that says "gas for 67 cents," today, at the next village, and they are still there.

We have regulations, and they have been there for years and yet we have these signs still hanging up, I can take you and show you them. This one lady especially said, look I have got mine down because I had to, there is still one for 67 cents, I am the only one open this winter. These people are coming to me and asking for gas for 67 cents. She thought it was funny but she said please, do something about it.

That is why I am here today. That is part of the problems. As I say, if you go through the regulations, three pages, Mr. Chairman, it would take pages more so that what we have in some of the large ordinances to ever make up a regulation that would actually control highway signs, privately, commercially.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Speaker, I planned to speak for the other end of the Alaska Highway. The Honourable Member from Hootalingua and I knew that there was a problem and it was brought to the fore by the sort of

government action and schmozzle, as he said, last summer.

Actually, there is always some good comes out of something like this because I think it made a lot of the people who operate businesses along the Alaska Highway really evaluate the benefit of the sign, the commercial highway sign.

The highway signs, the regulations are there and as the Honourable Member has said they are not enforced. It would take quite a team of enforcement officers driving up and down the road to make sure that everybody's sign is within so many feet of a curve and not on the right-of-way and so far from the shoulder, but it does cause a lot of ill feeling if one guy encroaches upon the other one's a little bit and this type of thing.

I also conducted a pretty comprehensive poll of my constituents and charged to our own telephone bill, and tried to determine the thinking of people and rather amazingly so, I got a hundred percent reaction, we don't need commercial highway signs, but we want all of them down. You know, everybody -- nobody has a commercial highway sign, and they realized that they put up a sign, the value of the sign is gone if they don't maintain it, that a dilapidated or a faded sign along the highway does more to injure their business, than to get them business.

So really I think that we could take away the need for even having regulations for commercial signs along the highway right-of-way. There's only one area that there was some concern expressed, and that was within communities or where they had a large neon sign that was very expensive sign, not right on the right-of-way, but infringing on a part of the right-of-way, and they would hate to have an order come along -- somebody come along as of next week and say, look, you have got to move your sign, which is quite a construction undertaking.

Now if they would be allowed several years to move that type of thing, fine, but the rest of the signs, they are prepared to let them go.

Another stipulation, and this is what the Honourable Member from Hootalinqua brought up, was that they do think the government signs are very good, because the government signs are kept current. The government makes sure that they are kept current, and they would like to see more government signs, and as the Honourable Member said, they just "approved guest lodging". You could add campsites and this type of thing, and you could also add mileages between services and mileages between communities. They would be very happy with that.

I think we have more or less come a long way. I don't know how the people on the other highways feel, but I really feel that we could take these regulations out and not make it legally possible for persons to put commercial signs on territorial highway right-of-ways.

Hon. Mr. McKinnon: Mr. Chairman?

Mr. Chairman: Mr. McKinnon?

Hon. Mr. McKinnon: Mr. Assistant Commissioner Gillespie, I think that he should -- he's in charge of this Department. I think he should be here to listen to the

discussion that the members are making, because it's very important that he realize what the feeling is of the people representing the communities outside of Whitehorse.

Mr. Chairman: Is that the wish of Committee?

Some Members: Agreed.

Mr. Chairman: We will recess until Mr. Gillespie is available.

Recess

Mr. Chairman: I will now call the Committee to order.

We now have with us a as a witness, Mr. Peter Gillespie, and we are considering Motion Number 18, regarding Highway Signs. Mr. Fleming?

Mr. Fleming: Yes, Mr. Chairman, I would just ask the witness one question.

In the last year, has he had any problems on the highway with highway signs, commercial, you know. According to these regulations, has he had any problems with the peoples and the business places on the highway?

Mr. Gillespie: Mr. Chairman, we internally have had our own problems with our highway signs regulations and the way in which we have administered them. There has been a concern expressed by this House over the years about the proliferation of highway signs along the highways of the Yukon, and there was extensive debate a few years ago on this subject.

At that time, several things were decided. One was that the Territorial Government would enter into a program of putting in its own signs, indicating where food, lodging and gas was available.

It also undertook to start up a program, signing program at the entry points to communities around the Yukon, to indicate the commercial ventures that existed within those communities.

To follow this, there was to be a program, the possibility of a program of removing all commercial signs along Yukon Highways. Unfortunately, this summer when we were considering what to do about the highway signs internally within the government, we had done our homework as fully as we should have, partly, and we issued a directive to remove all highway signs.

We later recalled that directive, and -- on two accounts. One to be perfectly honest with you, is the fact that we discovered we were not doing what we had agreed to some years ago in Council. We were moving one step ahead.

The other reason was that we had already established this spring, a working Committee within the government, with representation from our Territorial Secretary or highway administration and Department of Highways, and Department of Tourism, to re-examine our whole highway policy because there appeared to be some weaknesses, both in the regulations the way we have it now, and in the overall

plan we had that time for dealing with what is a very real problem in the Yukon.

So when you ask if we have a problem, the answer is yes. We have got some problems with the way we administered these regulations this summer, and we are now working on a plan for the future.

Mr. Chairman: Mr. Fleming?

Mr. Fleming: Yes, Mr. Chairman. Mr. Gillespie, would you say that these regulations here, as written here, do you think in your own feelings, do you feel that they are adequate to police such a project as commercial signs on the highway?

Mr. Gillespie: Mr. Chairman, I don't think that they will get at the problem that many people were concerned about, and are concerned about, and that is the fact that there are highways all along the—pardon me, there are commercial signs all along the Yukon Highways.

We hope to establish a program which will remove these—all of these signs, but do so in such a way as to not hurt the commercial establishments that they are advertising at this present time.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Gillespie, it is very interesting to note that you have a program, or you were considering a program where you will be providing, the government will be providing, through their own signing system, the services that are available on the highway, and is that what you are saying?

Mr. Gillespie: Mr. Chairman, we already have part of such a program. We have signs indicating that within one mile there is approved gas or lodging, but we don't have a complete program as yet.

Mrs. Watson: Mr. Chairman—

Mr. Chairman: Mrs. Watson?

Mrs. Watson:—so you plan on expanding this program of signing. I think it would be very interesting for you to know that both the Member from Hootalinqua, when he referred to the regulations, that they are almost unworkable, and in order to police these regulations, you would have to have quite a force to police them in order to make the application, and make them fair across the Territory.

The Honourable Member from Hootalinqua and I endeavoured to poll the business communities along the Alaska Highway. I can't speak, we can't speak for the other highways, and we got a pretty comprehensive picture back, that they are quite prepared, in fact they are looking to get rid of commercial advertising along the Alaska Highway.

The internal strife that you had last summer, there were some benefits of this internal strife. It made the people evaluate really the benefit of the signs, and I don't think they think that they are that necessary, and therefore,—but there was one stipulation that they felt the government should embark upon a more comprehensive signing method of indicating where the

services are.

So I think that with the information you have given us, and with the information that the Honourable member from Hootalinqua and I have given you, that you are almost in a position now to go ahead and you will get the cooperation of the people on the highway, to remove the signs, and you can go ahead and fill in the extra signing by the government authorities, so that they can put good signs up and keep them current.

Mr. Gillespie: Mr. Chairman, I am personally delighted to hear the results of the survey that has been conducted, and it will be of great assistance to us, I can assure you, in this policy development, and program development that we are undertaking right now.

It certainly has given us a sense of direction, and thank you for it.

Hon. Mr. McKinnon: Mr. Chairman, I truly feel that this is a red letter day in the Yukon, and the government would be completely foolish to let this moment pass, because if there's one thing that you know instantly is when an edict has gone out from the Territorial Secretary's office concerning highway signs, and of course it's, you know, it would be a disappointment if these didn't keep going up, because you hear from your friends right along the total length and breadth of the Yukon, not only from Watson Lake, but it's from Teslin, and it's from Beaver Creek, and it's from Dawson City.

When the phone starts coming off the wall, and it's from every area of the Yukon, you know full well that there has been another edict that has gone out from the Territorial Secretary's office concerning highway signs.

I'm an opponent of commercial highway advertising signs. I have stated this in the House over and over. I don't want to see the highways of the Yukon cluttered up with commercial advertising, the way they have ruined the landscapes in many of the southern centres.

I have also stated that this is going to have to be a voluntary type of approach by the businesses along the roads in the Yukon, that we should start with, and in around the major municipal centres, Watson Lake, Dawson City, Whitehorse, and we envisaged a program with rest stops and places put aside for advertising purposes in them, that we could get rid of the highway signs around the major centres, and then the people from the other areas would say, that's a good idea. We like that idea, and we don't mind getting rid of our signs.

So the government embarked on this program quite a few years ago, and I haven't seen any results from it yet. I am going to ask Mr. Gillespie what had been the results, and why there hasn't been with the rest stops being constructed, the removal of the signs in the municipal areas. So the complete opposite has happened.

Now the people from the length and breadth of the highways in the Yukon are coming in and saying, look it, we finally agreed that this business of one-upmanship or trying to get a bigger and better sign closer to the place of business than our competitors, it's just not worth the hassle any longer, and they are

deteriorating, and we are prepared to let the government put up the signs and maintain them. But what are you going to do around the municipalities?

If we agree that they are ruining the landscape on the highway, and are agreed to a regulated government signing program, how about the people around Whitehorse, Watson Lake and Dawson, which we thought that we were going to be the examples to set to the other people, so once again it's the people from outside of Whitehorse that are setting the example, and I want to know what we are going to do to go along with our thinking.

Mr. Gillespie: Mr. Chairman, when I met with members from the three departments, Territorial Secretary, Highways and Tourism, this spring, I think it was, to examine the policy that we had for establishing signs outside these communities at the rest stops, I discovered that we had a lot of problems relating to signs. Some of these have come up in the course of discussion today, others include the business of putting closed markers over signs that indicate establishments that would lead the tourism to believe that be open in the wintertime.

Other concerns are signs that relate to establishments that has since been closed. A lot of matters of this nature, the rest stop signing program was just one aspect of the total signing problem. I began to get the feeling from the discussions that we had that the particular solution directed at these rest stops might not be all that effective from the point of view of the communities concerned.

I asked them to delay implementing this while, and in the meantime to examine our total signing program and to prepare something, which we could then examine in Executive Committee. This is the reason that that has not been done. That particular solution, and I can't recall off the top of my head, all of the particular concerns that I had, and that came up in the course of that discussion I was referring to.

We just needed, apparently to do more work on it before proceeding, even though it meant making a further delay, rather have a delay than move into something that was going to be inadequate in the long run.

Mr. Chairman: Mrs. Whyard.

Hon. Mrs. Whyard: Mr. Chairman, I am very happy to hear the suggestions brought to this Committee today by the two Honourable members and it is another indication that the climate can change very quickly on a prickly problem. I would think that we should take some action on the recommendation of these two members, whether the government wishes to do so through organizations which now exist to express the opinions of operators along the highway. There are those channels to use. Also we have not heard today the opinions of operators on Territorial Highways, which should be consulted before any policy is implemented.

It sounds to me, Mr. Chairman, as if we have reached a stage where we can now dispense with all commercial signs on the road and adapt the government signing program to include, not only the suggestions made today, Mr. Chairman, but those

from our discussion of the Milepost problem and include in the signing the distance from this point to the next, or the distance from this point to the next gas food and lodging, so that you are going to include some orientation, in terms of miles, please, on those signs and this help solve part of the problem of removing the Mileposts.

I know from my own experience that this business of one upmanship gets pretty expensive for operators along the Alaska Highway, who eventually wind up having themselves a small war, with other operators in the same area. You know I move my sign ahead of yours, and you move yours ahead of mine and this goes on, you know there is just no way.

If you start taking off a cent per gallon, then I take off a cent per gallon. I have seen this. Up here we all have on the highway. Eventually nobody wins in that kind of competition.

I would just like to suggest to Mr. Gillespie that he can kill two birds with one stone here in implementing both those recommendations into his new policy.

Thank you, Mr. Chairman.

Mr. Chairman: Mr. Berger.

Mr. Berger: Thank you, Mr. Chairman, I don't think it is speaking of territorial highways, I mean I am just going by example in the Dawson area. There has been highway signs erected around 1960, the early 1960's, and most of those signs have never been repainted again. I don't think people are very much concerned about highway signs these days anymore.

I think I could speak for most of the people up there, do away with all the signs and have one sign outside the community and indicate some of the businesses there.

The main concern I have is a different thing. Different signs and I don't know whether they fall under highway signs under this category or traffic signs. This is the "watch for horses" sign put up by private operators, and the territorial government.

The territorial government has a sign which is not much bigger than this piece of paper here, that says, "Watch for horse, open range" and unless you really know this sign is there, you can't read it.

I think this is a real dangerous thing. With all the tourists coming up on the territory, let's put up a great big sign or do away with the horses altogether.

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: There was one other comment, Mr. Chairman, that I wished to make regarding the rest stop community signs.

I was involved at the time with the Whitehorse Chamber of Commerce when this proposal first came through, and the Chamber went to a great deal of trouble and invested considerable number of dollars in the actual construction of such a sign for the rest stop at the top of the south access road on the Alaska Highway. It was a very attractive construction. It took a year or two to poll the business members of the Chamber, and obtain their approval for the amount of money they would have to contribute towards being on that sign, and the Chamber itself contributed a major portion.

The sign was duly constructed, and we then waited for something like two years for the Territorial Government program to get the rest stop established so that we could put the sign up, by which time, of course, half the people on the sign had changed. I can see some problems with trying to keep such an all-encompassing community sign up-to-date, as business firms come and go.

The concept is good, and I think it can be done in a very attractive way.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Yes, Mr. Chairman. Very briefly, I would just like to indicate to Mr. Gillespie, he pretty well has the support, the political support for a government highway sign program, and I would hope very much that you proceed post haste, and so that there will be some actual physical proof that you do have a program for highway signing this coming summer, so that people really know what you are embarking upon something, so that it's still not on the working paper.

They have got to see the government starting to put up good signs.

Some Members: Hear, hear.

Mr. Chairman: Mr. Fleming?

Mr. Fleming: Yes, Mr. Chairman.

As mover of the Motion, I think Mrs. Watson just said what I was going to say as the last comment, except for a remark -- not a remark, but a suggestion by the Honourable Member from Whitehorse West. I wholly agree except for one thing, the food, lodging, gas I feel is something that they are doing now, and I think this is part of the problem. We haven't looked into it and saying let's be fair to everyone.

You know, just because he has a motel or a gas station does not mean that he should have any more advertising than the chap that has a -- well I got to say craft shop or something, you know, it doesn't matter what it is, but the object is there. He is in business, he is buying a licence, we realize that the government or anybody else is going to try to give everybody advertising. It would be impossible in a few years' time.

So I think if they just think a little bit and realize that services maybe is the word, or they could come up with a better word probably, but I would say something like that says the services are there, you know, rather than advertising for one person at any time, because I don't think that that person needs that right over others.

On the entries into the communities, as Mr. Gillespie has said, they have up now, this was the other one that we -- and that was brought up by some of the other members, so all I will say is I am very, very thankful that Mr. Gillespie has been looking into the problem and has been trying to come up with something. Hopefully he will have something better for us before the tourist season starts next year.

I am very glad of that actually.

Mr. Chairman: Thank you. My only concern about is that if we remove all the milepost signs and put in

kilometer signs, then remove the commercial signs, I think that I might embark on the highway, and I won't know whether I will end up in Mr. Fleming's riding or Mrs. Watson's riding.

Are there any further questions? Thank you, Mr. Gillespie.

Is there any further discussion on this Motion? With Committee's concurrence, I would like to proceed with consideration of the Legal Professions Ordinance. It is the only Bill left on our paper, and if we can get it out of the way, we can clear ourselves this afternoon. If we can consider it now. It's quite brief, although the discussion might not be.

Some Members: Agreed.

Amendments to Bill Number 7

Mr. Chairman: The particular section involved is Section 63. If Members of the Committee will recall, these are amendments to the amendments that had already been proposed.

42.(1)(a):
(Reads Section 42.(1)(a))

Mr. Chairman: 45.(1):
(Reads Section 45.(1))

Mr. Chairman: 63.(b)(c):
(Reads Section 63.(b)(c))

Hon. Mr. Taylor: Mr. Chairman?

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, at this point I would like to draw the attention of Committee to Section 51, which has caused me, and I hope other members some concern, and I do not see from the administration, an amendment in this regard. I consider this a most serious item, inasmuch as 51.(1) says, "A witness who fails (1) to attend before the Committee in obedience to a notice to attend, or (2) produce any books, papers or other documents in obedience to a notice to produce them or (3) or in any way to comply with either notice or (b) who refuses to be sworn and so forth".

In sub -- in section (a), this leaves it wide open for the release of information held privy between a client and a lawyer. Now, this relationship between a lawyer and his client has always been held inviolate, and I am sure all members are aware of this. Surely here we are talking about two things in terms of civil rights.

We are talking about not only the security of the person, but we are talking about due process, due process of law. This is always held inviolate in terms of due process of law. I would suppose with the fragile line that exists today between a democratic and a police state, that one would have to take into consideration, the position that a client could be placed in, if indeed the Board summoned the lawyer's -- or the files, the client's files with the lawyer before the Board.

I feel very, very strongly on this, and I certainly feel that an amendment should be made to Section 51, which would have the effect of protecting the lawyer-client confidential privilege, and I feel very important -

- this is very important, and I feel very strongly because here certainly is a situation where we are offending the civil rights -- perhaps could offend the civil rights of an individual, current consistent with the Charter on Human Rights, the Canadian Bill of Rights.

Mr. Legal Advisor: Mr. Chairman, would it be convenient --

Mr. Chairman: Sorry, I think this matter was brought up before, and with deference to the Member from Watson Lake, it was considered that there should be no amendments taken.

Hon. Mr. Taylor: Mr. Chairman, with deference to the Committee, as a sitting Member, I'm entitled to raise this again. I have heard no conclusion on this matter from the administration. I would assume that the administration would have taken and considered this as an amendment, and I feel very strongly.

I would, under no condition would I personally vote for this Bill. I would be remiss in my duty if I did, and -- by this Section, and I just can't, and I would like to know if the administration would again take a look at this thing and do not break the lawyer-client relationship, because then people just cannot go to their lawyer with any assurance that their affairs are going to be held inviolate.

Mr Legal Advisor: Mr. Chairman, this matter was discussed and was considered in relation to another Section, the other Section being that a lawyer must answer questions, and discussing it in that context, the totality of the two Sections was discussed in the House. The representative of the Yukon Bar who was present, asked that an amendment be made, not to this particular section, but to a different section. The section dealing with the answer a lawyer has to give in relation to solicitor and client privilege.

This was exhaustively discussed by the administration after the submission of an amendment to that effect by the Yukon Law Society, and the administration decided that they would request the House to leave that section and this section in their present form.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: I will be voting contrary, when the vote comes around on this Bill, and I just wish to state that on the grounds I have already stated, I consider that it leads to -- or could lead to infringement of a person's civil rights under the Canadian Bill of Rights, and I just can't condone it myself.

That's it.

Mr. Chairman: Delete Section 63.(1), (2), (3) and substitute the following:

63.(1):

(Reads Section 63.(1))

Mr. Chairman: Mr. Berger?

Mr. Berger: Mr. Chairman, just to go back -- and it took a little longer to digest what Mr. Taylor and Mr.

Legal Advisor had said in 51(1). I just was wondering if Mr. Taylor's concern is maybe a little bit to over-react in this case, because I feel that without anything -- say for instance a lawyer is called in front of the Committee, and anything concerned with his client, wouldn't this be held on a confidential basis, so not to affect the lawyer's client?

Mr. Legal Advisor: Yes, Mr. Chairman, it would be held as such by the Committee.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, I cannot agree, because the Committee is composed of lawyers, and it may be that the matters raised by the Committee and evidence shown in the production of any of these documents which were forcibly produced, may have a great bearing.

It will give knowledge to lawyers on either side and all around, and notwithstanding that they don't go out and tell the man on the street what they learned in the -- I still stay to the Honourable Members that when we are talking about the rights of the citizen, we are talking about the right not to be deprived of those rights, except by due process of law.

What I am saying to you is that due process -- that this infringes on due process, because due process of law respects the relationship between a lawyer and his client. I can't seem to make that sink into anybody, but that is a fact, and that is part of due process.

If you are talking about due process of law, it must be respected, and in this Bill, it is not being respected in 51.(1), and that is in fact my point.

Mr. Chairman: Mr. Fleming?

Mr. Fleming: Yes, Mr. Chairman, I have to agree with the Honourable Member from Watson Lake. I am not a legal person, but I can understand whereas if a person, that is an innocent person possibly may be dealing with the lawyer, and then the lawyer gets into problems one way or another, and they do take him to the Committee, and then the Committee says you will bring your books and so forth and so on, and all this to us. If that person is innocent in any way he could just give him the books, I realize this, there is no problem.

But maybe in there somewhere there is something he don't want people to know, whether it's going to harm him or put him to jail or whether it is wrong, it doesn't matter. He may have something there he just don't want out to the public and I think that person has this right.

When you go on to say that nothing happened, except that the committee will keep them confidential like, maybe so, I still say in (b) if he does refuse he can be proceeded against for civil contempt of Court. He could get into a problem with doing no wrong whatsoever.

Mr. Legal Advisor: Mr. Chairman, take a hypothetical case, which actually occurred a couple of years ago, where two friends decided to go into a business arrangement. One of them owned an existing company, one of them was going to buy into that com-

pany. They both went to the same lawyer, which was the lawyer for the company on the first person, and they made arrangements to form a new company, and they entered into a complicated business arrangement, and in the end, one of them alleged that the lawyer concerned was defrauding the second mentioned person, and was also defrauding the company.

In the result therefore the lawyers hands were tied as a result of the allegation and the parties departed to other lawyers. There were three lawyers involved, eventually.

In any inquiry into that, then it is necessary that the lawyer concerned for the client who was alleged to be guilty of some kind of shenanigan would have to produce the books, which he had suddenly taken over from the first lawyer, which consist of the company books, the minute books and the proof of actually what happened.

The lawyer who is accused of shenanigans must also produce whatever papers he has in his possession in relation to that. Then the lawyer who is making the allegations on behalf of his client, must in response to the defence, be willing to produce his set of papers.

So the committee is dealing with three sets of confidentiality in relation to, they couldn't get a fourth lawyer to act because no lawyer would act for the company in view of the falling out, but it might have happened.

In order to adjust and get at the reality, each person must produce his company documents, minute books and say what happened.

It is essential to realize that it is in relation to a specific dispute between clients. The allegation is made against one lawyer. Now surely he must be made to answer what did he do and what did he say.

The other lawyers who are possession of documents, which are capable of helping the first lawyer in his defence, must produce them.

If the section is tampered with, not only would it make a difficult to prove a case, but it could render impossible for a person who was in a defending situation, to answer the charges laid against him.

From that point of view this type of section is essential.

From a second point of view, I don't wish to correct the Honourable Member, but the expression "due process of law" means that people cannot be penalized in doing something except in accordance with the due process. That due process is created by this House. This is the due process, notice must be served. The person cannot be punished and the process lays down that a person refuses to answer the question, the matter is brought to a judge of the Supreme Court, the person can then, at that point, say, I was justified in refusing and the Judge will decide whether he was or wasn't.

So there is an appeal and nothing can happen to that witness until the Judge says so. If he doesn't like what the judge says he can appeal to the Court of Appeal, which will sit and determine that particular question.

If, in the first instance, without going to the requirement of saying I will not produce, he can move in the Territorial Court, the high court and ask that the order be vacated. In other words, that without the necessity of going through it, he can ask for a vacation of the order because it was an improper order for certain reasons. The judge will then determine the

question and if he doesn't like that he can go to appeal.

So the person who feels he is wronged in anyway by being required to answer a question or produce a document, has an abundance of ways of putting his matter forward. He has not only one method of appeal, but he has three separate methods of appeal. One before the trial happens, one during the trial, and one after the trial if they try to do anything to him.

It is hard for me to have much sympathy with the expression "due processes of law" when in fact the process of law is so helpful and multiplicitous in his favour.

Mr. Chairman: Mr. Taylor.

Hon. Mr. Taylor: It goes back to the explanation given by the Legal Advisor I don't buy it. You have said in 50. (3), a barrister and solicitor may not give in any proceedings under this part, refuse to give evidence or produce any books, papers documents on the grounds of solicitor/client privilege.

Now you cannot tell me that upon, if he refused to do this, that a judge can waive the law. Due process of law as Mr. Legal Advisor has said, is contained in the laws that we pass in this House and we have said, we give the judge no latitude here. We have spelled it out. You have got to produce it or else you offend this ordinance. That is what I am talking about.

I still say you must protect the client-lawyer relationship. It has got to be protected.

Mr. Chairman: Mr. Lang.

Hon. Mr. Lang: Mr. Chairman, I rise in disagreement with the Honourable Member from Watson Lake. I think he is making a big deal out of a very, in my estimation, small thing. I think we have explained it here the other day, very well, in regards to the client lawyer relationship.

The fact is we are passing this legislation for the public, as well as trying to give the lawyers a chance to discipline themselves. I think you have to leave that option open, in regards to the availability of the Committee to get the documents that they need in order to see whether or not that lawyer has done something wrong.

I think this is the important key.

Mr. Chairman: Mrs. Whyard.

Hon. Mrs. Whyard: Mr. Chairman, as far as I am concerned I have respect for the Honourable Members' motive in making this argument. I have only one question and I think it might simplify this matter.

In my understanding, any of the proceedings that we are discussing in this section, are never made public. They are within a closed court, board of inquiry or whatever. They are not divulged to the man on the street. That is why I am not objecting to this section Mr. Chairman.

Mr. Legal Advisor: I wouldn't like the Honourable Member to get that impression completely. There is a preliminary investigations and what have you are conducted in secret, but it is possible for the final inquiry to be held in public and perhaps properly so.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman that is a point. It is not as the Honourable Member from Whitehorse Porter Creek thinks that it is a small point. It is not a small point. It is an important point.

Perhaps I don't have access to legal advisors that could advise me on this subject or constitutional people who could perhaps prepare me an argument—

Mr. Chairman: Try Legal Aid.

Hon. Mr. Taylor: —in response to—

Hon. Mrs. Whyard: He didn't approve Legal Aid.

Hon. Mr. Taylor: —that of the administration, but I feel very strongly in this, and as I say, I would ask the House to consider amending the pertinent sections which would provide for the production of the client's documents with his willingness, with his permission, but no forcing those documents to be made public or something.

The way it stands right now, I can't buy it. I still say it offends the civil rights, or could offend the civil rights of the individual.

Mr. Chairman: It would appear that we are not going to sail through the Legal Profession Ordinance quite so quickly as I had anticipated, therefore I would suggest that we recess until 1:30.

Some Members: Agreed.

Recess

Mr. Chairman: I now call this Committee to order. We will continue with the discussions of the amendments to the Legal Profession Ordinance. Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, I can only restate my position in respect of the pertinent Sections, in Sections 50 and 51, that I still feel that these Sections do offend the lawyer-client relationship, contrary to what Mr. Legal Advisor has indicated. I feel that both Sections should be amended to provide for the security of the relationship between a lawyer and a client, and I will not be voting in favour of the Bill, unless the administration or indeed a majority of this House, are prepared to make those amendments.

Mr. Chairman: Thank you, Mr. Taylor.
Ms. Millard?

Ms. Millard: Thank you, Mr. Chairman. I rise in support of the member from Watson Lake. There have been long discussions with our witness, Mr. Phelps, on these Sections, and I understood that the administration was going to look seriously into this.

I have on my notes here that this Section particularly 51.(1), there is not a comparable part in the B.C. Statutes, so Mr. Phelps has given us that information, and he's also advised us that the Law Society feels that the client should waive the right of --

should be the one who makes the decision of whether or not there is any confidential information that should be brought across.

Of course, I draw attention of Committee to the proposed amendments of the Yukon Law Society, where it says that the word "witness" above should be changed to barrister and solicitor, whose conduct is being investigated, and I thoroughly agree with that.

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: Yes, Mr. Chairman, I -- you could ask the Legal Advisor, I am of the opinion that there is protection to the client in this case under the Evidence Act of the Yukon, under sub -- I think it's Section 8, sub (2), am I right?

Mr. Legal Advisor: Mr. Chairman, we have written into this Ordinance precise protections which are stated for all people who are involved in any proceeding in this Territory, which are set out in our Evidence Act, and I think it's Section 7, and they have been rewritten into this Ordinance.

The effect is that if a person is forced to answer a question, then they answer it, but that answer is dead at that point and cannot be brought before the proceedings. That's the extent of the legal power of this Committee, and it is incumbent upon all of the proceedings, and the law is the same here as it is throughout the provinces.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, I have a question I would direct to Mr. Legal Advisor. Is it indeed within our competence, under the Yukon Act, possible to provide that where, under this Ordinance evidence of a client nature is presented, that the client could be considered to have the protection under the Canada Evidence Act?

Mr. Legal Advisor: Mr. Chairman, I don't think we can use the Canada Evidence Act only.

Mrs. Watson: It's in there now.

Mr. Legal Advisor: It's in our own Evidence Act, it's repeated in our own Evidence Ordinance, it's repeated from the Yukon Territory Evidence Act. We cannot amend or not amend the Canada Evidence Act, but we do have power to make a provision in our proceedings, so it would make it inadmissible or difficult to produce in a criminal case, and it is not the custom in a criminal case, to use evidence where under a Provincial Act, the person would need the protection.

Mr. Chairman: Ms. Millard?

Ms. Millard: Mr. Chairman, reading the Section it certainly states that the witness has protection against any legal proceedings thereafter taking place against him, but that was not Mr. Phelps' argument.

Mr. Phelps' argument, it seems to me, was that there is a lot of information that might come out against any number of people if the files are made open

to people.

Hon. Mr. Taylor: Mr. Chairman?

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, with respect to the chapters you have brought to my attention, Chapter 8, sub-section (2) and (3) of the Evidence Act, this provides for a witness producing documents on his own behalf. This does not provide from a barrister providing documents pertaining to the witness, or to the client. I should say.

Mr. Legal Advisor: Mr. Chairman, the debate now is centering under a different section than the section which was the subject of Mr. Phelps' submission.

I have forgotten exactly what Section number that was, but it was a different section, that is provided for in that Section.

Hon. Mr. Taylor: 50(2). Mr. Chairman, the sections that are a matter of concern, I am sure to the legal profession, and have direct concern to myself, are Sections 50(2) -- pardon me, Sections 50(3) and Section 51.(1) of the Bill in front of us.

Mr. Chairman: Ms. Millard?

Ms. Millard: Mr. Chairman, as I mentioned before, this Section is not in the B.C. Statute. I wonder if Mr. Legal Advisor could give us the reason why it is in the Yukon one and not in the B.C. one?

Mr. Legal Advisor: The model we used, Mr. Chairman, was the Alberta Act.

Hon. Mr. Taylor: That doesn't make it right though. Mr. Chairman, with due respect, we have heard much in discussion of this and another related Bill on Legal Aid, about the importance of the legal profession concurring and following the practices of the law profession of the Province of British Columbia.

In fact, in this case we have attached our legislation somewhat to the legislation of the province and administration of the province of British Columbia, an outside jurisdiction. We have heard at great length how much we appreciate the fine legislation they have in B.C. Maybe we should also be consistent in our thinking, and if British Columbia has not included this privilege within their legislation, perhaps this may be a guide to Honourable Members to ensure that it doesn't fit our legislation.

Mr. Legal Advisor: Mr. Chairman, we had a choice when we were preparing this Act, and I exercised the choice to choose a model, and I chose it as the model because the Northwest Territories were in the course of preparing legislation very similar to ours at precisely the same time, and they ran into precisely the same problems, as with respect, we appear to be running into now.

So I used the Northwest Territories Act and the Alberta Act, which is the parent Act of their Act, in order that we would have parallel legislation and the

proceedings would be more or less the same, and that people would have a standard who are members of both bodies. Coupled with the fact that the Alberta legislation has been under review at a more recent time, and under constant review.

The B.C. Act, at the time we were dealing with it, was and I think is somewhat more old fashioned, and left a lot to be fixed by the particular committee as to what they do and what they do not do.

But I have been in touch yesterday with the Secretary of the British Columbia Law Society, and I asked him the specific question, whether or not they would permit, under their proceedings, a lawyer to refuse to answer a question on the ground of solicitor and client privilege. It was the Assistant Secretary I was dealing with, Mr. Olmstead, and he was inclined to be a bit humourous at the mere idea that any lawyer would dream of attempting to exercise such a privilege, and fully concurred in the fact that in such proceedings there should be no such privilege.

So that lent me some heart when I was doing it, and so I rang a couple of Provinces in Eastern Canada, and they took the same view. I was conscious of the fact that it was reproduced in the Statute in Alberta, so I was then somewhat refreshed in coming back to answer the questions which have been put so well by the Honourable Members.

Hon. Mr. Taylor: Mr. Chairman, in response to the comments made by Mr. Legal Advisor, I cannot agree that even the possibility of this occurring within our laws, you know, I restate my position as I stated in another Ordinance, that our job is not here to make laws, our job is to approve laws, and this is a government Bill, and our job is to ensure that no bad laws get on the law books as they affect the people.

I have found no argument as yet to date, other than a hypothetical case or two, which clearly states, beyond any shadow of doubt, that this Bill does not offend the rights of a citizen or the right of the client under the Canadian Bill of Rights. Everybody knows that the relationship between a lawyer, and a client is inviolate, it just cannot be interfered with.

This Bill would make it possible, under 50 (3), and under 51. (1), for disclosure of matters which are privy between the client and the lawyer, and by making that privy, it interferes with due process, with respect to what Mr. Legal Advisor said earlier. I don't agree with that. This interferes with due process of law, because due process of law recognizes that the relationship between the lawyer and the client are held inviolate.

The security of the person is at stake here, and as I say, I won't carry this debate on any longer. I would ask that perhaps other Members would give this a little more consideration, I would ask that the administration would alter these sections to make them more in keeping with the rights of the client, or the citizen. I can say no more on the subject, and I ask -- other than to ask again that members reconsider this. It's an important point.

Mr. Chairman: Mr. Lang?

Hon. Mr. Lang: A question for the Legal Advisor. If the lawyer was actually doing something

unethical, and if we did not put this section in, and he was -- hypothetically I am doing business with a lawyer, the lawyer is going to attempt to do me in, so what he does in order to protect himself, if this Section got in there, he could hypothetically once again, put a fictitious client's name on his files, and so at which time he ain't going to have to go before that disciplinary body, he could say, no I can't disclose client-lawyer relationships.

Could that happen?

Mr. Legal Advisor: He could, yes, Mr. Chairman, but it also could be a dummy corporation.

Hon. Mr. Lang: This is what I mean.

Mr. Legal Advisor: And then he would be able to block questions or investigations.

Mr. Chairman: This debate has gone on for some time, and I would suggest that if we wish to continue debate on this matter, that the proponents of the argument put forward a motion that can be considered by the House.

Mr. Fleming?

Mr. Fleming: Yes, Mr. Chairman, I did wish to -- I didn't agree with Mr. Legal Advisor in the sense that the Honourable Member from Porter Creek has said the lawyer situation. If the lawyer is under review, or they are checking into him because he is breaking some law or something, it doesn't have anything to do with the client getting involved, and if he makes up a fictitious person or persons, it still has nothing to do with the one we are worrying about.

He may do this, but the onus is then on him, and not on any client at all in that case, and that's that problem. This one is another problem, the citizen's right, that is involved as a real citizen.

Mr. Legal Advisor: Mr. Chairman, with respect, the citizen has no right in a court in the normal way, except one, and that is he can refuse to disclose conversations between himself and his lawyer, with regard to legal advice, but that conversation or that advice may be the very subject of the charge which has been laid, and that's the awkward situation in respect of this.

The lawyer may have been advising him to commit a crime, he may have been organizing a fraud, he may have been assisting him in whatever the thing was. In that case then, the witness would be forced to disclose what did the lawyer say to you? What did he tell you to do?

But that would be fairly standard anyway.

Mr. Chairman: Mr. McCall?

Mr. McCall: Thank you, Mr. Chairman.

In view of some of the concern some of the members have shown, I would like to move that we send Section 51 back for further amendment.

Hon. Mr. Taylor: I would second the Motion.

Mr. Chairman: Are you ready for the question?

Some Members: Question.

Mr. Chairman: It has been moved by Mr. McCall, seconded by Mr. Taylor, that the amendments be sent back for further consideration.

All those in favour?

Mr. McCall: Mr. Chairman, before we vote on this, I meant Section 51.

Mr. Chairman: Your Motion then -- is that Section 51 you are referring to, Mr. McCall?

Mr. McCall: For further consideration, Mr. Chairman.

Mr. Chairman: The motion then reads: "That Section 51 of the Legal Professions Ordinance be sent back for further consideration". Are you ready for the question?

Some Members: Question.

Mr. Chairman: Are you agreed?

Some Members: Agreed.

Mr. Chairman: Contrary?

Some Members: Disagreed.

Mr. Chairman: Shall we poll the House?

Madam Clerk: The Honourable Member from Whitehorse South Centre?

Dr. Hibberd: I cannot vote.

Madam Clerk: I'm sorry. The Honourable Member from Mayo?

Mr. McIntyre: Disagreed.

Madam Clerk: The Honourable Member from Klondike?

Mr. Berger: Agreed.

Madam Clerk: I'm sorry, I couldn't hear.

Mr. Berger: Agreed.

Madam Clerk: The Honourable Member from Hootalinqua?

Mr. Fleming: Agreed.

Madam Clerk: The Honourable Member from Watson Lake?

Hon. Mr. Taylor: Agreed.

Madam Clerk: The Honourable Member from Klwane?

Mrs. Watson: Disagreed.

Madam Clerk: The Honourable Member from Ogilvie?

Ms. Millard: Agreed.

Madam Clerk: The Honourable Member from Whitehorse Riverdale?

Mr. Lengerke: Disagreed.

Madam Clerk: The Honourable Member from Pelly River?

Mr. McCall: Agreed.

Madam Clerk: The Honourable Member for Whitehorse Porter Creek?

Hon. Mr. Lang: Disagreed.

Madam Clerk: The Honourable Member for Whitehorse West?

Hon. Mrs. Whyard: Disagreed.

Madam Clerk: The Honourable Member for Whitehorse North Centre?

Hon. Mr. McKinnon: Disagreed.

Madam Clerk: I have six nays, and five yays.

Mr. Chairman: The Motion is defeated.

Motion Defeated |

Mr. Chairman: We will continue with the reading of the amendments.

Mr. Chairman: 63. (2):
(Reads Section 63. (2))

Mr. Chairman: (3):
(Reads Section 63. (3))

Mr. Chairman: Clear?

Some Members: Clear.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, this is the most unusual situation I have ever, ever come across.

Mr. Chairman: I doubt that.

Mrs. Watson: Where you have a foundation paying the government's bills. It's usually the government who is paying someone else's bills, but here we have—

Mr. Chairman: I think the endeavour—

Mrs. Watson: "Incurred by the Territory"

Payments paid by a law foundation for expenses incurred by the Territory, that is just something I can hardly—I am not going to oppose it, but whoever requested this, just have rocks in their heads.

Mr. Chairman: I'm glad to see that the unusual appeals to the Honourable Member.

Are there any further—any other members that wish to take part in this debate?

A Member: No.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, with my apologies, but I have to, in all fairness to the representation that was made before us the other day, from the consumers who brought up, I think, a very valid, valid point, and which is being considered all across the country in this day and age, whether it is a workable solution, I don't know, and that is having in the disciplinary committee for professional groups, having a lay person represented on the disciplinary committee.

Mr. Chairman: Mrs. Watson, we are now considering the amendments to the amendments. Perhaps we should get through the amendments to the amendments and then we can carry on.

Mrs. Watson: I'm sorry, Mr. Chariman.

Mr. Chairman: We have the amendments to the amendment which have been brought in in response to the brief by the Yukon Law Society. Refer to the amendments that were brought in by the government, in particularly Section 63. (1). I will now entertain a Motion regarding the amendments to the amendments.

Hon. Mr. Taylor: Mr. Chairman, for clarification, I understand you are considering the amendments brought down by the administration to the Legal Profession Ordinance, and I'm wondering at this point, are we to have further amendments now?

I'm not clear as to where we are at.

Mr. Legal Advisor: No, Mr. Chairman, with respect. Without telling the House what they are voting on, they are voting on the amendments which were produced by the administration after the Council had heard the witnesses and debated the matter, and particularly Section 63 was drafted by the Yukon Law Society, and we only changed I think, one word, and brought it in.

This I think would conclude the Bill with all the amendments on the sheet.

Mr. Chairman: I think we still have to consider the amendments that were brought forward by the House. At the present moment, we are only considering the amendments brought forward today.

Hon. Mr. Taylor: Mr. Chairman, for clarification then, there is no amendments to an amendment at this point? We are just talking strictly about the amendments to Bill Number 7, are we not?

Mr. Chairman: No, we are not.

Hon. Mr. Taylor: Oh, well then I am lost, I am right out of it.

Mr. Chairman: We are considering we have a Bill before us which is entitled "An Ordinance to Amend the Legal Professions Ordinance". It was discussed in the House, amendments were brought forward to you and have been read before the House.

Following that, a brief was undertaken—that was on December the 8th. Following that, a brief was brought forward to the administration from the Yukon Law Society, following which further amendments were brought forward by the government, and these are now under consideration.

Hon. Mr. Taylor: Carry on. It doesn't make any sense.

Mr. McCall: Mr. Chairman, so what you are saying in essence then is you are looking for three separate votes; first on the amendments presented us today—

Mr. Chairman: You are quite right, Mr. McCall.

Mr. McCall: —the second one on the amendments as brought to us prior to the draft that was presented by the Legal Profession, and then we will vote on the Bill. Is this what you are—?

Mr. Chairman: That is right.

Mr. McCall: Well, Mr. Chairman, I would move that we adopt the amendments read today as read.

Mr. Chairman: Do I have a seconder?

Mr. Lengerke: I'll second it.

Mr. Chairman: Are you ready for the question?

Some Members: Question.

Mr. Chairman: It was moved by Mr. McCall, seconded by Mr. Lengerke, that the amendments brought in today, be accepted as read.
All those in favour?

Some Members: Agreed.

Mr. Chairman: Contrary?

Hon. Mr. Taylor: Contrary.

Mr. Fleming: Contrary.

Mr. Chairman: I declare the Motion carried.

Motion Carried

Mr. Chairman: I will now entertain a Motion regarding the amendments of the Bill that was introduced originally. These are the amendments that we considered previously, which have already been

amended —

Mr. McCall: Mr. Chairman, if I may, I would like to move that the amendments you have just suggested be passed as read.

Mr. Chairman: We have difficulty with the wording of your Motion, Mr. McCall.

Mr. McCall: Mr. Chairman, I am having difficulty understanding which amendments you are getting at.

Mr. Chairman: On December the 8th, we considered amendments to the Legal Professions Ordinance, prior to the submission by the Yukon Law Society. We have now had the amendments that have been considered by the government, and considered by ourselves, and those amendments in our last Motion were accepted.

We are now considering the amendments, as of December the 8th, that were considered by this House.

Mr. McCall: Yes, Mr. Chairman, I understand your vulnerability as far as adopting whatever amendments are flying around. May I suggest I reword that Motion so that I would move that all amendments to Bill Number 7 be adopted as read, so that we don't lose any amendments that may be flying around the room.

Mr. Chairman: I would have to remind Mr. McCall, the amendments that you are recommending in your Motion are amended by the last Motion.

Hon. Mr. Lang: Mr. Chairman?

Mr. McCall: Mr. Chairman, I don't quite understand what you were referring to a moment ago. Would you give us some more clarification on that point?

Mr. Chairman: I think perhaps just to clarify it, we have -- if we could have a Motion regarding the amendments to 50 sub (4) and 63 sub (4), it would clarify the situation, I think. These are ones that have already been considered by Committee.

Mr. McCall: What were those figures again?

Mr. Chairman: 50 sub (4), 63 sub (4).

Mr. McCall: Mr. Chairman, I would move that we adopt the amendments, Section 53, sub (4) and Section 63 sub (4) as read.

Mr. Lengerke: I will second that, Mr. Chairman.

Mr. McCall: Correction, Mr. Chairman, 50 sub (4).

Mr. Chairman: We will get it, Mr. McCall. Thank you.

Do I have a seconder?

Mr. Lengerke: I will second that, Mr. Chairman, to be consistent with the confusion.

Mr. Chairman: It was moved by --

Mrs. Watson: Mr. Chairman, may I suggest that you call a brief recess. I don't want to vote on something I don't know I am voting for, and I don't know what you are voting for.

Mr. Chairman: I don't know whether you have to do -- you have already made a Motion. You have already had a Motion on 63, the motion has passed -- it has now been passed.

Mrs. Watson: 42, 45, 61, and 63, we passed those.

Mr. Chairman: That is right.

Mrs. Watson: Now I can't --

Mr. Chairman: The only ones remaining are 50, sub (4) and 53 sub (4).

Mr. Legal Advisor: In which, Mr. Chairman, no change has been made.

Mr. Chairman: This was the recommendations of the House. Those are the two things that were recommended by the House, and they have now been changed. They were read through the House a second time, and were accepted at that time.

Are you ready for the question?

Some Members: Question.

Mr. Chairman: It has been moved by Mr. McCall, seconded by Mr. Lengerke, that the amendments to the Legal Profession Ordinance, 50 sub (4), and 63 sub (4) are accepted.

All those in favour?

Some Members: Agreed.

Mr. Chairman: Contrary?

Hon. Mr. Taylor: Disagreed.

Mr. Chairman: Carried.

Motion Carried

Mr. McCall: Mr. Chairman, I would move that Bill Number 7 be reported out of Committee with amendments.

Mr. Chairman: Secunder? Do I have a secunder?

Mr. Lengerke: I will second that.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, I wonder if I could proceed now, is now the time? I want to speak on a further amendment to the Bill?

Mr. Chairman: Yes, yes.

Mrs. Watson: It's okay?

Mr. Chairman: Yes.

Mrs. Watson: I refer more specifically to Section -- sub-section (2), Section 33, where there is a requirement that only persons who are enrolled on the roll, or who are members in good standing in the law society of their province, are eligible to be appointed to the Committee.

This is the point that the consumers brought forward the other day, and I think that it should be brought before the House and just get a few comments from the people who are sitting here.

I didn't bring this forward for consideration with the Medical Professions Ordinance, for the simple reason that I think in that area you are going into more technical terminology which could certainly impede any other person, other than a medical person on a committee, especially when a person's professional capability would be in question, where the lay person would have trouble understanding what they are talking about, and it could even be a lay person on a disciplinary committee such as this.

I think we are all aware that in the country to day there is a trend in this direction. To have people other than the members of the profession sit on the disciplinary committee of that profession.

I would just like to bring it forward today, to see what reaction there is from the rest of the Members of the House. I think the Consumers who were here the other day made some very valid points, which have to given serious consideration at this time. The President of the Law Society made some valid points on why. I would like to see some reaction from the rest of the House on the suggestions put forward by the Consumers.

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, I will just start off by saying that I understand the Consumers' chief interest is to see that the consumer is protected and gets a fair deal in whatever area we are discussing.

Under the Medical Professions Ordinance, with the requirement for the Board of Inquiry, which is the point we are making here, there is ample opportunity for any consumer, which means private individual, which means patient of some medical practitioner, to institute the procedure which will result in a Board of Inquiry being held.

From my own personal point of view, that would satisfy me. I would know then that my evidence was going to be taken and considered by people who know about medical professional standards and medical practice. I would be content to leave it there once they had heard all my side of the argument.

I would approach the situation in the same way as being -- as going to court on a matter as a consumer, and asking the court to look into it and decide whether or not some store had taken an advantage or whatever, if you have price legislation and controls.

I would not expect that I would be invited to sit up on the bench beside the Magistrate of Judge, who was

ruling on the material brought before him. I as an individual would not ever be expected to sit on a medical board of inquiry. I would feel competent to sit on a board of inquiry on my own professional colleagues, because I know that profession.

I would not feel competent to sit on a board of Inquiry, which is a very serious legal level, unless I were professionally qualified. That is my interpretation of what we are trying to do here, Mr. Chairman.

Mr. Chairman: Mr. Lang?

Hon. Mr. Lang: No, thank you.

Mr. Chairman: Mr. McCall.

Mr. McCall: There is one question before I go into too much detail, Mr. Chairman.

I would like to ask the Honourable Member from Klwane just what recommendations would the Honourable Member consider as far as accommodating this sort of idea as to what the consumers recommended?

Mr. Chairman: Mrs. Watson.

Mrs. Watson: Mr. Chairman, I have looked at the legislation quite, actually quite intensely and have, there would almost have to be more than one or one person on the committee, but there would have to be a requirement, at a certain level when the committee sits, that there should be a lay person on it.

That would be my suggestion.

Mr. Chairman: Mr. McCall.

Mr. McCall: In adopting that principle, Mr. Chairman, I find a little area of concern here, because I accept the principle of the layman being on the committee, what I would be concerned about are the investigations that are taking place in the Legal profession itself. Whether the particular individual that is being, shall we say, selected to the committee, would be able to keep up and follow. It is easy to say that we will select a person, a layman or a layperson on the committee, it would be more difficult for them to follow as a committee member, and a particular situation like dealing with the legal profession.

You have a split argument here and I have mixed feelings on it.

Mr. Chairman: Mr. Berger.

Mr. Berger: I think everybody is getting the wrong idea here. I couldn't see a layperson sitting on this thing. I am just recalling a hearing on the Air Transport Committee when the Consumers' Association was represented by a lawyer. I could possibly see a lawyer representing the Consumers' Association at a hearing like this.

Mr. Chairman: Mr. McCall.

Mr. McCall: Mr. Chairman, this is what I am ac-

tually saying, maybe adopt a principle of allowing a layman to be appointed or selected to this board, but just like the Honourable Member from Klondike brought up, you would have a substantial strained situation unless they are lawyers themselves. If you were to select a laymen that is a lawyer, you are back at square one.

Mr. Chairman: Is that not what we are trying to accomplish in this Ordinance, an impartial inquiry, and if we do introduce some, even a legal representative of the Consumers' Association, it no longer has that role.

Mr. McCall: That would be right, Mr. Chairman.

Mr. Chairman: Mr. Taylor.

Hon. Mr. Taylor: Mr. Chairman, perhaps this is the last kick I will get at it as speaking on this particular motion to move this Bill out of Committee as amended. I just will be in the Chair at third reading or were I not in the Chair I would be hollering as vociferous as I am now.

Mr. Legal Advisor as draftsman of this Ordinance has given the House his view as to the section 50.(3) and section 51.(1).

I would like to remind all members of the House that a lawyer can argue either side of an argument, and if he couldn't argue either side of an argument, well I don't suppose he would be a lawyer.

I would just like to also advise and remind the House that the total Law Society of the Yukon Territory, which is an assemblage of many lawyers, seemed to collectively agree with the stand I have made and you have their presentation before you for consideration.

They support the position that I have stated to you today and attempted unsuccessfully, up to this point, in debate, that the client-relationship with his lawyer is inviolate. They support my position that the Bill offends the civil liberties of the individual, or could offend the civil liberties of the individual.

I am confident that this is the case, and I simply close, Mr. Chairman, by saying that I would ask Members once again to reconsider the passage of this Bill prior to those two sections being amended, and if this receives the support of the House in passage, then I wish to register in the strongest of terms, my protest of such passage in this form.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, I won't take any more time of the Committee, and I do thank the Honourable Members who did express their views on the suggestions that I made. I am certainly not going to pursue it any further, but I think that it's something that we can keep in mind.

Other jurisdictions are looking at it, have tried it, I understand, and it hasn't been that successful, but I think they are wrestling and looking and we should be attempting to come up with something possible, because I think that government feels consciously that by bringing in this type of legislation, they are

providing some protection for one professional group of people.

By the same token, they are also striving for means that are fair, to provide protection for the public who use that service. I certainly won't pursue it any further, because I know its records of using lay people on committees hasn't been that successful, to date.

Mr. Chairman: Mr. Fleming?

Mr. Fleming: Yes, Mr. Chairman.

I won't take up too much more time, except to say that maybe I am not too sharp on all this legal things, and the wordage, and as Mr. Honourable Member from Watson Lake has said, a lawyer can always make things right, even if they are wrong, by speaking usually anyway.

I am not clear on the subject, I am not clear on the whole thing here today, and I find there is so much dissension amongst the members. I think that maybe nobody is very sure yet. If they were, they would stand up and be sure, everybody would be more or less.

Any time there is dissension somewhere, usually there is a reason, and I myself still say that the Bill is something that we have been needing in the Territory, I agree, for some time. I am always wondering, you know, when they put something through like this, that it might -- trying to catch the lawyer, they are going to get the innocent person too, and I could just never see my way clear to shoot an innocent person to get the criminal, if you want to it that way.

So I guess I'll have to vote against it, in any case.

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, should we get back to this item I thought we were discussing, which had to do with the consumers?

I'm sorry, I don't have that letter before me at the moment, and I have forgotten the exact wording, but it seems to me that the problem that the Association here had dealt with the gap between the Federal Combines Investigation Act, and what we were doing here at the moment regarding the profession. No?

My suggestion, Mr. Chairman, was going to be, and this may not be a fair time to ask the Legal Advisor, to ask whether his opinion would be that amendments to the Federal legislation would probably be easier to effect to cover this extension that the consumers would like to see included, rather than our trying to patch it from our end, and every provincial jurisdiction doing the same.

Now, I'm not familiar enough with this Combines -- is it the Combine Investigation -- yes, and I don't know where they end and where we start. I'm sorry, Mr. Chairman, if this is going to delay things, I can get this information later, but it seems to me that that would be the helpful place to look.

Mr. Legal Advisor: What you have got in the Combines Investigation Act, the particular problem which did exist, and I'm not sure it still exists was, that the federal government was going to make it a crime for

any group of people to agree beforehand what price they were going to charge for delivery of service, or the selling of a commodity. That was going to be a conspiracy, and be an offence against the Act.

They were faced with the difficulty that certain bodies, such as the lawyers, doctors and so forth, and including other trades as well as those, if they are a trade, I suppose you could call them a profession, did in fact have public acceptance for agreeing on a price. But the learned societies, the doctors, lawyers and so on, pulled back from the position they had adopted at the time the Ordinance was -- the Act was first going through, and instead of fixing a recommended charge by the group, they put in an informational pamphlet which said what was the normal charge that a professional man was charging for a service in that area.

So that the federal government didn't know which way to go, the professions didn't know which way to go, but eventually the proposal looks like firming down on this. That a body such as the lawyers or the doctors, where they are permitted by the provincial government, which is the jurisdiction, to agree on a price or publish a price for stated public reasons, then the Federal Investigation -- or Combines Act, will pull back from that position and permit it to happen.

Now, in this particular Ordinance, we don't have any function in this matter. This is purely a Disciplinary Ordinance, and is disciplining people for what they do or fail to do in accordance with an ethical standard. We don't deal with price fixing at all.

That stage may come in debate, if perhaps in two years' time, the Law Society of this Territory wants to get a statutory basis to not only discipline themselves, but create its own discipline, and as a part of that, to fix standards of prices which will be charged for particular services. At that point of time we will be dealing with it.

Now, so far as the consumers were concerned, it would not -- if I may give an opinion, be very satisfactory for any lay person to be one of a group of three people who are actually trying a case in a technical capacity. Where the representation would be valuable to them, would be where this House created a statutory Law Society to be governed by a group of say ten Benchers, which would then create ethical rules and have control over the everyday life, in the profession of lawyers.

At that time, it would be wise, perhaps for this government, for this House, to see that one or two lay persons were part of the decision making body in establishing the policy to be followed by the profession. I would be very surprised if at the time the legislation was requested, that the lawyers themselves did not suggest to the government, a convenient method of bringing in public opinion and public representation on their own decision making bodies.

I would also expect that if this happened with the dentists or the doctors or any other person, that they would be only too happy to make this offer, because the tradition has developed in the province that any body who is seeking self government status or seeking a convenient amendment, has asked -- the Saskatchewan

government, the Manitoba government, the Alberta government and so on, would they please suggest a method for giving public representation in a policy making group.

In the Law Societies, these are usually called the Benchers. To have a lay bencher appointed, or two lay benchers, depending on the number of benchers controlling the profession, and I have no doubt that this House would accede to such a request if made by the lawyers at the appropriate time.

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, thank you, Mr. Legal Advisor. That's been most helpful to me, and I will go on record as being committed to watch for an opportunity to take such steps, and I'm grateful to the Consumers' Association for bringing this gap to our attention.

Mr. Chairman: Mr. McCall?

Mr. McCall: Thank you, Mr. Chairman.

In view, with all due respect, to the Honourable Member from Watson Lake, and the Honourable Member from Kluane has stated and their concern, I have great respect for the reasoning behind their argument.

The only thing I would suggest at this point is instead of attempting to, be quite blunt, scuttling the Bill, because we know it's a disciplinary Bill against our barristers and lawyers, et cetera, I would suggest that they allow it an amount of time for which it should be tried. If we see for any reason, that the areas of concern where both members question it, are being abused in any way, shape or form, and we have all the right to bring it back to this House and dissolve those bones of contention.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: I just have one question, Mr. Chairman, I would like to direct to Mr. Legal Advisor. Am I correct in assuming in British law that a man is not required or compelled to give evidence at his own trial in a court of justice?

Mr. Legal Advisor: That's a simplistic and slightly fallacious statement of the law. There are a number of times when a person has got to give evidence at his own trial, and has got to say what happened.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, I am sorry that the Honourable Member from Pelly thought that I was endeavouring to scuttle the Bill. This was certainly not my intent. I was just putting a proposal forward to the House, and was looking for some comment, and I think that it has been very interesting.

Mr. McCall: The comment wasn't intended that way.

Mr. Chairman: Are there any other members who

wish to take part in this debate?

Some Members: Question.

Mr. Chairman:
(Reads Preamble)

Mr. Chairman: I will entertain a Motion.

I'm sorry. It was moved by Mr. McCall, seconded by Mr. Lengerke, that Bill Number 7 be reported out of Committee as amended. Are you ready for the question?

Some Members: Question.

Mr. Chairman: Are you agreed?

Some Members: Agreed.

Some Members: Disagreed.

Mr. Chairman: The Motion is carried.

Motion Carried

Hon. Mr. Taylor: Mr. Chairman, with respect, could we have a show of hands?

Mr. Chairman: Certainly. All those in favour? Contrary? The Motion is carried.

Motion Carried

Is it the wish of Committee now to proceed with consideration of Sessional Paper Number 3, regarding agricultural policy, or do you wish to leave this until Monday?

The Committee seems to have no wishes.

Are you ready to proceed with Sessional Paper Number 3 regarding agricultural policy?

Some Members: Agreed.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, perhaps in dealing with this question, perhaps the Honourable Minister of Local Government could maybe give us a brief run-down as to the background of the paper, and perhaps give us his opinion as to the recommendations in the paper?

Hon. Mr. McKinnon: Yes, Mr. Chairman, I would be pleased to if the Honourable Members so wish.

I promised the House, following the tabling of the Peake Report, that there would be a Sessional Paper laid before the Assembly at the next sitting, and this is the results of the initial analysis of the Peake Report by the Yukon Territorial Government.

It's obvious, Mr. Speaker, or Mr. Chairman, that the use of land for agricultural and grazing in the Yukon Territory to this time has been badly misused and abused. There's various reasons for it, the chief one being that there has been a policy of not having readily available acreage property for people who

wanted a different lifestyle than a fifty by a hundred lot in the city.

The only way around this was by going for an agricultural or a grazing lease. I think that everybody concerned with land is prepared to admit that land was given for agricultural purposes that should never have been cleared, and as a term of the lease, so many acres had to be cleared to be able to get title to it.

Any soil expert looks at it now and will agree that the worst thing that possibly could have been done to that land, and the greatest abuse to the land, was it being cleared of vegetation, so that was done and title was eventually given, and we do have the areas of large tracts of acreage which were gotten under the guise of agricultural and grazing leases, some of them for speculative purposes, unfortunately, and they have turned over at a considerable amount of money, particularly in the last few years.

Some of them just as a genuine longing for people to look for an acre or two that they could go out and do their own thing, which I have nothing against in any way, shape or form.

The fact of the matter is that we don't know what soil suitability we have in the Yukon for agricultural purposes.

It would folly, it would be unfair, it would be unwise for the Government of the Yukon Territory to allow land to be given out willy-nilly for agricultural purposes without knowing whether that land could be used for agricultural needs, and at best every study that I have seen, and there must be 40 of them, concerning agriculture in the Yukon, it is an unanimous consensus from every one of them, that if farming is going to be viable in the Yukon it will be at a sustenance level. If that is the type of a life style and a person is very good at it and knowledgeable and the soil conditions are right, he may be able to eek out a living from that farm and not be a drain on society. That is universal in every study and every report that has been written on agriculture in the Yukon Territory.

The other fact is the federal government just isn't willing to give a block transfer of land to the Government of the Yukon for agricultural purposes unless we can prove to them that it will be suitable for agriculture purposes.

So taking all these factors in mind, Mr. Chairman, we saw the only logical method of dealing with the Peake Report and any further recommendations had to be is there an area in the Yukon which is suitable for agriculture? A soil analysis will say that yes, a sustenance type of agricultural can be worked on this land, then we can in conscience go to the federal government and say look it this can be done on that land. Here is the analysis of the soil, here is the infrastructure that we know that we have to set up to make this into an agricultural land. At that point in time I think the federal government will be willing to put a block transfer of land over to the hands of the Territorial Government for agricultural purposes.

The money that will be involved in this, of course, will have to be laid before this Assembly. Once we have the soil analysis done, then comes the problem of the infra-structure on that area. The roads, survey, schools, bussing, you know, the whole ball of wax. Do we set up a complete and total department of

agriculture in the Yukon Territory, or do we rely, as we do now, on going -- sending samples to Beaver Lodge or getting a person in every once in a while to give us some advice.

These are really hard facts that are going to have to be met by the people at this table.

I must say that because of the delay in the paper that I -- there was an exchange of correspondence between the Commissioner and Mr. Hunt, who was then in charge of Northern Resources in Ottawa, and we asked him because of the delay in the Paper, the Sessional Paper, whether he was prepared to support a study on soils getting underway this summer. He was and Dr. Ian Sneddon was contracted by the Department of Agriculture and worked in conjunction with our Land Planner, Lynn Chambers in examining certain areas of the Yukon in soil this year. We didn't want to have to wait and lose this whole summer before bringing the program to the Assembly, so we actually have acted on suggestion number 2, where we had an intensified study effort with the agreement of the Department of Indian Affairs and Northern Development, and are actively persuing that course so that we didn't lose the total summer.

That is the background to the Paper and I hope the members of the Assembly will agree that it is a sensible proposal, Members of the Assembly will be kept in touch at all times of the steps of the reports, of the next step, of what it will cost us if we actually do go into a comprehensive agricultural system in the Yukon.

I think the steps that we took were the only sensible ones that can be taken at this point in time.

I would just like the Houses' concurrence that we are moving in the right direction. And this is the only direction we can move at this time.

Mr. Chairman: Mr. McIntyre.

Mr. McIntyre: Mr. Chairman, perhaps the Honourable Member from Whitehorse North Centre could tell me if the soil survey which was done on the Takhini-Dezadeash Valley was not complete enough for the purpose of establishing an agricultural policy for this particular area?

As far as I can see this is the only area where agriculture might be viable.

As far as some of the other areas in the Yukon, such as the Mayo and Dawson area, I don't think they need to go in there and do any soil sampling because a certain type of agriculture is possible and has been carried out in these areas since the turn of the century.

Hon. Mr. McKinnon: In answer to the Honourable Members question, every expert wants to do his own survey. It is just -- we have certain portions of the Alaska Highway that must have been surveyed a hundred times by different survey teams, and they are looking at the Takhini-Dezadeash areas in the soil surveys that they are now updating, and different researchers doing at this moment.

Mr. Chairman: There are a few things that I would like to ask the Member.

If number two is the policy that is being proceeded on, what is the time frame in which you are talking? The second question is number two does not include.

in itself, any statement regarding the transfer of land to the territorial jurisdiction.

Hon. Mr. McKinnon: No we have had correspondence that we won't have a transfer of land until this has been accomplished. The other question is that it will be another summer of intensified soil studies prior to the results being cataloged and tabled.

Mr. Chairman: Am I to assume from (e) on the next page, that a land transfer is projected on the completion of these studies?

Hon. Mr. McKinnon: We have been lead to believe by correspondence that we have had with Indian Affairs that if we can prove to them that there is a block of land that is suitable for agricultural pursuits, that the Department of Indian Affairs and Northern Development would entertain a suggestion that that land be transferred over to the territorial government.

In this area there is a share jurisdiction. Under the Yukon Act, we have the legislative competence of dealing with agriculture. That is fine to know that we have the legislative competence in dealing in agriculture, the only problem is that we have no land to practice the policy on because the federal government owns it all.

We have had, at least, a meeting of the minds to the point where they realize our legislative competence, they realize they own the land and we can get the two together if we can prove to them that there is a chunk of land where we can practice a viable agricultural policy on.

Mr. Chairman: Is it within our competence that we could declare 270 thousand -- 207 thousand miles of agricultural land?

Hon. Mr. McKinnon: Or a National Park or a municipality.

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Well, Mr. Chairman, I haven't got into the long range policy yet on this paper. I was back at the same level as the Honourable Member from Mayo, because I am familiar also with the soil test report done by the Department of Agriculture, many years ago on the Takhini Valley, and my question is a very unimportant one, and it occurred to me that long after those tests had been made, possibly the forest fires of 1958 which raged through that entire area would have changed the outlook on the agricultural value of that area.

So, you know, I suppose there has to be updated reports. I would also like to refer to a point in Mr. Peake's report, which was underlined again by Mr. Tsukamoto at the Northern Resources Conference, Mr. Chairman, who was formerly associated with the Experimental Farm at Mile 1019, and I hope that most of the members here were able to see his presentation at the Resources Convergence. It was a great pleasure to see him again, and to hear his mature and objective now approach to the subject of farming and agriculture in the Yukon.

Now that he has been away from the Territory for a number of years, he can be quite objective about it, and the message I got from his presentation was that there is a valuable outlet here for many people, whether you are creating jobs or whether you are not, and whether it's economic or whether it's not. It is still valuable enough to be considered on its own.

Thank you, Mr. Chairman.

Mr. Chairman: Mr. Berger?

Mr. Berger: Thank you, Mr. Chairman.

I have no problem with adopting the number 2 in this here, but what I would like to see is to split number 2. We are talking about agriculture, and I see in (a) and (b) we are talking about suitable soils and farm lots, but I know in the Dawson area, there are some areas suitable for farming or a marketing garden, but there is also areas that are not suitable for anything, except maybe ranching.

I think we should take this also into consideration, that in some areas you can grow a lot of grass, but you can't grow anything else.

The other thing is that I would like to caution the Assembly here, it's nice to talk about farming. It's nice to talk about growing things, but I think you also have to think of the competitiveness, the market availability, and our weather conditions. I have seen it, and I think a lot of members in this House have seen it, and I think a lot of members in this House have

The other thing is that I would like to caution the Assembly here, it's nice to talk about farming. It's nice to talk about growing things, but I think you also have to think of the competitiveness, the market availability, and our weather conditions. I have seen it, and I think a lot of members in this House have seen it, where a heavy frost could come up in July and wipe out the farmer's product.

Who is going to pay for all those things, because I can see we are going to create another welfare institution, where those farmers are going to come to the government and say look, I had an accident. I was wiped out by frost, it is an Act of God, the insurance is not going to pay for it. You have to come up with something, and I don't want to see that.

I would agree, to create farm lots which one or two persons can operate themselves without too much loss in case there are losses, but I disagree with farming in the Yukon, because like I say, all we would do is create another welfare institution, and I don't want to see that.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Yes, Mr. Chairman, I would hope that we don't wipe out farming in the Yukon. I know several people that would be very disappointed, because they have been doing it for years, and I would just like to say that certainly there are areas -- I would like to just draw to the attention of Committee in the discussion of agriculture that it is quite possible to grow, for instance, cereal grains.

I know we have many acres under cultivation at

Watson Lake, and here crops are grown to feed horses for the winter, and in this case I am speaking of an oat crop, a beautiful crop, and I give credit to the farmer who is farming that crop. He's had no difficulties, it's economically viable for him, and mind you, he has gone to a lot of work.

He has had to move a lot of timber and this type of thing, and trees and cultivate the soil, but this year I think is his third or fourth crop. It is coming beautifully. He goes out and stooks it in the fall, and packs it in and puts it in the barn and feeds his horses for the winter. It's good soil.

Sure, there are other areas where the soil may not be good enough to grow cereal grains, but certainly grows hay and hay feeds horses, and hay is a -- you know, if you can get a good hay crop, you can sell hay by the bale. So, you know, depending on what you want to grow depends on what kind of soil you are going to need.

There are many things in agriculture that could be economically viable, and be -- provide a product, a much needed product to the Territory within the Territory.

I would personally like to see, even as the Sessional Paper proposes, proposal number 2 implemented. I would support that without breaking it down into dual proposals. I would like to see us embark on an agricultural program, as far as we can go, in a direction where we know where we are going, and I would certainly agree with 2, if this is what has been decided by the administration after their consideration of the total question of agricultural policy in the Yukon, great. It seems to me it's a base, it's a place to start from, and it's a good place to start speeding the arrow along.

But I am -- you will certainly find me in support of any rational policy or program in relation to agriculture. In the Klondike, the days of the Klondike, they proved it could be done in permafrost areas, and when you consider throughout the Yukon, there are areas of arable land, as small as those arable areas are they are still usable and if people can prove, as the Minister has said, that they can see a chance of making an economically viable operation, they should be encouraged, kissed on both cheeks and every opportunity should be given to provide them with the land, not only on a lease basis, but an opportunity to purchase the land they worked so hard to improve.

Mr. Chairman: Thank you, Mr. Taylor. Mr. Fleming?

Mr. Fleming: Yes, Mr. Chairman, I am quite prepared to say that these, (a), select out those suitable soils and survey these soils and to predetermine farm log acreage", I am quite agreeable. This is the idea, to start at the bottom and work your way to something that is worthwhile rather than just turn it loose for anybody to just go spot something where he wishes, on a rock where he can't grow anything.

On the other hand, I do have a few reservations, and hope that the government in their wisdom don't take away the rights of some small acreage, the small acreage people who wished just to have a few acres of

land to grow their gardens and so forth and so on. They are not going to make a big industry out of farming. They may have a couple of cows, a chicken or two and so forth and so on.

These people, they probably are not a big industry, but there may be many of them in this country, and there's room, I think for many of them in small areas, and the plan as laid out here, if it could be followed, I think it's very good, as long as they don't let that escape, and forget those little people.

The policy of approaching for the larger farmers, is very good. I'm a little dubious as to does it provide total approach—

No, not that one. (d) decide on financial and technical services. I know this must be done, because I again feel as the Honourable Member from Klondike, that sometimes you know, these things do get out of hand, and you do end up having a welfare system, where you have to support somebody that is starting a big ranch somewhere, and really he started it on his own, it's his own problem. Let's not get to where we are doling out everybody else's money to help some joker to get rich or to make it when he can't make a go of it. I think most of the farmers want to go on their own. They want some help but not in a large area, and that's my comments.

I quite agree with this approach to the problem.

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, there are a couple of areas in which I could use a little additional information, if the Minister is ready to expand further.

I think they both have to do with time frames. We have two thrusts here, one is the further examination of agricultural lands, and a proposed eventual block transfer of certain areas for agriculture. That's one.

The other is the number of requests for small acreage which are a very popular form of development for a lot of people in the Yukon, and as this paper points out, they want some indication from this House regarding our priorities on how the money should be spent.

I gathered from what the Minister has said, that we are proceeding with the agricultural land study, the technical studies, with the assistance of the federal agencies. How are we proceeding in establishment of larger acreage residential lots?

Mr. Chairman: Mr. McKinnon?

Hon. Mr. McKinnon: We are presently engaged in the attempt to provide larger acreage residential lots, and hopefully to be able to do it properly, as a proof that it can be done, in and around the Municipality of the City of Whitehorse.

As our Honourable Members know, we have on the periphery of the city, two sub-divisions, one under the control of the federal government in Echo Valley, and one under the control of the Territorial Government, the Carcross cut-off. The city has asked us—both the Territorial and Federal governments not to proceed with the sale of these larger lots until they have ability in developing with the territorial government, acreage property within the boundaries of the Municipality of

the City of Whitehorse.

We were going to develop Canyon Crescent over the winter for sale next spring, but due to unforeseen circumstances, like Whitehorse Copper has staked most of it in the intervening period, that was no longer available. So we have engaged E.P.E.C. Consulting now that is doing exactly that study and survey for us, and we hope that they will be presenting to the City Planning Board in the very near future, a subdivision which they are very excited about building of acreage property, within the boundaries of the Municipality of the City of Whitehorse, that will be available for disposition next summer.

I am going to make the point again, I have made it quite a few times, that if anybody thinks that they are going to get, pick up a lot for 2 or 300 bucks like they used to do in the good old Porter Creek days, just forget about it. The raw cost of land is doing nothing else but providing access, and a survey works out to about a thousand bucks an acre now, if nothing else, so you know, just be prepared, you are going to pay for what you get.

That's where we are heading, and we know, as it stated in the paper, that it's been predicted that many of the requests for agricultural land could be satisfied through larger acreage residential lots. If in fact this is a valid observation, then we should be also giving immediate priority to this type of development, which is exactly what we are doing.

I might also state that I've gone to many of the people who were denuding their land, and we knew that it was senseless for them to be doing that, but they had to under the terms of the lease agreement, and we said look it, do you really want this 50 or 160 acres? They said hell no, all I want is an acre or two and we said well look it if you quit denuding the place and quit chopping it all up and give us back 158 acres, we will let you have title to the two acres, and everybody ended up very happy. They got what they wanted in the first place, and they weren't being forced to spend all that time and all that money, absolutely ruining the land that they shouldn't have been doing it on.

So we are working in that direction, and we have been successful in many instances. I hope that we will be successful in getting the larger acreage residential lots in disposition for -- by next summer, at least in the Whitehorse area, and prove whether it can or cannot be done. I think it can be.

I was interested to hear the Member from Whitehorse West talk about Mr. Tsukamoto, because I read the paper, I wasn't at the presentation that he made at the Northern Resources Conference, but the document that we prepared was early in the summer, so that we could have some authority for getting the accelerated program going with Dr. Snedden, and Dr. Tsukamoto said at the conference in his paper, if agriculture is to be a renewable resource, sound management in the use of land is essential.

In many areas of the world today, there are attempts to reclaim land after many years of abuse. A prerequisite to agricultural development in the Yukon Territory then is a comprehensive land inventory to determine the best use of land for agriculture, forestry, recreation and so forth.

Further to this is the establishment of zones in respect to agriculture and the establishment and development of priorities, locations, there must be land surveys, the provision of roads and the planning of communities, including the provision of schools and other necessary facilities. To misuse land and attempt to remedy the damage is costly and difficult, if not impossible to do.

The inventory of land must be done without delay if misuse of the Yukon's land is to be avoided. So several months after we had arrived at exactly that conclusion, Dr. Tsukamoto's speech was almost as if it was lifted from this policy paper, that we are presenting to the Assembly at this time.

Mr. Chairman: Mr. Berger?

Mr. Berger: Thank you, Mr. Chairman.

I have to rise once more. The Honourable Member from Watson Lake brought a point which I think is in many people's minds these days. Just because it was possible in the Klondike days, it was possible in those days, because those areas in the Klondike weren't dredged out yet. They were non-perma-frost areas, they were on river banks, and it is still possible in Dawson to have very nice gardens in the non-perma-frost zones. Where you have permafrost, to grow a garden is very, very tough, and very, very hard, and lots of times there is nothing grown.

Also in those days, it was possible to grow marketing gardens, because people were just too glad to receive something fresh, and it didn't make no difference if a potato was all wrinkled up and you could hardly tell it was a potato, as long as it was something edible.

These days, I doubt it very much that you could keep something and sell it in those conditions, as it was possible in those days. I think we shouldn't live under false illusions just because it was possible in those days it's still possible.

I see the Honourable Member from Whitehorse West, having a grin on her face, but I feel very strong about those things, and the thing is just because agriculture, it doesn't mean we have to have agriculture. I think first we need to look into it. I agree with the Honourable Member from Whitehorse North Centre who says we have to have a policy. I think it's so important that everybody thinks about it a hundred times, not once.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Yes, Mr. Chairman. I think the Honourable Member from Whitehorse West pretty well brought up what I was going to draw to the Minister responsible for Local Government. There are people within the Territory who sincerely want to get involved in agriculture, particularly in the area of grazing cattle, keeping cattle, rather than into sort of the wheat farm type of thing, and of course they have to have areas of land where they can grow some feed.

So, their requirement for larger tracts of land is very true. Some of these people are very sincere, have had experience, and no doubt would be quite successful in the right area.

I think, and again with the Honourable Member, that most of the demand for agricultural land could be satisfied through the small acreage, and that once you have this in place, if you got your agricultural plot of land in place before you made provision for your small acreage, it would be doomed. The small acreage has to be provided, not just in the Whitehorse area. There has to be a provision for it all throughout the Territory, and I would hope that the planning, and I would imagine that this is being done, that you are planning your services. We have got to get away from, in order to get an acreage, you go along the Alaska Highway or the Klondike highway.

We just can't continue to have this, because reading the Highway Ordinance, I just see all the problems now with access on to the highway, so it has to be a planned type of thing, with the proper services.

I would certainly support the second recommendation that is made in this paper, and in fact I have a Motion in the House, that we try to accelerate, and the inventory investigation and to identify certain areas.

One question I do have for the Honourable Member, and you worked with various organizations that are interested in agriculture in the Yukon, and they were all very much interested in the Peake Report, in fact a lot of them had an input into the Peake Report. What would be your general synopsis of the reaction to the Peake Report and its recommendations?

Mr. Chairman: Mr. McKinnon.

Hon. Mr. McKinnon: It was universal, Mr. Chairman, that it was the most optimistic report of all of them that have been written to date on agriculture in the Yukon.

It was one hell of a lot better than what they had prior to the issuance of the report. It isn't all that optimistic, so you can just imagine what the other ones were like.

Mr. Chairman: Mr. Fleming?

Mr. Fleming: Yes, Mr. Chairman, I think the Honourable Member from Kluane almost asked the question. The Honourable Member from North Centre was speaking of, you know, in the act they are now trying to get small acreage and so forth, and he said something about the area of Whitehorse. I am asking were you speaking specifically of within the boundaries of Whitehorse City or were you speaking of outside the City Limits, besides the Carcross Corners and so forth.

Hon. Mr. McKinnon: Within the boundaries of the City of Whitehorse. The city of Whitehorse is very concerned about the satellite communities on the peripheries of the city. They believe that they are providing all of the services and amenities to these people who live on the periphery to escape the higher rate of taxation within the city. So they say they don't disagree with the concept of having acreage lots, it is the biggest city, I guess the second biggest city in Canada, someone else has got bigger. They have got the land here, that they want it under their control the

acreage lots that are put on the market.

I would hope that, knowing the difficulty we have had to this moment in getting this type of a philosophy agreed upon between the territorial and the city government and actually mobile, that those in the L.I.D.'s that we would have the boundaries big enough that the Local Improvement District Boards can make the decision as to whether they are going to have property zoned for this type of development, where it will be and make the regulations.

I am telling you that for anyone to try and control that kind of an emotional issue from Whitehorse just wouldn't work out in any way, shape or form.

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, I just rise to reassure my Honourable friend from Klondike that I was not grinning in derision, it was a smile of nostalgic sympathy I suppose, you could interpret it. I recall with great affection the days when Dawson was famous for its marvelous flower gardens and vegetable gardens, and the forty pound cabbages that used to crack with a bang like a revolver shot at growth from the midnight sun. I have experienced—this is true, read Pierre Berton,—I have experienced the delights of being able to buy fresh vegetables from acres of greenhouses, even in my time in Dawson.

In the last 20 years we have all had the opportunity to buy fresh vegetables in Dawson and at Carmacks and they always taste better than the stuff imported from the south. If I was smiling, Mr. Chairman it was a backward nostalgic smile because—I am certainly hoping that the member from Klondike isn't telling me that no one is growing anything in Dawson any more.

Mr. Chairman: Mr. McIntyre?

Mr. McIntyre: Mr. Chairman, I would just like to point out to the member from Whitehorse North Centre that the Minister has transferred the surface rights in the Whitehorse metropolitan area to the Commissioner and consequently it is perfectly all right for him to sell surface rights, even though there are mineral claims underneath them. This condition existed in Riverdale a few years ago and there were literally hundreds of houses built on top of mineral claims in the Riverdale subdivision.

Hon. Mr. McKinnon: Mr. Chairman, there is also another problem, they are thinking of putting a tailing pond right beside the present proposed Canyon Crescent subdivision. One of the amenities of it was going to be able to look out your window into the wilderness and somehow a tailing pond below your window just doesn't seem to appeal to acreage type of development.

Mr. Chairman: Did that get past Land Use Regulations?

Hon. Mr. McKinnon: I don't know.

Mr. Chairman: Mr. McIntyre?

Mr. McIntyre: Further to that it seems to me that the mine would have to arrange for the surface rights for that tailing pond with the Commissioner, and not with the Minister, those surface rights having been transferred to the Commissioner.

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: Thank you, Mr. Chairman. I have been sitting here rather enjoying the comments with respect to the agricultural sessional paper. I could probably get up here and make all kinds of comments because I am sure some of you are aware that I probably spent eleven or twelve years of my working life in probably making agricultural policy and involved in operations across three western provinces.

I had the pleasure of working with Joe Tsukamoto and I have had the pleasure of working with Lin Chambers and all the rest of it.

I have no difficulty with this recommendation in two, whatsoever. I think the method as identified there is really inherent in the motion that you gave approval to yesterday, on the economic and social goals. If you think about that for a while, maybe it will get through to you.

I want to say that I am glad to hear the Minister express the small acreage sub-division concept is a priority and is being further pushed.

I know, certainly, I was involved in the Canyon Crescent, or Canyon Acres concept and I still believe in it and I still feel that that one could go. I am really pleased—I see that there has been assignment given to a consulting firm to identify other areas because certainly there probably are better and more areas. Let's get on with it.

I would just say that in respect to some of the comments made by Mr. Berger, creating a welfare situation, this kind of thing, that could well happen. We have seen it across the prairies too where provinces have opened up lands, and opened it up to farming operations and then found that they have had to put in place a lot of programs to assist those people.

Certainly I think what the report reads here is giving some caution. At the same time, I don't want to take away the individual initiative that you can get, as I say from these small acreage subdivision kind of operation. I don't care how many experimental farms you have accross the country, they prove certain things, but you can't take away that individual initiative, that individual work that says and proves otherwise than what an experimental farm might.

I think we can capture a little bit of both worlds here. This is a very sensible position I would say. Thank you.

Mr. Berger: I must rise and assure the Honourable Member from Whitehorse West that we still do grow gardens in Dawson. But those cabbages and fresh vegetables that she bought 20 years ago in Dawson, it is a different story. In those days the road facilities weren't properly in the territory and in lots of places you had to stock up for freeze up and break up. Any new addition to the table was welcome in those days in most places of the Territory.

Today it is a different story. You can purchase fresh grown vegetables grown in Mexico, southern California. You can purchase them anywhere in the territory, cheaper, much cheaper than you can grow them yourself. I know, because I have grown gardens myself. If you count the time and money you spend on the garden, just a small garden, I think you go to the next store and purchase them much, much cheaper.

It is just the satisfaction that you can grow it yourself.

The other answer I have for the Honourable Member from Whitehorse Riverdale is, I do agree with the small farm acreage, but, to a certain extent.

I could see possibly somebody recommending a certain acreage in the middle of nowhere. Who is going to pay for the service? Who is going to pay for all those things, roads, telephone, eventually electricity, water, sewer? There is no money coming out of those small acreages. I can just visualize it.

Again you are creating a welfare problem.

Mr. Chairman: Mrs. Watson.

Mrs. Watson: Mr. Chairman I think the Honourable Member from Klondike put his finger on some of the pulse of this too.

I am wondering whether, when the Minister was speaking about having proper planning and having your services and your roads and everything before some of these components would be put up for disposal, whether you would also be considering making provision for a structure of local government.

It is fine if you have your acreages within Whitehorse, or within an L.I.D., but I can see areas, and you are talking about the areas outside of Whitehorse, which are in my constituency now. These people have no form of local government. They are just sort of there. They get their services, what services they get, and really what services they want, from the territorial government because they live along the highway. They have no structure of local government and it now, what kind of a structure would you put in that is fifty miles long and two miles wide, type of thing.

This is our problem, so shouldn't the planning also include that for local government.

Hon. Mr. McKinnon: I have no objection at all to have that included, Mr. Chairman. I think that would be a decision of this Assembly when we came about saying this is the area, these are the facts, this is how many acres there will be, how many parcels and at that point in time we have to come up with some kind of governing structure for that sub-division or for that agricultural acreage.

Mr. Chairman: Mr. McKinnon I would merely like to stress what I brought up earlier, that there is a good deal of concern on the part of many Yukoners on the lack of availability of land for such purposes and the time frame is a very important consideration in bringing this land on line.

Is there any further discussion? The Chairman will now entertain a motion for Mr. Speaker to resume the Chair.

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

Mr. Lengerke: I second that.

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

Are you ready for the question?

Some Members: Question.

Mr. Chairman: Are you agreed?

Some Members: Agreed.

Mr. Chairman: Carried.

Motion Carried

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. Hibberd: Mr. Speaker, Committee convened at 10:45 a.m. to discuss Bills, Sessional Papers and Motions.

Committee commenced by reading Bill Number 13. It was moved by Mr. Lengerke, seconded by Ms. Millard, that Bill Number 13 be reported out of Committee without amendments and this motion was duly carried.

Committee read Bill Number 14. It was moved by Mr. Lengerke, seconded by Mr. Taylor that Bill Number 14 be reported out of Committee without amendments and this motion carried.

The Highway sign commercial regulations was circulated to committee members. Motion Number 18 regarding these regulations were discussed. Mr. Gillespie Assistant Commissioner was called as a witness. The witness was excused. Committee cleared motion number 18.

Committee then reviewed the Amendments proposed on December 8th to Bill Number 7. It was moved by Mr. McCall, seconded by Mr. Lengerke that

the amendments brought in today be accepted as read and this was duly carried.

It was moved by Mr. McCall, seconded by Mr. Lengerke that the Amendments to sub-section 50. (4) and 63. (4) of the Legal Professions Ordinance be accepted as read and this motion carried.

It was moved by Mr. McCall, seconded by Mr. Lengerke that Bill Number 7 be reported out of Committee as amended. This motion then duly carried.

Mr. Chairman then directed the Committees' attention to Sessional Paper number 3. After due consideration it was moved by Mr. McCall, seconded by Mr. Lengerke that Mr. Speaker do now resume the Chair and this Motion was carried.

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

Some Members: Agreed.

Mr. Speaker: May I have your further pleasure? The Honourable Member from Whitehorse Riverdale.

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

Ms. Millard: Mr. Speaker, I second that motion.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse Riverdale, seconded by the Honourable Member from Ogilvie, that we do now call it five o'clock. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the motion carried.

Motion Carried

Mr. Speaker: This House now stand adjourned until 10:00 a.m. Monday morning.

Adjourned

**SESSIONAL PAPER NO. 10
(1975 THIRD SESSION)**

8 December, 1975

**Mr. Speaker,
Members of Council**

Name for new Mayo School

The Government of the Yukon Territory has completed the construction of the school in Mayo to replace the building which was destroyed by fire in April of this year. The school will be occupied and in operation by January 5, 1976.

It has been the policy in the past to name Territorial Schools after Yukon residents who have contributed to the development of Yukon. I would, therefore, request that this Council give consideration and approval to

naming the new school in Mayo after Dr. J.V. Clark who has served the Mayo-Elsa area for twenty-three years and continues to serve these communities at the present time.

The naming of the new school after Dr. J.V. Clark will serve two purposes, viz: it will honour a medical practitioner who has provided invaluable service to Yukon, particularly in the Mayo-Elsa area, and it will fulfill the wishes of the Mayo School Committee and the community which proposed the name.

A biographical sketch of Dr. J.V. Clark is attached for your information.

**Peter J. Gillespie,
Administrator of the
Yukon Territory.**

**BIOGRAPHICAL SKETCH OF
DR. J.V. CLARK**

James V. Clark was born on September 16, 1924 in St. George, New Brunswick, the eldest of eight children. He entered the University of New Brunswick on a Lord Beaverbrook scholarship but his studies were interrupted for a period of eighteen months while he served as an airgunner with the Royal Canadian Air Force during World War II.

After the war, he completed his Bachelor of Science in Chemistry and Biology at the University of New Brunswick. He entered McGill University in 1945 and graduated in 1949 with a M.D. and C.M. (Master of Surgery). Dr. Clark then completed three years of internship and residency at St. Mary's Hospital in Montreal.

Dr. Clark came to Elsa in 1952 as the mine doctor but moved to Mayo in 1954 where he has remained ever since except for a very short period in 1967 when he lived at Red Lake in Ontario.

Over the years, Dr. Clark has shown considerable interest in the school at Mayo. He served on the school

advisory committee for six years and on occasion assumed the duties of a classroom teacher. When it was impossible to hire qualified specialist teachers, Dr. Clark offered his services and taught Chemistry, Biology and English Literature. In addition, he has conducted evening courses in Musical Appreciation, Drama and Philosophy. Under the auspices of the local volunteer Fire Department, he has also taught Home Nursing and First Aid courses.

Dr. Clark has also been active in Yukon drama circles as both an actor and a director. However, because of recurring hip problems, his activities have declined somewhat over the past few years. He does nonetheless retain a keen interest in natural history, conservation, painting and poetry.

The community of Mayo is indebted to Dr. Clark for his selfless service during the past twenty-three years. For long periods, Dr. Clark provided the only medical service north of Whitehorse and only those people living in these remote areas can fully appreciate the importance of his service. Dr. Clark has certainly helped to shape the future of Yukon and particularly the future of the people of Mayo.







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The Yukon Legislative Assembly

Number 13

4th Session

23rd Legislature

Debates & Proceedings

Monday December 15

Speaker: The Honourable Donald Taylor

The Yukon Legislative Assembly

Monday December 15 1975

(Mr. Speaker reads Daily Prayer)

Mr. Speaker: Madam Clerk is there a quorum present?

Madam Clerk: There is, Mr. Speaker.

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

ROUTINE PROCEEDINGS

Mr. Speaker: We will proceed with the Order Paper.

Under Daily routine are there any documents or correspondence for tabling this morning?

The Honourable Member from Whitehorse North Centre?

Hon. Mr. McKinnon: Mr. Speaker I have for tabling today, Legislative Returns Number 11 and Number 12.

Mr. Speaker: Are there any further documents or correspondence for tabling this morning?

Are there any reports of Committees?

Introduction of Bills?

Are there any notices of Motion or resolution?

Are there any notices of motion for the production of papers?

We will then proceed under Orders of the Day.

ORDERS OF THE DAY

Motion Number 19.

Mr. Speaker: It has been moved by the Honourable Member from Mayo, seconded by the Honourable Member from Klondike, that the new school at Mayo be named the J.V. Clark Elementary-Secondary School.

The Honourable Member from Mayo.

Mr. McIntyre: Mr. Speaker, in support of this motion I refer the members to the information paper that they have all received. One copy was from the Mayo School Committee and there was a further copy of the same information which accompanied the recommendation.

I support this motion wholeheartedly because Dr. Clark has been a mainstay of the Mayo community for many years. As the information paper has stated has taken a very active part in the Mayo school.

I would further say that at a meeting held between the administration and the School Committee

sometime ago, the question was asked if the School Committee could name the school after Dr. Clark and the answer given by the administration at that time was they could name it any god damn thing they wanted.

Thank you Mr. Speaker.

Mr. Speaker: Is there any further discussion? The Honourable Member from Kluane.

Mrs. Watson: Mr. Speaker I plan on supporting this motion wholeheartedly, basically because it was a decision made at the local level. I feel we should be respecting the decisions made at the local level. However, I would like to point out one area where I do have some hang-up. I think we could be setting a precedent with this motion.

I feel that naming public buildings and institutions after people who are still alive could well get us into problems within this Legislature and also at the local level. It is the determination of who is living today that should have institutions or public buildings named after them.

I think it is setting a precedent that we may be sorry for in the future, but I plan on supporting this wholeheartedly. I believe Dr. Clark and the people of Mayo, who support Dr. Clark should get this recognition.

Mr. Speaker: Is there any further discussion? Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the motion is carried.

Motion Carried

Motion No. 20

Mr. Speaker: The next motion is Motion No. 20. It has been moved by the Honourable Member from Klondike, seconded by the Honourable Member from Kluane, that the Yukon Legislative Assembly is pleased to recommend to the Commissioner of the Yukon Territory, the appointment of Mr. Peter Jenkins, of Dawson City, Yukon to the Northern Canada Power Commission. The Honourable Member from Klondike?

Mr. Berger: Yes, Mr. Speaker in moving so, Mr. Peter Jenkins is a very active member in the community of Dawson, actually he is very interested in the whole of the Yukon. The most important thing is he is a consumer of N.C.P.C. and he has first hand knowledge of what can go wrong with N.C.P.C. in some levels and I think his background qualifies him for this type of appointment.

Mr. Speaker: Is there any further discussion? The Honourable Member from Kluane.

Mr. Watson: Mr. Speaker, I wholeheartedly and have seconded the motion appointing Mr. Jenkins to the N.C.P.C. Board. I think he is a well qualified person, as a young businessman who has staked his future in the Yukon. I think he will serve the Yukon people well on the N.C.P.C. Board.

Mr. Speaker: The Honourable Member from Whitehorse North Centre.

Hon. Mr. McKinnon: Mr. Speaker I can only rise to say how pleased I am to see the name of a young businessman of the Yukon being forwarded to this most important position.

It seems to me, Mr. Speaker that we were almost in a position that whenever a board appointment or membership came up, there seemed to be the same names preferred which I have referred to in this House as the professional board sitters of the Yukon Territory and I sat down one day in an exercise and put down about ten, twelve, fifteen names of people like Mr. Jenkins from Dawson City from every area of the Yukon who were young, aggressive, business people who I think we should be looking more and more to fulfilling these most important positions on these different boards and commissions.

It's only been in the last few years where these boards and commissions have taken on a very important role in the lives of all of us in the Yukon. I think it is no longer good enough just to give it to people who have, for different reasons, been sitting on different boards and commissions for many years and it's time to look for new faces to fill these positions and ones that we know are going to take a very active role and going to be very firm when firmness is needed and very vociferous when that is needed on behalf of all of the people in the Yukon.

I can only say that it is going to be interesting for a change not to have Mr. Jenkins from Dawson telling me what's wrong with the Yukon Government for me to be able to sit back and tell Mr. Jenkins what I think is wrong with the N.C.P.C. Thank you very much, Mr. Speaker.

Mr. Speaker: Are there any further discussions? Question has been called. Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare that the Motion is carried.

Motion Carried

Motion No. 21

Mr. Speaker: Under Motion number 21 moved by the Honourable Member from Kluane, seconded by the Honourable Member from Mayo that whereas the Legislative Assembly wishes to proceed in pursuing a positive course of action to conclude an agricultural policy for the Yukon. Therefore be it resolved that our government identify high priority areas for the Department of Indian Affairs and Northern Development's intensified study effort in order to speed up the process of inventory investigation and the release of land for agricultural purposes if justification is shown. The Honourable Member from Kluane.

Mrs. Watson: Mr. Speaker, I don't think I am even going to speak of the motion. We discussed this in Committee of the Whole and this motion is a result of those discussions.

Mr. Speaker: Is there any further debate? Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the motion as carried.

Motion Carried.

Motion Number 22

Mr. Speaker: Motion Number 22. It has been moved by the Honourable Member from Hootalinqua, seconded by the Honourable Member from Klondike that the Liquor Ordinance be referred to Committee of the Whole for discussion.

Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the motion as carried.

Motion Carried.

Motion Number 23

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse Riverdale, seconded by the Honourable Member from Watson Lake, that the Yukon Legislative Assembly is pleased to recommend to the Commissioner of the Yukon Territory, the appointment of Senator Paul Lucier as representative to appear before the Special Joint Committee on the National Capital Region on behalf of the people of the Yukon.

The Honourable Member from Whitehorse Riverdale.

Mr. Lengerke: Mr. Speaker, in supporting the motion, you will recall in June, July of this year a Special Joint Committee was established by the House of Commons, the Committee to be involved in the planning and development of the National capital site. It is expected that our representation will be on that committee from all across Canada from all the provinces and the territories and we have seen fit to recommend that Senator Paul Lucier would appear on behalf of the Yukon Territory. It may well be that Senator Lucier may come back to this House with a further recommendation himself, asking that we do appoint somebody else in the future, but in the meantime he will have an insight as to really what the committee is doing and what work is involved.

Mr. Speaker: Is there any further debate?

Some Members: Question.

Mr. Speaker: The question has been called, are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare that the motion is carried.

Motion Carried

Motion Number 24

Mr. Speaker: Motion number 24. Moved by the Honourable Member from Whitehorse South Centre, seconded by the Honourable Member from North Centre, that whereas the Yukon Territorial Government was instrumental in instigating the Arctic Winter Games in 1970 and 1972, based on the avowed principle of bringing together people of similar geographic and social areas and of similar competitive abilities and aspirations; and whereas the Yukon Territorial government did not give a firm undertaking to Yukon Sports Federation until October which made the task of the Yukon Sports Federation considerably more difficult; and whereas the Yukon Sports Federation has made and is continuing to make a concerted effort to include participation for all area of Yukon; and whereas the Yukon Sports Federation, a voluntary group has undertaken to organize and administer the Yukon contingent to the Arctic Winter Games on behalf of the Territorial Government; and where as the Yukon Sports Federation has made a commitment to provide an ongoing as well as final, complete evaluation of the Arctic Winter Games,

Be it resolved that this Legislative Assembly give its whole-hearted support Legislative Assembly give its whole

Be it resolved that this Legislative Assembly give its whole-hearted support to the Minister of Education and particularly to the members of the Yukon Sports Federation in these undertakings, and be it resolved that this Assembly review all evaluation of Arctic Winter Games, to determine the role of Yukon in future Arctic Winter Games, and be it further resolved that

this Assembly support those endeavours to develop a sound, comprehensive recreational policy for all people of Yukon.

The Honourable Member from Whitehorse South Centre.

Dr. Hibberd: Thank you Mr. Speaker. The Arctic Winter Games in its original purpose was developed so that people from the north who are of similar areas in terms of their social structure and their economic development, and as we all well know, when we are in competition with the provinces it is not really a competition at all. We don't fair very well.

I think the original games as they were undertaking in 1970 and 1972 did accomplish this purpose and they were considered highly successful in bringing people together from these areas.

I should mention, Mr. Speaker, because the Arctic Winter Games has evolved to such major proportions it does take a good deal of time, energy and effort over a long period to properly organize the games so that they might successfully come off. I think it is incumbent on the Territorial government to, if they are going to give the undertaking, to any particular body such as the Yukon Sports Federation in this case, they should give them adequate time for adequate preparation. This is a one or two year undertaking and to give them a few months time is simply not enough. I realize the difficulties were, to a marked extent, on the basis of availability of funds. This, indeed has created a great deal of difficulty because the feds were no longer in a position to be coming forth with the money as they have been in the past.

We must remember that the primary, the major cost of these Arctic Winter Games is the transportation cost to Schefferville, Quebec. Schefferville was not included in the Arctic Winter Games in the original Arctic Winter Games. If the games were to continue on the present basis, we would not be going back there for another 6 years, and therefore the costs certainly would reflect this, if there are future games to be undertaken.

I think it has been demonstrated and I think the Yukon's Force Federation has done an excellent job in obtaining participation from all areas of the Yukon. I'm sure that you are all aware that there have been trials going on in various areas in the Yukon and people have travelled to these games to these trials from all the other areas in the Yukon. And it is indeed an opportunity that would not have otherwise existed if the Arctic Winter Games was not going to go ahead.

The Sports Federation tells me that they would welcome any suggestions from this Assembly whatsoever, that would improve the games both in terms of obtaining money and in methods of running them on a more economic basis.

I think that because of the amount of effort these people have put into it on a voluntary basis deserves our recognition and our support. I might mention that after our debate in this House last Wednesday that every member of this Assembly willingly contributed to the raffle that is now going to raise funds for the Arctic Winter Games. That was unanimous. Everyone did it.

They have undertaken many other projects, such as the sponsoring of a Christmas flight from Whitehorse to Vancouver. And this among other ways is how they are contributing on their own to try and raise as much money as they can.

They have undertaken that they will raise half of the money to a maximum of \$32,600.00 which is for the formulation of the games for the trials for everything that takes place on a local basis. And any cost over run beyond that \$32,000.00, the Sports Federation has undertaken that they will raise the money. Now the primary commitment that has been made by this government is for the transportation of the athletics to Schefferville.

I would ask this House to consider this and to give the Minister and the Sports Federation our unqualified support in these games. Thank you.

Mr. Speaker: Is there any further debate? The Honourable Member from Whitehorse Porter Creek.

Hon. Mr. Lang: I think the Honourable Member from Kluane wants to speak.

Mr. Speaker: The Honourable Member from Kluane.

Mrs. Watson: Mr. Speaker, I was wondering whether the seconder to the motion wanted to speak. Mr. Speaker, I would just as soon this was discussed in Committee of the Whole. I have a suggested amendment and it may be easier to handle it within the Committee.

Mr. Speaker: Honourable Member from Kluane.

Mrs. Watson: I would move that Motion Number 24 be discussed in Committee.

Mr. Lengerke: I'll second that.

Mr. Speaker: It has been moved by the Honourable Member from Kluane, seconded by The Honourable Member from Whitehorse Riverdale, that Motion Number 24 be referred to Committee of the Whole. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the motion as carried.

Motion Carried

Mr. Speaker: This brings us of course, to the question period. We still have three questions standing on the Order Paper. Question 2, question 7 and question 12. I'm informed by the House that Question number 12 has been answered. Any questions this morning?

Honourable Member from Ogilvie?

QUESTION PERIOD

Ms. Millard: Mr. Speaker, I have a written question for Mr. Commissioner. I presume it will be transferred to him after.

Mr. Speaker: Proceed.

Question Re: Art for New Y.T.G. Building

Ms. Millard: It is concerning the art for the new Territorial Government Building and it consists of several sub-questions.

(a) Who are the members of the committee which is selecting art to decorate the new Y.T.G. Building? And how were the committee members selected? (b) What is the amount of money allocated for art in the new building? (c) Has any of this money been expended to date? If so, were tenders called for prior to the signing of contracts for artistic works and were the tenders published in Yukon newspapers? (d) What are the names of the artists who have been commissioned if any, and what amounts will they be paid? (e) Have any Yukon residents been commissioned to create works of art for the building? What will they be paid?

Mr. Speaker: Are there any further questions? The Honourable Member from Klondike.

Question Re: Territorial Government Employee Layoffs.

Mr. Berger: Yes, Mr. Speaker. I have also a question for Mr. Commissioner. It is a verbal one though. I don't know how I am going address it to him, when I won't receive an answer. There are five people who received lay off notices, permanent employees for the Territorial Government and I'm wondering if there will be any more layoffs anticipated. And if there is more layoffs anticipated, in what department will they fall under, and how soon will the layoffs come?

Hon. Mr. McKinnon: Mr. Speaker, I wonder, as that is such an important question, there should be a written question and taken on Notice and an answer given to the House as quickly as possible. I agree with the Honourable it is an important question.

Mr. Speaker: Madam Clerk, could you so note.

Mr. Speaker: The Honourable Member from Hootalinqua.

Question re: Effect of calcium on birds

Mr. Fleming: Mr. Speaker, I have a question for the Commissioner, now that he is here with us, a verbal question as to application of calcium on the Alaska Highway. Has at anytime anybody taken to check to see if it has any effect on small game such as grouse, birds and so on?

Mr. Commissioner: Mr. Speaker, I am sorry, I just couldn't answer that question, but I would be happy to find out.

I think what the Member is really asking is, has there been any kind of an analysis of any side effects

other than laying the dust from the calcium. I will find out Mr. Speaker.

Mr. Speaker: The Honourable Member from Hootalinqua.

Question re: Skilled Labour Training in Vocational School

Mr. Fleming: Yes, Mr. Speaker, I also have a question for the Minister of Education, as to the Vocational School and an explanation I would say, in the year, two years, three years in the Yukon I have seen larger buildings being built and iron work being done, and I am thinking that in the next three or four years there is going to be possibly, a lot more of this type of work. I would ask the Minister, has there been any thought as to training, possibly some training in skill labour such as ironwork or riggers and so forth in the vocational school?

Mr. Speaker: The Honourable Member from Whitehorse Porter Creek.

Hon. Mr. Lang: Not to my knowledge. It definitely could be looked at in the future. As far as the vocational school is concerned right now we are presently doing an evaluation of the whole vocational school, at which time we can look into that aspect of a new course and I will let you know whether or not it is viable.

Mr. Speaker: Perhaps at this point the Honourable Member from Klondike would like to restate his question?

Mr. Berger: Yes, Mr. Speaker, the five people that, in the last few days received their lay off notices and they were permanent employees, my question was how many more layoffs will be anticipated and in what department will they fall under and how soon will those layoffs come?

Mr. Speaker: Mr. Commissioner?

Mr. Commissioner: Well, Mr. Speaker, I am not a foreteller of the future anymore than anybody else is. In the particular instance that the Honourable Member is referring to, these people have been given layoff notice as required under the terms of the collective agreement and under which they work. The anticipation, if that is what is referred to, that there may possibly be other layoffs, I can say that while we do not have any plans, or that we do not have any knowledge at this time, of any further layoffs, I certainly would not want to indicate that indeed that this was not a possibility. It all depends on the circumstances that surround particular situations as time goes on.

Mr. Speaker: The Honourable Member from Pelly River.

Question re: Justification of Layoffs.

Mr. McCall: Yes, Mr. Speaker, I would like to ask the Commissioner whether he felt these layoffs were

fully justified, and if they were, why wasn't notice given to the employees.

Mr. Speaker: Mr. Commissioner.

Mr. Commissioner: Mr. Speaker, I don't know whether I interpret the question properly. As far as justification is concerned, the answer is yes, I am satisfied that there was justification. That last part of the question was, why weren't the employees notified? To the very best of my knowledge, Mr. Speaker, and I would be prepared to check this out, the employees were given the required notice.

Mr. Speaker: The Honourable Member from Whitehorse South Centre.

Question re: Obtaining a Stretcher for Recreational Centre

Mr. Hibberd: Yes, Mr. Speaker I have a question for the Minister of Local Government. In view of recent events I am wondering if the Minister is able to influence the City of Whitehorse in obtaining a stretcher for the Whitehorse Recreational Centre?

Mr. Speaker: The Honourable Member from Whitehorse North Centre.

Hon. Mr. McKinnon: Mr. Speaker as the Honourable Member well knows, the operation of the recreational centre is a total matter under municipal responsibility. Everytime I stick my neck in a matter of total municipal responsibility I get it cut off. So I think the question should properly directed to the Council of the City of Whitehorse, Mr. Speaker.

Mr. Speaker: The Honourable Member from Whitehorse South Centre.

Dr. Hibberd: A supplementary, Mr. Speaker, perhaps the stretcher should be brought up to the third floor to the Chambers for the Honourable Minister's use.

Mr. Commissioner: With or without is neck --

Mr. Speaker: Order please.
Have you any further questions?
Mr. Commissioner.

Mr. Commissioner: Mr. Speaker, Councillor Watson asked one day last week, whether money which was put in the budget for use on the recommendation of the Historic Sites and Monuments Board is being used for the restoration of the Ladue Sawmill. I think basically, what the Honourable Member was concerned about as to whether or not the monies that had been spent in this regard were subject to the prior consultation with this Board. The answer is that the \$30,000.00 in capital funds was budgeted for Historic Sites development in '75 - '76 in our current budget. Of this \$13,800.00 was used to stabilize the Ladue Sawmill. No restoration work was done as this would have pre-empted a decision by the Board. Rather the

stabilization and closure of the main building together with the removal of its annex was undertaking to eliminate an immediate safety hazard.

Basically there has been no consultation with the board on this matter, Mr. Speaker, and the monies actually have been spent, and although they have been spent out of these funds, they were spent with the intent of removing the danger that existed with regard to the general public in this building situation in Dawson City.

Mr. Speaker: Have you any further questions? We will then proceed to public bills.

PUBLIC BILLS

Mr. Speaker: The Honourable Member from Whitehorse North Centre.

Bill No. 13, Third Reading

Hon. Mr. McKinnon: Mr. Speaker I move, seconded by the Honourable Member from Pelly that third reading be given to Bill Number 13, Third Appropriation Ordinance 1975-76.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse North Centre, seconded by the Honourable Member from Pelly River that Bill Number 13 be now read a third time.

Are you prepared for the quesiton?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the Motion as carried.

Motion Carried

Mr. Speaker: Are you prepared to adopt the title to the Bill?

Hon. Mr. McKinnon: Mr. Speaker, I move, seconded by the Honourable Member from Pelly that Bill Number 13 do now pass and that the title be as on the Order Paper.

Mr. Speaker: It have been moved by the Honourable Member from Whitehorse North Centre, seconded by the Honourable Member from Pelly River that Bill Number 13 do now pass and that the title be as on the Order Paper.

Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I declare the motion as carried.

Motion Carried

Bill No. 14, Third Reading

Hon. Mr. McKinnon: Mr. Speaker, I move, seconded by the Honourable Member from Pelly that Bill Number 14, An Ordinance to Amend the Elections Ordinance be given third reading.

Mr. Speaker: It have been moved by the Honourable Member from Whitehorse North Centre, seconded by the Honourable Member from Pelly River that Bill Number 14 be now read a third time.

Are you prepared for the question.

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

A Member: Disagree.

Mr. Speaker: I shall declare that the motion is carried.

Is it your wish that discussion be called?

Hon. Mr. Lang: Yes

Mr. Speaker: Madam Clerk will you poll the House?

Madam Clerk: The Honourable Member from Whitehorse South Centre?

Mr. Hibberd: Agreed.

Madam Clerk: The Honourable Member from Mayo?

Mr. McIntyre: Agreed.

Madam Clerk: The Honourable Member from Klondike?

Mr. Berger: Agreed.

Madam Clerk: The Honourable Member from Hootalinqua?

Mr. Fleming: Agreed.

Madam Clerk: The Honourable Member from Kluane?

Mrs. Watson: Agree.

Madam Clerk: The Honourable Member from Ogilvie?

Ms. Millard: Agree.

Madam Clerk: The Honourable Member from Whitehorse Riverdale?

Mr. Lengerke: Agree.

Madam Clerk: The Honourable Member from Pelly River?

Mr. McCall: Agree.

Madam Clerk: The Honourable Member from Whitehorse Porter Creek?

Hon. Mr. Lang: Disagree.

Madam Clerk: The Honourable Member from Whitehorse West?

Hon. Mrs. Whyard: Agree.

Madam Clerk: The Honourable Member from Whitehorse North Centre?

Hon. Mr. McKinnon: Agreed.

Madam Clerk: Mr. Speaker the vote is ten yea, one nay.

Mr. Speaker: The Yea's have it. The motion is carried.

Motion Carried

Mr. Speaker: Are you prepared to adopt the title to the Bill?

Hon. Mr. McKinnon: Yes, Mr. Speaker, I move seconded by the Honourable Member from Pelly that Bill Number 14 do now pass and the title be as on the Order Paper.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse North Centre, seconded by the Honourable Member from Pelly River that Bill Number 14 do now pass and the title be as on the Order Paper. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed.

Some Members: Agreed.

Hon. Mr. Lang: Disagree.

Mr. Speaker: I shall declare the motion as carried.

Motion Carried

Mr. Speaker: Bill Number 14 has passed this House.

Amendments to Bill No. 7, First Reading

Hon. Mr. McKinnon: I move, seconded by the Honourable Member from Kluane that the amendments to Bill Number 7 be read a first time.

Mr. Speaker: It has been moved by the Honourable

Member from Whitehorse North Centre, seconded by the Honourable Member from Kluane that the amendments to Bill Number 7 be now read a first time. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed.

Some Members: Agreed.

Mr. Speaker: I shall declare the motion is carried.

Motion Carried

Mr. Speaker: When should the amendment be read for the second time?

Amendments to Bill No 7, Second Reading

Hon. Mr. McKinnon: Now Mr. Speaker, I move, seconded by the Honourable Member from Kluane that the amendments to Bill Number 7 be read a second time.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse North Centre, seconded by the Honourable Member from Kluane, that the amendments to Bill Number 7 be now read a second time. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the motion as carried.

Motion Carried

Mr. Speaker: When should the Bill be read for the third time?

Bill No. 7, Third Reading

Hon. Mr. McKinnon: Now Mr. Speaker, I move, seconded by the Honourable Member from Kluane that Bill Number 7, Amendments to an ordinance to amend the legal professions ordinance be read a third time.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse North Centre seconded by the Honourable Member from Kluane, that Bill Number 7 be now read for a third time. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the motion is carried.

Motion Carried

Mr. Speaker: Are you prepared to adopt a title to the Bill?

Hon. Mr. McKinnon: Yes, Mr. Speaker, I move, seconded by the Honourable Member from Kluane, that Bill Number 7 do now passed. And that the title be as on the Order Paper.

Mrs. Speaker: It has been moved by the Honourable Member from Whitehorse North Centre, seconded by the Honourable Member from Kluane, that Bill Number 7 be now passed and that the title be as on the Order Paper. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare that the motion is carried.

Motion Carried

Mr. Speaker: Bill Number 7, has passed this House. May I have your further pleasure at this time? The Honourable Member from Pelly River.

Mr. McCall: Honourable Mr. Speaker, I move that Mr. Speaker do now leave the Chair, and the House resolve into Committee of the Whole for the purpose of considering Bills, Sessional Papers and Motions.

Mr. Lengerke: I second that.

Mr. Speaker: It has been moved by the Honourable Member from Pelly River, seconded by the Honourable Member from Whitehorse Riverdale, that Mr. Speaker do now leave the Chair and the House resolve into Committee of the Whole for the purpose of considering Bills, Papers and Motions. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare that the Motion is carried.

Motion Carried

Mr. Chairman: I now call this Committee to order and declare a brief recess.

Recess.

Mr. Chairman: I will now call Committee to order. This morning Motion number 24 regarding the Arctic Winter Games was moved into Committee. Mrs. Watson?

Mrs. Watson: Yes, Mr. Chairman. I'd like to state that I support Motion Number 24 completely and whole-heartedly, I think that it's time we gave a little bit of recognition to people who volunteer their services to help the administration carry out some program that they've embarked upon and I know in the past, when I was responsible for recreation that they virtually saved my bacon on more than one occasion with Sports Federation. And I think they have again come forward with the present Arctic Winter Games and have stepped in at the last minute, with no really fault within the Government itself, because they didn't know where the financial end of it, that the commitments they would have to make.

The Sports Federation again stepped in October to do the eliminations and plan the involvement of the Yukon. Do the actual day to day leg work that's required to make this type of thing successful.

The Motion itself, is very good. But I think it is lacking in one area. We are stating that the Yukon Sports Federation have made a commitment to provide an ongoing as well as a final and complete evaluation of the Arctic Winter Games. This is fine. I agree with. It will likely do it over a period of time and then have one final report for the government. Basically, their evaluation likely will be based on the objectives of the games, as defined in the first paragraph. The principle of bringing together of people, of similar geographic and social areas and of similar competitive abilities and aspirations. I'm sure their evaluation will be based along the lines of obtaining the objectives of the Arctic Winter Games and the involvement of the Yukon in the Arctic Games.

But I think there is a lack of direction to the government in this resolution. And therefore I am proposing that the following "be it resolved" be inserted. That be "it resolved number one, be it resolved that this Legislative Assembly give its whole-heartedly support to the Minister of Education and particularly to the Members of the Yukon Sports Federation in those undertakings."

My amendment would follow there. Be it resolved, that the Government of the Territory do an evaluation of all aspects of the Arctic Winter Games, with consideration of the Yukon Sports Federation assessment and also the financial commitment required to obtain these objectives. And then number three would be, be it resolved that this Assembly review all evaluations. By that which would mean the Sports Federation's evaluation tabled here, plus the government's evaluation. And then number 4 as it's stated.

Mr. Chairman: Is there a seconder? Mr. Lengerke? Do I have a seconder?

Ms. Millard: I second that.

Mr. Chairman: I might add that in order for adequate preparation for these games, the Sports Federation really requires a commitment now for subsequent games two years down the line from now. It takes that amount of organization to get the thing going and this must really be stressed. They do require this length of notice to be able to carry out their obligations.

Mr. Lang.

Hon. Mr. Lang: I agree with you Mr. Chairman, I think it is essential that after the Arctic Winter Games, the analysis is done of the Arctic Winter Games that we do an evaluation and see whether or not we are going to carry on with the Arctic Winter Games.

I personally, would like, once again to commend the Yukon Sports Federation for taking on this onerous task at such short notice. It fair to them at all and they have been—they agreed to take on the job and I understand that they are doing a very good job.

I also would like to assure all the members that an objective analysis will be done, all the evaluations will be compiled and they will be brought before this House to be discussed and decide the future of the Arctic Winter Games.

Mr. Chairman: Mr. Lengerke.

Mr. Lengerke: Mr. Chairman there is only one thing that bothered me, and maybe the Member from Klwane and the seconder of that motion would consider this. They put a date when the evaluation should be completed.

Mr. Chairman: I think that has been an undertaking that is already there, Mr. Lengerke.

Mr. Lengerke: What is the date for it to be completed?

Hon. Mr. Lang: The evaluation will take place after the games, understandably so, and then it will be brought before this House in the fall session.

Mr. Chairman: I think the Sports Federation and the department concerned, it is within the month, within the month of the completion of the games, they will be undertaking to come back with this report. Two months. They have two months, so there is a deadline on it Mr. Lengerke.

Mr. Lengerke: How about, with the motion made that the Government of the Yukon Territory also take that evaluation. I would like to see a date put on that. I would like to see a time frame so that it is reported back. Is there any objection to that?

Mrs. Watson: No, Mr. Chairman I would be very happy that we insert something in the amendment that requires the government to table their evaluation at the next sitting after the Arctic Winter Games. Now as long as it doesn't tie them down that if we are sitting in February that they have to table the evaluation in February which we know is impossible, but at the next Legislature's sitting after the Arctic Winter Games.

Mr. Chairman: These evaluations are to be tabled at the next sitting, at the sitting following the completion of the games.

The Amendment, moved by Mrs. Watson, seconded by Ms. Millard, "be it resolved that the Government of the Territory do an evaluation of all aspects of the Arctic Winter Games with consideration of the Yukon Sports Federations assessment, and also the financial commitment required to attain these objectives and that these evaluations are to be tabled at the next sitting of the House following the Arctic Winter Games."

The only amendment in section three is that the evaluation is pluralized.

Are you ready for the question?

Some Members: Question.

Mr. Chairman: Are you agreed?

Some Members: Agreed.

Motion Carried

Mr. Chairman: Mrs. Watson.

Mrs. Watson: Mr. Chairman, I would move that Motion 24 be moved out of Committee as amended.

Hon. Mr. Taylor: Mr. Chairman, with respect, Mr. Chairman, this is not the normal process. You do not move a motion out of committee. The motion has been referred to Committee of the Whole by the House and the Chairman merely reports that the motion was amended and also reports that the motion was carried in Committee.

Mr. Chairman: I will entertain a motion that the motion be carried. We have to deal with the motion in itself, we have not done that.

Mrs. Watson —

Mrs. Watson: Mr. Chairman, I would call question of Motion 24, as amended.

Mr. Chairman: Are you ready for the question?

Some Members: Question.

Mr. Chairman: Are you agreed?

Some Members: Agreed.

Mr. Chairman: Carried.

Motion Carried

Mr. Chairman: I understand that we have Mr. George Schreiber present with us this morning in the gallery regarding the report on Task Force of Asbestosis. I wonder if Mr. Schreiber would come forward.

Mr. Schreiber has made the long trip from Ottawa

so that we might hear more regarding the report of this Task Force.

Mrs. Whyard.

Hon. Mrs. Whyard: Mr. Chairman I think we are all thankful to Mr. Schreiber for making the long trip from Ottawa to give us some of his valuable expertise in this area.

If I could just do a very quick recap of what stage we have reached now with this matter it might refresh all our memories.

Sometime ago a task force was instituted at the request of the Commissioner of the Yukon and the Federal Minister of Health and the Minister of Indian Affairs and Northern Resources to look into the matter of a tolerance standard for airborne asbestos in mining plants and operations in the Yukon.

On the 24 of November the report of that task force was received here in the territorial government and it was tabled immediately, the following morning for the benefit and information of all members.

The members of that task force, chaired by Mr. Trevor, who is Regional Director of Resources for the federal Northern Natural Environment Branch of the Indian Affairs included Mr. Steve Homulos, the senior mining inspector for the Department of Northern Affairs, Dr. N.P. Connolly the Department of National Health and Welfare, who is our Chief Medical Officer. Mr. Gagan, the Department of Environment, Mr. G.R. Vincent from Cassiar Asbestos and Mr. Taylor, from Canadian Mine Workers at Clinton.

The recommendations after the outline of their studies which came in this report noted that a tolerable level concept is a matter for responsible regulatory policy rather than a precise scientific determination.

They went on to review the standards maintained in other jurisdictions for workers working with asbestos products. They noted that the existing standards used by Cassiar asbestos at both Clinton Creek and Cassiar Mines is 5 fibres per cubic centimetre, although this was not a statutory requirement at this time.

In other jurisdictions, in Quebec their Order-in-Council stipulates that no mine is to exceed for a period of eight hours an average concentration of five asbestos fibres longer than five microns per cubic centimetre. The effective date of that order will be January 1st, 1978.

A standard of five fibres is presently used in the United States but in July 1976, this goes down from the emergency temporary standard which was imposed in '72 and now it will be reduced to an eight hour time weighted average concentration of two fibres per milliliter on July 1st, '76.

The English standard of two is designed to reduce the risk of contracting asbestosis to one percent of those employees who have a life time exposure to the dust and it is based upon the only study so far, made in 1974, Mr. Chairman, of a population where it has been possible because of reasonable dust exposure records to relate clinical findings and x-ray changes to dust count.

This has been one of the problems which the task force here commented upon. The lack of medical records which have been kept for this specific purpose of identifying the hazard for workers in this industry.

The risk referred to in the English standard refers to accumulative exposure of one hundred fibre years per centimeter. That, is if a person worked in an asbestos dust concentration of two for 50 years, they would have less than a one percent risk of developing the earliest demonstrable effect on the lungs due to asbestos.

I am a layman in this subject and my understanding of this report, prepared by the task force for the Yukon's advice is that the two fibre count, which they recommend as the eventual standard for those operations now in existence, and as the standard which would be imposed today for any new operation opening, is a very safe level in view of the fact that most of the employees in these industries in the Yukon are what we consider transients in the fact that they do not stay for more than about two years.

The English standard is imposed because in those cases, most of these employees are lifelong mining employees and therefore the time factor is very important, when their exposure is considered.

There is a great deal of material available to us in addition to this study but most of it is very technical.

I have been trying to find something that would be at my level of understanding, and I have read the "Miner's Voice" of November '75 with news about their campaign against asbestos hazards for workers, where they point out that technology to eliminate asbestos dust from all work places already exist, although we have been given the impression it is very, very difficult thing to impose. Through proper ventilation dust can be eliminated. Until government acts to protect workers exposed to asbestos dust, the only real safeguard workers have is to police their work places themselves and demand a safe working environment.

The "Miner's Voice" goes on to say, "company efforts to insist workers use respirators and face masks are no solution. Companies like to require their workers to use them because it gives the illusion that something is being done. It is cheaper than installing proper ventilation, says the "Miner's Voice" and it puts the burden for safety on the workers instead of the bosses. In most cases the devices are ineffective and let the dust in. In some instances they may be dangerous because they may make it harder for workers to breath. That is the "Miner's Voice."

All through this weekend, Mr. Chairman, a various interesting article in the "Canadian Executive", October, 1975, which just reached my desk on Friday. I don't wish to belabour this point, it has a great deal of interest, but if I have your permission, Mr. Chairman, I would like to make a few quotes from this article because it is timely and I think authoritative. The title of this article is "Health and Safety, The Bill will be Huge". And it approaches the subject, of course, from management's point of view and I've just given the Union's point of view. I will just read very briefly under the subheading "Cancer Fears".

"The most dramatic examples of occupational diseases in industry today are problems linked with cancer. Coke oven emissions, asbestos, vinyl chloride, uranium, arsenic, and wood dust have all been headline grabbers as suspected or know carcinogens. Advances in medical diagnosis are helping scientists

and insurance claim boards to identify diseases which previously went undetected." And so we go on. "There are some ten thousand to twelve thousand industrial chemicals in use which haven't even been tested yet for their effect on workers because they are so new."

One of the first points they make here is that costs for Workmen's Compensation have nearly tripled in the last ten years, because of increased accidents and increased hazards which may be something we are talking about today.

And more types of diseases are being accepted by compensation boards. So the bill goes up. Health and Pension costs are pushing up the total loss. New, stricter guidelines for health and safety are forcing some companies to curtail operations or move and even shut down."

Canadian Johns-Manville Company Limited recently closed an asbestos mine in Northern Ontario, because the company found it impossible to comply with Provincial guidelines regulating the number of asbestos fibres in the air.

Last March nearly five thousand asbestos workers struck five Quebec asbestos mines, tying up about twenty percent of the world's asbestos production. The two main sticking points then and when this article went to press, were money and cleaner air in the mines and plants.

Now, gaining a true perspective on industrial health and safety in Canada today one of senior management's most difficult tasks. There are virtually no national statistics on occupational health and safety. Statistics Canada hopes to finish a rough draft of its first study of occupational disease by early 1976."

Now, Mr. Chairman, this has been one of our problems. We have been unable to find any statistics which would apply directly to our Territorial concern. "Worse, there are few national guidelines which clearly spell out what constitutes a health hazard in the work place. Instead, Mr. Chairman, there are 153 different, sometimes overlapping Federal, Provincial and Territorial Acts. In addition to the sixteen Federal, 118 Provincial and 19 Territorial Bills, there are a host of municipal by-laws to further complicate the situation. And there are no less than 78 agencies, 12 Federal, 64 Provincial and 2 Territorial to enforce and administer these acts. Now, I'll skip on quickly.

"Of all the industries under attack these days, the asbestos industry stands out as everyone's favourite whipping boy. The asbestos industry is being hit with health related strikes, criminal negligence suits, conflicting medical reports and constantly tightening regulations. So much has been written in recent months linking asbestos to cancer and respiratory ills, that we have practically lost sight of the fact that asbestos has saved countless lives as a fire retardant in homes and industry, not to mention its more than three thousand commercial applications," etc. etc. That's a plug. "Still the hazards of asbestos dust are real and cannot be ignored. As far back as 1917, many U.S. and Canadian Insurance Companies were refusing to insure asbestos workers. More recently medical studies have linked asbestos to lung cancer — and cancer to the larynx and gastro intestinal tract as well as white lung or scarring of the lung tissue and a crippling form of white lung known as Asbestosis.

Opinion varies widely on the dangers of asbestos dust in the working place. A study of male laryngeal — " is that right Dr. Hibberd? — cancer patients at Toronto General Hospital in May 1974, by a University of Toronto research team, revealed 23 percent of the victims had been exposed to asbestos at sometime in their lives." Twenty-three percent. "Many medical authorities are beginning to suspect that asbestos related health problems can show up five to fifty years later, after only a few days exposure to the material. Dr. Irving Sellicoff, Director of the Environmental Scientists Laboratory at New York Mount Sinai School of Medicine and one of the world's leading authorities on asbestos related diseases claims if there is a safe level of exposure to asbestos dust we don't know what it is.

Mr. Chairman, as far as I am concerned that erases the time weighted factor in any regulation regarding working in asbestos floating air. I go on. "According to Sellicoff asbestos fibres enter the body and remain there acting like a time bomb showing up as cancer twenty years or more after the onset of exposure. He predicts Canada will be hit with an epidemic of claims in the next 15 years from thousands of asbestos workers exposed to high levels of asbestos dust in the 1940's, 50's and even the 60's when dust control in the mines and manufacturing plants was a lot more slack.

"Some of the statistics coming to light are shocking. A preliminary report issued by Mt. Sinai School of Medicine Research team," now that is the same background as Dr. Sellicoff we have to consider this as still only one authority only. After a two years study of conditions at Stratford Mines in Quebec showed big trouble on the horizon for the Asbestos company.

"The study claimed that 61 percent of the asbestos workers with twenty years or more service are suffering from lung abnormalities. 52 percent were afflicted with asbestosis. 75 percent of those with 40 years or more service had lung diseases. Most had been exposed to high levels of asbestos dust. Today government and company officials are keeping their fingers crossed that new guidelines will minimize the health risk that might show up twenty years from now."

Now about guidelines. "Guidelines restricting the number of asbestos fibres in the work place are primarily set by the provinces. Ontario's guidelines which set the maximum amount of fibres over five microns in length at two fibres per cubic centimeter there are among the strictest in the world, only Britain matches these figures.

"In Quebec where 80 percent of Canada's asbestos is mined, Canada produces around 43 percent of the world supply, the government is demanding industry reach a five fibres cc max by 1978 from a level of 12 fibres per cc.

"The other provinces or territories have either established a standard of five fibres or are moving toward it." Now, there is a great deal more here, but if I could, Mr. Chairman, use a couple more.

"Just how dangerous is asbestos? Mount Sinai's Doctor Nicholson recently completed a study which indicated that lowering asbestos dust levels decreased the incidence of asbestosis, but did not lower the incidents of cancer.

"Another Mount Sinai study suggested that family members of asbestos workers may be receiving harmful exposure to the fibres from dust carried home in the workers clothes and hair. Some researchers are now beginning to worry that dust particles below five microns in length, which are not even monitored under current systems, may be harmful as well. The big gamble for management rides on whether or not their advisors and experts are correct in predicting that the worst is nearly over in the fight against asbestos related diseases.

"Workmen's compensation boards in Quebec and Ontario are accepting more claims and paying higher awards to asbestos victims," and so on.

We get into the legal situation where you get a good lawyer and how they go about it.

There is one more paragraph, "second guessing medical science government regulations union and community demands has become a monumental headache for senior management. It is practically impossible to cover all the basis, or prethink all the possible things that could go wrong in any one particular industry. Still maintaining health and safety in the work place is management's responsibility and if things go wrong it is the company that ends up paying.

"Business will have to pay more attention to worker health and safety in the years ahead."

Finally they quote Mr. Bill Corral, Director of Industrial Relations for the International Nickel Company of Canada who says, "legislation cannot be the leader. It can only be standards by which you operate. You have to look at your own operation and really decide morally and legally whether or not you are being a good corporate citizen. It is not, there is no way you can expect to make a profit on a continuing basis."

Now I am sorry to have taken that time, Mr Chairman, but I find that a little bit of background is very helpful to me. The only other thing I wish to bring before you, without delaying out witness, is the report, it is not actually a report it is an advance copy of a notice of proposed national emission Standard Regulations for the asbestos mining and milling industry, which is to be Gazetted shortly in Ottawa.

This regulation will be prescribed by the Governor-in-Council under the section of the Federal Clean Air Act, which deals with control of air contaminates that present a significant danger to the health of the general public. We were given a copy of this by the Deputy Minister of Environment Canada on November 24th, there will be a 60 day period when the federal officials await comment from provincial and territorial jurisdictions.

The requirement specified in this Emission Standard Regulation were developed by a task force comprising representatives of the federal and relevant provincial governments and the industry. It was considered expedient to first deal with the four sources of emissions covered by this proposed regulation. They are the crushing, drying and milling operations and dry rock storage. The task force is currently developing requirements for the balance of the sources of emission from the industry. At the end of the 60 day period following publication the nature and the extent of the response to this announcement will be analysed

to determine what changes are required before final promulgation.

Mr. Chairman, I think we would all be interested in the standard which that federal task force has arrived at.

When you read through the short title and interpretation of the regulations application, emissions standards: "the concentration of asbestos fibre emitted into the ambient air from crushing, drying or milling operations or from dry rock storage at a mine or mill shall not exceed two asbestos fibres per cubic centimeter measured undiluted in accordance with the method described in Department of Environments Report, E.P.S 1-A.P.-75-1, standard reference methods for source testing, measurements of emissions of asbestos from asbestos mining and milling operations or in accordance with such other methods as the Ministry may approve from time to time."

Now that, as I understand it, Mr. Chairman, is the standard which the federal task force will have gazetted as a regulation pending comments and reaction.

Now I have no intimation here as to when that standard would be in force. Perhaps Mr. Schreiber will be able to enlighten us on that.

I want just one final point here, I want to draw the attention of all members to the fact that in the United States there was a lead time of four years given, from 1972 until 1976 when the two fibre standard will be imposed as a statutory requirement.

I am not rising here today to defend one side or the other of this question. We have had Mr. Trevor here tell us that in his opinion, it is impossible for any company now in production to install the required technical apparatus which would even begin to measure air tests under the two fibre.

I have that opinion to go on. I have my own reaction to what I have read and what I have been told which is not an official one in any way. It is simply a gut reaction to the fact that if there is any possibility that by working even one hour in an asbestos mill I am going to suffer a serious disease in later years, I want to know and I think any employee is entitled to know.

Now Mr. Chairman, all I have done there is air my own problems and perhaps some of them have been those of other members. It may give Mr. Schreiber some intimation of the kind of information I need, if not all other members. Thank you, Mr. Chairman.

Mr. Chairman: Thank you, Mrs. Whyard. Mr. Schreiber we would welcome your comments.

Mr. Schreiber: It is hard to tell exactly where to start. As you all probably know, our Honourable Minister Marc Lalonde has proposed and written to each of his provincial counterparts that they do the utmost that they can to accept this fibre standard of two fibres per cc.

It would probably be worth while if I just read the letter that he did send out to the provincial ministers of health.

"Mr. Dear Minister. As you are aware it has long been known that there is a relationship between exposure to asbestos dust and respiratory illness.

More recently it has been learned that asbestos appears to have carsimogenic effects when it is inhaled. I am concerned about measures taken in Canada to protect workers against health hazards associated with asbestos.

For this reason I suggest that each of us should re-examine within the areas under our jurisdiction the adequacy of regulations and control measures for the prevention of risk to health with respect to asbestos.

My department has recommended the adaption in areas falling under federal authority of the "Interim Target Concentration" for maximum levels of asbestos fibres in air recommended in the February 1974 by I.L.O., "which is the International Labour Organization.

"This would require that the time weighted concentration of airborne asbestos for an eight hour day and a forty hour week should not exceed two fibres of 5 microns or more in length per millimeter of air as determined by the membrane filter method at 400 to 450 magnification," et cetera, et cetera.

I think that this information was proposed and brought to light by as Mr. Lalonde says by the I.L.O. work, by work that is being done within the department of health and Welfare and by a recent task force to assess the incidents and the problems associated with asbestos exposure in Canada.

Those three inputs lead to Mr. Lalonde writing to his counterparts and suggesting this standard.

Hon. Mrs. Whyard: Could I have the date of that letter from Mr. Lalonde.

Mr. Schreiber: April 9th, 1975.

Now this letter was also transmitted to the Minister of Indian and Northern Affairs. Now, whether it has reached this level, I can't say for sure, at all.

Hon. Mrs. Whyard: Mr. Chairman, just as a matter of interest I don't have that letter on my file.

Mr. Schreiber: The acting Director of Environmental Health Directorate within the Health Protection Branch also on April 30th, 1975 wrote to Mr. Duer who was assistant Deputy minister of medical services branch and notified him of the Minister's concern and that the Minister recommended the adoption of the I.L.O. standard in areas under federal jurisdiction.

This letter has been drafted concerning related matters about asbestos, which is expected that the Minister will send to his counterparts in the provinces, copies are attached for your information.

Now one of the things that is of particular concern to us is the theory of the threshold limit concentrations. I think it has been clear that what we have been working on is limited evidence taken from British experience in 1968. The concept of the threshold limit is not that there will be no one that will be exposed to the disease process but you are talking about accepting a risk and you are talking about a risk taking concept.

The British have arbitrarily decided that they will accept a one percent risk of asbestosis. If you do some statistics on this it shows that given their standards you can work out some limits of confidence and you are

probably talking about a one to three percent risk of asbestosis.

However, one thing also becomes very evident is that we are not talking about risk of carcinoma. At present there is no known safe to protect the worker against carcinogenic risks from asbestos. It appears that short intermediate exposures or short high exposures will bring on cases of mesothelioma twenty thirty years in latent period.

We all read in the newspaper about, for example, the incidents in Toronto, a young girl brought her father's lunch to Johns-Manville plant and 30 years later developed mesothelioma. I think some of these are alarmist type statements but they do indicate that there is ample evidence to show that levels of very low exposure will induce mesothelioma. They will also induce bronchogenic carcinoma. When we are talking about protecting the work force we are talking about the standard of two fibres per cc., we feel, or the Health Protection Branch of Health and Welfare feels that if you do reduce the level to two fibres per cc. you go along way to reducing the exposures that are contributing factors to bronchogenic carcinoma, mesothelioma and lately gastrointestinal cancers has been linked to asbestos exposure.

For that reason we have recommended the adaption of two fibre per cc.

Recently, in the October 9th, 1975 U.S. Federal Register, Department of Labour, Occupational Safety and Health Administration, occupational exposure to asbestos, there is a notice of proposed rule changes. In the U.S. now based on carcinogenic risk, not asbestosis risk they are proposing to lower the standard to point 5 fibres per cc.

One thing I should say is I say 2 fibres per cc. or point 5, I am always talking about eight hour time weighted average. Also when we speak about regulations we really have to define what we are looking at under the microscope as far as the asbestos particle. Something I did not see in the task force report here.

I think we have to be very careful that we are talking about certain length characteristics and certain length to width ratios. I think these are things, that if you are considering legislation that have to be written in to be very clear what we are talking about.

Just from my point of discussion I am always talking about 8 hours and I am always talking about fibres of 5 microns or greater with a length to width ratio of three to one, just as common technology.

Now as I say they are proposing based on carcinogenic risk to reduce the stand to .5 fibres per cc. This is based on several factors including the familiar exposure of asbestos workers where mesothelioma and bronchogenic carcinoma have been found in families of workers, asbestos workers. It has also been based on further re-evaluation of the original British Industrial Hygiene Standard where they found that now, seven years later, that there are cases of asbestosis. It is also based on improved clinical definition of asbestosis.

They found that the standard now of two fibres per cc does not seem to protect, as much as previously was accepted, against asbestosis.

They are proposing a much more stringent stan-

dard than we are talking about. This is in the Federal Register and it is open to discussion including economic impact statements, and the industry has to respond to it yet.

In this there is quite a very good discussion. I think Ms. Millard brought it out in the discussion that I read in your minutes of December 1st, there are some points here that are well worth considering.

I think the question that we have to ask ourselves when we are considering asbestosis and asbestos related diseases, is just how much risk are we willing to accept. Of course if we are willing to accept no risk, then you are talking about no asbestos industry. I think you have to try to define a standard that offers you maximum protection and steps that do offer you maximum protection, respirators, legislation on protective clothing, all of these things have to be looked at in proper perspective.

I continue on with analysis of the data that would bring you to the conclusion that you might lower the standard, but I think that one of the problems that exist now, is that a lot of the evidence is epidemiologic in nature. And epidermal data, as an epidemiologist is always subject to contravarsy, because we can never show definitely that for example, if you smoke you are going to get cancer. And until we can come out with some kind of proof like that, where we can run rats through a maze and they all get mesothelioma. There is always a certain group that doesn't accept the evidence and the evidence of course, is open to controversy. But based on the number of studies in a number of countries, I think that there is no denying at this point in time, that there are associations with low levels of asbestos exposure, mesothelioma bronchial carcinoma and perhaps cancer of the digestive system. Now, I think the latter is probably the most sketchy, but it does appear now that there is definite associations.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Yes, Mr. Chairman, the discussion this morning is most interesting and the first question that arose perhaps, has been answered. I noted in the description of the Honourable Minister's letter to the Provinces, that he was desirous of threshold limit value I believe that was rated in millimeters. My question was how it related to cubic centimeter and I think it has been answered. Is there a desired date, or has the Minister expressed a desired date for Provincial Jurisdictions to have fully implemented a threshold limit value of two cubic, or of fibre per cubic centimeter?

Mr. Schriber: I don't believe so and one of the problems is that the Federal Governments as you know, has no jurisdiction over occupational health or very little jurisdiction over occupational health. Only in those segments that come under the Federal domain. And therefore, he can only recommend to the Ministers a standard. It really doesn't make too much sense for him to recommend a time interval since that they can either accept or reject his recommendation. But he has recommended this.

In the interim report of the Asbestos Working Committee, I'm sorry, the Asbestos Working Group, one of the recommendations is that there is uniform early acceptance of a maximum tolerable standard. Now this is maximum tolerable standard is the same as threshold limit value. But one of the things that should be brought to mind, is that threshold limit value should only be used as a guideline.

What is really desirous is to reduce the level of exposure to the working population to as low a level as practically possible. For that reason, the Task Force, decided that they would use maximum tolerable standards and that this standard should be based on best available scientific criteria, and subject to revision. In that light, there will be continue review as new evidence becomes available to suggest to the Provinces and the Territories what level should be acceptable, and what levels are found acceptable. What the effects are in countries that have levels.

Hon. Mr. Taylor: Mr. Chairman, I just had one other question. It relates to the recommendations contained in the report of the Task Force on tolerance standards so forth. And recommendation 62, to allow reasonable time to adjust to a substantial reduction in the present operating standards. Existing operations should meet a standard of five fibres per cubic centimeter until July 1st, 1978, at which time they should comply with the 2 fibre per cubic centimeter standard. This obviously, this recommendation takes into account the fact that we have an existing asbestos industry and would give them sufficient time to, shall we say, clean up their act.

I would just like to know Mr. Chairman, just what the reaction of this proposal would be to the witness, or does he indeed have any reaction to it?

Mr. Schreiber: Strictly a value judgment and based on my concern for health. I have a briefing paper based on the study that Health Protection Branch did, the first survey that was done at Clinton Creek.

The recommendation is that we feel, or the people that did the study feel that, if proper steps are taken that there should be no problem for the company to reach a two fibre per cc level of emission. I'm going by perhaps one of the best industrial hygienist in Canada, Mr. Jack Windish, who has done numerous mine safety studies for the Federal Government.

My concern would be that, given that we know that low levels of exposure do contribute bronchogenic carcinoma and mesothelioma, are we willing to accept the risk of two more years or three more years to a work force.

Myself, I would like to reduce that risk as much as possible, and my own feeling would be to push for a level of 2 fibres per cc as soon as possible and try to help the industry meet that level. There are a number of things that can be done. Educational programs, there are warning signs, there are proper use of respirators, what respirator should be made available, under what condition should they be used, and to show them good housekeeping. Now if I can find the statement here, my briefing statement on our Clinton Creek study says and I'll quote "Although many of the

levels found in our survey at Clinton Creek exceeded this recommended level," now the recommended level we're talking is 2 here. "Modifications in housekeeping and operational methods as well as improvement in the application of local exhaust ventilation systems, are expected to reduce the airborne concentrations of asbestos to the desired level. It should be borne in mind that the levels we have found in our survey are not grossly in excess of the very stringent standard my department is now recommending and that the average level we have found in the air at the mines at Clinton Creek, are generally below those we would have considered acceptable even a few months ago."

So I think that there is probably considerable room for improvement there. Not having been to the plant and seen the operation, I, of course can't say what the improvement should be right away. But this briefing statement is the briefing statement that was prepared for Mr. Lalonde in replying to questions from the Honourable Member from New Westminster.

Hon. Mrs. Whyard: Mr. Chairman, I think we are getting down to the nitty-gritty here now. This is what we are all most concerned about. We are currently operating under a five standard. The Task Force has said we should implement the 2 fibre standard, but for ongoing operations they will be given a two year lead time to install the necessary technical equipment whatever.

When we were discussing this matter in Committee earlier, Mr. Chairman, we had with us Mr. Bryan Trevor, and I think it was the Honourable Member from Ogilvie, who directed a question to him regarding what the daily standards are now and how far off they are from the 2 fibre standard. Whether or not this 2 fibre standard were imposed now, it would be, in effect, a close down order to that particular operation. I recall, the reply we got from Mr. Trevor that day said that most of the tests right now, are within the 2 fibre limit. Correct me if I'm misinterpreting that statement.

He went on to explain that if you go under the 2, and I could understand this, the smaller the amount involved, the more difficult it is to control and if you get down to point five which is the ultimate or zero goal, it would be almost impossible to prove that there were .5 or 0 fibres in so many cubic centimeters of air. But my impression that day, Mr. Chairman, was that we are pretty well at the 2 fibre level right now in control in that company. If so, Mr. Chairman, I wonder why they have to have two more years to bring it down to 2.

I think this is the point we are at in this Committee. If it were my decision to make, I would say, all right, you're that close, you can do it. It's 2 as of the first of July, 1976, as in other jurisdictions. We haven't been able to get a time frame for the Federal regulation under the Clean Air Act. I'm not sure when that will be imposed. There is a 60 day time for reaction and feed back after its gazetted which would be January 24th plus 60 more days. So maybe we're looking at the same general time.

Mr. Schreiber: I think, Mr. Chairman, the thing that is of particular concern to us in Health and

Welfare is that most of the industrial countries now, are accepting this two fibre per cc standard. The U.S.S.R. has a standard which is equivalent to two fibres per cc roughly. The I.L.O. has a standard. The U.S. as you see is going more stringent. Ontario has a standard of two fibres per cc.

I understand British Columbia is now considering a standard of two fibres per cc. Saskatchewan has taken another track. Saskatchewan is not proposing a standard by Saskatchewan is saying that all practical measures have to be taken to reduce asbestos exposure to as low a level as possible.

The Chief Medical officer was telling me they went to a plant that was having an exposure of point 3 microns per cc and they then made the plant institute controls which has reduced that subsequently to point one fibre per cc. They are very concerned, not with asbestosis, but with mesothelioma.

I think another thing that becomes evident is that when we are talking about asbestos they are not just talking about the mining community, we are talking about other sources of exposure. What happens to the bags of asbestos that are trucked out of the mine and the depots break along the way and the drivers or the depot operators are exposed.

Are there other uses of asbestos in the Yukon that result in exposure, for example, in the spraying of insulation material, are there regulations that prohibit the use of asbestos.

There are three thousand uses of asbestos. In our report we recommend other things that we think are critical, for example, labelling. Labelling of products that have the potential to release free asbestos fibres to notify people that they are at exposure. It has been very recent that you could go down to a place like Canadian Tire and buy a twenty pound bag of asbestos and go home and do with it what you like.

I think these are concerns and that we should — when we are considering recommendations and regulations that we should extend it not just to the mining community, because it has been shown that for cancer risk, it appears that the manufacturing processes and construction industries, particularly insulation workers are at more risk for mesothelioma and bronchogenic carcinoma than even the miners. This could be because they are exposed to smaller asbestos particles and it appears that the smaller particular size is related to cancer rather than the bigger size which seems to have a dose response relationship to asbestosis.

Mr. Chairman: Mrs. Whyard.

Hon. Mrs. Whyard: Mr. Chairman, I just wanted to inform Mr. Schreiber that this question of related areas has already come up for discussion in this House and in Committee. The Honourable Member from Klondike was concerned, for example, about the hazards of exposing workers in the transport of the product from the mine to the railhead etcetera. One of the recommendations of our own task force is that the territorial government should investigate possible exposure hazards related to asbestos in areas outside the mining operation, for example, under tran-

sportation.

As you have said there are untold numbers of other areas where there could be a hazard. Asbestos products are used in play schools, in classrooms all over the place.

One of the criticisms that we heard here, Mr. Chairman, was that the national authorities, or the Canadian government in some shape or form has been sadly lacking in any particular research in this field until very recently. Our Chairman of the task force referred us to your department for information, his department doesn't have the information you have got.

Can you give us just a moment or two and try and reassure us that someone is actually working on this and we are going to get some facts and figures in the near future?

Mr. Schreiber: One of the problems within the federal government is jurisdictional authority and until recently it hasn't been clear who has the responsibility for such areas as occupational health. Hopefully this has been clarified in the last several months in that there has been an accord reached between the medical services branch and the health Protection Branch within Health and Welfare.

We have the responsibility now for research and the primary—we, the Health Protection Branch have the responsibility for primary provincial contacts, research in occupational health and advising on standards and criteria.

In that line, we are instituting several programs where we are looking at occupational exposures to a few of those ten thousand that you mentioned from the Executive Magazine. There are many occupation health problems that do exist in Canada, but the problem is jurisdictional. They belong—Health is the right of the province and it is just not clear what authority the federal government has in some of the health areas.

We do have several experts that are continually reviewing the data. We try to review all of the literature as it becomes available on asbestos and asbestos diseases to try to advise the Minister and others what the hazards are. We are in continual contact with the provinces now to see what their thinking is along the lines of standards and criteria and if any new information becomes available for them. The National Health Grants are funding several studies to study asbestos workers, mostly in Quebec.

There are also epidemiological studies proposed to look at specific groups of asbestos workers. The task force or the working group on asbestosis, and asbestos related diseases, I think was a first step. In 1974 there was a sub-committee of environmental health formed. This is now part of the new advisory committee structure for Health within the federal government. The Conference of Deputy Ministers now has an advisory committee structure and there are four main advisory committees. One of the Advisory Committees is the Advisory Committee on Community Health. This has a sub committee, a sub committee on environmental health. Now within the sub committee there are a number of working groups. One working group which had its first meeting last month is a

working group on occupational health. There was this working group on asbestosis and there were several other working groups, radiation protection. These now are taking an active look at just some of these problems and will come put with recommendations, hopefully to identify, one, what the problems are.

There are real problems, for example, in the industrial situation in documenting who is at exposure so that we can even compare rates for different industries.

It doesn't do much good to identify several cases of a disease and talk about this disease being industrial related until we even know who in the industry is being exposed. So we have recommendations to require registration of workers. We have labelling recommendations, warning signs for the occupational health situation for the work place.

Now I think that there is a concerted effort being taken and a redirection of resources in the area of occupational health.

I hope that we see a lot more activity in this area.

Mr. Chairman: Mrs. Whyard.

Hon. Mrs. Whyard: Mr. Chairman, I am grateful to Mr. Schreiber. If he has done nothing else in coming all the way from Ottawa he has given us a mandate to proceed on our own, because obviously it is up to us.

The second thing he clarified, and it is a fact that most of us are dimly aware of is that jurisdictions are fighting with each other for control of every little bit of our environmental pollution, health or whatever.

The third thing, Mr. Chairman is that this report prepared by our own task force begins to look better and better because there are a number of recommendations in this report which you have just made as well.

I think the people that sat on this task force and did this job have done a creditable job. They have passed the baby to us. It is up to this Assembly to say what they want done now in regulations. We can't draft the regulations in this House, but we have competent people in other departments who can.

There was just one other thing I wanted to say Mr. Chairman, and I know we are running close to noon hour.

There has been no one here at any of our discussions to speak on behalf of the manufacturers or the miners of this product. I want to say publically that I mentioned earlier a booklet which Cassiar had published without anybody making it a statutory requirement and I would just like to introduce it into the record today. I think I would be applying to a question from the Honourable Member from Ogilvie.

They have gone to some trouble in this booklet called "Cassiar," which was recently published to describe the health hazards of working in an asbestos environment. They have the technical information here about the three types of disease which you are vulnerable and the safeguards that should be taken in order to protect your health.

They have outlined the steps they are taking as management to try to assist in this. I think they have made a comprehensive approach to the subject on

behalf of their employees. I don't know how much it is costing them, it doesn't say.

I do not think it is fair to leave a one-sided record in this debate implying that no steps have been made by industry because they have.

There is only one other thing that we haven't hit here Mr. Schreiber, and Mr. Chairman and that is the real intensifying factor of smoking in all these diseases. I could quote that one for quite a while. As Minister of Health and as a recent non-smoker, I have to stress that it is very serious. The figures have shown in all the studies that smokers who are working in any of these environmentally hazardous industries are simply compounding the evils not just asbestos it is in other areas as well.

I think Mr. Schreiber has been very helpful this morning and I would like to have a little time left for other members to question him, Mr. Chairman.

Mr. Schreiber: Mr. Chairman, could I make one comment on your last comment. We realize that smoking is probably more of a risk than any other factor, particularly in asbestos. One study has shown that asbestos workers that smoke have roughly 92 times the risk of bronchogenic carcinoma, lung cancer as the general population, or probably ten times as much as other studies have shown.

We are talking about an increased incidence of ten to ninety times the lung cancer for asbestos workers that smoke versus the general population.

Realizing this, the working group on asbestosis made a recommendation. Our recommendation number 3. Realizing the greatly increased risk of lung cancer, blessed with asbestosis with smoking and asbestos exposure, non smoking should become a condition for employment occupations exposed to asbestos. Every effort should be made to dissuade current employees from smoking. In this light, the Union in Newfoundland in the asbestos mine, has negotiated with management to give a bonus to non-smokers. And now I understand there is a plan under way where non-smoking employees get a bonus for working in the mine versus those that don't smoke. And probably in the long run, it's well worth the company's effort, since it's probably a lot less than they would every pay out in Workmens Compensation.

Mr. Chairman: That sounds like out right discrimination, Mr. Schreiber.

Hon. Mrs. Whyard: Just one more question, Mr. Chairman. We have in the gallery, Dr. Connolly, who was a member of the Task Force, and I understand that he agrees with the report of the Task Force. My only question, Mr. Chairman, is whether or not he has observed anything this morning that he would like to say that's been left out.

Mr. Chairman: I think there are several questions that members of Committee would like to continue with. As it is now noon, I wonder if Mr. Schreiber could, would it be convenient for you to come back at 1:30?

Mr. Schreiber: Fine, I will be here until tomorrow

afternoon. Dr. Connolly could come as well. Before we recess I have a notice here from Mr. Fitzgerald of the Game Branch. In which he extends an invitation to all members to see a 15 minute presentation on the Old Crow project, regarding waterfowl, river survey of falcons, etc. Mr. Fitzgerald suggests 1:30 p.m. today in the basement of the Game Department building. I don't think that is a convenient time for us. There are two things to consider. One, do we wish to have this and 2, when? What are the feelings of Committee?

Mr. McCall: Is tomorrow more convenient for us?

Mr. Chairman: Well at least I can tell Mr. Fitzgerald that 1:30 p.m. today is not convenient.

Some Members: Agreed.

Mr. Chairman: Committee now stands recessed until 1:30.

Recess

Mr. Chairman: I now call this Committee to order. We have with us this afternoon as witnesses, Mr. George Schreiber and Dr. Mike Connolly, the program's medical officer of the Yukon region. And also chief medical health officer to the Yukon. Mr. Lengerke.

Mr. Lengerke: Mr. Chairman, I have a question which I would like to direct to the witnesses, either one of them can answer. It's pretty basic, but I'm assuming that we set the limits at 2 fibres per cubic centimeter. And assuming that we beef up our appropriate legislation with respect to such things as ventilation, special equipment, clothing, awareness and publicity, etc. In the Yukon, can these limits be practically measured now? Could you maybe tell me what equipment is required with respect to the mine, to the government, the staff that would be required, the costs involved and availability of such equipment at this time?

Dr. Connolly: We can attempt to provide you with the answer on the best of our knowledge. I think we should qualify it from the onset that there are very definitely people that are better qualified to give you such comments about equipment and about the cost of employing the individuals. My comments will be rather general.

The equipment available to measure to a reliable extent, fibre level if it is at 2 fibres per cubic centimeter is available. There are individuals at Clinton Creek who are present continually and I think there are two such individuals who are doing spot measurements throughout the mine at the present time. At the present time I would have to say this is adequate. There are spot checks that require additional members of the labour force. These would most likely be, to do with the people who were actual enforcing the legislation. They would have to do spot checks and you could also determine how frequent like, possibly three times a year or four times a year.

The time consuming portion of the survey is actually the microscopic work. There is a limit as to how long an individual can do it. Usually when they are starting they can do it for say two hours. It's a considerable strain if you have been at it for a while sometimes you can extend this to six hours. There is a real limit as to how many tests you can actually read in the one day. It is a factor that has to be considered. It's not outside of the possible realm.

Mr. Chairman: Ms. Millard.

Ms. Millard: To answer something that came up about an hour ago, but I think it is still relevant. On behalf of Cassiar Asbestos, I'd like to say that they are now receiving about a 2.5 level fibre per cubic centimeter level, but their real problem is in the winter time, because a lot of control of dust conditions are done by water. And of course, in winter when it's 60 below, this is almost impossible. They also have a problem with the heating system in the winter, because it is not practical for them to bring in fresh air to their heating system because it is so cold. Those are things which I think that can be overcome, but those are the positions that the company is in at the moment. I think that it is only fair that we should mention that they do have many problems that we haven't considered.

I would like to hear the witnesses comments on two general areas. One is on the assumption that the people at Clinton Creek are so transient, that it really isn't so important as it would be for a person working in a factory for twenty years of his life continuously. I wonder if we could hear further comments on that from our witnesses particularly in the area of cancer producing fibres.

The second area that I am interested in what can be done and what has been done in the several areas that will not cost the mine any money as far as I'm concerned, or if it is, it's very little and that is in the area of education of the employees. In the educational area about smoking or health regulations, washing, cleaning, showering after work. How to protect their family? In other areas there are health information and health records are very important especially in our witnesses field.

Also in the methods of working within the mill and the mine, are there certain specific areas that have been investigated in the method of handling asbestos and other aspects of that area.

Also in clothing and respirators, is there any research been done on the kind of respirators that are being used at Clinton Creek. Are they adequate, if they are not adequate, are there standards set somewhere in the world that we can use for respirators. I know that is a pretty big bill but I know that generally speaking there are a lot of things that can be done at Clinton Creek that do not entail installation of large machinery and cost and could be implemented certainly in the next six months.

Mr. Schreiber: Mr. Chairman, addressing the question of the transient nature of the work force, I think that there is probably no doubt that when you are considering asbestosis, you can start to consider the fibre years concept and perhaps there the tran-

sientness of the work force becomes a considerable factor. However when you are considering the case of mesothelioma it appears that short dosages of asbestos over short periods of time, are sufficient to produce mesothelioma in the work place.

As I stated before the British standard of two fibres per cc is based on the assumption that you are willing to accept a risk of one percent of asbestosis. We do not at this present time have a standard that we can say will absolutely eliminate the risk of mesothelioma or lung cancer, but that if we do reduce to a level of two, we probably are also in effect reducing the exposure, so that we hopefully, will be reducing the levels of mesothelioma and lung cancer.

As far as some of the other points, I think there is an awful lot that can be done as far as protective clothing, respirators. There are groups now, particularly in the States that we could look to for guidance in what acceptable respirators and limits of filtration would be.

I think that is not too soon to start addressing them and seeing under what conditions respirators should be worn and what some of the problems are. I think you are more than aware of what some of the difficulties are in making people wear respirators. They are uncomfortable, they are constrictive. Generally people don't like to use them. I think if the whole educational program that is needed. I think the educational program, no matter when you decide to implement your standards should probably be instituted as soon as possible.

This could include warning signs in the work place, labelling requirements, which by the way Consumer and Corporate Affairs is considering for asbestos containing products. These things should probably be implemented right away.

Mr. Chairman: Mrs. Watson.

Mrs. Watson: Mr. Chairman, I have one question. It is more basic and it doesn't specifically relate to the Clinton Creek situation.

In your presentation this morning you said that even with low levels of exposure of asbestos there was a danger of the cancer risk. You specified the disease as cancer of the tubes of the lung, cancer of the lining of the lung and abdominal cavity, cancer of the gastro intestinal tract.

I believe, you also mentioned I think it is a known fact that there was a relationship between smoking and cancer. There is a cancer risk with smoking.

My question is where is the risk the greater, the person who smokes constantly from the time they are a young juvenile and smokes heavy, or is an average smoker until they probably die of cancer in the long run, or the person who has low levels of exposure of asbestos? Now the person who has the low levels of exposure to asbestos is a known smoker. Where is the danger, where is the cancer risk the greater.

Mr. Schreiber: I think that we are looking at different types of cancer sites. There is no doubt that the overall risk to the general population of cigarette smoking produces adverse risk for cancer of the lung. However, there has been no indication that smoking is a contributing factor to mesothelioma. There is also no

indication in the literature to my knowledge, that smoking increases the risk of cancer of the G-I tract. It is a little bit hard to postulate increased rectal cancer from cigarette smoking. It is just one of the mechanisms.

When you are considering the two, I think you have to break it into two different parts: One lung cancer and the other cancer of the G-I tract and mesothelioma. There is no doubt that the three are related to asbestos exposure.

I think you are definitely right that if you are considering lung cancer then the risk to the general population is much greater. Lung cancer is also greatest in the people that smoke that are exposed to asbestos. They have a compounded risk. The compounded risk is probably a lot greater than either factor taken singularly so that the person that smokes and is an asbestos worker has a much greater risk than either the person that smokes or the person that is the asbestos worker.

I think that, when you are looking at regulations you have to look at the different forms of cancer separately.

There is no doubt that mesothelioma, for example, runs roughly one or two cases per million in the general population whereas in some of the studies, death from mesothelioma in asbestos workers are running ten percent.

One case per million versus ten per hundred is quite a difference. I hope that answers the question.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, I have a little problem because I don't have the medical background, I suppose, but there is a cancer risk of cancer of the lungs connected with smoking, am I correct on that?

Mr. Schreiber: Yes.

Mrs. Watson: There is a risk of cancer of the lung, not the other cancers that you mentioned, but cancer of the lung with a person who has exposure to asbestos, am I correct on that?

Mr. Schreiber: Right, it is low.

Mrs. Watson: Now, Mr. Chairman, my question is where is the risk the greater, the person who smokes or the person who does not smoke and is exposed to -- has low levels of exposure to asbestos?

Mr. Schreiber: One of the problems has been in the data that is available the risk is greatest for the person that is in the asbestos industry versus the person that smokes and is not in the asbestos industry. Perhaps that doesn't make that clear. One of the problems is that most of the studies that have been done to date, have not separated exposure in the asbestos industry into smokers and non-smokers. What we can compare is, asbestos industry as a whole versus smokers in the general population as a whole. Asbestos workers as a whole, have much higher incidents of lung cancer than exist in the general population as a whole, even if the

general population were all smokers.

Mr. Chairman: More directly Mrs. Watson, I don't really think that there would be any study that would be statistically valid that would really directly answer your question regarding smoking versus non-smoking and asbestosis.

Mrs. Watson: Mr. Chairman, the point I am trying to make is, we are alarmed and justifiably so that the effects of asbestos, people who are exposed to different levels of asbestos has on these people and the risk of cancer. But we accept it as an everyday fact, and continue to smoke and are not shocked at all. We know that the risk of cancer is there also. This is the point I am trying to make.

Mr. Schreiber: Can I make one comment to that Mr. Chairman?

Mr. Chairman: Yes.

Mr. Schreiber: I think one of the justifications for looking at cancer in the work place is that it is not a self determining exposure, were as smoking is a lifestyle factor just as drinking, and if you choose to be obese or whatever. That has a certain degree of self determination. We can educate the person and try to advise him what the risks are, but it is pretty difficult to force him to accepting what we say is right, whereas I think that we have perhaps a different level, a moral level of responsibility for someone that is in the work place to ensure that his conditions are as free from health effects as possible.

I think on that justification that we are on the right track when we are considering legislation in occupational health, not just for asbestos, but many of the compounds. The men, many times don't even know what the harmful effects are of some of these substances that they are exposed to. In many industries there are say hundreds of times more cases of bladder cancer and the men aren't really aware of what the substances are and what they can do to avoid those exposures.

I think we have to critically look at this and advise them and protect them. It is after all, their way of making a living.

Mr. Chairman: Mrs. Whyard

Hon. Mrs. Whyard: Mr. Chairman, I would just like to comment that the subject of the additional risk associated with smoking is covered in one of the recommendations of the report.

We have seen some other literature that has been introduced here today that the unions are now lining up to support a non-smoking edict in some of these areas.

I think that this Legislative Assembly is responsible for the policy which is going to be implemented in these regulations we are asking for based on the recommendations of the task force, but I think also that there are areas which will have to be covered by the unions and management such as whether or not this is possible at all, the ban on smoking. It has got to come from the employees or it is not going to work.

There is a question I would like to ask and I don't think it has been asked before during our discussion. That is has there been any cases of asbestosis reported in the Yukon? Does the workmen's Compensation Board have any figures on this?

Dr. Connolly: I sought out this information approximately two months ago and at that time there were no reported cases of asbestosis in the Yukon. And this information was received from the Workmen's Compensation Board.

Mr. Chairman: Mrs. Whyard.

Hon. Mrs. Whyard: And another important factor I think in considering this past report, Mr. Chairman, would be do we know, did this Task Force consider any submission from management when coming to this conclusion. And did the Union have an active voice in the preparation of that Task report?

Dr. Connolly: Yes, I'm hesitant to speak on behalf of Task Force not being the chairman or clearing information that I am going to submit, but there was a submission made by the manager. It was a lengthy submission and a very comprehensive one.

Mr. Schreiber: Can I make one or two comments? The first comment is that it isn't surprising that there are no cases of asbestosis yet reported in the Yukon. Since the mine and mill to my knowledge only started operations in about 1967. So that the latency period is still fairly long for asbestosis. It isn't surprising that we haven't seen any cases. As far as mesothelioma, if we are talking about a latency period of 20 to 30 years, then we should start seeing our first cases in around 1987.

Hon. Mrs. Whyard: Mr. Chairman, in the case of the asbestos industry in other jurisdictions, at what time period do you see then as asbestosis first appearing upon employees.

Mr. Schreiber: We're talking usually in the neighbourhood of 15 to 20 years.

Mr. Chairman: Ms. Millard.

Ms. Millard: I was going to caution the Assembly on the same thing. Because it is such a short period, and there is such a latent time to go through. However, I know of one case personally, where the man was discovered to have asbestosis after he went out to Clinton, there's a special test they put you through. They discovered he had asbestosis, so they just didn't hire him. So no wonder we don't have any asbestosis in the Yukon, because if it is apparent at all, then he's not hired in the mine industry. Where it comes from is another thing.

Mr. Chairman: Mr. Berger?

Mr. Berger: The Honourable Member from Ogilvie brought up the matter of winter conditions in the mine

sites. I have a question of Dr. Connolly on this Task Force report. We talk about workmen, we talk about adults. There's children over there, in Clinton Creek. Babies, anything up to 16 years old. I wonder if there are any studies available that possibly may have worse effects on children than on workmen?

Dr. Connolly: There are studies available that suggest that there are asbestos related diseases in the family members of workers who work in asbestos industries. It may be if I could just draw a parallelism to the previous discussion about smoking. There is an increased incidents of smoking related disease among family members of an individual that smokes. There have been studies done on the fibre levels in the air at the townsite of Clinton Creek. If you use it when you deal about, talk about individuals who aren't related in an occupation way but who are related because of association, they usually accept the level that is 1-50. In the studies that I have seen, and the results of the studies I have seen within the acceptable limits for the townsite of Clinton Creek.

Mr. Chairman: Mr. Berger.

Mr. Berger: The thing that my concern comes from I am aware because I have been working over there since 1957, and that millsite is on a very, I would consider a bad location and high winds sometimes, the dust coming out of the millsite, it just covers the whole valley. What I'm wondering actually, I mean those conditions don't prevail at all times. I was wondering how much danger would this have on especially children, I'm especially concerned about.

Dr. Connolly: The answers I am giving you are my own impression at the present time and I have been to the town site on two occasions and the conditions for which you are referring to were not present on either occasion and it would be difficult for me to give you the answers.

There is no doubt that there is some danger to people who have very low exposures to asbestos. We get levels, like on the bus that transports the workers back and forth from town. There is no doubt that if the worker comes home and takes off his clothing and shakes the dust around that this is probably—increases the risk factor more than any air transported fibres.

Mr. Chairman: Ms. Millard.

Ms. Millard: I might just point out, Mr. Chairman, that there are lots of other conditions besides dust in the air. Asbestos has been found in the fish that are being fished out of Forty Mile River near Clinton and a study is being done by Environment Canada on that right now.

It is a very vast subject and especially as asbestos is being transported from Clinton to all over the world and those trucks are going up and down the interior of the Yukon. There was a load of asbestos, dumped twenty miles south of Dawson last winter and stayed there for a good 6 months.

There are many many areas where we have to look

at for sure.

Mr. Chairman: Yes, Mr. Schreiber.

Mr. Schreiber: The report that was done initially by Health and Welfare which is March 7th, 1975, might answer some information for Mr. Berger. In here they state that concentrations of asbestos fibre found in general atmosphere at the tailings pile in the vicinity of the discharge from the swivel piler range from zero to 131 fibres per milliliter or fibres per cubic centimeter, a wide variations in counts is probably were related to variations in wind direction and velocity.

Then they go on to explain some of the problems encountered with sampling et cetera. I think that there is probably no doubt that probably portions of this City are being exposed to fairly high concentrations at specific times. There is data now available to indicate that there is a community risk of mesothelioma associated with exposure from asbestos plants or from being in the vicinity. Whether that situation exists here or not, it is impossible to tell from the limited sampling that was done. The levels generally that were taken in the City or at the townsite were below the levels that would be considered harmful but it was done at very limited sampling time and perhaps the conditions didn't prevail where there might have been higher concentrations.

Mr. Chairman: Mrs. Whyard.

Hon. Mrs. Whyard: Mr. Chairman, I think that all of us around this table have heard sufficient today and in our previous discussions, to make one or two point eminently clear.

One of them was reinforced this morning. That is that there is no point in this Assembly waiting for any other jurisdiction or authority to take steps on our behalf, it is up to us to do our own dirty work.

The Second is that we have already seen some amazing examples of inter-departmental skirmishing regarding who has authority to do what in what jurisdiction of what health field. Most of us who are not involved with government on a daily basis, just cannot understand this approach. We have always assumed that if there was someone in the department in Ottawa who know what we needed to be told we would hear it. This is not true, Mr. Chairman. We are not going to hear it unless we ask the right department.

We are not going to get the information unless we push the right button on a computer. This is becoming more and more clear to me.

I am grateful to Mr. Schreiber for all he has given us today. I would hope that some member is now prepared to come forward with a motion regarding the recommendations in this task report and I would ask only that whoever is charged with the responsibility of framing those regulations will please include in that committee competent and knowledgeable representatives from other federal departments than our own Indian Affairs and that they would include Mines Energy and Resources and the Department of the Environment and National Health and Welfare, please.

Thank you Mr. Chairman.

Mr. Chairman: Thank you Mrs. Whyard. Mr. Lengerke?

Mr. Lengerke: Mr. Chairman, I do have a motion and I am going to put it forward for consideration of this House. It is moved by myself and seconded by the Honourable Member from Kluane, Resolved that the Yukon Territorial Government immediately amend the Mines Safety Ordinance and appropriate health Ordinances to provide for specific publicity and awareness measures as well as the mandatory provision and use of protective clothing in connection with asbestos mining, plant and transportation operations, and that all new asbestos operations within Yukon should provide that worker exposure be no more than two fibres per cubic centimeter and existing operations within Yukon should meet a standard of five fibres per cubic centimeter until July 1st, 1977 at which time then should comply with the two fibres per cubic centimeters standard.

Be it further resolved that the Yukon Territorial Government immediately investigate possible exposure hazards related to asbestos areas outside the mining operations specifically to that of the transportation and industrial sectors within Yukon.

Mr. Chairman: Thank you, Mr. Lengerke.

Are there any other members who wish to take part in the debate on this? Are you ready for the question?

Mr. Berger: Maybe I missed it, you will have to excuse me, in existing mines, you stated five fibres per cubic centimeters. I think we should emphasize that if it is a mine, there is a possibility that the mine might continue for another 15 years or 20 years or whatever, that they should eventually reach a level of two fibres per cubic centimeter.

Hon. Mr. McKinnon: Perhaps the witness could be excused and we could have copies of the motion and be able to examine it before the question is called on it.

Mr. Chairman: Are there any further questions for the witness?

Thank you very much gentlemen. I will now declare a brief recess.

Recess

Mr. Chairman: I will now call this committee to order. Mr. Lengerke, I believe you had some revisions to the motion.

Mr. Lengerke: That is correct, Mr. Chairman. I will read the motion again. I think you have been provided with copies of it and maybe if you would insert this change. Resolved that the Yukon Territorial Government immediately amend the Mines Safety Ordinances and appropriate Health Ordinances to provide for specific publicity and awareness measures as well as the mandatory provision and use of protective clothing in connection with asbestos mining plant and transportation operations and that all new asbestos

operations within Yukon should provide that worker exposure be no more than 2 fibres per cubic centimeter, and this is where we have got the change, for eight hour time weighted average with maximum ceilings to be established as per the task force recommendations, and existing operations should meet a standard of 5 fibres per cubic centimeter until July 1st, 1977, at which time they should comply with the 2 fibres per cubic centimeter standard.

Be it further resolved that the Yukon Territorial Government immediately investigate possible exposure hazards related to asbestos areas outside the mining operations specifically to that of the transportation and industrial sectors within Yukon.

Mr. Chairman: Do we have the concurrence of your seconder in this alteration? Mrs. Watson?

Mrs. Watson: Yes, Mr. Chairman.

Mr. Chairman: Mr. McIntyre.

Mr. McIntyre: Mr. Chairman, I think we need a further amendment to change Mines Safety Ordinance and Mines Safety Regulations because only this House can immediately amend the Mines Safety Ordinance, but the government can amend the regulations.

Mr. Chairman: Does that have your concurrence, Mr. Lengerke?

Mr. Lengerke: Yes.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Yes.

Ms. Millard: Mr. Chairman, are we at the point of discussing the contents of the motion?

Mr. Chairman: Yes, we are.

Ms. Millard: I would like to raise an objection about the date that is imposed here. I think it is nice that it has been reduced by one year but that is still means that we have to wait a year and a half before these things are put into force.

I really feel that there is a lot that can be done immediately. There is a lot that can be done 6 months from now. There is much, much more that can be done a year from now.

I would like to amend this motion to read January 1st '77 rather than July 1st.

Mr. Chairman: Are you—

Ms. Millard: Yes, I would like to move that as an amendment.

Mr. Chairman: Is there a seconder? The proposed amendment is changing the date July 1 '77 to January 1, '77. Is there a seconder?

Mr. Chairman: Mrs. Whyard.

Hon. Mrs. Whyard: Mr. Chairman I am just won-

dering if there is anyone here who can give me some kind of time frame for how long it will take to establish, or define these regulations? Then I would be able to project from that date to the date of imposition of the regulations. If we say now, July 1st, 1977 and the regulations don't come back to us for approval in this government until, when, how much time are you giving a company? I am a little concerned about that point. I don't know how many jurisdictions are involved in the writing of those regulations. Maybe Mr. McIntyre can give us a time guess.

I haven't had enough experience in that field, and he has.

It has taken us at least six months to get a task force study done. How many months will it take to frame the regulations, and then that is the starting point for imposition, I would think.

The Chairman: Good point, Mrs. Whyard. Mr. Lang.

Hon. Mr. Lang: Mr. Chairman, I'm concerned about the change of the year of '77, from '78 to '77. I think we are all agreed that we should get down to the 2 fibres per cubic centimeter level. But we don't know what the ramifications are to specifically Clinton Creek in regards to what modifications have to be made to the mine. I think that's a very important factor in regards to this. What can be done to modify it to even get down to a 2.5 level in the winter or whatever. To take it from this Task Force where they recommend 1978 and us within three hours or five hours of discussing asbestosis. We decide to knock it down by another year, I find it very difficult to why were doing this. Because I myself, personally am no expert on asbestos, I don't know if anybody else around the table is.

Mr. Chairman: Mr. Lengerke.

Mr. Lengerke: I think it's the Honourable Member next to me that's called the question.

Mr. McCall: Thank you, Mr. Chairman. I am concerned with this Motion. I support a concept of it. Only I'm concerned about is the stipulation in here about exposure and all we're dealing with is asbestos exposure. Under the Mine Ordinance that is governing all mining operations and to amend the existing language at this point in time could be some what dangerous, but if it is the suggestion of the Honourable Member that made the Motion to include an amendment covering specifically asbestos operation, I have no trouble with it. What I am concerned about when you are dealing with an amendment to existing language in the mine safety which is - Mine Safety Ordinance, is governing the total mining operations. I'm a little concerned because we also have the same types of problems, although I wouldn't say its as dangerous as asbestos. But I would like to ask the Honourable Member who put forward this Motion, if it is the intent of this Motion to consider an amendment concerning asbestos exposure or is it a Motion to cover an amendment to the existing Mine Safety Ordinance language covering all mines in operations.

Mr. Chairman: Mr. Lengerke.

Mr. Lengerke: Mr. Chairman, in reply, I would like to say that I feel the motion covers it. It says specifically with regard to the asbestos mining plant and transportation and it is not my intention to make any changes to the regulations concerning any other mining aspects whatsoever. It is strictly in relation to asbestos operations.

Mr. Chairman: Mr. Taylor.

Mr. Taylor: I was just going to make much the same point and just point out that we're really not asking the Mine Safety Ordinance be amended at this time, but it would be the development of specific regulations as I see it. Referring specifically to asbestos operation.

Mr. Chairman: Mr. Lang?

Mr. Lang: Yes, Mr. Chairman, I would like to refer to that point that I brought up earlier. I'm concerned about it, why are we changing it from 1978 to 1977. Unless anybody can give me a valid reason why we are, I think what should be amended to read 1978, because I would sooner go along with the recommendations made by the Task Force, than some helter-skelter reason to change it by a year. We really don't know what the ramifications are behind it. I don't think we have enough background. I would like to make a Motion that we amend the Motion to read 1978.

Mr. Chairman: A seconder?

Mr. Lang: I think it's very important.

Mr. Chairman: Mr. Lengerke.

Mr. Lengerke: Speaking to that particular matter. I did change it to 1977 and I put it in there to see what sort of reaction we would get.

Now, my way of thinking in this particular matter is that I've seen a number of reports that have indicated to me, that the asbestos mining operation in Yukon, certainly could meet an earlier date. In fact, apparently we have even, through the questioning, established that they do meet the 2 fibre limits right now at many times. I felt that this wouldn't be asking too much of the mining operations to come within the '77 range. Now, certainly I realize that the Committee recommended 1978, and this was, I developed my thoughts through the questioning. However, other members may have other reasons and if they want to bring that limit back up to 1978, well this is something that this House should certainly consider.

Mr. Chairman: Mr. Lang.

Mr. Lang: Well I think we have to seriously consider it. We haven't had any representation from the mining aspect of the operation in Clinton Creek, and this is our major concern. I know they are attempting to get the level down to a respectable level, but I can't

see us voting to knock it down by a year, when we don't know what we're voting on. We don't know what effect it is going to have, and I seriously think that we should have representation from them, if that's the case. To see whether or not they can comply with the regulations. We don't know how much it is going to cost to modify this and it is a very important factor.

Mr. Chairman: Mr. McIntyre.

Mr. McIntyre: Mr. Chairman, I just obtained some information on preparation of regulations, and the information I received was no work had been done on drafting regulations and that it would take from 4 to 6 months to prepare them, once we had given direction to the people who would be preparing them.

Mr. Chairman: Mr. Fleming.

Mr. Fleming: Yes, Mr. Chairman, I have to rise in support of the Honourable Member from Porter Creek because I myself, feel that this is quite a thing. This is 1977, July and some other member suggested we do it sooner than that. You after all when you are in business you must have sometime to prepare yourself. I don't think anybody should just jump on these people and ask them to just do it tomorrow, because these things just can't be done.

I am a little leary although I do wish to see some safety precautions, everything we can have. I just can't see taking a company to hand momentarily just on the evidence that we seen here today and say you do something tomorrow.

I am in favour of say January 1st, 1978 or — he didn't say a definite area, but I am for giving them a little more time because I don't think as this motion reads here, I don't think it is enough time.

There is many many things that can happen if the regulations go through they must look after all sorts of aspects of the — the wind blowing it over the town, all these things that just can't be done in a day. Give them a little more time.

Mr. Chairman: Mr. Lengerke.

Mr. Lengerke: Mr. Chairman in view of what has been said and the fact that it appears that it will take the government wheels probably longer than the industry itself to make the changes, I think maybe we better go to the 1978. I am sure that if industry were pushed they would meet those requirements. It looks like that if government is pushed that we have any regulations whatsoever. I will go for '78 then, as long as we get some action in regard to this.

Mr. Chairman: Mrs. Watson, do you concur with that change?

Mrs. Watson: Yes, Mr. Chairman.

Mr. Chairman: Mr. Berger.

Mr. Berger: Mr. Chairman, I just wanted to get up and speak on 1978. We seem to be jumping back and

forth and changing things around here.

I think if the Honourable Members would think for a minute. We were told by Mr. Trevor, one of the witnesses we had here, in most areas the existing fibre count was below five, it was around 2.5 or 3 or so. I don't think that we put mining in any real hardship by enforcing any future regulations for July 1977.

If I can recall correctly, and maybe the Honourable Member from Ogilvie can correct me if I am wrong in that, I think the highest concentration of fibres was a matter of housekeeping. It was just a matter of instead of using a broom to sweep up an area they use a vacuum cleaner. Surely, I mean they could go out and buy a vacuum cleaner in 6 months time.

The other thing is, I recall when we were over there in July I believe it was, they had ordered a new ventilation system. It maybe installed by now, I am not aware of it. It is possible that it is installed. I don't think we put the mine management to any hardship at all to leave it as it is July 1977.

Mr. Chairman: The motion as it now stands is 1978.
Mr. McCall.

Mr. McCall: Thank you Mr. Chairman. I would like to state a point that I differ with the Honourable Member from Hootalinqua. I don't think he would be able to see the forest for the trees for the simple reason that if we allow as much time as the companies are requesting with the amount of information that is at hand right now, and the proposed standards that we are looking for which have been in effect for many many years in the United Kingdom, which now the British Columbia government is looking at.

The position on the B.C. Government will be brought down very soon as to the ruling on the fibre standard at Cassiar British Columbia operation. If we are going to start playing around for the next couple of years with five fibres I think we are going to look a little ridiculous, personally.

I am not against allowing enough time for companies, but I don't see why we should start expanding the issue by two years or whatever amount of time.

We may get a substantial brief in two years time saying that the company hasn't had enough time and they may ask for another two years.

I think we better think very carefully when we define the time we are going to allow the company to conform to certain standards once we have further information on that before making the initial decision on that point 2 count.

We must be very careful with the time factor.

Mr. Chairman: Mr. Lang.

Hon. Mr. Lang: Yes, Mr. Chairman I think we have to be very careful in what you are passing. You know what you are passing. All I have heard is people say well I don't think it will affect the mine too much here or there. Nobody knows. I want to know before I am going to pass something.

I think it is a matter you have to have representation here. I am surprised, you know, here we are playing around, now whether the mine is going to close in '77 or '78, it is apparently slated for that time. I am

surprised that the Member from that area hasn't brought a motion to the effect that we start looking into the aspect of Clinton Creek the way they are hygrading.

I think this is an important point. They have terminated the time of the life span of the mine from approximately what it was supposed to be, 20 years to 9. When it first initially started out it was supposed to be 60 thousand tons and maybe up to a limit of 80 thousand tons and within 3 years they are up to 105 thousand tons. What you have got is a major Klondike.

I think that is very important as well. I mean this goes for another, in the aspect of responsible government. If you had responsible government you tell them okay you are staying at 80 thousand tons, but nobody seems to be keeping a look at any of these mines and the production that they are going at.

I think it is one of the important aspects that we, in this Assembly have to look at in all these mines in attempting to regulate the lifespan of these mines. Otherwise we can wake up one day and we will have one vacant lot.

Mr. Chairman: Thank you. Ms Millard.

Ms. Millard: Mr. Chairman, I look forward to the great glorious socialist day when we can control what is happening in the mines. I think that you have made a very good statement. I agree with it wholeheartedly. We certainly should regulate what is going on and the great day when that happens I will come and shake your hand. I don't think it would be realistic now, by talking about. Hygrading is being done all over. There are many problems up to that point. Many things have to be considered and one of them is what we are doing today.

It has nothing to do with hygrading. I cannot see why we cannot give a year and a half time, which is January 77 to doing the regulations four to six months to get the regulations in. Okay, there is one year for the implementation of regulations.

Certainly we are not such an isolated government that we are not going to talk to Clinton Creek during the time that the regulations are being done. Certainly we should have another task force if that is necessary to discuss with the mine what the implications of it are, in fact that was my first complaint was that the task force report did not take into consideration the things it should have done.

One of them was what was going to happen to the mine if we did impose it. To me was the first question. And certainly is the first question that the people of Clinton Creek are asking. Will we have a job if these things are implemented. These things have not been answered and will be, I should hope before regulations are going to be put in. We are not going to sit in isolation and put in regulations. So we give 4 to 6 months for doing that, for confirming with Cassiar Asbestos and putting down the things that are economically proper for the Yukon. And then we give them a year to do it. I can see nothing wrong with the date January 1st, 1977. Certainly our Motion isn't so earth moving that we can't change that date, if it's absolutely necessary.

Mr. Chairman: Mr. McKinnon.

Hon. Mr. McKinnon: I haven't been involved in the debate as I have been prepared to allow my Honourable Colleague, the Minister of Health, Welfare and Rehabilitation carry the can on this. But I am very worried about the question that hasn't been answered to this point. The Honourable Member from Porter Creek does bring it up as well. What does the mine feel about these regulations at this time, and it's so strange for me to see us here not asking that question about people, when I know under the Legal Professions Ordinance, we've had the Consumer's Association in to speak about it. The Consumer's Association on the Legal Profession, the Yukon Bar Association to speak on it. The regulation we've had the Yukon Chamber of Mines and the Conservation Society. Great, I think that that's the kind of witnesses we should be having.

What have we heard on this. We've heard people from Health, Welfare and Rehabilitation. And that is all. I just think that there might be a little change in thinking if the people of Cassiar Asbestos were sitting at the table and said if the regulations come into effect in '76 or '77, we're sorry we agree with you because they're necessary for health. We can't pay that in the period of two years, so we're just going to close the mine tomorrow and go away. Good-bye.

I think there might be a little change in the attitude that if Cassiar Asbestos said you know, we're prepared to put these into effect in this period of time and it will cost us that amount of money. We have now by the monitoring we're doing down to 2.5 fibres per cubic centimeter. None of this information has been brought out by the people most vitally concerned.

If we have to sit another day, even to ask for this vital information, certainly we've got to be prepared to this and to act on this motion at this time, Mr. Chairman, I'm sorry, would be just premature to me and with all the input, we've had from every organization at this table, at this Session, not to allow this most valuable input and this most needed input into this deliberation. I think that unfortunately we're just acting too hastily and certainly we have to hear the other side of the story prior to passing this resolution.

The Chairman: Thank you. Mr. Berger?

Mr. Berger: Actually I just wanted to make a Motion and say why not go ahead and get witnesses from Cassiar Asbestos into this House, and ask them about it and find out how they feel about it. We talked about it, we wasted another 20 minutes of talking about nothing. If the Honourable Member from Porter Creek is so concerned, he could have made that Motion. Well I am prepared to make the Motion to say let's bring a witness in from Cassiar Asbestos and that's it.

Mr. Chairman: We now have a Motion on the floor. Mr. Taylor?

Hon. Mr. Taylor: Yes, Mr. Chairman. I agree with

those who say we've got to give the mine certainly an opportunity to make the necessary adjustments to meet the standards that have been set forth. I agree with the Honourable Member from Whitehorse Porter Creek that 1977 is too close a time. Perhaps 1978 is as well. I have received information while we've been discussing this point, from Mr. Peter Steen, the President of Cassiar, which advises me if this was implemented right now, they simply would have to shut down. And so perhaps the suggestion is that, before we set a top date on them, maybe we had better have a talk or have the administration talk to the Cassiar Asbestos people and find out. Because if you make the wrong mistake in this dating, you just shut her down. That's all you're doing.

Mr. Chairman: Mrs. Whyard.

Hon. Mrs. Whyard: Mr. Chairman, some time ago, I did try to clarify this point specifically by asking the witnesses and they answered. And we asked the same question earlier. The question was did the Task Force consider a submission from management. And they did. As a result of considering all the facts and figures provided to the Task Force, by the management of Clinton Creek, they came up with a recommendation which we have before us. Now, I have every faith in the ability of the people on that Task Force to assess the economic impact of any decision in that recommendation. And the recommendation they made was 1978. But the facts and figures and the annual statements and the production and the tonnages, all of that, was presented in a specific submission to the study, the Task Force study, and it was considered. Now, I'm not saying that they shouldn't be asked more questions if you have more questions. My only point is they did make a submission and it was considered.

Mr. Chairman: Do you wish to speak further, Mr. Lengerke?

Mr. Lengerke: Yes, Mr. Chairman. I welcome the comments from the Honourable Minister because I felt this too, that the report that the Task Force certainly had talked to the mining people about it and I thought that really the report was probably drawn up in concert with some of the officials from Cassiar.

I probably made the error in this House today of putting in 1977, which I probably shouldn't have. I really did that with a purpose in mind. I wanted to spark a reaction around this table. I felt that the subject was certainly serious and needed some attention drawn to it. I think this has been done.

I also stood up just a few minutes ago and suggested, and I know the seconder of the motion did, that it be put to 1978. I would like the motion to be considered on that basis.

Mr. Chairman: That is the motion that is on the floor now.

Mr. McCall?

Mr. McCall: Thank you, Mr. Chairman, in view of what the Honourable Member has just stated I am a little alarmed that he would play around with figures just to get a bloody reaction. I am little concerned about the mentality behind the motion. I am beginning to wonder what I am doing here.

A Member: You are reacting.

Mr. McCall: I am reacting, yes, Mr. Chairman, definitely reacting. What I am concerned about here is, we seem to be getting off the beaten track, concerning an operation that can carry on its mining process or operations irrespective of the safety regulations to its employees. We seem to be losing that as the governing factor in which we are going to make a decision on.

I say this is a little ridiculous. What the Honourable Minister brought up a moment ago about bringing in these witnesses. Yes, I am all for that idea and I think we should do before we go ahead with this motion.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, one additional point that I meant to make when last I rose to speak. It seems to me by accepting the motion at this time we make it quite clear to in this case, the only asbestos operator in the Yukon, or anyone else who is anticipating an asbestos operation, what our intentions are. I think in that it does good. I think the company will take a look at this and say yea, it is clear to us that we have to knuckle down if we are going to continue operating and I think any new operator is going to say yes, there is a great concern being now generated at the legislative level, and at the administrative level in the Government of the Yukon Territory and perhaps in that light they will safety up their operations or make an effort to safety up their operations concurrent with requests and discussions at this table today.

Mr. Chairman: Mrs. Watson.

Mrs. Watson: Mr. Chairman, I just wonder why we had a task force. We are the task force now. We have had our health, people, our medical people and now we are having witnesses and representation and I know that we are going to wind up with the recommendations that the task force made.

As far as I am concerned I don't know whether we need another witness or not.

I am not going to oppose it, but I would recommend that the government not establish a task force in the future maybe we could just establish our own within this frame.

Mr. Chairman: Ms. Millard.

Ms. Millard: Mr. Chairman, my suggestion is along that line, if we change the date to July 1st, '78 we are actually implementing the things that the task force wanted.

Why don't we just make the motion say that we support the task force paper and forget the mining industry because it was already in on the whole task force in the first place.

I still disagree entirely that it should be July 1st, '78. I would vote against supporting that task force paper at any means.

Mr. Chairman: Mr. Lang.

Hon. Mr. Lang: Mr. Chairman, the only reason I bring up 1978 is because it is in the recommendations. I think it is a very valid point. Unless the Honourable Member from Ogilvie, who happens to represent that area, can bring up some valid reason why we should change it, I can't see any reason changing it.

She seems to say that she has all the answers, yet she says that she doesn't think that it would really take that much of a modification. Well I don't want to be sitting here thinking that it doesn't take that much, I want to know what it does involve.

Hon. Mrs. Whyard: What is the motion Mr. Chairman?

Mr. Chairman: I will read the motion if you are ready to vote on it.

It was moved by Mr. Lengerke, seconded by Mrs. Watson, Resolved that the Yukon Territorial Government immediately amend the Mine Safety Regulations in appropo to the Health Ordinance to provide for a specific publicity and awareness measures as well as mandatory provisions and use of protective clothing in connection with asbestos mining plant and transportation operations and that all new asbestos operations within Yukon should provide that worker exposure be no more than two fibres per cubic centimeter for an 8 hour time weighted average with maximum ceilings to be established as per task force recommendations and existing operations within Yukon should meet a standard of 5 fibres per cubic centimeter until July 1, 1978 at which time they should comply with the 2 fibres per cubic centimeter standard.

Be it further resolved that the Yukon Territorial Government immediately investigate possible exposure hazards related to asbestos areas outside the mining operation specifically to that of transportation and industrial sectors within Yukon.

Are you ready for the question?

Some Members: Question.

Mr. Chairman: Are you agreed.

Some Members: Agreed.

Mr. Chairman: Disagree?
May we have a show of hands please?

Those in favour?

Against?

The motion is carried.

Motion Carried

Mr. Chairman: Mr. Berger.

Mr. Berger: I don't know, I might be out of order. I would like to speak on this thing that you people just

passed. We are playing around --

Mr. Chairman: Mr. Berger, it is out of order. I am sorry.

We will declare a brief recess and then we will go on to Land Use Regulations.

Recess

Mr. Chairman: I will call Committee to order. We have for further consideration this afternoon Sessional Paper number 5 regarding Territorial Land Use Regulations.

Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman over the weekend some members who were in Whitehorse got together and considered the brief submitted by the Conservation Society and the Chamber of Mines and did a great deal of work, or many hours of work in trying to come up with a proposal for the House, which may or may not meet with the approval of the House.

I think all members have been provided with a motion I have proposed. It has been seconded by the Honourable Member from Kluane.

I will just read the motion. That the Yukon Legislative Assembly having consideration to proposed federal land Use Regulations in Session Assembled, make the following recommendations to the Honourable Minister of Indian Affairs and Northern Development in respect thereof, that having respect to the regional differences between the two territories the Yukon be considered a Land Management Area separate and apart from the Northwest Territories; that the Yukon be divided into Arctic and non arctic Yukon sub zones with a boundary established at 65 degrees 45 minutes north latitude.

That separate Land Use Regulations be applied to each subzone and that proposed Land Use Regulations October 1975 apply to the Arctic Yukon subzone only, that is the northern area and that in respect of the non-arctic subzone the proposed regulations be amended as recommended in schedule one of this motion.

That Mr. Chairman is the motion.

The amendments we have proposed are attached to the resolution for your consideration and consideration of committee.

Mr. Chairman: Thank you Mr. Taylor.
Mr. Lengerke?

Mr. Lengerke: Maybe if I just bring to the attention of the House in considering the motion, in considering the first part of the motion having respect to the regional differences between the two territories, the Yukon must be considered a Land Management Area separate and apart from the Northwest Territories. I think it very important that indeed we do understand why this is to be done and why we agree that the Yukon should be divided into arctic and non-Arctic subzones.

What I would like to point out is that—

Mr. Chairman: Mr. Lengerke could you avail yourself of a microphone, I think the reporter is having trouble. Okay.

Mr. Lengerke: She is not as concerned as you are, Mr. Chairman.

I think we can indicate this very simply here, we have got natural vegetation regions and this is a map done of Canada showing these areas.

What we have got here, just to give you a very good example, if anything north of 65 is in a transition forest region, we are talking of the vegetation regions right now, and a tundra region. Those areas only appear in anything above 65. Anything below that is actually in a boreal forest region where it is really non-arctic considerations.

We go to soil regions, which again is indicative. We have a soil region that extends right from the tip of British Columbia, the southern part of British Columbia right up to the top end of Yukon which indicates to me mountain soils.

The only, probably arctic consideration would be to the east of us in the Northwest Territories where in fact we do have arctic soils to be contended with.

Again the same thing happens with the muskeg areas. Anything north of 65 we do have some areas of a permafrost limit and muskeg considerations, but south of that, again we are home free. There are isolated cases, no doubt. These are the things, certainly when we were looking at it, the Committee considering it took into account.

Mr. Chairman: Ms. Millard.

Ms. Millard: Mr. Chairman, since Mr. Lengerke is our expert, maybe I should ask him the questions. The difference between the non-arctic and the arctic zone and isn't there a possibility that there are arctic conditions south of 65. Especially in the Alpine area.

Mr. Lengerke: Yes Mr. Chairman. In answer to that, certainly the arctic areas where we have permafrost in the arctic zone, we do have permafrost conditions that do exist. I think the record, as I was trying to point out, does indicate that certainly north of that parallel, that we do have many conditions of that nature. But certainly below that 65th, there are not and there are a few, but they would be what we would say would be on site, or site specific considerations. We do take this into account in our regulations, that if a condition such as this were to be found that the inspectors and the engineers can make certain recommendations with respect to how that would be handled. In other words they could impose regulations that would be the same as in an arctic zone.

Mr. Chairman: Mr. Berger.

Mr. Berger: Yes, Mr. Chairman. I'm in complete disagreement of this Motion for one simple reason. I don't want to contradict the Honourable Member from Whitehorse Riverdale but in the appendix of this motion, it says delete section 21. To me, this is the only protection for this particular area south of 65 - 45 degrees. So as the Honourable Member from Ogilvie states you still have Arctic conditions. I may quote from Shultz report on the Dempster Highway, which is quite concerned with this region. The largest potential is on page 56, "adverse environment impact is considered to arise from man's activity after the highway

is built. These activities are most difficult to control." And this what I would like to point out here. It's up to us to control these activities. By deleting Section 21, we are not controlling anything.

Anyway I have other things in here too. In the same token, to go back on mining activities, as long as you have a section in the Quartz Mining Act that requires you to assessment work every year, you are going to have abusers of it and I can't see us discussing the Land Use Regulation without us discussing the Quartz Mining Act.

I am not too concerned with the large mining companies in this respect, because they are trying to be in most cases, they are pretty good about it. But it's the line speculators that follow up a discovery from the mining company that are joining mining claims hundreds by the hundreds and sometimes those discoveries are not finalized in a year's time so the speculators sends in the bulldozer and first of all he groups his claims so he can do all his assessment work on one or two claims, irregardless if there is something there or nothing. It might be just a plain old moose pasture. And in most cases it is. I've been in the mining game. I went out staking. I know what I'm talking about. This is what I'm really concerned about.

I think we have to retain those safeguards in here and we're not even touching them. We are talking about we're going to amend them things, and I have to say the same thing what I wanted to say before when we talked on Clinton Creek on asbestos. I got the feeling this House is trying to rush away from here without taking proper considerations of all the aspects of these things. We heard witnesses from the mining site. We heard witnesses from the Conservation Society but I think it is up to us to discuss them properly without rushing through those things.

I see pictures on the wall there and I don't know what Dawson City does on the wall there, because this is the worst example anybody could have given there. Dawson City is sinking in mud right now. It is sinking in permafrost. In the zone which is proposed here has no adverse effect, you can go in there with anything. There's many, many areas like Dawson City here. Look at the Klondike Mining operation. Sure it's nice and green on the picture, but look underneath the greenery, what do you see? Gravel piles where nothing will grow for the next 200, 500 years. This is the thing we have to consider in this thing and I don't think we're doing it properly. I think we are rushing through those things.

Mr. Chairman: Mr. Lengerke.

Mr. Lengerke: Mr. Chairman, in respect of what Mr. Berger has said, I don't know, he was looking at me when he was giving that comment and I just want him to know that I'm not trying to rush through anything in this House. I'm quite available to be here as long as you want, believe me. The other thing is that my comments earlier, were certainly just with respect to the first part of the Motion. Why we, why we had thought there was certainly some common sense behind the idea of trying to divide Yukon into two zones. And certainly it was apart from the Northwest Territories in the same kind of regulations that so should be imposed.

That was the only point that I was trying make at that time, Mr. Chairman. I certainly hadn't got into any debate with respect to any of the other regulations and I just want to make that point clear.

Mr. Berger: I assure the Honourable Member from Whitehorse Riverdale, I may be was looking at him, but it was unintentionally.

Ms. Millard: Mr. Chairman, I certainly have to agree that I can't sit here and look through these amendments and digest them in the next ten minutes. I really think that if we are going to put these amendments through that we should have some time to really discuss them. I don't who it was who was in Whitehorse that got together to do these regulations; certainly no one phoned me to see if I had any contributions. I would think that we should spend some time on these things rather than rush it through right now.

Hon. Mr. McKinnon: Mr. Chairman, I have no problem at this time in rising to support the revisions to the Territorial Land Use Regulations. I was one of the strongest opponents of the original Territorial Land Use Regulations and was proud to be a part of the lobby that included the Yukon's Member of Parliament, this Assembly and all interested people in the Yukon who just thought that the original, original Land Use Regulations could not work in any way shape or form and they couldn't have and we really would have had problems. So we mounted lobbies on all fronts and got really meaningful changes to the regulations to which even the mining companies have agreed have not been too restrictive over the past few years.

The revisions I see in front of me to those regulations, after the experience of trying them over several seasons, seem to me quite sensible. The Yukon Legislative Assembly recently saw fit to divide the whole of the Yukon in Game Management Zones so that we could have control over the total territory as far as game management was concerned.

As I see the revisions to the Territorial Land Use Regulation, they really do nothing more than provide, through the total of the Yukon, that once the prospecting is over and that something is going to happen to that land, that you now need a land operating permit to be able to do something on that land; which I think is wise so that the garbages, the petroleum and everything else is taken care of in the operation. It still excludes the exploration of minerals, and, as far as I understand, that includes trenching; and I had the opportunity this summer of going over the Three Gold Mines in Minto area, and I think that everybody would be disturbed if they flew low over that area and saw the trenching that has been done indiscriminately by different operators over the last twenty years without any type of controls on it.

There is just gouges and cat trails through that area as if someone had got up at eight o'clock in the morning; worked a ten-hour day with his blade down and just hoped that he'd come across a mineral prospect by knocking over a rock that looked interesting. I think probably even mining people who are very much concerned, and so many of them are, with the environment of the Yukon, are disturbed when they have to fly over that area.

I have no problems; I like the concept of the "A" and "B" permits, that the "A" permits are for the larger type operation; that the "B" permits are got without any undue delay and that they are for small operations. I think that this is a natural type of evolution from the original regulations which took an awful lot of debate and awful lot of lobby to make them in some sensible form; and with these revisions at this time, Mr. Chairman, as I say, I have no trouble supporting. I think it's just going to the next step to make sure that the total land in the Yukon Territory is protected under the Land Use Regulations.

I don't think that you should get away from the fact that the prospecting and the search for minerals—and as far as I am led to understand, this goes right to the level of trenching—is excluded from these regulations, and it's when the person finds something interesting that he says "Lookit, this is just a—I just want to explore this a little further, it's not going to be a big thing, but I'll want a Land Use Permit" and he can get a "B" type permit and go on—which states on it that you've got to clean up your garbage and you've got to protect your petroleum caches and things of this nature.

I'm getting a little concerned that perhaps we might be protesting a little too much, because I have the distinct impression that with the cooperation with a good set of regulations that have been worked out in cooperation over the years, that with the acceptance of these revisions, that we would see very, very little problems in exploration continuing in the Yukon. And I think that it's pretty reflective in the revisions to the regulations that the Federal Government, once bitten were twice shy, were much more careful in drafting these revisions than they were in the original regulations, which I say is good and more power to them, maybe they learned a lesson.

So with those comments, Mr. Chairman, if this motion goes forward as it is, I'll be opposing it. But I would have no problem proposing a motion accepting the revisions to the Land Use Regulations as presented to us by the Federal people at this time.

Mr. Chairman: Any other members wish to take part in debate on this motion? Mr. Fleming?

Mr. Fleming: Yes, Mr. Chairman, I have to support the Honourable Member from Whitehorse North Centre, and I also support the amendments made in this Bill. I don't have any problem with the concept of having two zones because of the fact that I think I worked a bit in the areas where there are permafrost problems and where there aren't permafrost problems.

There will be some areas in the lower part of the Yukon that does today have permafrost problems and others that don't.

The north is practically all permafrost and it is more of a silt condition. Just for example of what may happen, if you take a large cat and you trench a downhill slope somewhere in that type of ground, which is frozen ice practically half ice and silt, you leave it for two or three years, it thaws and starts to run and erosion will be terrific. It will tear everything out below it and water will be running out of it day in

and day out.

If you go to a place which is right across the river here somewhere where it is dry, hard material, even in the permafrost was there, and many places it isn't, but if it was froze and you trench it and it is gravel and clay and hard ground, which is in the southern part of the Yukon more so, that will dry out in the sun and it won't make a big erosion.

Therefore I have no problem with the concept of the two areas at all.

Other than that, as I say, the Yukon Conservation Society has said here, they go on to say the damage and so forth and then they say, it is fair to say that pollution and damage save a company money in the short run. It is cheaper to make a mess than clean it up. I have got to agree with that too. On the other hand I do have to agree to that.

If we make good regulations to see that it is cleaned up and costs them money if they don't clean it up then we will be okay.

I have no problem with it at all.

Mr. Chairman: Mr. Taylor.

Hon. Mr. Taylor: One other point, Mr. Chairman, and Honourable Members, that is with the passage of the Highways Ordinance, perhaps involving roads, streets, lanes and trails and so forth, we might be in a position to administrate to some extent these operations at a territorial level.

I think this has got to be determined by the administration, perhaps over the next number of months to find out just how far we can go in administration in these areas. They would have to do this in conjunction with Ottawa and determine just how far we can go in the area of providing, perhaps, our own administration over these areas.

I would hope that irrespective of whether the motion carries or doesn't carry that the administration would continue to look into this whole question and just see how far we can go.

Mr. Chairman: Mr. Lang?

Hon. Mr. Lang: Mr. Chairman, I would like some clarification in reference to what the Honourable Minister of Local Government just stated in regards to the trenching and this type of thing. I was under the opposite impression that he was that this is one of the qualifications of a Class A permit in the use of any self propelled power driven machine for moving earth or clearing land and (h) the levelling, grading, clearing or cutting of any line, trail or right of way.

I think I am correct in saying that as far as the staking and this sort of thing is exempt, but I thought once you got from that point and you were actually going to do some development to the extent that you brought in a cat in order to put a diamond drilling machine on or whatever, this is when the Class A permit came into effect. In other words a Class A permit takes in the considerations that Mr. McKinnon was talking about in reference to trenching and anything of this nature in the initial stages of developing a mine.

I think this should be taken into consideration. I

worked on these over the weekend attempting to understand them because I don't think a person should be passing legislation that they don't understand. I think I have got a fair knowledge of this. One of the reasons it has been divided into, maybe some of the members will correct me if I am wrong, but my understanding is that the reason that they are dividing the Yukon into two zones is because of the two types of permafrost.

One is what they refer to as a thaw-unstable which is the northern part, in other words, if you go over it with a heavy machine, rather than the environment coming back and covering it over like in this picture here, you get a big hole. Whereas in regards to the thaw-stable it will more or less come back over a period of time to some semblance of what it was before.

I think this is one of the major reasons in dividing it into two subdivisions, sub zones.

I think it is pretty important that we take a hard look at that rather than rashly saying that we will keep it into one Land Use Management Zone.

I mean, some members who have been associated with this longer than I have, said, well, hell this is made for the oil industry. Well, hell we are not in the oil industry. I think it is a very valid point.

I think we have to look at it in the light of the mining industry, I don't care whether you like the mining industry or not, but one of the main things is the mining industry makes the Yukon go, whether you like it or not.

I think we are walking a very thin line in regards to the conservation of the environment and the mining industry. I realize that you have got to walk that thin line.

I think we have to take a hard look into the aspect of dividing into two sub zones.

Mr. Chairman: Mr. McIntyre.

Mr. McIntyre: Just to clarify the question for the Honourable Member from Porter Creek brought up, land use regulations are authorized under the Lands Act. A section 33 of that Act says: Nothing in this act shall be construed as limiting the operation of the Yukon Quartz Mining Act or the Yukon Placer Mining Act. Therefore these regulations that we're discussing do not apply to a staked mineral claim.

In the future sometime next year maybe, there will be a Yukon Mineral Act passed which will authorize that these land use regulations be applicable to all mining operations, whether they're on mineral claims or off mineral claims.

Hon. Mr. McKinnon: Except Mr. Chairman, during the normal course of prospecting or locating a mineral claim.

Mr. Lang: This is the definition of location a claim. This is my understanding is actually going out and staking a claim, which is a very thin line through the bush if you've ever done it. Well, my understanding is from what I've read, these regulations the Yukon Mines Industry will be directly under the force of them. The Territorial Lands Act and these regulations.

Mr. Chairman: Mr. McKinnon?

Hon. Mr. Lang: I realize they have to be adopted by Parliament.

Hon. Mr. McKinnon: Up until this time there has been no control over the mining organizations as far as what I consider to be blatant abuses of the landscape in the course of trenches. With the advent of the Yukon Minerals Act, as I understand it, the mining industry will come under the Territorial Lands Act and the land use regulations, which they haven't up until this time. At that point in time, mining industry will still be exempted from anything done in the normal course of prospecting or locating a mineral claim.

I'm making the point, Mr. Chairman, that I don't think that these regulations as they are in the revision, are too restrictive on the total Yukon being declared as one land management zone. Some people are saying, "no they are too stringent on a sub-arctic area and they are just right for above arctic area." I say that I don't find them too stringent for the revision as it envisages the Yukon as one management area, land use area.

Mr. Chairman: Mr. Lang?

Mr. Lang: Well, I happen to disagree. If I was in business and I had an expert hired by the Federal Government, it sure as hell shouldn't take him 42 days to figure out whether or not I should go on that property, he should have an idea what he is talking about.

I think this is a very major area, in the time element that it takes to get a permit and to get acceptance to do any work on that ground. I think that this is one of the key areas, that you have to centre in. I think it's very important because in 42 days, you're short season for work is almost terminated. It's almost finished. I think that surely the Federal Government can accommodate the Yukon with a person with expertise who can decide within a two week or ten day period whether or not it's permissible. I think these are some of the areas, I don't think we can just flippantly say yes we accept these. I think there is a hell of a lot more behind it than what meets the eye.

Hon. Mr. McKinnon: Mr. Chairman, I just don't want us to get carried away in an emotional debate on this because 42 days is only whether it is a major type of operation and there is very, very few major type operations that are going to be considered, are considered under the permit system. Most of the B type operations which will be the vast majority of permits, 98 or 99 percent of them, will be issued in 10 days by the engineer.

Mr. Chairman: Mrs. Watson.

Mrs. Watson: Mr. Chairman, rather than going on with this debate, why don't we read the amendments that are suggested because actually you find that all the suggested amendments are not changing the force of the regulations, but changing some of the time frames, changing the qualifications of the inspectors,

the powers and duties the inspectors and engineers, so actually there sort of icky-picky things that bother the smooth operation of working on a mineral claim rather than — there are not amendments to restrict — The restrictions are left there. We are not trying to make it easier for the people to work within the restrictions. So I would suggest that we go over them.

Mr. Chairman: Is that the wish of the Committee?

Some Members: Agreed.

Mr. Chairman: Mr. Berger.

Mr. Berger: I would like to make one more point to the Honourable Member from Porter Creek. If he goes to page 4 of the proposed regulations or the changes to the regulations, Section 31 B says these regulations do not apply to anything done in a normal course of prospecting or locating a mineral claim.

This was my point that I first made and the Honourable Member from Whitehorse North Centre made. That you can go in there, and it is done every day, in the summertime with a bulldozer and work on your mineral claim just to keep the assessment work done which you are supposed to do. The thing is once this whole prospect, dissolves in thin air, you have a great big hole there. I disagree with you on the two types of permafrost existing, south and north of that line, because I was involved in the development of Clinton Creek and we lost a cat in permafrost. It just disappeared in mud. Under the same conditions that you have up on the Eagle Plain where I also worked. This is why I'm trying to protect in the whole area.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, on that question, I have seen cats disappear down at the bottom end of the territory in the Watson Lake area as well. Obviously site specific should cover this question and the Engineer upon looking at the stability or instability of the thaw-stable or thaw-unstable situation will make the necessary decisions and I don't think this is going to become a problem.

I would just like to talk for a second about prospecting and what is meant by prospecting in those Land Use Regulations.

There was a lot of work went into these things between the government and the joint Chambers of Mines. I believe the last meeting was in Saskatoon sometime ago. This question arose, and prospecting in this sense means just exactly that, and that is a person or a prospector or geologist or whoever with a hammer and a pick. It doesn't include cats and bulldozers and trenches and geophysics. It means what it says. It means a prospector who has a prospector's pick and a glass and picking through the territory. I can assure you this is creating no hardship upon the ecological balance of the land.

In so far as location is concerned it is as was stated by the Honourable Member from Whitehorse Porter Creek, it is locating a mineral claim, cutting posts and

blazing a line through the trees to identify that claim mark.

Mr. Chairman: Mrs. Whyard.

Hon. Mrs. Whyard: Mr. Chairman I have not had the advantages of helping to phrase these proposed amendments. They were put on my desk a few moments ago. I had no opportunity to relate them to the revisions. Can we go through them otherwise I will not vote on this motion.

Mr. Chairman: I intend to, given the opportunity, Mrs. Whyard.

The proposed amendments as in the motion. Title. Amend to "Regulations respecting Land Use Operations in Yukon non-Arctic sub zone."

One. Delete and substitute therefor: One (a)
(Reads Section 1(a))

Mr. Chairman: (b)
(Reads Section 1(b))

Mr. Chairman: Two, Class A Permits. (b) delete.
Class B Permit. (b)
(Reads Section 2(b))

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Just by way of explanation. A Class A permit includes trenching and road building.

Mr. Chairman: "Engineer", and this refers to on the revision on the top of page three. Engineer means (a) add "who shall be qualified by education and experience in mining."

Hon. Mr. Lang: I think it very important that the engineer has some qualifications in regards to the industry that he is being watchdog over. I think it is imperative that they be put into the Regulations.

Mr. Chairman: That is the basic meaning, I gather, of what this addition is.

Hon. Mr. Lang: Yes.

Mr. Chairman: Fifteen.
(Reads Section 15)

Mr. Chairman: Seventeen (a).
(Reads Section 17(a))

Mr. Chairman: Add new subsection (d).
(Reads Subsection 17 (d))

Mr. McCall: On a point of order Mr. Chairman, why aren't we dealing with the motion that is on the floor and not these amendments that you are discussing now.

Mr. Chairman: It is part of the motion.

Mr. McCall: Are you sure of that?

Mr. Chairman: Eighteen.
(Reads Section 18(4))

Mr. Chairman: Section nineteen, one (b)

(Reads Section 19 (1) (b))

Mr. McCall: Mr. Chairman, on a point of order here. Are we establishing two subzones as far as these amendments go or what? I don't think this fact has been established yet. We are talking about sub zones, sub arctic zones, whatever. What is actually, what are we talking about today? The Regulations and Amendments thereof to what?

Mr. Chairman: There is a motion now on the floor, Mr. McCall, which is proposed amendments of the amendments that we were previously perusing and I am trying to bring te two together so that we can undertand it.

Mr. McCall: I take it then, Mr. Chairman, that we are establishing the fact that there is two sub-zones.

Mr. Chairman: That is part of the motion that is now on the floor.

Mr. McCall: Well, Mr. Chairman, would it be in order to get that amendment through first and recognize two sub-zones before we go through the amendment.

Mr. Chairman: It is all part of the same motion, Mr. McCall.
Nineteen. one (c)

(Reads Section 19. (1) (c))

Mr. Chairman: 19. (2) (a). Delete 19.3.

Mr. Chairman: Mr. Lang?

Hon. Mr. Lang: Mr. Chairman I think that needs a little clarification in relation to deleting (a) and (b). In other words what you are saying is you're giving the Engineer a set time in order to come up with something rather than leaving it as a discretionary time period in there for the Engineer to determine what time should be made to make this decision. I think it is pretty imperative that you deliniate accordingly exactly what the time frame is that Engineer has. Some of this industry is pretty important to the life of the Yukon.

Mr. Chairman: Nineteen three

(Reads Section 19 (3))

Mr. Chairman: Nineteen, four, (C), delete.
Twenty-one (one) (l) Delete.
Twenty-eight.

(Reads Section 28)

Mr. Chairman: Thirty-one (one)

(Reads Section 31. (1))

Mr. Chairman: Thirty-five. One, delete and substitute therefore; thirty-five (one) a(a).

(Reads Section 35)

Mr. Chairman: "(c) as proposed, subsection 35 (1)."

Some Members: Clear.

Hon. Mr. Taylor: This just leads to the fact that input must come from the department's experienced mine officials.

Mr. Chairman: "(d) final appeal shall be to the Courts"

(Reads Schedule A)

Hon. Mrs. Whyard: I apologize to the House for the delay in going through these proposed amendments, because if someone had simply said "Those are the recommendations brought in by the Chamber of Mines the other day when they were with us", I would have understood what it was about. I have not had an opportunity to read it till now, but according to my notes those are exactly the recommendations brought in by the Chamber of Mines. We could have saved a lot of time, Mr. Chairman.

Mr. Chairman: Are you ready for the question?

Some Members: Question.

Hon. Mr. McKinnon: Mr. Chairman, I'd just like to say that I agree with the majority of the suggestions of the Chamber of Mines. I don't agree, in the motion, of the difference between the Arctic and the sub-arctic zones, but as far as the method that they suggest to make it easier to work with the-inspectors and the engineers, I do agree with those motions. But the big thing to me, is dividing into the Arctic and the sub-arctic, so I'll be voting against the motion.

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: Mr. Chairman, I think that's the point that the member from Ogilvie was trying to make: is that we should probably establish first if we are going to divide the -- you know, if we are in agreement that we want to divide this area into two zones.

Mr. Chairman: You now have a motion on the floor which covers this entire thing. If it is --

Hon. Mr. McKinnon: I think I was just explaining for the motion; I'm just stating my objections to the --

Mr. Chairman: Yes, right, I agree. Now I think we should go ahead with the motion, and if you have another motion to bring forward, so be it.

It was moved by Mr. Taylor, seconded by Mrs. Watson, that the Yukon Legislative Assembly having

given consideration to proposed Federal Land Use Regulations in Session assembled, make the following recommendations to the Honourable Minister of Indian Affairs and Northern Development in respect thereof: That, having respect to the regional differences between the two Territories, the Yukon be considered a Land Management Area separate and apart from the Northwest Territories.

Hon. Mr. McKinnon: I agree with that part.

Mr. Chairman: That the Yukon be divided into Arctic and Non-Arctic Yukon sub-zones, with a boundary established at 65 degrees 45 minutes North latitude. That separate Land Use Regulations be applied to each sub-zone. That proposed Land Use Regulations, October, 1975, apply to the Arctic Yukon sub-zone only. That in respect of the non-Arctic sub-zone, the proposed regulations be amended as recommended in schedule one of this motion. Are you ready for the question?

Some Members: Question.

Mr. Chairman: All those in favour?
Contrary?
Carried.

Motion Carried

Mr. Chairman: We will now proceed with the last item of business before Committee. I am referring to Motion number 22, which states: "The Liquor Ordinance be referred to Committee of the Whole for discussion."

Mr. Fleming?

Mr. Fleming: Yes, Mr. Chairman, I wonder if at this time it would be possible to get the Territorial Government representative? I should presume Mr. Gillespie, I think, would be the one that this Liquor Ordinance would be under.

Mr. Chairman: Are you requesting a witness to come to Committee?

Mr. Fleming: Yes.

Mr. Chairman: Is that the wish of Committee?

Mr. Fleming: Yes.

Mr. Chairman: Mr. Fleming is requesting that Mr. Gillespie be brought forward as a witness.

Some Members: Agreed.

Mr. Chairman: I'll declare a brief recess.

Recess

Mr. Chairman: I now call this Committee to order. We have with us this afternoon Mr. Gillespie.
Mr. Fleming.

Mr. Fleming: Yes, Mr. Chairman, my apologies for

being late. The reason I brought this motion to the House and have it discussed more or less in Committee was because there are some liquor problems in the Yukon Territory which I think we are becoming aware of. Because the government is now in the process of when an awareness program. I think to help the awareness program we must also get some comments from the people from the business places and some ideas across to the territorial government people as to what might help the situation.

I won't elaborate too long. I go on to say that in the field of liquor outside of Whitehorse, and I want this specifically understood that I am not speaking against some hotel owners in town here or somebody that is selling off-sales beer, and I am not speaking for them. They are entirely different business people than the Alaska Highway and the small places. You just couldn't make regulations actually that would fit both environments, and I am sure that is what we have now.

We have that kind of set up whereas they are trying to meet both environments with one ordinance. Of course the Commissioner in all of these cases has a right in the ordinance to change a few things and make a few regulations here and there.

I am hoping that maybe giving them some information they may be able to make some. For instance a cafe licence, outside of Whitehorse, say on the highway, can ask for a 24 hour off sales licence to sell beer. Okay, that is very good. I am just wondering now, there is nothing anywhere that says he will sell - two hundred dollars worth of beer and ten dollars worth of food, or so. It is just a matter of him getting a licence and selling whatever he wishes.

Of course, I must say I really would like to be free myself, too, and go out and do things. But where the government is handling the liquor, and it is causing a problem I think maybe they should look into these kind of things.

Possibly the remedy is there. Your main licence is a restaurant or a cafe. I think that should be looked into and say there is the reason he has the other licence. The same thing with anything he serves. If he gets a licence to serve beer and wine, I think maybe it should be looked into to see that he does curtail his operations to his main business licence.

Another one I would like to speak on is the bootleg situation.

I really don't, don't wish to go into it too far, except for the fact that many of the lodge owners and the people selling have wondered about this. Why, you know, we have a dollar and a quarter extra along the highway on a bottle that is bought at the liquor store here.

I am wondering myself. They wouldn't let us bootleg it at one time, and now we are doing it more or less that way for them, at a small scale, of course.

I think maybe it could be looked into a little whereas there may be a licence issue where you possibly pay the freight over and above and there is a little profit for the owner. The way it is now, you are bootlegging. They are paying more out of town for the liquor than they are here. You know, different places along the way. I don't see that. I think it could be just looked into. The 24 hours, there is many people possibly outside of this town in the small villages don't need 24 hours.

Last spring some of them came with the idea of turning it over to the L.I.D.'s hopefully, and the Commissioner answered this and said he couldn't do such a thing. I agree with him too on more reasons than one.

One is that these are small towns and there is three people being paid a dollar a day to run that town, but they are certainly not being paid a dollar a day to make that type of a law or regulation amongst friends of theirs in the town and small business places. I think it would cause quite a disturbance.

On the other hand, I'm agreeable they should be able to go to the majority of the people, to the L.I.D.'s, to the Commissioner and that's where the regulation comes from. I'd like to ask this question but I'll just carry on. The meaning of a meal therein, you know. This is one of the places where the restaurant must have a sandwich, or you must sell a sandwich or a doughnut, or a chocolate bar, or a cookie, or something with a beer. If you have that type of license. I've always fought this one for the last 30 years and there are 27 years in the Yukon, ever since I came here. It was in then. It's in now, nobody has ever told me what a meal is. I've looked through many dictionaries and all I can find is it is something to eat. It could be a pill, it could be anything. So it is something that is being abused, and can be abused, and very legally abused. So, because all you have to do is give him a cookie and say there you are and give me a nickel extra.

(Recess due to power failure.)

Mr. Chairman: Mr. Fleming?

Mr. Fleming: Yes, Mr. Chairman, after that little delay, we'll get on with it. I was at the bad part of this ordinance as I seen it in 41. If you want to look in the ordinance, where it says you must serve a meal therein. And of course, as I explained, I don't think that is really anything. It's been there for years, years and I don't mean anything. Because it's not something you have to abide by, because you can cheat on it and it has been cheated on and I even got to jail almost myself because it was cheated on. And it will be again if it is left there. Now I have another little beef which has come from many of the operators out in my area. And this is the seasonal operators. And should they or should they not be given a license in the summer time to sell liquor, or if so if it is found they should really be given it. Why should they not pay more for that license. I've spoken here many times on that before. That anybody running a seasonal operation. It is the summer time and creaming off the gravy and heading for the sunny south, should be charged a little bit extra for having a licence. I think he is running a recreational business, and only that. And he's not serving the goodness or serving the people of the Territory and the people on that highway the year round when it's really tough and you should be serving them, if you're going to stay in business. So that was another one which I had. It could be covered again under Section 44, where the Commissioner is allowed to make certain recommendations and regulations and so forth, and so on. And it might pay the government just to look into

that. It's merely all these things I'm saying the same thing. I would just ask them to maybe take a closer look at some of them.

There is something that has always bothered me and this is one I fought many years ago was when they took out the one hour closing time, in the beer parlours. Now again I want it understood, that I am not speaking for people in Whitehorse. I'm not speaking for any other businesses other than the ones that it might affect, as far as I'm concerned. Because possibly it is a better thing to have here. And maybe many other communities and maybe most of the people feel it is a better thing the way it is now, that there is no one hour closing time. But we don't know for sure because of the same thing. The Liquor Ordinance has never been looked at since the time we made the last change, which has been too many years I think. And at one time we used to close one hour and go home for supper. I found this very, very good in liquor outlets, especially where there's villages and small towns. And were after all the women had made supper and everything and you know the husband might go home and eat his supper, rather than sit in that beer parlour until 12 o'clock, after being there from 9 in the morning. If we're going to control alcohol a little bit, I don't think that ever hurt any thing. So when it came into effect, I did not close mine at that time. I think Mr. McKinnon will remember I was opened until such time as I sold out, which was 3 or 4 years later. I still sent them home at supper time and I closed my place for an hour and I got a few letters from the government and I continued to do so. Sold out and the chap that bought my place did the same thing. But finally, they said you close or away goes your license, so he closed for the hour. But it is just a thought that possibly in some of the communities they might appreciate it.

Other than that I don't think there's much. Except for the fact that possibly we're not policing the thing as exactly as we should. You know. We have a situation where we're allowed to drink on the streets. We're allowed to throw, we're not allowed to throw bottles and things around. We are allowed to have a drink and put our bottle away, actually. But you find them throwing them off sidewalks everywhere and this is not being policed. And we have a litter law, that you can hit them with \$500.00. I don't think there's been a soul ever touched on this. I think that's one of the places maybe they could police it a little bit better.

That is the only practical little complaints or beefs or advise, whatever way you wish to take it.

I would like to get to the territorial government so that they do have that input from some of the business places in my constituency.

In closing I would like to say that I think we all, when we go home, if we are going to help the liquor problem in the territory, when we go back to find out how your constituents feel about the liquor business and how their operations are run and get a letter or two or just go right in and mouth off to the territorial government and tell them how they do feel. Maybe they will have a chance to bring it in in the next year or so and change it to make a better situation of the whole thing.

I have no complaints without Liquor Regulations really as they are in the sense that they were changed at one time. I think the Honourable Member from North Centre had a lot to do with it and I think he did a wonderful job. We have tested it out over this many years and it is time we just looked into it and maybe made a very few changes possibly and make it a pretty good Ordinance.

Thank you, Mr. Chairmann.

Mr. Chairman: Mr. Gillespie.

Mr. Gillespie: Mr. Chairman I would just like to start by saying that I appreciate very much the remarks that Mr. Fleming has made and the advice that he has given. The Executive Committee as it went around the Yukon this fall in a number of places raised the same issue that Mr. Fleming has raised and that is, what do the people think about our liquor laws and our liquor regulations and the enforcement of those regulations and laws. What advice do they have to give to us on how these might be changed. We are very concerned about the whole question of liquor, as was brought out by the Sessional Paper that was introduced by Mrs. Whyard, not only with regard to prevention and matters of that sort.

We are also concerned about the kinds of issues raised by Mr. Fleming just now.

We are looking into changing the Ordinance. I am not sure just when we will be bringing in amendments to it, if we do so. We are also looking into changes to the regulations. We are looking into this very actively and the advice we are getting is very much appreciated.

Mr. Chairman: Thank you Mr. Gillespie.

Are there any further questions for the witness?

Thank you Mr. Gillespie.

The Chairman will now entertain a motion for Mr. Speaker to resume the Chair.

Mr. McCall: Mr. Chairman, I would so move that Mr. Speaker now resume the Chair.

Hon. Mr. Lang: I will second that.

Mr. Chairman: Are you ready for the question?

Some Members: Question.

Mr. Chairman: Are you agreed?

Some Members: Agreed.

Mr. Chairman: Carried.

Motion Carried

(Mr. Speaker resumes the Chair.)

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

Mr. Hibberd: Mr. Speaker, committee convened at 10:40 a.m. to discuss Bills, Sessional Papers and Motions. Committee commenced by reading motion Number 24 regarding the Arctic Winter Games. It was moved by Mrs. Watson, seconded by Ms. Millard that motion number 24 be amended. The amendments were considered, question was called and Committee members agreed with Motion 24 as amended.

Mr. George Schreiber a representative of the Environmental Health Directorate, Health Protection Branch of the National Health and Welfare in Ottawa was present as a witness during Committee's discussion on the Report of the Task Force on the Tolerance Standards for airborne asbestos in Yukon mining plants and operations. Committee recessed at 12 noon and reconvened at 1:30 p.m. Dr. Connolly programs medical officer joined Mr. Schreiber as a witness.

A motion was moved by Mr. Lengerke, seconded by Mrs. Watson, regarding amendments to be made to the Mine Safety Ordinance re asbestosis. The witnesses were then excused and the Committee recessed to procure copies of the motion and to have an opportunity to peruse the contents of the motion.

Committee reconvened at 2:20 p.m. Discussion on the motion ensued, a number of changes were proposed and the alterations were accepted by Committee. Question was called on the motion, division was noted however. The amended motion was duly carried.

Committee recessed at 2:50 p.m. and reconvened at 3:00 p.m. to discuss Sessional Paper number 5, the Territorial Land Use Regulations.

A motion moved by Mr. Taylor, seconded by Mrs. Watson relating to the proposed changes to the Territorial Land Use Regulations was carried.

Committee recessed at 3:50 p.m. and reconvened at 3:55 p.m. with Mr. Gillespie, Assistant Commissioner as witness to the liquor Ordinance. Following a power failure which caused Committee to recess for 20 minutes, Mr. Fleming the Member from Hootalinqua continued to speak to the Committee on the Liquor Ordinance.

The Chairmen thanked Mr. Gillespie and excused him as a witness.

It was moved by Mr. McCall, seconded by Mr. Lang that the Speaker do now resume the Chair and this motion was duly carried.

Mr. Speaker, I wish to advise that this concludes the business of the Committee of the Whole.

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

Some Members: Agreed.

Mr. Speaker: The next matter of business prior to prorogation proceedings will be the question of replies to the Speech from the Throne. Is there any member wishing to reply to the Speech from the Throne?

The Honourable Member from Ogilvie.

Ms. Millard: Yes, Mr. Speaker, just a short note here. I am shocked to see that on the Order Paper the two questions that are left unanswered have to do with

Education.

I am more shocked to see that both of them have to do with Indian education. One question is one that I put forward on the financing of Indian pupils at least two weeks ago and there has been plenty of time to research this and to bring back an answer.

The other question has to do with the tutor program which also involves Indian people because it happens that most people in the tutor program are Indians.

I feel that it is dispicable — that these two questions are left to die on the Order Paper.

It is also regrettably indicative of this government's attitude towards social problems, and particularly to Indian social problems.

I want to point out that the priorities in the budget are not reflective of the problems which we know exist in the Yukon. The costs involved in social disintegration are far greater than the amount of money that everyone seems to complain about in things like the tutor program and taking a close look at our education system and seeing what are the problems in doing something about it.

The cost to us as individuals is far greater as well as the financial costs. I am shocked to see that this government is not looking at the real problems in the Yukon.

Mr. Speaker: The Honourable Member from Kluane.

Mrs. Watson: Mr. Speaker, very briefly, I would like to commend and congratulate the government, particularly the representatives of this House who sit on the Executive Committee for some of the legislation that was brought forward during this session.

I would refer more specifically to the Highways Ordinance, which I think is a great step forward in our own self determination, and to the support that the government is giving both through legislation and through financial commitments in the last budget and hopefully in the next budget to providing television programming for the small communities outside of Whitehorse.

This is certainly commendable from my point of view and I am sure from many members from the outlying areas.

The Medical Professions Ordinance and the Legal Professions Ordinance; really quite controversial legislation. I believe the members did their homework; did the necessary consultation with the professions, that was required; tried to look at it in a very objective way; and, I think, came forward with a very, very good legislation under which these two professions will be able to operate.

I would also like to commend the Consumers at this time for doing their own analysis of these two pieces of legislation, and bringing forward some very valid recommendations whether we acted upon them or not.

To me, there were two very discouraging aspects of this Session, and I believe the Honourable Members who represent this House in the Executive Committee, will likely have learned their lesson, and that is to recognize amendments to such important legislation as the Labour Standards legislation, through a Private

Member's Bill. I've expressed this concern before and I will continue to express it. This is important legislation affecting the whole Yukon, and the Government of the Yukon is responsible for this legislation. And the Executive Committee Members sitting in this House may have agreed with the concept put forward in the Private Member's Bill, but they adopted it as policy for the Territorial Government through the back door, instead of standing up in this House and saying, "This is our policy". And I would hope, Mr. Speaker, that we do not seek Private Member's Bill on very important legislation which is the responsibility of the Government, to be embraced by the Government through the back door.

Legal Aid legislation; I can understand why the Executive Committee Members representing us brought this forward. There was a commitment made to this House and I was part of the Executive Committee at that time when the commitment was made. However, I really question the judiciousness of bringing forward this legislation at this time, when we are faced with prospects of even cutting existing programmes. And when one listens, on the news every day the Federal Government is going to be cutting back Information Canada, L.I.P., Opportunities for Youth; who knows what priorities they give to legal aid, or even assistance for our Medicare programme?

And one other aspect that I would like to bring up, involves this Session of Council; not so much to the Commissioner's address, and yet the Commissioner's address quite obviously did not include amendments to the Elections Ordinance that were brought forward in this House. Again I believe that it was the Government's responsibility to bring forward amendments, proposals through the amendments to the Elections Ordinance. I very much feel that important issues that affect the Yukon people are being discussed and determined in caucus and then being brought forward to this house as a consensus. I have been party to it; and I feel just as responsible, but I don't think that we are responsible to each other here, other than the Executive Committee Members. We are responsible to the Yukon people and our constituents and by determining a consensus or a position in caucus, we are depriving the Yukon public and our constituents the opportunity to hear, understand both sides of an argument and a debate. I am not saying I would have voted against the Elections Ordinance or would have taken any other position, but what we did by determining the amendments to the Elections Ordinance, we closed every member's mouth, sitting around these Chambers. And I don't think we should do this. So, I am giving fair warning: in the future, important things, controversial things, can not be resolved in caucus of the Whole and then brought back cut and dried.

I will have to excuse myself from that type of a caucus situation. I accept the responsibility of what will happen this time. I was a party to it. But I could see the path we are going through, what it would be leading us into. A position where the public are deprived of both sides of an issue, and I don't think we can let this happen. Thank you, Mr. Speaker.

Mr. Chairman: The Honourable Member from

Whitehorse Porter Creek.

Hon. Mr. Lang: On a point of order, Mr. Speaker, I would like to commend the member from Klwane for such an elegant speech. I would also like to make reference to the member from Ogilvie in regards to the two written questions left on the Order Paper. I would like to point out first the remedial tutor is a budget item. I don't have an answer. Second the answer is being compiled and once the answer has been compiled, I will notify the Honourable Member from Ogilvie, so she keeps in touch with the government. Thank you.

Mr. Speaker: Are there any further addresses.

Mr. Speaker: Madam Clerk, I wonder if you would determine if Mr. Commissioner is prepared to give his closing address.

Mr. Speaker: I will now declare a brief recess.

Recess

Sergeant-at-Arms: Order, James Smith, Commissioner of the Yukon Territory.

Mr. Speaker: The House has at its present sittings thereof, passed a number of Bills to which in the name and on behalf of the said House, I respectfully request your assent.

The Clerk: Bill Number 1 - Highways Ordinance, Bill Number 2 - Legal Aid Ordinance, Bill Number 3 - An Ordinance to Amend the Area Development Ordinance, Bill Number 4 - an Ordinance to Amend the Companies Ordinance, Bill Number 5 - an Ordinance to Amend the Game Ordinance, Bill Number 6 - an Ordinance to Amend the Hospital Insurance Ordinance, Bill Number 7 - an Ordinance to Amend the Legal Professions Ordinance, Bill Number 8 - an Ordinance to Amend the Medical Profession Ordinance, Bill Number 9 - an Ordinance to Amend the Motor Vehicles Ordinance, Bill Number 10 - an Ordinance to Amend the Community Assistance Ordinance, Bill Number 12 - an Ordinance to Amend the Pharmaceutical Ordinance, Bill Number 13 - Third Appropriation Ordinance 75-76, Bill Number 14 - an Ordinance to Amend the Election Ordinance, Bill Number 20 - an Ordinance to Amend the Labour Standards Ordinance.

Mr. Speaker: Mr. Commissioner?

Mr. Commissioner: Mr. Speaker the Bills as enumerated by the Clerk, I am very happy to give my assent to at this time.

If I may, Mr. Speaker, I would like to congratulate the Members on a very productive session on behalf of the electorate of the Yukon Territory. I cannot at this time give a definitive date as to when we would be asking the Council to come back into Session but it would appear that with the various budgetary requirements, that undoubtedly have to be dealt with prior to the end of this fiscal year or at least early in the new fiscal year, the date is going to be sometime during the month of February.

We will attempt to give as much notice to Honourable Members as possible and likewise attempt to maintain the same routine with non-money Bills with what was established prior to this current session.

To each and everyone of the Members and to yourself Mr. Speaker, I sincerely trust that you enjoy a very pleasant Christmas season and that 1976 will indeed be a kind one to you individually and collectively, to everyone who is present here and every one of the people in the Yukon that I have the honour of representing.

I sincerely trust that all members will have a safe journey home, Mr. Speaker, and most of all that the current very inclement weather conditions that we have not been enjoying for the past couple of weeks will cease and desist and that the warm sunny, warm breezes from the south will thaw out what is temporarily a very cold Yukon.

Thank you very much, Mr. Speaker.

Mr. Speaker: You have spoken in your closing address of a productive session. I am sure in speaking on behalf of members in the House that they would join me, in stating this would, of course not be possible but for the hard work put in by your officers and your staff and those members of the administration who have contributed in anyway to the success of this Session.

I am sure the Members would wish me, Mr. Commissioner, to extend to you and all members of the public service and your officers and staff, also a joyous festive season and we look forward to sitting again when next we meet in the spring.

Madam Clerk: It is the Commissioner's will and pleasure that this House be now prorogued and this House is accordingly prorogued.

Prorogued

**LEGISLATIVE RETURN NO. 11
(1975 THIRD SESSION)**

December 11, 1975

**Mr. Speaker,
Members of Council**

On December 11th, 1975, Councillor McCall asked the following question:

"It is my understanding, Mr. Speaker, that DND aircraft was utilized to transport a water tanker and other machinery to Old Crow last week. Will the Commissioner inform me whether local aircraft operators were given the opportunity to bid on this freight haul?"

The answer is as follows:

A Department of National Defence C-130 Hercules aircraft, which was scheduled to fly empty to Old Crow on December 4th, stopped at Whitehorse en route and carried a water truck and a quantity of building materials to Old Crow. The building materials were

required to finish the garage for the truck. The total combined weight of freight was 25,500 lbs.

The truck in question had been especially ordered by Indian-Eskimo Affairs and one of the specifications required that it be air-transported by a C-130 Hercules aircraft. It could not be loaded aboard any other type of aircraft operating in Canada.

No local aircraft operators possess C-130 Hercules aircraft.

The Director of Indian-Eskimo Affairs contacted PWA in Yellowknife and was informed that it would cost in excess of \$18,000 for a PWA Hercules from Yellowknife to airlift the truck. In view of this, the Minister of Indian and Northern Affairs was informed that the truck could not be moved until barge operations commence, unless DND were able to perform the task. The Minister therefore requested that DND do so in order that the service of the fire fighting equipment be available to the Community immediately.

**J. Smith
Commissioner**

**LEGISLATIVE RETURN NO. 12
(1975 THIRD SESSION)**

December 12, 1975.

**Mr. Speaker,
Members of Council**

On December 4, 1975, Councillor Watson asked the following question:

"Does the Commissioner have any idea of the terms and conditions of that agreement that the U.S. is negotiating with Canada, and the specific effects this

agreement will have upon the Yukon Territory?"

The answer is as follows:

We have been unable to this point to obtain a copy of the agreement or the U.S. bill. As soon as this information becomes available and we have had an opportunity to assess its impact on the Yukon, we will advise all members.

**M.E. Miller,
Member,
Executive Committee.**