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The Yukon Legislative Assembly

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Debates & Proceedings

Monday, December 1, 1975

Speaker: The Honourable Donald Taylor

The Yukon Legislative Assembly

December 1, 1975

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(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-Com 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 make 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 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 know 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 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 un-announced 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 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.**



