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The Yukon Legislative Assembly

Number 6

7th Session,

23rd Legislature

Debates & Proceedings

Wednesday November 10, 1976

Speaker: The Honourable Donald Taylor

YUKON ARCHIVES
Whitehorse

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Whitehorse, Yukon Territory.
November 10, 1976.

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. We will proceed with Prayers.

(Prayers)

Mr. Speaker: Before proceeding with the Order Paper this morning, I would like to deal with the question of privilege raised by the Honourable Member from Whitehorse Riverdale, on November 9th. And the Member has asked the Chair to consider and give a ruling respecting two distinct questions.

The Honourable Member has asked: "As this Assembly's newest Member, I've been questioned many, many times recently, and particularly in the last few weeks, with respect to the calling of the... the naming of the Yukon Legislative Assembly. People are saying to me, 'How do you get away with calling yourselves the Yukon Legislative Assembly' and the other point is that they're asking me how do we put the title of Minister on our Members in the Ex-Com, and their questions, Mr. Speaker, certainly concern me because I'm really wondering, you know, what the legalities of it are.

I'm convinced that, under the Yukon Act, we're quite rightful in what we are doing, but I wonder if you could give me a ruling on that, Mr. Speaker."

Mr. Speaker: The Yukon Act provides for the existence of a legislature, styled as the "Council of the Yukon Territory" and, at the same time, provides statutory authority for its legislative functions. It has traditionally been held that certain privileges have attached themselves to legislatures throughout the Commonwealth and one of those privileges is the right of the House to re-define itself. For instance, the Council of the Yukon Territory, immediately prior to 1961, informally declared itself as the Yukon Legislative Council and remained as such until following the election of this House in 1974. In December 1974, the House, by formal resolution, again re-defined itself "so far as may be consistent with the terms and intent of the British North America Act and the Yukon Act and the privileges of this House... to be known and styled as the Yukon Legislative Assembly."

In pursuance of this question, it was necessary to give consideration to the Canadian experience. It is noted that, notwithstanding the provisions of the British North America Act, two Parliaments of the Dominion, namely the legislatures of Quebec and Ontario, have, as it is their privilege to do so, re-defined themselves from Legislative Assemblies to a National Assembly in the case of Quebec and a Provincial Parliament in the case of Ontario.

The Yukon Legislative Assembly as re-defined from the former title "Council of the Yukon Territory" as a legislature within the Dominion of Canada, established and given its authority to legislate by provisions contained in the Yukon Act. Were this not the case, all laws

enacted by it since 1908 would surely be invalid and inoperative. In re-defining itself from a Council to an Assembly, the House neither lost nor did it gain any additional legislative authority other than that authority described in the Yukon Act.

In the Resolution of this Legislature proclaiming the Yukon Legislative Assembly, the House exercised its privilege in decreeing as well that "its Members chosen for executive office be known and styled as Ministers with all the duties, powers and privileges thereto appertaining."

In the case of the Canadian House of Commons, a Privy Council is established under the authority of the British North America Act and is composed of those chosen by the Governor General of Canada and they are, by custom, always recommended by the Prime Minister.

The Privy Council performs no functions as a Council, despite the fact that it is mentioned a number of times in the B.N.A. Act as an advisory body to the Governor. Such functions have been assumed by a small portion of the Privy Council, which constitutes the Cabinet of the moment. The Cabinet, lacking any legal status of its own, masquerades as the Privy Council when it desires to assume formal powers, and it speaks and acts in the name of the entire Privy Council. The British North America Act, like the Yukon Act, makes no provision for a Cabinet or Ministers at either federal or provincial levels. The principle that members of these Cabinets must not only have seats in one of the legislatures but that they are at all times responsible to the House, lies at the very roots of Canadian politics.

It is clear, then, that Cabinets and Cabinet Ministers are not provided for by the B.N.A. Act or the Yukon Act but, rather, have evolved through usage and precedent established through Parliamentary privilege.

The "Table of Titles to be used in Canada" proclaims that persons designated as Executive Councillors of the Provinces are to be styled "Honourable" while in office, as is the Speaker of the Legislatures.

Parliamentary privilege is described by Erskine May as the sum of the peculiar rights enjoyed by each House collectively, as a constituent of the High Court of Parliament, and by Members of each House individually, without which they could not discharge their functions and which exceed those possessed by other bodies or individuals. Thus, privilege, though part of the law of the land, is to a certain extent an exemption from ordinary law. Parliamentary privilege can also be defined as the sum of the fundamental rights of the House and of its individual members as against the prerogatives of the Crown, the authority of the ordinary courts of law and the special rights of the Mother Parliaments.

Finally, the Interpretation Act of Canada proclaims, in Section 28 thereof, that "Legislature", "Legislative Council" or "Legislative Assembly" includes the Lieutenant Governor in Council and the Legislative Assembly of the Northwest Territories, as constituted before the 1st day of September, 1905, the Commissioner in Council of the Yukon Territory, and the Commissioner in Council of the Northwest Territories. The Interpretation Act further provides that "Province means a Province of Canada and includes the Yukon Territory and the Northwest Territories".

Having considered, then, all matters raised in the

Honourable Member's question of privilege. I am bound to make the following ruling:

That the House, in styling itself as the "Yukon Legislative Assembly", did so in complete accord with the practice and usage of parliamentary privileges in Canada and not inconsistent with the Laws of Canada; and that this House shall continue to be known and styled as the "Yukon Legislative Assembly"; and that the Members of the Assembly are properly titled as M.L.A.'s, and the use of the term "Minister" in respect of those elected Members who serve as Members on the Executive Committee is quite valid and in order, and that the title of "Honourable" is bestowed upon such Members during their term of office concurrent with the Table of Titles to be used in Canada.

The Honourable Member from Whitehorse North Centre?

Hon. Mr. McKinnon: I would like to rise on the point of privilege if I may, and I would like, I think on behalf of all the Members of the House, to thank Mr. Speaker and compliment him for the work that he has done in the legal and constitutional background of the question and the ruling that he has made.

Mr. Speaker, we all know that British parliamentary practice comes much more from tradition and usage rather than from formal constitutional documents that are written. That is all that the Members of this Legislature are attempting to do. And you know, it's a shame, Mr. Speaker, that an issue has to be raised over what is fundamentally a non-issue. And at one point in time, Mr. Speaker, when all the members of the media had been around the Yukon for some period of time, they were all Yukon citizens who were absolutely as involved with the development of responsible institution as are all the Members of this House and the ordinary Yukon constituents, and they would do anything in their power within the legal boundaries to help the Yukon people along their role to self-government.

Unfortunately, things have changed; the only thing that remains constant is that we know that the elected Members and the people of the Yukon, regardless of who comes and goes in the media, are not going to give up their struggle towards democratic institutions and responsible government.

To get right down to the nitty-gritty, Mr. Speaker, and away from the constitutional and legal right of the House to do what they are, we know that we're fully capable and legally responsible for doing what we're doing because if we weren't Mr. Speaker the Federal Government would have already ripped down our flag and sent us to the back of the bus again, and of course they haven't done it in this instance because they know that they can't and they know that we are acting totally within the prerogative of this House in doing what we are doing in this instance.

So, Mr. Speaker, on behalf of all the Members of the House, once again I think that we would all thank you and compliment you for the work that you have done on this non-issue which, unfortunately, for different circumstances, has become an issue for all it's worth at this time, Mr. Speaker.

(Applause)

Mr. Speaker: I would thank the Honourable Member for all his very kind remarks and remarks on behalf of the House.

ROUTINE PROCEEDINGS

Mr. Speaker: We will now proceed to the Order Paper. Are there any documents for tabling this morning. Are there any Reports of Committees?

The Honourable Member from Kluane?

REPORTS OF COMMITTEES

Mrs. Watson: Mr. Speaker, with your concurrence, I will present the report on behalf of the Chairman.

Mr. Speaker: Proceed.

Mrs. Watson: Mr. Speaker, the Standing Committee on Rules, Elections and Privileges met Tuesday, November the 9th, 1976, to consider the order of reference respecting the question of privilege raised by Ms. Millard on Monday, November the 8th, 1976.

The Standing Orders and Rules of the Yukon Legislative Assembly are currently under active review by the Standing Committee. It is Committee's intention to give meaningful consideration for the development of a procedure which will govern future addresses in replies to Speeches from the Throne.

The Committee reviewed its terms of reference as set out by Motion Number Two, passed November the 2nd, 1976, and felt that the question of privilege raised by Ms. Millard and directed to this Committee by the Speaker was beyond the terms of reference given to the Standing Committee by the House.

The Standing Committee, however, recommends to the Speaker the following: Those Members of this Assembly who did not respond on Thursday, November the 4th, 1976 to the Speech from the Throne be given every opportunity to do so, and that a day certain be established and announced by the Speaker.

Mr. Speaker: Are there any further Reports of Committees? Are there any Petitions?

Are there any Introduction of Bills? Notices of Motion for the Production of Papers? Are there any Notices of Motion or Resolution?

The Honourable Member from Kluane?

NOTICES OF MOTION OR RESOLUTION

Mrs. Watson: Mr. Speaker, I would like to give Notice of Motion re concurrence of the Standing Committee Report.

Mr. Speaker: Are there any further Notices of Motion or Resolution? Are there any Statements by Ministers this morning?

Oh, the Honourable Member from Kluane — I'm sorry.

Mrs. Watson: Mr. Speaker, I have Notice of Motion. I would like to give Notice of Motion that the White Paper on the Yukon Insurance Rates and the Y.T.G. Land Claims negotiations be moved into Committee of the Whole House for further discussion.

Mr. Speaker: The Honourable Member from Whitehorse Riverdale?

Mr. Lengerke: Sorry.

Mr. Speaker: Are there any further Notices of Motion?

All right, we will proceed, then, to Statements by Ministers. Are there any Statements this morning?

This brings us to the oral Question Period.

QUESTION PERIOD

Mr. Speaker: Have you any questions? The Honourable Member from Mayo?

Question re: Operation of Detox Centre

Mr. McIntyre: Yes, Mr. Speaker, I have a question for the Minister of Health and Welfare. Perhaps this would be an appropriate time for the Minister to give us some indication as to the operation of the Detox Centre and its success or failure.

Hon. Mrs. Whyard: Mr. Speaker?

Mr. Speaker: The Honourable Member from Whitehorse West?

Hon. Mrs. Whyard: I appreciate the question at this particular time because we may have to prepare the public climate in advance of the next budget. We have a child here that is growing beyond leaps and bounds, Mr. Speaker, beyond all anticipation of the use which would be made of our first attempt in the Yukon to provide a detoxification centre.

As you recall, this Assembly approved our Alcoholism Prevention Program a year ago, and a number of positive steps have been taken since then and one of them was the opening of the Detox Centre in February of this year. That was the day when the first customer arrived at the door, after many months of planning and a long process of obtaining the proper people for the staff, with the right background and training.

I can tell you, Mr. Speaker, that, before the centre opened, the planning had been based on a 70% occupancy most of the time, and we had ten beds available, so that the forecast occupancy would have been 1,498 customers up to this date. The actual occupancy rate has been 2,101, or a percentage of 98 not 70.

Because the demand for beds was more than we had available, we had to increase the number, and the staff there has been going full out since opening day. We've had a total of 682 individual admissions. We are admitting three intoxicated persons every 24 hours and many of them remain in the Detox Centre for several days, having sobered up, for counselling, rehabilitation planning and referrals to other centres in other areas to continue the rehabilitation.

The program has had to expand, and the additional services which were not in the original plan have now provided out-patient counselling and supervision and follow-up for many of the clients. The provision of counselling services for the court, when these are recom-

mended from the bench, and the administration of aversive drug therapy programs.

Another gap that the centre is filling, Mr. Speaker, which is also rather unexpected, is a social setting free of alcohol, where sober ex-clients can come and spend some time with encouragement and assistance for other sober persons. The demand for this service has been tremendous, and in October 289 visits were made to the centre by sober ex-clients, which is an average of 13 a day.

As the Honourable Members know, who took advantage of the opportunity to visit the centre last spring, it's a very small house. I think probably that is one of its chief attractions — it's not a large institution; it is staffed by friendly, concerned and competent people who are there to help, and the response to this centre has just been overwhelming.

I would just add, Mr. Speaker, that approximately 70% of all the individuals who come to use the services at the centre are of native origin and we are very happy that this is one government service which is being used by all the people of the Yukon.

Thank you, Mr. Speaker.

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

Question re: Cancellation of Land Leases

Mr. Fleming: I have a question for the Minister of Local Government on the land question and leases. I have in my possession a lease which is being cancelled according to the Government through normal passage of time, and I would ask the Minister a question. If the person that had the lease had done all he was supposed to do, paid the taxes, if it was a residential lease for instance, he was living there during the years he was supposed to and so forth and so on, is it a normal practice to just cancel a lease through the normal passage of time?

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

Hon. Mr. McKinnon: Mr. Speaker, I would have to ask the question whether it is a federal government lease or a territorial government lease to be able to answer the question from the Honourable Member from Hootalinqua.

Mr. Fleming: Yes, Mr. Speaker, in reference to this I will not divulge any names or otherwise, but the federal government had the lease, this specific lease and maybe more and transferred it to the local government, territorial government in 1975.

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

Hon. Mr. McKinnon: Mr. Speaker, since I assumed the portfolio responsibilities as Minister of Local Government, there has not been one lease cancelled that is under the direction and control of the Commissioner when the lease agreement has been lived up to.

Mr. Speaker: The Honourable Member from Ogilvie.

Question re: Patient Protection

Ms. Millard: Mr. Speaker, I have a question for the Minister of Health, Welfare and Rehabilitation. What protection does a patient have in the Yukon under our legislation or federal legislation if, for instance, they are treated with a cancer causing drug without the patient's knowledge?

Mr. Speaker: The Honourable Member from Whitehorse West.

Hon. Mrs. Whyard: Mr. Speaker, this is beyond my capability to answer at the moment. I will have to seek medical advice and report back to the House.

Mr. Speaker: The Honourable Member from Hootalinqua.

Question re: Advisory Committee on Land Use

Mr. Fleming: Yes, Mr. Speaker, another question for the Minister of Local Government. Is there such a thing as a federal and territorial advisory committee of some sort on land use, and if so, who are they?

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

Hon. Mr. McKinnon: Yes, Mr. Speaker, they are, there is. They meet monthly and I would be happy to table in the House the makeup of the Federal-Territorial Land Use Advisory Committee.

Mr. Speaker: The Honourable Member from Klondike.

Question re: Labour and Management Relations

Mr. Berger: Yes, Mr. Speaker, I have a written question for the Honourable Member from Whitehorse North Centre. How much money does the government expect to save by recommending to the departments to fill vacancies with casuals in the light that all the talk from government and other people about better labour and management relationships. Was the suggestion discussed with the unions in question?

Hon. Mr. McKinnon: It's a written question, Mr. Speaker.

Mr. Speaker: The Honourable Member from Ogilvie.

Question re: Gymnasium at Old Crow

Ms. Millard: Mr. Speaker, I have a question for the Minister of Education. Why has your department led the people of Old Crow to believe a gymnasium will be built, when you have stated at this Session that we are still awaiting for approval of funds?

Hon. Mr. Lang: Mr. Speaker, I find this very disturbing, the statements being made by the Honourable Member. I think that the Honourable Member is fully aware that I sent a letter to the School Committee stating that we were prepared to look at the possibilities of a gymnasium, but it was all subject to the financial situation of the government and if anybody in my department is leading the people of Old Crow to believe that a gymnasium is going to happen forthwith without the Budget being presented in this House I would say that that official is completely out of his jurisdiction going about saying things like this.

Mr. Speaker: The Honourable Member from Hootalinqua?

Question re: Transfer of Health Services

Mr. Fleming: Yes, Mr. Speaker. I have a question for the Minister of Health. In the light of some things I have heard of possibly Federal Health services being turned over maybe to the Yukon Territory in the future or the near future, or whatever, I would ask, would the matter be brought before this Assembly and decided upon here, prior to any take-over of that department?

Mr. Speaker: The Honourable Member from Whitehorse West?

Hon. Mrs. Whyard: Mr. Speaker, it's difficult to know in what form the Honourable Member would expect this to be brought before the Assembly. There has been an agreement between two Federal Cabinet Ministers that this transfer of the delivery of health services will be made to the Yukon Government.

There are many administrative problems to be ironed out, with the eventual transfer of the Federal personnel to the Yukon Department. There will be financial agreements involved, which of course you will be privy to because they will have to come before this House. Are you asking, Mr. Speaker, whether or not this House has approved that such a transfer be made, because I'm afraid I came in late on this one, the transfer was already in the mills before I was even elected to this House.

Mr. Speaker: The Honourable Member from Ogilvie?

Question re: Alcoholism Program

Ms. Millard: Mr. Speaker, a further question on our alcoholism program. What follow-up plans are being made for a community such as Dawson City, for someone who has left Crossroads and is coming back to the community?

Mr. Speaker: The Honourable Member from Whitehorse West?

Hon. Mrs. Whyard: Mr. Speaker, as part of our enlarging program, there have been additional alcoholism, counsellors taken on staff this year, whose responsibilities include visits to the outlying communities, and I'm not referring to Dawson as an outly-

ing community, but that is a beginning of taking the program out of Whitehorse, Mr. Speaker.

In addition, our recent program for Dawson to expand community services through the Social Welfare Branch and to provide as many possible positions there as we could, included an alcoholism program for Dawson, and there have been visits made to Dawson for the purpose of outlining with the people there, what type of program they felt would be best suited to the needs of that community, and it looks as if it's going to be a combined community and alcoholism worker in Dawson, who would be a local resident.

In addition, people who have come to Crossroads, for example, for a three week residential therapy course, when they return to their home community, must have a resource person on whom to rely for support in the first tough weeks and months when they are trying to stay on the wagon.

The alcoholism program of this government includes resource people in each area, and we are hoping that there will be some compensation for those people, instead of expecting them to act as volunteers forever.

If the Honourable Member wishes more information, I would be happy to bring in a paper on it.

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

Question re: Decentralization in Yukon

Mr. Berger: Yes, Mr. Speaker, I have a question for the Honourable Minister of Local Government.

Just recently the Northwest Territories announced decentralization in the Territories. Can this Territory also expect some decentralization?

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

Hon. Mr. McKinnon: Mr. Speaker, the easiest thing in government to do is to give lip service to decentralization, the hardest thing for government to do is to actually initiate and put decentralization programs into practice.

Up to this point, this government has given lip service to the philosophy of decentralization and I would like to see certain programs and certain staff decentralized, so that we can do more but actually show that we are practically attempting to actually decentralize, and I hope that it can happen within the next year or so.

Mr. Speaker: The Honourable Member from Ogilvie?

Question re: Pharmacare for Senior Citizens

Ms. Millard: Mr. Speaker, I have another question for the Minister of Health, Welfare and Rehabilitation. Has some investigation been made since our Budget Session, on the possibility of Pharmacare for the elderly in the Yukon?

Hon. Mrs. Whyard: Mr. Speaker, this is a question that has been asked from time to time, and usually by senior citizens who approach us on this issue.

The first thing that would be required if this government were looking at a universal plan of Pharmacare as our Medicare plan is carried through, would be a national Pharmacare program, into which we could plug as one of the participants. It would be a pretty costly thing for us to undertake on our own.

As all Honourable Members are well aware, we do not have any resource revenue which some of our neighbour provinces use for this kind of special service to their residents, and it would be very nice to have things like Pharmacare, but we have to find the money to provide them.

We have come up with some figures and some costs, but at the moment there has been no prospect of financing it.

Mr. Speaker: The Honourable Member from Hootalinqua?

Question re: Wage Scale and Hiring Procedures on Government Contracts

Mr. Fleming: Yes, Mr. Speaker, I have a question for either the Minister of Local Government or of Mr. Commissioner, whoever can do this.

I would like to obtain the contract specifications for hiring and for the wages on contracts let by the Territorial Government or the Federal Government that are now being done in the Carcross area, on the road to Skagway, and some of the contracts, Yukon Housing Corporation contracts and so forth. I would like to obtain the wage scale that must be paid and also the hiring procedure, as to where you hire from and who.

Mr. Speaker: Order please. I think that this type of question properly ought to be brought in as a Motion for the Production of Papers, but I think on this occasion I'll permit an answer to this but perhaps if you do wish documents, all Members could bring in, or ask for these documents under Motions for the Production of Papers.

The Honourable Member from Whitehorse North Centre?

Hon. Mr. McKinnon: The regulations concerning, Territorial regulations concerning contracts and wages are in the Territorial Regulations Book, which the Honourable Member should have a copy of. The policy is in the Policy Manual which the Honourable Member should also have a copy of, is available in our lounge and both of these documents are available to the Honourable Member, Mr. Speaker, at present.

The Federal contract regulations, we would be happy to ask the Federal Government to provide us with copies to be able to table in the House, Mr. Speaker.

Mr. Speaker: Mr. Commissioner.

Mr. Coommissioner: Yes, Mr. Speaker, I have a response to a question raised in the Assembly by the Honourable Member from Klondike, Mr. Berger, on November 8th, which he asked how many oil companies are going to conduct a drilling program north of Dawson this year. The answer to the question is as follows: I'm advised that Mobile Oil has a joint, has submitted a drilling application, but no application has yet been

made for the Land Use Permit for a drill site in the Trail River area. No decision has been reached by the Department of Indian Affairs and Northern Development on the drilling permit.

Secondly, Aquatane, there have been preliminary discussions of a drill site in the Porcupine-Eagle River area, but no application has been made to date for a drilling permit or a Land Use Permit.

That is all.

Mr. Speaker: The Honourable Member from Ogilvie.

Question re: Negotiations for Transfer of Nursing Care at Dawson

Ms. Millard: Mr. Speaker, another question for the Minister of Health, Welfare and Rehabilitation. How far along are the negotiations with the Federal Health Services concerning transferring the nursing care at Dawson City over to the Father Judge Memorial Hospital?

Mr. Speaker: The Honourable Member from Whitehorse West.

Hon. Mrs. Whyard: Mr. Speaker, I don't know that we could dignify them with the word negotiations, there have been requests. I have had no direct replies from the Federal Department of Health and Welfare to my correspondence.

Mr. Speaker: The Honourable Member from Klondike.

Question re: Fishing Licences in Dawson City Area

Mr. Berger: Yes, Mr. Speaker, I have a question to the Commissioner this morning. He might like to make it a written question if he likes. What was the reasoning behind issuing so many fishing licences in the Dawson City area on the Yukon River?

Mr. Speaker: Mr. Commissioner.

Mr. Commissioner: Mr. Speaker, I will have to take written notice of that and check into the background material.

Mr. Speaker: The Honourable Member from Whitehorse Riverdale.

Question re: Dock and Harbour Expansion at Skagway

Mr. Lengerke: I have a question for the Commissioner this morning. I'm sure that most of us heard on the news media this morning the report of the problems that they might be having at Skagway with respect to the dock and harbour expansion which involves, as you know, the State of Alaska and Skagway, and the community of Skagway and White Pass. I'm just wondering because of the possible ratifications that that might have and any changes, I was wondering this morning, Mr. Commissioner, if the Yukon Government is aware of that situation. I'm wondering if you have been asked for any assistance or offered any assistance in that situation?

Mr. Speaker: Mr. Commissioner.

Mr. Commissioner: Mr. Speaker, yes the Yukon Territorial Government has been and is aware of the potential problem. We are actively discussing the matter with the State of Alaska and I would request that I withhold the response to the House until after I have spoken to the Executive Committee because I have just now returned from the State of Alaska, if that's satisfactory.

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

Hon. Mr. McKinnon: I have some further answers or information on questions that were asked yesterday by Honourable Members, Mr. Speaker. On the Highway films, I have the address for the Honourable Member from Teslin where he can get information concerning the films and advise that getting on the distribution list should be no problem as long as a user fee is paid, which is apparently two bucks per adult and a buck and a half for kids.

Also I have an answer for the Honourable Member from Teslin, the Territorial Government, through the Federal Territorial Lands Advisory Committee was kept advised of the development of the Federal Recreational Subdivision at Teslin, by the Federal Government. However, the Territorial Government was not involved in the original decision of location or of design.

In answer to the Honourable Member from Riverdale, Mr. Speaker, Mr. Steen Repstock, the Dominion Lands for Energy Mines and Resources was kind enough to bring down to us a copy of the act to amend the Canada Land Survey Act, which has only reached first reading at this date and I'd be happy to give the Honourable Member the Bill as it now stands with the sections that concern the Yukon underlined and Mr. Repstock has kindly consented to use his services if you want to go into any of these sections in detail with him or if any other Members of the Assembly also want to go over the sections that affect the Yukon with this new Act that has been given first reading in the House, Mr. Speaker.

Oh, also I would like to table the answer to written Question Number 6, Mr. Speaker.

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

Hon. Mr. Lang: Mr. Speaker, I have for tabling, a Legislative Return to a question concerning the French language program.

Mr. Speaker: This brings us to the end of the Question Period. We'll now proceed to Motions.

ORDERS OF THE DAY

MOTIONS

Motion Number 8

Madam Clerk: Motion Number 8, standing in the name of the Honourable Member, Mr. Lengerke.

Mr. Speaker: Would the Honourable Member from Whitehorse Riverdale be prepared to proceed with Motion Number 8 this morning?

Mr. Lengerke: Yes, Mr. Speaker.

Mr. Speaker: This is Motion Number 8. Moved by the Honourable Member from Whitehorse Riverdale, seconded by the Honourable Member from Whitehorse South Centre, that matters relating to the Motor Vehicle Ordinance be discussed in Committee of the Whole.

The Honourable Member from Whitehorse Riverdale?

Mr. Lengerke: Yes, Mr. Speaker. My response to that this morning would be to call the question.

Some Members: Question.

Mr. Speaker: Question has been called. Are you agreed?

Some Members: Agreed.

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

(Motion carried)

Motion Number 9

Madam Clerk: Motion Number 9, standing in the name of the Honourable Member, Mr. Hibberd.

Mr. Speaker: I note from the Chair that the Honourable Member from Whitehorse South Centre is not present today. Perhaps this could be stood over on the Order Paper until tomorrow.

Some Members: Agreed.

Mr. Speaker: Before proceeding to Public Bills, I would draw the attention of Members of the House to the Order Paper, under the Notice Paper. Question 1 is indicated as being answered, this question is still in fact standing.

Question Number 3 has now been answered, and Question Number 6 has now been answered.

PUBLIC BILLS

First Reading of Amendments to Bill Number 1

Madam Clerk: First reading of the amendments to Bill Number 1.

Mr. Speaker: The Honourable Member from Whitehorse West?

Hon. Mrs. Whyard: Mr. Speaker, I move, seconded by the Honourable Member from Porter Creek, that the amendments to Bill Number 1 be now read a first time.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse West, seconded by the Hon-

ourable Member from Whitehorse Porter Creek that the amendments to Bill Number 1 be now read a first time. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the Motion carried.

(Motion carried)

Second Reading of Amendments to Bill Number 1

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

Hon. Mrs. Whyard: Now Mr. Speaker. I move, seconded by the Honourable Member from Porter Creek, that the amendments to Bill Number 1 be now read a second time.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse West, seconded by the Honourable Member from Whitehorse Porter Creek, that the amendments to Bill Number 1 be now read a second time.

Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the Motion carried.

(Motion carried)

Third Reading of Amendments to Bill Number 1

Hon. Mrs. Whyard: Mr. Speaker, I move, seconded by the Honourable Member from Whitehorse Porter Creek, that Bill Number 1, Emergency Medical Aid Ordinance, be now read a third time.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse West, seconded by the Honourable Member from Whitehorse Porter Creek, that Bill Number One be now read a third time.

Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

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

(Motion carried)

Mr. Speaker: Are you prepared to adopt the title to

the Bill?

The Honourable Member from Whitehorse West?

Hon. Mrs. Whyard: Yes, Mr. Speaker, I move, seconded by the Honourable Member from Whitehorse Porter Creek, that Bill Number 1, Emergency Medical Aid Ordinance do now pass and that the title be as on the Order Paper.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse West, seconded by the Honourable Member from Whitehorse Porter Creek, that Bill Number 1 do now pass and that the title be as on the Order Paper.

Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the Motion carried and that Bill Number 1 has passed this House.

(Motion carried)

First Reading of Amendments to Bill Number 7

Madam Clerk: First reading of the amendments to Bill Number 7.

Mrs. Speaker: The Honourable Member from Mayo?

Mr. McIntyre: Mr. Speaker, I move that Bill Number 7, seconded by the Honourable Member from Whitehorse Riverdale, that Bill Number 7 be moved into Committee of the Whole for further discussion.

Mr. Speaker: It has been moved by the Honourable Member from Mayo, seconded by the Honourable Member from Whitehorse Riverdale, that Bill Number 7 be referred to Committee of the Whole for further discussion. Is this correctly stated?

Is there any discussion?

Some Members: Question.

Mr. Speaker: Question has been called. Are you agreed?

Some Members: Agreed.

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

(Motion carried)

Mr. Speaker: This now brings us to the end of our Order Paper.

May I have your further pleasure? The Honourable Member from Whitehorse Riverdale?

Mr. Lengerke: Mr. Speaker, I move that Mr.

Speaker do now leave the Chair, and this House resolve itself into Committee of the Whole, for the purpose of discussing Bills, Sessional Papers and Motions.

Ms. Millard: I second that Motion.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse Riverdale, seconded by the Honourable Member from Ogilvie, that Mr. Speaker do now leave the Chair and the House resolve into Committee of the Whole for the purpose of discussing Bills, Sessional Papers and Motions.

Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the Motion as carried and in the absence, I believe of the Chairman and the Deputy Chairman, I would appoint the Honourable Member from Whitehorse Riverdale to act in their stead until their return in Committee of the Whole today.

(Motion carried)

(Mr. Speaker leaves Chair)

COMMITTEE OF THE WHOLE

Mr. Chairman: I will call this Committee to order and I will declare a recess.

(RECESS)

Mr. Chairman: I now call this Committee to order. We'll be dealing with Bill Number 2, the Electrical Protection Ordinance. We have as a witness the Legal Advisor and I would ask the Members if they would desire to read this, do you want to read this clause by clause.

Some Members: Agreed.

Mr. Chairman: Good, I think that it is important enough and I think that we will raise some good questions that way.

Mrs. Watson.

Mrs. Watson: Mr. Chairman, before we get into the Bill, I'd like to bring up a point of privilege and yesterday, we had tabled in this House the Annual Report of the Electrical Public Utilities Board. So often we pass legislation that requires work on boards by members of the public and, in this instance, I'd really like to, for recognition to the Chairman, Mr. Quong, who is stepping down and to Neil Olson. Mr. Quong and Neil Olson are on the Board, the first Board that was struck after the legislation was passed in 1972 and brought into force. They had, they had to start at the very basis, there was nothing. Now Mr. Quong worked many, many hours to structure this Electrical Public Utilities Board. He and

Mr. Olson have conducted quite a number of hearings and I would venture to say the hearings and the work that these men did, this Board did, in the three years that they served was equal to what a normal board would do in ten years. So I would like express my own thanks for the service that these men performed on behalf of the community.

(Applause)

Mr. Chairman: Thank you, Mrs. Watson. I'm sure from that response that all Members certainly appreciate those comments and are well aware of Mr. Quong's good work that he's done. Thank you.

As you agreed then we will proceed to read the Electrical Protection Ordinance. Clause One:

(Reads Clause 1)

Mr. Chairman: Clause Two:

(Reads Clause 2)

Yes, Mr. Fleming.

Mr. Fleming: I wonder if Mr. Legal Advisor could give us the, a little more on the owner when he's referring to electrical equipment or property or wiring includes a lessee. Could he give us a little more clarification on that?

Mr. Legal Advisor: Mr. Chairman, basically except in respect of a person's own private house, he is being prevented from doing electrical work. So when you're defining or you're talking about a person who has a business in a particular place or who is the owner of an apartment which is let out to another person and as the Ordinance devolves, you will see that exceptions are made to allow a person to do his own wiring under certain circumstances.

Mr. Chairman: Mr. McIntyre?

Mr. McIntyre: In the same section we are dealing with "owner", there are two verbs, with one subject, and I wonder which verb you would like to have omitted.

Mr. Chairman: Which was that, Mr. McIntyre, I'm sorry?

Mr. McIntyre: Well, you say "owner" means and includes "lessee", but no "and" in-between. You should either leave out "means", or have some other way of expressing it.

Mr. Legal Advisor: Yes, Mr. Chairman, that is correct. It's a grammatical error.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: I am continuing on the definition of "owner". You say "lessee, occupant and person in charge of premises". Do you mean collectively or would the word "or" be better? Is there a deliberate "and" put in there?

Mr. Legal Advisor: Yes, Mr. Chairman, it's intended to include a lessee, and it's intended to include an occupant, and it's intended to include a person in charge of premises. The reason for the person in charge of premises is that occasionally it's very difficult to prove what the relationship of a person who is there is to the real owner if you can find him. But you've still got to prevent that person from dealing with the electrical wiring.

Mr. Chairman: Mr. McIntyre?

Mr. McIntyre: In the same section, something must have happened to this section. There's no such word as "appurtences" — it should be "appurtenances".

Mr. Chairman: Mr. Legal Advisor?

Mr. Legal Advisor: Mr. Chairman, the Legal Advisor gets blamed for a lot of things, but he doesn't personally do the typing.

Mr. Chairman: Well, we'll make note of that. Mr. McKinnon?

Hon. Mr. McKinnon: I think the other tack to the Honourable Legal Advisor on the definition of owner, what we were concerned with is that it would be too limited, where we make the exception for instance in highway lodge premises if it was just the owner or the lessee who was granted the exception when we come to the exception section of doing the wiring.

xxx (repeating prev. para)

Hon. Mr. McKinnon: I think the other tack to the Honourable Legal Advisor on the definition of owner, what we were concerned with, that it would be too limited, where we make the exception, for instance in highway lodge premises, if it was just the owner or the lessee who was granted the exception when we come to the exception section, of doing the wiring. We felt that we wanted to have it a bit broader than that, to include the person who was obviously in charge of the premises under certain conditions, to be able to do wiring outside of major centres.

I think it will flow the reading of the Ordinance, where the exceptions come in, what we are attempting to do, whether we were successful or not is up to Committee to decide.

Mr. Chairman: Well, if there is any — we'll proceed, and if there's any further questions ... yes, Mrs. Watson?

Mrs. Watson: But this would also apply when an order is given to an owner, and would that then lead to some problem where, if the order by the inspector to update some wiring be given to the lessee — and he could easily say well, you know, pass it on to the other guy — would there be some problem in this area?

Mr. Legal Advisor: There would be a problem if this kind of order was contemplated in the Ordinance, but the reverse type of order is what has in fact happened.

It's an order to stop until something is done, and then the owner is stopped from doing something, and that includes any other person who would come under the definition of owner.

But normally it would be issued to an individual.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Well, Mr. Chairman, I think that would tie into some of the problems I have in my own thinking on the Code — the definition of Code on the first page, which means the Canadian Electrical Code, Part I, as amended from time to time.

Now, I gather from the legislation that Part I pertains to wiring, more or less, than — that's its specific purpose in that part of the Code. Am I correct?

Mr. Legal Advisor: Yes, Mr. Chairman, and it's rather essential to put in "as amended from time to time" because materials become available which change the rules of the game and it would be harsh to come back changing it when aluminum wires may be suddenly found to be safe, if they have a certain micromillimetre of thickness, it may be safe to do it in a certain way.

Other ones would be outdated because tests will show that Canadian Safety standards have changed because a fire has occurred because of a certain material, so it's then prohibited from future wiring.

Mr. Chairman: Yes, Mrs. Watson?

Mrs. Watson: Mr. Chairman, that's where I had my problems — "as amended from time to time".

Now, if people comply with the Electrical Code, Part I, in 1972 and everything's checked out and then they want to do some further work, they get an electrician and he says, you know, the rest of your wiring is not going to qualify under Code Part I now, it's been amended in 1976. So then you are forced into rewiring your whole house, and this is where a lot of the problem comes in.

People who have had homes wired originally by an electrician under the Code, and they want to add another room, do something else — they're scared to death to get an electrician in their house because, the minute he sees it, he's going to tell you the Code's been amended and you've got to have your whole house rewired and you're not looking at a hundred or two hundred dollar bill — you're looking at a \$2,000 or \$2,500 dollar job, and this "amended from time to time", it's the Building Code that's amended from time to time. This is the costly thing, and this is the thing where I have my biggest hang-ups.

I know that there are new techniques; I know that there are safer wires. But how much of this can the public afford?

Mr. Legal Advisor: Mr. Chairman, I don't think that this does quite arise. I think what happens, the person adds a wing to their house and they include, maybe an air conditioner or a heater, and then the wires leading to the point of connection for the new installation are not sufficient to carry the load, so right back to the original entry of the energy into the house a new set of wires has

to be done.

But there's no question of it — the changes in safety standards do cause hardships to people who have additions to their house.

Mr. Chairman: Just a question, Mr. Legal Advisor. How often is the Code changed, do you know?

Mr. Legal Advisor: I don't know, Mr. Chairman.

Mr. Chairman: I think it's something like every five or eight years, that's usually what happens, so it does provide —

Yes, Mrs. Watson?

Mrs. Watson: Mr. Chairman, this does cause me a great deal of concern and where we just absolutely say "as amended from time to time", it might be in the Code this year, they might say, and you're paying for it, having it all put in next year it's amended and you're required to change it. As you say, you have an electrician and all you need if you want to put in an air conditioner, you need a new circuit, so you find out that before you need — they can put in a new circuit into the box, you've got to have a rewiring job done. And this, can we somehow or other control this "amended from time to time"? We're leaving it pretty wide open. I'm not saying that we should leave wiring in that isn't safe, but on the other hand, how safe is safe? Five years ago it was safe; we were sold on it then; now it's not safe.

Mr. Chairman: Mr. McKinnon first, and then Mr. Berger.

Hon. Mr. McKinnon: Mr. Chairman, I would, I realize the Honourable Member's point and we have discussed, I have discussed, this with the Chief Electrical Inspector and I don't want to give misinformation to the House but I think I know the answer, his answer, to this one. He's out of town at the present, performing his duties and functions, and I'd be happy to raise this point again with him. I think that he can provide us with a satisfactory answer to the Honourable Member's question.

Mr. Chairman: Thank you, Mr. McKinnon. I was just going to suggest that, certainly, in recognizing Mrs. Watson's point that it, certainly the people of Yukon are very much aware of this and will be very much concerned. I suggest that we carry on; the question will be in the minds of everyone since you've raised it and possibly when Mr. Toews is available we can get back to that and clarify it and probably reading the Bill will also clarify some of the points, Mrs. Watson. Is that agreed with Committee?

Mrs. Watson: Mr. Chairman, just something further. I don't want to belabour it any more and I think we should leave it, but I would rather hope that we don't pass the Bill out of Committee until we have had an opportunity to have Mr. Toews here and we can ask him on the Code because I think that there'll be other questions come from the legislation.

Mr. Chairman: You have my assurance in that respect.

Some Members: Agreed.

Mr. Chairman: I have a question from Mr. Berger.

Mr. Berger: I'd appreciate you giving me the opportunity to say something in this because I think that one major point is missing in here. We're trying to protect the public. I can speak from experience from what has happened in Dawson City when you had so-called qualified tradesmen coming in and selling you something and then, as the Honourable Member says, a year later you find out by another so-called qualified tradesman that this qualified tradesman in the first instance sold you something which wasn't really safe. I think this is the major thing that we plan to do with this Ordinance. I think that each, in my experience in the past with qualified electricians, you would find that he would sell you a large enough system that you can go on further to expand it as you go along expanding your house, and the unfortunate part is that, as Mr. Legal Advisor pointed out about the aluminum wires, I don't think it's beyond any of our control. I mean, if somebody finds out that they were unsafe and I think that it, in this particular instance, it would actually save lives of people sometimes.

Mr. Chairman: Mr. Fleming, did you have a question?

Mr. Fleming: Mr. Chairman, it wasn't really a question. I think it was more or less whether we're going to go on. I did find in here, where there was connections being made to certain old wirings and so forth, in the Ordinance where I was going to bring up the same problem, only it was not in the Code. So my question was answered now.

Mr. Chairman: We will proceed, and I am sure that answers the other questions.

Three (one):

(Reads Clause 3(1))

Four (one):

(Reads Clause 4(1))

Standards for installations — Five (one):
Excuse me, Mrs. Watson, I didn't see you.

Mrs. Watson: Mr. Chairman, I have two questions. Three, sub one. No, the Code, part five. That's Two, sub three — does not apply to maintenance and repair of any electrical installation to which the Mine Safety Ordinance or the Canadian Electrical Code, Part Five, applies. Can I have an explanation what this Part Five of the Code covers?

Mr. Legal Advisor: Mr. Chairman, this is the part of the Code which was dealing with industrial machinery to be used in mines, and we have our own Mining Safety Ordinance which deals completely in a section of the ruling made under that Ordinance in respect to all electrical matters and in fact applies, Part Five, to the Mine.

Mrs. Watson: Thank you, Mr. Chairman. One other further question, in Section 4, sub (one): "At any reasonable time, enter and examine any premises and the electrical equipment and wiring in or upon such premises."

Now, this is one thing that I do have a little problem with, if it's your home. That actually gives the inspector the authority to walk into your home, at what he considers his reasonable time, to examine the electrical equipment and wiring, and that's what we are doing here. Right?

Mr. Legal Advisor: Mr. Chairman, this is true, except as the House knows it's very difficult to get electrical inspectors to do anything after five o'clock, so a reasonable time to an inspector is somewhere between ten o'clock in the morning and four o'clock in the afternoon, half-past three.

If the House has any hang-up about it, I'm sure the administration would consider the matter, but in view of the known facts it was thought a reasonable section.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: I want somebody to ask permission if they can come into my house. I'm not really that hung up on the time, it's the fact that they can come into your house any time — they have the authority to come into your house, and that is a private residence. I think anyone who is involved in serving the public, that's a different thing, but that's my house.

Mr. Chairman: Have you got a comment, Mr. Legal Advisor?

Mr. Legal Advisor: If the Honourable Member has a suggestion to put to the Administration, there's no question but it would be reconsidered; it just didn't seem an important point in this, and we can bring it back, if we get suggestions what the change should be.

Mr. Chairman: Mr. McKinnon?

Hon. Mr. McKinnon: Perhaps because I find it difficult, and I know all the time you should separate the personalities from the legislation, I can only say as Minister of Local Government there is one instance where one of my electrical inspectors went barging into a house unwelcome and the complaint was there against him, that guy would be up on the carpet in two seconds flat; and if that isn't enough of a guarantee and it wants to be written into the legislation that in residential instances, unless he has reasonable cause that a fire, that life and property are in danger, he can't enter the place without the permission of the owner of the house — well be it. But the inspectors that come under the control of the Department of Local Government know what they can do and know what they can't do within the bounds of reason, and know who they have to answer to if they go beyond the bounds of what we consider to be reasonable.

Mr. Chairman: Yes, Mrs. Watson?

Mrs. Watson: Mr. Chairman, I think it's rather amusing. The Legal Advisor capitulated very quickly

because they would have been disappointed had you not had this point brought up. It's fine for the Honourable Member to say that his inspectors know their duties and everything. I am not casting any reflection on the inspectors at all, and I'm not even insinuating that the inspectors would be taking advantage of the privacy of a person's home and not going in when they are not wanted.

But by the same token, we should not permit this type of law to be written. It's our responsibility to see that it isn't. We should make sure that the individual privacy of their home is protected. I'm sure that if there's a situation where the conditions appear very, very unsafe, there are ways and means that the inspectors are able to get into it, without writing it in here and giving them full freedom.

You don't write legislation under the Motor Vehicles that an inspector or somebody can get into a car and inspect the car. You don't do that. This is your private home, and I really would like to see, you know, "with the consent of the owner or the occupant", something like this in there.

Mr. Chairman: Thank you, Mrs. Watson. Well, with those interesting comments on both sides, I would ask Committee what would your wish be for Four (1)(a)? Do you desire that we ask the Legal Advisor to take another look at the wording there, or shall we let it stand as it is?

I wonder if maybe we could have — I'll read the Clause, and I would like to get a yea or a nay to that one:

"Four (one):

(Reads Clause 4(1))

Those who are quite willing to leave the Clause stand, could I have an indication of hands? Those who want it changed? We have some direction.

Yes, Mr. Fleming?

Mr. Fleming: Mr. Chairman, with due respect, Mr. Chairman, I also, you know, have some hang-ups on any of these things. I'm not very well read anyway and I don't understand some things, and I never could in this Council understand many things that have been written out, and reasonable, it's just something that don't fit when you're passing a law, as a reasonable time, or as you know, maybe and all these things, and I find in all the legislation, ever since I've been here, and I have a hang-up on this one because it is your private home and I know where if an inspector came to my place and wanted to just barge in there would be a problem and of course they're not going to do this.

The government says, "We're not going to do this, never going to do this", but the world over it has happened, and can happen again, and then, there you have another problem.

So I would say look it over and find another word.

Mr. Chairman: Thank you, Mr. Fleming. I think ... Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, I have sympathy with both Honourable Members who have spoken earlier. My chief concern would not be that the electri-

cal inspector was invading my castle: I would just be terrified he came to visit before I did the house cleaning! But on the other hand, Mr. Chairman, if you're going to start tampering with this section, are you asking the drafting people to apply your wishes only to private residences?

I would like this clarified, Mr. Chairman, because it seems to me that if you take away the right of the electrical inspector to get into a large factory or business place which may really need some work for the safety of the employees or whatever — I can't agree with that.

If you are saying only that you want him to have permission prior to entering the residence, this is another kettle of fish.

Mr. Chairman: A very interesting point again Mrs. Whyard.

Yes, Ms. Millard.

Ms. Millard: Yes, Mr. Chairman, I think we're getting all worked up about something which, in practice, doesn't occur. I think that the individual has some rights under the Criminal Code in this aspect. In practice a person who would refuse entry to an electrician would have his rights assured in the Canadian law that the electrical inspector would have to go and find a peace officer, get a search warrant to come in and that's what happens in practice. I don't think we're undermining anyone's rights here.

Mr. Chairman: Thank you, Ms. Millard.

Mr. Fleming, again.

Mr. Fleming: Yes, in answer to the Minister of Health, I — this is my hang-up. Private homes, not a hang-up in a business place or apartment homes or anything like that.

Mr. Chairman: Well, Mr. Legal Advisor, we'll leave it with you that you'll insert something that will be satisfactory, I'm sure.

Mrs. Watson: I'm sure he's got it ready because he knew it was going to come up.

Mr. Legal Advisor: No, I didn't, I didn't have it ready because our experience was that people are anxious to have the electrical inspector to come in.

Mrs. Watson: Oh, come on!

Mr. Chairman: Order, please.

Mr. Legal Advisor: Mr. Chairman, because in the case where a person is doing his own wiring, the electrical inspector is asked to come in frequently to help and to show him what to do. So that universally throughout the Territory, they're welcome. But I'm afraid that to write into the Code as to what they do and what they don't do.

Mr. Chairman: Well, we'll look forward to an amendment there. We'll carry on. Before carrying on, I would like, I didn't clear clause Three sub One.

Some Members: Clear.

Mr. Chairman: And Clause Four sub One will stand over.

Clause Five sub One:

(Reads Clause 5(1))

Mrs. Watson: Mr. Chairman, that's one where I think we would want Mr. Toews to appear.

Mr. Chairman: So you want the witness to explain then? Okay.

Clause Five sub Two:

(Reads Clause 5(2))

Mr. Chairman: That's part of Five, so we'll just leave that section. Is that correct?

Ms. Millard, do you have a question?

Ms. Millard: No, I'm sorry, I was just calling a page.

Mr. Chairman: Yes, Mrs. Watson.

Mrs. Watson: Mr. Chairman, it's just unbelievable, you have a Code, you have to follow the Code and then, as amended from time to time. And then where, in the opinion of the Inspector, the installation or use of electrical equipment would not create an undue hazard of life or property, well why is it in there? You know, why is there a requirement that you have to have something in the Code.

Mr. Chairman: Mr. McKinnon.

Hon. Mr. McKinnon: Mr. Chairman, this is exactly the saving clause of the point that the Honourable Member raised prior. If it was done according to the Code in 1972 and if, in the Inspector's opinion, even though it doesn't meet the Code's standards in 1976, that there is no harm or danger to life or property under the portion that was built in the '72 Code, you can say fine, your addition to your premises have to be by the 1976 Code but you don't have to bring up the other part of the premises to the 1976 Code. It is no danger to life or property as is presently constituted, even though it is not up to 1976 Code standards. And we're trying to leave it flexible so that there isn't the hardship put upon people that the Honourable Member has brought to the attention of this Assembly.

Mrs. Watson: Mr. Chairman, that's well taken and, of course, my natural question and I won't pursue this section any further. I'll wait till Mr. Toews comes, you know well, why is it in the amendment in '76 if it isn't a danger to life or property. But, I won't hold up the Bill, this is the sort of thing we should be discussing when Mr. Toews is here.

Thank you.

Mr. Chairman: Thank you, Mrs. Watson.

We'll proceed then. Inspector's Powers Where Installation is Dangerous. Clause Six sub One:

(Reads Clause 6(1))

Mr. Chairman: Mrs. Watson.

Mrs. Watson: Mr. Chairman, I'm sorry I stand up so often, but 6(1) — this is where I think order the owner becomes a problem. Now, who do you order, the lessee, the occupant, the person in charge of the premises, the person who owns it, I think that this is where it's a little ambiguous, isn't it?

Mr. Chairman: Mr. Legal Advisor?

Mr. Legal Advisor: Mr. Chairman, the section is drafted, the original section is drafted to make it possible to find the right person, and it's largely up to the energy of the Inspector to find out who is in charge, because usually it's a person who is applying for permission to connect up an apparatus, and that is the person who is taking on the onus.

This isn't a question of the Inspector cruising through the Territory looking for defective equipment in that sense. He is usually coming in response to an application, so a person wants to get a connection made and he says "Put it in a safe condition and then I will give you the permit".

That's the situation.

Mr. Thank you. Mrs. Watson? Clear then?

Mrs. Watson: Doesn't the lessee have to apply to have the electricity made available to them in the apartments?

Now if the wiring was found unsafe within the apartment, then the order wouldn't go to the person who's applied to have the electricity turned on. Wouldn't it naturally go to the owner, the person who rents the apartment?

Mr. Legal Advisor: It's a question of fact in each case. Visualize the instance where a landlord owns a house and he lets it to a tenant and the landlord has put up the house and he has put in unsafe wiring. The tenant applies for a permit to do something and it comes to the electrical inspector and he goes there.

Now, he's going to be in a bit of a box, as to who he issues the order to, but it's up to him to find out what the responsibility is to put it in a safe condition.

Now, if the tenant is asking for a connection of some sort, the tenant, I think, would be the normal person to be told to put it in order if he wants it. The tenant can then leave the premises or he can negotiate with the landlord. He can negotiate who will pay for the cost of it, it would probably be the landlord's responsibility.

But from the electrical Inspector's point of view, he is merely trying to see that it's made safe and he won't be a lawyer, he will just be doing the best he can so he should have some freedom of action in who he orders, in order to get at the person who made the application.

Mr. Chairman: I would think, Mrs. Watson, that's the practice today, and it seems fairly satisfactory. Yes, Mr. Fleming?

Mr. Fleming: Mr. Chairman, although I see some

problem arising out of the fact that the liquor — I've got that on my mind, I think anyway, but if the electrical Inspector did pass the piece of equipment being wired in the lessee's apartment, and then due to that actual wiring, what was just done, the apartment did burn down and this would be the whole apartment, would not the apartment owner have some — you know, be able to come back on the Inspector in this case? Presumably he probably could anyway, but would it not be the owner that would probably come back on him for the whole problem?

Mr. Legal Advisor: The person who would take the suit would be the landlord and the tenant, for both would have been damaged by the fire and if it was due to the negligent passing of equipment or wiring by the Inspector, they would both have an action against the Inspector and the government would then be involved.

Mr. Chairman: Agreed?

Some Members: Agreed.

Mr. Chairman: Clear.

Mr. Chairman: Clause Seven sub One:

(Reads Clause 7)

Can we clear Seven sub One and Two?
Mr. Fleming?

Mr. Fleming: I would ask the Legal Advisor as to the plans and specifications. Is there anywhere in this Ordinance, I didn't find it reading it, but is there anywhere in the Ordinance or is there any law that says you have to have certain plans made, done by qualified people or is this going to be a plan just sent in by the individuals, asking for the permit?

Mr. Legal Advisor: Mr. Chairman, as I understand the position, what we are talking primarily about here is large scale electrical equipment, and large scale electrical equipment requires a complete and detailed plan prepared by a qualified person, before it can even be considered. You can't put in hundreds of thousands of volts machinery and not have a plan for it.

Now, for the others, just the ordinary house plan, rough drawing of where the wires are to go and so forth, would normally be what is permitted, but they wouldn't be required to be prepared by an architect or an engineer. They — it would have to be prepared by somebody who knew what he was doing.

Now, owners are going to be allowed in this Ordinance to be able to do their own wiring, so I draw from that, the conclusion that plans to be submitted by the owner would not be the detailed plan for a major piece of equipment. This is in practice what is happening today in the places where this Ordinance is working.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, I have to differ with the answer there. Plans and specifications for (a) the installation of electrical equipment in commercial or other buildings, now I'm talking about lodges, hotels,

buildings like this, restaurants, stores, have to be submitted, and they have to be detailed plans, and they have to be drawn up by an engineer or an architect and under our legislation, I believe under the Engineer's Professional Ordinance, there is a requirement that these plans and specifications have to have the signature of an engineer, or an architect on them, before they will be accepted.

Now, this is under the building standards legislation also, and it's for any type of commercial enterprise, so even if the person themselves is very good at doing electrical wiring, they could not sit down and do their own plans. The plans that have to be submitted have to be extremely detailed and it becomes extremely costly for the person who is trying to build a new business establishment, first of all to get the plans and specifications; then to get the materials and supplies that make the plans and specifications, because the engineer, whoever's doing it, may not be aware that some of the wiring and so on, that they put in the plans do not meet the Code, so often they have to get other equipment and it becomes an extremely costly venture. But there is a requirement under the Engineers' Ordinance, Professional Ordinance and also under the building standards.

Mr. Legal Advisor: Mr. Chairman, with respect, I was drawing the distinction between a private person building his own house, his plans would be simple plans. If it's one of the paragraph (a) and (b), it would be highly detailed plans which are required, but the plans must be prepared by a person qualified in electrical work. It's not just an architect or engineer, the person is qualified to draw a plan of the design of the electrical wiring, its thickness and relationship to the other wires that are connected to the switches and so forth.

But that is required, there's no way around that. The Honourable Member is correct, it must be prepared by a qualified person.

Mrs. Watson: But, Mr. Chairman, also for a home, I'm sure that if you are trying to get a mortgage under a CMHC or any mortgage, you're going to have a plan for the electrical wiring that is signed either by an architect or something like this or they won't give you a mortgage.

Mr. Legal Advisor: Unless there is a change since our little row of houses on Alsek was prepared, it was an electrician who did; an ordinary electrician. He was qualified to do the wiring and the contractor did our five houses and went bust and then disappeared and so I'm not so sure how qualified he was.

Mr. Chairman: Yes, Mr. Legal Advisor.

Mrs. Watson: Mr. Chairman, I would like to ask if we could get information on it, whether for it, in order to get a mortgage for a residential.

Mr. Chairman: Yes, Mrs. Watson, we have noted that and will clarify it.
Yes Mrs. Whyard?

Mrs. Whyard: No, I was waving him down.

Mr. Chairman: Okay, we'll proceed with Eight (one):

(Reads Clause 8(1))

Clear?

One Member: No.

Mrs. Watson: Mr. Chairman, reading through the legislation and maybe we don't have to, maybe we are able to answer it now, maybe we should go through it again, but I bring up the question Eight (one): may issue a permit entitling the holder of the permit to install, alter or extend any electrical equipment or wiring. Now, is the permit issued for the job? Or is it issued to the person who wants to do the job? And I think, as we go along, that isn't too clear. I think that you sort-of drift back and forth.

Mr. Chairman: Mr. Legal Advisor.

Mr. Legal Advisor: Mr. Chairman, it's for the job. It's to install electrical equipment, that is the job. Job by job the permits are issued.

Mr. Chairman: Mr. McKinnon?

Hon. Mr. McKinnon: Mr. Chairman, I really don't want to pursue this too far because I think all of the Members know, in the way that this is done now, that satisfies the electrical inspector and all aspects of the Code. What happens if I'm building a single family residence and we rough out the electrical wiring to the Chief Electrical Inspector's satisfaction — he gives me a permit. I may happen to know a very good friend of mine or someone who is not a journeyman electrician but is capable of doing the wiring as it is roughed. So I'm holding a permit and I give the guy a few dollars as he comes over weekends and evenings to do the wiring for me and it's done completely to the satisfaction of the electrical inspector. I've got a safe house, the electrical inspector has given me a permit, passed the wiring and everybody is happy. If we want to get too technical and too hung-up on this, we're going to destroy this flexibility that has still allowed people in the Yukon to get their houses safely wired under inspection of qualified YTG personnel and not to go forever in the hole on it. So that's the facts as they happen at the time, and we're not trying to really upset the apple cart too much.

Mr. Chairman: Thank you, Mr. McKinnon.
Mrs. Watson?

Mrs. Watson: I was wondering if maybe Eight, sub two, would be applied?

Mr. Chairman: Eight, sub two?

Mrs. Watson: Yes. No person shall, unless he holds a permit, install, alter or extend any electrical equipment or wiring. Now, if I was building a restaurant, would I apply for the permit or would the person who is doing the

wiring, the fully qualified electrician, apply for the permit, and in whose name?

Mr. Chairman: Yes, Mr. Legal Advisor?

Mr. Legal Advisor: It depends on the relation to the party. If the restaurant owner is applying for a permit and is not employing a contractor but is employing a qualified man who is directly employed by him, he will apply for the permit and then the qualified man would do the work. If he happens to be an electrical contractor who has been contracted to do the job, he will apply for the permit in respect to that job and do the work in respect to that premises. He then would either be a qualified journeyman himself or would employ a qualified journeyman.

Mr. Chairman: Is that clear, Mrs. Watson?

Mrs. Watson: Clear.

Mr. Chairman: I'm sorry, Mr. Berger?

Mr. Berger: I beg to differ with Mr. Legal Advisor on this because it's my understanding that if I wanted to build something in the municipality of Dawson I have to apply for a building permit and I also have to apply as the owner of the premises I have to apply for the electrical permit, the plumbing permit, everything. And I believe Mr. Legal Advisor was wrong in this particular instance because I, the owner, hired the electric journeyman to do the, perform the, job for me. I am actually the permit holder.

Mr. Legal Advisor: Yes, Mr. Chairman.

Mr. Berger: Mr. Chairman?

Mr. Chairman: Mr. Berger?

Mr. Berger: Mr. Legal Advisor said that the electrical contractor will apply for the permits, and this is where I think he is wrong on this.

Mr. Chairman: Mr. Legal Advisor, would you like to go through that once more?

Mr. Legal Advisor: Mr. Chairman, what I was saying was that, whether the man was doing it himself or employing a qualified man to do it, he as the owner will apply for the permit. If, however, it's a major job and he's employing an electrical firm of contractors, then they will be doing the work because the whole thing will be contracted out and he will be applying, maybe through the principal contractor, but still it would be the contractor applying for it, and only those two people can apply.

The owner of the premises or the contractor who has the contract to do the work, either of those two.

Mr. Chairman: The contractor, Mr. Legal Advisor, would be applying in the name of the job, will he not?

Mr. Legal Advisor: Yes, by job.

Mr. Chairman: Is that satisfactory, Mr. Berger? I wonder if we could then clear items Seven (one) and (two)? Agreed?

I'm sorry — Eight. Clear Section Eight through to Six. Eight (one) to (six). Shall this Clause carry?

Some Members: Agreed.

Mr. Chairman: Mr. Berger, we just cleared this clause.

Mr. Berger: No, I just have another question, Mr. Chairman, on Eight (four) (a) and (b). Is there any limit set on how much an unqualified contractor could do?

Mr. Chairman: Any limits which way, Mr. Berger?

Mr. Berger: Well, I mean, if we go back further, for heavy duty installation of generators, it would be quite strict about it, and then under Eight (four) because of the distances involved in the installation he may permit an unqualified journeyman or contractor to do the work.

Mr. Legal Advisor: No limits. It's a question of discretion, Mr. Chairman. Probably the limit stops at 98 miles from Whitehorse.

Mr. Chairman: I don't know if that was a satisfactory answer or not.

Yes, Mrs. Watson?

Mrs. Watson: Mr. Chairman, does subsection (four) mean that when they issue a permit for an electrical job, other than in a private home? Issue a permit to a person who isn't a qualified journeyman, to do work installing electrical equipment, other than in a private home?

Mr. Legal Advisor: Yes, Mr. Chairman. But as the House can see from the draft of the section, they're talking about small jobs. The intent is that if there's an extra light to be put in, or possibly a fridge to be fixed up, or something in a lodge, and it might be unreasonable having regard to the cost of the work to have the lodge owner bring out a man from Whitehorse, now it's a question of balance — the inspector will have to balance one thing with another.

A major job would, might, require a qualified man; a minor job, no.

Mr. Chairman: Mr. McKinnon, do you have any comments?

Hon. Mr. McKinnon: Mr. Chairman, this is the highway lodge exception, Yukon individualism clause type of section of this Bill, and it's almost impossible — we went 'round and 'round trying to pinpoint — we went and looked at the Electrical Code and said that this certain style of premise under the Electrical Code has to do this, this, has to do this and has to do that.

We came — after over and over in draft after draft of the legislation — that we, the only way we could get around it is by coming to the conclusion that our electrical inspectors are reasonable people. We looked at this kind of — if a person was adding one room, it was adding a staff residence on the lodge, some simple roughed-in

type of wiring that wasn't really sophisticated or technical, with the help of the electrical inspectors, and the inspection of the electrical inspectors, that this could be done where the safety of the public and everybody was taken into consideration, and yet that person would not be hit with the quite substantial bill of having to employ qualified electricians, bringing them from the major centre, paying their room and board while this job was done, which really most people who are outside of Whitehorse, because of their ability of coping with situations and having to be jacks-of-all-trades, could cope with, and with the proper inspection and supervision of our Electrical Inspection Department, could do the job without enormous expense to themselves, and it would still be done safely and within the Code.

So this is the type of compromise that had been looked for in this Bill since it was first, I think, attempted to be tackled by Members of the Ex-Com some time back in '71. This is our method of coming to grips with it and attempting to provide a satisfactory standard of safety to the Yukon public and yet not really making it financially impossible for people who find themselves in a situation away from the major centre of doing minor electrical work which was completely safe, and under the supervision and inspection of our electrical staff.

I have to say, at this time, that the comments and the written comments that I get from all over the Yukon on the quality and help of our electrical inspection staff, really make me wonder when I hear people stand up in the House and rail against certain inspectors. I don't think that the electrical inspectors can be included in this category because, from the comments and reactions, even to the point of people sitting down and writing me complimenting them on their work and their help and their supervision, this is an area where I think we can leave it to the reasonableness of the people involved, Mr. Chairman.

Mr. Chairman: Thank you, Mr. McKinnon.

With those words, I would like to call a recess, with concurrence of Committee, until 1:30 this afternoon, when we will proceed with dealing with Nine (one).

(RECESS)

Mr. Chairman: I call this Committee to order.

We will continue with the clause-by-clause reading of the Electrical Protection Ordinance, Clause Number 9:

(Reads Clause 9)

Shall Clause Nine carry?

Some Members: Agreed.

Mr. Chairman: Ten (one):

(Reads Clause 10)

Shall Clause Ten carry?

Some Members: Agreed.

Mr. Chairman: Eleven (one):

(Reads Clause 11(1))

Mr. Lengerke?

Mr. Lengerke: Just a question of Mr. Legal Advisor or the Minister. What happens to the authority who does supply the energy if in fact they do supply that energy, and I know of instances where this has happened?

Mr. Legal Advisor: There are either of two courses to follow, Mr. Chairman. They commit an offence because they have breached a Territorial Ordinance under the Standard Interpretation Ordinance Rules, or they can be enjoined in a court to stop the supply.

Mr. Lengerke: This has not been the case to date, though, has it, Mr. Legal Advisor?

Mr. Legal Advisor: No ...

Mr. Lengerke: If there is only one supplier of energy, and as I say, I know that they have supplied energy in instances where there has been no approval for the wiring.

Mr. Legal Advisor: This I understand is correct, Mr. Chairman, but this supplies the statutory authority to prevent it.

Mr. Lengerke: Mr. Chairman?

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: I understand that now this then will be very much so enforced?

Mr. Legal Advisor: I hope so, Mr. Chairman.

Mr. Chairman: Shall Clause Eleven carry?

Some Members: Agreed.

Mr. Chairman: Twelve (one):

(Reads Clause 12)

Mr. Legal Advisor, is there no appeal from the Chief Inspector's decision?

Mr. Legal Advisor: It's not written in, but there's an automatic appeal on a point of law, but not on a point of fact, in court.

Mr. Chairman: Well then, why does it specify here that a decision is final and binding?

Mr. Legal Advisor: To make it clear, Mr. Chairman.

Mr. Chairman: Just making it clear that there is no decision available. This would be the intent of it I would assume.

Mr. Legal Advisor: There is no formal appeal, but there's always, but you go by prerogative writ, by a

certiorari to say it is without jurisdiction or its made improperly or unjustly or the person didn't get a fair hearing and these type of grounds. It's not considered within the appeal structure, it's just an application of court.

Mr. Chairman: But then I would submit that this is misleading.

Mr. Legal Advisor: It's not intended to be misleading, Mr. Chairman. It's intended to state what the law is.

Mr. Chairman: But it is misleading to someone who is trying to follow the letter of the law. They read this and nothing more they find they have no appeal.

Mr. Legal Advisor: Mr. Chairman, it's not intended to give them the right of appeal, but to answer your question fully, I have to say that any decision made by any person which is made without jurisdiction or is made unjustly, which is quasi-judicial nature can be struck down by the High Court on an application made to the High Court. Now to say this is trite law and would take many pages to set up.

Mr. Chairman: Mrs. Watson.

Mrs. Watson: Mr. Chairman, is an order or decision by an Inspector usually made on the scene of the job or is it sometimes done in writing. The reason I'm asking is particular time frame in sub 2 where we say ten days a statement in writing of the matter complained to the Chief Inspector within ten days after the day on which the order or decision appealed from was made. Now if the order or decision was mailed from Whitehorse to someone in another part of the Yukon and they would have to then get their reply in, their appeal in within ten days from the date that first order left Whitehorse.

Mr. Legal Advisor: Yes, Mr. Chairman, it's a good point. The matter would be taken into consideration and account will be taken of that point.

Mr. Chairman: Mrs. Whyard.

Hon. Mrs. Whyard: Mr. Chairman, the section goes on to say within such further time as the Chief Inspector may allow. You have an extension allowed there.

Mr. Chairman: Mr. McIntyre.

Mr. McIntyre: Yes, Mr. Chairman, in connection with the wording, appeal from, you appeal an order, you don't appeal from it. I think the "from" is unnecessary. It's a preposition which covers nothing.

Mr. Legal Advisor: I think so, Mr. Chairman.

Mr. Chairman: Mr. McKinnon?

Hon. Mr. McKinnon: There's two points in sub two, Mr. Chairman. The first one being that, in this instance, the person who is being held up because of the order wants to get the answer so he can get on with the job as quickly as is humanly possible, so we thought that that

is why we would put the ten days in, but because of the vagaries of the Yukon mail system, we thought that we would have a protecting clause also, that if these things couldn't be accomplished in the limited period of time which would be of benefit both to the person doing the work and to the inspector, then of course it would be possible to allow such further time.

So it was an attempt to get on with the job and yet have a saving area where a further extension could be granted in case of some of the problems that had been raised by Honourable Members.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, actually I don't think that was the point that I was trying to make. If a person is anxious to get a decision amended, they are going to try to get it in as quickly as possible, however, you are limiting it to ten days from the time that the Order was made, and you're leaving it to the discretion of the Chief Inspector to whom you are appealing.

All you have to do is to extend that ten days, give them a few more days, because if they're in a hurry, they'll get it in themselves.

On the other hand, if there's a problem of mail, then there is, and I don't think it should just be left to the discretion of the Inspector, just increase the amount of time.

Mr. Legal Advisor: Mr. Chairman, what I had in mind was to drafting a little phrase to make it clear that the ten days would run from the time that the person became aware of the decision, or it was notified to him, and then possibly add that if it has been mailed to him, it shall be deemed to have arrived within a certain period of time or something.

But it needs to be tied down to a time, but I agree that there may be a situation when a decision is notified in writing on day one, it doesn't get down to the person involved until day four or day five, then he's only got six days to deal with it and he may not be able to get advice within that time, and he should have the ten days from the time he hears about it.

So I would ask to have the matter put to one side, and we'll think of some phrase which will meet the point.

Some Members: Agreed.

Mr. Chairman: Clause Thirteen sub One:

(Reads Clause 13)

Mrs. Watson?

Mrs. Watson: This is the area where I had some problem this morning between "permit" and "licence" because you can't make an electrical installation unless you have a permit, and then we say "No person can make an electrical installation or instal electrical equipment unless they have a licence".

Mr. Legal Advisor: The licence is intended to cover contractor, the permit is to do the job work.

I refer the Honourable Member to subsection 8(6) on page 7 where it says "Section 13 does not apply to work done pursuant to a permit". A previous exception has been made for the person who is doing the work himself.

Mr. Fleming: My question was answered.

Mr. Chairman: Clause Fourteen sub One:

(Reads Clause 14)

I wonder if the Legal Advisor has any idea of the amount of work that is now done outside of such legislation as this? What percentage of the work is done by people who are not qualified journeymen in the Territory now?

Mr. Legal Advisor: Mr. Chairman, it depends to whom you address the question. If you address it to the electrical contractors, you get a very large figure. If you address it to the people who are doing the work that you suggest, it becomes a very small figure. There's no way of testing out exactly what it is.

Mr. Chairman: Well try me on both, Mr. Legal Advisor.

Mr. Legal Advisor: Okay.

Hon. Mr. McKinnon: I wonder, Mr. Chairman, if the Honourable Chairman would attempt to make a stab at the question he asked.

Mr. Chairman: I am not presenting the Bill.

Hon. Mr. McKinnon: Mr. Chairman, the Department of Local Government goes to all areas of all expenses and all the help that they can possibly get in answering these types of questions.

Mr. Chairman: You never approached me, Mr. McKinnon.

Hon. Mr. McKinnon: I had already heard your opinion.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, under the definition section for employer, we say "means a person other than a licensed contractor", then we say on 14 (1), "The Commissioner may issue to a qualified journeyman or person who employs a qualified journeyman, an electrical contractor's licence".

Now, why is the exclusion made that a licensed contractor can't be an employer?

Mr. Legal Advisor: With respect, Mr. Chairman, the Honourable Member may be misinterpreting the section. The intention is to use the word "employer" just for one or two sections as meaning a person who is not himself a qualified person, but employs qualified people. Then using that shorthand expression, you say an employer must do this, that and the other thing — that is he must employ a qualified man, he must make a report that he is employing a qualified man, he must only allow a qualified man to do the work, merely because he's the holder of a contractor's licence, he could be a lawyer, a doctor, or a businessman, not qualified to do electrical work, but it's an investment and he runs the firm.

It could be a company which is incapable of doing any work at all. So it's only a drafting device to shorten down the wording and to make it readily understandable.

Mr. Chairman: Could the Minister supply us with the number of qualified journeymen that are now in the Territory?

Hon. Mr. McKinnon: Mr. Chairman, the electrical inspector has that information and it has been provided to me and off the top of my head, I just can't give a quick answer to it, but that information is available and I'd be happy to bring it to the Members' attention.

Mr. Chairman: It's the same point I was referring to earlier. The amount, the number of qualified journeymen and the amount of work they are doing if you could get that information.

Mrs. Watson.

Mrs. Watson: Mr. Chairman, I'm afraid I'm belabouring this but I'm just — in my mind from the first that I've gone over the legislation, I think there's been a confusion between permit and licence. I know what you mean to do with permit and licence but I don't think you've done it in your legislation. If you will read 8(2), we say no person shall, unless he holds a permit, instal, alter or extend any electrical equipment or wiring. Then you say, no person shall make an electrical installation or instal electrical equipment or advertise or loan himself out as a contractor unless he holds a valid and subsisting licence. I think there's a contradiction.

Mr. Legal Advisor: To do a particular job, Mr. Chairman. There must be a permit in existence governing the job and the person must either be an electrical contractor, a qualified journeyman working for the contractor or a qualified journeyman working for an individual. So you've got two or three conditions to meet. The job needs a permit and the person needs to have a licence. Now only one exception is made and that is the list of exceptions. So there's a link across and section 14, which is a contractory one, does not apply to the restrictions imposed on households. So we are trying to keep them separate and it may be difficult to transpose.

Mrs. Watson: Mr. Chairman, I think the whole problem here is you're tying your permit to the person. No person who is doing the installation and you're tying your licence to the person or the contractor. Now your permit should not be tied in your definition section or in your section to the person doing the work. Your permit should be tied to the work itself. I think if you clarified that in your drafting, I think it would be much clearer.

Mr. Legal Advisor: We tried to do that, Mr. Chairman, but the problem is that an individual must exist in order to get a permit. And he gets the permit for a job. The job can't apply and only a person can commit an offence. So you draft it out and say no person, unless he holds a permit may do certain work — do any work at all.

Now there's an exception to that for the householder, but he will still get a permit to do it with a qualified journeyman. So that covers the job as far as we can see.

The contractor is a separate code of ethics altogether. He cannot go into business without a contractor's licence and going into business without it means an offence. But he only commits that offence by actually doing a piece of work. So he might succeed in getting a permit to do the work, but if he hasn't got a licence he is committing an offence.

Hon. Mr. McKinnon: There's real problems presented here because if you put the permit on the work in the single family residence, which means up to a duplex, if the permit is on the work, then the whole intent of the Ordinance is really no longer there because at that point, with the permit on the work, any unqualified person, because there is an exception up to that point, can do the work on that job up to a duplex. What we're saying is where the individual, single family residence holder up to a duplex wants to do the work himself under qualified inspection, he'll be the only exception and he shall get that permit. Now, you know, there's all kinds of ways he can get that wiring done, to the satisfaction of the electrical inspector, but if we tie it down to the area in which the Honourable Member proposes, nobody's going to be happy because the qualified journeymen are going to be unsatisfied because here it allows anything to do in the area of house building up to a duplex for an unqualified journeyman other than the householder to perform the work. I find that I would be reneging on my duties because of the public safety factor which has been so brought home to me by the Chief Electrical Inspector and some of the horror stories that he has brought to my attention under the type of laissez-faire that goes on at the present time.

Mr. Chairman: Mr. McKinnon, is this not due to the inadequate inspection of the works rather than who is doing the work?

Hon. Mr. McKinnon: No, I will not accept that as a factor, Mr. Chairman. I will be issuing the Electrical Inspection Report before this House before it prorogues and I am perfectly satisfied as to the, not only the competency, but as to the availability of the electrical inspectors at this point in time.

Mr. Chairman: Mr. Fleming?

Mr. Fleming: Yes, Mr. Chairman, I have a little problem here. First, I must say I stand behind what the Honourable Minister has said a hundred per cent, that's right in this territory today. But I have a problem with Fourteen (four) "Where a contractor's licence has been issued to a person who has become eligible by employing a qualified journeyman, the licence shall be cancelled if the holder ceases to employ a qualified journeyman".

Now, I'm in the middle of building my home; I had a licence to hire a qualified journeyman but I fired him for some unknown reason, because he was no good apparently; and where do I go from here? Back to the Ordinance farther, where I can do the work under some other ...

Mr. Legal Advisor: Mr. Chairman, the question

does not really relate to this particular section. In the facts stated by the Honourable Member, he would be building his own home and doing his own work under a permit. He would not have to take out a contractor's licence to do it; therefore he's able to do it with or without a qualified man, provided he does it within safety regulations.

Now, if he is in business as a contractor, and he gets his licence on the condition that he employs qualified people, then after the last qualified man has left him, he doesn't have any qualified men to do the work so the permit would automatically, by operation of law, terminate until such time as he has qualified people.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, I would like to ask the question, are we talking about licence, or a contractor's licence?

Mr. Legal Advisor: We are talking about an electrical contractor's licence, Mr. Chairman.

Mrs. Watson: Well, Mr. Chairman, if you're a qualified journeyman and you have — do you have to get a contractor's licence in order to do electrical work, if you're just a plain, ordinary, qualified journeyman?

Mr. Legal Advisor: Yes, Mr. Chairman, you do. If you're in the business of moving from point to point, that's what you are. You're a contractor.

Mrs. Watson: Mr. Chairman, why?

Mr. Legal Advisor: Mr. Chairman, because it's the only way we can control the operation of this Ordinance, by controlling the people who are qualified, that they must get out a licence and therefore the unqualified person who is attempting to do work cannot get a licence and therefore cannot hold himself out as being an electrical contractor.

Mrs. Watson: Mr. Chairman?

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Why don't we give out licences; couldn't we control it by giving licences to qualified journeymen, just licences without making them contractor's licences? What's the advantage? I don't know, I'm asking.

Mr. Legal Advisor: Mr. Chairman, the qualified journeymen are qualified either under the Yukon regulation or are qualified in a province and have come here, and either get a temporary practising certificate or they get — bring with them the red seal which entitles them to automatically get a certificate here.

So each qualified journeyman either coming in from outside or qualified here, is in possession of a valid set of papers which are able to be produced on inspection. He will have no difficulty himself in getting a contractor's licence and, since he's employing himself, he will never have his licence lifted because he doesn't have employment.

The only people who are dealt with in this subsection are the people who are not themselves electricians but employ electricians. Now, a general building contractor can go into business in addition as an electrical contractor, and then the electrical work will be done by qualified people, who have their ticket.

But if he has that licence and ceases to employ qualified people, and bootlegs, with respect, I would suggest that he does not meet the standards set by the Ordinance and would lose his licence.

Mrs. Watson: So, Mr. Chairman, if you have someone, some contractor who has a contractor's licence for electrical work, bids on a job, you have no way of knowing whether it's an individual who is a qualified journeyman, or whether it's a lawyer who has a company and has one qualified journeyman working for him? The contractor's licence doesn't tell you anything ...

Mr. Legal Advisor: No, Mr. Chairman, but the electrical contractor's licence would tell you he's a person who is either himself a qualified man, or employs a qualified man, and it also tells you that he can only put the qualified man on the job. Any unqualified person must be — who is on the job — must be under the direct supervision on that job of the qualified man.

Mr. Chairman: As far as the inspection is concerned, is this Territorial electrical inspector going to work in conjunction with the Municipal inspectors or are they going to be taking turns; are they going to be going together? I'm rather concerned it would create another bureaucracy here where we have a considerable amount of inspection being done now.

Hon. Mr. McKinnon: There are no municipal electrical inspectors, Mr. Chairman. All of the electrical inspection in the Yukon is done by the Yukon inspectors, the Territorial inspectors, and there is no indication at this time that there's going to be an increase in the staffing of the Chief Electrical Inspector and the electrical inspectors. They have to apportion their time pretty stringently because they are extremely busy, but they, I think, within a valid time frame, that people do get inspected not too far from the date that they wish it, but at the present moment that they will continue to act as the electrical inspection unit for the whole of the Yukon.

Mr. Chairman: With respect, Mr. McKinnon, the city does employ inspectors who inspect electrical work, in addition to the Territory.

Shall Clause 14 carry?

Some Members: Agreed.

Mrs. Watson: Mr. Chairman, one more question. Now, there was some discussion on, like, municipalities and cities. Now, is this electrical contractor licence, does it apply in the City of Whitehorse too and municipalities, or do they have to get a business licence on top of that?

Mr. Legal Advisor: Mr. Chairman, we have made this a nominal licence fee and because of that in a later section you'll see that an electrical contractor's licence

under this Ordinance does not exempt the holder from paying his business licence under the Territorial Ordinance.

So he will have to pay the Territorial licence of \$150.00 I think it is, and this licence might be a dollar or two dollars. The city are an independent jurisdiction and they would probably require this person to pay an ordinary contractor's licence within the city limits of the three municipalities.

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: Mr. Chairman, did I understand from a remark that you made that you said the city employs an electrical inspector, because I understand they do not.

Mr. Chairman: They employ inspectors who do electrical inspections.

Mr. Lengerke: If I can, I would think that they employ building inspectors and plumbing inspectors, but I do not have any knowledge of them employing an electrical inspector.

Mr. Chairman: Shall Clause Fourteen carry?

Some Members: Agreed.

Mr. Chairman: Clause Fifteen (one):

(Reads Clause 15)

Shall Clause Fifteen carry?

Some Members: Agreed.

Mr. Chairman: Sixteen (one):

(Reads Clause 16)

Mr. Lengerke?

Mr. Lengerke: In Sixteen (one), I was wondering when that inspector will send that notice out. I think it's very important that he do so immediately and it should be specified.

Mr. Legal Advisor: I have no problem with that, Mr. Chairman, shall "forthwith send notice".

Mr. Lengerke: Yes.

Mr. Chairman, there may be some time a person does not get that notice and carries on with the job and is quite a ways down the road, and all of a sudden he gets a notice that the first part of that job is inferior and he has to tear out a lot more than what he should have in the first place. I think it's very important that it be so stated.

Mr. Chairman: Would the insertion of "forthwith" satisfy you?

Mr. Lengerke: Yes.

Mr. Chairman: Well, there's a typographical error here.

Mr. Legal Advisor: Yes, Mr. Chairman.

Mr. Chairman: Mr. Berger?

Mr. Berger: Thank you, Mr. Chairman. Sixteen (one), where it says "notice of the defective work ... should be sent to the contractor or owner", I would like to see the "or" struck out and put "and owner" in. I think it's just as important to the owner to point out the defective work too.

Mr. Legal Advisor: Mr. Chairman, if there's a situation where there's only an owner and there's not a contractor, it just doesn't hang right in there grammatically.

Hon. Mr. McKinnon: Can we find a grammatical way of doing it?

Mr. Legal Advisor: I guess we could find a grammatical way of doing it.

Given the typographical error, I have no objection, Mr. Chairman, to making the "or" to be an "and". It's not beautiful, but it's practical.

Mr. Chairman: I'm sorry, I didn't hear the question. Which clause or section are we dealing with?

Mr. Legal Advisor: It's in Section Sixteen (one) in the very last word on the page, on the bottom of Page 11. The "or" could be made into an "and".

Mr. Chairman: Is that agreed?

Some Members: Agreed.

Mr. Chairman: Shall Clause Sixteen stand?

Some Members: Agreed.

Mr. Chairman: Carried.
Seventeen (one):

(Reads Clause 17)

Shall Clause 17 carry?

Some Members: Carry.

Mr. Chairman: Clause Eighteen (one):

(Reads Clause 18)

Hon. Mrs. Whyard: There is a typographical error on the bottom line of (three).

Mr. Chairman: Thank you, Mrs. Whyard.
Mr. Berger?

Mr. Berger: Yes, Mr. Chairman. On Eighteen (three), I have trouble understanding this section here. It says, "Every employer shall on or before the tenth

day of each month send or deliver to the Chief Inspector a report of all electrical work done on his premises..." How about if he's contracting out some place, those are not his premises when he's working on somebody else's premises.

Mr. Chairman: Mr. Legal Advisor?

Mr. Legal Advisor: There might be a valid point in that. We will consider it with the electrical inspector when he gets back. We will be reviewing a number of other points. It may be a valid point.

Mr. Chairman: I don't understand, from this subsection, that everyone who is involved in doing electrical work in the Territory must be submitting a report every month to the electrical inspector?

Mr. Legal Advisor: Yes, Mr. Chairman, it's in ease of both parties. Everywhere in Canada where we have this system, there is a system of monthly reporting to the Inspector's Branch so that they can keep up-to-date, and then both sides can plan the inspections, and they can be regularly scheduled to help.

It's not intended to hinder, but it's just a routine monthly report to help with the inspection process.

Mr. Chairman: With deference to what the Honourable Minister has mentioned about not increasing the staff, I'm also reminded of his remark concerning the cutbacks necessary in the Territorial budget and I can't help see a burgeoning bureaucracy with this kind of reporting necessary every month.

Mr. Legal Advisor: As we see it, Mr. Chairman, it would be a monthly report of the work in progress and what's happening. It will come into the Chief Electrical Inspector's office and he knows what's happening. There are a very small number of firms will be affected by this. There are not very many people who would be in this category.

Hon. Mr. McKinnon: Mr. Chairman, the electrical inspection staff says that the very opposite will be true, that they'll be able to apportion their time and know what's going on much better through this reporting system than just driving around from job to job as they do at the present time. And rather than increase their work load, they see it as being very helpful and beneficial, the reporting system from only electrical contractors who are engaged in electrical contracts during the course of any given month and I can't find it to be that onerous on the electrical contractor, and I can see the electrical inspection staff's point of view that it's going to be very beneficial to them as far as time saving rather than time consuming.

Mr. Chairman: But it's also necessary, Mr. McKinnon that their work has to be inspected regularly as it goes along and the inspector's staff is notified ahead of time each time this comes up, so that they're receiving adequate notice when inspections are required, so this would be superfluous.

Mrs. Watson:

Mrs. Watson: Mr. Chairman, it does not say that every electrical contractor shall on or before the 10th day, send a report, it says "every employer". Now that's quite different.

Mr. Legal Advisor: These are the people who employ qualified men and are not doing the work themselves. Basically, these are the firms we are talking about. We're not talking about individuals, we're talking about firms.

Mrs. Watson: But the firm then is an electrical contractor?

Mr. Legal Advisor: It's an electrical contractor who is not himself qualified, which would be a company for example. Any firm which is a company would come within this category. Any person who is in business and is not personally doing the work, he's the manager and director, he's not an electrician, he employs three or four, it's him. Any general building contractor who employs qualified men, he will come within the category and there doesn't appear to be any objection elsewhere to this regular reporting system so that each party can schedule the work in the inspection field. It helps both parties and I'm a bit taken aback that there's any objection to it.

Mr. Chairman: What is the situation if a general contractor is employed in general contracting and wanted to sub-contract that of the electrical work? Who does the reporting then?

Mr. Legal Advisor: The sub-contractor, Mr. Chairman, would do the work if he's a specialized sub-contractor normally. A major contractor would have nothing to do with electricity and wouldn't be involved in the reporting field at all as he would not himself be employing a qualified journeyman. He would be using a contractor who did so that the electrical contracting firm would do the reporting and keep in touch.

Mr. Chairman: Shall Clause Eighteen carry?

Some Members: Agreed.

Mr. Chairman: Mrs. Watson.

Mrs. Watson: Yes, during the proceeding month —

Mr. Legal Advisor: Preceding.

Mrs. Watson: Is that the month has just gone past?

Mr. Legal Advisor: That's a typographical error. It's "preceding".

Mrs. Watson: During the preceding?

Mr. Chairman: Mr. Fleming?

Mr. Fleming: I have some problem with it, too. We get into the sub-contractors and the contractors and everything all mixed up. As I read it, and taking the employers situation completely out of the picture as far as anything else other than electrical. "Shall on the

tenth day of each month" — I find it hard to think of it every month that a small company doing work like that would have to report all of the electrical work they have done every month to the inspector. Especially when, as the Honourable Member on my right here and the Chairman, Mr. Chairman has said, there's going to be an inspection if there's anything to be inspected or done, and should be, possibly every month and I can see no reason for the three at all myself.

Mr. Chairman: Mr. Lengerke.

Mr. Lengerke: Thank you, Mr. Chairman. I would like to go back to Clause 17(2) and I'm sorry to do this, but I was looking at some of the notes I've made and I see that there is one that concerns me and I would like the Legal Advisor to tell me, in issuing a permit to a qualified journeyman from another jurisdiction, I was wondering why we couldn't, or why we wouldn't insert "within Canada" here because, for instance, we may be issuing a permit to somebody that holds a permit from Rhodesia or Antigua or U.K. Now, I've no objection to this, but I was wondering if their qualifications would be in order to meet our standards and I would suggest that we say "within Canada" because this is rather open here as to what qualifications these people may have and how they're arrived at.

Mr. Legal Advisor: Mr. Chairman, there is somewhat a valid point in this with this exception. People who would hold qualifications we'll say from the London City Guild would probably have come first to Alberta and B.C. and picked up their qualifications there and so on. And so the only person who is hit is the person who has come directly into Yukon and there may be quite a number of people who are qualified who do come and so it would only be hitting a very narrow class then and it is a matter for consideration by the House whether they want to hit that class or not.

Mr. Chairman: Mr. Berger?

Mr. Berger: I would just like to strenuously object to this type of suggestion. I don't think any Member in this House went through this type of thing as I went through personally, and I can tell you my personal experience.

As an immigrant, you're screened by the Canadian Government before you come into this country and the qualifications are that you have tradesmen's qualifications and I don't think any other body in this country should stand up and say, this person is not qualified. It does happen in this country.

My qualifications were not recognized in this country, yet it was one of the stipulations that I was able to enter in this country. I think this would be just too much for me to bear.

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: I didn't mean that question to be of that nature and certainly I can agree that many of our qualified people that come over here, do come from other countries and are very highly qualified. I'm just really wondering if we could tie this down a little more to how you satisfy the Chief Inspector that indeed you do

hold a qualification from another country or another jurisdiction. That's my problem.

Not a problem with an individual coming in and saying he's an electrician and no doubt he is, but how does he satisfy the Chief Inspector?

Mr. Legal Advisor: In Canada, Mr. Chairman, they have the red seal system, so it's quite easy with the red seal system. If the person hasn't done the examination for the red seal in say, Manitoba, he can come here and he gets a temporary working permit because he's got a Manitoba certificate, and then he can sit for our certificate in three months, and our information from the trade school is that they are prepared, within any period of three months, to schedule an examination to enable a person to qualify.

So this is the reason that we have the three month period here, there's no question of that.

Now, from another jurisdiction, America, as you say, Rhodesia, France, Germany and Italy, I think it's a matter for the Chief Inspector to see what qualifications he has, see what the standard of the examination is, and if he's in difficulty, he can pick up a telephone or write a letter and then he satisfies himself.

Now, if there's a problem then the person may have the right of appeal, but basically, the Chief Electrical Inspector should be entitled to know, he is in the trade himself, he's a senior person, I think his judgment would be satisfactory to the House.

Mr. Chairman: Mr. Berger?

Mr. Berger: Mr. Legal Advisor answered the question.

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

Mr. Chairman: We will return to Clause Nineteen:

(Reads Clause 19)

Mr. Berger: Mr. Chairman?

Mr. Chairman: Mr. Berger?

Mr. Berger: I think if anybody should object to this section, I think this would be the section I would like to object to, because it says "an employee of a recognized electric power or communications public utility may do electrical work". It doesn't specify that the person has to be an electrician, it could be the janitor, as long as he is an employee of an electrical utility company.

I think this is where we should put the restriction in.

Hon. Mr. McKinnon: Mr. Chairman?

Mr. Chairman: Mr. McKinnon?

Hon. Mr. McKinnon: How do you put the restriction on? Do you put it to a certain class of employee, to a lineman, do you make all the separate classifications, a meterman can do certain things involved in the public utility company; a cable television lineman may do certain things which he does, and with the installation of electrical equipment, in support of his work, a telephone

lineman does certain electrical functions as a part of his employment in the work, and an electrical power lineman.

Now, I'm just taking only the lineman category now, not any other category of trades qualifications within a specific utility company. So you're going to come down to the point that for every classification of employee within every separate utility system, is going to have to be defined in the Electrical Ordinance, and I just don't think that we've got the time, or the ability or the paper necessary to delineate all these specific qualifications, Mr. Chairman.

Mr. Chairman: Mr. Berger?

Mr. Berger: Yes, Mr. Chairman. I do agree with the Honourable Member, but I still say to safeguard the public and again I have to go back to what happened in the past in Dawson City, where people hooked on meters on houses and made the electrical connection to it who weren't qualified to do those. There were wires installed where the normal house wiring was a nu 12 wire and the wire installed on the outside of the house was maybe a number 16 and the wire eventually became red hot. I think this is the type of safeguard we have to look into and I cannot see when we don't specify in there that he also has to be a qualified electrician.

Mr. Chairman: Mr. Fleming?

Mr. Fleming: Yes, I would ask why we're worrying about employees for public utility companies. Aren't we writing an Ordinance that includes everybody, and doesn't that include that company too? Without putting it in here even at all, where we include the company to start with, or anybody that hires any employees, he's got to be qualified, so what are we worrying about that company for — that specific company? Why worry about them?

Mr. Legal Advisor: Mr. Chairman, this Ordinance is really intended to deal with the construction engineering trade, which applies to houses, shops and so forth, in lighting, heating, air conditioning and such like things. We're excluding mines, we're excluding completely, the internal operations of a public utility company, and we're also excluding the internal operations of an electrical manufacturing company, for the reasons which have already been stated.

It's just not within our grasp to grasp it at this time, so we've set out to do just the construction electrical system and trade we attempt to control. Anything else would destroy the Ordinance.

Hon. Mr. McKinnon: Mr. Chairman, these are all done by, externally, by people. There is nothing that an electrical lineman, T.V. cable lineman, a telephone lineman, can do internally dealing with electricity that will bring any harm to life or property. The only harm he's going to do is to himself, up that pole, if he isn't qualified, and there's no more qualified people in taking care of themselves and making sure what they do up the pole is proper than a lineman for a utility company.

The hardest thing, Mr. Chairman, is getting a guy up there to do the job, not worrying about whether he can

do the job once he gets up the pole. That's the most difficult thing to try and hire in a utility company, is someone who's not scared, you know what, to get up there and to be able to do the job once he gets up there.

Mr. Chairman: Mr. Fleming?

Mr. Fleming: I agree with the Honourable Member to a certain extent about getting up the pole and all the rest of it, but I also say that if that company could hire somebody that wasn't qualified to go to my home or anybody's home and hook up ...

Hon. Mr. McKinnon: Just to the base.

Mr. Fleming: ... to the base, which is the weatherhead on there, and to hook up those wires and not be qualified and not know exactly what he's doing, he could cause a lot more problems than anybody inside that House wiring into some utility or something, because he's right on the main line, and he hooks up to the main line which has probably 42,000 volts in it, and if he don't know what he's doing, he's in trouble.

Hon. Mr. McKinnon: He'll never get to the weatherhead in the first place if he doesn't know what he's doing up the pole, Mr. Chairman.

Mr. Chairman: I would remind Honourable Members that they have to address their remarks to the Chair, and they have to be recognized from the Chair before they speak.

Mr. Lengerke?

Mr. Lengerke: Mr. Chairman, I think we'll all be up the pole if we don't look at this one very carefully. I think we'd better define who these people are.

I would submit that it wouldn't be too hard, because I think when you are dealing with electric power or a communications utility company, that there are only certain classifications of people that do work in connection with the actual electrical connections, and I don't think it would be too hard to define them.

I would suggest we do. Mr. Chairman, the Honourable Member was just speaking, talking, of a lineman; there you are, there's one of them. I don't think there are too many classes that would have to be defined here.

Mr. Chairman, I ask you to consider it.

Mr. Legal Advisor: Mr. Chairman, it's not primarily a question of classifying the employees. What we are saying here is that any person who is a genuine employee of a public utility company can do the work which is assigned to him in this manner.

The apparent suggestion we should have another part to an Ordinance defining the electrical work that public utility employees can do, and we haven't even attempted to do this.

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: Mr. Chairman, the Legal Advisor just said it himself. He said the employee who has the work genuinely assigned to him, I think that's the key right there. We can word that a little differently then,

rather than defining, if you want, all the classes, but I think we should take a closer look at that.

I would ask the Legal Advisor to look at some wording.

Mr. Legal Advisor: Mr. Chairman, I have no objection to doing a change in wording to make it clear that the employee of the public utility company has the authority to do the work that he gets paid to do or assigned to do by the public utility company, if the amendment would stop at that.

But the classification of who these people are and their particular work would be difficult, but to make that change, certainly it would be given consideration.

Hon. Mr. McKinnon: Mr. Chairman?

Mr. Chairman: Mr. McKinnon?

Hon. Mr. McKinnon: I want to let all Members know of the difficulties that could arise from this. We're talking about the installation, alteration, repair and maintenance of equipment necessary for the operation of a public utility.

Now, my private entrepreneurial background is in the field of cable television. There is nobody under the journeyman trade who can fix a cable television amplifier or a power supply in the Yukon Territory, yet there are qualified people in the employ of a public utility company who are perfectly capable, as graduates of a cable television school or having a background in some type of electrical work, who can do this type of work.

You could be limiting this type of work from being done by those people because they would have to be a qualified electrical journeyman under the terms of this Ordinance and, Mr. Chairman, this just isn't sensible.

Mr. Chairman: Mr. Berger?

Mr. Berger: Yes, Mr. Chairman. I do not have any intention of running down any linesmen through any description, but I still would like to see a safeguard to the public of the Yukon, to specifically spell out in here that it has to be a qualified employee of an electrical utility company.

Mr. Chairman: Mr. McKinnon?

Hon. Mr. McKinnon: Mr. Chairman, I suggest that we should deal with, if we are going to try with an electrical public utility, because all of the public utilities have electrical connotations to them, but there is nothing that they can do that can harm the life or hurt the public, endanger the inhabitant of a home. It's impossible for them to do it, and if we are talking about the general public utility inclusion of being qualified journeymen, then we're limiting ourselves to a point where I suggest that the telephone companies in the Yukon will have to cease operation tomorrow. And they will have to.

Mr. Chairman: Actually, you are arguing this on two sides of the coin, Mr. McKinnon. You're trying to get stringent standards applied to who can do some work and then you're not requiring those same standards in another area.

Hon. Mr. McKinnon: Because they're not necessary, Mr. Speaker, or Mr. Chairman, because the danger of life and property to the individual is not involved.

We're seeking, through this Ordinance, the protection of the public and public property and public life, and that is not a factor in certain public utilities that deal with certain electrical installations and repairs.

Mr. Chairman: Is there any further debate on Clause Nineteen?

Some Members: Clear.

Mr. Chairman: There have been suggestions put forward as to what some people might want as recommendations. Do you wish to carry on with that or shall I call this clause as carried?

Mr. Lengerke: Mr. Chairman, I think that could be amended to, some different wording. I may be having difficulty with it and I don't want to belabour the issue. I'm quite prepared to go, to go by, but I think the Legal Advisor did suggest that there could be a little more descriptive wording there rather than putting in the classes.

Mr. Chairman: Mr. Fleming.

Mr. Fleming: I am really getting something out of this. I really appreciate it. I also appreciate the Honourable Member's remarks in regards to the telephone. I can also see the problems that might arise in some cases because of the fact that these people cannot be all journeymen and they do come into the realm, hooking up actually to the electricity, but very slightly as far as injury is concerned. So, I would still appreciate some, something to assure us that the electric companies, the actual companies dealing with electricity, does not hire employees, although I would again feel that I don't think they would, but if this could be possible I would appreciate it and it would stop them from hiring incompetent persons.

Mr. Legal Advisor: Mr. Chairman, without committing the government to anything, it might meet at least one of the Honourable Members if a wording was like this: that an employee of a recognized electric power or communications or public utilities, may do electrical work assigned to him by the utility and connected with the... and so forth. In other words, to make sure that it's work which is given to him by his boss and not in free time of his own in connection with the utility.

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: I've got through about all I want. I want to know if, that, there has been somebody responsible that has assigned that work and I'm sure there is and I, you know, maybe I just might be belabouring this, but I think something like that would be quite satisfactory. Certainly, leave it to the Minister and the Legal Advisor and I know very well that they'll take it upon themselves to correct it if needed. Thank you.

Mr. Chairman: Are you asking to move an amendment then?

Mr. Legal Advisor: Not at this time, no.

Hon. Mr. McKinnon: Mr. Chairman, I think the Members have asked us to look at it and we've indicated that we are prepared to do that, but we wanted to bring to the attention of Committee some of the problems that we've presented in sub-committee and legislature when we first looked at it to the intention of the House and why it came out the way it did.

Mr. Lengerke: I'm satisfied.

Mr. Chairman: Shall Clause Nineteen carry? Or should it be stood aside?
Twenty (one):

(Reads Clause 20(1))

Shall Clause Twenty carry?

Some Members: Agreed.

Mr. Chairman: Twenty-one (one):

(Reads Clause 21(1))

Shall Section Twenty-one carry?

Some Members: Agreed.

Mr. Chairman: Section Twenty-two (one):

(Reads Section 22(1))

Shall this clause carry?

Some Members: Carry.

Mr. Chairman: Twenty-three (one):

(Reads Section 23(1))

Mr. Legal Advisor: Not to be, Mr. Chairman.

Mr. Chairman: That is a typographical error. I would assume from this that anyone doing electrical work must carry this licence with him at all times.

Mr. Legal Advisor: No, Mr. Chairman, he, just so that they have it in their car on the job, they may have it posted on the job if it's a long job, they have a variety. They don't actually have to have it in their pocket, but they must produce it when they're asked.

Mr. Chairman: Shall Clause Twenty-three carry?

Some Member: Agreed.

Mr. Chairman: Twenty-four (one):

(Reads Clause 24(1))

Shall Clause Twenty-four carry?

Some Members: Agreed.

Mr. Chairman: Twenty-five (one):

(Reads Clause 25(1))

Shall Clause Twenty-five carry?

Some Members: Agreed.

Mr. Chairman: Twenty-six (one):

(Reads Clause 26(1))

Shall Clause Twenty-six carry?

Some Members: Agreed.

Mr. Chairman: Twenty-seven (one):

(Reads Clause 27(1))

Shall this Clause carry?

Mr. Legal Advisor: Mr. Chairman, I already explained to you the effect of that. This does not excuse a person who has this particular licence from having his normal business licence at the normal fee.

Mr. Chairman: Shall Clause Twenty-seven carry?

Some Members: Agreed.

Mr. Chairman: Clause Twenty-eight (one):

(Reads Clause 28(1))

Shall Clause Twenty-eight carry?

Some Members: Agreed.

Mr. Chairman: Twenty-nine (one):

(Reads Clause 29)

Mr. Chairman: Mr. Fleming?

Mr. Fleming: Yes, Mr. Chairman, I was just wondering, I thought it was in this Ordinance, but I find no provision for the training of electrical — did we go through it? I must have missed it.

Hon. Mr. McKinnon: It comes under another Ordinance, Mr. Chairman, which is under the jurisdiction of my Honourable colleague, the Minister of Education.

Mr. Chairman: He just found out.

Hon. Mr. McKinnon: The Apprentice Training Program, Mr. Chairman.

Mr. Chairman: Mr. Fleming?

Mr. Fleming: Does that mean on the job, not only in the school I'm speaking of, but on the job training I'm speaking of, from the school?

Mr. Chairman: I think that is included in the Apprenticeship Training Program, is it not, Mr. Lang?

Hon. Mr. Lang: Yes, Mr. Chairman, of course it depends on the trade that the individual is going into as well, but there's a certain time frame that as far as the work is concerned on the job working as well as your time frame that you have to do within a vocational school, both of these are related.

Mr. Legal Advisor: Mr. Chairman, in this particular trade, a construction or electrician's trade, a person must do four years on-the-job training. If he does six months in the Vocational Training School and successfully passes his examination there, then that entitles him to a year off, so he can qualify in three years.

Mr. Chairman: I'm a little concerned about the latitude that the Chief Inspector is given under this clause. Are there any criteria by which, or have you arrived at the stage where you are laying down criteria by which, someone may be issued a temporary permit?

Hon. Mr. McKinnon: Mr. Chairman, the Chief Electrical Inspector at the present time knows everyone who will be applicable for a permit as a contractor prior to November 1st, 1976. He is of the opinion that everyone of those who is presently practising in the Yukon, who has not a qualified journeyman's electrician, that really this Ordinance will be a boost because they have the capability and are just not doing the work qualified to make them a qualified journeyman by not having to be one at the present time, and he sees nothing that would prohibit those people from within a two year period, with the maximum extension of six months, not being qualified journeymen under the terms of this Ordinance.

So we've gone to the point of looking at whether we would be causing any individual hardship from people presently practising the trade, and we find that we will probably in the long run be doing them the benefit by forcing them to become qualified journeymen as they are capable of doing at the present time.

Mr. Chairman: Is it necessary for someone who is going to make use of this period, do they actually have to attend the Vocational School for a period of time, the six months period? In other words, they would be without work for six months.

Hon. Mr. McKinnon: It all varies, Mr. Chairman. Some, the electrical chief inspector feels are qualified to take their exams at the present time and without any upgrading, and without doing a refresher course or attending the School, that he would recommend that they be qualified to write, and could write and could pass at the present time.

Others, he indicates, may have to do some refresher course and may have to do some Vocational School training prior to being able to write and pass the examination.

Mr. Chairman: But this is usually — the usual apprenticeship training does require the six month period, a minimum of a six month period, does it not?

Mr. Legal Advisor: But there are also a further classification that were't mentioned, of people who have been a year working, have gone to the Vocational School and done their training, but have then left their employment where they were being supervised and have gone out practising on their own.

Now, they then don't bother, because they find if they don't need it, they don't bother to write an exam.

Hon. Mr. McKinnon: They have already done that —

Mr. Legal Advisor: It depends on the individual, whether he will have to come back for theoretical work or not.

Mr. Chairman: My concern was that there would still be a group of people who would, although they are well along their way in raising a family, and all the financial responsibilities thereby, would have to take a six month period off work. Would they have any other source of income, would Canada Manpower be helping them or what?

Hon. Mr. McKinnon: Mr. Chairman, they could employ one qualified journeyman in their establishment.

Mr. Chairman: No, we are speaking about a person who wants to become a qualified journeyman.
Mr. Lengerke?

Mr. Lengerke: I probably shouldn't even have to ask this question, but I'm sure, am I correct in saying that there would — there is a set of exams in this case, that they are already set out, you could produce them today?

Mr. Legal Advisor: I couldn't pass the examination myself, it would take me a week to study, but it could be easily done.

Mr. Chairman: You wouldn't have to go to Vocational School, Mr. Legal Advisor?

Mr. Legal Advisor: No, that's to pass the exam, Mr. Chairman, I was being facetious. It's a regular program of study and a regular program of examinations which are set, and they are largely under the control jointly of the Vocational School and a Committee of qualified electricians themselves.

Mr. Lengerke: This is what I was getting at, thank you.

Mr. Chairman: Mr. Fleming?

Mr. Fleming: Yes, Mr. Chairman, I think that you have answered my question. I was just wanting to know if, myself, I can go now and if I can pass a test next week or this week or right now today, can I get that qualification in the Yukon Territory? That's what I want to know.

Hon. Mr. Lang: Mr. Chairman?

Mr. Chairman: Mr. Lang?

Hon. Mr. Lang: The examinations are scheduled on a regular interval. It's not a case where you just walk in today and say, I would like to write the exam. I think I'm ready.

There is some sort of regular schedule that they follow, in order so that if three or four people want to write it, then they coordinate the dates and have it at that specific time, and if you pass, then you get your qualifications.

Mr. Legal Advisor: Mr. Chairman, to answer specifically the question, you cannot just sit down in theory and write the examinations. In order to be allowed to sit for the examinations, you must have done a preliminary period of actual work and this — the work that you have done is submitted to the Committee that consists of qualified electricians and the trade school supervisor, and then a decision is taken as to whether the work you've done is sufficient to justify doing an examination.

Mr. Chairman: That partly answers my question I was going to ask if there was any appeal from the Chief Inspector's ruling regarding 29(1), regarding the issue of temporary working permits.

Is there any appeal from that if the Chief Inspector denies a permit.

Mr. Legal Advisor: We didn't bother to put it in, Mr. Chairman, because all of the applicants that we know of would be granted their application.

Mr. Chairman: That doesn't really answer my question.

Mr. Legal Advisor: It is a round-about answer, Mr. Chairman.

Mr. Chairman: I beg your pardon?

Mr. Legal Advisor: It is a round-about answer, Mr. Chairman.

Mr. Chairman: I don't think so.

Mr. Legal Advisor: There is no appeal.

Mr. Chairman: There is no appeal is the answer.

Hon. Mr. Lang: Mr. Chairman, are you inferring that there should be an appeal to this section?

Mr. Chairman: Yes.
Mr. Fleming?

Mr. Fleming: I get a little confused because one place you can and one place you can't and it is more or less mixed up. I am asking now if I can pass that and do I have to do anything else other than take the exam. Mr. Legal Advisor says yes, there is a period of time and so forth and so on that I have to do something and I don't know what it is. I am not interested in that, I want to know if I am qualified to pass the exam, never mind what work I have done before or anything, that has no bearing on the case, or has it got a bearing on the case?

Mr. Chairman: Mr. Lang.

Hon. Mr. Lang: Mr. Chairman, it does have a bearing as being qualified to write the exam. You have to do a certain amount of time on the job, certain amount of time within the technical school, to be qualified to write the exam, and at which time you would put in your application and the Committee would look at it and then decide at a given point in time that the examination should be written.

Mr. Chairman: Mr. Fleming.

Mr. Fleming: Then Mr. Chairman, I am concerned a little bit for some of the people in the Yukon Territory, because they are possibly good electricians and maybe don't have a qualified journeyman's ticket and probably no ticket at all, but as Mr. Chairman was saying, do they have to go back to school or anything for a length of time just to get this piece of paper to operate, to do electrical work. I think it is something that should very well be looked into because, for myself, for instance, I think I could possibly pass the test. I have nobody to say, yes he worked for this company or that company or he went to the trade school or anything else. I would like to know just how long it takes to get that and what it is going to cost that individual in time and money and so forth to be able to write the test.

Mr. Chairman: Mr. Lang.

Hon. Mr. Lang: Mr. Chairman, it depends on the organization you are working for. In some cases the government subsidizes for an individual to go to a technical school if they need that for up-grading, sometimes the organization, whether it be a mining organization will pay the necessary subsidization for you to go to a technical school. But the fact remains that the Advisory Committee will take a look and say, has he the qualifications to write the exam. It is their decision that they will decide whether or not that individual is competent to write that exam.

Mr. Chairman: Mr. Lengerke.

Mr. Lengerke: Mr. Chairman, again I would like to see this 29(1) clarified or broadened a little more where it actually says that you have to pass an exam and where it actually says that you have to satisfy the Board as to your work experience.

Hon. Mr. Lang: Mr. Chairman, there is already an Ordinance to cover that —

Mr. Chairman: Order please.
Mr. Lang?

Hon. Mr. Lang: There is an apprenticeship Training Ordinance that already covers that, not just for the electrical but for all trades. As far as the steps in relation to writing your exams and this type of thing, it is clearly delineated in the regulations.

Mr. Legal Advisor: Yes, Mr. Chairman, the application is made to the Director of Vocational Education in the first instance and an appeal lies from him to the

Electrical Trade Council set up under the Apprentices Trades Regulations and then their decision is final. The parameters, as I said are, they must have sufficient experience and sufficient theoretical knowledge to justify their being permitted to sit to write the exam. This usually consists of a period of four years. This could be abbreviated in a proper case by the Committee and a period theoretical training in a Vocational Education Institute, or an equivalent in say, Alberta or B.C. or equivalent and they can save you up to two years of electrical training, or three years in some cases. All of this is laid down, but basically, four years on the job working with some period of theoretical training can narrow it down to three, so three or four years actually working on the job qualifies the person.

Mr. Chairman: Mr. McKinnon.

Hon. Mr. McKinnon: Mr. Chairman, every contractor presently at work in the Yukon who has grandfathered under section 29(1) knows exactly in his individual case, exactly at this moment what he has to do to gain his qualified journeyman ticket.

Mr. Chairman: Nevertheless that exactly might still infer that he has to stop working and go to school.

Hon. Mr. Lang: Mr. Chairman.

Mr. Chairman: Mr. Lang.

Hon. Mr. Lang: I think it should be pointed out that the individual applying for that specific trade is going to be judged by his peers who are the most capable people around to be able to judge whether or no that individual has the proper training in order to get his ticket. I should say incidently they do a very good job.

Mr. Chairman: Mr. McKinnon.

Hon. Mr. McKinnon: Mr. Chairman, I think the question hasn't been answered to my satisfaction, I don't really know and I ask it in ignorance, but I think the question that all have been asking, if a person has been working in the electrical contracting trade for a number of years, the Chief Electrical Inspector says, that guy, if he just took the time out to go and write the exam could pass it tomorrow. The Trades Advisory Council have interviewed him and said "that cat could pass the exam if he comes up" — does that person have to go, if he hasn't before, to the Vocational and Technical Training Centre for a period of time prior to being able to sit and write that exam? That is the question.

Mr. Legal Advisor: Mr. Chairman, I don't think he has to go to the trade school to do any theory unless he himself sees he will not pass the examination without it. He himself is to be the judge. There are a number of situations that have occurred within this government, of employees within this government, where this particular situation arose, a row developed which went to adjudication in respect of a large group of employees in this electrical construction trade. The situation was that the key individual was qualified in Quebec, another person was qualified in Toronto and they both claimed that they should get their tickets. They were ruled

against because they had to sit an exam and refused to sit the exam. So they were denied an increment and then, that happened once and then they sat down and they did the exam with flying colours, but for six and seven years they'd been grumbling and saying they wouldn't sit the exam, but they were perfectly qualified all the time. This is a roughly similar position to what is happening here.

Hon. Mr. McKinnon: But, Mr. Chairman, I would suggest it would take us exactly two minutes and one phone call to make, probably to get the direct yes or no answer to this question we're all asking.

Mr. Berger: Yes, Mr. Chairman, I do have the answer. I have more experience than anybody else here. You do not have to sit through the Vocational School. And the other thing that wasn't mentioned here is the tradesman has three chances to get his qualification papers. If he fails the first, he has another chance and if he fails the second, he has a third chance. I would also like to straighten out an erroneous statement made by the Minister of Education that the Territorial Government pays people to go to Vocational School. They only pay apprentices programs, they do not pay trade people on the job already who are not in apprentices programs.

Mr. Chairman: Mr. Lang.

Hon. Mr. Lang: Mr. Chairman, it's my understanding that the Manpower in this particular instance, the Federal Government Manpower, will pay for that.

Mr. Chairman: Mr. Berger.

Mr. Berger: Mr. Chairman, I think there's a big difference between the Federal Government and the Territorial Government here.

Hon. Mr. Lang: Yes, there is.

Mr. Chairman: I will now declare recess.

(RECESS)

Mr. Chairman: I now call this Committee to order. We are at present dealing with Clause Twenty-nine.

Hon. Mr. Lang: Mr. Chairman.

Mr. Chairman: Mr. Lang.

Hon. Mr. Lang: Mr. Chairman, I checked on the matter that was being discussed just before we recessed and I went through the regulations and for Members' information, in the Regulations under section 11, it states every person who has been employed as an electrician in the Electricians Trade for four years or more may apply to write the Yukon Tradesmen qualification examination. And the only other thing that is required is proof of experience or training must accompany an application to write the Yukon Tradesmen Qualification Examination.

I think it should be pointed out also at the same time that the exams are scheduled at intervals, but at the

same time, if the Tradesmen Qualifications Board has agreed that your qualifications are such that you can write the exams, they will allow an individual to write an examination at his discretion.

Also at the same time, while I am on my feet, Mr. Chairman, it should be pointed out that the Honourable Member from Klondike raised an interesting point in relation to paying for individuals to go outside to a technical school or a vocational school to get their required theory. The Yukon Territorial Government only pays if an individual's been out of school for less than one year, either out of High School or university or technical school, not a vocational school, but a technical school. Other than that, Canada Manpower will pay the necessary weekly allowance as well as the transportation costs.

Mr. Chairman: Thank you, Mr. Lang.
Mr. Legal Advisor.

Mr. Legal Advisor: I was just going to make the same point. I was going to suggest that the Government should return the bill to the other point after consideration to indicate what conditions would be necessary to enable a person who had been in a trade to get the grant to retrain if necessary to get the qualifications necessary in this Ordinance.

Hon. Mr. Lang: Write it in the Ordinance?

Mr. Legal Advisor: No, I'll have to report back.

Mr. Chairman: Mr. Fleming.

Mr. Fleming: Yes, Mr. Chairman, I'm just not clear about one of the questions, but it still doesn't really clear up the whole picture in the Yukon because being hired under the — hired as an electrician for four years, say in Yukon, it will be very possible many people who would be in this case and yet there would be many others who were not actually hired at the trade. They could be possibly good electricians, can possibly take the exam and possibly actually know what they're doing. But it doesn't give them any right at all. Actually in this case now to become a qualified electrician, other than taking four years of actual work. That's what I'm trying to say.

Hon. Mr. Lang: Mr. Chairman, I still don't understand what the Honourable Member is getting to because in the regulations it states that it's possible one of the requirements is a letter from an employer or letters from employers stating the period of employment and the type of work performed in the electricians trade in which a total of, a minimum of four years' experience in the trade.

Mr. Chairman: Mr. Fleming?

Mr. Fleming: Yes, Mr. Chairman, that is why I'm saying the employer, that is a letter or something from an employer. It is really not necessary that a person should always have an employer. He maybe didn't have an employer — he can still have done this work for a long time, a long period of time. And he still could be a good electrician and there's nothing — I haven't heard of anything yet that covers him and gives him a chance

without being an employer for your years.

Mr. Legal Advisor: Mr. Chairman, I think the words are broad enough that a person who has employed himself, then he can say, then he is capable of satisfying the Committee that he has been working at the trade for four years. It is not required that he is working for somebody else.

Mr. Chairman: Mr. Berger?

Mr. Berger: Yes, Mr. Chairman, maybe I can help the Member from Hootalinqua. Partially, the Legal Advisor answered the question already. It's not necessary that the person has to work for four years in the Yukon. He can be working anywhere in Canada, or to the satisfaction of the Board, he could be working anywhere in the world, as long as he has the proof for it.

Hon. Mr. McKinnon: Mr. Chairman, I think the point is —

Mr. Chairman: Mr. McKinnon?

Hon. Mr. McKinnon: — the Department would not have any objections whatsoever to the Honourable Member from Hootalinqua taking the exam.

Mr. Chairman: The problem I have is the four years of working in the trade, is this four years — are they four years of approved working in the trade? Is there a criteria set down on that?

Hon. Mr. Lang: No, what happens, Mr. Chairman, is that you would bring in the necessary documentation to the Board. The Board would look through it and see whether or not you had had the required experience in that field, in order to assess whether or not you had the qualifications to write that particular exam.

Mr. Chairman: Mr. Berger?

Mr. Berger: Yes, Mr. Chairman, and one further step in this direction. The Boards are usually quite lenient and all that you have to do is fill out the form, you don't even have to document it in most cases where you worked and so on.

Mr. Chairman: Well that's how Mr. Fleming was going to get through, wasn't it?

Hon. Mr. Lang: Mr. Chairman, I should clarify one point. The application initially goes to the Superintendent, who in this case is the Director of Vocational School. He goes there first and he screens it and sends it to the Board and he relates it to the regulations set out here in the regulations.

Mr. Chairman: Is there any appeal from that, Mr. Lang?

Hon. Mr. Lang: No, the Advisory Board's decision is binding.

Mr. Chairman: The screening that is done by the

Vocational School, is there any appeal from his decision?

Hon. Mr. Lang: Yes, there's an appeal to the Committee, but initially, the application goes to the Director, and he forwards it to the Committee, so I don't think they're all that — I would suggest that they are not all that lenient, but they are Yukon people and they realize the problems confronted in the Yukon.

Mr. Chairman: Do you mean then that the Director is not screening them?

Hon. Mr. Lang: Yes, Mr. Chairman, he is screening them to the extent to say, is he qualified as far as the qualifications that are necessary and he forwards it to the Board. If they're not, he'll write them a letter accordingly, to say that no, there's no point in going before the Board.

If they're not happy with that, they can bypass the Director and go to the Board themselves.

Mr. Chairman: But every application will go to the Board eventually?

Hon. Mr. Lang: Yes.

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: I would like to ask the Honourable Minister if he could just read to me again the statement about the four years, how does that read?

Mr. Chairman: Mr. Lang?

Hon. Mr. Lang: Mr. Chairman, in Section 11 it says "(a) Every person who has been employed as an electrician in the electrician's trade for four years or more, may apply to write the Yukon Tradesmen's Qualification Examination.

(b) Proof of training or experience must accompany the application to write the Yukon Tradesmen's Qualification Examination. Such proof can be

(a) a letter from an employer or letters from an employer stating the period of employment, and the type of work performed in the electrician's trade, and which total a minimum of four years' experience in the trade;

(b) apprenticeship of completion documents from areas outside the Yukon Territory in the electrician's trade", and it goes on from there.

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: What I was trying to get at there is the four years. For instance, a man could be employed for four years in the electrical field, driving the delivery truck that delivered the electrical appliances and the rest of it, but that doesn't necessarily qualify him and he has to have the type of experience necessary as well?

Hon. Mr. Lang: Yes, this is correct, Mr. Chairman.

Mr. Chairman: Is there any further debate on Clause Nineteen?
Mr. Berger?

Mr. Berger: Just for the delivery truck driver, Mr. Chairman, as long as he's capable of writing the exams, he would be qualified as an electrician.

Hon. Mr. McKinnon: Mr. Chairman, I just asked my Honourable colleague, the Minister of Education, whether he didn't have something important to do at this time when everything was going along fine, until he got involved in the debate.

Mr. Chairman: Is there any further debate on Clause Nineteen?

Mr. Legal Advisor: Twenty-nine.

Mr. Chairman: Shall Clause Nineteen carry?

Mr. Legal Advisor: Twenty-nine, Mr. Chairman.

Mr. Chairman: Twenty-nine, I'm sorry.

Some Members: Agreed.

Mr. Clause Thirty sub One:

(Reads Clause 30)

Shall Clause Thirty carry?

Some Members: Agreed.

Mr. Chairman: Clause Thirty-one sub One:

(Reads Clause 31)

This Ordinance will now be stood until the amendments can be brought in.

I would refer Committee back to the Insurance Ordinance.

Page 187, Section Two hundred and twenty-seven
Mr. McIntyre?

Mr. McIntyre: Thank you, Mr. Chairman, I left some material with each Member dealing with the procedure in life insurance which is known as "twisting", and this is something that all life insurance agents, to the best of my knowledge, are forbidden to do by their employers, the insurance companies and that is to change a policy from one from to another, because it's very disadvantageous to the insurance company.

The section that we're dealing with here is a section that is normally put into State and Provincial legislation at the instigation of the insurance lobby, to legitimize the practice that they have already instructed their agents to do, and in effect, it prevents a person who is loaded with high cost endowment insurance, from changing that type of insurance to a family plan or renewable term insurance or term insurance, which could be very much to its disadvantage.

The leading case in this connection was in the United States, and it's mentioned in the papers which I gave you, dealing with an insurance consultant who had advised his client to cash in his straight life policies, or his — just a moment now — to cancel his old policies, so that without impairing his protection, he would be able to cut his annual costs, receive his cash surrender value and still have the same protection.

The insurance companies took this case against him on the grounds that he had twisted, advised twisting, and fortunately, although he was convicted in the lower courts, in Superior Courts he was found not guilty and the court, in effect, recommended this particular case of twisting because the statement that was made by the consultant was true. In the case of death, the insured would only receive the face of the policy, and would receive nothing more.

By surrendering his existing policy and taking out new straight life, the insured would have insurance for the same amount and, at death, would receive the face of the policies and have \$10,870.00 in addition thereto, which would not be true if present policies remained in force.

Now, these — this particular section makes legal exactly what this case that was tested in this particular action says is a perfectly legitimate thing for an insurance broker or an insurance consultant to do. I think that it should either be removed completely from the Ordinance, or there should be a saving clause inserted in it to protect the person who wants to change his policy, and who has been advised to do so by an insurance consultant.

Because the way it is worded here I don't think that's protection and it's just an example of the kind of legislation that we pass, simply because the Insurance Bureau or the — or whatever the organization is that represents the life insurance companies, put forward as model legislation. Many times we're inclined to follow this type of legislation in a blind way and enact it, and not really consider what we're doing.

In this particular case, I think we should reconsider this Section, either throw it out of the Ordinance completely, because it really is not in the best interests of the insured person.

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, I wonder if we could be advised from what publication this quotation comes and have a rough idea of when it was published, the referrals in the footnotes are not that recent.

Mr. McIntyre: There are two publications dealing with insurance, this one is entitled "Insurance Without Exploitation" by a man, I think his name was Gilbert. The publication date was 1955.

At that particular time, it wasn't the practice of most insurance companies to advise people to take renewable term or term insurance or family plan insurance, because this is not the most profitable insurance for the insurance company to get involved in.

Now, since that time, and in the present time, there are many insurance companies who make this type of insurance readily available — in fact, who sell it — but I'm talking about the person who bought his insurance ten or fifteen years ago when these plans weren't available and now would like to convert his plan. I think any person here who has ever tried to change the life insurance policy which he now has into some other plan, will realize how difficult it is and what bum advice you get from your insurance agent.

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: Mr. Chairman, in seconding the Motion or the amendment that Mr. McIntyre put forth, it was just through discussion with Mr. McIntyre that this really came to light as far as I was concerned, because I right now am in that position where I'm trying to convert some insurance that was taken out when I was a young boy of, oh, 14 and 15 years old, and this has all come to a head — and I'm dealing with a very large company and I have been asking for advice and the advice just doesn't seem to come through.

So, in talking to Mr. McIntyre, and he was telling me exactly what he has told you, it just really hit home and I certainly agree. I can see now what really does happen.

Mr. Legal Advisor: Mr. Chairman, just one small point. There's a difference between subsection (one) and subsection (two). They're not really related when you analyze them. One is the twisting, subsection (one); subsection (two) is a generalized prohibition against making false statements.

Mr. Chairman: Is there any further debate?
Mrs. Whyard?

Hon. Mrs. Whyard: I had suggested earlier, when we were just discussing this section, perhaps the fault lay in the word "induce" and I asked for suggestions as to whether the Honourable Member could come up with something stronger which would satisfy him, but I see now that that is not the point of the exercise. I gather that the Honourable Member is asking that this section be dropped.

What we had committed in earlier consideration of the Bill was that this section would not be proclaimed when the Ordinance was passed until further advice has been received regarding this section in the context of uniform legislation across Canada, but I can see Mr. Chairman that it's still not going to satisfy the Honourable Member. Could we have further suggestions from him?

Mr. Chairman: Mr. McIntyre?

Mr. McIntyre: You will recall, Mr. Chairman, when we were discussing this and it was referred to Mr. Kennedy, our expert on insurance, he said that this particular clause had created some concern at a meeting that he was at dealing with it and that he didn't think that it would be pushed if we wanted to drop it, that the life people would not press for it. It is quite obvious why they wouldn't press for it. I would be prepared to leave this in the hands of the Legal Advisor to draft this particular section, either by means of omitting this particular clause or by adding a rider to it which would not make the conversion of one type of insurance to another a thing that was contrary to this Ordinance. It can be very advantageous to convert these silly policies like endowment at 85, you know, some of the things the insurance salesmen sold people ten or fifteen or twenty years ago are absolutely ridiculous, and it is to the advantage of people to look into these things and find out whether their insurance that they are carrying right now and paying high premiums on are really worth while carrying, and to convert them if possible, if they are family people convert them to some type of family plan or

renewable term insurance which would give their family protection.

After all, when the insured person is dead, he doesn't get any benefits.

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: Mr. Chairman, I would like to just suggest that we take 227(1) and just delete it completely from the Ordinance. If and when legislation across the country comes up with something better, then, possibly, at that time we could adopt it.

Mr. Chairman: That is out of order, Mr. Lengerke, in the way you have proposed it.

Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, I would like to ask for guidance in view of the fact that this Bill and its amendments have been given third reading.

Mr. Chairman: No.

Hon. Mrs. Whyard: Have they not?

Mr. Chairman: No, I can quote you from Beauchesne that Bills may be resubmitted any number of times at third reading back to the Committee.

What I would suggest — what we can do is not pass Clause 227(1).

Do I have a mover?

Mr. McIntyre: I will so move.

Mr. Chairman: A seconder?

Mr. Lengerke: I will second that.

Mr. Chairman: Shall Clause 227(1) be carried? That is actually the form that we must put it in.

I shall repeat: shall Clause Two twenty-seven (one) carry?

Some Members: Nay.

Mr. Chairman: Clause Two twenty-seven is not carried.

Mrs. Whyard?

Hon. Mrs. Whyard: Thank you, I was waiting to be recognized, Mr. Chairman. This will mean renumbering and reworking the second part of that section. We will have to go back and do that.

Mr. Legal Advisor: No, Mr. Chairman, there is no relationship between the two subsections. It is just that we renumber subsection two as subsection one and subsection three becomes subsection two.

Hon. Mr. Lang: Mr. Chairman, I gather from the conversation that we, have we adopted Two twenty-seven (two), which will now become Two twenty-seven (one)?

Mr. Chairman: Yes, Mr. Lang.

Hon. Mr. Lang: Okay.

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: I just have one final observation to make and that is that I think that Mr. McIntyre should open an entire new career in that field.

Mr. Chairman: Shall I report the Bill out of Committee as amended?

Some Members: Agreed.

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: Mr. Chairman, I would move that Mr. Speaker now resume the Chair.

Mr. Chairman: Secunder?

Mr. Fleming: Second.

Mr. Chairman: It has been moved by Mr. Lengerke, seconded by Mr. Fleming, that Mr. Speaker do now resume the Chair. Are you ready for the question?

Some Members: Question.

Mr. Chairman: Are you in favour?

Some Members: Agreed.

Mr. Chairman: Motion is carried.

(Motion carried)

(Mr. Speaker resumes the Chair)

Mr. Speaker: I will now call the House to order. May we have a report from the Chairman of Committee?

Mr. Chairman: Mr. Sxxxx

Mr. Hibberd: Mr. Speaker, the Committee of the Whole has reconsidered Bill Number Seven, Insurance Ordinance, and directed me to report the same with further amendments. The Committee of the Whole has also considered Bill Number Two, Electrical Protection Ordinance, and directed me to report progress and ask leave to sit again.

Mr. Speaker: You have heard the report of the Chairman of Committees.
Are you agreed?

Some Members: Agreed.

Mr. Speaker: Leave granted.
May I have your further pleasure at this time?

The Honourable Member from Whitehorse Riverdale?

Mr. Lengerke: Mr. Speaker, I move that we do now call it five o'clock.

Ms. Millard: I second that motion.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse Riverdale, seconded by the Honourable Member from Ogilvie, that we do now call it five o'clock. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the motion carried.

(Motion carried)

Mr. Speaker: This House now stands adjourned until ten p.m., November 15th.

(ADJOURNED)

THE FOLLOWING LEGISLATIVE RETURNS HAVE
BEEN TABLED TO DATE

76-3-1

Rural and Remote Housing
(Oral Question)

76-3-2

Prefab Housing
(Oral Question)

76-3-3

Home Owners Grant
(Written Question number 3)

76-3-4

CBC to Old Crow and Pelly Crossing
(Written Question number 2)

76-3-5

Land Use Permits
(Written Question number 12, 1976 Second Session)

76-3-6

French Language Programme
(Oral Question)

76-3-7

Criteria for determining number of Status Indians
(Written Question number 6)

LEGISLATIVE RETURN
1976 (Third) Session

Mr. Speaker
Members of the Assembly

On November 8, 1976, Mrs. H. Watson asked the following question:

"YTG statistics indicate there are approximately 2500 status Indians in Yukon at present time. Pres. of C.Y.I. indicates that there are approx. 6000 Indians eligible for Yukon Indian Land Claims Benefits. What criteria did the C.Y.I. use to arrive at the 6000 number?"

The answer to the above question is as follows:

Mr. Daniel Johnson, Chairman of the Council for Yukon Indians stated recently at a National Energy Board Hearing held in Whitehorse on September 27th, that the CYI represented 6000 Yukon Indians which he claimed, represented a majority of the permanent Yukon residents. Commissioner Pearson, at that time, queried Mr. Johnson's assertion and asked him to define the criteria for permanent residency. Mr. Johnson replied permanent residents included "people who have always lived here, people who in all likelihood will live out all their years here in the Yukon." Mr. Johnson also confirmed that there was an enrollment list for settlement eligibility, but would not commit himself to giving the Commissioner a copy of this list.

As of June 3rd, 1976, the date of the last formal negotiating session, eligibility for settlement participation was an element in the negotiations. Since no Agreement in Principle has been signed, the eligibility criteria for settlement participation have not been formally adopted. It is assumed that the CYI are using the criteria established thus far, but since we have neither seen their list nor the eligibility criteria they are employing, we cannot answer the question at this time.

November 8 1976.



LEGISLATIVE RETURN #6
1976 (Third) Session

Mr. Speaker,
Members of the Assembly

On Thursday, November 4, 1976 Councillor Hibberd asked the following question:

Mr. J. Hibberd:

"In view of the reprimands we've been receiving regarding our lack of communications in various areas, I was wondering if the Minister of Education could give us an update on the French language program and how much money is being spent on it and how much and whether it has been used for anything else besides teaching the French language?"

The answer is as follows:

We are in the process of implementing the various objectives set forth under the terms of the Federal-provincial Agreement on Bilingualism in Education into which the Yukon entered in March, 1974.

(1) In the schools. French is offered in most schools of the Territory, beginning in grade five. It is taught as any other school subject, for a specified number of minutes per week. One of our major concerns has been a much-needed curriculum revision, and we can report considerable progress. A new elementary program has been introduced with the needs of the rural schools especially in mind. A careful evaluation of this program has begun, to continue over the coming two years. A new program has also been put into effect in grades 8-10. It will be extended to grade eleven this year, and we are at present awaiting the development of suitable commercial materials to replace the very out-of-date texts presently used for French 12. In September, the first draft copy of a revised French curriculum was placed in the hands of the teachers. This represents a break away from—and, we trust, an improvement upon—the BC French curriculum which the Yukon has followed for so many years.

All these new materials (texts and teaching kits) have been provided from the Federal language grant, which has also furnished any "hardware" (tape recorders, etc.) needed to implement a second-language program. In addition, a collection of supplementary resource materials is available for use on loan by the teachers throughout the Territory, and in-service sessions have been arranged to familiarize teachers with the new programs.

(2) Adult Education. In May, 1976, at the request of the provinces, some supplementary funding was made available to meet demands for extension of the program to the general public. The Yukon was allotted a sum of up to \$11,000 as an accountable advance to facilitate the setting-up of adult extension French classes. At the direction of the Executive Committee, we have proceeded with a modest adult program, with care to develop it in harmony with our general policy—i.e. that such courses shall be self-sustaining.

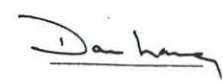
Public response has been favourable. In Whitehorse two evening classes are in operation, each involving five hours per week over a period of 8-10 weeks, using materials recommended by USC Dep't of Continuing Education. We are also sponsoring evening classes in French at Haines Junction, using the same materials on loan from the French Centre.

The daytime Dialogue Canada program that began last year is continuing, with both federal and territorial employees participating. In addition, removal of the copyright has permitted the opening of this program to the public. Since September, enrolment in this daytime program has increased, so that the instructional facilities at the French Centre at F.H. Collins school are now in full use every day from 8:30am to 5:00pm and every evening except Friday from 7:00 to 9:30 pm.

(3) Other Services. The federal language grant of \$62,000 is providing the services of a co-ordinator and of a part-time clerk-typist. Over and above the school and adult programs already mentioned, the federal grant provides other benefits. Two Yukon students are presently enrolled in full-time regular courses at Laval University, one of our teachers received a bursary to attend a summer immersion course in Québec, and some money is usually set aside to assist student travel to a francophone area.

As to the last point in Councillor Hibberd's question, since money received under the terms of the 1974 agreement is intended for improvement and development of French instruction, it has not been used for anything else.

10 November, 1976



Funding of the French Programme

- (a) Federal Capital Grant - \$100,000.00 (1975 - 76)
 75/76 Expended: \$86,000.00
 76/77 Expended: 14,000.00

Construction of French Language Centre in the F. H. Collins School utilized the bulk of the funds, the balance being spent for purchase of tape recorders and audio-visual equipment for the French Programme in the schools throughout the Territory.

- (b) School Programmes - \$62,000.00 grant

The federal grant (1974 - 79) provides
 co-ordinator's salary
 clerical help (1/2 time)
 office supplies and operation
 school texts etc., (for new programmes)
 student travel grant
 teacher summer bursaries
 post-secondary bursaries
 teacher in-services, etc.
 Expenditures are fully recoverable.

- (c) Adult Programmes

1. Dialogue Canada (Daytime Programme)

For federal employees, the total cost per pupil is fully recoverable from each department. The territorial employees' costs are subsidized up to \$500.00 per pupil - (operating and maintenance costs)

2. Adult Extension Programmes

Operated on the same basis as Y. T. G. night-school classes, the cost of the instructor being covered by fees.

Materials and supplies are provided from federal funds, also any extra costs in the first two years that are connected with setting up the programme. (The facilities of the Language Centre already set up by the federal grant.)

Cost of Programme:	\$10,144.00
Student Fees :	4,091.00
Federal Funding :	<u>6,053.00</u>
Cost to Territory :	nil