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Debates & Proceedings

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Speaker: The Honourable Donald Taylor



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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 at this time with prayers.

(Prayers)

Mr. Speaker: The Honourable Member from Pelly River?

Mr. McCall: Mr. Speaker, I rise on a point of privilege.

I think before you go into the Orders of the Day, I would like to convey a few remarks to the Honourable Members and yourself.

As you are all aware now, Mr. Speaker, that agreement has been reached between the parties concerned in the Cyprus-Anvil dispute, which has been going on for approximately three and a half months now, which I believe is a very tragic situation caused by the Federal Government.

Mr. Speaker, I would like to put on record, if I may, and express my appreciation at the same time, to each Honourable Member of this Legislature for their patience, their understanding in a matter of I think great concern to all the people in the Yukon.

I would like to thank each Member personally, and I am hoping I can express the thanks of each person living in Faro at this time, as I know they cannot all sit here in the Legislature.

Mr. Speaker, the situation really is not complete. I do not want to put the hopes of the people in the Yukon too high, even though we have reached a tentative agreement, the principals who I have to report to, will make the final decision, and until that is duly recorded, I do not think the situation is totally complete on the first step. Even if it was, Mr. Speaker, the horrendous problems still facing us as to the legal complex timetable, even after the agreement may have been ratified, it will go on for about six or seven months, Mr. Speaker.

I know that some of the Honourable Members have been under extreme pressure, and I appreciate their concern when they have communicated their concern to me that some of their constituents have had. Even I have been under pressure myself, Mr. Speaker, which is not unusual.

I think that some of the people that have voiced their comments publicly, I have a lot of sympathy for, but I do not think, Mr. Speaker, that they represent the people of the Yukon. I think the people of the Yukon have been very patient and understanding, and maybe that is one of the reasons, Mr. Speaker, that they have remained silent.

But I say to the people that have publicly criticized or voiced their opinion without making themselves fully aware of all the facts, are totally ignorant to the situation which is very tragic.

There are one or two people, Mr. Speaker, I would like to go on record as thanking personally. I think the Minis-

ter of Local Government of this Legislature should be commended for his understanding in this situation. He has even gone out of his way to keep the communication system going for all the Executive Members elected.

I'd like to personally thank Jimmy Smith, Chairman of N.C.P.C., who also showed his concern and understanding and I think, Mr. Speaker, that if Jimmy Smith was still the Commissioner of the Yukon, I do not think it would have lasted three and a half months but times change, Mr. Speaker, and ignorance rears its head.

I have very little else to say, Mr. Speaker, only to say thank you very much.

Mr. Speaker: I would thank the Honourable Member.

The Honourable Minister of Local Government.

Hon. Mr. McKinnon: I just have a few words in response to the points that the Honourable Member from Pelly has made. I think that all Members of the Legislature should go down on record thanking the Honourable Member from Pelly for keeping the Members, the elected Members of the Executive Committee and indeed through them, all the Members of the Assembly, up to date at every moment on what was actually happening in the Cyprus-Anvil situation.

Mr. Speaker, I can only say that there were many people who were responding in different ways, there were many pressures that were being brought upon all Members of the Assembly. At one point in time, there seemed to be a great hue and cry that there should be back-to-work legislation brought forward by this Assembly. We already had a ruling from the Department of Justice, Mr. Speaker, that that would be *ultra vires* of the powers of the Yukon Legislative Assembly. We had indication that we would be fighting the Federal Government to the Supreme Court if we tried to pass such legislation. We would be fighting the Union to the Supreme Court, we'd be fighting the company to the Supreme Court, and of course, people were making these kinds of statements and it wasn't always within our ability to put all the factors that we knew out on the table, but I think that it was obvious that, in this instance, the only thing that we could do was try not to confuse the issue and getting it more complicated, but withhold the pressures and be responsible and just let matters which we knew were beginning to take their course, take their course.

I had very strong objections also, Mr. Speaker, and voiced them to whoever would listen when there seemed to be a mood that everything would be settled if the Honourable Member from Pelly just left the Yukon. I went to Faro personally to find out what the mood and the feeling was of the community and of the company and of the Union and I think both the Union and the company agreed that the last thing in the world that anybody wanted was to get rid of the Honourable Member from Pelly because, if anybody could bring it together he was the person who could. I object very strongly, Mr. Speaker, to people who are appointed people telling other people in the Yukon whether they are welcome in the Yukon and whether they should remain and stay in the Yukon. I happen to believe that the Honourable Member from Pelly and his family are an asset to the Yukon and to this Assembly and I'd like to

see them stay in the Yukon just as long as he and his family feel that they should.

Mr. Speaker, I was reminded often during the time period that we were being responsible Members of this Assembly, when all the hue and cry of rather ignorant people were resounding about our ears of John Milton, one of my favourite lines that, "they also serve", Mr. Speaker, "who only stand and wait".

Thank you very much.

Mr. Speaker: We will proceed now on the order paper to Routine Proceedings.

ROUTINE PROCEEDINGS

Mr. Speaker: Are there any documents for tabling this morning?

The Honourable Minister of Education.

DOCUMENTS FOR TABLING

Hon. Mr. Lang: Mr. Speaker, I have for tabling a preliminary report to the Arctic Winter Games Corporation by Shelley and Associates and also a submission from Green Peace North.

Mr. Speaker: The Honourable Minister for Health and Welfare.

Hon. Mrs. Whyard: Mr. Speaker, I have for tabling the following items: the Annual Report of the Yukon Housing Corporation for the year '75 - '76, pursuant to Section 19(1) of the Housing Corporation Ordinance and Section 14(2) of the Government Employee Housing Plan Ordinance.

And, Mr. Speaker, I have for tabling Policy Directive 1/7, entitled Casual Temporary and Summer Student Employees, which I believe was requested by one of the Honourable Members.

And, Mr. Speaker, letters in response to Motions from the '76 First and Second Sessions, which have not previously been tabled in the Legislative Assembly.

And, Mr. Speaker, in response to a question from an Honourable Member, the job description for Nurse/Lay Dispensers in the Yukon.

Mr. Speaker: The Honourable Minister of Local Government?

Hon. Mr. McKinnon: Mr. Speaker, I have for tabling today, the following items: the Annual Report of the Chief Electrical Inspector, pursuant to Section 15(1) of the Electrical Protection Ordinance; White Paper on Proposed Reconstruction of the Canadian sections of the Haines Road and the North Alaska Highway; an Information Paper entitled "An Energy Policy for Yukon", and Mr. Speaker, I also have — that comes under Question Period, Mr. Speaker.

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

Are there any Reports of Committees? Petitions? Introduction of Bills? The Honourable Minister of Education.

Hon. Mr. Lang: Mr. Speaker, I move, seconded by the Honourable Member from Whitehorse North Centre, that the amendments to Bill Number 7 be now read a first time.

Mr. Speaker: Perhaps the Honourable Member could wait until a little later in the Order Paper and we could deal with that item. Would that be agreeable?

Hon. Mr. Lang: Agreed.

Mr. Speaker: Are there any Notices of Motion for the Production of Papers?

The Honourable Member from Kluane?

NOTICES OF MOTION FOR THE PRODUCTION OF PAPERS

Mrs. Watson: Mr. Speaker, I would like to give Notice of Motion that the administration, before this session of the Legislature is prorogued, produce:

(1) Papers respecting the original agreement which was the foundation for the construction and operation of the Haines-Fairbanks pipeline within Yukon.

(2) A statement with respect to land ownerships and easement rights of the Haines-Fairbanks pipeline within Yukon, and

(3) Correspondence respecting the cessation of the operation of the Haines-Fairbanks pipeline.

Mr. Speaker: Are there any further Notices of Motion for the Production of Papers?

The Honourable Member from Kluane?

Mrs. Watson: Yes, Mr. Speaker, I would like to give Notice of Motion that the administration, before this Session of the Legislature is prorogued, produce all the details of the agreement between Canada and the United States respecting the paving of the Haines Road and the Alaska Highway from Haines Junction to the Alaska border north of Beaver Creek.

Mr. Speaker: Are there any further Notices of — the Honourable Member from Kluane?

Mrs. Watson: Yes, Mr. Speaker, I would like to give Notice of Motion that the Minister of Local Government, before this Session of the Legislature is prorogued, produce the Yukon Government's policy related to annual rental payable for Yukon lands, leased for residential, commercial, recreational, residential, agricultural and grazing purposes.

Mr. Speaker: The Honourable Member from Kluane?

Mrs. Watson: Yes, Mr. Speaker, I would like to give Notice of Motion that the Minister of Local Government, before this Session of the Legislature is prorogued, produce all papers related to applications for Water Board Licences for Local Improvement Districts.

Mr. Speaker: Are there any further Notices of Motion for the Production of Papers?

Are there any Notices of Motion or Resolution? The Honourable Member from Ogilvie?

NOTICES OF MOTION OR RESOLUTION

Ms. Millard: Mr. Speaker, I give Notice of Motion, seconded by the Honourable Member from Kluane, that WHEREAS this Assembly is concerned about the economic problems being faced in the whole Yukon, AND WHEREAS the Government of the Yukon Territory and this Assembly desire to aid the communities outside of Whitehorse, THEREFORE BE IT RESOLVED that it is the opinion of this Assembly that the administration should investigate the report back to this Assembly at our next sitting:

(1) The feasibility of moving from Whitehorse to Dawson City the central office of the Territorial Tourism Services, and

(2) The feasibility of establishing a regional tourism office in Dawson City.

Mr. Speaker: The Honourable Member from Klondike?

Mr. Berger: Yes, Mr. Speaker, I would like to give Notice of Motion, moved by myself, seconded by the Honourable Member from Watson Lake, that the White Paper on Legal Advice to the Legislative Assembly be referred to the Committee of the Whole.

Mr. Speaker: We will then proceed to Statements by Ministers.

The Honourable Minister of Education?

STATEMENTS BY MINISTERS

Hon. Mr. Lang: Yes, Mr. Speaker.

In the beginning of the Session, I notified the Assembly that the necessary funds for the continuation of the Remedial Tutor Program has been approved by the Department of Indian Affairs. The one year program will cost a total of \$156,917.00, which will provide for the employment of fourteen-and-a-half tutors, the purchase of the instructional and the evaluative materials, and provide in-service training and administrative services to the program.

The administration of the program will be provided by the Yukon Native Brotherhood Education Department, under the direction of Mrs. Joan Brannigan, Program Director. Training and supervision of the tutors will be provided by the Department of Education and local school personnel, in conjunction with the program director.

The primary objective of the Remedial Tutor Program is to give students in Yukon schools remediation in the basic skills of language, reading, writing and mathematics. Pupils will be selected in most instances from Grades 2, 3 and 4 classrooms, on the basis of the results of the Canadian Test of Basic Skills to be administered as a pre-test.

This test is also to be administered at the conclusion of the program, and will thus yield a measure of academic growth resulting from the program. Periodic reports are to be requested from the various people associated with the program, which will assist in the overall evaluation.

The program will be staffed by giving preference to those persons living in their home community and trained under the Remedial Tutor Training Program. Any positions not filled in this manner will be filled by an open competition.

Mr. Speaker: This is a period reserved ...

Mr. Hibberd: Supplementary to his reply, Mr. Speaker.

Mr. Speaker: Well, I'm afraid — perhaps the Honourable Member could wait until Question Period.

Mr. Hibberd: This is the response to a question that he's giving an answer.

Mr. Speaker: Perhaps the Honourable Member could take up his question in the Question Period.

Are there any further Statements by Ministers?

We will now proceed to the Question Period. The Honourable Member from Whitehorse South Centre?

QUESTION PERIOD

Question re: Remedial Tutoring Program

Mr. Hibberd: Mr. Speaker, I asked a question of the Minister of Education regarding this Remedial Tutoring Program and most of it is given in his reply today, which is most adequate and thank you very much.

But one of the things that was asked of you was is this to be — this is a one year program you are now outlining; are we going to have to go through the same process every year if we are going to continue a Remedial Tutoring Program?

Mr. Speaker: The Honourable Minister of Education?

Hon. Mr. Lang: Mr. Speaker, the Honourable Member raises a very good question and I would suggest that possibly this is the process that would have to be followed, as the funding is only for one year, and I think it definitely outlines once again what the Federal Government, in relation to the funding of various programs, whether some people in the Yukon believe it or not, they fund a program for a year, two or three years, and then they leave it to the taxpayers of the Yukon to pick up.

It's a question of priorities, and it's a question of priorities as far as the Federal Government is concerned, and I really cannot give you an answer to that question.

Mr. Speaker: The Honourable Minister of Health and Welfare?

Hon. Mrs. Whyard: Mr. Speaker, I would like to

table the answer to a question asked by Mr. Berger on November the 4th regarding Yukon Historic Sites and Monuments Board.

Mr. Speaker: The Honourable Member from Ogilvie?

Question re: Stabilization Plan for Asbestos Tailings/Survey on Asbestos Fibre Levels

Ms. Millard: Mr. Speaker, I have a written question for the Minister of Health, Welfare and Rehabilitation.

Could the Minister report to us concerning the stabilization plan for the asbestos tailings at the Clinton Creek Mine, and also on the survey by the Regional Mining Engineer, on the asbestos fibre levels as it occurs in areas in the Yukon where asbestos is handled or stored, other than at the Clinton Mine?

Mr. Speaker: The Honourable Member from Kluane?

Question re: T.V. Program for Outlying Communities

Mrs. Watson: Mr. Speaker, I have a question for the Minister of Local Government, and it's regarding the T.V. program for the smaller communities outside of Whitehorse.

My first question is, what communities now have T.V. installed and operating — in what communities?

Mr. Speaker: The Honourable Minister of Local Government?

Hon. Mr. McKinnon: If the Honourable Member wishes to continue the questioning, I think I have all the answers to such questions in my files; let me just locate them.

Mr. Speaker: Perhaps the Honourable Minister will take the question as notice.

The Honourable Member from Whitehorse Riverdale?

Question re: Decentralization of Departments

Mr. Lengerke: Mr. Speaker, I have a question for the Minister of Local Government.

The other day in this House, the Minister of Local Government said he would hope to see decentralization of certain departments and programs. My question to him this morning is, what are those programs and departments that you have in mind? Can you identify some?

Mr. Speaker: The Honourable Minister of Local Government?

Hon. Mr. McKinnon: Mr. Speaker, there is a Motion dealing with one of those programs on the Order Paper as of this morning, Mr. Speaker.

Mr. Lengerke: Mr. Speaker, that doesn't answer my question. I'm asking — he made an observation the other day, and I would like to know what certain prog-

rams he had in mind.

Mr. Speaker: The Honourable Minister of Local Government?

Hon. Mr. McKinnon: Mr. Speaker, we are going to move in one area to begin with, and the area that we have looked at at the present time is the area which is a Motion on the Order Paper this morning.

Mr. Speaker: The Honourable Member from Hootalinqua?

Question re: Cancellation of Trapline Licences

Mr. Fleming: Yes, Mr. Speaker. I have a question, a written question for Mr. Commissioner, re some trap lines being cancelled in the Yukon. The question is, due to the cancellation of some YANSI-held trapline licences, would it also be the intention of the government to cancel native status licences also?

Mr. Speaker: The Honourable Member from Kluane.

Question re: Decentralization of Services and Programs

Mrs. Watson: Thank you, Mr. Speaker; my next question, a supplementary question to the Minister of Local Government: he stated that the, one department that wanted service that they are considering at the present time, is one that is on the Order Paper but he did say that there were several of them. I think we would like to have some indication of what other services or programs are you considering decentralizing?

Hon. Mr. McKinnon: I gave indication, Mr. Speaker, that there were many and all kinds of programs that were going to be decentralized when I gave this information to the House because, one of these, I believe that if you go on to this decentralization theme you should take one area and start with it and see if you can actually do it. I've heard these decentralization schemes over and over and over and I still continue to hear them over and over and over, year after year, and I've never seen anybody sit down and actually take a department and actually decentralize it, and that's what this government is attempting to do, to start in one area, with one program, with one department instead of giving lip service to decentralization and see if we can actually go about doing some decentralization.

If I gave indication of, that there was going to be a mass decentralization program, that next year there was going to be all kinds of departments of government that would be decentralized, then I was giving wrong information to the House, as indeed I did.

Mr. Speaker: The Honourable Member from Hootalinqua.

Question re: Contracting Road Building

Mr. Fleming: Mr. Speaker, I have a question for the Minister of Local Government. I've heard a few

rumours, I don't know of possible contracting to private enterprise of some of the territorial roads in the Territory, and I'm wondering if the Minister could tell me if, whether this is true or not, if there has been any thought in the government's mind that they might contract out some of the roads, such as maybe the Canol Road through Quiet Lake and this type of territorial ...

Mr. Speaker: The Minister of Local Government.

Hon. Mr. McKinnon: Mr. Speaker, I wonder if I would take that question as notice for the Executive Committee Member who is in charge of highways, Mr. Miller?

Mr. Speaker: The Honourable Member from Klondike.

Question re: Statistics in Yukon

Mr. Berger: Yes, Mr. Speaker, I've got a question to the Honourable Member from Porter Creek. Statistics Canada announced they are taking separate statistics in Yukon. Where are or will be this information available for the public?

Mr. Speaker: The Honourable Minister for Education.

Hon. Mr. Lang: Mr. Speaker, I'll have to take that question under notice.

Mr. Speaker: The Honourable Member from Ogilvie.

Question re: Northern Careers Program

Ms. Millard: Mr. Speaker, I have a verbal question for Mr. Commissioner. At which stage of progress in the Yukon is the Northern Careers Program?

Mr. Commissioner: Mr. Speaker, the Northern Careers Program is part of a large number of programs that will enable special training to be provided to people. We are currently trying to analyze the multitude of programs available to our northern residents and come up with a policy to determine exactly how Northern Careers Program will fit into YTG's program.

Mr. Speaker: The Honourable Member from Hootalinqua.

Question re: Dump at Squanga Lake

Mr. Fleming: Mr. Speaker, I have a question for the Minister of Local Government. The dump at Squanga Lake has somehow been filled in by the Forestry; it's the dump that these people have been using for many years that live there; there are quite a few families there and they are quite concerned now that they have no place to go with it, and I would like to ask the Minister if there's any intention of redoing it and making a dump or are they supposed to haul their garbage to some other town?

Mr. Speaker: The Honourable Minister of Local Government.

Hon. Mr. McKinnon: I'd be happy to take that question as notice, Mr. Speaker. I'm just not aware, off the cuff, how every garbage dump in the Yukon is progressing at any given moment.

Mr. Speaker: The Honourable Member from Klone.

Question re: MacPherson Subdivision

Mrs. Watson: Mr. Speaker, I have a question for the Minister of Local Government and he may take this as a written question. My questions are regarding the MacPherson Subdivision as proposed for development within the City of Whitehorse, and I would like to have, to know, the number of individual parcels which will be part of the subdivision, the size of the parcels, what improvements are planned for the development, and the amount of money budgeted by the Territorial Government for the development of the subdivision.

Mr. Speaker: The Honourable Member from Hootalinqua.

Question re: Access to Alaska Highway

Mr. Fleming: I have another question for the Minister of Local Government, regarding the access to the Alaska Highway in, for instance, at Mile 95 where there has been a diversion to the road leading into property there due to the new highway going through and it was impossible to put the road directly in front of the property so therefore they have made an access approximately four or five hundred yards down the highway, and of course this puts the person owning the property in the position where he has to plow out about four or five hundred feet of road with no snowplow or otherwise or leave his vehicle where it can't be seen from his home. Is there any intention of the government plowing that road out that they put in; it is on the right of way.

Mr. Speaker: The Honourable Minister of Local Government.

Hon. Mr. McKinnon: Mr. Speaker, once again I will give that question, for an answer, to the Executive Committee Member who is in charge of highways, Mr. Miller.

Mr. Speaker: The Honourable Member from Ogilvie?

Question re: Northern Research Project — Old Crow

Ms. Millard: Mr. Speaker, a written question for Mr. Commissioner. How much money is the Northern Yukon Research Project near Old Crow receiving from the Canada Council, and how much of that money is left in the Yukon?

Also, what special permits are issued to the N.Y.R.R. by the Yukon Government?

Mr. Speaker: The Honourable Member from Whitehorse Riverdale?

Question re: Environmental Impact Study on Paving Haines Road

Mr. Lengerke: Mr. Speaker, I have a question for Mr. Commissioner this morning. I understand that on the signing of the U.S./Canada Agreement on the Haines paving, the Haines Road paving, that it calls for an environmental impact study to be completed.

I am just wondering if you can advise me this morning, Mr. Commissioner, if that was a condition that was called for by Canada, or if it is a mandatory requirement by the U.S. in funding such projects?

Mr. Speaker: Mr. Commissioner?

Mr. Commissioner: Mr. Speaker, it's a mandatory requirement by the United States Government, that any road built in the United States or built with United States funds must have an environmental impact study carried out before those funds will be permitted to be used.

Mr. Speaker: The Honourable Member from Whitehorse Riverdale?

Mr. Lengerke: Supplementary to that — can you at this point tell me how much money is earmarked for the environmental impact study?

Mr. Commissioner: No, I can't answer — Mr. Speaker, I cannot answer that question at this time.

Mr. Speaker: The Honourable Member from Kluane?

Mrs. Watson: Further supplementary for the Commissioner. Could you indicate how long they anticipate it will take to carry out the study?

Mr. Speaker: Mr. Commissioner?

Mr. Commissioner: Mr. Speaker, I have no firm time span, but the indications are that it will be a very short study in view of the fact that there is already a constructed highway along the path of the proposed paving, no new ground will be covered.

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

Question re: Compulsory Seat Belt Legislation

Mr. Hibberd: Mr. Speaker, I have a question for the Minister of Health. Is she aware, is her Department giving any consideration to the legislation for bringing in compulsory seat belts in the Yukon Territory?

Mr. Speaker: The Honourable Minister of Health and Welfare?

Hon. Mrs. Whyard: Mr. Speaker, this subject has come up more than once in Executive Committee discussions, in Legislative Programming Committee dis-

cussions. There have been attempts more than once to prepare legislation for the enforcement of the use of seat belts, and the climate has never been felt to be receptive among the rugged individual Yukoners, including many Members of this House.

Mr. Speaker, I am concerned, and I feel it's not a matter for levity. I seem to be one of the few supporters of legislation for enforcement of seat belt use. If the Honourable Members are supportive, I would like some indication.

Mr. Speaker: The Honourable Member from Ogilvie?

Hon. Mrs. Whyard: Mr. Speaker, my Honourable Colleague has just reminded me that there is a paper forthcoming at this Session on the subject.

Mr. Speaker: I thank the Honourable Minister. The Honourable Member from Ogilvie?

Question re: Referrals to Psychiatrists

Ms. Millard: Mr. Speaker, a written question for the Minister of Health, Welfare and Rehabilitation.

How much money is in the Corrections budget for client referrals to psychiatrists and can that money be used without referral by the courts?

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

Question re: Unemployment in Yukon

Mr. Berger: Yes, Mr. Speaker, I have a question for the Honourable Member from Porter Creek.

What is the unemployment figure in the Yukon right now?

Mr. Speaker: The Honourable Minister of Education?

Hon. Mr. Lang: Mr. Speaker, I'll have to take that question under notice.

Mr. Speaker: The Honourable Minister of Local Government?

Question re Outlinng Communities' T.V. Service

Hon. Mr. McKinnon: Mr. Speaker, the T.V.'s that are presently in operation are at Haines Junction and Carmacks. Carcross was until last week and they had a very unusual weather situation at the site of Caribou Mountain, where the receiving and transmitting towers, because of freezing rain, were covered by about six inches of ice, and one antenna was knocked down and the other bent, and it's presently being reinstalled at this time.

Mr. Speaker: The Honourable Member from Kluane?

Mrs. Watson: Mr. Speaker, a supplementary. What

timetable have you for installation of T.V. for the communities that still haven't got T.V.?

Mr. Speaker: The Honourable Minister of Local Government?

Hon. Mr. McKinnon: The Burwash-Destruction installation, Mr. Speaker, the final equipment was received November 1st and the estimated operational date is sometime this week.

Pelly Crossing, the final delivery equipment was promised by November 10th, and the estimated operational date by the end of the month. At Stewart Crossing, the final equipment delivery was promised by November 8th, and it's estimated operational by the end of the month.

Beaver Creek, the antenna delivery is expected by November 15th and the balance of equipment prior to Christmas, Mr. Speaker.

Mr. Speaker: The Honourable Member from Klwane?

Question re: T.V. service at Beaver Creek

Mrs. Watson: Mr. Speaker, I would rather like to ask the Minister why Beaver Creek, one of the most isolated communities other than Old Crow, has been scheduled to receive the equipment later than anyone else and to have it installed later, and this community really does need this type of service.

Why were they left to the last?

Mr. Speaker: The Honourable Minister of Local Government?

Hon. Mr. McKinnon: Very good technical and delivery questions, Mr. Speaker, are the prime factor. The additional antenna was delivered to Pelly prior to Beaver Creek was one of logistics and simplicity of unloading. Three antenna arrived in a van, one at the rear, two at the front. The two at the front were mounted on one skid, the priorities were Haines Junction and Carmacks because of the mountaintop location. There's no ramp or loader at Pelly, the antenna had to be unloaded at Carmacks, and therefore it was much simpler and less chance to damage, to unload the two antennas on the same skid at the one location.

Had we proceeded to Beaver Creek, after dropping off the Haines Junction antenna, it would have meant unloading the remaining two at Beaver Creek and unpacking the skid and repacking and reloading one of the antenna. The transmit antennas for these communities are different and were ordered from two different manufacturers.

It was anticipated, as had been proven, that the Pelly equipment would arrive prior to the Beaver Creek equipment, which is in fact the case.

I might say that all of these installations are under, well, well under the contract date with Telesat Canada. None of them had to be delivered prior to December 25th by the terms of the contract agreement, so there was only one that is going to be close to the contractual date. All other communities in the Yukon will be receiving television some months prior to the original contract

date that was entered into by the Government of the Yukon and Telesat Canada, and there are equipment and technical and logistical and loading reasons why the Beaver Creek installation will be the final one, Mr. Speaker.

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

Question re: Movies in Yukon

Mr. Hibberd: Yes, Mr. Speaker, I have a question for perhaps the Minister of Health, regarding the viewing of movies in the Yukon.

It has been noted that there's a definite increase in violence and in crime following movies that are particularly violent and lurid. Has any consideration been given to the rating of movies, or to the restriction of movies so that attendees must be accompanied by an adult, such as is existing in B.C.?

Mr. Speaker: The Honourable Minister of Health and Welfare?

Hon. Mrs. Whyard: Mr. Speaker, not that I know of, but I'll try to bring in further information for the Honourable Member.

Mr. Speaker: The Honourable Member ..

Hon. Mr. McKinnon: Is the Honourable Member indicating that after the showing of "All the President's Men", Mr. Speaker, that this is happening in the Yukon?

Mr. Speaker: The Honourable Member from Hootalinqua?

Question re: T.V. at Pelly Crossing and Stewart

Mr. Fleming: Yes, Mr. Speaker, I have a question for the Minister of Local Government on the T.V. at Pelly Crossing and Stewart. Are those two in conjunction, or are they direct from Anik, both of them?

Mr. Speaker, I will explain. Are the T.V. installations there, are they such as Teslin, direct from Anik, or is one of them coming from the other station, such as Ross River, and — no, Ross River wouldn't be one — for example, Carcross to Bennett, and so forth and so on?

Mr. Speaker: The Minister of Local Government?

Hon. Mr. McKinnon: Pelly direct, Stewart repeater, Mr. Speaker.

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

Question re: Issuing of Land Use Permits

Mr. Berger: Yes, Mr. Speaker, a question to Mr. Commissioner this morning.

The other day I received a Legislature Return on oil companies and land use permits issued in the Yukon and I notice, glancing through there, that there was only

one valid permit which expired on April 1st, and in answer to my question on who is going to drill up north of Dawson this winter, Mr. Commissioner indicated that there's two oil companies involved.

My question would be to him is, what steps is Environment Canada taking of issuing these land use permits and are those permits issued overnight?

Mr. Commissioner: Mr. Speaker, the land use permits are issued by the Department of Indian and Northern Affairs, not by Environment Canada. They are issued after the application has been received and reviewed by the Federal Territorial Land Use Advisory Committee, on which Environment Canada has a representative, as does the Yukon Territorial Government and, to my knowledge, they are not issued overnight.

After an application is received, the Land Use Committee has 30 days, I believe, in which to respond and they can either grant the permit, turn down the request for the permit, or request further information.

Mr. Speaker: The Honourable Member from Klondike?

Mr. Berger: Just a supplementary, Mr. Speaker. Mr. Commissioner indicated that I believe one of the oil companies had no land use permit to date, or there was no application received for it.

My information indicates that those oil companies are already very sure that they will receive one, because they already subcontracted to a subcontractor, certain jobs in this area.

Mr. Speaker: What is the question?

Mr. Berger: Well, my question is, again I would have to point out that those land use permits must be issued under a very sure thing, without even looking into the whole situation, and I was wondering if Mr. Commissioner could look into it and give us correct information on how a land use permit is really issued, and how much looking into it is really done.

Mr. Speaker: Mr. Commissioner?

Mr. Commissioner: Mr. Speaker, I can obtain, I'm sure, a complete procedure for reviewing land use applications and will be pleased to provide that information to the House.

Mr. Speaker: Is there any further questions? We will then proceed to — the Honourable Minister of Local Government?

Hon. Mr. McKinnon: Mr. Speaker, I would like to table the answer to written question number 1.

Mr. Speaker: We will now proceed under Orders of the Day to Motions.

ORDERS OF THE DAY

MOTIONS

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

Mr. Speaker: Is the Honourable Member prepared to discuss this Motion this morning?

Mr. Hibberd: Yes, Mr. Speaker.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse South Centre, seconded by the Honourable Member from Whitehorse Riverdale, that WHEREAS the elected Members of the Executive Committee have demonstrated their ability to administer the affairs of the Yukon Territorial Government, AND WHEREAS there now exists an opening on the Executive Committee, BE IT RESOLVED that a fourth Member of the Yukon Legislative Assembly be appointed to serve on the Executive Committee of the Yukon Territorial Government.

The Honourable Member from Whitehorse South Centre? The Honourable Member from Kluane?

Mrs. Watson: I would move that Motion Number 9 be moved into Committee of the Whole House for further discussion.

Mr. McCall: I second that, Mr. Speaker.

Mr. Speaker: It has been moved by the Honourable Member from Kluane, seconded by the Honourable Member from Pelly River, that Motion Number 9 be referred to Committee of the Whole. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the Motion carried.

(Motion carried)

Madam Clerk: Motion 10, standing in the name of the Honourable Member, Mrs. Watson.

Mr. Speaker: Is the Honourable Member prepared to discuss Motion Number 10 this morning?

Mrs. Watson: Yes, Mr. Speaker.

Mr. Speaker: It has been moved by the Honourable Member from Kluane, seconded by the Honourable Member from Whitehorse South Centre, that the first report of the Standing Committee on Rules, Elections and Privileges, dated November 10th, 1976, be received and concurred in.

The Honourable Member for Kluane?

Mrs. Watson: I would call question, Mr. Speaker.

Mr. Speaker: Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

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

(Motion carried)

Madam Clerk: Motion Number 11, standing in the name of the Honourable Member, Mrs. Watson.

Mr. Speaker: Are the Honourable Members prepared to discuss, this morning, Motion Number 11?

Mrs. Watson: Yes, Mr. Speaker.

Mr. Speaker: It has been moved by the Honourable Member for Kluane, seconded by the Honourable Member for Whitehorse Riverdale that the White Paper on Yukon Insurance Rates be moved into Committee of the Whole.

Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the Motion carried.

(Motion carried)

Madam Clerk: Motion Number 12, standing in the name of the Honourable Member, Mrs. Watson.

Mr. Speaker: Is the Honourable Member prepared to discuss Motion Number 12?

Mrs. Watson: Yes, Mr. Speaker.

Mr. Speaker: It has been moved by the Honourable Member from Kluane, seconded by the Honourable Member from Hootalinqua that the White Paper on Y.T.G. Land Negotiator be moved into Committee of the Whole.

Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

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

(Motion carried)

PUBLIC BILLS

Mr. Speaker: We will now proceed to Public Bills.

First Reading of Amendments to Bill Number 7

Madam Clerk: First reading of Amendments to Bill Number 7.

Mr. Speaker: The Honourable Minister of Education.

Hon. Mr. Lang: Mr. Speaker, I move, seconded by the Honourable Member from Whitehorse North Centre, that the Amendments to Bill Number 7 be now read a first time.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse Porter Creek, seconded by the Honourable Member of Whitehorse North Centre, that the Amendments to Bill Number 7 be now read a first time.

Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the Motion carried.

(Motion carried)

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

Second Reading of Amendments to Bill Number 7

Hon. Mr. Lang: Now, Mr. Speaker. I move, seconded by the Honourable Member from Whitehorse North Centre, that the amendments to Bill Number 7 be read a second time.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse Porter Creek, seconded by the Honourable Member from Whitehorse North Centre, that the amendments to Bill Number 7 be now read a second time.

Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

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

(Motion carried)

Madam Clerk: Third reading of Bill Number 7.

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

Bill Number 7 - Third Reading

Hon. Mr. Lang: Mr. Speaker, I move, seconded by the Honourable Member from Whitehorse North Centre, that Bill Number 7, Insurance Ordinance, be read a third time.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse Porter Creek, seconded by the Honourable Member from Whitehorse North Centre, that Bill Number 7 be now read a third time. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: The Honourable Member from Kluane.

Mrs. Watson: Mr. Speaker, I'm going to move, I'm going to be voting against the third reading to Bill Number 7, and I hope that I can persuade the rest of these Members of this Legislature to also vote against Bill Number 7 on the third reading.

My problem is not with the Bill itself, but my problem is with the insurance coverage that the people of the Yukon are being provided by some of the insurance underwriters outside of the Territory.

My problem isn't with the local agents; my problem is the fact that many residents of the Yukon cannot obtain insurance. Now we've overcome their inability to obtain automobile insurance, but fire insurance is one of the very pressing problems. People who live in trailers are not able to get insurance. People who are using solid fuels for heat are not able to get insurance, and I brought up several times already the fact that lodges and businesses, particularly in the communities outside of Whitehorse, are unable to get fire insurance in order to — they're not able to fulfill the terms of their mortgages and they're threatened by loss of all of the work that they've done for years, and I think that this is our only opportunity.

The insurance companies would like to see this Bill passed. It's the type of Bill that's common across the country. I don't think the Yukon has any objection to passing this Bill as it is now, but I think that we should reject it on third reading and that the administration should convey the reasons why we have rejected the Bill to the insurance bureau and some of the larger underwriters, stating the fact that we are very much prepared to pass the Bill when and at such time when the insurance companies are prepared to provide the service in the Yukon that Yukoners need.

I hope that I can have the support of other Members of this House.

Mr. Speaker: The Honourable Member from Hootalinqua.

Mr. Fleming: Mr. Speaker, I've nothing to add to that except the same reasons. I have nothing against the Bill; in fact, looking at the Bill, I'm very happy with it except for that fact, that we cannot seem to protect some outsiders from along the Alaska Highway and I feel quite concerned about it as the Honourable Member has mentioned and I, too, in this case, will have to vote against the Bill if we don't get some promises, some changes in it to this effect.

Mr. Speaker: The Honourable Member from Whitehorse Riverdale.

Mr. Lengerke: Yes, Mr. Speaker, I'd like to make a

comment here that it's only been since we really, in discussing the Insurance Ordinance in this House, that a lot more attention has been brought to the fact and brought to the Members' attention that insurance is unavailable, certain classes of insurance are unavailable in Yukon, and I think what the Honourable Member from Kluane is trying to do is use a — it's a last attempt here to maybe to try and bring some pressure on the insurance companies to respond to Yukon's needs in a more meaningful way. I would certainly support her in those efforts if I thought that the action that we are contemplating right now would bring about a greater response from the insurance companies.

Mr. Speaker: The Honourable Member from Klondike.

Mr. Berger: Mr. Speaker, I do rise in support of the Member from Kluane because, as I stated in the debate, I'm also concerned with all the outside areas, and there's quite a few people in the Dawson area, and all over the Yukon, who cannot receive insurance, and I think it's a good time now to defer this Bill back till the insurance companies come up with either alternative measures or are prepared to take the full responsibility in the Yukon.

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

Hon. Mr. McKinnon: Now, Mr. Speaker, I agree with the sentiments that Honourable Members made, that certainly they're getting the classic case, Mr. Speaker, of throwing the baby out with the bath water. The Insurance Ordinance, as it is, Mr. Speaker, is to provide for the appointment of a Superintendent of Insurance for the Yukon, to provide for the licensing of insurance companies doing business in the Territory, the terms under which they will be licensed as well as insurance adjusters, to allow for new requirements as to the qualifications of adjusters and agents, examinations, all as are required in other jurisdictions. It is to bring the Insurance Ordinance up to date and in line with the control of insurance companies now operating in the Yukon with other jurisdictions. And certainly everybody admits and says that the amendments are better than the Insurance Ordinance that we now have, so we're going to attack a very distinct problem, which the Insurance Ordinance doesn't even attempt to try and solve because it's a different type of legislation than that control of regulation, rather the attempting of getting insurance underwritten in the Yukon.

Certainly, the political route that we have to go to solve the other question is, as the Honourable Member from Kluane is attempting to do by the questions that she is raising on the Notice Paper, and one which I see which was raised on November 8th, and I think that she now has a Paper dealing with the problem that she states in Committee of the Whole. So what earthly good could be done by now attempting to use the Insurance Ordinance to blackmail the insurance companies to underwrite in the Yukon Territory.

Certainly the other method that she was using, a political one, was the proper vehicle to try and get this insurance written in the Yukon, which is what we all hope for.

But to use the Insurance Ordinance, which is as written, is going to be of great benefit to all the people in the Yukon Territory. To withhold the passage of this Ordinance at this time because of another problem that we can deal with separate and isolated from the Insurance Ordinance, I think would work a real harm on all the people of the Yukon Territory at this time. I think that we should all support the Insurance Ordinance, which brings up to date at least the control of those people operating insurance companies in the Yukon Territory, at this time, Mr. Speaker.

Mr. Speaker: The Honourable Minister of Health and Welfare?

Hon. Mrs. Whyard: Mr. Speaker, I think everyone in this House must compliment the Honourable Member from Kluane for her very efficient attitude and her discussions and contributions to the consideration of this Bill while it was in Committee.

I know, Mr. Speaker, that the expert witness who was brought here from the National Advisory Council of the Insurance Industry of Canada was most impressed by her contribution to that debate, and we all heard her make very telling points during discussion on various problems in the Ordinance.

It would seem to me, Mr. Speaker, that her objective, which is to obtain better coverage and better service for insurance, fire insurance, particularly for people in the outlying districts, has partially been met already by bringing these matters to the direct attention of one of the people at the national level in the insurance industry in Canada who can effect this kind of change in the insurance industry.

I cannot see, Mr. Speaker, that by withholding assent to this Bill we are going to get any more attention from the insurance industry than we have been assured already by Mr. Kennedy. I have every confidence that he is personally going to further our cause with the insurance industry. He has committed himself to do this in our Committee discussions, and I am sure that we will have communication lines open through him to the industry, because of his appearance here because of Committee discussions.

I can see that there would be some political impact if the Bill weren't passed, but I don't think that it would any more speedily assure any changes in insurance coverage for the Yukon than the action already taken, which, Mr. Speaker, was direct and to the point and to the people responsible.

If I were one of the national officers concerned and heard about this already from Mr. Kennedy on his return from the Yukon, I would wonder why there was any further action required by this House, because the Ordinance that we have before us and which we have moved out of Committee is a conformity legislation, a piece of legislation with all the other provinces, and as my Honourable colleague has pointed out it takes us several steps farther than we've ever been before in the Yukon, in the control of insurance as it's written here.

I would hope that Honourable Members would see this proposal from the Member from Kluane as a negative step in the direction in which she is trying to proceed. I would just reiterate, Mr. Speaker, that the matter has been drawn to the attention of the insurance industry;

the problem has been recognized and we have assurance that they are going to consider it and try to assist us in its solution.

Mr. Speaker: Is there any further debate? Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Is there more than one Member calling division?

Division has been called. Madam Clerk, would you kindly poll the House?

Madam Clerk: The Honourable Mr. McKinnon?

Hon. Mr. McKinnon: Yea.

Madam Clerk: The Honourable Mrs. Whyard?

Hon. Mrs. Whyard: Yea.

Madam Clerk: The Honourable Mr. Lang?

Hon. Mr. Lang: Yea.

Madam Clerk: The Honourable Member, Mr. McIntyre?

Mr. McIntyre: Yea.

Madam Clerk: The Honourable Member, Mr. Berger?

Mr. Berger: Nay.

Madam Clerk: The Honourable Member, Mr. Hibberd?

Mr. Hibberd: Yea.

Madam Clerk: The Honourable Member, Mr. Fleming?

Mr. Fleming: Nay.

Madam Clerk: The Honourable Member, Ms. Millard?

Ms. Millard: Nay.

Madam Clerk: The Honourable Member, Mr. McCall?

Mr. McCall: Nay.

Madam Clerk: The Honourable Member, Mrs. Watson?

Mrs. Watson: Nay.

Madam Clerk: The Honourable Member, Mr. Lengerke?

Mr. Lengerke: Nay.

Madam Clerk: Mr. Speaker, the results of the division are five yeas, six nays.

Mr. Speaker: I shall declare that the Motion is carried. Pardon me, could I have that again?

Madam Clerk: Mr. Speaker, the results of the division are five yeas, six nays.

Mr. Speaker: I'm sorry, I must declare that the Motion has been defeated.

(Motion defeated)

Mr. Speaker: This brings us to the end of Public Bills.

May I have your further pleasure at this time? The Honourable Member from Pelly River?

Mr. McCall: Yes, Mr. Speaker. I would move that Mr. Speaker do now leave the Chair and the House resolve into Committee of the Whole for the purpose of considering Bills, Sessional Papers and Motions.

Mr. Speaker: Seconder?

Ms. Millard: I second that Motion, Mr. Speaker.

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

Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

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

(Motion carried)

(Mr. Speaker leaves Chair)

Mr. Chairman: I now call this Committee to Order. We will be proceeding with the clause by clause discussion of Bill Number 5, an Ordinance to Amend the Liquor Ordinance.

I have received a request for witnesses to appear on behalf of the Yukon Visitors' Association.

Are you in agreement that they may appear?

Some Members: Agreed.

Mr. Chairman: I will now declare a brief recess.

(RECESS)

Mr. Chairman: I now call this Committee to Order.

We will proceed with the reading of An Ordinance to Amend the Liquor Ordinance. For this purpose, we have three witnesses with us today, Mr. Bill Mueller, Director of Y.V.A., Duncan Myers, Executive Director with Y.V.A. and Bill Stitt, member of Y.V.A.

They have brief submissions that they would like to make, but they are further on in the Ordinance and I would suggest that if they could stay with us and answer any questions that you might have during the clause by clause, and they will make their presentations at the appropriate time when we do get to the clauses that they are interested in.

Mrs. Watson?

Mrs. Watson: Mr. Chairman, if they do it in that method, they may have to be here for several days. We may not be getting to the clauses that they're interested in for some time. Should we not consider letting them make their presentation at this time?

Some Members: Agreed.

Mr. Chairman: The problem with that, when we do get to the clause by clause reading, we still might want further information from these witnesses.

Now, if you want them to make their presentation now, that's fine, but I think that we should have the opportunity to recall them at the time ..

Mrs. Watson: Oh yes, yes.

Mr. Chairman: .. we go through the reading of the clause by clause.

Some Members: Agreed.

Mr. Chairman: Is that the wish of Committee?

Some Members: Agreed.

Mr. Chairman: My. Myers, would you like to ..

Mr. Myers: Mr. Chairman, we would just like to make four recommendations for the Act. We are basically in agreement and quite happy with the changes that have been made, except for Section 103(1) which is giving the opportunity for each community to bring in its — have its own regulations with respect to drinking in public areas.

When we made our original presentation on behalf of the Y.V.A., this was one of our major concerns, was that the drinking in public areas is an undesirable practice, not only just in Whitehorse but in the Yukon generally, and if the Act is to have any teeth at all, then it should apply throughout the Yukon, rather than having every community say yes, nay or yea to drinking in public areas, as defined in Section 103(2) of the Act.

The second part, under the — coming to minors, if a minor is being charged for an offence or going into a licensed premises, we would like to see the Act have a piece in the legislation that would fine that person a minimum of \$100.00, because so many of the children or underage people that are fined for drinking, are usually

let off with a very minimal fine of maybe \$25.00 and therefore it is not really a deterrent for them to go back into these licensed premises. Plus the inconvenience that the licensee has in going to court, and the problems he has in policing anyway, because so many of the young people are, may look 19 or 20, when they are not, and it can keep reoccurring, so if there's some teeth in the legislation, then this might help to deter the young people.

This piece of legislation has been recommended in B.C. and has been put into the Act. I have a copy of that, if you would like to have it, Mr. Chairman.

Now, we are not sure which, — this next part I would like to bring up is prohibition or stopping of the — we feel that in the case of many operations, there are people that are operators or licensees, who would like to keep certain people away from the premises, because of creating problems in that locale, and I would just like to read this section, if I could.

Oh, I am sorry, I have given you the wrong ..

Hon. Mrs. Whyard: I was going to say, Mr. Chairman, perhaps the witnesses would like to give us a written summary of these three points, so that they won't have to leave their single copies of it.

Mr. Myers: Right. I'm sorry about this, but of course we had such a short period of time that we had, and we were very fortunate in getting Lloyd Manuel who is the Executive Director of the B.C. Hotels' Association, to come and meet with the hotel people and ourselves last night, and did sort of advise us, or made certain recommendations to us.

He will be here for the rest of the day, if there's sort of any questions you would like to ask of him, but this particular request to leave licensed establishments, I would like to read it.

"A licensee or an employee of the licensee may request a person to leave or forbid a person to enter a licensed establishment, if for any reason he is of the opinion that the presence of that person in the licensed establishment is undesirable. No person shall remain in a licensed establishment after he is requested to leave by the licensee, or an employee of the licensee, or

(b) Enter a licensed establishment on the same day that he was requested to leave the licensed establishment by licensee or an employee of the licensee.

(3) A person who contravenes subsection (2) is guilty of an offence and is liable on summary conviction to a fine of not less than \$100.00".

I'm just saying that again, it would give more teeth to the present legislation.

Our fourth recommendation is that in view of the fact that the new Liquor Control Board or the Commission will have far more teeth in the future in the legislation, and that we would request that there be five people, rather than three people as we have at the present time. We are just recommending five because we feel that again the Yukon is a small area, and if there are any occasions when there have to be undesirable sorts of changes made, supposing someone actually requested that there be a licence or is applying for a licence and is turned down, then possibly a five man board would be more appropriate than a three man board, because it would be easy to sway possibly three rather than five,

and it does appear under this Act, that the Board will have far more teeth for their regulations, to actually implement the regulations in the future.

Those are the four recommendations that we have, and we would be very happy to speak to you, or as it comes up in debate.

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: I'd like to just mention the fact that there is a member from the Yukon, from the Hotelmen's Association, a gentleman from Vancouver Has the Chair arranged for that person to appear? Have you considered it?

Mr. Chairman: He is in the gallery now and he will appear if we so desire or if he could give us further information. He is available.

Mr. Lengerke: Mr. Chairman, I'd like to so move, or suggest that we do arrange to have that witness appear.

Mr. Chairman: I'll put it to the Committee.

Some Members: Agreed.

Mr. Chairman: Are there any further questions of the witnesses who are now present?

Mrs. Watson?

Mrs. Watson: Yes, Mr. Chairman, the Committee is indicating that they would prefer five man corporation. I always have a little concern with the Liquor Board and the Liquor Corporation. They're going to have very extensive powers under this legislation and we don't want people on there who have a vested interest by any means and I am always hopeful that there is an appointment made that there is someone on a Board such as this who understands and who has had experience in handling the sale or the operation of a hotel or this type of thing, where the sale of liquor and, I don't know whether this is something that you people have thought of. Too often, you get people on a Board, say three or five, you know who know nothing about the liquor business and yet we don't want anyone on there who has a vested interest. Would you care to comment?

Mr. Myers: I agree with you, Mrs. Watson, this is a problem and we hope that maybe when the new Manger is appointed, I am sure that the people are on the Commission right now, on the Liquor Board right now, are very capable people but, certainly, if it was extended to give it would give that much more reason why someone, at least one person was from industry in one form or another, because certainly some of the decisions that are made can effect, possibly the future development of say new hotels or expansion of facilities and if there was some bias then it could say effect possibly millions of dollars of investments. So I agree with you, I think that most definitely we should.

Mr. Chairman: Mrs. Whyard.

Hon. Mrs. Whyard: Mr. Chairman, while we have the representatives of the Yukon Visitors' Association

here with us, I would like to discuss with them their general reaction to the amendments to this Ordinance. I know that when the amendments were being drafted, resolutions from two meetings of the Yukon Visitors' Association were submitted, considered by this Government and every attempt has been made to incorporate their suggestions as people who are involved and knowledgeable about this matter. One of them, as I recall, Mr. Chairman, was asking for enforcement of the present Ordinance and the other had to do with a section of public drinking.

I wonder if there are any further comments the three representatives would care to make?

Mr. Myers: Mr. Chairman, we are very happy actually with the regulations in the Ordinance, except the section which we mentioned in the first, Section 103, where if we are to clean up the problem, we're not really doing this by giving every community the opportunity to opt in or out, because we feel that the policing would be extremely difficult and quite confusing for people to understand whether or not you know, I presume we're going to have to have signs at the entrance to every city that says, yes — you can drink, or no — you can't drink in public and really, if we have a law, that is one law, then it should, I'm sure no community wants to see drinking on the streets, and that was our main reason for putting the resolution in in the first place, and we are very happy that the steps are being taken to tighten up the whole of the legislation.

Hon. Mrs. Whyard: Thank you, Mr. Chairman.

Mr. Chairman: Mr. Berger.

Mr. Berger: Yes, Mr. Chairman, I have a question for the witnesses. If they have any submissions to make and what to do with the drunk person or a person who has been drinking on the street if they are picked up by the police force. What are you going to do with a person like this?

Mr. Myers: I would imagine that he would be taken to the R.C.M.P. Headquarters and maybe sleep it off. I'm not really sure, this is possibly a difficult question to answer. I would imagine the circumstances in each case would have to be considered, and I'm sure that the R.C.M.P. are very capable, even now, of taking care of this kind of situation.

Mr. Chairman: Mr. Berger?

Mr. Berger: Yes, Mr. Chairman, I would like to point out to the witnesses and the Members of this House, that we had a very restrictive liquor ordinance a number of years ago, and there's people running around in this Territory, and I'm thinking of one particular person, who has one of the highest convictions in Canada of being picked up for drunkenness. He's been put in jail, I believe, over 130 times, on charges of being drunk and disorderly on the street only, and by putting him into jail, nobody helped him. It's a cost factor to the taxpayers, there was no positive return from it, the person received jail sentences from one day to 60 days, and I don't think it's the solution.

As it sounds, it's an easy solution. Sure, the R.C.M.P. will pick him up and take him to the headquarters or whatever they have and put him in jail, but I think we have to think what the social consequences are, and reach a little further in finding a solution.

I don't think that picking up by the R.C.M.P. is going to help the solution.

Mr. Chairman: Mr. Myers?

Mr. Myers: Mr. Chairman, all I can say there is I was under the impression that we had, under the regulations as far as the Health and Drug Act, that we do have programs to try and rehabilitate people and if there are these problems, I don't think this really comes in through the enactment as far as the law is concerned, and I think that we are concerned at this particular point, with how the law is interpreted.

Now, as far as actually helping that kind of person, I agree one thousand percent that possibly we have to do far more, and just looking at the program that is now taking place in the Yukon, through Alcoholics Anonymous and through the Government's program, I think there are some steps, obvious steps being taken at this time to really try and rehabilitate these kinds of people that are a perennial problem.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Yes, thank you, Mr. Chairman.

Just one question, I wonder whether the witnesses would care to comment on the Yukon sector of the Liquor Corporation, as opposed to the structure that we had before. Are you in agreement with the Corporation, or do you think that this is quite a drastic change, that maybe we should retain the other system of administering the Liquor Ordinance?

Mr. Chairman: Mr. Myers?

Mr. Myers: Mr. Chairman, the hotel people met last night and they were a hundred percent in agreement. They think this Corporation is a step forward.

Mrs. Watson: Thank you.

Mr. Chairman: Ms. Millard?

Ms. Millard: Mr. Chairman, I find the comments of the witness very interesting, and I certainly agree in principle in the four comments.

I would like to know more about how they feel on the other major amendments that we have before us, on the off hour beer sales?

Mr. Chairman: Mr. Myers?

Mr. Myers: I'm sorry, this is one section I haven't studied, so I would have to check with the ..

Mr. Chairman: Mr. Fleming?

Mr. Fleming: Yes, Mr. Chairman, I'm just wondering what the feeling of the witnesses would be on the change in licences being issued. As you probably know

now, in the past there have been licences issued to residents, and of course, once that licence is issued, there has not been actually any control as to how much off sales could be sold, or even how much could be sold at the table or otherwise, the amounts of liquor that could be sold.

Under the old Ordinance, of course, there was no control. If you had the restaurant licence, you were pretty well home free, whether you sold any food or not, it's possible that you could run the restaurant and sell nothing but liquor, and under the new regulations, there is some control given to the Board, and the Liquor Inspector now to say whether the business is operating fairly or not, or whether it is — it is more or less it's still loose as far as I'm concerned.

I'm wondering if you have any thoughts of possibly direct control that states that you will have a restaurant licence and you will sell food to the value of \$100.00 and you will sell liquor to the value of no more than that hundred dollars, or so forth and so on, you know, to control the amount of liquor so it doesn't go over your first initial business licence, which is your restaurant licence.

Mr. Stitt: Now, I am not familiar with the outlying areas, but I don't think that is a problem in the Whitehorse area, because you know, there are taverns and cocktail lounges, ample of them, where an outlying area might not have a cocktail lounge, and they are using it as a cocktail lounge, I'm not too familiar.

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: I have a question for the witnesses. I would like to get their reaction to Section 23, which deals with the granting of a new licence and some of the conditions set forth. What would the Visitors' Association position be with respect to that section, or do you have any comments about it?

You know, it can often be said that you can impose all kinds of conditions, or maybe it should be left to the will of the economic factors within the community, that would dictate if and when.

Mr. Myers: I have a feeling, Mr. Chairman, that this part of the Act was actually one of the recommendations by the Hotels' Association, that there be some control on the number of licences that are issued, and this again comes under this recommendation for five people on the Board, that the new Board will have far more rights, or you know, teeth in its regulations. Therefore, if they are going to be in a position to say yea or nay to a particular licence, then maybe a five man Board would be more desirable.

So I think that we are in agreement that yes, there has to be good control. I'm not saying we would like to see licences stopped, but certainly as the Yukon progresses or as Whitehorse grows, there are obviously going to have to be more facilities, but we are in agreement that it be in accordance with the law.

Mr. Stitt: Yes, Mr. Chairman, if I may add I think the Corporation, when it is formed, would like some guidelines that they can go by themselves, where there are no guidelines at the present time.

Mr. Chairman: I had one question. In the fourth, third, submission you had regarding undesirables on your premises, do you have any ideas of how this should be enforced?

Mr. Myers: Yes, maybe I could ask Lloyd Manuel to comment on this?

Mr. Chairman: Yes. For the record, Mr. Manuel now joins the witnesses. He is the Executive Director for B.C. Hotels' Association.

Mr. Manuel: Mr. Myers mentioned the minors and the undesirables have been passed in the B.C. legislation, but not proclaimed. The reason we asked for the undesirable section is based on the experience in Alberta and Saskatchewan, which have this type of legislation, and in Alberta they actually have a similar type of legislation in their Innkeepers' Act.

But we felt that it would be of help to the policing authority, as well as the operators, in that a confrontation may not arise if the operator has the authority, under the Act, to ask someone to leave the premises, an undesirable to leave the premises, and if he doesn't leave within a reasonable time then he calls the R.C.M.P. and asks them to remove the person.

Our understanding is that there's the \$100.00 fine for each offence, so in other words if the person does return, it's another hundred dollars, so we feel it's a good deterrent from an undesirable coming back to the premises as well as taking him out.

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, that raises another point. I notice in the two pages that have been processed here this morning in Committee, that the Section 43 on your page 14, Prohibition Against Gambling, pretty well covers the same field:

"No person holding a licence under this Act nor any employee of that person shall authorize or permit in the establishment for which the licence is issued any gambling, drunkenness or any violent, quarrelsome, riotous or disorderly conduct to take place, or

(b) Any person of notoriously bad character to remain"

and so on and so on. In addition to drunkenness, violence, quarrelsome, riotous or disorderly conduct or someone of bad character, what other undesirable indications would there be? There must have been a reason for this Section being included.

Mr. Manuel: I think 43 places the responsibility on the operator that he will see that these things don't happen on his premises.

The other Section, and I feel the point I'm making is that it is to avoid confrontations because individuals are not a problem until they are confronted "look, get out", and then you get into a situation of either assault on the individual, or assault on the operator of the premises.

Now, if he has that right, then he, without conflict between the authorities or himself, he has the authority under the Act to ask the person to leave. At the present time, if there is a problem here, that does happen — his responsibility, yes; but the difficulty of enforcement is

required, and I think this is where he can call on the police to give him a hand, and it's not calling the police in at the last minute when you've got a riot on your hands or a problem in your hands; it's getting the fellow out without that confrontation.

Hon. Mrs. Whyard: Mr. Chairman?

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: I wonder if the witness could tell us whether we are getting into an area here of individuals who really should not be drinking, medically, physically. You're talking about people who should not be allowed to drink in the first place, Mr. Chairman.

Mr. Manuel: No. From our experience, the operators — many of the operators do, will not admit that type of person when he becomes a problem. In many areas in B.C. the people are prohibited by the operator from coming into their premises because they are a problem. Maybe a drinking problem, or they may create a problem of conflict with other people, so that ...

Hon. Mrs. Whyard: Yes, Mr. Chairman, I'm sure that that's the reason, and this is giving the operator a legal leg to stand on.

Mr. Manuel: That's the purpose.

Hon. Mrs. Whyard: The original question I had in mind, Mr. Chairman, which I find of great interest, and this is from the B.C. Act?

Mr. Manuel: Yes, this is the Act that has been passed but not proclaimed.

Hon. Mrs. Whyard: ... Is Section 54, and my colleagues in various committees in this government will recall my interest in this point before; and this Section 54 reads:

"Where a person has drunk liquor to excess and while in a state of intoxication from drinking has died as the result of suicide or drowning or from cold or other accidents, or is injured in any manner due to intoxication, the person who furnished or gave the liquor to that person while in a state of intoxication is liable to an action for damages, and the amount which may be recovered shall be the same as for any other tortious act."

Mr. Chairman, this is a point I have raised several times before, based on recent court rulings in other jurisdictions, and the one I was particularly interested in occurred in Ontario where a customer had emerged from a tavern, staggered down the highway, been struck by a car; actions were taken, the case got to court and the Bench ruled that the operator of that facility was criminally liable for those damages.

When the lawyer for the defendant asked what the operator should have done, other than having the man ejected from the premises, he was told by the Bench that he should have sent him home in a cab for his own safekeeping. That ruling interested me, Mr. Chairman, and I believe there has been one or two other isolated rulings such as this in Canada.

Now, I'm very interested in the possibility of such a

ruling being applied by a court in the Yukon. We all know, any of us who have lived here for one winter, Mr. Chairman, we all know that this coming winter we will hear again of two, three, four, five deaths in the severe weather, in small communities particularly, where someone leaves a bar or a tavern at closing time and stumbles out into the snow and is found frozen the following day or two or three days later.

It has always bothered me, Mr. Chairman, that these are ruled as accidental deaths, or deaths due to exposure, and that takes me into another field where I'm interfering with other departments these days; I am convinced that it is time we had the true reason for death on every death certificate issued in the Yukon, and if it's alcoholism it should say alcoholism, but Mr. Chairman, I'm wandering from the point.

The point is, has this particular Section in the B.C. Act been opposed by your operators? Is it going to be passed? Is there any hope of enforcing it?

Mr. Manuel: The next Section, and unfortunately what we're representing was the Sections 41 and 52.

Hon. Mrs. Whyard: Yes, I know.

Mr. Manuel: Section 54 was deleted. That's not by the government — it was never passed.

Hon. Mrs. Whyard: Thank you, that answers my question, Mr. Chairman.

Mr. Chairman: Mr. Berger?

Mr. Berger: Yes, Mr. Chairman; I'm saddened to hear that this Section was deleted 'cause, on another line of questioning, I also have — would this Section 54, would it apply to the liquor outlets, like liquor stores, in the province also? Because there are cases in the Territory where persons or people are slightly intoxicated and go into the liquor store and buy another bottle. I think that this is just as bad as going into the bar and getting drunk and then something happens. And so my question would be, would this section also apply to liquor stores in B.C.?

Mr. Manuel: If it had been passed, I imagine it would have, but it's not, as I say, it was never passed; it was taken out of the, that was the one section that was taken out.

Mr. Chairman: We'll proceed with the clause by clause reading. An Ordinance to Amend the Liquor Ordinance:

(Reads Section 2)

Hon. Mr. McKinnon: Mr. Chairman.

Mr. Chairman: Mr. McKinnon?

Hon. Mr. McKinnon: Mr. Chairman, it has been the procedure of the Committee was not to keep the witness for a clause by clause examination of the Bill; that we were going to have them make their presentation and ask them whatever questions we had, with the under-

standing that they could be recalled if there were any further questions. And I thought that that was the wish of Committee which I understood from the comments that were made.

The other point, Mr. Chairman: I think that we probably should have Mr. Legal Advisor here while we're examining the Liquor Ordinance.

Mr. Chairman: He was, until two minutes ago. Perhaps we can get him back. There was some concern expressed by some Members of Committee that they did want the witnesses present. Now, do you wish the witnesses to be excused now and to be recalled at a time when we need them?

Some Members: Agreed.

Mr. Chairman: The witnesses may therefore be excused, and thank you very much.
Mrs. Watson?

Mrs. Watson: Before the witnesses are excused, I'd like to draw to their attention in the new Section 28, and I wonder whether, at a later time when they have had an opportunity to study it, they would care to comment on it. It was the question that the Member from Ogilvie asked them and I think you may want to comment on it at some other time. Thank you.

Mr. Myers: Thank you, Mr. Chairman.

Mr. Chairman: Following the reading of Clause 1, we will enter into general debate on this Ordinance.
Mr. Taylor?

Mr. Taylor: Yes, Mr. Chairman, just a couple of points I think that one should bear in mind when he's considering these amendments to the Liquor Ordinance and that is that it is the government of the Yukon Territory that are doing the, or providing the, shall we say the supplier of these spirits, and perhaps the government, we should bear in mind that the government has some responsibility here. In the case of the hotels, then perhaps the hotel people also have a responsibility in looking after their, the happenings and events that occur in their premises. And I listened with some interest to the comments made by some Members and witnesses this morning and I was getting the impression that we want the police to kind of administrate within the hotels, which I hope isn't the intent, and that people were having a tendency to shove the responsibility perhaps where it doesn't belong.

I still haven't received a reply as yet from the administration as to the question of how many prosecutions were entered into in relation to litter laws in the Territory, both at the Municipal and Territorial level, and I would like to have this information from the administration as soon as possible as I find that this question is related to this Bill. And, just with those general comments, I would caution Members in considering this legislation to bear this in mind.

Mr. Chairman: Mr. Taylor, how would you suggest then that these sections be enforced? If someone refuses ejection from a drinking place, if the police are not called in?

Mr. Taylor: Mr. Chairman, it's my understanding, and it's always been my understanding, of that policy in terms of operators, if this is the question, having to cut off people or evict them from their premises, that they did so and delivered that person to the front of their establishment where, if it was necessary, the police would pick up the party — but it was up to the operator to take that party off his premises. And now we're suggesting that the police should be called in and march into the premises and drag this poor person away and I don't — I have reserves about that.

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, before we get down to specifics of this Bill, I just wanted to say a word or two on the general principles involved. The law of the land is an on-going process and it is Parliament's prime responsibility. Changing society and the need to meet the demands thereof create a need for amendments to laws currently in force and the creation of brand new laws.

The amendments to this Liquor Ordinance have come before you as a result of requests from residents of the Yukon. They are asking to change this Ordinance and they have made pertinent suggestions as to how it should be amended. And the legislative programming committee of your government and the people in the departmental, in the department responsible, have worked very hard for many months to implement those wishes into this Ordinance. We have been, we have received petitions, we have received recommendations, we have received resolutions from organizations in this society. We have received letters from concerned individuals. We have received information and suggestions from municipalities. All of this has been taken into consideration in the compilation of these amendments. They didn't just spring from this government.

I would just like to make that point, Mr. Chairman, and ask that all Members remember that in their criticism of any particular section.

Mr. Chairman: Committee will recess until one-thirty this afternoon.

(RECESS)

Mr. Chairman: I now call this Committee to order. I have received a request that Mr. Peter Gillespie and Mr. Roland Thibault, Director of Liquor Control, appear as witnesses during the reading of the Bill. Is this Committee's wish?

Some Members: Agreed.

Mr. Chairman: Mr. Fleming.

Mr. Fleming: Yes, Mr. Chairman. I, on the principle of this Bill, must say I'm very glad to see it here in the House because I've waited for it a long, long time. And I'm glad to see some changes in it that are, that I think are going to be effective to people in the Yukon

Territory, and at this time I do have a brief that was presented to me through the Teslin Indian Band Chief in Teslin with views in that little town which was also brought up at one of our town meetings the other night for alcohol and also agreed to pretty well by all the people in Teslin, not only the Indian Band, and I would appreciate it at this time if I could read what they have to say in that small village.

It starts out, "My friends, we are gathered here today to deal with a very serious common concern - alcoholism and its effects on the people of the North." This has been written by the Chief, so he puts in "my" sometimes, I think he actually does mean "our", so I will read that "our special concern is damaging effects of alcoholism on native population. Before alcoholism became widespread in my community", - again he uses that word - "family responsibilities were taken very seriously and the family work as one unit. Now their children who are left to fend for themselves and the parents continue drinking. Through this continuous drinking, our people have lost their identity and frequently neglect family responsibilities. Because family responsibilities are no longer taken seriously, a chain reaction has occurred. This reaction has affected areas such as mental and physical health, housing, home, economics, inter-human relations and the welfare and education of our children."

And it goes on to say, "Mental and physical health, death, illness, physical injuries through motor vehicle accidents, etc. Housing, neglect of upkeep, no pride, home economics, unpaid bills, lack of food and clothing, no motivation to get their winter supply of wood. Inter-human relations, no self-respect, therefore no respect for others, consequently they receive no respect from others. Welfare and education of our children, school attendance is poor, no discipline, no direction therefore juvenile delinquents are born. In conclusion of this presentation, I would like to make the following recommendations."

In these recommendations, at the meeting they explained, the Teslin Indian Band themselves, that these are all just recommendations - they don't expect me to come here and get them all through, but they are dealing with the problem.

One of them was - "fewer outlets for the size of the communities." There are approximately 354 liquor outlets. One with 24 hour service.

This is, I think, three directly in town and one adjoining the two which they concluded as four. "We would like to see more restrictive hours in these outlets. We would also like to see these outlets closed on Sundays, or at least one day a week. Public street drinking should be banned. This causes a lot of littering, pollution and a public nuisance. The law prohibiting the serving of alcoholic beverages to intoxicated people should be enforced. Dining room licence laws should be enforced. A full meal should be served with any alcoholic beverages sold. A family member should be able to temporarily suspend any family member from obtaining any alcoholic beverages from these liquor outlets."

As I say, these were all discussed in the community as a whole the other night and some of these are, were more or less put down, due to the whole thing, but they did come up, all these things.

Of course, "no liquor on credit and our older people

should be limited to purchase one bottle only. Anyone caught buying booze for these people should be penalized." We did get a little kick out of that, but still it's something to think about.

"Also the teenagers; anyone caught serving or supplying them should be penalized severely, so others will see it as a serious offence."

Now, I think that they have gotten to some of the problems, but I know in this Ordinance, of course, it is very hard to deal with each and every one of them, or to get each and every one of them in there, and if you did have them in there, you wouldn't be able to enforce them all.

However, the street drinking - I think something like this could be controlled in the communities and while I'm up speaking of the principle of this Bill, I see no place in it actually whereas the liquor could be sold in the community, under Government supervision, to anyone unless he has a restaurant or a hotel licence and I'm speaking of off sales liquor.

I myself, for one, would like to see, and I don't think it's loosening up the liquor one little bit, but an off sales liquor store in a small town, not necessarily a big Government liquor store, but off sales liquor to people with a direct licence to that business, for nothing else but to sell that liquor and I think you would find that the abuse of the present laws would be cut down. The idea of having a restaurant, and being able to sell the booze and being able to peddle it 24 hours a day, the licence is issued and given to one person to handle it under the control of the Territorial Government, and the liquor could be sold at the same price it is today, even though the dealer would possibly in small places, wouldn't make a living at it.

Buy I myself will be trying to see if something like this can't be done, because I can see it being controlled much better and I see then no reason for anybody morally or otherwise, of trying to scheme his way around the Liquor Ordinance, to sell the liquor, which puts the onus on the businessman again.

There's places doing it today, and you can't blame them one little bit because they must make a living. They possibly pick up a restaurant somewhere and a hotel, and think the tourist is going to keep them in business and everything, and after they get it, they realize that this is not going to happen to them, but there is the chance to sell alcohol, and if they can stay open 24 hours and so forth and so on, and sell all they can without selling food, they can make a living, and possibly a very good living.

But morally they are not doing the right thing in a town and legally they are legal but shouldn't be legal under the old Ordinance, and under this one it's going to give the Board, and of course the liquor inspector, a chance to say "no" to something like this; that's no good. That don't help a damn, because they are going to get away with it again. The same thing is going to happen again. Because the boards and liquor inspectors we have today can do it, and all we are doing here is giving them that power, but I think you'll find as we go through the Ordinance, that it really still isn't going to be actually controlled, whereas if it is in the Ordinance and they say you will have that one licence, and that's it, the man can operate legally and do exactly what he's doing today, only it will be controlled.

This is just one of the areas I would like to just bring up now; it will come up when we go through the Ordinance.

Mr. Chairman: Ms. Millard?

Ms. Millard: Mr. Chairman, I would like to speak to the principle of this Bill as well.

I was generally disappointed in the quantity of the amendments. I was looking forward to some really progressive legislation on our greatest problem in the Yukon, and I find that there has been a lack of courage in the amendments that have been put forward, apart from the establishment of a corporation we only really have two minor changes, and I find that they don't face up to the growing problem in the Yukon of alcohol.

I'm all for the community involvement in decision-making; I think that's commendable, but in this case it could lead to very chaotic enforcement problems. I really don't see that going from Mayo to Stewart Crossing, or from Stewart Crossing to Pelly, that there should be different liquor laws and that we should all be aware of them. It's really unrealistic to put that in, although I can see that the pressure was for each community to be different and everything, but I don't think that we can be unrealistic about what's happening in the Yukon.

As far as drinking in a public place, I think that that could be enforced by other legislation which we already have. Causing a disturbance has pretty broad terms, and littering as well. I think the drinking problems that are in a public place are really a minor problem of the liquor problems in the Yukon.

As well, the other very minor item was the off-hour beer sales. I don't feel that that's such a big problem, that we have to make an amendment at this point on this small item, without a lot of other amendments as well. I don't see that it's all that important.

As well, I feel that if we cut off off-hour beer sales, we're going to start bootlegging again. I thought that was something we did away with in the Yukon.

I think if this government was actually responding to the public pressure, and there has been enough of it, in changes in the Liquor Ordinance, we should have brought — the government should have brought forward amendments on concerning the drinking age and the hours and the days of sales, for every kind of liquor, for the powers of the licence inspectors and the licensees, the responsibilities of liquor outlets towards people who are drinking. For advertising, for problems about false identification in liquor outlets.

We could have been discussing things to do with free enterprise, how far should free enterprise go in the liquor system? Should we have beer in the stores, or should we have complete prohibition? We really aren't facing the real problems that liquor brings to the Yukon in this Bill.

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Yes, Mr. Chairman, first I would like to reply to the remarks made by the Honourable Member from Hootalinqua. And I would ask, Mr. Chairman, that the statement that he has read be passed to each Member of the House; we don't have copies before us. I know that the people of Teslin have made a number of valuable submissions to the government re-

garding their wishes in the field of liquor sales and control of liquor, and all of them have been considered very carefully when these amendments were being drafted. And we appreciate the assistance received from the Teslin Band and the L.I.D. and all the concerned people there who have signed those petitions. I thank the Honourable Member for bringing these to our attention again.

In reply to the remarks from the Member from Ogilvie, I find it very interesting that she is contradicting the wishes of the people in her constituency, who have notified us regarding the changes they wished made in these amendments and we have carried out their wishes. If the Honourable Member had other points she wished to be brought to our attention, we have not heard from her up until this time on that subject, Mr. Chairman.

Mr. Chairman: Mr. McKinnon:

Hon. Mr. McKinnon: Mr. Chairman, I think that the whole of discussion so far has just proven the almost impossible challenge that the Members of ExCom are faced with in attempting to apply the universality of the Liquor Ordinance throughout the Yukon.

The Honourable Member from Hootalinqua makes some very valid points on behalf of the Indian residents of the L.I.D. of Teslin. It was particularly because of their involvement from the beginning of the amendments to the Ordinance, that Section 28 is presently in the Ordinance. The Honourable Member says it won't work. I find that hard to believe, Mr. Chairman, that a resolution of the L.I.D. asking the Board to consider the wishes of the elected Member of the residents of the L.I.D. is ignored, then I would suggest, Mr. Chairman, that the Board is not doing their job and we'll get a Board that will do the job and do what the people of the Yukon request that Board to do.

I know for a fact that we have had great success with the 24 hour beer sales in Whitehorse. We have effectively terminated bootlegging in Whitehorse. The R.C.M.P. and many other groups will say that this is one of the areas of the Liquor Ordinance which works well in a metropolitan area. However, we happen to know that it does not work in some of the smaller centres throughout the Yukon. What do we do? Cut off our nose to spite our face? Take out a provision that we know is working well in a metropolitan area? Or force that same universal regulation throughout the Yukon Territory.

We've attempted to answer it in those sections of the Liquor Ordinance where we applied and where we asked for local involvement. I can't see any other way to go. Like if we go any other way, we're not solving anything in these communities that are asking for particular solutions to their particular problems and I do get just a little annoyed to the constant references to the chaotic, absolutely chaotic conditions we're going to have throughout the Yukon if Whitehorse bans public drinking and say the Municipality of Faro decides that they don't want to.

① I really think we underestimate the intelligence of Yukoners that they won't know that they can't drink in public on the streets of Whitehorse, but can in fact. You know, really, let's give the people credit for a little common sense in being interested in knowing what the

laws of the Yukon are.

I think that people should also take a look at what's happening in our Sister Territory, where they have perhaps even more major problems in the field of alcohol consumption than we have. I've been following the experiments in the Northwest Territories very closely and they've come up with exactly the same solution that this Government has attempted to. They are allowing for local option and for local regulation in all of the smaller communities and to a much greater degree of flexibility than this Government is prepared to go at this time.

They can go from total prohibition in a community, on the community's choice, to partial prohibition, to the prohibition of one element of the society from drinking and all of these various areas are being attempted now by our Sister Territory and I don't hear from that Territory, Mr. Chairman, with all their variances in regulations and control, much more variances than we see in any way, shape or form in this Ordinance, any problem whatsoever identified in any of the press, on any of the media in the Northwest Territories about problems they are having about the chaotic conditions because different localities are enforcing different regulations.

So I think, Mr. Chairman, that perhaps we underestimate what we would see happen in the Yukon, where there would be very limited local options in different communities. And I think, Mr. Chairman, that rather than a lack of political courage in attempting to satisfy all the many areas that we have heard from from the different groups, that we can see from this debate, that perhaps there was a little bit of political courage involved by this Government and the Members of the ExCom in an attempt to bring an Ordinance that could satisfy all these varied view points from Members and from different areas throughout the Yukon.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Yes, Mr. Chairman, I would first like to say that I also agree that a Board is a good thing in the management and control of the Liquor Department. I have some reservations, and perhaps later on when we debate the clause by clause I can get some answers to the question of just how reportable is this Crown Corporation to this Legislative Assembly.

However, I have difficulty with the burning question that has been raised here, and that is public drinking, and whether or not we should provide for local option in the Yukon Territory, or whether we should have one law apply to all areas in the Yukon Territory.

I am going to be very interested in hearing some of the debate that goes on on this question. At this particular time, I feel very, very strongly that one law should apply across the Territory, and I cannot agree with the Honourable Member from Whitehorse North Centre when he says that Yukoners are mature enough to know that there is one law in Faro and a different law in Dawson and a different law in Mayo.

This may all be well and good for some Yukoners who may know that, but we have a lot of people visiting this Territory who do not know this sort of thing, and we have a lot of people who can't be expected to know just what law is in effect at any given time, in what place. It is very confusing and so, as I say, until I've heard argu-

ment that, you know, would change my mind, I would certainly hold, as I'm sure many Yukoners hold, to the position that one law ought to exist throughout the Territory.

You know, if you really wanted to solve this problem, you probably wouldn't solve it, but who is it that's in the liquor business? It's the government that are in the liquor business in the Yukon Territory; they're the ones that sell it. You just simply cease to sell liquor and perhaps, apart from the bootlegging that would result from British Columbia, perhaps you might solve the bulk of the problem.

I don't think that the people of the Territory would stand for such an approach, but I suggest it as an alternative. All right, we have varied — and I've heard the Honourable Member from Whitehorse North Centre stand at this table in this Chambers and complain that, you know, really we're getting too much regulation. We ought to be cutting down our regulations, and at the same time he speaks of maturity of individuals.

Well, I agree with him to this extent — that we have a pretty mature population in the Yukon Territory. Since the experiment has been undertaken in relation to public drinking, there have been a minority who have flagrantly abused the privileges inherent in the experiment that we have undertaken. But a majority of mature Yukoners have not abused that privilege. They've enjoyed it, they've respected it, and I always feel very, very badly when I'm asked to add my voice to those who would legislate in order to prevent the indulgences and so forth of minorities.

Now, I've raised the question of litter, and when this whole thing started, as I recall, everybody was saying, well really the problem is not the people that are drinking, it's the littering; they're throwing their bottles on sidewalks, and I believe in Dawson where it began they were saying well, you know, really you should see what Dawson looks like after Discovery Day.

Well, perhaps someone should go and take some of the people of Dawson down and take them into any football stadium of your choice and take a look and see what that football stadium looks like when the game is over. There's bound to be litter, and I don't think that public drinking is going to cure this.

I have asked the question in this House as to how many prosecutions have been brought down under Liquor — or, pardon me, Litter — Bylaws in the Yukon Territory, at both the Territorial level and the Municipal level, and I still haven't got an answer, and maybe perhaps there haven't been any and they're looking to find out if there have been any prosecutions. I really don't know. I certainly think we should have that information. Because, Mr. Chairman, I strongly suspect that there are very few, if any, and I would raise the argument that we ought to, before starting to change our laws again, we ought to enforce the ones that are in effect, and if we can cure the problem this way, in fact this is what we ought to be doing.

I commend the Government of the Yukon Territory for their approach to advertising more recently, the perils of the use, or misuse I should say, of alcohol, and also in their endeavour to find rehabilitation for people who seem to have an inability to handle alcohol in the Territory, but I still cannot agree that we are taking a responsible stand if we start to legislate local options

and this type of thing.

I think every time you add another restriction through regulation, you just create more offences, and I personally feel that the people of the Yukon are a little more mature than that.

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: Thank you, Mr. Chairman.

I will just make a few brief comments with respect to the principle of the Bill. I certainly commend the Government for bringing in the Liquor Ordinance in the form they have. I know the setting up of a Yukon Liquor Corporation is a very positive step. It really takes away the running of, the everyday running of, the situation out of the political arena and puts it into the hands of the people that should be looking after it.

I think experience in Manitoba has proven that a Corporation concept is good, and allows for really the further implementation of other practical controls and measures later on.

I will be supporting the Bill, but I am really hopeful that, through the debate, a few amendments will be approved and will be put forward, because I think then, with the amendments, in my estimation it will provide the Yukon with probably the most positive liquor legislation in Canada.

I would have liked to have seen something in there where they might have allowed beer sales in grocery stores and things like this. On one hand, we are tightening up; on the other hand, we are making it more available. But that's one of the things that has often been my desire.

I like the idea of a community being able to request prohibition. I think that's a step in the right direction and again, like many of the other Honourable Members have said, I'm not in favour of allowing Municipalities to make the decision in the control of public drinking. I think that has to be something that's right across the Board.

Mr. Chairman, if I may, I have a copy of a letter that was sent to Commissioner Pearson, and I'm sure we've all seen lots of them like it in the newspaper and everything, but I think it's worthy of reading to you. It just sets the thinking a little more.

It's from a fellow in Estevan, Saskatchewan, and he was visiting here; he was here on business; and it just says here:

"It appears that Whitehorse is vibrant and developing with many improvements and new buildings. However, one thing truly distresses me, sufficiently so that I would like to make mention of it to you.

"The Yukon Territory must have the most liberal and uncontrolled drinking laws in all of Canada. I found it distressing to see people drinking openly on the streets, when I walked in downtown Whitehorse; even more disturbing was having drunks stumbling against me after I had left church Sunday morning.

"I noticed many broken beer bottles on the streets, litter, no doubt a direct result of this permissiveness in drinking regulations. In making the above observations, I would like you to know that they are made not because I am an abstainer or opposed to alcohol beverages, but in simple terms because there are places for drinking, but the streets of a community should not be

one of those places.

"These regulations must put a great deal of stress on the R.C.M.P., who are required to enforce the laws, and must also make it difficult for them to maintain the type of respect which is required, when drunks flaunt bottles under noses on the main streets of a community.

"It is my opinion that the present drinking laws in the Yukon permit situations which enable some people to create a bad image of the Yukon Territory, of the Canadian people, and leave a very bad false impression of Canada for the many U.S. and foreign visitors to the Yukon.

"Surely this extremely loose drinking law is worthy of restudy and reconsideration in the interest of all."

So certainly, I'm very pleased to see this legislation come forward. Thank you.

Mr. Chairman: Mr. Fleming?

Mr. Fleming: Mr. Chairman, I merely wish to stand up to clarify something the Honourable Minister of Local Government has misunderstood a little of what I said. I was not going into the L.I.D. or their recommendations or anything when I said that what I didn't find here, the other things that I have found was good, but I did not find anywhere in the Ordinance whereas the small towns could have a liquor outlet other than these restaurant-type things, along with the restaurant licences — no problem.

I'm speaking of a different thing that is in here entirely; I'd like to see a liquor store in every area where people could go and that would be the place to go and get your liquor. Then the hours would be regulated by the government; they would be short ones. These are the only things, don't misunderstand me. I have nothing against what's in this Ordinance or under the control of these others, but I'm afraid that with just issuing all the licences to all the restaurants in the small communities you will have a bigger problem controlling it than you would have if it was under one licence in that area.

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, my remarks are getting a little out of date now, but if I could start with the Honourable Member from Hootalinqua first, I think that he has some valid points to make and I'm sure that people here who are responsible for the Department which controls liquor in the Yukon is here to listen and I'm sure he will have opportunity to propose amendments and make suggestions during the discussion of this Ordinance.

I would have liked to have had more time available, Mr. Chairman, to debate a few points with the Honourable Member from Watson Lake, who has an interesting approach to logic. If he is intimating, Mr. Chairman, that we should not be making any legislation for only people who are in the minority, such as those who abuse the opportunity to drink in public, is he intimating, Mr. Chairman, that we shouldn't bother to have any laws such as the Criminal Code, because surely criminals are in the minority among Canadian citizens. I don't quite follow his reasoning there.

As for his confusion regarding how he's going to know whether he can drink in public or not from one settle-

ment to another, it's very simple, Mr. Chairman; he can stay in Watson Lake or, otherwise, if he's concerned about travellers moving along the highway, I would suggest, Mr. Chairman, they have very little trouble with reading signs regarding speed limits which do vary from place to place.

Thank you, Mr. Chairman.

Mr. Chairman: Mr. Berger.

Mr. Berger: Thank you, Mr. Chairman. I agree to the Bill, as the Honourable Member said, it's a good Bill, but I have my objections to limiting the drinking in public places without making it illegal again to drink in public places. As I stated before to the witnesses, what are we going to do with the people arrested under those terms? And I think that nobody came up with an answer. As a matter of fact, nobody even showed any concern about this so far. I think that this is where our main concern should be.

Those people have a problem and it's taken a long time for this Territory to come up and recognize it, a private organization to help those people and are we prepared because of this Bill, to spend maybe millions of dollars more on helping those people and expanding their facilities in every small community?

The Government, just a few days ago, came down with a restraint program, because of lack of funding. And all that I can see because of a Bill like this, we would have to expand our facilities and we would have to expand in our money supply to these facilities in order to overcome the social problems that are really the problem of all the drinking problems in the Yukon.

There's one other sector I would like to see and hadn't heard any comment except the Member from Teslin, and that's from the native population. And I would really seriously ask them if they would come forward, and as a witness to this House and tell us their solution to some of the drinking problems, because I think this affects them in some different manners than a lot of white people in the Territory.

And for the restriction of each community and hamlet and L.I.D. I do have to agree with some of the Members that raise objections to it, because in Dawson, for example, the main problems are created by transient people. The main problems of drinking on the streets on the last 17th August was 100 percent transient people. The local people who are maybe problem drinkers, but they usually end up going to the liquor store and buying a bottle, — intoxicated sometimes and end up on the riverbank or in the bush someplace and drinking it, because they have to hide it, all that they maybe have is \$5.00, enough for one bottle, so in order not to publicize this thing, they have to hide behind the bush so they wouldn't have so many friends.

But the real problem is, as I say, transient people and we are not going to overcome this by outlawing it, we are only going to make it worse.

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, I appreciate the comments from the Honourable Member from Dawson and the support of all Members for the alcoholism program which is not running merrily along in the Yukon,

with the endorsement of this House a year ago.

As Members heard me say recently, the Detox Centre in Whitehorse, which was a first attempt to deal with the people that Mr. Berger is concerned about, who are picked up drunk on the streets or are referred to the Detox Centre, is bursting at the seams.

Crossroads, which continues from the drying up and counselling phase into a treatment and rehabilitation phase is full. We are being asked for more workers who will be available to small communities, who can do the same kind of counselling and set up a small program to fit the particular community.

We have been working very closely with the native groups who have been sponsoring seminars on alcoholism and bringing in their own people to hear speakers and see films such as ours, and get the message and take it back to their own communities, and serve as resource people in their own communities, and I thank the Honourable Member for his indication of support that this kind of thing costs money and we may need more dollars if we are going to make it more meaningful in more parts of the Yukon.

Mr. Chairman: Mr. McCall?

Mr. McCall: I have become quite fascinated with the debate that's going on, Mr. Chairman. I think we seem to be losing sight of the fact what we are trying to do with this legislation is to take poison off the streets. I believe that was the message of a recent film I attended last week, or was it the week before, that alcohol is a poison.

I think we are ignoring the fact in order to do this, it's going to take some very, very tough legislation. I think we're ignoring the fact to do this is also going to cost many, many dollars, but what alternative do we have, Mr. Chairman?

My only complaint in this legislation, it is not strong enough. I consume alcohol like many, many people, but I do not like to see a drunk on the streets and it's our responsibility as people who formulate the legislation to make it as tough as possible. If it means costing tax dollars over and above what we are spending now, so be it. It's going to be well worth it, because we have too many alcoholics in the Yukon, and they should be off the streets.

I'm a little surprised at some of the Members here today. They seem to be a little, whether the word is scared or not, I don't know, but I say this legislation is not tough enough. I say we had better even triple the budget to make everybody aware that alcohol is killing people around us. It may even cost us a lot more if we don't spend an amount of money now and put the legislation in now.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, I was very interested in the remarks of the Honourable Member from Pelly River, and I can't understand though when he says you want to lay down laws, stronger, more restrictive laws, anything, so restrictive as to get these people off the streets.

When you understand that the people who are creating perhaps the problem are going to get liquor anyway,

is — where is it intended that we drive these people? You know, obviously we've got to get them off the street, where do they go, what do we do with them?

Mr. Chairman: Is there any further general debate?

Hon. Mr. Taylor: Mr. Chairman, could I have an answer from the Honourable Member from Pelly River?

Mr. McCall: Mr. Chairman, I think the Honourable Member can answer his own question.

Mr. Chairman: Are there any amendments to Clause 1?

Mrs. Watson?

Mrs. Watson: Mr. Chairman, may I ask a question regarding Section 1?

Mr. Chairman: Yes.

Mrs. Watson: I notice that the definition of "public place", if the Legal Advisor would like to be stirred ..

Mr. Chairman: Yes, Mrs. Watson?

Mrs. Watson: I notice that the definition for "public place" has been amended, and you're adding a section, "any place to which the public have access as a right or by invitation expressed or implied, except as provided by Section 103..."

I'm wondering whether you could give us some explanation of the revised definition, "express or implied public place", and give us examples of ones that are implied.

Mr. Legal Advisor: The particular example we had in mind was grocery stores, where the public are accustomed in downtown Whitehorse or elsewhere, to go and come. The particular amendment was sought in order to clarify the position of people who want to exclude particular individuals from their premises for doing a certain thing. It could be say smoking, it could be drinking, it could be anything, and the law is clear.

Buy by doing the amendment we did, it was made clear that the police have the power to come in and take that person out if he won't go. The particular drafting is taken from the Criminal Code of Canada.

Mr. Chairman: Ms. Millard?

Mrs. Watson: Mr. Chairman, further to that, does that mean that if — again, use the example a grocery store is not necessarily a public place then?

Mr. Legal Advisor: A grocery store in one sense is a public place, because the customers are accustomed to come and go, and the person should have control over what he does, so for putting people out it would be a public place.

Mrs. Watson: Mr. Chairman, would it be legal then to drink openly in a grocery store, as a public place?

Mr. Legal Advisor: I'll look at the Ordinance, Mr. Chairman, I'll give you an opinion then.

Mrs. Watson: Mr. Chairman, I don't mean the new amendment, I mean the old Ordinance.

Mr. Legal Advisor: It's not an offence under this Ordinance for a person to open a bottle and drink in a grocery store.

Mrs. Watson: But under this one it would be?

Mr. Legal Advisor: As I say, I'll have to read it a second time before I can give you an opinion on it. It depends on how the thing works out.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, what about schools, playgrounds, churches? They're open to the public by invitation, would they ..

Mr. Legal Advisor: Yes, they would be public places within this definition, Mr. Chairman.

Mrs. Watson: And those public places then, as our legislation is written now, are churches, schools, playgrounds, it is not an offence to drink in churches, schools, playgrounds?

Mr. Legal Advisor: No, Mr. Chairman, it's not an offence as the law stands today, to drink in a church, to drink anywhere. You're going into an area where if the owner says you cannot do something, then he can put you out for doing it. He can lay down his own rules.

It's not illegal to smoke in a church, but still people don't smoke because the people who operate the church usually say no smoking is permitted.

Mr. Chairman: Ms. Millard?

Ms. Millard: Mr. Chairman, I'm interested in the definition of inspector. I note that the R.C.M.P. are now being asked to act on behalf of the Corporation in outlying areas. I'm wondering how broad is that mandate for the R.C.M.P. Does that mean that liquor inspectors are not going to be going to areas that don't already have one specified to them?

What is the real purpose of this? I can see it on a minor scale, but just how broad is the mandate that the R.C.M.P. have in enforcing the Ordinance in the outlying areas?

Mr. Legal Advisor: Mr. Chairman, the R.C.M.P. have a duty and an obligation to enforce all the laws made by this House.

Under the terms of the Police Service Agreement, they customarily do not enforce Municipal by-laws, so during an earlier session, this was under discussion as to whether or not if a Municipality made a by-law outlawing public drinking, the R.C.M.P. would enforce it.

It's difficult, because the terms of their contract do not provide for the R.C.M.P. as a matter of routine enforcing by-laws.

Mr. Chairman: Ms. Millard?

Ms. Millard: In other words, Mr. Chairman, if perhaps Old Crow decided not to have public drinking, the r.c.m.p. there would really not be responsible in enforcing that law?

Mr. Legal Advisor: It depends on the legislation, Mr. Chairman. If, under this legislation it became illegal, then under this legislation, the R.C.M.P. would in fact enforce. If it's under some Municipal by-law it was done, then I think the R.C.M.P. might not enforce it.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, I also have difficulty with the relationship between inspector and public place, and it does scare me a little. If public place means any place to which the public have access as a right, which I assume is the grocery store or the — or any shop for that matter, or by invitation expressed or implied, that could bring the inspectors into your own home, the inspectors being the R.C.M.P.

Just how far is it intended that this Ordinance is to go? If you're saying to me that you are going to give the rights to the R.C.M.P. to come into your own home, under the guise of being an inspector, then it confirms my thoughts that it is the will of this Government to create a police state in the Yukon and I would like to hear firstly from Mr. Legal Advisor, actually what is expressed and implied in the term "public place"?

Mr. Legal Advisor: We attempted to make the definition fairly clear. We copied an existing definition which has stood the test of time for a number of years, but it's not really very helpful, Mr. Chairman, to debate the definition section without going into the meat of the Bill. Because the public place had to be defined for the purposes of controlling drinking in public places, and there's a detailed section where what's permitted and not permitted under this legislation will be discussed.

Mr. Chairman: I think that will satisfy the Member.

Mr. Gillespie: Mr. Chairman.

Mr. Chairman: Mr. Gillespie.

Mr. Gillespie: Perhaps I could help in answering Mr. Taylor's question. If he would refer to Section 103, and we'll be coming up to this later on again. Section 103 subparagraph (3), specifically states that a public place does not include a residence, so we are particularly, we have addressed the problem that Mr. Taylor has raised head on in this later section to be sure that people will be continued to be able to drink in a public place, even if public drinking is prohibited in a given area.

Mr. Taylor: Mr. Chairman.

Mr. Chairman: Mr. Taylor.

Hon. Mr. Taylor: I thank Mr. Gillespie for that information. I had not noted it before. It still doesn't solve my problem. I have had, well perhaps I'm the one

Member in this legislature who has more R.C.M.P. constables in his constituency than any other individual Member. I believe we now have ten or eleven in Watson Lake. And quite often we have the feeling with such a heavy presence of police officers in our community, though I'm sure that many of them are doing a very good job, it still leaves you to believe that you are in a police state when it's hard to look out the window at any given time and see one of two things or both, a raven and a police car.

It is a matter of concern to those of us who live in such situations that we are very concerned about the powers given to members of the Force and, by and large, I'd say that most of the members that I've run across exercise pretty good discretion in this field, but I know a lot who don't and we have, I've raised two or three situations in this House that will substantiate just what I'm saying. And to give the — to allow the inspector under the Ordinance, to include a policeman, can lead to problems.

I know I've had a lot of complaints from operators, for instance, hotel men, who have said that lately the R.C.M.P. have been coming in intimidating my customers by wandering through the bar and this type of thing and so I must raise that question, you know, ought we to make R.C.M.P. constables, in fact inspectors under the Ordinance or ought we not to leave that to the inspector. I would prefer to see that duty left to our liquor inspectors and not given to members of the Force.

Mr. Chairman: Ms. Millard?

Ms. Millard: Mr. Chairman, I think my puzzlement is explained in the question, what does the R.C.M.P., what will the R.C.M.P. be doing now that they haven't been doing in the past? Why is this necessary to include R.C.M.P. as inspectors if they're not going to be doing anything different from what they've been doing previously?

Mr. Legal Advisor: Mr. Chairman, there are a few powers that could be useful that an inspector has that an ordinary officer, police officer, does not have in enforcing this Ordinance. One of those powers is in the case of riotous conduct and so forth, he can close down a bar to stop the row. At the moment, a policeman can only move into the situation and pull the people out. He cannot say to the operator, shut it off for tonight or something like that. There are a few of these powers, but it's understood that these powers are only to be exercised in consultation with the officials who are administering this Ordinance on behalf of the Territorial Government.

Mr. Chairman: Ms. Millard.

Ms. Millard: Mr. Chairman, do we really have that many riots in the Yukon that it is necessary to put in a further definition here? I would really like to have more examples of what the R.C.M.P. must do as inspectors.

Mr. Legal Advisor: The Honourable Member asked me for an example. I'm giving a particular example. It's not intended that the inspection routines would in fact be performed by the R.C.M.P. but they will have the power if necessary, where an inspector cannot go.

But there will be inspectors under this Ordinance and administering the Ordinance in the routine way.

Mr. Chairman: Mrs. Watson.

Mrs. Watson: Mr. Chairman, Mr. Gillespie referred us back to Section 103, as far as public place and this is where I do have some problem, because Section 103 deals specifically with municipalities and areas where enforcement of, no person shall consume liquor in a public place, those are communities and organized areas. What about the area in between the municipalities, the L.I.D.'s, the definition of public place as given here would then apply, would it not?

Mr. Legal Advisor: Mr. Chairman, there are two sections dealing with the request. Subsection (4) and subsection (5) and then subsection (5) deals with an L.I.D. subsection (6) deals with an unorganized area so that the whole of the Territory can be blanketed with enforcement depending upon the wishes of the local government of the particular place and unorganized areas then it is a group of people who are not organized.

Mr. Chairman: Mrs. Watson.

Mrs. Watson: Mr. Chairman, in some areas there are fifty miles where no-one is living in the Yukon Territory, so you know, how far — I might be interpreting the legislation incorrectly. We're looking at a municipality within its bounds, we're looking at an L.I.D. its boundaries, we're looking at an unorganized area within its boundaries of say one or two, three or four square miles. But there are areas inbetween. Would the interpretation of public place as given in the interpretation section apply in those areas?

Mr. Chairman: Mr. Gillespie.

Mr. Gillespie: Mr. Chairman, the answer is no, it would not. The intention, as I understood it, when we put this together is that it would apply only in municipal areas, not those areas inbetween communities, well off in the bush or whatever.

Mr. Chairman: Mr. McKinnon.

Hon. Mr. McKinnon: Mr. Chairman, there was no attempt by the Government to take away the new found freedom of Yukoners who were accepting their responsibilities, as the Honourable Member from Watson said, in a mature manner. We didn't want to go back to the days when you went to the Marsh Lake campgrounds and it was against the law to have a bottle of wine or a beer with a barbecue. We said, no, there's nothing wrong with it, that's sensible, sane drinking. The problem where public drinking was involved seemed always to be in the municipalities, in the L.I.D., or where there were a concentration of people. In those areas where the governing authority decides that they no longer want public drinking within their boundaries, drinking on the streets, they can appeal to the Commissioner by by-law or by resolution that he declares an area within that municipality where it is against the law to be drinking in public. In the other areas of the Yukon that does not

apply.

What it would mean if the City of Whitehorse, by by-law, asks the area to make the area of Whitehorse, it means that you couldn't open your beer on the way to Haines Junction until you were past the Mayo Road or the other way, past the Carcross Road. It would be against the law, enforced by the R.C.M.P., that you couldn't be drinking in a public place within those boundaries. There seems to be a misconception, I think it should be cleared up, that at one time, there was a direction being taken that it would be by by-law or by either the L.I.D. or the municipal council that would enforce this type of legislation — that is not correct and does not come about in the Ordinance.

The local authority requests, but the Territorial Government enforces the area of Ordinance is done by the Commissioner and it is a legal act done by the Commissioner of the Yukon and will be enforced by the R.C.M.P. There is no attempt in way, shape or form to make the enforcing authority anywhere throughout the Ordinance in the hands of the municipalities, the L.I.D. or the unorganized area.

The enforcing authority, no matter what the Municipality or the L.I.D. chooses, remains in the hands of the R.C.M.P. to enforce territorial legislation.

There's one other, I think, misapprehension about the present Ordinance, that it is indeed legal to drink in church or in a grocery store or in a hardware store. The person who owns those premises has the right, of course, to put a prohibition on what happens on his premises against drinking in his premises and of course can use whatever force is necessary to make sure that it is enforced, the regulations that he has on the premises that he owns and operates.

Of course, the other misapprehension that I think people lose sight of, that it is against the law in the present Ordinance to be drunk in a public place, and I think all Members will agree that the enforcement of that Section of the present Ordinance against drunkenness in a public place does just leave a little to be desired, even at present, Mr. Chairman.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, I understand all what the Honourable Member has said and I'm not going to belabour it, but I do have problems with what is a public place, as far as Section 103 is concerned, and as far as the interpretation section, because they are using double negatives in Section 103, which is a little confusing, and also 103 refers only to municipalities, L.I.D.'s or unorganized areas, and I am concerned with the definition of public place in the areas that aren't included in 103. These are the areas in-between.

Now, is the converse true? You were saying for the purpose public place does not include a residence, that's within a municipality or an L.I.D. or something. In the areas that aren't in — covered under Section 103, does the converse apply? Does a public place include a residence, and I'm not going to belabour it and maybe as we go through, because this is where a lot of people have their hangups. Just what is a public place? A public beach, a public park or public campground, you're saying it is not a public place in a municipality so you can't drink in a campground, public park or public

campground if the Municipality so chooses, but you can if it's outside the Municipality, between here and an L.I.D.

Mr. Legal Advisor: Yes, Mr. Chairman, because the law would not have been changed and the present law is that anyone has the legal right to drink anywhere in the Territory. The law isn't being changed except insofar as Section 103 changes it.

Mrs. Watson: Mr. Chairman, it has been changed because you've changed the interpretation section for public place. This is the point I'm trying to make. You have changed the interpretation section.

Mr. Legal Advisor: With respect, Mr. Chairman, we changed the definition. We inserted a definition which wasn't there before, but nowhere in the Ordinance does it say that drinking in a public place is prohibited, except in one place.

Mr. Chairman: Mr. Fleming?

Mr. Fleming: It's okay, Mr. Chairman.

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: Fine, Mr. Chairman.

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Yes, Mr. Chairman. It seems to me it would clear up a great deal of this confusion if we would go through the Bill please, clause by clause, and meet these arguments as we come to them.

Hon. Mr. Taylor: Mr. Chairman, yes, that would save a great deal of confusion alright, and I commend the Honourable Minister, but it appears that once we've passed over a clause we don't pick it up again, so maybe we should pick it up now.

In 103(1), you're saying for the purposes of this section "public place" does not include, and then you exclude a residence, but the residence — the definition you have in public place in Section 2 of the Liquor Ordinance, is that in fact it does include a residence and it still permits under other Sections of this Bill an R.C.M.P. Constable masquerading as a liquor inspector to go into a residence, and I just — it's got to be except for the purposes of Section 103.

Is this not correct?

Mr. Legal Advisor: Mr. Chairman ...

Mr. Gillespie: Mr. Chairman, Section 103 is the only section in this Bill that deals with public drinking and therefore the matter of whether or not you can drink in a residence could — only has application under this section, and the way the section reads is regardless of what by-laws might be passed in a Municipality or an L.I.D. or an unorganized area people will be permitted to drink in residences, and R.C.M.P. or any other inspectors will not be permitted to enter private residences for the purposes of this Ordinance.

Hon. Mr. Taylor: For the purposes of the section.

Mr. Gillespie: Or the section.

Mr. Chairman: Mr. McIntyre?

Mr. McIntyre: Yes, Mr. Chairman. I wonder why a residence is included at all in 103(3).

Mr. Legal Advisor: Mr. Chairman, it wasn't necessary to include it. We thought by including it it would make it clear that a residence is not a public place, but it has only added to the confusion.

Mr. McIntyre: Mr. Chairman, I agree with the Legal Advisor that if you leave residence out of that section you are going to clarify the Bill completely, as far as I'm concerned; it should not be in there.

What you're implying is that when 103(1) is operative, a residence is, in effect, the same thing as a public place.

It reminds me of the old Criminal Code when nobody could define a public place, so they said it was not being in a dwelling house. Anything outside of a dwelling house was a public place. Maybe we should get some definition like that in.

Mr. Chairman: Mr. Lang?

Hon. Mr. Lang: Mr. Chairman, I'm finding things very confusing. I would suggest we set Section 1 off to the side and proceed with reading the Bill, and possibly when we get to the particular sections that are pertinent to the situation we could discuss it at that point in time, but the Ordinance flows throughout.

Mr. Chairman: Mr. McKinnon?

Hon. Mr. McKinnon: Mr. Chairman, Mr. Legal Advisor and Mr. McIntyre are absolutely right. The residence is confusing the issue and it was put in for clarification, and we should just remove it when we come to 103 because you know and I know that your residence and my residence is not a public place. If people come into your residence and my residence who are invited by the people whose residence it is, those people are just not under any — whether it is in 103 or whether it is not in the Ordinance, it's still going to remain in the other parts of the Ordinance as not a public place, which it is not.

I think there is law after law after law to show that home is separate from a public place, and I think that probably we could clear up the total confusion that residence is not a public place anywhere throughout the Ordinance when we come to that section.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, it still doesn't solve my problem, because you're still saying public place means any place to which the public have access by, as a right or by invitation expressed or implied, and it would still — unless you clarified public place in Section 2 — it would still say that your residence could be considered a public place, and I can't see any way

around it.

I can agree with the Honourable Member from Mayo, when he's talking about 103(1), that certainly public place must clearly be stated to not include a residence in Section 2, if you're continuing to use the words "any place where you can be invited to".

Mr. Chairman: Mr. Berger?

Mr. Berger: Mr. Chairman, I'm getting more confused, and I think everybody in this House is getting confused. Why can't we say, Mr. Chairman, "public place means any place except a residence to which the public has access as a right or by invitation"?

Mr. Gillespie: Mr. Chairman, I believe we could do that. Perhaps the answer is that we should take this particular section out, or the subsection, the definition of public place, and return to the House after further examination of it.

Mr. Chairman: Is that agreed?

Some Members: Agreed.

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: I want to make one thing clear, and that is that the Honourable Member from Watson Lake understands that I will never invite him to my home for a drink.

Mr. Chairman: Well, after this debate, we now stand Clause 1 and go to Clause 2. Clause Two:

(Reads Clause 2)

Why is it degrees Centigrade instead of Celsius?

Mr. Legal Advisor: I don't know, Mr. Chairman; that's a misunderstanding in my office.

We intended to go over to the Metric system and somebody typed in Centigrade and I thought it was right until I just looked at it now.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, can't we leave in both. Can't we leave in the Centigrade or Celsius, whatever you want, and the Fahrenheit? Is there any need to change now from the administration's point of view?

Mr. Legal Advisor: There's no particular need to change it at all, Mr. Chairman. It was just that when the Ordinance was being opened we were moving on to the Metric system; we were thinking ahead, that's all.

Mr. Gillespie: I think we would like to take this one out and examine the possibility of adding, as has been suggested, Fahrenheit as well as Centigrade in the Section.

Mr. Chairman: Are you going to use Centigrade or Celsius?

Mr. Legal Advisor: Mr. Chairman, it may be difficult to put in the two at the same time because the two may not be precisely accurate at a whole degree point. A single degree of Celsius or Centigrade is much wider in scope than a single degree of Fahrenheit.

Mrs. Watson: I know.

Mr. Legal Advisor: So, to round it off at 16, you may have to have decimal points in the other one, which may not be desirable.

Mrs. Watson: But Mr. Chairman, you didn't have any problem setting it at 60 degrees Fahrenheit in the old one. You know, you can use 60 degrees Fahrenheit, or 16 whatever you've got degrees — Centigrade.

Mr. Legal Advisor: Mr. Chairman, it sounds attractive, but it's difficult to deal with in practice because you're in a court situation, you're trying to prove something, and you've got a double standard. It's undesirable from a drafting point of view to use the two together.

I mean, I have no objection to the House doing it; it's just that I would advise against it because it's difficult to be precise.

Mr. Chairman: Mr. Gillespie?

Mr. Gillespie: As I say, I think we should take this one out and examine it in more detail and return to the House with the precise answer.

Mr. Chairman: Very well, Clause 2 will stand. Clause Three:

(Reads Clause 3)

Mr. McIntyre?

Mr. McIntyre: I wonder if it's necessary in subsection 7 and 8 to terminate the sentences with "thereof". What else would the man be chairman of, except the Board?

He should just be deemed to be the Chairman.

Mr. Legal Advisor: I can probably correct it, Mr. Chairman.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: In establishing the Yukon Liquor Corporation, it appears that we are establishing another Crown Corporation and I'm wondering what safeguards would be here for this Legislature in terms of control of the Legislature over the functions of this newly-found Corporation?

Perhaps what raises my interest is the fact that Crown Corporations, at the federal level, have simply got away from Parliament. They've lost control of Parliament, and, for instance in Quebec, that is the one single Corporation which is stronger than the very provincial government itself, is the Quebec Hydro Corporation, and it was created as we are here in innocence, and the darn thing got away and now nobody can control it.

As a matter of fact, even the Chairman of the Quebec

Hydro Corporation comes down and calls a press conference at some point during the year, which lasts about 15 minutes, and in which he says how many billions of dollars they intend on spending in the forthcoming year, and calls the press conference to a close, and that consists of the report to the people of Quebec as to the functioning of their corporation.

We have one, quasi I suppose, Crown Corporation in the Yukon, and that is the Yukon Housing Corporation. And they have to report, I believe, in the terms of reference they have to report back annually to this legislature, but we really have, to my knowledge, little control over the operation of the corporation other than the monies that we have provided, provided them for the capital expenditures. And I'm wondering, are there necessary safeguards within this corporate organization that we can, at any time, take control of the Corporation as a legislature?

Mr. Chairman: Mr. Fleming?

Mr. Fleming: Mr. Chairman, the Visitors' Association, this afternoon or this morning, remarked on the fact that possibly we should have more than the three members on the Board and I'm taking it from this Legislation here that not less than three in number shall be appointed, so from that I take it that the Commissioner, if the people wish, they could appoint, say, five members to the Board under this.

Mrs. Gillespie: Mr. Chairman, the answer is that Mr. Fleming is quite correct. Any number can be appointed, but there must be at least three.

If I may answer Mr. Taylor's question, there are far greater controls over the operations of this corporation that I suspect exist, though I'm not familiar with the governing legislation, over Quebec Hydro. All the policies, the regulations, the pricing practices, are established by the government and not by the corporations. The corporation is bound to follow those policies, regulations and prices set by the government.

The budgets will continue to be approved in the manner that they have, both operating and capital budgets, in the manner that they have in the past. The corporation will report annually to the government and to this Legislature. There will be annually an audit by the Auditor General of Canada.

I believe, Mr. Chairman, that there are very substantial controls pretty well consistent with those that exist over the Yukon Housing Corporation.

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, I think that if we go on with the reading of this Bill, all will be made clear to the Honourable Member.

Mr. Chairman: With respect, Mrs. Whyard, he does have a valid objection and the question of controls is a very valid one, I think, in debate.

Hon. Mrs. Whyard: Mr. Chairman, with respect, on the following page we have those powers outlined.

Mr. Chairman: But the Member is raising of whether those powers are adequate.

Mr. Berger:

Mr. Berger: Thank you, Mr. Chairman. I have trouble with 3(7) and 3(1). It says it shall be, further in the front, we say there should be no less than three members, but in 3(7), it is possible that one Board member can possibly make decisions. I think that we should have a safeguard in that there should be no less than three members on the Board when the decision is being made. I think that maybe we should look into that section a little closer.

Mr. Chairman: Mrs. Watson.

Mrs. Watson: It specifically says "shall not be less than three", and then (7) says "where there is at any time only one member on the Board". I think if you meant one member at a meeting or a hearing, but on the Board. How can you?

Mr. Legal Advisor: It means what it says and that is where there is only a single member left on the Board, he is the Chairman and has the Chairman's powers. It has happened in a number of instances, not necessarily here, that appointments are blocked up in the pipe and not been made formally and something has to be done and there's nobody who legally can do it. So, we've made provision for this because it could happen in this instance because it's getting a little bit slower to operate the Government and to get appointments considered and through and get the consent of the people involved and so forth in anything they have.

Mr. Chairman: Mr. Berger.

Mr. Berger: Yes, Mr. Chairman, this is why I'm concerned. And I think we should have a section whereby there's only one member left on the Board, this Board is no longer functioning. We should have the safeguarding there that should, that leaves three members on the Board before there's any decision made.

Mr. Legal Advisor: Mr. Chairman, in theory this is good, and there's no question but the Government would agree with this. In practice however, it may hurt a person who's in business not to be able to get something issued in time for a particular reason that he needs it. The department wants to issue it but they don't have the legal authority to do it, but they want to help them. But this is why it's in and it's happening in other provinces, the same thing. So they have put in these sections for that particular instance. It's to safeguard the public's right to appeal or right to do something and you have it.

Mr. Berger: But, Mr. Chairman ..

Mr. Chairman: Mr. Berger.

Mr. Berger: It could be just the reverse is true also. It could be somebody applies for something and he could be turned down by one member of the Board. And this is what I'm concerned with.

Mr. Chairman: Mrs. Watson.

Mrs. Watson: I think he's made a good point. He could apply, be turned down by one member and he can't apply again for another year under our legislation. But I think your drafting — couldn't your drafting accommodate your — you're completely contradicting yourself. You say, "there shall be three" and then you say "where there is only one". So your drafting certainly could accommodate the situation and even accommodate the situation that the Member from Klondike's referring to. A one man Board shouldn't hear an application for a licence, should they? One man?

Mr. Legal Advisor: It depends what the application is for. It may be a routine thing and the Board may have to act as a Board. It may be in some matter which has not been delegated under the general mandate, but I think it would be unheard of for the Board to hold hearing and refuse somebody's application acting as a single member. It would be put off until the appointments came through.

Mr. Chairman: I think the points the Members are trying to make, Mr. Legal Advisor, from you they're trying to get the information that it is possible that it could happen, one member ..

Mr. Legal Advisor: Yes, it could happen.

Mr. Chairman: It could do that.

Mr. Legal Advisor: Yes, it could happen.

Mr. Chairman: Mr. Gillespie?

Mr. Gillespie: Mr. Chairman, we're taking the words, or examining the need for the words "thereof" in both subsections (7) and (8) and while we are doing that, we can examine this whole issue at the same time and then return.

Mr. Chairman: Very well. The Committee will ..

Mrs. Watson: In connection with what?

Mr. Gillespie: With regard to the inconsistency, or the apparent inconsistency between subsection (7) and subsection (2).

Some Members: Agreed.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Yes, Mr. Chairman, just before we leave Section 3, I'm reminded of the problem or the suggestion that I believe was made here this morning, prior to our noon rising, and that is that there ought to be on the Board, a representative perhaps of the Hotel-Motel Association, and I've had this one kicked around for quite some time.

Apparently, this is the case in either British Columbia or Alberta, I'm not sure which, and on the Board there sits a representative of the Hotel-Motel Association and

I would like to see consideration given in Section 3 for the direction that this be done in this case.

I feel that these are people who represent the industry, they live with the problems of dispensing alcoholic beverages through cocktail taverns and the various licences and I think that they can make great contributions to the Board. Obviously, they wouldn't be in the majority by having one representative on the Board, and so I wouldn't think that they could do any nefarious thing.

I feel that it's well worthy of consideration and of course I raise it now because it relates to Section 5, where you're saying that no member shall be directly or indirectly interested or engaged in any business or undertaking dealing in liquor and I think the two sections are now related, and I think that this — I would like to hear some views from perhaps Mr. Gillespie, Mr. Chairman, as to the thoughts of the administration in this case.

Mr. Chairman: Mr. Gillespie?

Mr. Gillespie: Mr. Chairman, at the moment, one of the members of our existing Board has something like 17 years of experience as a hotel operator, and I think in the normal course of events, we would attempt to get somebody with that kind of background.

I think we would avoid though, getting a direct member of the Hotel-Motel Association, who has a vested interest in the outcome of the Board's proceedings, and therefore couldn't be entirely objective.

If we were going to have a member of the Hotel-Motel Association, I think we would also be obliged to have members from various other interest groups, such as Alcoholics Anonymous, the churches and so on. The Board would be large and it would not be workable under those circumstances.

I think if we go out of our way, which we have done in the past, to ensure that there is a balance of understanding of the problems among the members that we do select for the Board, then we can best achieve the purpose that the Honourable Member is seeking.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Well, Mr. Chairman, I wasn't suggesting that we just appoint one of the local hotelmen to the Board. I was suggesting that the appointment, of course, be made by the Commissioner in the normal ways as outlined in Section 3, but this appointment of one of those positions be at the recommendation of the Hotel-Motel Association.

This doesn't mean that the person is necessarily currently operating a hotel.

Mr. Gillespie: Mr. Chairman, there is nothing to prevent the Commissioner from seeking the views of the Hotel-Motel Association, in selecting an individual, but I would not want to see this required by legislation.

Mr. Chairman: Mr. Fleming?

Mr. Fleming: Mr. Chairman, I was just about to rise, I don't agree with the Honourable Member from Watson in the sense of anybody being on a Board now

where it's only three members. However, I think my question has been answered, more or less, by the witness, but I cannot agree unless the Board has at least five members, that anybody with any interest might be on it at all.

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, those are the comments I was about to make. I would consider it an untenable position if anybody actively engaged in the hotel business to be a member of that Board in view of the conflict of interest it would face him at every session. He would become a tool of the industry, who are certainly doing a very effective job now of getting their views across to the Government.

They have ways of lobbying, and ways of expressing their opinions, and they are always heard. I don't see how you could possibly have anyone actively engaged in the liquor business on that Board.

Mr. Chairman: I now call Committee to order.

We have now gone through three clauses and they've all had to be stood over, so we will have a recess and hope to progress more rapidly thereafter.

(RECESS)

Mr. Chairman: I now call this Committee to order.
Clause 4:

(Reads Clause 4)

Mr. Chairman: Is there any reason why it's "his or their" rather than "his, hers or their", Mr. Legal Advisor?

Mr. Legal Advisor: It's not the custom, Mr. Chairman.

Mr. Chairman: Any debate on Clause 4?
Mr. Fleming?

Mr. Fleming: Is there no appeal by anybody that they have taken against at all, or whatsoever in this case?

Mr. Chairman: I think there is an appeal system set up later ..

Mr. Legal Advisor: On its own, Mr. Chairman.

Mr. Chairman: Shall Clause 4 carry?

Some Members: Agreed.

Mr. Chairman: Mr. Berger?

Mr. Berger: I was just wondering if we could change the custom.

Mr. Chairman: Clause 5:

(Reads Clause 5)

Mr. Taylor?

Hon. Mr. Taylor: Yes, Mr. Chairman, in Section 5, we are stating that no member shall be directly or indirectly interested or engaged in any business or undertaking dealing in liquor.

Inasmuch as probably the Government of the Yukon Territory is in the liquor business in the biggest way in the Territory, does this of course mean that no employee of the Government of the Territory may be entitled to serve on the Board.?

Mr. Legal Advisor: Mr. Chairman, it's not envisaged that it will be Government employees that will be on this Board.

Hon. Mr. Taylor: Mr. Chairman, with all respect, if you go by Section 6(1), you are saying that you know, inasmuch as the Government of the Yukon Territory is in the liquor business, that would not they be excluded from membership on the Board, or ought not they be?

Mr. Legal Advisor: Consideration wasn't given to the point, Mr. Chairman. It was dealing with, we were thinking in terms of outside people and then forbidding them to be engaged in the liquor business. It wasn't drafted with the intention of dealing with civil servants.

Hon. Mr. Taylor: But with due respect, Mr. Chairman, that's exactly what it says. It says that if anybody who is indirectly interested in the business of liquor, then they can't be members of the Board, and certainly any employee of the Government, the Government is in the liquor business, why shouldn't they be excluded?

Mr. Legal Advisor: It's a policy point, Mr. Chairman. I really can't deal with it, except just to say that the policy that this draft reproduces is forbidding people to be involved in the liquor trade who are members of the Board.

A civil servant could interiorly be appointed, I think, but it wasn't the Government's intention to appoint civil servants to be members of this Board.

Mr. Gillespie: Mr. Chairman?

Mr. Chairman: Mr. Gillespie?

Mr. Gillespie: I believe this would exclude, as I understand this Section, it would exclude any member of the Liquor Corporation, any civil servant working for that Corporation, from being a member, but would not exclude other civil servants outside of the Corporation from being a member.

Hon. Mr. Taylor: What a pity.

Mr. Chairman: Powers and Duties of the Corporation. Clause 7(1):

(Reads Clause 7)

Clause 8(1)

(Reads Clause 8)

Mr. Taylor?

Hon. Mr. Taylor: Yes, Mr. Chairman. Under the powers of the Corporation, would the — within the context of the Ordinance, would the Corporation have the right to issue permits for the consumption and perhaps sale and consumption of liquor, in public places such as — I'll cite you an example, perhaps.

Simpson Lake, where they have a first of July celebration and the community of Watson Lake and the area sometimes go there, and at one time it was suggested that they have a beer garden, or an area set aside in the campgrounds where beer could be sold and consumed, where of course bottles are under control, people can't wander out of this area, they have to consume at that point.

Now, would the Board have the right to issue licences for that type of function?

Mr. Legal Advisor: Yes, Mr. Chairman, it would be a permit rather than a licence, but it would have that power, and has used this power for similar purposes on occasion.

Hon. Mr. Taylor: Thank you, Mr. Chairman.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, there are various sections of this section that I would like to question, but I'll start out with (a). "Establish and operate liquor stores and warehouses".

Now, are they going to & are we giving them the authority to determine the policies for establishing liquor stores, or will be outlining the policy in the Ordinance and regulations and ask them to follow it, and I am concerned because we are silent in the Liquor Ordinance, on liquor stores, establishment or even closing down of liquor stores, and I am very concerned that by the fact that we are silent in our legislation, that we are giving them the right under (a), to determine where a liquor store will go, or if they are going to open one up, close one down and so on.

I think one thing before we leave this piece of legislation, before we finalize it, I think we should come forward with some determination about how we are going to provide liquor store outlets in some of these communities that don't have them, and the Member from Hootalinqua was bringing this up time after time.

I have areas in my constituency just because there is no liquor store, these people have to pay more, a dollar and a quarter more, for a bottle of liquor. They have to pay more for beer than any other resident of the Yukon Territory who happens to be lucky enough to live where there is a liquor store and that is a discriminatory policy on the part of the Territorial Government, and we should be correcting it and giving direction in the legislation, and not, and I don't want the Liquor Corporation to have the authority to determine the policy when a liquor store should be established, opened or closed.

We should give the guidelines in here, and e them.

Mr. Legal Advisor: Mr. Chairman, the opening words of this section were deliberately designed to pro-

duce a particular element of government policy in this Ordinance. The decision had to be taken whether the policy will be created by the Board or — and then defended by the Board in a non-government way — or whether the policy will be created by the government itself, and the Board will be the people who will administer the policy.

So the opening words, "Subject to this Ordinance and the regulations" transfer the power effectively to the Executive Committee to establish those regulations.

Mrs. Watson: Right.

Mr. Chairman: Mr. Gillespie?

Mr. Gillespie: Mr. Chairman, in addition to that, with regard to the specific question about whether an outlet should be opened or closed, this is fundamentally a budget, a capital budget and an operating budget question for the government to decide.

The Board itself does not set its own capital budget. That is left for the government to do, so the government has absolute control regarding the opening of new establishments, not the Board.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, but the Board may want to go to other means of establishing, they may want to rent facilities from some private enterprise, and because we are silent — and I don't think that we should leave it to the regulations as the Legal Advisor — I think we should have some direction in our legislation, because we don't say anything about establishing new liquor stores or closing down.

Now, if perchance the liquor store lost money for two years, would we want the Corporation to close it down? Would we want to give them that authority, and we don't say anything, but because of the fact we're not saying anything, we are giving it to them, and I don't want to give our policy and regulations. I want a policy in legislation.

Mr. Chairman: Mr. McKinnon?

Hon. Mr. McKinnon: Mr. Chairman, the speech that the Honourable Member from Kluane made, I made the same speech in Executive Committee exactly, and it was on the insistence of the elected Members that 8(1) shows as it is, rather than what was determined by the original proponents of the creation of the Liquor Corporation.

I find it impossible to deal with every element of the policy of liquor in a Liquor Ordinance. I don't think that we have enough paper to print every eventuality of policy within a Liquor Ordinance, and I think that all we can do is give the broad and general outlines in Ordinance, and of course get down to the specifics in regulation.

The regulations that are made, which are guidelines to the Liquor Corporation, will be, of course, capable of being changed by a majority vote in this House, and also will be approved by the Executive Committee prior to the regulations being proclaimed by the Commissioner.

There is no way that the elected Members on the

Executive Committee, and the Members of this House, are going to allow the policy-making decision concerning liquor away from the elected Members of the Assembly, and there was quite some debate over the very issue that the Honourable Member raises, and it wasn't until after some quite lengthy discussions that the powers and duties of the Corporation, as they appear in this Liquor Ordinance, appear in this manner. That subject to the Ordinance and regulations, which are very clear, very clear, that the elected Members of the Assembly don't want to have the policy-making decisions eroded from them in this very important and politically sensitive area but they are also going to make sure that those policy decisions are made by the elected Members.

In fact, it would be a lot easier, which was pointed out in counter argument, to give the policy decision-making away as some provinces have to the Board, and the elected Members on the Executive Committee held that that wasn't what we were in the political arena for and we could stand up and defend, and we would also be bringing any policy decisions concerning the matter of liquor into the political arena, and that's where it's going to stay.

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, further to that, I think it would be very interesting to this House to hear the views of Members on the subject of whether or not there should be more liquor stores operated by the government in more settlements throughout the Yukon.

I would be very interested, Mr. Chairman, and I'm sure that the Executive Committee Member responsible for that department would be very interested, in hearing how you would assess the need for a liquor store; whether you would base it on the population, or the distance from the nearest government outlet, and so on and so on.

Would you make it operate and meet its costs, as we have other Crown Corporations now finding themselves in a very uncomfortable position? Would you subsidize the sale of liquor in small communities? Just how would you handle the situation, if you made it available, for example, to a community upon presentation of a Petition; would it have to be 15 names or more, as for a school? How do you govern this?

I might point out to the Honourable Members that if our alcoholism education program continues to be successful, as it shows every sign of doing, your overall liquor sales will continue to drop, as they are already, in gallonage and dollar value, and how would you handle a store which was not even paying the cost of the employee who ran it?

I think perhaps all Members would appreciate hearing some debate of this point.

Mr. Berger: Yes, Mr. Chairman. I think there's one thing missing in Section 8; there's one particular section and I think it should be added at the end that, by taking on the responsibility of dispersing liquor, we also, the responsibility should be of pointing out to the public that health hazard of liquor to the public. I think we have a good example of this in cigarettes. Each package has to be signed and the warning made to the public what the cigarettes can do to you and I think it

should be up to the Liquor Board here, Liquor Commission, to come out with this warning, because they're making the money, they are the ones raking in the profits throughout the Territory. They should be made responsible that they point out to the public the possible health hazards of consuming alcohol.

To answer the Honourable Member of Health and Welfare who had a question pointing out where the liquor stores were, I have two communities in my constituency and it's Carmacks and Pelly, and all that she needs to do is follow the trails of beer bottles — she is eventually going to end up in the community of Pelly. I think that this is one of the main reasons why there should be a community liquor store and this, the liquor store could be licensed at the present grocery outlet. It could be licensed out at the garage outlet, but some responsible person takes on the sale of alcohol, of liquor, in the community.

I think it could be quite easily done, such as issuing the licence and that the store selling the liquor could get a reduction of, say, maybe ten percent a bottle or ten percent a case of beer to cover his expense of selling the liquor. I think this could be quite easily accomplished this way.

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: It's fine, Mr. Chairman, thank you.

Mr. Chairman: Ms. Millard?

Ms. Millard: I'm really interested in several things that have come up lately and I'd like to sort of just put them all out right now.

I think that that's the one thing I would like to see: the communities decide whether or not a liquor store should be there. It's the one thing that I think they can decide wisely and they should be able to, particularly speaking for Old Crow. That could be part of this Legislation.

I'm interested in knowing how much of a change in manpower and the cost to the liquor corporation to us as people paying for it, just how much of a change is this going to be? Is there a change in manpower by setting up the corporation?

Also, I'm interested in knowing how much control is the corporation going to have over advertising. It doesn't state here how much control they can have. Can they eliminate the advertising of liquor altogether?

Mr. Chairman: There will be no additional cost of establishing this corporation over those that are currently incurred. The same numbers of people, unless, that is, we were to increase the numbers of members on the Board from three to five, for example, then there would be that incremental cost.

In terms of the operation of the liquor corporation, there would be no additional cost.

Oh, and in — sorry — in regard to advertising; this is now by regulation at the moment. We have a fairly good control over advertising, the same manner as is exercised in the provinces and this would carry on in the same way under the Board.

Mr. Chairman: Mr. Fleming?

Mr. Fleming: Yes, Mr. Chairman, I'm very interested to hear about the advertising, but I don't know why we have to advertise liquor at all. There's no need to advertise liquor, certainly. However, my point in standing up was to — on the liquor sales and the building of liquor warehouses and liquor stores in the Territory — I, for one, just don't know why small towns cannot have a liquor outlet that is legalized and there is no way for an owner to get around it and, say, where you have to have a sandwich with our beer and we can't define the sandwich or we have to have a restaurant and we can't define a restaurant and what they should sell or anything else, but one licence and that is to sell liquor.

I would venture to say that a liquor store such as Watson Lake has, or something, will not be built possibly in Teslin for a long time and I can understand it; it couldn't be built there because it costs a lot of money.

I would take it that at least \$100,000.00 wouldn't look at the project and yet that \$100,000.00 that could be spent on that liquor store could be well spent in the wages of a person in a town of approximately three to four years of operation without that enormous liquor store, given to a private person with a licence to handle liquor.

As the Honourable Member from Dawson has said, they could, instead of bootlegging at their dollar and a quarter as they've been doing for the last few years, give that person ten percent or so, which is all he's making now, and he would have a viable business in many places in the Territory.

In my own constituency in Teslin, and I believe that looking into the situation I'm sure that Carcross would do the same thing, you can still have our outlets and our hours kept to maybe the restaurant hours and so forth. They can be there for the public at night when they need a bottle of liquor, but also I see no reason why any one person in a town can't be given a licence and operate that liquor store on his own. As I say, for the building of a liquor store, he could operate for many, many, many years and make a very good living, even without the ten percent, if they just gave him the money they'd spend on a store.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, it's very interesting, the government is in the business of selling liquor; they have the franchise in the Yukon Territory. Wouldn't it be beautiful for any other business to get a franchise, and they only have to have outlets where it's profitable to have outlets, and they don't have to have outlets where it isn't profitable, and that is exactly what we are letting our government do.

Where it is profitable to have a liquor store, they'll have one; where it is not going to be profitable, they are not going to have one, and they are not going to let anyone else sell it, and that's precisely what they're doing.

I think we're getting carried away; the implications and all the debates and talks seem to be that everyone who buys liquor or drinks liquor is either a drunk or an alcoholic or isn't taking care of his children, or beats his wife, or something like this. But 95, 99 percent of the people who buy liquor don't fall into this category, and why should people in a community where there isn't a liquor store have to pay more for a case of beer on a hot

summer day than I do because I happen to live in a place where there is a liquor store?

I think we have to come forward with a general policy in the Ordinance; the regulation's fine. I'll leave them to the Executive Committee and I'll read them when they're finished, but I want a general statement of policy in this legislation. This is our opportunity to ensure that every community in the Territory will be able to buy liquor or beer from a government outlet, and that they'll all pay one standard price.

I think that the Honourable Member from Klondike made a very good point. All you have to do is follow the trail of the beer bottles, and sometimes drinking and driving while you're drinking because there isn't a liquor store, because they drive fifty miles or a hundred miles to the liquor store, does create a lot of people driving when they shouldn't be driving. Put the liquor store, the outlet, in their community. Don't put it under, as the Honourable Member from Hootalinqua says, don't make them pretend and put it under a restaurant licence or this type of thing; give every community a liquor store outlet.

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, the Honourable Member has just answered the question I was rising to ask. Is the Honourable Member saying to this House that every community in the Yukon should now have a government liquor store?

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, if — I think the Honourable Member from Ogilvie has made a good point too, if they so want it.

Now, if Old Crow does not want a liquor store, there's no way they should have to have it, but this is something that could be at the decision of the local people because it doesn't affect any other community, it doesn't affect any other law, and if there's an application for it signed by a majority of the residents in the area, but you would have to have so many people on the petition, so that you can't have a community of 15 or 20 people asking for a liquor store.

I think that in this direction we should be looking for a general policy.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Yes, Mr. Chairman, this is a subject that generally has arisen, oh, on several occasions in my experience in dealing with the Liquor Ordinance in the House, and that is whether or not it would be a good policy for the Government of the Yukon Territory to go out of the liquor store business as such, but simply handle the warehousing of liquor and turn the dispensing at the liquor store level over to private enterprise, much in the same way, perhaps, as is the case in Alaska, and thereby reducing the capital expenditures of government in the construction of facilities.

Now, if you followed that point of thinking, you could find that you could perhaps have outlets in all communities anywhere in the Yukon, where one was desired, whether it was 15 people, 150 or 1,500 people.

We have now made possible the provision for off-premises sales for restaurants along the Alaska Highway and places, which is good, because the Liquor Ordinance was so rigorous that it wouldn't permit little lounges in some of these small stopping places, unless you virtually rebuilt your lodge to accommodate all the inspectors and requirements of other Acts.

It seems to me that the time has now come when we should once again make the attempt to put beer and wine in grocery stores. We tried that quite a while ago, and I believe it was Old Crow, someone said, well in government we've had a meeting of the welfare and the police and all the people involved, and if we put beer and wine in grocery stores in the Yukon, that means Old Crow and the trader there, he's going to be able to put it in there, and we don't want any booze in Old Crow, so nobody in the Yukon can have it.

I found that extremely offensive, to hold up — deny the rest of the balance of the people of the Yukon a privilege because Old Crow maybe didn't want to have booze in their grocery store.

Now, I think this is the time that we should open this thing up, make liquor available to those who want to buy it, and make off-premise permits or licences available. This is where you're going to get around the question of building liquor stores.

It doesn't satisfy though, I don't think, the question raised by the Honourable Member from Kluane and Hootalinqua, that the people are paying a dollar and a quarter more for a bottle of spirits than the person lucky enough to live by the liquor store. But perhaps some formula could be arrived at where this could be accomplished, and where the private enterprise system would prevail.

I only leave you with those thoughts as my thinking on the subject. I think that we should try this avenue instead of talking about building and demanding great capital facilities in small communities, and let private enterprise do it.

Mr. Chairman: Mr. Berger?

Mr. Berger: Thank you, Mr. Chairman.

The Honourable Member from Kluane said that the debate is turning around the wrong thing, that it implies that people are beating up their children because of alcohol and so forth, and that percentage is very low.

I think she's wrong. I think what she is referring to is the alcoholics and what I'm talking about is the alcohol problem. There is a large percentage of people in the Territory who have alcohol problems, even if they are not recognized as alcoholics, and those are the people I'm concerned with, and I don't know if I'm in order right now, Mr. Chairman, but I would like to move a Motion to add another section to Section 8, that the Liquor Corporation shall also be responsible to point out the health hazards of alcohol to the public.

Mr. Chairman: Is that a Motion, Mr. Berger?

Mr. Berger: Yes, Mr. Chairman.

Mr. Chairman: Could I have that, Mr. Berger, please?

Mr. Lengerke: While the Honourable Member is making up his Motion, I have to rise in support of him. I was going to suggest something that we add in, something to the effect that it would and should be a responsibility of the Commission to advise the public of the adverse conditions inherent in the use of alcohol.

In other words, really what I'm saying is that there should be some kind of a notification on every bottle of booze that's sold in the Territory, something like they do with cigarettes. I think that might lead to something rather interesting, and I would support the Member on that particular idea and I hope he comes up with a fairly decent Motion on it that I can support him on.

Mr. Chairman: Mr. Lang?

Hon. Mr. Lang: Mr. Chairman, I would like to ask a question of the witness in relation to this Motion that's being proposed. As you know, we get our liquor from outside distilleries and this type of thing.

Would they abide by such a piece of legislation? It's my understanding also, I would like to be corrected if I'm wrong, it's my understanding that the Federal Government largely has control of the advertising in the area of liquor, is that not correct?

Mr. Gillespie: Mr. Chairman, I can't be precise in answer to Mr. Lang's question regarding the Federal control, but they do have some control over the advertising and the labelling of products.

In answer to the first part of your question, Mr. Lang's question though, I doubt very much that the liquor corporations would change their labels to suit the Yukon Territory.

If we were going to go along with this proposal, and I certainly see the merits in it, we would have to add individually, bottle by bottle, a little notification on that bottle which is a practical solution to a very real problem.

Mr. Chairman: It has been moved by Mr. Berger, that the Liquor Corporation shall be responsible to point out the health hazard of consuming alcohol to the public. Is there a seconder?

Hon. Mr. Taylor: A point of order, Mr. Chairman. I'm wondering if the intent of the Motion, or the mover of the Motion would be that it could well be out of order if it involves the expenditure of public funds.

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Yes, Mr. Chairman, I'm quite sympathetic with the intent of this Motion, I consider the Honourable Member from Watson Lake also has a point there regarding the wording.

I would like to draw the attention of all Members of this House to the fact that the Federal Minister of Health, Mr. Lalonde, has been launching a little later than we did, ladies and gentlemen, but has finally launched a program regarding the advertising of alcohol in their national program of education on alcoholism, and he was looking for support from every part of Canada, and we rarely give him any, Mr. Chairman. I think it might be a very good thing indeed if we

supported his efforts in this particular area, pointing out that if the Federal Government required the distillers to label their products, as they do the manufacturers of tobacco, this would help accomplish the objective of this Motion, at no expense to this Government.

We would also be making Brownie points, Mr. Chairman.

Mr. Chairman: Mr. Berger?

Mr. Berger: Yes, Mr. Chairman.

Mr. Gillespie was saying that we may end up labelling the bottles ourselves. I don't think there's a danger of this, because I think he's well aware, better than I am and better than a lot of Members in this House, of how much alcohol is consumed in this Territory, and I think if the breweries or distillers in Canada want our business, under our laws, I think they would have to follow our laws. I'm quite sure they wouldn't turn a good business like the Yukon Territory away from them just because of a silly little label.

Mr. Chairman: I think probably the Motion is out of order, perhaps you could put it in, phrase it so that you are giving instruction to the Executive Committee of your wishes along that line.

Mrs. Watson: Mr. Chairman, I don't really think this motion is out of order. It isn't a money motion. The Commissioner has already introduced, by message, the legislation. All he's doing is amending the legislation and adding this section and it has been introduced by a special Speech from the Throne by the Commissioner, so it is not a money motion that is out of order.

Mr. Chairman: But it does implement the use of more funds to advertise in this manner.

Mrs. Watson: Mr. Chairman, we are not prohibited from amending a message that was already contained from the Speech from the Throne under the Yukon Act.

Mr. Chairman: This is initiating more money expenditures.

Mrs. Watson: Mr. Chairman, he is amending Section 8, by adding a new section. His motion would add a new section.

Really, I don't think that it can be considered. I think we get frightened, but we can't do this because it is a money bill, it's a money motion. A lot of things that we can do that we're afraid to do. I'd say let Mr. Berger's motion go through. You know, vote on it. It is not a money motion.

Mr. Chairman: Mr. Taylor.

Hon. Mr. Taylor: Mr. Chairman, perhaps it might clear the matter up for the Honourable Member that, take a budget brought into this House is brought in by word of the Commissioner, but no Member is competent to say, well, we'll — you're competent to say we'll take \$50,000 out of this section but you're not competent to say to put it, where you're going to replace it in the budget. In other words, you can take away from a

budget, but you can't institute any expenditure in any legislation in this Territory without having first received word from the Commissioner.

In this case, the motion, it's unfortunate we don't have these things before us to study them. When a motion comes out of the blue like that, it's hard to decide whether it is in order or out of order. But, I would assume if the motion makes no, specifically no provision for the involvement of public funds, then it would be in order, but if the motion infers that, for instance, that we are now to label bottles or do something like this which does involve the expenditure of public funds, then it would certainly be out of order. It just depends on how it's worded.

Mr. Chairman: In that case then, the motion probably is in order because it only advises the Government that they should point out the health hazards of consuming alcohol. So I'll ..

Mrs. Watson: I wish the Honourable Member would show me the section in the Yukon Act which even has, you know, has any, anything to do with this. With the motion. The motion asks something to be done. It doesn't say to spend the money and it's amending something that is already has been brought in by a message by the Commissioner.

Mr. Chairman: I don't think you're quite accurate, Mrs. Watson, but I will allow the motion because it is not worded in such a way that it necessarily requires the expenditure of money. It merely is an advice to the Government.

The motion reads — the Liquor Corporation shall be responsible to point out the health hazards of consuming alcohol to the public.

Mr. McKinnon?

Hon. Mr. McKinnon: The only thing that I hadn't been confused on up to this point in time was that all Members seemed to indicate that they wanted policy matters concerning the Liquor Ordinance set down by the duly elected Members of the people of the Yukon.

Now it seems to me, by this motion, that we're swapping this responsibility and putting it in the hands of the members of the Liquor Corporation. All the programs that have been done to this point in time in trying to curb the epidemic proportions of the use of alcohol in Yukon, have been deliberate policy attempts by elected Members of this Legislative Assembly, and all the money that has gone towards those programs have been voted in budget sessions by the Members of this Assembly.

Now my Honourable colleague can tell you exactly the extent of the program upon which she has embarked the Government of the Yukon as a policy decision, because all Members were unanimous in their agreement that, as a policy and as a principle, that we had to do something about the abuse of alcohol in Yukon.

Now it seems to me, when we at least had the courage to do this and put our money where our mouth is, and provide money in the budget for it, we now want, not any longer to have the responsibility for these principles and policies but to sluff them off into the hands of a Liquor Corporation. Mr. Chairman, I say that we have the responsibility of the House, that we shouldn't be hiding a

Liquor Corporation to attempt to do our dirty work for us, that we know there is a problem and we should be setting the policies and voting the monies here, not by a Corporation to do exactly that.

And the other thing that has really confused me, my colleague, the Minister of Health, kept running into my office with petitions and with letters that she had received and motions that were passed by various organizations about the abuse of liquor in Yukon and what they felt could be done in an attempt to try and curb what her alcoholism people tell her is abuse of liquor at an epidemic proportion in the Yukon. And I agree with her.

All I have heard this afternoon so far is we're not lax enough, let's go out and build a liquor store in every Yukon community now. Let's get beer and wine, booze on the shelves in the grocery stores in the Yukon now and let's for God's sake, let's make sure that the police, the R.C.M.P. don't have the powers of liquor inspectors in enforcing the terms of the Liquor Ordinance.

I think we're running scared at the present moment, Mr. Chairman, and everything I've seen so far this afternoon would prove that and, certainly, the one thing that we can't allow ourselves to do is to realize that the problem is there — it's hitting us over the head every day and now that we've established a Yukon Liquor Board and the elected members fought so hard to keep the policy in the hands of the elected Members, now we're going to sluff off one of our responsibilities and that is as far as attempting to come to grips with the abuse of alcohol in Yukon Territory, sluff it off to the Liquor Corporation. Mr. Chairman, I'll be voting against the motion.

Mr. Chairman: Mr. Berger?

Mr. Berger: Yes, Mr. Chairman. That was a very nice flowery speech, but it didn't tell me anything. The Honourable Member obviously wasn't listening to what I was saying.

I was complaining that we are not taking on the responsibility of alcohol problems in the Territory by making this Motion. To me, it's just another tool in the process of fighting alcoholism and the problems of alcohol, by giving the Liquor Corporation the added responsibility to also point out to the public that drinking is not safe, and it does something to your health.

The Motion did not state in it that the Federal Government all of a sudden has to stop with its alcohol prevention programs. It did not state in it that we gave up our responsibility of fighting alcoholism.

I commend the Honourable Member of Health and Welfare, of what she was doing in the past, and I hope she continues with these efforts in the future of fighting alcoholism, and as I point out, this Motion does not say to me, it's another added tool in the fight of alcohol problems in the Territory.

Mr. Chairman: Ms. Millard?

Ms. Millard: Yes, Mr. Chairman, that's about exactly what I wanted to say, was that I certainly don't feel by seconding this Motion that I'm usurping the mandate that the Alcoholism Services has, but enhancing it, and I feel that there's all kinds of methods which can be used by the Liquor Corporation, under this sec-

tion, and they can use advertising, controlling the advertising of liquor in the Territory, which won't cost them a cent.

They can put pamphlets in their stores, put out by the Alcoholism Services. I see them working in conjunction with all the other programs in the Yukon, with a mandate to, by us, from us, to acquaint the public with the dangers that are involved.

Mr. Chairman: Mr. Lengerke?

Mr. Nothing at the moment, Mr. Chairman.

Mr. Chairman: Mr. Lang?

Hon. Mr. Lang: Thank you, Mr. Chairman.

I have been waiting for a long time. First of all, I would like to say that I'm opposed to the amendments or motions at a minute's notice. I don't think everybody realizes the implications of them, and I think there should be more work done in these areas before a person presents a Motion.

I have a question for I think, I believe Mr. Thibault, and I think this is an area that nobody understands, is that it is my understanding as far as the advertising on liquor, it is under Federal jurisdiction and not Territorial jurisdiction.

Like, for example, the labelling of bottles and this type of thing is a national concern and it is not under our ability as a Territorial legislature to legislate in this manner, isn't that correct?

Mr. Thibault: Mr. Chairman, this is true. The Federal Government has the — the advertising, it's controlled by the Federal Government. C.R.T.C. also regulate under the Food and Drug Act, all the labels concerning liquor, so they do have the decision on the labelling, our label as containing alcohol.

However, this doesn't negate the provincial jurisdiction to pass regulation or to regulate their own advertising, besides the C.R.T.C.

Mr. Chairman: I'm a little confused now. My understanding is that the Territory does have considerable jurisdiction over the advertising of liquor, is that not so?

Mr. Gillespie: Yes, Mr. Chairman. The C.R.T.C. establishes certain rules and regulations with regard to labelling, but in addition to that, we have a regulation that has been passed under this Ordinance some few months ago actually, giving — requiring prior approval from the Territorial Government Liquor Control before any advertisements are issued.

So we are able, in addition to what the C.R.T.C. provide, to add our own stipulations with regard to advertising in this area.

Mrs. Watson: On the label?

Mr. Gillespie: Sorry?

Mrs. Watson: On the label?

Mr. Gillespie: Not on the label, Mr. Chairman, advertisements in newspapers, on the media and so on.

Mr. Chairman: There is a difficulty that is raised by this motion, Mr. Berger. You are posing this as 8(1)(n). Section 8(1) states:

"Subject to this Ordinance, and the regulations, the Corporation has the sole power and jurisdiction to..." and then you're suggesting they have the sole power and jurisdiction to point out the health hazards of consuming alcohol? That would mean that Mrs. Whyard's Department would have no responsibility to point out the dangers of alcohol, and consumption of alcohol.

Perhaps I would suggest that if you do have such a motion that you wish to work in in some way here, it is not consistent with this section 89 that is now being dealt with.

Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, I have every sympathy for the Honourable Member in his attempt to get the message across and if I may just refer to what I said earlier, I think the direct route, for the purpose of this motion, is to the Federal Department of Health, so that they can consider implementing this requirement nationally for us, because of the timing of their current interest in the same problem that we have and because of their recent efforts in the field of national advertising of liquor and in the field of programs which they are implementing at a cost to every taxpayer in this room.

I would suggest seriously, Mr. Chairman, that the Honourable Member consider rephrasing that motion to the direction of the national department, the Federal Department, so that we could have the full power of that Department behind the idea he has given us today.

Mr. Chairman: And then perhaps, Mr. Berger, you could bring in a different motion at some other time. It does not have to follow this clause, is that suitable?

Mr. Berger: Yes, Mr. Chairman. I wish to withdraw this motion at this time.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, I'm sure that if you brought the kind of motion that the Minister of Health referred to, I think you would get unanimous support from the House and this would be desirable.

Mr. Chairman: Mr. McIntyre?

Mr. McIntyre: Mr. Chairman, I would just like to point out that there is no legislation anywhere that prevents the Territorial Government from slapping on a warning label on a bottle of liquor.

When I was a liquor vendor, we used to put the certificates on them, yes, the tax label on them, and that's been taken over by the bottlers at no expense to the Territorial Government, and I'm sure that if we passed legislation requiring a label to be put on warning of the hazards, that they would also be prepared to put that on at the same time as they put our tax certificate on.

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, I wish to add one final comment on the subject.

At a recent conference, Federal-Provincial conference on alcohol advertising and health promotion in Ottawa, one of the points reviewed was that the Food and Drugs Act permits labelling and advertising regulations to prevent injury to the health of the consumer, and it was proposed at that conference that a health statement be carried on bottles and packages and in advertisements.

The statement now being considered is "Caution, immoderate drinking can lead to impaired health, injury and premature death", and the Chairman of that conference emphasized that the Minister is strongly committed to the adoption of a health warning, so perhaps this resolution would be very timely.

Mr. Chairman: Mr. Fleming?

Mr. Fleming: Yes, Mr. Chairman, I hope the Honourable Member from Klondike doesn't drop this. I hope he brings it in because I would like to see it in this Ordinance somewhere.

I'm very strange myself maybe, but I have a feeling we're always trying to dash away from something, we're afraid to step right out and say that that's the way it should be. The Member of Local Government, Mr. McKinnon has told us a while ago that this Ordinance is still going to be under this Assembly. We will make the rules and the laws, and then it will be administered by the Corporation.

So therefore, if we put another section into this Ordinance, it is not going to take any of that power away from us, I'm sure of that.

Mr. Chairman: I myself have some uneasiness about this power and where it lies, in the very phrasing of 8(1).

"Subject to this Ordinance and the regulations, the Corporation has the sole power and jurisdiction to..." etc. It doesn't give any — it doesn't state that the direction comes from the Assembly, comes from the Executive Committee. It merely states that the sole power and jurisdiction lies within the Corporation and I would like, despite reassurances we have been getting from the Government, I'm still not entirely satisfied that we will have that control as per that phrase.

Mr. Lang?

Hon. Mr. Lang: Well, Mr. Chairman, could you tell us which areas you're concerned about in relation to that specific section?

Mr. Chairman: I did, Mr. Lang.

Hon. Mr. Lang: All of it?

Mr. Chairman: "The Corporation has the sole power and jurisdiction", that's the phrase I was referring to.

It doesn't say that.

Hon. Mr. McKinnon: Mr. Chairman, the Ordinance could read that the Corporation has the sole power and jurisdiction to blah, blah, blah, blah. It doesn't read that way. It reads:

"Subject to this Ordinance and the regulations..."

that is where the power of the Corporation is. They can't do anything over and above what is in the Ordinance and in the regulations. If you believe, Mr. Chairman, that the elected Members have the life span of the Executive Committee Members in their hands, then of course the Legislative Assembly has the control of the liquor policy.

If you don't believe that then there's nothing that we can do to convince you.

Mr. Chairman: It says "subject to the Ordinance", not "subject to the Assembly", and there's considerable difference, once the Ordinance is passed. I don't want to belabour the point.

Mr. Lang?

Hon. Mr. Lang: Mr. Chairman, I think it should be pointed out that the Liquor Ordinance has been brought in here on the prompting of the Members of this Legislature, and I'm sure that if there was another amendment to be made, at another given point in time, I'm sure that with the prompting from the Members, we would bring it in again and in reverse, if we thought there was something wrong, we would bring it in.

Mr. Chairman: Mrs. Watson.

Mrs. Watson: Mr. Chairman, I can understand the Chairman's misgivings but also it's going to take some time before this sort of settles because it does say "subject to this Ordinance and regulations" and this is why it is so important that we make sure that the policy guidelines are in the Ordinance.

It's very, very important and we can't leave policy guidelines to be established in regulations or give the authority to the corporation. And, it's important to understand the whole legislation. For example, the next section, fixed prices at which liquor may be — that I have problems with, and yet I'm sure there is some way that it is tied into a section that I'm not aware of, because I don't want the Liquor Corporation to determine the amount of profit or, that we're going to make on the liquor that is being sold. And, so in that section I have great misgivings, but there must be some direction in this legislation of the regulations and there is probably an explanation for it.

Mr. Chairman: Mr. Gillespie.

Mr. Gillespie: Mr. Chairman, there is an explanation to the particular point raised by Mrs. Watson. In 8(1)(b), "fix the prices at which liquor may be sold in liquor stores" — this means that as the cost, landed price arrives, changes in any particular commodity, the Corporation can change the price at which it sells that same liquor at the stores, but it is bound in so doing by section 105. It's the second last page, which says that the Commissioner may make regulations fixing the policies to be carried out by the Board in establishing the prices of liquor sold by the Board.

In other words, the Government, the Executive Committee and the Government, establishes mark-up regulations, which then have to be followed by the Board. So, in fact, while it appears where the Board has power regarding price establishment, in fact the deci-

sion is made by the Government, not by the Board.

Mr. Chairman: Why doesn't it say that in 8(1)?

Mr. Gillespie: We have to give the power in 8(1), Mr. Chairman, to the Board to vary the prices in the store in accordance with the varying cost, landed prices on the particular brand.

Mr. Chairman: Subject to the Commissioner's approval.

Mr. Gillespie: Subject to the Commissioner's — well that is subject to the Commissioner's approval. Section 8(1) starts off — "subject to this Ordinance and the regulations.". Now the regulations will state that by mark-up policy and the Board will simply follow it.

Hon. Mr. McKinnon: Mr. Chairman, the fact is that there is a pricing policy in effect by regulation. If the majority of Members of this Assembly, don't like the pricing policy, it's up to that majority to change the pricing policy.

Mr. Chairman: When do we have the opportunity?

Hon. Mr. McKinnon: At any time. Any section, any regulation by majority vote can be changed and every regulation that has been made within the course of a year, has to be tabled by regulation at the next Session of the Assembly so there isn't a regulation that is proclaimed that is not only sent to Members, but also has to be tabled in this Assembly at the next Session assembled.

To try and put regulations on pricing in a Liquor Ordinance would mean that every time you wanted to change a price, you had to come and have a change to an Ordinance and call the Members of the Assembly together. There's certain things that are practically impossible, Mr. Chairman, but other things just have to be done by regulation that all Members of this Assembly have the ability to change whenever they so see fit.

Mr. Chairman: I don't think, Mr. McKinnon, that's the point under consideration at all. We're concerned about policy guidelines and how it should be laid down and it's not concerned with the regulations, it's concerned with the control that we have in the administration of this Ordinance. That's what we're concerned with.

Hon. Mr. McKinnon: Exactly, Mr. Chairman, and that's exactly what one does and why the Ordinance is before this Assembly, so this Assembly sets the policy guidelines for the Government of Yukon to follow. And if the Liquor Corporation, after those policy guidelines are set and as ordered, do not act *intra vires* of those powers that are, that they have subject to this Ordinance or the regulations, then, Mr. Chairman, I submit that they are acting *ultra vires* of their powers and be dismissed for acting in such a manner.

Mr. Chairman: Mrs. Watson.

Mrs. Watson: Mr. Chairman, I think that the wit-

nesses and the Government — that they have to be very patient with everything because it takes a while to get it to jell because section 105(1) says, "the Commissioner may make such regulations or orders as he deems necessary for the carrying out the purposes and provisions of this Ordinance" and in the past, the purposes and provisions of the Ordinance were carried out by the administration directly from the instruction of the Commissioner.

Now they're going through another channel which is the Corporation and I think a lot of us are interpreting that the Corporation will be setting the policy rather than following in the policy that is defined in the regulations. So, I hope you people and the witnesses are not impatient because it's a very different concept. In fact I have a note here that says, who makes the regulations on these?

So I wasn't getting the proper concept at all.

Mr. Chairman: Is there any further debate on Clause 8? Are there any amendments to Clause 8?
Mrs. Watson:

Mrs. Watson: The advertising you state are in the regulations. Now, I haven't gone through all the regulations, fine. Section 8(g), I have a little problem there, maybe you can explain it. "Control the conduct, operation and equipment of any premises where liquor is sold".

What kind of equipment? Are you going into the area of determining the size of tables and the kinds of chairs, this type of thing? Or is the Corporation going to?

Mr. Chairman, I realize it was in the old legislation, but just because it was in there, doesn't necessarily mean that it was good.

Mr. Gillespie: Mr. Chairman, subject to any correction Mr. Thibault may make, they would control the equipment that is used on premises, that is, whether liquor is served or is measured in shot glasses or whether it can be done by machine; numbers of chairs and so on, subject to the regulations passed by the Government.

In other words, they themselves would not determine what equipment was permissible, but having been told what equipment is permissible and under what circumstances, it is their job to ensure that those regulations are complied with.

Mrs. Watson: Mr. Chairman, that could include chairs, chairs and tables, the kinds of chairs and tables?

Mr. Legal Advisor: I don't know about what kind of chairs, but there are regulations you must have so many chairs and so many tables in certain tentative spaces and such like. These exist at the present time.

But there's no intent, as far as I'm aware, to make new regulations, given the powers here. It's just validating the existing regulations and they will be turned around and issued as orders by the Board, if necessary, but the regulations would be the same regulations.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, it's quite obvious that

I haven't read all of the regulations in detail which I must do. Going on, "Control the alcoholic content of liquor and the amount to be purchased at one time". That is something new, is it not?

Mr. Gillespie: Mr. Chairman, again this goes back to this dispensing machine. I'm sorry, no, that's not quite correct, the dispensing machine.

Previously the liquoreestablishments were only permitted to serve by a shot glass. Now the regulations I think are in the process of being examined with the idea of permitting dispensing machines, but I'm sorry I haven't answered the question.

Mr. Chairman: Mr. Berger?

Mr. Berger: Mr. Chairman, I'm getting confused again, because I think dispensing machines are used in the Territory. Is it the intent of this Ordinance now to tell an operator what kind of chair he can have on his premises, what kind of table he can have in his premises, how he can serve the liquor, through shot glasses or the machine?

Mr. Legal Advisor: All these things are done under the regulations at the moment. There are some kinds of dispensing machines which are not accurate, and therefore would not be approved as a dispensing machine.

There are dispensing machines which do not measure accurately within the correct number of ounces for sale so that a customer may be deceived. There are a number of these things, and the hotel people asked for the approval, and they asked for tests to be run on these machines for their own benefit, because above all, a liquor outlet must comply with the Weights and Measures Act, and there's a duty on the liquor inspector to check that they are in fact complying with the Weights and Measures Act.

The chairs and tables might be controlled as to number relating to the number of people who are permitted to be on the premises at one time, it's relationship and it's set largely by public health rules in relation to the number of people assembling.

Mrs. Watson: But not the kind?

Mr. Legal Advisor: Not necessarily the kind, Mr. Chairman, but cleanliness may be a factor, and certain kinds of tables may not be permitted or certain kinds of surfaces which would accumulate dust or dirt, and this would be done on the advice of the sanitary people who also have power in this area.

Mrs. Watson: Mr. Chairman, with all due respect under (h), when I read it, "Control the alcoholic content of liquor and the amount to be purchased at one time", I thought they were going to be able to tell us we can only buy one case of beer at a time. Now, you read it. You can only buy one bottle at a time, isn't that what it says?

Mr. Legal Advisor: Mr. Chairman, there may be rules laid down at some point in time as to how and in what contents the people who are in the business of distributing liquor may deal with the liquor store.

For instance, they may be told they must go to the

warehouse to purchase their commodity in bulk, rather than cluttering up the liquor store, so that a liquor outlet in, say, Haines Junction, may have to buy, if he is buying in bulk, direct from Whitehorse for delivery at the same price, rather than destroy the capacity of the liquor outlet in Haines Junction to serve them with quantities.

There are various things which happen in the administration that may require limitations, or for record-keeping purposes, they may have to go in a certain way and do things.

Now, the alcoholic content will be controlled in the relationship permitted of certain drinks have limitations on the amount of alcohol that they can have for the descriptive purposes.

Mr. Chairman: Why is that necessary to put it in there, the amount purchased at any one time? This is a logistics thing, and it has potential dangers in it, without actually being necessary to accomplish what you are suggesting.

Mr. Gillespie: Mr. Chairman, one of the problems that we have to deal with is the possibility of some operators watering down their drinks, and in this way you can ensure that — the way the regulations read right now, at least one ounce must be served, and it must contain at least a certain percentage of alcohol by volume.

Now if it's, for example, whiskey, that prevents any operator from watering down, either by serving less than an ounce or by serving liquor that is already watered down to a lesser alcohol content, and it's the regulations pursuant to this that permits us to monitor that.

Mrs. Watson: But Mr. Chairman, the drafting does not say that. You're not even implying that it's for serving liquor in licensed premises. If there was something in there to say that you're controlling the alcohol content of liquor, and the amount to be purchased at one time, the same as you did with the types of markings of glasses used for serving liquor in licensed premises, then we would have an idea. You know, then you would be getting this idea across that you're trying to prevent the watering down, you're making sure that people get, when they buy, they'll get so much alcohol in their glass and so on, but when I read it, I thought we're giving the Corporation the right to limit the amount of alcohol that one person can buy at one time. It means that you can't buy more than one bottle of rye when you go in and one case of beer, and if you read it, that's what it says.

Hon. Mr. McKinnon: Mr. Chairman, it is the standard clause in every one of the Liquor Corporation Acts that I have studied and dealt with, because I remember one time that the big game in Manitoba was that you would go in and say "Fill the table up", and that's exactly what the waiters had the ability to do, was put as much beer and booze on that table as it could possibly hold, for the greatest amount of money that he could get for the proprietor in it.

The Manitoba Liquor Commission, when they came into being, had in their regulations that they could control the amount, and the amount came that you could only have two glasses of beer at your table at one time,

and when you had finished one then you could have another one; so you could always have two, which is much more civilized and much more sane than having this massive amount of booze so you couldn't even put a package of Cheezies on the table beside you.

It's even less — the Corporation has less of an ability, it's more specific, their duties than the director presently has under the terms of the Liquor Ordinance, where the director now can control the possession, sale, consumption, transportation and delivery of liquor in the Ordinance. It's just an absolutely broad and sweeping and general as can possibly be in the Ordinance, and we were trying to make the Corporations, even though they are at arm's length from government, a little more restrictive than the director presently has control under the terms of the Ordinance.

It's less general than the director presently has, than the Corporation will have in the future, and the same regulations that are presently in effect, the control and authority of them, will just be transferred from the present director, which is now in effect, to the Corporation, and the same type of control, the Commissioner signing any change in regulations, will be before the Executive Committee the same as regulations which the director presently wants to make, have to come before the appropriate ExCom Member and the Executive Committee.

So, their powers are not as broad as the present director's, and we haven't found him to have abused the regulating-making power. In fact, we have watched him pretty closely when there is regulations coming or affecting liquor, because we are all aware of the politically sensitive nature of what is happening. Exactly the same is going to happen; it's just that the Corporation will be responsible for the regulations rather than the director which now is.

We thought that we were taking away some of the very, very broad regulatory powers of the Directors in the Corporations, and it's not nearly as general and wide open for the Corporation as the Director presently has under the Liquor Ordinance as it now stands.

Mr. Chairman: Mr. McIntyre?

Mr. McIntyre: Mr. Chairman, I think that this particular section, (h), could be clarified a little bit by ensuring that we understand that it's to control the operation of the premises of a licensed person, because it could also be construed to, that it really means it's controlling as we used to the sale of grain alcohol in a liquor store when you had to get a special permit to buy grain alcohol and you're only allowed to purchase one bottle, great stuff.

Hon. Mr. McKinnon: Mr. Chairman, the point that if, for some system, there is a war tomorrow, a rationing system comes into effect, which I understood did happen, I was not that old to remember during the Second World War, but the policy decision on rationing would be made by the political people, but the control of it, through the liquor sales, would be the responsibility of the Corporation. And that's exactly what would happen in this instance. If all of a sudden there was a massive movement of the people of the Yukon to say that liquor has gone, the abuse of it to such an extent that we

demand that political leaders put a rationing system on the amount of booze that is available for sale at the liquor store, that would be a policy decision of the political people. But, the corporation would be, have the regulations to carry that into effect and, Mr. Chairman, that is where (h) of Section 8 would come under, would be in effect.

I just, I understand the Members' fears, but I can only say that the present director has all the authority and more under the present ordinance. He hasn't abused it because he's under political control and the Corporation can't abuse because they also are going to be under political control, and they're having trouble making the change from the authority of the Director to the authority of the Corporation. But, there are not going to be any different.

Mr. Chairman: Is there any further debate on Clause 8?

Are there any amendments to Clause 8?

Mrs. Watson: Mr. Chairman, if it is possible, I would like to have (h) taken back, have a look at it and see whether, with the regulations that you have, that it could be amended to make it a little more explicit? If not, if you need it that broad, well, that's fine, but I would ask you to have a look at it.

Mr. Chairman: Is that satisfactory to Committee?

Some Members: Agreed.

Mr. Chairman: General Manager and Staff — Nine (one):

(Reads Clause 9(1))

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Yes, is a Chief Executive Officer classed as a member of the Board of Directors?

Mr. Chairman: Mr. Gillespie?

Mr. Gillespie: I'm sorry, I didn't ...

Mrs. Watson: Is the Chief Executive Officer classed as a member of the Board of Directors of the Corporation?

Mr. Gillespie: No, Mr. Chairman.

Mr. Chairman: Is there any further debate in Clause Nine?

Mrs. Watson: One further question. Does the general manager, or the Chief Executive Officers, come under the provisions of the Public Service Commission Ordinance?

Mr. Gillespie: Yes, Mr. Chairman.

Mr. Chairman: Mr. Fleming?

Mr. Fleming: I'd like a little more clarification on

this; three — "General Manager may, subject to approval by the Board, enter into arrangements with other liquor Board, Commission or similar body in a province, supply liquor to a liquor store in that province, where it is not feasible for that province to do so." Are we just speaking of just provinces, or ...

Mr. Legal Advisor: Provinces includes the expression "Territory". It might be convenient for us to supply, on behalf of the Northwest Territories, some place like Cantung, which may be easier for us to do as the agent of the NWT Corporation.

Mr. Chairman: Shall Clause Nine carry?

Some Members: Agreed.

Mr. Chairman: Property, Finance and Accounting — Ten (one):

(Reads Clause 10(1)).

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, Section 10, sub one, I think there's a section in our Liquor Tax Ordinance that doesn't completely mesh with Section 10(1). Section 4 of the Liquor Tax Ordinance which we passed in 1976, the First Session, states: "The director of liquor control shall pay the amount of the tax to the Territorial Treasurer for deposit to the credit of the Yukon Consolidated Revenue Fund and shall account in respect of the tax to the Territorial Treasurer as required." I believe, Mr. Chairman, there will have to be some amendments to Section 4 of the Liquor Tax Ordinance to mesh what you're trying to do in 10(1). Am I correct Mr. Legal Advisor?

Mr. Legal Advisor: Yes, Mr. Chairman.

Mr. Chairman: Is that an undertaking that the administration will take?

Mr. Legal Advisor: Mr. Chairman, I don't know exactly what will be done.

Mrs. Watson: Mr. Chairman, if you're going to bring the Liquor Ordinance amendment in, you're going to have to have that amendment under the Liquor Tax Ordinance, I believe. We don't have a liquor director any more.

Mr. Gillespie: Mr. Chairman, it would certainly be untidy to keep the two Ordinances the way they read now, in view of what Mrs. Watson has pointed out, but without having seen the particular section that has been read out it seems to me possible that we could live with the two sections for an interim period until we have a chance to bring in the amendment to the Liquor Tax Ordinance, because the taxes, according to the Section under the Liquor Tax Ordinance, are required to be deposited with the Yukon Consolidated Revenue Fund, and although it's untidy I think we can live with it until we have a chance to change it.

Mrs. Watson: But, Mr. Chairman, you're saying all money received from the sale of liquor, which would include your tax, is — shall be deposited to the credit of a special account known as the Liquor Corporation Account. So you feel that you could, you know, and then go into the Yukon Consolidated, you could sort of go by one, not the other?

Well, I don't know; I think it's worth looking at.

Mr. Gillespie: I agree, Mr. Chairman, it is worth looking at.

Mrs. Watson: There's a typographical error too, in sub (three): "From and out of the Liquor Corporation Account" — "the 'Liquor account'" was the terminology used before. You want "Liquor Corporation Account", I believe.

Mr. Chairman: So noted, Mrs. Watson.

Is there any further debate on Clause Ten? Shall Clause Ten carry?

Mrs. Watson: Mr. Chairman, one further question. On the rental of lands, buildings and equipment, I believe every Department now pays a rental, a certain square footage rental, and the Liquor Corporation Board will undertake to pay their rental at that government set amount for their liquor stores.

Is that how you're going to operate it, because the Liquor Corporation won't own the building, will it?

Mr. Gillespie: That's correct. In Watson Lake and various other places, we rent space as do all other government departments using that building, and this is the practice that will be continued.

Mr. Chairman: Shall Clause Ten carry?

Some Members: Agreed.

Mr. Chairman: Eleven (one):

(Reads Clause 5.11)

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, in the other — in the old legislation, the transfer was made quarterly, and therefore the adjustment was made in the final quarter of each fiscal year.

The transfer of funds were made quarterly from the Liquor Board, from the Liquor Fund to the Consolidated.

Now, you are proposing that the transfer be made at the beginning of each month of the fiscal year, and yet you're providing for the adjustment to be made in the final quarter of each fiscal year. I don't know whether you planned it that way, or whether you meant in the final month.

It could be taken as a typographical error if you ... I'm referring to the old 14, sub (1), (2) and (3).

Mr. Gillespie: I think that Mrs. Watson may have a very valid point here, and I would like if I may to take this out and examine it again.

Mr. Chairman: Very well. Clause 11 will be stood over.

Mr. Chairman: Twelve (1):

(Reads Clause 5(12))

Mr. McIntyre?

Mr. McIntyre: Mr. Chairman, is there any reason for using two different terms for the same thing, "fiscal year" and "financial year", or are they two different things?

Mr. Gillespie: No, Mr. Chairman, they're the same thing. The fiscal year is the financial year.

Mr. McIntyre: Well why not use the same term, Mr. Chairman, in each case, instead of confusing us with a choice of two.

Mr. Gillespie: Mr. Chairman, is it correct that financial year only appears in (b) sub (iii), because we would change that to fiscal year and consider it a typographical error.

Mr. Chairman: Financial year is in (ii) and (iii).

Mr. Gillespie: To (ii) and (iii) yes. Mr. Chairman, that should read "fiscal year" in both cases.

Mr. Chairman: Is there any further debate on clause 12?

Shall clause 12 carry?

Some Members: Agreed.

Mr. Chairman: Clause 13(1):

(Reads Clause 5(13))

Should this not — "prepare and submit to the Commissioner and the Territorial Treasurer an annual report". Is this not where we are looking, again, where they should submit the report so it can be tabled in the House?

Mr. Gillespie: That follows in section 15, Mr. Chairman.

Mr. Chairman: Shall clause 13 carry — oh, Mr. McIntyre.

Mr. McIntyre: Yes, Mr. Chairman, I was wondering why we have the Commissioner and the Territorial Treasurer. The report would either go to the Commissioner or the Territorial Treasurer, not to both of them. It's a duplication there that I don't think is necessary.

Mr. Gillespie: Mr. Chairman, this has to do with the way the Financial Administration Ordinance reads now where the Territorial Treasurer has power over the Corporation and we would like specifically to ensure that it goes to the Territorial Treasurer.

It's not a — it could be — it could indicate only the

Commissioner but for greater certainty it should also go to the Territorial Treasurer who is responsible for the Financial Administration of the Corporation, but it could be either way.

Mr. Chairman: Mrs. Watson?

Mrs. No.

Mr. Chairman: Shall clause 13 carry?

Some Members: Agreed.

Mr. Chairman: Clause 14(1):

(Reads Clause 5(14))

Mrs. Whyard?

Hon. Mrs. Whyard: Before the Honourable Member from Mayo gets in ahead of me, I'm sure there is a change there indicated.

Mr. Gillespie: Mr. Chairman, that is correct, it should read: "Auditor General's".

Some Members: Clear.

Mr. Chairman: Shall clause 14 carry?

Some Members: Agreed.

Mr. Chairman: Clause 15(1):

(Reads Clause 5(15))

Shall clause 15 carry?

Some Members: Agreed.

Mr. Chairman: Clause 6:

(Reads Clause 6)

Is there any debate on clause 6? Shall clause 6 carry?

Some Members: Agreed.

Mr. Chairman: I will entertain a motion. Mr. Lengerke?

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

Mr. Chairman: Seconder?

Hon. Mr. Lang: I will second that.

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

Some Members: Some Question.

Mr. Chairman: Are you agreed?

Some Members: Agreed.

Mr. Chairman: Motion is carried.

(Motion carried)

(Mr. Speaker resumes the Chair)

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

Mr. Chairman: Mr. Speaker, Committee of the Whole considered Bill Number 5, An Ordinance to Amend the Liquor Ordinance and directed me to report progress and ask leave to sit again.

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

Some Members: Agreed.

Mr. Speaker: Before we rise this evening I would like to advise you that Wednesday, November 7th following Orders of the Day will be set aside for any additional replies to the Speech from the Throne. May I have your further pleasure at this time?

Mr. Hibberd: What is the date?

Mr. Speaker: That is Wednesday, November 17th.

Mr. Speaker: The Honourable Member from Whitehorse Riverdale.

Mr. Lengerke: Mr. Speaker, I move that we now call it 5 o'clock.

Ms. Millard: I will second that.

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 5 o'clock. Are you prepared for the question?

Some Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

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

(Motion carried)

This House now stands adjourned until 10 a.m. tomorrow morning.

(ADJOURNED)

**THE FOLLOWING LEGISLATIVE RETURNS WERE
TABLED**

76-3-8

Historic Sites Master Plan
(Oral Question - page 16)

76-3-9

Economic Activity in the Yukon
(Written Question no. 1)

THE FOLLOWING REPORTS WERE TABLED

76-3-21

Arctic Winter Games

76-3-22

Greenpeace North's Feelings re Dempster Highway

76-3-23

Yukon Housing Corporation Annual Report 1975-76

76-3-24

Policy Directive titled: Casual, Temporary and Summer Student Employees

76-3-25

Nurse/Lay Dispenser Outline of Duties

76-3-26

Electrical Inspection Branch Annual Report, year ending September 1, 1976

76-3-27

White Paper on Proposed Reconstruction of the Canadian Sections of the Haines Road and North Alaska Highway

76-3-28

An Energy Policy for Yukon

76-3-29

Motions and Replies of 1976 First Session which have not been tabled

SESSIONAL PAPER No. 76-3-27

WHITE PAPER ON

PROPOSED RECONSTRUCTION OF THE CANADIAN SECTIONS
OF THE HAINES ROAD AND NORTH ALASKA HIGHWAY

1976 (Third) Session

Mr. Speaker,
Members of the Assembly

At the 1976 First Session of the Assembly Motion Number 21 was passed as follows:

"The Yukon Legislative Assembly requests the Honourable Minister of Indian Affairs and Northern Development to make available to the Yukon Territorial Government a copy of, or details pertaining to, the Agreement between Canada and the United States of America with respect to the proposed reconstruction and paving of the Haines-Alaska Highway."

A reply received from the Minister of Indian and Northern Affairs advises that the Agreement in question is still in draft form and cannot be made available. However, the following details relative to the proposed project have been made available by the Minister for the information of Members of the Assembly.

"The 1973 United States Federal Highway Act contained a clause authorizing entry into agreement with Canada for reconstruction of the Haines Road (Canadian Section) and the Alaska Highway from Haines Junction to the Yukon/Alaska border.

After the passage of this Act, the United States asked for a preliminary meeting with officers of the appropriate Departments of the Federal Government. At that meeting, the United States representatives set forth their position to the effect that they would pay the full costs for engineering and reconstruction but would, with their own forces, do all environmental studies and engineering, and would permit Canadian contractors to bid on any work tendered. This was rejected, since Canada has the resources to do all assessments, engineering and construction. The Canadian position regarding environmental studies and engineering was subsequently accepted.

The United States felt that since it would be financing the whole project, its contractors should be allowed to bid on equal terms with Canadian contractors. This seemed reasonable, and was accepted by Canada.

One of the major issues raised at the meetings was that of Canada's sovereignty. The provision of the United States Federal Highway Act which stated that the right-of-way shall be held inviolable forever, was not acceptable to Canada. At a later meeting with the United States, a new wording regarding the right-of-way was proposed as follows:

The Canadian Government will provide, without participation of funds, all necessary right-of-way for the reconstruction of these highways.

The 1973 United States Federal Highway Act was amended in 1975 to reflect this change.

Discussions have been proceeding with the Province of British Columbia concerning the right-of-way for that part of the Haines Road in that Province."

In addition to authorizing entry into agreement with Canada the U.S. Bill authorized funds in the amount of \$58,670,000 for the reconstruction project with provisions for this amount to be expanded in accordance with provisions of section 218 of title 23 of the United States Code. The Canadian Federal Government estimates the project will cost approximately \$185,000,000 (1974 dollars) and take ten years to complete.

Senior officials of the Yukon Government are maintaining close liaison with officials in the Department of Indian Affairs and Northern Development and the Federal Department of Public Works. The Alaska-B.C.-Yukon Co-ordinating Committee also has been maintaining an interest in the discussions that have been taking place between the Federal Government and British Columbia officials with regard to the right-of-way in the B.C. section of the Haines Road.

There have been a number of complex problems associated with the release of the right-of-way and this senior level tri-partite Committee has played a very significant role in bringing about a resolution of these problems.

The Yukon Government also has representation on an Environmental Steering Committee which has been established by Public Works to undertake preliminary work on environmental assessment guidelines in relation to the proposed project. Several Federal Government Departments, as well as officials of the B.C., Alaska, and Yukon Governments and the United States Federal Highways Administration have representatives on this Intergovernmental committee.

In recent discussions, Public Works and the British Columbia Government reached mutual agreement on specific conditions associated with the release of the right-of-way and although no formal agreement has been concluded as yet, indications are that the major problems have been resolved and that an agreement respecting the right-of-way in B.C. should be signed very shortly. When the right-of-way agreement has been finalized, it is anticipated that the Canada-United States Agreement will be signed shortly thereafter and that a formal announcement regarding this major project will be made jointly by Canada and the United States. A meeting scheduled for Ottawa November 2nd between officials of the Federal Governments of Canada and United States will discuss final details and revisions to the draft agreement which could be signed by Canada and the U.S.A. early in 1977.

Following signing of the international agreement, Public Works Canada will undertake immediate consultations with the Yukon Government and plans are to be initiated by Public Works, in concert with the Yukon Government, for public meetings to be held in the highway communities along the proposed reconstruction route.

Public Works will be in charge of the reconstruction project. It is presently expected that much of the reconstruction and paving will be in the existing right-of-way. The Yukon Government will continue to be the agency responsible for maintenance of the highway following completion of the reconstruction project.

The Yukon Government will be very much involved with Canada and the United States in all phases of the project and will ensure that Members of the Assembly are kept informed.

Nov. 12, 1976
Date

Chapman
Signature

LEGISLATIVE RETURN #7
1976 (Third) Session

Mr. Speaker,
Members of the Assembly

On November 3, 1976, Mr. Lengerke asked the following question:

"In view of the slow down or depressed economic activity in Yukon due mainly to this year's strike situations and overall international and national factors: what has the Yukon Territorial Government specifically been doing to institute, implement or encourage counter measures, programs or developments? In other words, what major construction programs, mining developments, rail extensions, highway projects or other forms of economic activity are scheduled or re-scheduled for 1977, as a result of the Yukon Government's action to bolster the economy of Yukon to offset losses already incurred?"

The answer to the above question is as follows:

As all Honourable Members are now aware, this Government has had to put into effect restraint measures due to lack of funds. We are, therefore, unable with our limited funds to implement new programs or developments to stimulate Yukon's economy. We have been involved, however, in encouraging economic stimulation through such projects as the Carcross/Skagway Road, paving of the Haines Road/Alaska Highway and the reconstruction and upgrading of the first 25 miles of the Dempster Highway, etc.

We are also aware of and are monitoring rail extension, mining developments and other activities which will affect Yukon's economy.

November 10, 1976.

V. F. Miller,
Member,
Executive Committee.

LEGISLATIVE RETURN #8
1976 (THIRD) SESSION

MR. SPEAKER
MEMBERS OF THE ASSEMBLY

On November 4, 1976, Mr. Berger asked the following question:

In 1971, the Yukon Historic Sites and Monuments Board passed a Resolution asking for establishment of a Master Plan concerning historic sites in the Yukon Territory, and my question would be, was there ever such a Master plan undertaken in the Territory?

The answer to the above question is as follows:

In 1971 the Yukon Historic Sites and Monuments Board, under the regulations pursuant to the Historic Sites and Monuments Ordinance, was the body responsible for the preparation of a master plan in respect of historic sites within the Territory.

Since then the Board has requested, because of its lack of capacity and/or capability to prepare such a plan, to be established, by regulation, as an advisory body only.

The regulations are currently being amended to reflect the Board's desire.

Territorial Government policy has been established calling for the preparation of a long-range plan which would consist of:

- a comprehensive inventory of physical and factual resources
- "as found" drawings and pictures of sites and structures
- identification of those few sites and structures considered to be of such importance to require physical attention as funds permit
- identification of all historic themes relevant to a territorial historical program

Currently, capital funds of \$30,000 are identified in the 1976/77 budget for Historic Sites Development but no Operations and Maintenance funds.

Ways and means are presently being investigated for the establishment of a Historic Sites Officer position utilizing existing resources and man years. At such time as this position is established master planning will commence.

November 10, 1976

Peter J. Gillespie
Peter J. Gillespie,
Assistant Commissioner (Executive).