



The Yukon Legislative Assembly

Number 8

7th Session,

23rd Legislature

Debates & Proceedings

Tuesday, November 16, 1976

Speaker: The Honourable Donald Taylor

Erratum

Issue Number 7 dated Thursday, November 4, 1976,
should be dated: **Monday, November 15, 1976.**

Page 204, right-hand column, line 45: delete the words
"Mr. Chairman" and substitute the words "Mr. Gilles-
pie".

Whitehorse, Yukon Territory,
November 16th, 1976.

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

Madam Clerk: There is, Mr. Speaker.

Mr. Speaker: I will now call the House to order. We will proceed with Prayers.

(Prayers)

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

Hon. Mr. McKinnon: Mr. Speaker, I would like to rise on a small matter of personal privilege this morning.

As you know, Mr. Speaker, I very seldom rise to correct erroneous press reports for I think all of us would be on our feet most of the time if we did; however, there is a situation that reflects upon an officer of the House, namely yourself, Mr. Speaker.

I was quoted twice yesterday on the CBC radio station as saying that you had made a ruling that back-to-work legislation, as far as the Cyprus situation was concerned, would be *ultra vires* of this House. What I said, Mr. Speaker, is recorded accurately in the Debates and Proceedings of yesterday and I did say we already had a ruling from the Department of Justice that it would be *ultra vires* of the powers of the Yukon Legislative Assembly to order the Cyprus-Anvil workers back to work.

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

Mr. Hibberd: Mr. Speaker, I rise on a point of order regarding the Debates and Proceedings of yesterday, on Page 204. There are some remarks that are attributed to the Chairman, myself, which I would like to disown. I think they are attributable to the witness who was appearing at the time, Mr. Gillespie.

Mr. Speaker: I would also like to bring to your attention two corrections this morning. One is in the cover of yesterday's Hansard — that should read Monday, rather than Thursday. And also, last night, before the House last rose, I mentioned that the Throne Speech replies would be heard following the Orders of the Day tomorrow; in fact, these will be prior to Orders of the Day and after Routine Proceedings tomorrow.

We will now proceed to Routine Proceedings.

ROUTINE PROCEEDINGS

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

The Honourable Minister of Education?

Hon. Mr. Lang: Mr. Speaker, I have for tabling a Green Paper on Policy for Recreation Development and also the Department of Education's Annual Report pursuant to Section 16(1)(d) of the School Ordinance.

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

Are there any Introduction of Bills? The Honourable Member from Whitehorse North Centre?

INTRODUCTION AND FIRST READING OF BILLS

Hon. Mr. McKinnon: Mr. Speaker, I beg to move, seconded by the Honourable Member from Whitehorse West, for leave to introduce a Bill entitled, "Financial Administration Ordinance".

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse North Centre, seconded by the Honourable Member from Whitehorse West, for leave to introduce a Bill entitled "Financial Administration Ordinance".

Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

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

(Motion carried)

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

Hon. Mr. McKinnon: Now, Mr. Speaker, I move, seconded by the Honourable Member from Whitehorse West, that a Bill entitled "Financial Administration Ordinance" be read a first time.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse North Centre, seconded by the Honourable Member from Whitehorse West, that a Bill entitled "Financial Administration Ordinance" 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 that the Motion is carried.

(Motion carried)

Mr. Speaker: Are there any further Introduction of Bills?

Are there any Notices of Motion for the Production of Papers?

Are there any Notices of Motion or Resolution?

The Honourable Member from Hootalinqua?

NOTICES OF MOTION OR RESOLUTION

Mr. Fleming: Yes, Mr. Speaker. This morning I

would like to give notice re the costs and the policies respecting Indian education.

Mr. Speaker: The Honourable Member from Klondike?

Mr. Berger: Yes, Mr. Speaker, I would like to give Notice of Motion re labelling of bottles.

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

Mr. Hibberd: Mr. Speaker, I would like to give Notice of Motion regarding the Department of Tourism, Conservation and Information.

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

The Honourable Member from Whitehorse South Centre?

Mr. Hibberd: Mr. Speaker, I would like to give Notice of Motion regarding the report on the Arctic Winter Games.

Mr. Speaker: We will then proceed to Statements by Ministers.
The Honourable Minister of Education?

STATEMENTS BY MINISTERS

Hon. Mr. Lang: Mr. Speaker, the recreation policy that is now before you is the product of many hours of work and study. The proposed policy, I believe, is both flexible and will meet the unique needs of all Yukoners.

There are three basic principles inherent in the policy, the major change is the concept of redirecting financing to the local level on a cost shared basis to meet local recreation needs of the communities establishing their own priorities as well as making their own decisions.

Number two, the principle of attempting to bring the communities of the Yukon together, which is essential in this day of obvious divisiveness within the Yukon, and three, there are provisions for assisting territorial-wide recreation associations under the direction of a Yukon Recreation Advisory Board.

Mr. Speaker, the policy before you is a Green Paper asking for advice from this Assembly, and I would ask all members to give this proposal very, very serious consideration, because the changes being asked for are very drastic.

If any Member disagrees with some of the policy changes presented here, I would ask that Members provide this government with a constructive alternative on how to proceed.

Mr. Speaker: Are there any further Statements by Ministers?

This brings us then to the Question Period. Have you any questions?

QUESTION PERIOD

Mr. Speaker: The Honourable Member from Ogilvie?

Question re: Proposed Pipeline along Alaska Highway

Ms. Millard: Mr. Speaker, I have a verbal question for any Member of the Executive Committee.

Is this government intending to do an assessment of the social, economic and cultural impacts of a proposed pipeline along the Alaska Highway and, prior to the assessment, is there any intention to hold community hearings in local communities?

Mr. Speaker: The Honourable Minister of Local Government?

Hon. Mr. McKinnon: Mr. Speaker, may we take that question as notice, and we hope that we will have a White Paper with more information before Members in the very near future, dealing on that very subject.

Mr. Speaker: The Honourable Member from Ogilvie?

Question re: Resolutions of Yukon Tourist Advisory Board

Ms. Millard: Mr. Speaker, I have three written questions for Mr. Commissioner, if I could have your permission to just read them?

Mr. Speaker: Proceed.

Ms. Millard: The first question: How many of the Resolutions passed by the Yukon Tourist Advisory Board at its spring meeting have been acted upon, and which ones are they?

Question re: Rent Controls

Ms. Millard: Second question: How many complaints have been received to date by the administration concerning rent controls, and may we expect legislation in this regard in the near future?

Question re: Travel Expenses etc. of Commissioner

Ms. Millard: The third question: Of the amount allocated in the budget for Mr. Commissioner's travel and entertainment, what amount has been spent since July 1st of this year, and how has this been spent? Has any money been spent on renovations or extensions of the Commissioner's residence and, if so, how much?

Has any money been spent on renovations or furniture for the Commissioner's office and, if so, how much?

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

Question re: Indian Status

Mr. Fleming: I have a question, Mr. Speaker, this morning for Mr. Commissioner.

In the past, there has been a card which was given to some of the native people, when they asked to lose their actual franchise, being an Indian person, and become what we call a "white man".

My question this morning is, what status does the Federal Government consider that person today, and

the other one is, what status does the Territorial Government consider that person today?

Mr. Speaker: Mr. Commissioner?

Mr. Commissioner: Mr. Speaker, I would appreciate if I could take notice of that question and respond at a later date?

Mr. Speaker: That's fine.
The Honourable Minister of Health and Welfare?

Hon. Mrs. Whyard: Mr. Speaker, I have today the answers to written questions number four and five.

Question number four, what steps is the YTG prepared to take to assist the various lodges and small business in Yukon to obtain fire insurance coverage to at least meet their minimum mortgage commitments. And the answer, Mr. Speaker, is as follows: we have been advised by various insurance agents in Yukon that fire insurance on lodges of a wood frame structure is still available; however, premium rates have been increased due to the high loss ratios for these facilities.

And the answer to question five, Mr. Speaker, regarding prosecutions in respect to violations of litter laws.

Mr. Speaker: The Honourable Member from Ogilvie?

Question re: Curriculum Changes

Ms. Millard: Mr. Speaker, a verbal question for the Minister of Education. Last spring, this Assembly was advised by the Minister that the Department of Education would be approaching the school committees with a questionnaire on their stand on changing the school curriculum. At that time, we were advised that they are still actively considering resolutions from the last annual school committee. Since we are at the next annual school committee, what action has been taken on the idea of curriculum change?

Mr. Speaker: The Honourable Minister of Education?

Hon. Mr. Lang: Mr. Speaker, the resolutions that were passed by the school committees have all been evaluated and the ones that were capable of proceeding with, we have, and it will be discussed at the annual school committee meeting here this coming Thursday.

Mr. Speaker: The Honourable Member from Ogilvie?

Ms. Millard: Mr. Speaker, just a supplementary to that; it was a two-fold question. Is a questionnaire going to be put to the school committees and some action taken on their recommendations for curriculum changes?

Mr. Speaker: The Honourable Minister of Education?

Hon. Mr. Lang: Mr. Speaker, if there are requests for curriculum changes, they will definitely be

evaluated and if we're capable of proceeding then we will proceed.

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

Question re: Prescription Medicare to Senior Citizens

Mr. Hibberd: Thank you, Mr. Speaker. The Minister of Health might have already commented on this, but I would like to ask her, regarding prescription Medicare, is there any consideration being given by the Government to prescription Medicare to be given to senior citizens?

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

Hon. Mrs. Whyard: Mr. Speaker, I believe the Honourable Member may have been absent on a recent morning when this question was addressed but if I could just quickly cover it again.

The point I made, Mr. Speaker, at that time was that if there were a national system of Pharmacare, such as we have across Canada for Medicare Plans into which the Yukon could plug for cost-sharing, it would be almost a practical approach. At the moment, there is no such national plan. The Y.T.G. would have to pick up all costs of such Pharmacare. That is not to say that we would not like to have it.

As I pointed out the other day, Mr. Speaker, if we had the luxury of some of our own resource revenue, we would be able to take this action as has the provinces on our neighbours, our neighbouring jurisdictions who have the luxury of additional money of their own to spend.

However, I would like to stress, Mr. Speaker, that any senior citizens who have costly drug prescriptions which they find are beyond their means to cover, are certainly provided for in the terms of our social assistance which is there for that purpose, for those who are in need. I see no reason, Mr. Speaker, why such people should feel any embarrassment or hesitation about approaching and asking for that assistance because it is the same kind of assistance they are receiving in many other areas already from the Yukon taxpayer.

They are being subsidized by other taxpayers for their Medicare, they are being subsidized by other taxpayers for their housing and I would be very hopeful, Mr. Speaker, that anyone who is in real financial need and this is one of the contributing factors, the high cost of prescriptions, would come and help us worm it out for them.

Thank you, Mr. Speaker.

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

Question re: Subsidy on Utilities for Senior Citizens

Mr. Hibberd: Thank you, Mr. Speaker. Question for the Commissioner this morning.

Is the Government considering any subsidy on light and power for senior citizens who are maintaining their own homes on inadequate fixed incomes?

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

Mr. Hibberd: Mr. Speaker, that was for the Commissioner.

Mr. Speaker: Mr. Commissioner?

Mr. Commissioner: Mr. Speaker, as far as I'm aware, we have just received such a request from the Golden Age Society and it is something the Executive Committee has not yet discussed and therefore I cannot answer your question at this time.

Mr. Speaker: Are there any further questions this morning?

The Honourable Member from Ogilvie?

Question re: Regulation of Local Hiring Policy

Ms. Millard: Mr. Speaker, a verbal question for any Member of the Executive Committee.

In our Spring Budget Session, I believe it was, Motion Number 1 that we passed, read in part that the administration be instructed to review and bring about amendments by the next legislative session, that will ensure a more desirable level of enforcement or governing of the regulations as pertaining to local hiring policies.

My question is — how far has that instruction been carried out?

Mr. Speaker: The Honourable Minister of Local Government?

Hon. Mr. McKinnon: I would like to take that question as notice, Mr. Speaker.

Mr. Speaker: The Honourable Member from Kluane?

Mrs. Watson: The Honourable Member can find the answer in the Regulations to the Public Service Commission Ordinance. The regulations incorporated are requested in that Motion.

Mr. Speaker: I thank the Honourable Member. Are there any further questions?
Mr. Commissioner?

Mr. Commissioner: Yes, Mr. Speaker, I have a response to a question raised on November 9th by the Honourable Member from Ogilvie, when she asked the following question.

On the subject of rural and remote housing, since there was \$400,000.00 passed in our budget eight months ago, why has it taken so long for this program to only now get to the point of community discussion?

The answer to the question is as follows. The Management Committee have been meeting on a regular basis, attempting to resolve the many problems inherent in the introduction of this program. The fact that it has taken so long to get to the present point cannot be delineated in any specific item or group, but demonstrates the complexity of introducing new programs of this nature.

Mr. Speaker: The Honourable Member from Kluane?

Mrs. Watson: Mr. Speaker, I have a supplementary question for the Minister of Education regarding the annual meeting of the School Committee and my one question is — was one of the Resolutions that was passed at last year's annual meeting of the School Committee, a resolution regarding changes to the curriculum now being used in our school system?

Mr. Speaker: The Honourable Minister of Education?

Hon. Mr. Lang: Mr. Speaker, there was a Resolution passed in relation to this. I don't have the exact Resolution in front of me and in order to get all the pertinent information, I would like to take notice on this question.

Mr. Speaker: The Honourable Member from Kluane?

Mrs. Watson: Further supplementary, for the Minister of Education. The annual meeting of the School Committee is being held this week. I don't believe we got a copy of the Resolutions from their annual meeting last year. Would the Minister care to undertake to see that the Members of the Legislature get copies of the Resolutions from their convention this year?

Mr. Speaker: The Honourable Minister of Education?

Hon. Mr. Lang: I'll do that, Mr. Speaker.

Mr. Speaker: The Honourable Member from Whitehorse Riverdale?

Question re: Future Energy Demands

Mr. Lengerke: I have a question for Mr. Commissioner this morning.

Mr. Commissioner, if there's to be any further resource developments in Yukon, and if we are even to maintain our present domestic requirements, what is the Yukon actively doing to ensure that these demands are going to be met?

Mr. Speaker: Mr. Commissioner?

Mr. Commissioner: Mr. Speaker, I would like a little elaboration, demands for what?

Mr. Speaker: The Honourable Member from Whitehorse Riverdale?

Mr. Lengerke: On energy requirements for the Yukon, Mr. Commissioner, I'm sorry.

Mr. Speaker: Mr. Commissioner?

Mr. Commissioner: Mr. Speaker, I would appreciate the chance to take that under advisement and respond.

Mr. Speaker: There being no further questions, we will proceed to orders of the day.

ORDERS OF THE DAY

MOTIONS

Madam Clerk: Motion for the Production of Papers, standing in the name of the Honourable Member, Mrs. Watson.

Mr. Speaker: Is the Honourable Member prepared to discuss Motion for the Production of Papers Number 2 at this time?

Mrs. Watson: Yes, Mr. Speaker, I would call question on the Motion.

Mr. Speaker: It has been moved by the Honourable Member from Kluane, seconded by the Honourable Member from Whitehorse Riverdale, 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 ownership and easement rights of the Haines- Fairbanks Pipeline within Yukon;

(3) Correspondence respecting the cessation of the operation of the Haines-Fairbanks Pipeline.
Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

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

(Motion carried)

Madam Clerk: Motion for Production of Papers Number 3, standing in the name of the Honourable Member, Mrs. Watson.

Mr. Speaker: Is the Honourable Member prepared to proceed with Number 3 at this time?

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 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 land leased for residential, commercial, recreational, residential, agricultural and grazing purposes.

Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare that Motion Number 3 is carried.

(Motion carried)

Madam Clerk: Motion for the Production of Papers Number 4, standing in the name of the Honourable Member, Mrs. Watson.

Mr. Speaker: Is the Honourable Member prepared to deal with the Motion for the Production of Papers Number 4 at this time?

Mrs. Watson: Yes, Mr. Speaker.

Mr. Speaker: It has been moved by the Honourable Member from Kluane, seconded by the Honourable Member from Whitehorse Riverdale, that the administration, before this Session of the Legislature is prorogued, produce all details of the agreement between Canada and the U.S. respecting the paving of the Haines Road and the Alaska Highway from Haines Junction to the Alaska border, north of Beaver Creek.

Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare that the Motion for the Production of Papers Number 4 is carried.

(Motion carried)

Madam Clerk: Motion for the Production of Papers Number 5, standing in the name of the Honourable Member, Mrs. Watson.

Mr. Speaker: Is the Honourable Member prepared to discuss the Motion for the Production of Papers Number 5 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 Hootalinqua, 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.

Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare that Motion for the Production of Papers Number 5 is carried.

(Motion carried)

Madam Clerk: Motion Number 13, standing in the name of the Honourable Member, Ms. Millard.

Mr. Speaker: Is the Honourable Member prepared to proceed with Motion Number 13 this morning?

Ms. Millard: Yes, Mr. Speaker.

Mr. Speaker: It has been moved by the Honourable Member from Ogilvie, 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 and 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 regional tourism office in Dawson City.

The Honourable Member from Ogilvie.

Ms. Millard: Mr. Speaker, this Motion, in reality, supports the motion from the Dawson City council and I would like to give them my wholehearted support in their ideas of decentralising services in Yukon.

There is a letter, having been sent from the City of Dawson to the administration here, which I would like to have your permission to read part of, from the City of Dawson:

"Council recognizes that a move in the current fiscal year may not be feasible; however, we still believe that YTG may be able to encourage the economic development of outlying slow-growth areas through decentralization.

"We have approached Parks Canada to determine if suitable office space may be available in one of their buildings to accommodate YTG staff. We enclose a copy of their reply."

(My information is that National Park Sites' reply was positive.)

"At this time, Council seeks a statement from YTG concerning (1) the stand of YTG on the philosophy of decentralization; (2) a possible time schedule for the relocation of a YTG department to Dawson; (3) the claim that Dawson has not, to date, received any compensation of relief for the economic damage suffered by the relocation of the capital."

Mr. Speaker, I used to, yes, Mr. Speaker, I used to laugh condescendingly about those old folks in Dawson who would insist that the moving of the capital to Whitehorse was the *coup de grace* to a town, dying town. Now I wonder, because not only was that a total economic problem to Dawson but, while the economy of tourism in Dawson is slowly strengthening, the Territorial Government does not reflect this growth in Dawson City. The recent layoffs from the Nursing Home and the possibility of the Sixty Mile Territorial Government Camp being closed down, means that in the next two years we can face approximately a thirty

percent reduction of territorial employees in the Dawson City area.

This needs to be stopped. Dawson equals tourism in the Yukon. There are indications that National Historic Sites is wanting to have its headquarters in Dawson. They are recognizing the fact that Dawson is the centre of tourism in Yukon. If decentralization is going to be a fact and not just lip service, then the tourism branch must move to Dawson. It is small; there are only five or six members.

I was looking through the telephone directory, Mr. Speaker, and I notice that there is one regional tourism officer and in brackets it says "South". What happened to tourism in the north of Dawson? Where is our orientation in the tourism department? Is it really south, not north, where Dawson City is, where the centre of tourism is?

We've never been told the true costs of decentralization and I insist that this must be brought to us. It's an immediate problem. There is so many advantages to having the centre of tourism in Dawson. The orientation is more correct. Dawson City is the centre of tourism in the Yukon and we must accept the fact.

The economy of Dawson is failing, and it must be upheld by this Territorial Government if we are serious about every community in the Yukon. This will put into action the decentralization philosophy which we've been throwing around.

I urge Members to pass this Motion.

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

Hon. Mrs. Whyard: Mr. Speaker, I quite agree with the Honourable Member from Ogilvie that Dawson is the heart of the Klondike, and the Klondike is the basis for the tourism industry in the Yukon but, Mr. Speaker, I would like to ask the Honourable Member if she has considered what happened to the last regional tourism officer who was assigned to Dawson City?

I would like to remind the Honourable Member that the people of Dawson have shown the way to everyone else in the Yukon in their own operation of the tourist business. They have a flourishing tourism business there, because they are involved, and the government isn't telling them how to run it.

Mr. Speaker: The Honourable Member from Kluane?

Mrs. Watson: Mr. Speaker, I seconded the Member from Ogilvie's motion not because I supported her in her statement that Dawson is the centre of tourism for the Yukon, because my area has quite a claim to it too; however, I do think the idea of looking at the feasibility before the Government does a complete review of the advantages and disadvantages of decentralizing some of the government services that are now being provided.

It just seems to be that the government services are — we take it for granted that they shall flow from Whitehorse, and I think this feasibility study that I hope they will do in depth will indicate the many advantages that there will be if your government services don't just flow from one centre in the Yukon Territory.

I think that some of the advantages certainly will be psychological, and I think that a lot of people in the Yukon have a little bit of a hangup that everything has to flow from Whitehorse.

I hope that the future of Dawson, that the economic base of Dawson, will continue to be private enterprise involved in tourism rather than based on the number of government employees that can be living there, because I think it would be a much healthier economy if they had their own economic base rather than the number of employees.

But I certainly agree with the Honourable Member that we have to look very seriously at decentralizing some of the services, and I think we'll all be looking forward if this Motion goes through, we'll all be looking forward to the in-depth study, I hope, that the Territorial Government will make on this question.

Mr. Speaker: The Honourable Minister of Local Government?

Hon. Mr. McKinnon: Mr. Speaker, as one of the few Yukon Charter members of the Flat Earth Society, I'm also one of those who has supported for many years the return of the capital from Whitehorse to Dawson City. I've always espoused that it was a mistake in moving the capital from Dawson to Whitehorse, and there is nothing I would like more than being a legislator and going to Dawson and having the calm and charm of that City to make wise decisions, so far as government is concerned.

However, some of the tenets of the Flat Earth Society, and some of the ideas of individual members of this Assembly, don't seem to gain much momentum, but I would be happy to support the feasibility and the opinion of this Resolution for the studies that the Honourable Member calls for, and I wish her much success on the passage of this Motion, Mr. Speaker.

Mr. Speaker: The Honourable Member from Hootalinqua?

Mr. Fleming: Yes, Mr. Speaker. I welcome the Motion, and I'm very happy to see the other side of the department here, more or less finally backing one Motion that was brought from the Assembly in a small way. I agree wholeheartedly with the Member, Minister of Local Government. I also, too, will vote for the Motion.

Hon. Mr. McKinnon: Mr. Chairman, I just have to rise on a question of privilege at this time, because if the Honourable Member will check into the Votes and Proceedings he will find that about ninety-five percent, or ninety-eight percent, of the Resolutions that are passed by the Members, are supported by the elected Members on the Executive Committee.

Mr. Speaker: Is there any further debate?
The Honourable Member from Klondike?

Mr. Berger: Yes, Mr. Speaker. I would like to have a two-fold answer to a question to the Honourable Minister of Health and Welfare. The question she asked the Member from Ogilvie, what happened to the last Regional Tourist Officer?

What happened to him? He was restricted in his do-

ings in Dawson City by the Department of Tourism in Whitehorse. He wasn't allowed to join in local activity because he belonged to the Territorial Government. He was quite willing to stay on in that City and he was quite happy in that City, but, as I said, he was restricted, and as long as we only pay lip service to tourism in the Yukon, and I actually mean lip service, because all we have talked about is Dawson City, Dawson City, but we are actually not doing anything with Dawson City.

Most of the things that are done for Dawson City is by the Federal Government through Parks Canada. I asked a question earlier in the House, what happens to the Master Plan of the Territorial Government Historic Sites Division? Again, we have paid only lip service to our heritage in the Yukon.

We allocated \$30,000.00, big deal. We satisfy all the complainers in the Territory, because we did allocate \$30,000.00, but what does \$30,000.00 actually get us? Nothing.

I would like to see this Motion from the Member from Ogilvie — see in the Territorial Government much stronger results than just to say, oh yes, we agree with it, we should do those things. I think the whole concept should be taken much more serious than just to pay lip service to the whole things.

Mr. Speaker: Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare that Motion Number Thirteen is carried.

(Motion carried)

Madam Clerk: Motion Number Fourteen, standing in the name of the Honourable Member, Mr. Berger.

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

Mr. Berger: Yes.

Mr. Speaker: It has been moved by the Honourable Member from Klondike, seconded by the Honourable Member from Watson Lake, that the White Paper on legal advice to the Legislative Assembly 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 that Motion Number Fourteen has carried.

(Motion carried)

Mr. Speaker: We have nothing this morning under

Public Bills.

What is your pleasure at this time?

The Honourable Member from Whitehorse Riverdale?

Mr. Lengerke: I move that Mr. Speaker do now leave the Chair, and the House resolve itself into Committee of the Whole, for the purpose of discussing Bills, Sessional Papers and Motions.

Ms. Millard: I second that Motion.

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

Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

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

(Motion carried)

(Mr. Speaker leaves Chair)

COMMITTEE OF THE WHOLE

Mr. Chairman: I now call this Committee to order. We will be continuing with the discussion and clause by clause reading of the amendments to the Liquor Ordinance.

I will now declare a brief recess.

(RECESS)

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

We have with us, continuing as witnesses, Mr. Thibault and Mr. Gillespie. I refer you to Page Ten of the Liquor Ordinance:

“The Liquor Ordinance is amended by repealing subsections 17(1), 17(2), 17(3), 17(4), 17(5), 17(6), 17(7), 17(8) and 17(9) thereof and substituting the following therefor:

“Seventeen (one):...”

(Reads Clause 17)

Mr. Chairman: Is there any debate on Clause Seventeen? Shall Clause Seventeen carry?

Some Members: Agreed.

Mr. Chairman: “The Liquor Ordinance is amended by repealing subsection 18(1) thereof and substituting the following therefor:

“Eighteen (one): ...”

(Reads Clause 18)

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, a question. What officials are authorized to issue licences under this Ordinance?

Mr. Gillespie: Mr. Chairman, just the General Manager and the Board itself.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, I wonder if I can ask more or less a general question. I'm having a bit of a problem, when we look at the duties and functions of the General Manager, and he is under the — he administers this Ordinance under the direction of the Corporation, and yet he is responsible to one Member of the Executive Committee. So he really has two bosses.

Now, there is a similarity to the Housing Corporation, where you have the Director, but the Housing Corporation is structured by law a little differently than the corporations in this legislation, and I'm wondering whether you considered whether the position of the General Manager might be quite an untenable one at times, when he really has to serve two masters.

He is at the head of the employees who are members of the Public Service, and he falls under the Public Service, and yet the Board of Directors may require him to do certain things which are contrary to the policies of the government, and also contrary to the Public Service Commission Ordinance, as far as the employees are concerned.

I'm wondering whether anyone from the government, the Executive Committee Members, or Mr. Thibault or even the Legal Advisor, feels that there might be a problem that the General Manager may be really on quite a hot seat at times.

Mr. Legal Advisor: Yes, there's no denying the fact that the General Manager will be in a hot seat from time to time, but he is a public servant, and in the last analysis he is a public servant of the Crown, and I would think in discussing this with the Public Service Commissioner, we felt that he would be on different terms than, say, a separate employer Crown Corporation; he would be a public servant, he would be entitled to his rights, but equally the employer is entitled to rights as against him, and the situation would be no different than any of the other agencies which we would be setting up.

That's the crystallization of the discussion that took place surrounding it, and in order to identify that and make it clear, he was identified as being a deputy head for the purposes of his work ...

Mrs. Watson: Under the ...

Mr. Legal Advisor: ... and that then sets down, puts him beyond any doubt, it puts him, his rights towards the staff, the responsibilities towards the staff and so forth, and his duties toward the government itself are crystallized in that Ordinance.

Mrs. Watson: Mr. Chairman?

Mr. Chairman: Mrs. Watson?

Mrs. Watson: May I ask then, why there was a difference in the structuring between the Housing Corporation. The Housing Corporation legislation, I don't have it right here, but it states in fact that they shall be employees, the people that are hired to — they are employees of the — that the Board of Directors can hire employees, but these employees shall be public servants, but we don't say that here, do we?

Mr. Legal Advisor: Mr. Chairman, I would hesitate to actually say this, but the Housing Corporation was drafted on a different model. It didn't get the same detailed examination which the Liquor Ordinance got, and which the Public Service Commission Ordinance got.

If we were drafting the Housing Corporation Ordinance again, we would use the model that we now use in the Liquor Ordinance. We think the model we're using now is the better one. If we had second thoughts, we would change, but it has never been opened up to make these changes.

But if the House will recall that during the debates on the Public Service Commission Ordinance, there were certain sections inserted in that Ordinance, specifically referring to Corporations, Crown Corporations, of the Territory, and impliedly there wouldn't be repealing sections.

In particular, the expression "employee" is a term of precise art, and needs careful thought when it's being used in any Territorial Ordinance from here on in, because of the techniques used to deal with employees in the Public Service Commission Ordinance and the Public Service Staff Relations Ordinance, and the rights of employees, and the rights of employers in relation to them. It's a very, very fine technical exercise which has been carried out.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: I'm not going to belabour it, but just one more question. I can understand why you wouldn't draft a Housing Corporation legislation, why you would prefer this to that one because it is quite ambiguous in that employee section, thought I think there could be problems.

In the General Manager and Staff, it says that he is the Chief Executive Officer and he's charged with a general direction, supervision and control of the business of the Corporation and shall, under the general direction of the Board, administer this Ordinance and supervise persons engaged in the administration of this Ordinance and the regulations.

One area where there might be problems would be if the Board of Directors wanted to change the job descriptions of the people that they have employed in carrying out this Ordinance and its regulations. Would there be a conflict then with the Public Service Commission? Or the Public Service Staff Relations, it would be, wouldn't it?

Mr. Legal Advisor: With respect, Mr. Chairman, indeed this has been dealt with and this has been designed by the Public Service Commissioner and I, independently of the people who are producing the basic policy then linked back into the people who are prepar-

ing the policy for the Liquor Ordinance. So that it has the imprimatur of the Public Service Commissioner who naturally wanted to retain the jurisdictional control over all of the employees so that in using expression "people engaged in administration of the Ordinance", that phrase was chosen in order deliberately not to use the expression "employee", for technical purposes.

Mrs. Watson: Thank you.

Mr. Chairman: Mr. Berger.

Mr. Berger: Yes, Mr. Chairman. Mr. Gillespie answered this and the Member from Kluane and who is issuing the licence and it is my understanding that the Board and the General Manager can issue licences. Is that correct?

Mr. Legal Advisor: Yes, Mr. Chairman. It depends on whether it is an original licence or whether it is a new one.

Mr. Berger: Well, Mr. Chairman ..

Mr. Chairman: Mr. Berger?

Mr. Berger: I can actually see that there could be possible conflict arising when the General Manager should have the sole jurisdiction. I feel that all the Board should have the sole jurisdiction of issuing licences, not two bodies that have a separate jurisdiction.

Mr. Gillespie: Mr. Chairman, it is the Board in all instances that has the final jurisdiction. But the General Manager may issue licences or may refuse to issue or renew licences under certain circumstances, but there's always a provision for appeal and the final decision rests with the Board, not with the General Manager.

Mrs. Watson: Mr. Chairman.

Mr. Chairman: Mrs. Watson.

Mrs. Watson: All the licences have to go to the Board, don't they? Renewal licences are the only ones who can be issued by the General Manager and he can't do it if there is an appeal? The Board has the final answer.

Mr. Legal Advisor: Yes, Mr. Chairman.

Mr. Chairman: Is there any further debate on Clause 18?

Mr. Taylor.

Hon. Mr. Taylor: Is this Clause 8, Mr. Chairman?

Mr. Chairman: Clause 18.

Hon. Mr. Taylor: Yes, Mr. Chairman, my question is a general one. In Clause 8, where several sections of the Ordinance had been taken out, I just wondered why the duties of the vendor were not included in this Bill? Also under General, old section 11 where the monies are sent

to the Consolidated Revenue Fund, this is, I presume, not to be the case any longer. Is that correct?

Mr. Legal Advisor: Mr. Chairman, there is, there was a design created, Mr. Chairman, with respect to the monies which again was prepared by the Treasury. Again it is a separate exercise linking back into the parent Ordinance. So far as the vendor is concerned, as I understand it, the creation of an independent position as vendor has some problems for the Board. So the thought is that an officer would be assigned as duty and he would adopt job description as vendor, but not necessarily have specific statutory authority as was the case in the old one. The job would not be eliminated but it will not be statutory.

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

Mr. Berger: Just a question on this particular subject on vendors. Would a vendor in the outlying areas still be loaded up with the responsibility of territorial agent under this law?

Mr. Gillespie: Yes, Mr. Chairman, for the moment at least.

Mr. Chairman: Shall Clause 8 carry?

Some Members: Carry.

Mr. Chairman: Clause 9:

(Reads Clause 9)

Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, under section 3 it states that the General Manager shall virtually cause to be destroyed or otherwise dispose of any additional liquor. But under 1 it says, "if so ordered in the notice, forthwith deliver to the General Manager, all liquor then in his possession or under his control". And this I presume would go and refer to all his private liquor supplies or stocks as well? It seems to read this way.

Mr. Legal Advisor: It wasn't the intention that he would have to go to his liquor cabinet himself and deliver out his half-filled bottle of scotch. It was intended to relate to business.

Hon. Mr. Taylor: Well, Mr. Chairman, with respect, what is not expressed is not implied, but here, you're saying that he has to deliver to the General Manager, all liquor then in his possession or under his control and I think one would have to be a little more specific than that, would he not? I believe you are asking that he turn in all the liquor related to his business, but certainly not to his private liquor stock, whatever that might be.

Mr. Legal Advisor: No, Mr. Chairman, but one can conceive of the possibility that the licensee moving the liquor from one place to the other. And his private stock might grow enormously overnight and the amount of his business might diminish. It does cause problems and I don't think there's any difference in drafting that particular section from what it was before. I can see there

are problems, it's a question of administration.

Hon. Mr. Taylor: Well, Mr. Chairman, I agree it's a question of administration, but it galls me to sit here on behalf of those I represent and be asked to give approval to laws which are not precise or explained. I mean, you know, if you can place seven different interpretations on any section in law, we ought not to be passing such laws. We should have laws in our statutes that are precise and say what they mean, and that's why I raise on these points.

Mr. Gillespie: The intention in this instance is in respect of a licence and of a licensee, and it's the liquor owned in that respect that would have to be delivered to the Board or the General Manager. So it's only the liquor that is part of the business that is reflected by the licence not any private stock. To me that's fairly clear.

Hon. Mr. Taylor: I would hope that would be the case, Mr. Chairman.

Mr. Chairman: Mr. McKinnon.

Hon. Mr. McKinnon: Mr. Chairman, I was waiting for the compliment from the Honourable Member for the extension of this section rather than for the problem that he had raised and there has been, of course, liquor forfeited under the terms of this Ordinance before and the administration has never gone into any of the licensees' private liquor cabinets to my knowledge and forfeited any of that stock. However, I was very concerned when we went through the Ordinance that in the old Ordinance, there was a very limited, very limited number of things that the Board could do with the liquor that had been acquired under section 21(1), (2) and (3).

We put in another section number 4 to take care of the problem that the liquor could be destroyed under the old Ordinance. There could be a court case and the licensee found to be, found to be in the right, and the court order reversed, and there he was with no liquor, which could have amounted to several thousands of dollars which had been forfeited and destroyed under the terms of the old Ordinance, and the guy was stuck, which could amount to a substantial amount of money involved, and had been proved by an Appeal Court to be correct and the original Order overturned.

So I thought that that was extremely unfair, and we broadened the terms of the Ordinance to take care of that eventuality, so rather than any limitation in this section of the Ordinance, it has been broadened and the appeal section expanded quite dramatically, Mr. Chairman.

Mr. Chairman: Mr. Berger?

Mr. Berger: Mr. Chairman, the Honourable Member from Whitehorse North Centre touched on this thing, my question actually, what I would like to know, is to get maybe Mr. Legal Advisor to set as an example where the liquor would have to be forfeited to the Manager, because I've been in the liquor business myself, and never run across anything like this.

Mr. Legal Advisor: Mr. Chairman, half open bottles and bottles where they don't know what the contents are

will be destroyed. Full bottles will be sold, if the labelling is correct and fit for selling. Cases of beer could be sold, but anything which has been tampered with in any way, which is suspect, would be destroyed.

Mr. Berger: But Mr. Chairman ..

Mr. Chairman: Mr. Berger?

Mr. Berger: .. my question actually was, why would the licensee be put in such a position?

Mr. Chairman: Mr. Gillespie?

Mr. Gillespie: Mr. Chairman, an example of that would be when liquor is illegally brought into the Territory, and if this is so found, then it could be required to be delivered up and forfeited.

Mr. Berger: But, Mr. Chairman, supplementary to this then, why would the General Manager of the Corporation have to refund the money then, if the liquor was brought illegally into the Territory, there shouldn't be any obligation to the Liquor Corporation to refund any money.

Mr. Legal Advisor: Mr. Chairman, the main purpose of this section is to— that when a licence is suspended or cancelled, that person is prohibited from dealing or selling in liquor, so the liquor must be called in. But fairness dictates, that if the liquor can be sold again to somebody else, that he gets the amount of the money involved.

The only losses would be liquor which was not capable of being sold, and that would be damaged labels, partly opened bottles or mixes of various sorts, which could be a large amount in some instances ..

Hon. Mr. McKinnon: We are talking about illegal ..

Mr. Legal Advisor: Yes, Mr. Chairman, but we're talking about section 21, you see, and section 21 is talking about where a person receives notice of the suspension or cancellation of his licence he shall, if so ordered, forthwith deliver up ...

Now under the old regime, sometimes when beer was seized under some kind of an offence section, individual bottles would be opened and pured down the sink, and I can recall having an inquiry made in respect of an offence committed in Teslin, where the police reported — not in respect of the Honourable Member — the police reported afterwards that they had opened 80 cases of beer and pured them as individual bottles down a sink, and they were in perfect order and they could have been sold.

Mr. Chairman: Mr. Berger?

Mr. Berger: Mr. Chairman, I'm still not satisfied, because I'm thinking of a small cocktail bar or a small business who have maybe a small number of bottles in stock, and a small number of cases of beer in stock. This person could quite easily use it for his own personal consumption, if he wants — he paid for it, it's his. He never received a reduction in the liquor store, he pays exactly the same amount as you and I would pay for it,

so why should he be forced to forfeit this small amount of liquor to the Liquor Commission again?

Mr. Chairman: Mr. Gillespie?

Mr. Gillespie: Mr. Chairman, the answer is because he broke the law, that's why he should be forced to forfeit that liquor. He'll get refunded, he can go back to the store and buy some more if he wants. It's an inconvenience, but he has broken the law.

Mr. Berger: Mr. Chairman?

Mr. Chairman: Mr. Berger?

Mr. Berger: This is what I'm trying to get at, what law does he have to break to be forced into this type of thing?

Mr. Legal Advisor: A number of laws throughout the Ordinance that can result in the suspension or cancellation of a licence.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, I'm sure everyone else is thinking it, but no-one else is asking the question. In subsection (3), it says, "forfeited to the Corporation to be destroyed, or otherwise disposed of by the General Manager". What do we mean by that?

Mr. Legal Advisor: This is normally done by the police, Mr. Chairman.

Mrs. Watson: Well, Mr. Chairman, they buy it back and this is the liquor that they can't buy back. It's forfeited, these are partial bottles, "are destroyed or otherwise disposed of".

Does that mean hand them over to the R.C.M.P.?

Mr. Legal Advisor: It might mean puring it down the sink. Under a set-up for the destruction of Government property, it would be handled in the same way as other Government property which is being destroyed, pursuant to the order of the Board of Survey.

Mrs. Watson: Mr. Chairman, is that true, does the liquor like this come under the Board of Survey?

Mr. Legal Advisor: No, Mr. Chairman, it doesn't come under the Board of Survey, but the normal procedures will be followed in Government, such as, although we don't do it, the destruction of money, the destruction of property, because in order to be destroyed, it's either burnt, or if it is not suitable for burning, destroyed in some other way.

In the case of liquor, it's not easy to burn it. You pour it down a sink, or smash the bottles.

Mr. Chairman: Mr. Fleming?

Mr. Fleming: Yes, Mr. Chairman. I have a problem with this section too, although I don't think I have too much problem now on the return of the liquor and I can understand why some Members don't feel it really needs to be returned when it's paid for.

However, if somewhere along the line we get what some of us would like to see in the Territory possibly, and the price of liquor the same price in the small communities as it is in the liquor stores, and a discount naturally to possibly a dealer or whoever is handling that liquor, which we don't have today though, then I could see a very bad thing, if the liquor was kept by the person who broke the law, and he had only paid, say a percentage of the actual price at the liquor store for it.

Now, this is not in effect, as you say today. If that did come into effect in the Yukon Territory, and he paid say \$7.00 for a bottle of liquor that cost \$8.50 to everyone in the store, and he was more or less receiving it at wholesale and he broke the law and it was not returned, then I could see that he would be getting something that he didn't actually pay for.

I have no problem with the clause otherwise at all, as it stands today.

Mr. Chairman: Is there any further debate on Clause 9? Shall Clause 9 carry?

Some Members: Agreed.

Mr. Chairman: Clause 10. The Liquor Ordinance is amended by repealing subsection 22(1) thereof and substituting the following therefor:

(Reads Clause 22(1))

Mr. Fleming?

Mr. Fleming: Yes, Mr. Chairman. I would like to ask the witnesses or the Legal Advisor, is there any one of these licences here that could be issued without another type of licence by the Commissioner, if he so desires? In other words, could he put an outlet in Teslin by a private person to sell only liquor without one of these?

Mr. Legal Advisor: No, Mr. Chairman, except the special licence could have a set of regulations constructed specially for it to enable him to do such thing. All of the others have got specific regulations tying them down.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Yes, Mr. Chairman, one question. For several years now, I've had representations from one or more of the Highway Lodge operators who have not got the capital or whatever, to meet the requirements of the Ordinance in respect of cocktail lounge licences. These are small lodges on the Highway where perhaps they have a small area known to many as beer parlour areas.

They have been asking me two things. One is that whether or not when the Liquor Ordinance was next opened, if we could give consideration to those people and issue a licence to them, perhaps under a special licence, to provide a small cocktail lounge, you know, where they may have six or eight or ten seats in the place and be able to provide the travelling public with a drink if they so required; or, to within their beer parlours, to offer straight shots in the same manner as they do in Manitoba and I believe in some of the other pro-

vinces now, where you can go to a beer parlour and get a drink of rye or a drink of scotch, or this type of thing.

I'm wondering if under special licence, the Board would be empowered in fact to do this?

Mr. Legal Advisor: Mr. Chairman, in theory yes, but there was no intention of the Government in introducing this Ordinance, to make any changes in that general area of the Ordinance itself. This particular section only came up for amendment, to add brewers' licences and brewers' retail licences, in case somebody saw fit to go into that business in the Territory, but there was no policy intention in the drafting such as has been asked by the Honourable Member.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Well then, Mr. Chairman, then I take it no, that under the special licence provision, neither of the suggestions I have made are possible without amending the Act at some other point? Is that correct?

I'm not sure if they are taking amendments, Mr. Chairman, but all I was saying was in drafting this, none of those policy intentions were being expressed. It's a matter for the Honourable Member to make up his mind how he would handle the policy manner.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Just generally, I would like to direct a question perhaps to Mr. Gillespie, Mr. Chairman, and ask him how receptive he would be, or the administration would be to the proposals that I have stated today?

Mr. Gillespie: Mr. Chairman, this is a matter that is currently being examined in British Columbia. I'm referring now to the prospect of selling liquor in taverns, not to the specific issue of a small section of a tavern in a Highway lodge, or a small room being set aside for a cocktail lounge.

But the prospect of selling liquor in taverns is being examined in British Columbia, and we're in touch with them, or keeping in touch with them in this matter, but don't want to make any decisions on it, or recommend anything to the Executive Committee on that, until we've — until their study has been completed because one of the things they're examining is the effects on alcoholism of permitting liquor to be sold in addition to beer in taverns, and they don't have the answer yet.

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: Just a question to Mr. Gillespie. Have not the provinces, the Prairie provinces introduced I think the term is "highballs" to be served in the beer parlours and I don't think they've really had too much difficulty with that?

Mr. Gillespie: Mr. Chairman, it is correct that highballs are permitted to be sold in taverns in some of the Prairie provinces, however, the fact that British Columbia is examining this from the point of view of its effect on alcoholism, is an encouragement to us to wait before making a decision on this, in spite of the fact —

and one of the things that they can — they presumably are looking at is the experience in the provinces, and elsewhere in the world.

Mr. Lengerke: Just supplementary to that, Mr. Chairman, just in the event that Yukon operators wanted to in fact pursue this, then they would have to make application to the Board, is this correct? Is this the way they go about that?

How would ..

Mr. Gillespie: This would require change to our regulations.

Mr. Lengerke: To the regulations, or ..

Mr. Gillespie: I'm not sure, Mr. Chairman, I think it may have to be to the Ordinance?

Mr. Legal Advisor: Mr. Chairman, it would be a Government policy change, not a Board policy change. It's too hard and fast at the moment for a Board to do more than bring information to the Government, for the Government to take position.

Hon. Mr. McKinnon: A policy change would be under the licence regulations in the Ordinance, a majority decision of this House would bring about a change in that policy, or at least an answer as to why it isn't being introduced. I know why it isn't being introduced at this time because in some of the major centres in the Yukon, we can see no problems being presented as far as introducing highballs into the taverns as they have done in the Prairie provinces.

We've had representations, and have heard from people from the smaller taverns, which all of us know about if we travel the Yukon, where they think it would be a very great harm to introduce the highball concept into the taverns and we come right back to this problem, I'm sorry, I'm going back to universality again.

Some people say fine, some people say no and we're stuck in this dilemma, so at this point in time we don't know of anybody dying for a drink in the Yukon at the moment, we decided not to broaden the licences presently for taverns to allow them to serve highballs, because we have varied reports back from different operators.

Mr. Chairman: Mr. Gillespie?

Mr. Gillespie: Just a point of clarification, Mr. Chairman. The Ordinance in Section 31 reads that the holder of a tavern licence may sell beer, ale and cider in the licensed premises, but may not sell wine or spirits, so the Ordinance would have to be amended.

Hon. Mr. McKinnon: That's exactly the way it should be, because the policy should be set by the Members of this House.

Mr. Chairman: Thank you, Mr. McKinnon.

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

Mr. Chairman: Mr. Berger?

Mr. Berger: Thank you, Mr. Chairman. I just have a short question, Mr. Chairman, to the Legal Advisor, under section 22(1). Isn't that in direct conflict with the Yukon Act?

Mr. Legal Advisor: I don't know, Mr. Chairman, I've never looked it up.

Hon. Mr. McKinnon: The Yukon Act?

Mr. Legal Advisor: No, the point as to whether this is in conflict or not, it never occurred to me that it was.

Mr. Berger: Mr. Chairman?

Mr. Chairman: Mr. Berger?

Mr. Berger: I just vaguely recall the wording of the Yukon Act but I think there is something in there which forbids the Territory to produce alcohol.

Mr. Legal Advisor: I don't recollect it, Mr. Chairman, I'm prepared to look it up, and come forward with the information.

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, I'm a little after the fact now. I wanted to comment on what the Honourable Member from Riverdale had said regarding the change of policy in Manitoba, because recently I was citing Manitoba as an example of some of the policies I thought would work well in the Yukon, and one of them was the increase of price on fortified wines, to make them a little less popular with people who were not able to handle their consumption.

To hear that they are now balancing that policy decision by applying hard liquor into a beer tavern situation is surprising to me.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Yes, Mr. Chairman, arising out of the discussion a short while ago came another question, too. That is people make recommendations to the Board in respect to undating, perhaps liquor laws or licensing or whatever it might be. Then the Board, having determined the question, then may wish to make a recommendation to the administration respecting changes, will the Members of the Legislative Assembly be privy to that information upon request? In other words, will we be able to get the information as to the recommendations made by this Board to the administration?

Mr. Legal Advisor: Sometimes, Mr. Chairman. That the Board would have the capacity to incorporate recommendations in its annual report and that annual report would be submitted here. But, confidential recommendations to and from the Government would be the property of the Government and it would be a Government decision as to whether or not they share those recommendations with the House.

Hon. Mr. Taylor: A secret society!

Mr. Chairman: Mrs. Watson.

Mrs. Watson: Mr. Chairman, when I look at the list of licences that are available, the list of permits that aren't listed here, and I look at the fact that now we are even thinking of expanding the privileges under special licence and under our present legislation, you can obtain liquor 24 hours a day, seven days a week, and then we cry alcoholism. It is absolutely ludicrous!

Mr. Chairman: Mr. Fleming.

Mr. Fleming: Yes, Mr. Chairman. I also see that there is an awful lot of licences here, but what I am concerned with, and very concerned with this here is because ever since the concept of bootlegging liquor legally came into the Territory, and I say it again, it is bootlegging and charging the extra price to everybody in outlying districts, I have wanted to find a way to solve that problem without bringing more liquor to the people in the Territory but bringing it to them at a proper price.

And that was the reason I asked about the special licence. Could the Commissioner, under one of these licences, hopefully be able to issue a licence to a person. Now, I see where this is not going to cause anymore problems in the Yukon. I can see where it's going to do a great deal of good, because the people are going to be able to go at a certain hour and under control of the Government and get liquor and, consequently, they won't need as many outlets and dealers that are trying to make a dollar or two on the side, they will possibly be, but they will not necessarily be needed and the hours would naturally, I think, be a little bit curtailed, too.

Somewhere, or I don't have the exact answer, but somewhere you will see later on in this Ordinance, where I'm going to oppose something else in here. I'm not opposing this but I will be opposing, that our L.I.D.'s are going to be in a problem asking for this and asking for that, but I think there'll be recommendations made through the Members, some day in this House, to have some kind of a liquor store instead of so many people just handling liquor through these other licences. I'm sure it's going to happen. Therefore, I wanted the question answered yes or no, and Mr. Legal Advisor did answer it, but he said possibly, and I would like to be sure because I would really like to see the opportunity there if the L.I.D.'s and our Local Improvement Districts and the unorganized communities and small places had the opportunity to possibly some day pursue the matter and maybe even get a liquor store under those terms.

Mr. Legal Advisor: I didn't want there to be any doubt. A special licence can have its own regulations and it can do what the Government wants it to do. But policy is a separate matter. The legal power would be there, the policy is according to that.

Mr. Fleming: Thank you.

Mr. Chairman: Mr. Taylor.

Hon. Mr. Taylor: Just arising out of my former remarks on the secrecy enshrouding this Board, Mr. Chairman. I would like to go on record as saying that I wholeheartedly disagree with this type of practice. These are public monies that are being dealt with here. The Board is paid with public monies, the whole opera-

tion functions with public monies.

It seems to me that, except under extraordinary circumstances, that the decisions of the Board, and, in fact, the hearings of the Board ought to be held in public. This should be a matter that the public should be entitled to view, to hear, to read about, however the media might wish to deal with it if they happen to be present at these meetings. And I think that the recommendations of the Board ought to be made known to the people of the Yukon, it is their Crown Corporation and I think that the administration should give second thoughts to this. Se spoke in this House some time ago about attempting to make some of these so-called secrets public. This is public information, it is not harmful, I don't think to the public, but where it may be deemed by the Manager of the Corporation to be harmful, or not in the public interest to deal with the matter in public, perhaps in that case the matter would be dealt with privately.

But it really seems to me that we owe it as legislators to people of the Yukon Territory, to open up some of these Boards and bring them into the light of day, and we have Boards here dealing with people much like judges and magistrates and J.P.'s dealing with courts. The courts are open, why not make our Commissions open to the public view?

I would like Mr. Gillespie's comments on that remark, Mr. Chairman.

Mr. Gillespie: Mr. Chairman, the decisions of the Board have to be reported, not only to the Government but to the licensee who is affected, so at least that person's rights are protected in that regard.

There is a danger where a licensee's licence may be suspended or not renewed, or not granted if he's applying for a licence in the first instance, that the Board will have to delve into matters which are of a personal nature, or of a private nature, I should say, which that — which could be harmful to the licensee, to the individual, if the media and the public generally were permitted to be there during these hearings and it's not even always possible to predict in advance when such matters might come up, so while I appreciate the point, Mr. Taylor has made regarding the ability of a licensee or an applicant to say when he would not like the public to be there, I don't think there is any way you can guarantee that things wouldn't come up in the course of these hearings, which wouldn't be contrary to his own private interests.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, with respect, of course in my remarks I made light of the fact, or brought to light the fact that under extraordinary circumstances indeed, these matters should be privy and certainly the Board could advise anyone you know, who has asked for a hearing, that there is another way of doing — if there's some very delicate matters to be discussed, or delicate information to be brought before the Board that this could be done in a private hearing before the Board.

But I'm saying that as a rule of thumb, the Board ought to sit in public, because certainly a majority of applications before the Board do not involve necessarily matters which are of that importance to be dubbed secret, and I really feel strongly on this. I feel that all our

Boards should be sitting publicly, whenever possible, because they are public and they are working in the public interest, and I really think the administration should take a good, hard look at this, and try and get this Board into the public.

Mr. Gillespie: Mr. Chairman, we did not address that particular question. I can see certainly a lot of value in the point that Mr. Taylor has made. I couldn't commit the administration at this time, because as I say, we haven't examined the question, but we will certainly take it under consideration.

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

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, I disagree with the Honourable Member from Watson Lake, and Mr. Gillespie's reply. I don't see any value in it whatsoever. This is a private, personal application to carry on a business and if you look through your regulations and look at the application, and they have one section is personal history, and private information regarding the whole financial situation in many instances, has to be disclosed in this application.

There is no way that a person should be subjected to appearing before a Board, where all of this private, personal information is going to be reviewed and aired, and you're going to have reports from inspectors and this type of thing, you're going to have to — if you're planning on going into business, you're going to have to indicate where you're planning — where your mortgage will be, how much it will be, the whole thing.

You can't expect this to be a public hearing. If you're going to do that, you will not get anyone to serve on your Liquor Board. There are some Boards that should be public and are public and I'm a great one, I don't like to keep information that should be available to the public, not available to the Public, but I also feel private enterprise, when they are making an application for a business to a Board that it's taken out of the political arena by the structure we have now deliberately, they should be given a fair hearing, but it also should be a confidential private hearing.

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: I have some trouble with the Honourable Member from Watson Lake's approach to this question because as he must know, we have a number of Boards in the areas for which I'm responsible which must be confidential and closed to the public, if only to give the applicant a fair hearing in the areas of social assistance, and in the areas of welfare, and in the areas of health.

I have one question to ask the Honourable Member, and that is, is he speaking for operators? Have they expressed to him their wish to have such hearings open to the public?

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, yes, in answer to the Honourable Minister, I might say that I have discussed this with some operators, who feel as I do, this is why

this subject has arisen in the first place.

You know, as I said before, I recognize the need to keep information which is private. I have stated that twice already, and now I state it for the third time. But certainly the decisions of the Board, apart from these situations where there is private information around, can be held in public and the decisions of the Board in any case ought to be made public.

What's so secret about a decision of the Board? What's so secret about it?

Hon. Mr. McKinnon: There's nothing secret about it. Mr. Chairman, it appears in the appeal section and the whole works., they are public. I just only want to say that as the Honourable Member knows, I've been in the liquor business, there is no way that I would go before a Board and bare my total financing position and my personal background and everything in public scrutiny. I don't think that's absolutely necessary.

I've been involved in some of the aspects of liquor cancellations and terminations and suspensions of licences. I can only tell Honourable Members and anyone who knows whereof I speak, that usually they're down and dirty, and if people want to see all this linen washed in public, I'm just not one of those people that thinks that that is necessary in any way, shape or form.

I think the Board can be used on certain areas where we want to hear and have public input of what direction and where we should be going in liquor management as a public sounding board, public hearings, fine, but in those areas where terminations, suspensions and such are involved, and a person's attempting to seek a licence, then those areas have to be confidential and I agree wholeheartedly that they — that the — that what comes out of the Board, the decisions and the reasons for it can be made public, but not the personal hearings of the Board, in the majority of instances.

I just think the reverse from the Honourable Member from Watson Lake, in the majority of instances dealing with Liquor Boards as I know them, and have seen them, most of the decisions or most of the deliberations have to be private, some of them perhaps when you're seeking direction or looking for input, can be held in public, but there's nobody in their right mind would serve on a Board if they had to go into the public circus to try and give licences and to go into terminations and suspensions. It's an absolutely impossible task.

Mr. Chairman: Shall Clause 10 carry?

Some Members: Agreed.

Mr. Chairman: Eleven:

"The Liquor Ordinance is amended by repealing subsection 23(1) thereof and substituting the following therefor:

(Reads Clause 23(1))

Mr. Chairman: Shall Clause Eleven carry?

Some Member: Agreed.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, every licence doesn't

require you to purchase from the General Manager and then to sell liquor, in your phrasing there, does it?

Mr. Legal Advisor: No, Mr. Chairman, just a general statement of the authority that the licensees can find.

I guess the brewers won't be buying.

Mrs. Watson: No, no.

Mr. Legal Advisor: All of the others would be buying liquor.

Mrs. Watson: Mr. Chairman, it doesn't require clarification though.

Mr. Legal Advisor: Yes, Mr. Chairman, I suppose it does.

Mrs. Watson: Thank you.

Mr. Chairman: Shall Clause Eleven carry?

Some Members: Agreed.

Mr. Chairman: Twelve:

"The Liquor Ordinance is amended by repealing subsection 24(1) and 24(2) thereof and substituting the following therefor:

(Reads Clause 24)

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, I was rather amused by the use of the word "fresh", used several times — "fresh application".

Mr. Legal Advisor: It's a word that I learned from the Honourable Member from Mayo in a discussion some years ago, and it's a very useful word.

Mrs. Watson: Mr. Chairman, that's not cricket when you blame it on the Honourable Member from Mayo.

Mr. Legal Advisor: No, Mr. Chairman, during a discussion I was opposed to the use of the word "fresh", and the Honourable Member from Mayo convinced me that "fresh" was the correct word to use in certain circumstances, and we have used it ever since.

Mr. Lengerke: Yes, but you were talking of fruit.

Mr. Legal Advisor: It was in connection with making a fresh application under the Land Titles Ordinance.

Mrs. Watson: It sounds very Irish, doesn't it?

Mr. Chairman: Mr. Berger?

Mr. Berger: I have a question for the witnesses with respect to 24(1)(b) — was any consideration given to the fact that maybe some hotels do not want a liquor outlet in their premises, but in the same token maybe somebody else without any rooms would like to have a liquor

business?

Mr. Legal Advisor: It does happen, Mr. Chairman, if there's inter-relationships between the owner of the area where liquor is being sold in a hotel and owner or the person who has the bedrooms. That's not dealt with in this particular matter, but there are arrangements which are made, either openly or secretly, amongst commercial operators in this area.

Mr. Chairman: Mrs. Watson.

Mrs. Watson: Mr. Chairman, aren't ...

Mr. Berger: This doesn't really answer my question, Mr. Chairman, because as I don't like to see secret deals made because somebody has a spare bedroom and he could rent it out for a room and get a liquor licence on the other hand but I'm quite sure there's people in the hotel business who would rather not be in the business and then on the other hand, there may be people who are seriously thinking that they would like to open a cocktail bar or something of that nature. Yet, but they're required by this Ordinance to have rooms ...

Mr. Gillespie: Mr. Chairman, if you are in the hotel business, there is nothing that requires you to have a bar, but you do get a liquor licence, a liquor lounge licence, then you do have to have rooms.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, under 24(1)(e), as such other requirements as the Board may require, and this is generally where the administration used to go off in great tangents and I'm just wondering what is included generally as such other information? I remember at many times the House has been critical of the type of information asked on application forms for licences. Some financial information which we felt, at the time, was none of, flatly none of, the government's business. And I'm just wondering just how far do you go with such other requirements as the Board may require and still protect the rights of the individual?

Hon. Mr. McKinnon: Mr. Chairman, this of course was the, within the, purview of the Commissioner prior: it is now in the hands of the Board, rather than the Commissioner, and I can only say that in my knowledge of the Liquor Ordinances throughout the provinces and of the Yukon that there is no place where it is less complicated and less involved in the application and what is necessary for a licence than in Yukon and if there is anything we should be doing it might be going the other way in tightening up the provisions for licensing. We didn't address ourselves to that policy in this Ordinance, but I don't think the elected Members on the Executive Committee would be against seeing a move by the Members of the Assembly towards a tightening up of provisions for licensing because I can only say that the Commissioner has not, and the Board will not be, going out of their way to prevent the application for new licences.

I tell you right now that they are easier and less complicated than any other area in Canada at the present time.

Mr. Chairman: Mr. Lengerke.

Mr. Lengerke: Thank you, Mr. Chairman: I had a question with respect to 24(d), (1)(d), and that was the report of an inspector and the reports of an inspection pursuant to any ordinance or bylaw. I was just wondering why you changed that and whoever would like to answer, maybe one of the witnesses would, why change that from the old? It said the reports of the fire marshal, health inspector and building inspector.

I like the idea of being a little more specific there because any ordinance, somebody making application, they have to do a lot of digging to find out just really how many ordinances. There are really not that many that apply, so why not be specific here?

Mr. Legal Advisor: Mr. Chairman, we found that there were a number of inspectors who are left out of the list like health inspectors of various sorts. And, rather than be amending the Ordinance from time to time as inspections required, it was put in a general way that a report of inspectors would be required under any other law.

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: I'm not really happy with that, Mr. Chairman, but I'll have to accept it though I just think that again I'd like to know who else, rather than the fire, the health, the building — what other authorities?

Mr. Chairman: Do you have an answer, Mr. Lang?

Mr. Gillespie: I just wanted to add one point and that is that the bylaws, one of the things that have been added here is the bylaws which means that the municipalities may also have requirements that have to be met. That's a very important addition to this.

Mr. Chairman: Mr. Taylor.

Hon. Mr. Taylor: Yes, Mr. Chairman, I just had one other question at this time and that is generally on licence applications; I know at one time it was a practice of the government of the Yukon Territory to insist that the applicant having completed his licence form, submitted it to the Government only after having it notarized. I believe I raised this question at one point in the House and it was the intention of the Government to take away that stipulation of having to have the application notarized and some other method was determined. I'm not sure if this is in fact the case or not, but this was the situation that was placing a hardship on those particularly in the hinterland in the outlying districts who had to drive some distance to get this little document notarized rather than, perhaps, witnessed. And I'm wondering if, what, the intention of the administration would be in this regard?

Mr. Chairman: Mr. Gillespie?

Mr. Gillespie: Mr. Chairman, in response to the Honourable Member's remarks a year or two ago, the practice was changed, so that now only applications for new licences have to be notarized. Renewals no longer have to be notarized.

Hon. Mr. Taylor: That's a step in the right direction, Mr. Chairman.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, does the administration see that Section Eight, "Such other requirements as the Board may require" coming back to the legislature, so that they can be incorporated into the regulations? So that they can be used on an application form?

Mr. Gillespie: This is possible, Mr. Chairman. If the administration — I should say the government — chooses to make additional requirements by regulation, these can be imposed upon the Board and thereby come under the purview of this particular subsection (e).

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Those requirements are in the present Ordinance.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Such other requirements as the Board may require.

Hon. Mrs. Whyard: Such other requirements.

Mrs. Watson: Mr. Chairman, there are other requirements in here, but I am thinking of other requirements other than these in the Ordinance.

Mr. Gillespie: Such additional requirements ...

Mrs. Watson: Yes.

Mr. Gillespie: ... as the government — in addition to the ones that are already in the Ordinance, may be specified in the regulations, and the Board then be bound by those requirements.

Mrs. Watson: But, they wouldn't necessarily have to come back to this House?

Mr. Legal Advisor: No, that's correct, Mr. Chairman.

Hon. Mr. Lang: Mr. Chairman?

Mr. Chairman: Mr. Lang?

Hon. Mr. Lang: I would just like to point out in the old Ordinance, this was the same, really.

Mr. Chairman: Is there any further debate on Clause Twelve? Mrs. Watson?

Mrs. Watson: Mr. Chairman, has an application ever — a fresh application — ever been refused on the grounds that there wasn't sufficient information available?

Mr. Legal Advisor: No, Mr. Chairman, an application has been reconsidered because fresh information did become available. And applications have been re-

fused, and applications have been made for reconsideration on the grounds that fresh evidence not originally available was now available, and the Board has acceded to the request, we heard the application and granted the licence.

Mrs. Watson: Thank you, Mr. Chairman. Then that one-year period wouldn't apply to these people?

Mr. Gillespie: That's right.

Mr. Legal Advisor: Correct, Mr. Chairman.

Mr. Chairman: While you are standing here, I thought that if someone had applied and was turned down, they could not reapply within a year. You're suggesting ...

Mr. Legal Advisor: Except by special leave of the Board, Mr. Chairman.

This Section was not law at the time that this application was made. What occurred was an application was made for a restaurant licence. The application was refused.

Subsequently, information became available and the applicant made an application to the Board for a rehearing, in order to incorporate the additional evidence with his application. There was no bar on him doing this.

Even with this Section law, he could still ask for special leave from the Board, and the Board could grant him the leave to reapply if there is good grounds.

Mr. Chairman: We will recess until One thirty.

(RECESS)

Mr. Chairman: I now call this Committee to order. Is there any further debate on Clause 12?
Mr. Fleming?

Mr. Fleming: Yes, Mr. Chairman, my answer before we recessed was pretty well answered, but I do have a something you might clarify. This 12, 12 yes, 24(3), is it? "Where an application for a licence has been refused by the Board, no fresh applications may be made within a period of one year from the date of the refusal except by the special leave granted at the discretion of the Board."

I don't think that was changed, as I understand it, from the last one in the sense that my example was that I myself had applied for a licence and there was information given to the Board at this time that there were four liquor outlets in an area whereas actually there was only one, because the others were on the outside of an L.I.D. district, in other words. This was my objection to them not granting their licence, was it they had the wrong information and therefore that, I was valid to have a licence, considering there was only one really in that L.I.D. district.

They did look at the application and have a — and in consequence, they granted the application, so therefore, this is the section that covers that type of thing, doesn't it?

Mr. Gillespie: Mr. Chairman, precisely, that's the kind of thing that it does cover.

Mr. Chairman: Shall Clause 4 carry?

Some Members: Agreed.

Mr. Chairman: 13. "The Liquor Ordinance is amended by repealing subsection 25(2) thereof and substituting the following therefor:"

(Reads Clause 25)

Shall Clause 13 carry?

Some Members: Agreed.

Mr. Chairman: 14. "The Liquor Ordinance is amended by repealing subsection 26(1) thereof and substituting the following therefor:"

(Reads Clause 26)

Is this where the existing licence holders might want to make representation about granting further licences in an area — is this where this would be contained?

Mr. Gillespie: If you are referring to additional licences beyond those that he currently holds, this would then be an application for a new licence. But this is not for renewal of a licence.

Mr. Chairman: This is what I've said, this is a new licence.

Mr. Gillespie: This is the section that would require that it go to the Board.

Mr. Chairman: But this is also the section where a representation from a third party might be made?
Mrs. Watson?

Mrs. Watson: I think it's ...

Mr. Chairman: I'm sorry, go ahead.

Mrs. Watson: If it's an answer, go ahead.

Mr. Gillespie: I'm not sure just where that section is but that is somewhere else in the Ordinance, Mr. Chairman. The permission for objectors, or other people, to appear before the Board is not contained in this particular section here.

Mr. Chairman: Mrs. Watson.

Mrs. Watson: Mr. Chairman, I think that as we go through this because there are further provisions on the next page for objectors, and I think in the amendment to 26(1), we should really be saying that the Board really can't consider the matter until at least seven days after the last publication, because that's the time frame, that's how long you can take to object to the granting of a licence. So really, the General Manager doesn't know whether there's going to be an objection until a time frame is gone, so he really can't refer the application to the Board until after that time frame, which I think is seven days after the last publication. Maybe as we go through it, I think that should be inserted there in 26

because that says that as soon as you get all the application together, and if they've given you proof that they've advertised in the paper, then you, the General Manager can refer it to a Board of Directors. But actually, he should wait until the time limit for the objection is over so that everything can be referred to the Board of Directors.

You see, we're saying upon receipt of the application you then refer it to the Board of Directors.

Mr. Gillespie: I'm not sure that there would be a problem here, Mr. Chairman. I don't think that the General Manager would forward all the relevant material — oh pardon me, no, it does say "upon receipt", which means right now.

Mrs. Watson: Yes, right now. But as we go through it, maybe we'll come back ..

Mr. Chairman: Yes, perhaps we shall not carry these clauses until we have dealt with the whole material of this clause and others.

15. "The Liquor Ordinance is amended by repealing subsection 28(1) thereof and substituting the following therefor:"

(Reads Clause 28)

Mrs. Watson?

Mrs. Watson: Mr. Chairman, I think that we should be amending section 27(1) too. "Upon receipt of the request for a recommendation", we want decision, the Board doesn't make recommendations any more. It used to, but now it makes decisions.

Mr. Gillespie: Yes, Mr. Chairman, that's a good point and I would like to take it out if we may, and return with — after we have had a chance to look at it.

Mr. Chairman: Is there any further debate on Clause 28 ? Mr. Fleming?

Mr. Fleming: Mr. Chairman, I'm a little concerned when I go back to 25(2) and then down to 28(1), the proof of publication. It doesn't say how many times that will be published, not here, but I think there must be something somewhere that says two weeks, two papers, or three papers, or so forth, prior ..

Mr. Chairman: Mr. Gillespie?

Mr. Gillespie: Mr. Chairman, the Ordinance in 25(1) reads:

"Every applicant shall give public notice of the making of an application by publication for three successive weeks in a newspaper circulating in the area".

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, all the way through you hear where a person may object to the granting of a licence by filing his objection. What must be the basis for the objection? Can you object — you can object, but you must have reasons and your reasons have to follow some basis, and can you object on the basis of the

amendments to section 36(1), can you object on the basis of the personal character of a person?

Hon. Mr. McKinnon: Mr. Chairman, I think you should be able to object on the grounds of religious beliefs, and it should be as wide as possible under the terms of the Liquor Ordinance, and the Board will take what they consider to be pertinent to the licence application.

I've seen objections from Indian Bands because they object to it being too close to a village, a lodge on the highway having a liquor licence. I've seen objections come in from religious denominations and I think those people have the right to object to applications to licences. How do you limit it? Where would you start putting the limitations on?

Leave it as broad and general as possible and leave it up to the Board to say that's a valid object or this is not a valid objection. To limit it would just be asking for trouble. You don't get that many objections and if you do, good, people deserve to be heard.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, we do give our Board very specific guidelines on which they can grant a licence. Now, in order to follow those guidelines, those are the only things that we are telling them in this Ordinance that they should consider the personal character of the person, and the financial arrangements, plus 36(1).

Now, are we saying on the basis of any objection, then the Board can consider refusing a licence on the basis of anything, that's what we're saying.

Mr. Berger: Mr. Chairman?

Mr. Chairman: Mr. Berger?

Mr. Berger: I'm getting tired of holding my hand up but I have another concern here, it's the fifth day after the latest publication in outlying areas and I specifically have to refer to Dawson, newspapers don't arrive sometimes until a week later, especially one particular paper. I would like to see this time frame extended for a week at least.

Mr. Chairman: Mr. Gillespie?

Mr. Gillespie: If you refer back to 25(1), which is not in these amendments, it says that public notice will be given in newspapers for three successive weeks, and this is five days after those three successive weeks are over, so in effect, there is a total of 26 days which should leave sufficient time.

Mr. Berger: Mr. Chairman?

Mr. Chairman: Mr. Berger?

Mr. Berger: I still don't think it's enough time, because for the simple reason sometimes when you get an old paper, you don't even bother reading it, because it's already a week old news then, and if you happen to come across the notice in the paper, you actually have run out of time already.

I don't think personally it would hurt to extend this particular thing another few days, just to give the outlying areas another chance.

Further Mr. Chairman, I would just like to ask the witness how many times he reads the "Province" or another paper which comes up into Whitehorse, if it's a week old.

Mr. Gillespie: Not very often, Mr. Chairman.

Hon. Mr. McKinnon: I'm beginning to get the impression that nobody reads the paper, because it's always at least a week old.

Mr. Berger: Yes, Mr. Chairman, there's quite a few people don't bother picking up the paper because it's a week old already, and we are referring to one particular paper. The other paper sometimes takes about three or four days before it comes into Dawson.

Mr. Chairman: Mr. McKinnon?

Hon. Mr. McKinnon: Mr. Chairman, I suggest we have to find another vehicle to advertise in the newspaper, and I don't know which one it is, whether it's the Anik Info. Service — I know that the public radio station doesn't take any type of advertising. So I don't know what the answer is to that one.

Mr. Chairman: I would request Members to be recognized by the Chair before speaking.

Mr. Gillespie: I really don't see, Mr. Chairman, how another few days would help. If 26 days is not good enough, then 29 days is really not going to be any better.

Mr. Chairman: Mr. Berger?

Mr. Berger: Mr. Chairman, I'm just taking a particular example. If I happen to pick up the last paper where the advertising was in it, and the paper is already three days old, all that I have is two days to get a letter from Dawson to Whitehorse. With the special mail service we have in the Yukon Territory, when it sometimes takes 12 days to receive a letter from Whitehorse to Dawson, I think another week to hold on wouldn't hurt anybody.

Furthermore, Mr. Chairman, I think we should think of the outlying districts. We always have Whitehorse in our mind.

Hon. Mr. McKinnon: Mr. Chairman?

Mr. Chairman: Mr. McKinnon?

Hon. Mr. McKinnon: If I make a comment in the House in the morning, and I sit here and listen to the lack of communication and how there's no communication through that Territory, if I've made it and the people of Dawson and the people of Mayo don't like it, I hear about it, Mr. Chairman, by phone calls by that afternoon, or by noon hour, and I just can't accept the fact that there's such an isolated area in this Yukon, that communications are so awful, because I just tell you, you come into the Executive Committee office and you sit there and make comments publicly or make statements, and

you'll have your answer by noon of the same day you've made them, of what the people around the total Yukon, whether they are Watson Lake people or Beaver Creek or Mayo and Dawson, or Keno City, think about them; and I guarantee it, you'll be surprised at how fast the communication and the Moccasin Telegraph works in this Yukon.

Mr. Chairman: Mr. Berger?

Mr. Berger: Mr. Chairman, I'm glad the Honourable Member was referring to the Moccasin Telegraph, but we are not talking about advertising in the Moccasin Telegraph.

Mr. Chairman: Mr. McIntyre?

Mr. McIntyre: Mr. Chairman, perhaps the Honourable Member could be satisfied with concurrent posting of the notice in the liquor store, because surely that would be the place that anybody who's interested in liquor would be bound to see it, and this is a common type of thing. We do it in mining all the time.

We never just advertise in the paper; we always post a notice in the mining recorder's office, and it seems to me that it's obvious that this notice should be posted in every liquor store in the Territory, and this would obviate any qualms about not having sufficient time; it's an easy amendment to make. I would leave it in the hands of the Legal Advisor and the administration.

Mr. Gillespie: Mr. Chairman, that would be an easy practice to establish.

Whether we need to put it in the Ordinance or not, we can just start doing it. If we want to put all these notices in the liquor outlets.

Hon. Mr. McKinnon: Everyone would see it then.

Mr. Chairman: Would the Members please be recognized by the Chair before speaking? Mrs. Watson.

Mrs. Watson: Mr. Chairman, I just can't help it, but every community doesn't have a liquor store.

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: That was going to be my comment, Mr. Chairman.

Mr. Chairman: If, Mr. Berger, you're not satisfied, I'd suggest that you might ...

Mr. Berger: Well, I'm satisfied with the suggestion from the Member from Mayo and I would like to see this further extended; why not advertise it in any local store. If there's no liquor stores, nothing around, have a public notice board, in a motel or a hotel or in a grocery store or something like this. But the thing is one hand, and this is where I'd like to emphasize, on one hand the Honourable Member said we have to make it as broad as possible to reach all the religious groups and everybody in the Territory; on the other hand, we really don't give them enough time to object to anything.

Mr. Chairman: Mr. Berger, I'm going to stand this

Clause over for a little while, and if you are still concerned about it, perhaps you could have an amendment ready when we come back to it.

Mr. Berger: Well, Mr. Chairman, I'm quite sure that Mr. Legal Advisor could quite easily draft something up which is acceptable to myself and maybe the other people in this House.

Mr. Legal Advisor: Mr. Chairman, if you let it stand over, there's a number of clauses we're discussing, we'll review it in the light of the totality of that section. The timing is important to get it hurried up and at the same time not too hurried.

Mr. Chairman: I'm only standing these clauses over as of now; I'm only standing them over for perhaps half an hour until we read allied sections. Unless otherwise requested.

Mrs. Watson?

Mrs. Watson: Mr. Chairman, I had asked a question on a basis for objections and I really hadn't had an answer and I wonder whether I could get some sort of an answer — what are the bases for objections that the Board considered, or has considered?

Mr. Gillespie: Mr. Chairman, they may be as broad as anybody wants to make them. There are in, what is it, 36, 36(1), there are some guidelines for the Board to use, but objections can be whatever the objector wants to indicate to the Board and ask them to take into account.

Mr. Legal Advisor: Mr. Chairman, the strongest objection appears to be the number of licensed premises in the particular location where a licence applies, but that appears to be the commonest.

Mrs. Watson: Mr. Chairman, that's covered in 36(1).

Mr. Gillespie: Thirty-six (one), Mr. Chairman; it says "the Board, in considering whether or not to grant a new licence, shall in addition to any matters brought to its attention by the applicant or the General Manager consider ..." In other words, he can consider all of these things, the Board can consider all of these things, plus any others that may be brought by the objector. And this, in Twenty-eight (one), is what permits, is the section that permits any objection to be made.

There's no restrictions on the objections whatsoever, but there is certain guidelines in Thirty-six (one) to the Board in its consideration of the objection, and not necessarily just the objection either. These are things that the Board is required to take into account, whether or not there is an objection.

Mr. Chairman: Mr. Lengerke.

Mr. Lengerke: Yes, Mr. Chairman, I just want to say that, to say that I just can't see the purpose in limiting any objections. I think that should be left wide open. I think that the Board has enough guidelines to go from and I just don't see the purpose at all.

Mrs. Watson: Well, Mr. Chairman?

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Now the Board comes to a decision. If the Board refuses an application on the basis of an objection, that is not the basis for granting it, are things that have to be taken into consideration. They have to write their reasons and give them to the applicant why the licence — wouldn't that applicant have a case in the courts because he was refused a licence because the Board took other things into consideration besides the things they had the right to take into consideration?

Mr. Legal Advisor: There, Mr. Chairman, I would think not. He would have a case, but I'd support the action for the Board in that case rather than the objector.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Yes, just one question. Would the Board consider an objection on the basis that someone in a community said maybe that there were already too many existing premises in a community? Would that be a legitimate objection?

Mr. Legal Advisor: Yes, Mr. Chairman, I think it would.

Hon. Mr. Taylor: Well, that causes me some concern. This is almost legislating a profit to some individuals, why not let free enterprise flourish? If someone can meet all the other requirements of the Ordinance in terms of the Fire Marshall's requirements, and terms of this nature, I don't feel that the Board should arbitrarily be given the power to say just because the existing operators want to control the market that the other man should not have the equal opportunity, having provided, you know, the same number of hotel rooms and this type of thing as the fellow across the street.

Mr. Legal Advisor: Mr. Chairman, there was no intention of changing that particular policy in this particular version of the Ordinance. That particular policy was established in 1970 when this Ordinance was reorganized in a major way the last time around, and it was specifically written into the Ordinance that the Board could consider the number of licences in an area in arriving at the conclusion. There would be no change in that policy.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Well, Mr. Chairman, it seems to me so inequitable because if someone comes in and builds a real nice premise, a real modern, updated facility, in one of the communities, it seems to me that we said at one time that we would ensure that if they did this type of thing they would have the liquor licence, and I think that was one of the reasons for insisting on a number of hotel rooms to have a liquor licence, or a cocktail lounge.

It seems to me that that whole philosophy has gone down the drain if you say we are going to restrict this person simply because the other operators complain that they don't want this additional liquor outlet in a community, and it seems to defeat our original purpose.

does it not?

Mr. Legal Advisor: I don't know whether the question is addressed to me, Mr. Chairman, but in 1970 when the Ordinance was revamped in a thorough way, a set of sections was inserted in order to avoid a situation which had arisen once or twice, whereby an investor invested perhaps \$100,000.00 in a hotel and looked for a bar, and then on coming before a Liquor Board, who at that time was the Commissioner acting personally, was refused a licence.

He then had an argument he was allowed to invest a large sum of money and didn't get a licence. Conversely, there was pressure on the people who were dealing with the licence, to grant it because the building was now constructed, so a set of sections was put in whereby an applicant could produce his plans and programs in advance to the Board, the Board would then give him a provisional licence, if they thought fit, and then the man with that guarantee could go ahead and obtain financing and construct his premises.

But conversely, in that case, the Board could turn him down at no cost to the applicant, other than perhaps legal and architect's fees for preparing the plans. That, as I understood it, was the policy produced in the 1970 Ordinance, and there has been no change in that, Mr. Chairman.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, yes, but the policy was that we found at one point in time that there just was not sufficient accommodation in the Yukon, and yet it was felt at that point in time and that point in our development that there were a lot of lounges and taverns.

So the policy was that when the Liquor Ordinance was reviewed and the number of rooms required for a liquor licence were stated in new facilities, that was why that happened. It was an effort to try and upgrade the amount and numbers of accommodations throughout the Territory for the travelling public.

As one of the little plums to be had for providing this accommodation to the satisfaction of the inspectors, was the fact that you would then be eligible to have a cocktail lounge licence.

It seems to me, what's bothering me, is the fact that it could be that someone could come in and build, construct, a hotel for instance or a motel complex in excess of, say, \$500,000.00 which would be a real credit to the Territory and the community in which it may have been placed, and still not be able to perhaps have a cocktail lounge to serve its customers and the travelling public because perhaps the other operators in the community felt, well, their business was down and maybe we shouldn't have another licence.

It seems to me that we've got to let private enterprise go here; before people come and spend this kind of money, they should have some assurances, Mr. Chairman, that they can get a licence if they meet the other requirements of the licence, and I think the administration understand what I'm getting at.

Perhaps the person who is doing the complaining about lack of business may simply not be running a good business and people don't want to drink in his establishment, and so this is I think a very, very important thing, and you know, are we going to offer encourage-

ment to the people who make these substantial investments in the community and in the Yukon, and are we going to try to find ways, as we did when we altered the Ordinance last time in this respect, find ways to ensure that if they meet the requirements, notwithstanding the amount of outlets in the community, that they are eligible for a cocktail lounge licence, or a tavern licence, for that matter.

Mr. Legal Advisor: Mr. Chairman, they would be eligible; they would have to come to the Board and seek it, this is what the Ordinance says.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: But, Mr. Chairman, still if you're going to say no, that we just won't go along with that idea, what then — is there some way that you can allow through the Ordinance the aggrieved party who may have been refused, to appeal back even to this legislature?

I mean, is there some other place they can appeal to? I would direct that question to Mr. Gillespie, or the witness, Mr. Chairman.

Mr. Gillespie: Mr. Chairman, I think the Board. The one thing, as the Legal Advisor mentioned earlier on, there is protection for anybody who is planning to build a premise and to apply, that person can apply for a liquor licence before he starts building so that there is no danger in that regard. He will not have spent all those monies only to find out that in the end he can't get a liquor licence.

Now the Board is required, or will be required, by section 36(1), to take into account the number of licences in the area, regardless of the nature of establishment, if it's a \$500,000 one or whether it's a much smaller one that may already be in existence. In addition they will be required and do in fact take into account a number of other things, such the need in the community for that kind of hotel, a major hotel, the kind that you mentioned.

They do, as a matter of course, take these kinds of considerations into account as well, because in 36(1), it says that this, they have to at least take into account the items listed in (a) to (k) there, but in addition to that, can take into account any other factors which should be also considered by the Board. Certainly if somebody wanted to build a million dollar convention centre in Whitehorse, in spite of the fact that otherwise the Board might consider that there are too many licences. I doubt very much that they would turn something like that down. In other words, they have all the latitude to make a sensible decision that they need.

Hon. Mr. Well, Mr. Chairman.

Mr. Chairman: Mr. Taylor:

Hon. Mr. Taylor: Mr. Chairman, I'm just saying that when you do this, and if this takes place, then you're virtually legislating a profit to an operator in a community and you're denying consumer privilege to choose where he wishes to go to consume alcoholic beverages. I can see this happening. I can see it happening quite easily and I don't think that's quite fair either, but,

however, I won't belabour it at this point.

I hope that the Board, in it's wisdom do not refuse applications fore licences and new establishments in the Yukon and I hope that the Borad feel as this House did at one point in time, that we wanted more accomodation and if the people provided the accomodation, they had every right by meeting all standards to a cocktail lounge, notwithstanding the number of outlets in any given community. You can't tell people where they're going to have to drink or you ought not to.

Mr. Chairman: Mr. Felming?

Mr. Fleming: Yes, Mr. Chairman. I was very interested in the questions the Member from Kluane brought up when Mr. Legal Advisor said there would be no problem really under 28(1). I myself, in reading this, I may misunderstand it, but I understand it this way, that if you are an applicant wishing to have an outlet or so forth, you apply for it, the objector gives his letter of objection to the Manager, not later than the five days and so forth, which I could see a little more time there too, but I'm not concerned with that, it's down at the bottom where, and serving a copy thereof by registered mail upon the applicant.

Now the applicant is the person who is after the licence and I'm just wondering, I wouldn't want to be the person who is asking for that and have somebody fire a letter with me saying that skunk should not be allowed to have a licence or there, he's a thief, or so on and so forth. And I'm quite sure that I wouldn't. Some people would take that person to court over that!

I think in the first place his application is with the Manager and with the Board, that's where the application is. That's where the objection should go. That is dealt with in confidence there and of course, he will get that knowledge when he meets the Board. They will tell him but it is not something that he has in writing in his hand from somebody that objects to him having a licence.

I certainly, if I understand it right, I certainly wouldn't want to have that in there as it is written now. Mind you, he will know when he goes to the Board, he will know what that person has said against him, but he will only know that was said against him and it is before the Board and they probably would not be forced to go to court and admit that this was said or anything, but, if you mail that to him in a registered mail, I don't know, he's got a problem, I think, or somebody's going to have a problem.

Mr. Legal Advisor: Mr. Chairman, if he puts something in the objection and mailed it to the applicant, that wouldn't give any cause of action for libel or slander even if it contained material that was false.

Now if he puts it in the objection which goes to the General Manager, it would not be actionable even if it is false, provided that the objector believed it was true.

Mr. Gillespie: Mr. Chairman, I think the point is here that the applicant has a right to know what objections are being raised against him before the hearing is held, and this is the reason this is in here, to ensure that he does know.

Mr. Chairman: Mr. McKinnon?

Hon. Mr. McKinnon: Mr. Chairman, I agree with this section because it tempers the openness that the Honourable Member from Kluane was worried about, that the person, if they want to take up all this garbage about a person just on absolute hearsay, on no proof at all, they think twice before they have to send a registered letter to the person they are calling these names.

It's just not the old trick of you don't have to sign your letter to the press, and you can call anybody anything that you want, and nobody knows who it is. I've had dealings with sections of this nature, in applying for radio and television licences before another Board, the C.R.T.C. and it's amazing to find out the things that go to that Board. There's no way that you should come in cold before a hearing and get all this thrown in your face, of people who for various reasons have decided that they don't like you and don't think you should have a licence.

They've got the right idea. They send it, and they darn well send any of the Notices of Objections that they receive to the applicant prior to the hearing and it's in the regulations that they do that. I don't care which way they do it, whether through this way, I would like to put the onus on the person who just thinks that he can go and write hate mail whenever he darn well feels like it, that he has to put his name to it and register it to the person that he's sending it to, or if that isn't what the Members want, then have it incumbent upon the Board to send any objections to the applicant prior to the hearing.

I don't care which way it's done, but all I know is that it's a darn good way of making sure that people that will object to anything, just on objection's sake, that at least they have to put their money where their mouth is, or a name on a registered letter, and I wish that we had more of this type of legislation, in a lot of the areas that we deal with.

Mr. Chairman: Mr. Fleming?

Mr. Fleming: No, Mr. Chairman, I would just — there was some clarification given to me there, and if that assurance is there, you know, there is some assurance that — I agree with what Mr. McKinnon has said. There is no doubt that if he's going to take that chance, he has to pay for it, okay.

Clear.

Mr. Chairman: 16:

"The Liquor Ordinance is amended by repealing subsection 29(1) thereof and substituting the following therefor:"

(Reads Clause 29)

Is there any debate on Clause 16?

Mrs. Watson: Mr. Chairman, my only comment is that that's really quite a structure of sentence.

"The Board shall so decide..", and all the rest of the thing.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, as I read it, all this does is force the Board to make a decision, is that correct?

Mr. Legal Advisor: Yes, but it makes it actionable if they don't decide properly. A mandamus would be issued by the High Court to order them to decide it, they can't put it off forever.

Mr. Chairman: 17:

"The Liquor Ordinance is amended by repealing subsection 30(1) thereof and substituting the following therefor:"

(Reads Clause 30)

Mr. Berger?

Mr. Berger: Yes, Mr. Chairman. You asked me on section 28 if I had any amendments in my mind. I said "yes". I would like to see section 28 amended to ten days and section 30(1) to twelve days.

Mr. Chairman: Mr. Gillespie?

Mr. Gillespie: Mr. Chairman, going back to 28 — sorry, yes, 28(1), Mr. Thibault tells me that the vast majority of objections that are received are received in the very first few days after the first advertisement is placed in the papers, because the people that are watching out for these things, for whatever reason, be they competing businesses or for religious reasons or whatever, they do keep an eye out for this kind of thing, and there are others in their midst that are also keeping their eyes out for this sort of thing.

Very seldom does that three week period expire before all the objections are in, and there hasn't been any in the experience of the Board, any difficulty with the time periods that are indicated here. Certainly the Board has not indicated it to Mr. Thibault or to myself, if there has been, and they're the ones that have had to live with this, and they're the ones I think would have brought up the kind of concern if it had, in fact, been experienced.

So I would like to rely on their experience as our assurance that these time limits are sufficient.

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: Yes, Mr. Chairman. Just a question of general interest to Mr. Thibault. What is the nature of the objections mainly? From what type of people do you get objections? What's been the experience? Has it been from other operators, a good cross-section of the community, or ..

Mr. Thibault: Mr. Chairman, most of the time it's been received by hotel owners who already hold liquor licences. Sometimes we do receive objections from the churches and that's about all, really.

Mr. Chairman: Mr. Berger?

Mr. Berger: Yes, Mr. Chairman. This is maybe one of the reasons why I would like to see the time limits expanded, because it merely gives somebody else a chance to — and I don't know, I can't see why anybody would have an objection to extend the time frame. The answer I am receiving is because so far to this date we haven't received that many objections at the last mi-

nute.

Maybe there are some people that would like to object at the very last minute.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, section 29(2) should I think be considered for amendment. Again the Board is recommending rather than making a decision.

One other thing that I would like to ask, I'm looking at section 30(1) and it says that the Board shall fix a day at least 7 days after the last day of publication for hearing representation, and I think you could put that phrase onto 26(1).

"Upon receipt of an application for a new licence..", because until you wait until 5 days after publication, you don't know whether there's going to be an objection or not really.

Would it be agreeable, Mr. Chairman, if we were to examine this and return after taking a close look at it? I would also like to examine the suggestion from the Member that section 29 be revised. It appears that she is correct, because the Board is no longer in the position of making recommendations on licensing matters to the Commissioner, so it appears that she is quite correct again in picking out this change that is required.

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, I wonder if it would be of assistance to the Honourable Member from Dawson, to point out that any community or any organization or any municipality or any Board or any conference which is of the opinion that no further liquor outlet should be approved in their region, is perfectly free to make that opinion known to the Liquor Board any day in the year, year 'round.

Whether or not there is a new application before them whether or not there is an old one before them asking for renewal, and if there are reasons why any community is of that opinion, the Board is certainly going to take those reasons into consideration when the application does come before them, or when the application for the renewal comes before them, or when an application for an off limits or whatever comes before them.

If there is anyone in a community with an opinion on that subject, the opinion should be made known to the Liquor Board, and not wait until someone is advertised as applying for a licence. I would think that there are certainly channels available for that kind of expression of opinion to be made known to the Board.

I can see his concern here, regarding dates and times, because I know what the problem is in mail situations and communication in printed material, but I simply draw that to his attention so that he will find that there is no real stumbling block between any public opinion and the Board.

Mr. Berger: Mr. Chairman?

Mr. Chairman: Mr. Berger?

Mr. Berger: I thank the Honourable Member, and I do realize the things, but the thing is we have it written down in here the fifth day, and I know as a matter of fact that the Friday publication of the Whitehorse Star do

does not arrive in Dawson until Monday and if it happens that you don't sit down right away to write a letter, the next mail won't go out of Dawson until Thursday. There goes your five days and all that I have to say is, I can be stubborn too, and I insist on changing those things.

Mr. Gillespie: While we are looking at the other sections in this area of the Bill, Mr. Chairman, perhaps we can take a look at this as well and spend some time on it.

Mr. Chairman: 18:

"The Liquor Ordinance is amended by repealing subsection 31(1) thereof and substituting the following therefor:

(Reads Clause 31(1))

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, going back to Thirty (one), you have the Board fixing a day for hearing representation on behalf of the applicant and the General Manager and on behalf of the person or persons. Would the General Manager be called to take a position before the Board whether he thought the applicant should get a licence or not?

Mr. Legal Advisor: Yes, Mr. Chairman, he would have to sometimes take a position and especially he does it in a public way so that the applicant knows what he has to face.

Mr. Chairman: Any further debate on Clause Eighteen?

Mrs. Watson: Mr. Chairman?

Mr. Chairman: Mrs. Watson.

Mrs. Watson: Section Twenty-six (one) does not say there where there hasn't been an objection that the General Manager can make representation on behalf of the applicant. You see, there's sort of an inconsistency that the, when they consider a licence without an objection and considering a licence at a hearing when there is an objection.

Mr. Legal Advisor: Mr. Chairman, it's intended, intended in the design, that where there are no objections then it's a more informal thing. But where there are objections you have a miniature trial situation and people have got to be heard and you must observe the rules of natural justice. It's a more formal thing with sworn evidence but it's a more closed proceeding when there are no objections.

Mr. Chairman: Mr. Fleming?

Mr. Fleming: Mr. Chairman, in all respect, it's still, if that complaint came in, and in Mr. Berger's thoughts, could be very, very late in getting there and possibly the day before the hearing or even the day of the hearing in this sense here, then the Manager would have to sit down and rule upon that now without getting any evi-

dence as to that objection being valid or not, really. I think he must have some time to get that evidence. You don't allow any time there.

Mr. Legal Advisor: I can't quite follow that, Mr. Chairman. There's a time laid down of, I think it's thirty days, from the start to the finish of the procedure, there's approximately thirty days for the objection to come in. Then a hearing is fixed seven days later if there are objections. If there are no objections then the matter is considered informally by the Board and the applicant may or may not be present or he may put in written representation or he may send in his architect or whatever there happens to be. But if there is a complaint, I've got to take it you mean an objection, if there's an objection, then the objector must be given notice of the hearing and the person who is applying for the licence must be put into a position to answer those objections.

I can see the Honourable Member raising his finger and saying two days, yes Mr. Chairman, that's the minimum time, but it's customary in these matters if a person cannot meet his objections to ask the Board for an adjournment, which he is perfectly able to do and this is a frequent occurrence. He may need another week or two weeks to produce his evidence, but the thing at least gets started off, which is part of the battle.

Mr. Chairman: "The Liquor Ordinance is amended by repealing Sections Thirty-two (two) and Thirty-two (three) thereof and substituting the following therefor:

(Reads Clause 32)

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

Twenty: "The Liquor Ordinance is amended by repealing subsections Thirty-three (two) and Thirty-three (three) thereof and substituting the following therefor:

(Reads Clause 33)

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: I was just wondering in the old existing Ordinance at this time, there's a further subsection that says where the applicant does not comply with subsection three he may make a fresh application. Why is this removed?

Mr. Gillespie: Mr. Chairman, I don't believe it is revoked. It remains; the preamble to this clause states that the Liquor Ordinance is amended by....

Hon. Mr. Taylor: I see it now. Thank you.

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

Twenty-one: "The Liquor Ordinance is amended by repealing subsections 34(1), 34(2), 34(3) and 34(4) thereof and substituting the following therefor:

(Reads Clause 34)

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Yes, just a general question. When a licence is issued, you say every licence for the sale of liquor shall be held to be a licence and valid only so long as the premises named therein is operational for at least three months of the licence year.

Does this mean that, notwithstanding you are asked to describe your hours of opening and days of operation on the licence, that you can arbitrarily shut your premises down at any time without permission of the Board, apart from the three months' requirement?

Mr. Legal Advisor: Mr. Chairman, whether it's legal or not, some people do just that and it's hard to know what's happening out on the highway occasionally. People do close their premises and they do not notify the Board and they do reopen them again, and the Board is attempting, by some of the amendments here, to obtain some form of control over reporting and what have you. They shouldn't but they do.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, then do I take it that perhaps a person could simply come into a community and operate for three months, skim off the profit, and not be bound to run his operation on a year-round basis, and skip out with the profits in the summer and, you know, just leave the place dead without providing a service in the winter; is this correct?

Mr. Legal Advisor: They could, Mr. Chairman, but the Section is written from the other point of view. It's written to prevent the nominal holding of a licence which is only open for a day a year in order to retain an existing licence. So three months is chosen as a point; it could have been four months, it could have been two months; it just happened to hit three months, and if a premises isn't open for three months in a year then the licence can be recovered by the Board.

Mr. Chairman: Mr. Fleming?

Mr. Fleming: Yes, Mr. Chairman; Thirty-four (six) — "shall be served by the objector on the licensee either in person or by registered mail at the same time as the objection is served to the General Manager". I have a little problem with serving it at the same time; I suppose one is going to be by mail and the other is going to be by person.

But why a person in the first place? What's it in there for; is there a reason for that? Just on the opposite page over here we had "by registered mail", the same thing.

Mr. Legal Advisor: That's just the way the pen came out, Mr. Chairman. It seemed when somebody was drafting this at the time they wrote it might be convenient for a person to walk down the street in a place like Teslin and hand the letter over rather than have to go through the registered mail process.

That's just how it came out, but I think there's a small mistake in "served to the General Manager". I think it should be "filed with the General Manager" in reference to what's in subsection three.

Mr. Chairman: We'll accept that as a typographical

error.

Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, I would just like to draw the attention of all Members once again to the two sections I referred to earlier, (three) and (four), which give every opportunity to any person to object to the renewal of a licence, and they can file their objections with the General Manager, as long as they do it by the first day of January, it is going to affect the consideration when that licence comes up for renewal, which would be March, Mr. Chairman, and this is the information that I think has not really got out to a number of communities in the Yukon, who may from time to time agree that certain licensed outlets should be restricted or controlled or handled in some way, according to community wishes.

Because they have not been aware of the timing for receipt of those objections, they may or may not have lost an opportunity to object. I would like very much to give that the required publicity in some special way. Perhaps when we get to 103 we can work on it again because I think this is the crux of the problem in many areas. There has not been the knowledge made available to groups who are giving us Petitions and asking for assistance, pinning them down to how they do it and where they send it and by what date, and Mr. Chairman it's here.

I would sk the co-operation of all Members in making that known.

Mr. Chairman: You might have noticed that I am not asking these clauses to be carried, because they are so interwoven, I'm permitting the debate to be carried on all through these clauses until we've gone through this, it's the same general material, and then at the conclusion of that time I will go back and ask that the clauses be carried individually but still we are able to refer back to them.

Mr. Taylor?

Hon. Mr. Taylor: Yes, Mr. Chairman, the Honourable Minister, speaking before, suggested a very good idea — that we find a method of advertising this particular section if the Bill does carry in the House.

Why is it not possible to make these hearings public, renewal hearings? Now, I think the Honourable Minister of Local Government rose some time ago in this debate to point out that public hearings are held by the C.R.T.C., for instance, these hearings are public on some applications but we're talking here about renewal applications, and perhaps they ought to be public.

Perhaps the people who are objecting want to get their word out to the general public of why they're objecting, and you know, on both sides of the fence. I can't see why these type of hearings now ought not to be made public, and I would like to hear some argument why they shouldn't. All the other hearings are public, why not this one?

Mr. Legal Advisor: Mr. Chairman, I don't think it said one way or the other whether this is or is not a public hearing, but if an objection was filed, the objectors would be entitled to be present in court, and I apprehend they might be calling witnesses and so forth.

They will be present, not in the court, in the hearing room, wherever it happened to be, and there is a strong pressure on the Board to hold any investigation or hearing of this nature in the locality where the licence is applied for, and this has been the practice of the Board up to now.

So, there's usually adequate publicity, and people do come to the hearings, and I don't know in respect of one of these whether anyone has in fact been refused.

Hon. Mr. Taylor: Well, Mr. Chairman ...

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: ... with due respect, perhaps this is the way to get around it, is to call public — make it known to the public that there will be a hearing on certain liquor applications, more particularly in the spring, around March, when they do these things, and just make it known that there will be a hearing at a given place at such a time at such a community and do it.

I can't see why all the secrecy. I can understand it in the other case, where there is real privy information involved, as outlined earlier in the debate. But certainly on hearing representations from perhaps other hotel owners, from perhaps religious groups in respect of a renewal of a licence, this ought not to be secret. You know, I just don't know where we are going with this secret society, and I would personally like to see it a policy of the Board to, wherever humanly possible, hold their hearings in public and advertise the hearings as well.

Mr. Chairman: Mr. Gillespie?

Mr. Gillespie: Mr. Chairman, once again I agree with the principle of what the Honourable Member is saying. There's no difficulty as long as all you're asking for is a policy for the Board to carry out that wherever possible, wherever feasible, wherever reasonable, that it holds public hearings.

But as long as you're not asking that such a requirement be placed in the Ordinance, that the Board shall hold public hearings, then I would agree with what he's saying.

Hon. Mr. Taylor: Well, Mr. Chairman, in respect to the policy, I would feel that half a slice is better than a whole slice, and that would certainly help; it would help; it would get something out to the public, and I would agree, I would certainly like to hear some assurances that this would be a direction to the Board.

Mr. Gillespie: It would be a matter for discussion with the Board. I wouldn't want to commit a direction from the government in this form right now, Mr. Chairman, because I would want to hear what the views of the Board are, before doing anything of that nature.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: I don't think it's necessary for us to go into this. If the Board wants to have a public hearing, they can have it. I don't think we have to give them any direction in this area.

Commenting on the Minister of Health's attempt, the fact of Section (three) and (four) where people aren't aware that they can make an objection, people most of the time are aware that they can make an objection. They're fully aware, but when we have small communities, when objections are made like this, it becomes a very personal issue, and as was said, the only thing that stops them very often is because they have to give a copy to the applicant, and that's fine.

I think that — and if you have an organization, if you have a church group, if you have an organization that feels very strongly that you shouldn't have any more licensed premises in your community, this organization will be making their position quite plain publicly through their own organization, and to advertise this Section, I just don't see that; people know you can object.

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Yes, Mr. Chairman. The Honourable Member from Klwane is very well informed on every section of this Ordinance with her many years of experience in this Assembly, but I am referring to communities who did not have this information and therefore missed an opportunity for another year regarding the renewal of a particular licence, and this was not an individual case of one operator opposing another. This was a case of community opinion.

I feel, just as I said before, that it is important for these communities to know these facts about how they register their objections, and by what date it must be registered.

Now, I am happy to hear from the Honourable Member that there are no doubts in anyone's mind in her constituency, and I'm very pleased to hear that, but I am sure, Mr. Chairman, this does not apply to every small community in the Yukon, and I am only asking that they be given this information.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, it may have been a community opinion, community opinion passed to the Territorial Government, for the Territorial Government to take the action, not for the community groups to take the action within the community to bring the personal conflicts that it's liable to do.

This is your problem, and it will.

Mr. Chairman: Mr. Fleming?

Mr. Fleming: Mr. Chairman, I don't know whether this is a typographical error. In the case of an application for tavern-cocktail lounge, is that tavern-cocktail lounge, or tavern and/or cocktail lounge?

Mr. Legal Advisor: Or it should be.

Mr. Fleming: Okay, this is just a typographical error.

Mr. Chairman: Where is that, Mr. Fleming?

Mr. Fleming: Thirty-six (g).

Mr. Chairman: Is there any further debate on that clause?

Mr. Gillespie.

Mr. Gillespie: There is a mistake, a typographical error in subsection 5. The numbers, the section should read 24(2), 27, strike out 28, 29(2), strike out 30 and then 31 and 32.

Mr. Chairman: Thank you, Mr. Gillespie. That reads now 24(2), 27, 29(2), 31 and 32. Is that correct?

Mr. Gillespie: Yes, Mr. Chairman.

Mr. Chairman: Thank you.

22:

"The Liquor Ordinance is amended by repealing subsection 35(1) thereof and substituting the following therefor:

(Reads Clause 35)

Mrs. Watson: Mr. Chairman?

Mr. Chairman: Mrs. Watson?

Mrs. Watson: I don't understand that and I've gone over it and over it and I just don't understand it. Maybe someone could explain it. Why don't the provisions of section 29 apply?

Mr. Legal Advisor: Mr. Chairman. I think it's the advertising section, Mr. Chairman because the automatic, with an automatic renewal always on the same day, the objections are in by the first of January.

Mrs. Watson: Mr. Chairman, I think they have the wrong section. 29 is no objection. It's a difference. 25 is advertising.

Mr. Chairman: Mr. Gillespie.

Mr. Gillespie: The concensus of opinion over here is that it should read 25. Mrs. Watson is correct.

Mr. Chairman, maybe we can — what we should do is take this one out and have another look at it.

Mrs. Watson: Yes, the old Ordinance says section 29.

Mr. Chairman: 23:

"The Liquor Ordinance is amended by repealing subsection 36(1) thereof and substituting the following therefor:"

(Reads Clause 36)

Mr. Fleming.

Mr. Fleming: Mr. Chairman, I'm wondering if Mr. Legal Advisor could give us — (k) permanent structures having preference. A little explanation on that.

Mr. Legal Advisor: I think it's plain enough to see, Mr. Chairman. This is the policy which is there. This particular group of subsections are taken from the regulations. The idea was that in deference to the House, the policy reproduced in regulations for a number of years should be transferred virtually unchanged from one place to another.

Mr. Chairman: Mrs. Watson.

Mrs. Watson: Mr. Chairman, I think this is the section that the Honourable Member from Watson Lake was speaking to previously and I have misgivings on this section. I can understand why we have to have it. I think we've come to the point where we have to give consideration to some of the things, the points that are brought out here. When we expect the Corporation to hand out liquor licences, I think we've come to that stage in the Yukon. But I think that we're going to have to watch it very carefully because by putting this section in here and asking the Board to consider these various points for automatically raising the value of the licences which are now in force. I think we all realize that.

Although we can't, licences can't be sold or transferred in the Yukon Territory, these licences, the existing licences are just becoming a little bit more valuable. Or the hotel or the motel or the establishment that has them are becoming a little more, more valuable. I don't think we have any alternative at the present time but to go along with this section. But I don't think that we can let it go on for too many years without having a very, very objective look at it to see whether we are creating ourselves another problem.

I think that other jurisdictions in Canada are quite restrictive in the licensing and I think in some areas they have created themselves quite a problem. And all you have to do is look at Alaska, too. Our situation isn't similar to Alaska's but I wouldn't want it to grow into that type of situation. So I would be prepared to agree with this section, but I'm very hopeful that within at least three years, four years, that the Government review the whole picture again.

Mr. Chairman: Mr. Taylor.

Hon. Mr. Taylor: Mr. Chairman, I, as I stated earlier in debate, I am in disagreement with 36(1)(a) in particular, but I would feel much better, because it appears to me that this is going to get the concurrence, this section will have the concurrence of this House. I would feel much better if the word "shall" in line 2 of that section, be changed to "may", without making it an absolute compulsory situation with the Board, that they have to consider the number of licences in any given area, but rather that they may consider it if, you know, the complainant or somebody like that comes along and asks that that be done.

I'm wondering if the — if what the administration's views would be on changing the word "shall" to "may" in line 2 thereof.

Mr. Gillespie: You have to place certain obligations, Mr. Chairman, on the Board, to ensure that they do their job in the way that the legislature wants them to do it. Not that this has been any problem in the past, but for the future, we also want to ensure that this happens, and this is why we have it "shall", to be sure that they at least take all these things into account.

Now, we're not asking them to place a greater emphasis on (a) than on any of the others, or even any kind of an undue emphasis. They have to keep their view of that particular consideration in balance, but I would be a little bit concerned about saying in a direction of this sort to the Board, that they may take these things into account, because this would enable them to restrict their view, and their consideration overall of an application, to much — a much narrower field and they might be less objective than they are at present, if we left that as "may" rather than "shall".

That's my only concern, Mr. Chairman.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, I failed to mention, with this specifically they may have taken this into consideration before, however, with this specifically written into the legislation at the present time, you can rest assured there are going to be many more objections to applications and to renewals, based on this section, and the Board is going to have to take this section into consideration, I would presume, in practically every renewal or application.

Mr. Chairman: Is there any further debate on Clause 23?

Mr. Berger?

Mr. Berger: Mr. Chairman, I just have to ask the same question that I asked earlier, in a different section. Is the administration considering, and I will rephrase it, of opening up, or letting people open up neighbourhood pubs as they are called in B.C. — I hate that name — but without having to have a requirement of rooms?

Mr. Gillespie: We have not been considering that, Mr. Chairman.

Mr. Chairman: Mr. Berger?

Mr. Berger: The reason I'm asking this question was, is Dawson ever going to be restored to a point where it was supposed to have been at the turn of the century, before 1902 when the first Liquor Ordinance came into effect. There was no requirement of rooms in there. In 1902, the first Liquor Ordinance came into effect and actually as a matter of fact, it's just about the same thing in the requirement of rooms, except in those days you had to have stables too to accommodate the horses, and I was wondering if the administration ever considered opening up — letting people open up places on a seasonable basis even without having the required rooms?

Mr. Gillespie: Up until now, Mr. Chairman, I'm not

aware of any consideration of that particular proposal by the administration. The buildings in Dawson that are being constructed or restored, reconstructed or restored by the Federal Government, I doubt will ever be permitted by the owners of those buildings — that is the Federal Government — to have liquor licences.

As to its application for other areas of the Territory, or other buildings not owned by the Federal Government, this is something we would have to look into, Mr. Chairman.

Mr. Chairman: Mr. Berger?

Mr. Berger: I beg to differ with the Administrator, Mr. Chairman, because I was told a few years ago the whole thing is under review and there is a possibility that some of the old hotels in Dawson will be restored again to their original purpose. The only thing is that Parks Canada, up to this day, hasn't figured out a way yet how to go about it because it is a first in the history of Parks Canada, to restore a live town.

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, I think the Honourable Member has introduced a very interesting concept and I'm intrigued by it, and I'm just wondering whether if this proposal did proceed, through this Ordinance, they would also revert to the restrictions on sale and consumption of liquor which applied in those days. Would we stop again at midnight on Saturdays, Mr. Chairman, and etc.?

Mr. Chairman: Mr. McKinnon?

Hon. Mr. McKinnon: I can't agree that this whole area isn't possible under the present Ordinance, under special licences and I see Mr. Legal Advisor shaking his head, and well he knows — in agreement — and well he knows that this is exactly the way that we went during the Dawson City Festival, that Keno was given a licence without any special — or a special licence for them to be able to have a cabaret in the boat, and the Palace Grand has, on at least one occasion, I'm not sure on other occasions, been given special licences also so that liquor could be served at the Palace Grand.

So it's not impossible under the terms of this Ordinance or past Ordinances, depending upon the situation, to be able to get special licences for these unique type of events.

Mr. Chairman: Mr. Berger?

Mr. Berger: Yes, Mr. Chairman, I agree with the Honourable Member, but there was special circumstances involved in 1962 and if he thinks a little back, he most likely agrees with me.

But the thing is what I'm concerned with is the private entrepreneurs maybe want to restore a building in Dawson, there's a number of saloons there which could be used as an added tourist attraction to attract more people to the Territory, and under those licences, so far it was not available to the private entrepreneurs.

Mr. Chairman: Mr. McKinnon?

Hon. Mr. McKinnon: Mr. Chairman, I hate to keep harping back to this one theme, but I can see that if specific exceptions are not made for the Dawson area, because of special and unique circumstances, then we get right into the Alaska situation where there is no demand for any type of major investment before a licence is given, and I will stand here and be against until the day that they take me out of here screaming and kicking.

The concept of a bar at every second door, which I've seen in too many of the neighbouring States and down in the United States, and in certain areas of Canada too. I'm against it, I'm opposed to it and I'm not in favour of every second door being a bar without any major capital investment. That's one of the reasons that the room regulations were put on to obtain a liquor licence in Yukon. I think it works relatively well, and as long as I'm a Member of the Government at any rate, that there will be special and unique circumstances for special and unique situations.

As far as laissez-faire attitude of the Government of opening up the Ordinance to provide for new licences without the room requirements at this time, when we're involved in a major and costly alcoholism program, indeed it's hypocritical to the nth degree as far as I'm concerned for this Government to undertake, and I'd be against it.

Mr. Chairman: Before I declare a recess, I want to say that I've become increasingly concerned over the manner in which the Committee is directing their questions.

If we are to assume the stature of a Legislative Assembly, I think we should be directing our questions to the Ministers who are involved in the evolution of the Bills that are before us. They are the Members, the elected Members, if they need assistance, they can go to the witnesses for details.

But generally speaking, on matters of policy, I would much rather you first refer the matters to the elected Members, and to the witnesses.

I will declare a brief recess.

(RECESS)

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

Mr. Fleming: I believe there isn't a quorum present.

Mr. Chairman: There not being a quorum present I recall the Speaker to the Chair.
(Mr. Speaker resumes the Chair)

Mr. Speaker: I will call the House to order.
May I have a report from the Chairman of Committees.

Mr. Chairman: Mr. Speaker, it was pointed out by an Honourable Member that there was not a quorum present and therefore we requested your presence.
Mr. Speaker there now is a quorum present.

Mr. Speaker: I have determined from the Chair that

there is now a quorum present. I would suggest perhaps that a motion at this time to revert to Committee of the Whole would be in order.

The Honourable Member from Hootalinqua.

Mr. Fleming: I so move, Mr. Speaker.

Mr. Speaker: Is there a seconder?

Ms. Millard: I second the motion.

Mr. Speaker: It has been moved by the Honourable Member from Hootalinqua, seconded by the Honourable Member from Ogilvie that Mr. Speaker do no leave the Chair, that House resolve in Committee of the Whole for the purpose of discussing Bills, Sessional Papers, and Motions.

Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I declare the motion carried.

(Motion carried)

(Mr. Speaker leaves chair)

COMMITTEE OF THE WHOLE

Mr. Chairman: I now call this Committee to order.
Is there any further debate on Clause 23?

Twenty-four. The Liquor Ordinance is amended by repealing subsection 37.(2) thereof and substituting the following therefor:

(Reads Clause 37)

Mr. Chairman: Is there any debate on Clause 24?
Clause 25. "The Liquor Ordinance is amended by repealing subsection 38.(2) thereof and substituting the following therefore:

(Reads clause 38)

Mr. Chairman: Mr. Fleming.

Mr. Fleming: Mr. Chairman, I want some clarification on 2. I think they both say the same thing pretty well don't they?

Mr. Chairman: Mrs. Whyard.

Hon. Mrs. Whyard: Mr. Chairman, 37.(2) is referring to a tavern licence and 38.(2) is for a cocktail lounge licence and I draw the attention of the Members to the fact that this is not changed from the present ordinance except for the change of the words "general management."

Mr. Chairman: Thank you, Mrs. Whyard.
Clause 26. "The Liquor Ordinance is amended by repe-

aling subsection 39.(1) thereof and substituting the following therefor:

(Reads Clause 39)

Is there any debate on Clause 26?

Twenty-seven. "The Liquor Ordinance is amended by repealing subsection 42.(1) thereof and substituting the following therefor:

(Reads Clause 42)

Mr. Chairman: Mr. McIntyre?

Mr. McIntyre: Mr. Chairman, in, I was just wondering for the purposes of this Ordinance, does liquor include beer and ale?

Mr. Legal Advisor: Yes, Mr. Chairman.

Mr. Chairman: Twenty-eight. "The Liquor Ordinance is amended by repealing Section 44 thereof and substituting the following therefore:

(Reads Section 44)

Mr. Chairman: Mrs. Watson.

Mrs. Watson: Well, Mr. Chairman, of course I can't, just can't agree with this section at all. I think this is sort of sluffing off a little bit and we will hear the different communities feel differently about things, but really, when you're giving it at the local level to make the decision, and as I've said before, politics are pretty sensitive.

If you were going and if you were even saying will off-premise beer licences be allowed in a whole L.I.D. or municipality or unorganized area, that would be a different thing, but you're specifically going for each individual outlet and it becomes so politically sensitive that I can envision some very horrible things happening and I think either we're going to allow off-premise beer licences in Yukon Territory or we're not. We should make up our minds here and now and put it in the legislation.

If we're going to continue these off-premises beer licences which, I believe they're for operating outside of the normal operation hours of the outlet, I think our decision should be made here and it should be the same across the Territory.

Mr. Chairman: Mr. Fleming.

Mr. Fleming: Mr. Chairman, I also stand to try to rid us of this type of legislation here. I would have liked to come here to this House and seen just the opposite to what is here and in all respects to the Executive Committee and the people who worked on this because they have worked very hard to come up with something, and I think the same as myself, only the last, say year, that the problem has really come to the fore and the L.I.D.'s have been asking, in fact we did have in this House last, I think the last Session or the Session before, myself, if the Commissioner would or could do something for the L.I.D. at that time, curtail the hours of sale for one thing on the 24 hour licences for instance.

That answer at that time was that, if I get it just not quite correct exactly, but the terms were that he would do nothing about it at that time or could do nothing about it, one way or the other.

So we're looking at the L.I.D.'s now then as if they wanted to control their own town in that sense. Since that time it has been brought to my attention at meetings and so forth in my area, I don't know about all the other areas, but the Teslin area through that part of the country, that they wish something done, but they don't want that responsibility. The government in this case will have it, I agree, this is the only way you can do it, and let them come forward and ask to curtail the hours.

But, I myself feel that we here in this House, should sit down and put down the hours for the Territory. I'm prepared to vote against possibly hotels and so forth and so on that wishes maybe not to have that 24 hours off, but I am prepared to take it off, because I do not know why any person wants to go down at 4:00 o'clock in the morning and find himself a case of beer at any place, and I would like to have somebody show me where people are making any money with that type of a situation anyway.

And also the cleaning up of our streets is one more which in this Ordinance, the Board is more or less going to decide or let the communities come forth and say we would like to close down the drinking on our streets, and in front of our public places and so forth. I don't think they should have to do that.

I think we should do it and let them come to us, and say we would like Mr. Commissioner to be a little lenient, and let us have a few extra hours in our town, if they so want it, but I don't think, Mr. Chairman, you'll find very many that would want it.

Right now under this legislation, I'm sure that you're going to get applications from all over the Territory, or Petitions or whatever is the necessary equipment to curtail the hours in almost all the places, and I can see it as being quite a schmozzle for the Commissioner to sit down and straighten out all these things and get everybody a licence to more or less - the government would still run them, but they have asked for it, and there's going to be many, many of them, and I can see the other way, where you might not even get anybody, and L.I.D. or any municipality. Possibly some of the other Members may have a different view, I would like to hear it.

I don't think you would get any applications to extend the hours. I think they would be very happy that we sat down and said that's it for once, and let's make some hours, and put some teeth in the legislation ourselves, and take the responsibility too.

Mr. Chairman: Mr. McKinnon?

Hon. Mr. McKinnon: Well, Mr. Chairman, I have to say that I'm surprised and amazed and disappointed also, with the reaction of the Members in this area, in the two areas where we are going to find out the wishes of the public of the Yukon, as to what type of liquor control they would like to see in their unorganized area, their Local Improvement District, or their Municipality. It appears that the Members are not willing at this time to let the local governing authority suggest in this case, in the area that we are examining now, number 28, subsection (3), the suggestion by a resolution of the

Council, if it's a Municipality, or by a Board of Trustees if it's in an L.I.D., to the Liquor Board only, to suggest what the hours on the off premises beer licence should be.

I have made the point over and over again, as we went through this legislation, that the one thing that's consistent, that I find in my travels through the Yukon, that this is not a homogeneous community, but different areas and different circumstances, have different needs and different requisites, and it's impossible in this day and age, to satisfy the total Yukon by one set of laws and one set of regulations.

I just can't understand how the Members of this Assembly don't have the confidence in the locally elected people at the grass roots level, to know better what the desires and wishes of the people that they are elected to represent desire and want, than to allow the elected Members of the Yukon Legislative Assembly to make those decisions for them.

I just can't get into my mind, how we're always talking about let's go to the grass roots, let's find out what the people want, and let's let them make their decisions that affect their everyday life and give them the opportunity to do it.

We are not going to allow them to make these decisions and not even make suggestions to the Board without it coming through the Members of the Legislative Assembly.

I see in every jurisdiction, where if we go to a flexible arrangement, where our sister Territory presently has five different communities, Lac La Martre, Fort Norman, Snowdrift, they are almost ready for a vote. The residents of Rae Lakes and Fort Franklin are circulating Petitions within their communities. Rae Edzo and Yellowknife have already put limitations on drinking, not universally but to specific groups within the community.

Fort Norman and Lac La Martre have submitted Petitions which have been approved by the Territorial Government, and are just awaiting government arrangements for the vote to be held, both communities recently have been involved in Territorial Council by-elections, and should have fairly up-to-date voters' lists, meaning votes have probably held.

In Snowdrift, a delegation of government officials will hold a meeting to discuss the plebiscite requested by the community last winter. In every instance, the government of the Northwest Territories is taking the case, even up to the extent of total prohibition, if the community so decides, out to the community for the community to decide.

In government we decided that we didn't think that a total prohibition clause would be the answer. We thought that we would start off in not nearly a dramatic way as the government of the Northwest Territories has done, but allow, at least the Board could hear the wishes of the duly elected Members of the Local Improvement District and the Municipalities, in determining what hours of off-premise beer licence should there be in any community.

What a dramatic and startling change to actually go down to the grass roots and ask the people to make these type of presentations before the Board, and it looks like we are not going to be successful in this area.

We went one area further, we said we agree we have the responsibility, because we have the money making facility out of liquor, that we will continue to have the responsibility for enforcing the Ordinance, but it should be in the area of the municipalities or Local Improvement Districts, and the Area Development Ordinance - or the Unorganized areas to decide whether they wanted the continuation of drinking within the streets and lanes of their community, or if they didn't want it.

Again, Mr. Chairman, it looks like we are not going to be allowed to make the decision upon the representations of the duly elected people at the grass roots level.

I'll tell you one thing, that I would find it impossible not to support the type of legislation that is in this Bill, because I want the Members to tell me of one instance where I've stood up here and said we should be giving the powers to the Municipalities, the L.I.D.'s and the unorganized areas, and I'll give you instance after instance where the advice of the Department of Local Government has been not to go along with the Resolutions and the votes and the wishes of the Municipality and the L.I.D., and in every instance, the experts in the Department of Local Government have been overruled and the wishes of the Municipality and the Local Improvement District and the unorganized area have been followed, because I am one of those who believe that the elected people at the grass roots level, know one heck of a lot better what's going on in their community, what's desirous in their community, and what's needed in their community, than me sitting here in the executive wing of this new Territorial Administration building.

I cannot understand for the life of me, how the members are going to rationalize making universal hours as to off-premises beer licences, when it's nothing but now a Petition to the Commissioner or in the future to the General Manager, to be able to set your hours as far as your liquor establishment goes.

It seems to me that the Honourable Members think that the Yukon people won't know what to expect in any community that is there. Already there are hours for every different premise to make the hours just by application, to the Commissioner, or to the General Manager when the Liquor Corporation goes in.

Nobody has trouble in the communities finding out what the hours are of licensed premises, or off-premises beer sales, if they're restricted in one area to certain hours and not restricted, or open on a 24 hour basis in other areas. I think the government was correct, after travelling through the entire length and breadth of the Yukon and listening to the representations of the people of the Yukon, in the type of legislation that they came up with in the Liquor Ordinance.

I think it's about time, and I'll continue to believe this, that we got representation and we heard the opinion of the people in the communities through their duly elected representatives at the grass roots level, and I can't see how we can be doing anything but good in the Liquor Ordinance as it now stands, by allowing these two Sections, Section 28 and the other Section, Section 52, to stand as they appear in the amendments to the Liquor Ordinance at this time.

I just know that we're going to be in a lot more trouble and a lot more mess by attempting to make universal laws throughout the Yukon in these two areas, and try to treat the Yukon as one homogeneous mass where one

area does not have absolutely different requirements, and absolutely different requests to the government than any other specific area.

I urge all Honourable Members to accept the Bill as it stands in Section 28 because I can't see any other method of resolving this issue presently of off-premise beer sales licences and the government has been requested by many communities and many organizations to introduce the type of legislation that is presently before the members of the Committee.

Mr. Chairman: Ms. Millard.

Ms Millard: Mr. Chairman, I'd certainly like to know how many communities had some input into this suggestion because not very many already have off-hours beer sales because they don't find it necessary. I think probably Whitehorse is the only one I know of. I know you can't get beer off-hours in Dawson.

I think if any changes were going to be made in response to grassroots level input, it should have been in other areas. There could have been amendments which brought forward decisions at the local level on hours of service or the age requirement or whether there should be a liquor store at all. But this small minor amendment is not a response to what's happening in the communities as far as wanting to make their own decisions.

Beyond that, I have two main objections. The main one, the first main one being enforcement. I just really think it's going to be a mess if you go from Mayo to Pelly and it's quite different cause you don't know and certainly none of the tourists in Dawson are going to know what's going on from one place to another and I can imagine the R.C.M.P. are probably tearing their hair out thinking of this amendment.

Also in the procedure for finding out whether or not a community wants this kind of thing. If we had a city council that consisted of all hotel owners, we might get one point of view which does not reflect the community or else we might in places outside of municipalities get somebody running around with a petition and, with some persuasion to the Board, get an idea that really isn't the idea of the people around them. I also wonder what's going to happen for some small place that really doesn't have that much of a population. It really, really doesn't seem to me that we're looking at this very clearly.

The other general objection that I have is that I think it's going to increase the problems in enforcement because of bootlegging. That one thing I was proud of in the Yukon to say was that there was no bootlegging in the Yukon because if somebody wanted booze they could get it any time. And now, with this restriction they will not be able to and they'll be going to taxis and they'll be paying ten dollars. If someone wants booze after hours, they will get it and there will be people there to sell it to them. I thought we were being pretty progressive in the Yukon by getting rid of bootlegging. There's certainly no way that I would vote for passing this section.

Mr. Chairman: Mr. Fleming.

Mr. Fleming: Yes, Mr. Chairman. I appreciate the Honourable Member of Local Government's com-

ments, however, I think he must misunderstand or just don't want to understand, I'm not too sure which yet, when I speak of power that I'd like to see the L.I.D.'s have. I'm not saying that I don't want them to have any power, didn't say anything like that. I'm saying I want them to have the power to come and have some changes made.

I am also prepared to sit down and come up with legislation that will show that we are responsible ourselves too, first, and I am not too worried about large hotel owners or anything else that have a problem because of the fact that maybe I'm going to cause them not to sell so much liquor. I came to this House with the intention this time of trying to help the liquor problem, to solve that problem a little bit. I can just see a real schmozzle here.

The method, as the Honourable Member, or the Member from Ogilvie has said, the method of how you are going to get the input from the L.I.D.'s, I would be very interested to find out just what this method is going to be because I have been to many meetings and no disrespect to the L.I.D. again. We have people that are doing service to this country for little or nothing practically, and they mean well. They absolutely want to do the best they can, but they have a problem in these small communities getting meetings arranged and to find out whether the majority want to have a sewer or the majority want to close the liquor store next door, or whether they want to open it for twenty hours or thirty hours. And there are lots of people of course, should have their say, will say one hour a day. Now they have a problem. And others will say leave it alone. I realize this. They have a problem getting the input.

Are we going to say, like we do with the L.I.D.'s we get ten residents and then the Commissioner goes and has a meeting and this, you know, to see whether this is all right or not. Just what are we, how long is it going to take us to do all these things? And how are we going to get anything done in the long run?

I'm saying we come up with legislation and then give them a chance to change that legislation and they can have their time about changing it. I don't go against this Ordinance as it is written up here except I think, as I say, that we went the wrong way because we didn't have the knowledge that maybe we should have from the L.I.D.'s at that time. That to me is the main problem.

The area other than that that I'm concerned in is not I don't think in this section, but it has to do with this Liquor Ordinance very much so, and that is the drinking and so forth on our streets.

And I'm prepared to sit down and say the same thing there and make some teeth in this Ordinance that says no, you don't do that, and then if some town or municipality or some group of people or so forth wish to make recommendations to the Commissioner and change that a little bit, yes, and maybe ask for more leniency or the other way, okay.

But I still say we should have more teeth in the legislation. I only wish that the Member from Faro was here today, because I appreciated his remark yesterday morning when he stood up and said that it wasn't hard enough. I would like to very much have heard his views right now.

Thank you, Mr. Chairman.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Yes, Mr. Chairman, I would be very interested in knowing how many communities in the Yukon have requested this type of legislation, and specifically which communities have done that.

I certainly haven't run across any in my experience, but maybe I haven't been that widely travelled around the Territory this fall. You know, what are we trying to do? Are we trying to provide a service to the public, or are we trying to legislate morality, or just exactly what are trying to do?

I would like to know the answers to those two questions, and I must say I agree wholeheartedly with the comments made by the Honourable Member from Ogilvie in this regard. If you did this, and if the community took away or revoked the licences to sell off-premise beer in these communities, you would just start bootlegging. That's exactly what will happen, we'll be back where we started from several years ago.

I would like to know where these strong objections are coming from.

The other thing that occurs to me that even today under this new Ordinance, it must be possible where an operator is not conducting his operations in accordance with Ordinance, for the Board to take away his licence. There must be other machinery for controlling off-premise beer, and -- but I would like to know, and perhaps the Honourable Minister of Local Government could tell me which -- specifically how many communities, and which communities have requested this change.

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, first of all if we could go back to the remarks from the Honourable Member from Ogilvie, I think she implied that there is only one place where there are off limits beer sale licences involved, and for the edification of Committee, I wonder if we could hear how many such licences there are at present?

Mr. Gillespie: Mr. Chairman, I know at least the community of Teslin has off-premises sales. Beyond that, I don't have the answer and I will have to come back after checking into it, to see precisely which communities have off-premises sales after hours of beer. Well in addition to Whitehorse, of course.

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, further to the remarks by the Honourable Member from Hootalinqua, and the Honourable Member from Watson Lake, asking where this request came from, all Members were circulated yesterday, Mr. Chairman, with copies of one statement and Petition in particular from the Indian Band at Teslin, and the Honourable Member from Hootalinqua presented these requests to the House as their representative in the House. If you will read them again, Mr. Chairman, you will see that they're asking for more restrictive hours on certain outlets, and further, they would like to see them closed one day a week, preferably Sunday.

I cannot give you documentation at this moment of all requests that have reached the Director of Liquor Control, and the Board. If you would like to see further documentation, I'm sure that we could bring it forward.

I myself as a Member of this House, have received at least a dozen written communications in the last six months from communities other than Whitehorse, asking for assistance in applying their views to the amendments we would bring in to this Ordinance, this fall.

I might say that with the help of the media throughout the Yukon, when this question was raised last spring in this House, there was suddenly a great deal of feedback from all parts of the Yukon regarding public drinking, and various other aspects, and amendments which people wished to have incorporated into this Ordinance.

On the basis of those communications, and those letters and Petitions, signed by many names of residents throughout the Yukon, these changes have been made.

Now, am I to understand, Mr. Chairman, that the Members sitting here today are questioning the authenticity of those requests? Are the Members here who are arguing against this Motion, telling me that this is not what those people meant in those letters, and in those Petitions? Mr. Chairman, I have difficulty identifying some of these Members with the people in their own constituencies, who are asking, pleading and demanding these changes.

I cannot rationalize what the Honourable Member from Hootalinqua said to this House yesterday, as he read out this Petition, and what he is saying today. These people want changes made to suit the conditions in their local areas, and they are asking this House to make them, and your Legislative Committee has brought in the changes as these people have requested them.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, some of the other Members haven't had an opportunity to speak. However, the Minister of Health and the Minister of Local Government have made some good points, but I think there's one thing that they're not understanding. Communities, groups of people, are concerned and are making requests for the amendments to the liquor legislation to be a little more restrictive.

They did not ask, in most instances, that the authority, the decision-making power, be reverted on a local basis. They expected us, as people who ran for office knowing that liquor was under the jurisdiction of the Territorial Government, they expected us to make the decisions, and this is the feedback I've had from my community, every one of them.

We don't want the responsibility of this; this is something that you will have to consider as part of your function as a Member of the Legislative Assembly, and I do -- I'm quite prepared to, like the Honourable Member from Hootalinqua, I'm quite prepared to look at the legislation that we now have where it is possible to buy beer seven days a week, 24 hours a day. I'm quite prepared to make some adjustments and amendments in that area.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Yes, Mr. Chairman, I still haven't received the information I was seeking as to what communities in the Yukon have made representation. I accept the remarks by the Honourable Minister of Health and Welfare in this matter, except that she forgot to point out that this Ordinance was written and proposed a long, long time before the Honourable Member from Hootalinqua brought in his recommendations from the Indian Band in Teslin, which I believe was only yesterday. So I don't think that one could come down on the Honourable Member for that.

That's an interesting point, the recommendation came — in the case of Teslin, in this case, from the Teslin Indian Band, and with the greatest respect to the Teslin Indian Band, and especially in light of their concerns, I still must say that the Teslin Indian Band is one part of Teslin.

Now, perhaps the Local Improvement District in Teslin has submitted a Resolution on behalf of the total community, because it would be the total community which would be affected here. I think this is important, and perhaps the same situation arises in other districts.

If in Watson Lake, for instance, one of the religious groups sent a letter in, making representations along this line, I don't think that I would necessarily change the Ordinance until I heard from the rest of the community, and all the others. I don't think I would write an Ordinance just based on one submission from one segment of any community.

That is why I'm asking, what communities, specifically L.I.D.'s or municipalities, have asked for this legislation?

Mr. Chairman: Mr. McKinnon?

Hon. Mr. McKinnon: Mr. Chairman, when I was first elected to the Executive Committee, one of the very first projects that was brought to my attention, was complaints from the Municipality of the City of Whitehorse about public drinking in the streets.

I said that I would look into the situation and attempt to find out what could be done about it, because the complaints were quite numerous and the pressures were becoming greater and greater about the abuses of public drinking in the streets of Whitehorse.

In the course of two years of travelling around the Yukon, I met with every L.I.D. Board, and members of the L.I.D. except Mayo, and in every organized community throughout the Yukon except Beaver Creek and Keno City on exactly the problems that the different Municipalities, the different L.I.D.'s and the different unorganized areas, were meeting with the enforcement, and with the terms of the Liquor Ordinance as they were.

A lot of them were informal meetings, a lot of them were spending days in the communities and talking to ordinary citizens, and talking with the hotel keepers and talking with the elected Members of the L.I.D.'s, the Chairmen of the L.I.D.'s, the elected Members of the Councils and the Mayors of the Municipalities.

The one thing that I found out out of all of it that I just wasn't smart enough and I did not have the where-

withall to be able to bring down legislation before this Assembly. That would take all the diverse opinions that I heard from all the different segments of the population and bring it in an Ordinance that would satisfy the Members of the public of the Yukon.

That is why the attempt was made as you see it in section 28 and in section 103 to bring about an attempt to allow those areas that were having problems, and there aren't all the areas in the Yukon that are having problems with either the public drinking sections or the off-sale beer licence sections of the Ordinance.

I think another thing that we should make mention of at this point, that there wasn't, even though one would get the opinion that there was a ground swell of public sentiment against the Liquor Ordinance as it stood. I found that not to be really factual, that people were pretty darn pleased with the Liquor Ordinance as it now in effect in the Yukon. With the exception of few changes, that was, they weren't having all that many problems with the Ordinance. Those problems that they did have was in the areas of public drinking and in the areas of off-premise beer licences.

We took a genuine attempt, after examining the situation from all the diverse and different areas of the Yukon to come up with a section, and the Honourable Member from Teslin may be right, maybe the L.I.D.'s don't feel strongly enough, and maybe none of the municipalities feel strongly enough, that they really want to suggest to the Liquor Board or to the Government of the Yukon that it's really all that bad, that they should be asking for changes in the Ordinance as it should apply to their municipality or to their L.I.D. or their unorganized areas.

But what we said is for goodness sakes, give them that opportunity if they do feel that strongly about it. And that's all we're doing by the amendments to the Ordinance. And if Members of the Assembly who are, I don't think have travelled as extensively, and asked the same questions that I did in all areas of the Yukon, have the Solomon-like capability of coming up with that universal application throughout the Yukon Territory, then I will be the first one to embrace them and to congratulate them and accept the amendments that they will bring to this Ordinance and the Executive Committee, will of course support them.

For the work that we did, for the travel that we did, for the discussions that we had, and for the inquiries that we made, all we found strengthened our opinion of what we knew all along — that the Yukon is just not one great big same entity through its 207,000 square miles. There are different areas of the Yukon, different people think differently in certain areas of the Yukon and we're trying to reflect that difference of opinion in section 103 and section 56 and section 28 of the Liquor Ordinance. That's all that we are attempting to do.

Mr. Chairman: Mr. Lengerke:

Mr. Lengerke: I wonder if you could carry on right now, Mr. Chairman, my question's been answered.

Mr. Chairman: Mr. Fleming.

Mr. Fleming: Yes, Mr. Chairman. I think the Honourable Member of Local Government, you know I con-

sider that I've had, regardless of what I do in this Ordinance, because I cannot vote against the Ordinance no matter how it passes or what is done with it. If it stays the way it is I've got to vote for it, if I'm allowed to vote, which I might not be through a conflict of interest. I mean I am aware of these dangers. But if I could vote there is no question that I have to vote for the Ordinance because it is some help we are after. I agree to it wholeheartedly.

The Member from Watson Lake brought up something that was very — at this time, moreorless appropriate for me — he wanted to know ehre some proposals from the L.I.D.'s and I, a moment before, I said what a problem we had sometimes to get these things through the L.I.D.'s and get even to us as Members to bring here.

We had a meeting at which that paper from the Teslin Indian Band was at that meeting. That meeting was represented by the nurses, the R.C.M.P., the three L.I.D. members, the three outlets in the Teslin area, the Teslin Indian Band, the Chief, Councillors and how many more I don't know myself, the two religious men were there. It was a very good meeting. However, I don't have what came out of that meeting except what I put down on paper myself. I'm still waiting for that. With all respects to our L.I.D. as I said before, but it's a problem just to get what you want when you want it. So therefore, I don't have that proposal. However, I would like to, at this time, if anybody's in doubt as to what the feelings are in Teslin, and have been for quite some time, I would like to quote from this Teslin Community Club. I could get a copy for all the Members, if they wish after.

In April 26, 1974, in a letter to Mr. James Smith, copies to Norman Chamberlist, Clive Tanner, Ronald Rivett, Donald Taylor, Hilda Watson and Kenneth McKinnon, and at that time, some years back, I'd say, a couple, the letter reads:

"Dear Mr. Smith:

The Members of the Teslin Community Association wish to indicate that they support any effort that the present Territorial Council may take to have the present Liquor Ordinance changed with respect to public drinking.

We feel that this Ordinance is essentially bad and that it has allowed for abuses which have had far-reaching consequences, due to the detriment of the quality of life here in the Yukon.

We would appreciate it very much if our wishes were to receive consideration."

Now, I've got ..

Mr. Chairman: Mr. Fleming, we're not discussing public drinking at the present time, we are discussing off-sale beer licences.

Mr. Fleming: I beg your pardon, Mr. Chairman, however the letter does wish to support, wishes me, to support them in this legislation to bring forth some changes in the Liquor Ordinance.

If I may go on, Mr. Chairman, ..

Mr. Chairman: Only if the letter is with regard to this clause, Mr. Fleming.

Mr. Fleming: I could only read half of the letter in that case, that puts me at a very, very bad disadvantage, Mr. Chairman, however I will read that part, if I am allowed.

"The Teslin Community Association wish to express support and encouragement regarding changes in the Liquor Ordinance. We support restricting consumption of liquor in the streets", I think that is appropriate.

Mr. Chairman: No, it isn't, Mr. Fleming, we're not discussing — you had the opportunity for a general discussion of the Bill after the reading of clause 1 and now we're going through a clause by clause reading and we are discussing Clause 28.

Mr. Fleming: Yes, it does include the hours of sale and that is also in this letter restricting the hours of sale.

And as I say, I have been — that is why I am here, that is why they have asked, the Government has asked us to come forward with anything we can, and I am bringing it here, and I say, I am going to vote for the Ordinance. I don't think they need to have a headache one way or the other.

I want them to know how e feel in our area.

Mr. Chairman: I would remind Honourable Members that we are discussing Clause 28 only. We are not discussing the Bill in general, the opportunity for that has passed, at least in discussion in Committee.

Mrs. Watson?

Mrs. Watson: Mr. Chairman, going over 28(3) again, and we say, in considering whether to issue or to renew an off-premise beer licence pursuant to subsection (2), the Board shall consider the views of the residents of the area:

(a) In the case of premises within a municipality or Local Improvement District, by a resolution of the Council, or the Municipality or the Board of Trustees of the District, and then we go into the unorganized areas by a petition or a public meeting or door to door canvassing.

Well actually, the mechanics of the thing in (b) is much clearer than it is in (a). Now, how is the Municipality to determine whether Hotel A should have an off-premise beer licence? Are they going to have a referendum, are they going to sot down and make the decision on their own, and then when they get Hotel A, and they get Hotel B has applied, it will be referred to them by the Board.

All they want is their recommendation but on what are they going to base their decision? I think that's very important and they cannot have access to any inspector's reports or anything else that the Board does have access to. All they can do is try to get what the feeling is in their Municipality or in their L.I.D. If they want to get a specific reaction, they're going to have to have a referendum, and I'm wondering if this is how your thinking the mechanics of this will work?

Mr. Chairman: Mr. Berger?

Mr. Berger: Yes, Mr. Chairman, I had a similar question to the Member from Kluane. But I have an additional question. Does it — at least three or four

highway lodges on the highways between Whitehorse and Dawson, in the middle of nowhere, now who is the decision-making party in those places and who is going to enforce and who's going to say yes or no to these places?

Mr. Chairman: Mr. Lengerke?

Mr. Berger: Mr. Chairman, could we maybe have an answer. I don't know who we are addressing to right now. If someone wishes to ..

Mr. Chairman: Mr. McKinnon?

Hon. Mr. McKinnon: I'd be happy to answer these questions as they come up in the subsection (3). I'm positive at the present time after the inquiries that — or after the input that I've had from different municipalities, that there will not be any consideration by the municipality at the present time to issue or renew an off-premises beer sale.

The only input from the Municipalities could be sometime in the future, if they were to reject the concept of the 24 hour beer sales. At the present time, there is no indication from any of the Municipalities within the Yukon, that they have any problem whatsoever with the off-premises beer sales as they are presently constituted under the terms of the Ordinance.

In every area outside of the Municipalities, Local Improvement Districts and the unorganized areas, the Board, Mr. Chairman, makes the decision on whether there is an off-premise beer sale and what hours that it is capable of opening, and they go under the normal procedure.

I've seen certain areas where a lodge has asked for a beer licence that the nearest Band has protested to the Board against the lodge having a licence, and the normal course of events will prevail, and the Board will make that decision with the normal objections as they come up on the licensing.

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: Yes, Mr. Chairman, after listening to this, I'm getting more confused on this than I was before.

My question also was going to be exactly what kind of position are you placing the City Council of Whitehorse in, for instance? Who makes the decision on whether it's the Taku or the Travelodge should have an off-premises situation?

I've got a further answer from the Minister, but I really think this places the Municipalities in a rather difficult spot, and I'm just really wondering why we should even include this, if the Minister's comments are valid that the Municipalities aren't going to take any action in that regard?

Hon. Mr. McKinnon: Because I believe that perhaps sometime in the future that the Municipalities may want to make a decision, depending on what is happening in the abuse of alcohol within Municipalities, on the 24 hour beer licence.

Presently, it seems to me that the elected Members of the Municipality and the R.C.M.P. are in favour of this

type of outlet, because it has virtually eliminated and I say this with some knowledge, it has eliminated bootlegging within the Municipality of the City of Whitehorse. I think that that is an advantageous result of liquor amendments for the Municipality of the City of Whitehorse.

We have had very heart rending pleas from Local Improvement Districts that this has been a very grave, from the Local Improvement District, that I think we should pay attention to, that it has caused extreme and very grave and difficult and hard problems to that community.

Now, here we are, between the devil and the deep blue sea, Hobson's Choice all over again. What do we do? Some good has come out of the Liquor Ordinance in some areas, and bad has come out in other areas.

You tell me who is going to be the judge of it? Who is going to play Solomon in this? I don't feel I've got the capabilities of doing it, the elected Members on the Executive Committee didn't feel they had the capabilities of doing it, so Mr. Chairman, we said let's go to that L.I.D. They are supposed to be the duly elected Members of the representatives of all the people in that community, and they can say to the Board, recommend to it, that they should take into consideration because of unique situations within that community, the non-issuance or the curtailment of hours on off-premises beer licences.

I don't find that revolutionary, I don't find that to be a real, you know, renegeing of responsibilities. I just don't see anything wrong with it.

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, I would just like to revert very briefly to one point raised by the Honourable Member from Watson Lake because I wish it to be corrected on the record, and not stand uncontradicted, and that was his reference to the fact that we had only heard these representations from the residents of Teslin as of yesterday, or whatever.

These representations, Mr. Chairman, were made well over a year ago, to my personal knowledge, during meetings with ExCom Members in the community hall, when a petition and almost the same representation was made to us by the Chief of a local band, in concert with Members of the community, aside from the Indian Band and I would like to go on record as giving the native people of the Yukon the gold star for the year in their efforts to obtain some response from somebody, to make the changes they see are necessary affecting their people.

Mr. Chairman, I would like to suggest that since we seem to be arguing here on the number of submissions and who asked for what, that we will bring in tomorrow, for the benefit of all Members, all the correspondence on this subject. A list of all communities which have off-premises licences and I think that Dawson is the only one that doesn't, and information regarding which communities have asked for the Ordinance to be changed regarding this particular section.

Mr. Chairman: Mr. McIntyre.

Mr. McIntyre: Mr. Chairman, I would assume that any resolution passed by an L.I.D. or a Municipal Coun-

cil would be of a general nature and wouldn't apply specifically to one particular establishment unless there was only one in the community. I don't think that that's the problem.

The other thing is that it seems to me that this particular section is much like the curfew section in the Curfew Ordinance. This really is something which should apply to — a community should apply to itself and that we shouldn't be applying to it. We wouldn't want to put a curfew on every community. We leave it up to the community to decide. And I think this is a similar situation. I can see nothing with allowing a Local Improvement District or a Municipality or an unorganized area to put in this kind of restraint. We've gone a long time without this, you know, and it's just like arguing about the number of angels on the point of a pin.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Yes, Mr. Chairman, I've listened with some interest to the remarks and the debates here. I am pleased to find out that this does not in fact, of course by Mr. Chairman's ruling, affect public drinking. This section apparently is not involved with the question of public drinking, as the ruling as I understand against, the Honourable Member from Hootalinqua cleared that little matter up.

If it's not really involved in the question of public drinking, and I was going to say, in view of the fact that there was no specific requests identified recently at least from any particular community as a community, like an L.I.D. or a municipality, that perhaps this was not the time to bring it into the Ordinance, and I would be prepared to propose an amendment to this section if you wished, or if you wished to wait until the additional information came in tomorrow I could withhold my amendment until that time.

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, I think it might be to the Honourable Member's advantage to wait for some of that information, because as far as I'm concerned, one very strong petition recently received affected a community in his constituency.

Mr. Chairman: Is it the wish of Committee that we defer the carrying or defeat of this clause, or amendments as there may be, until tomorrow?

Some Members: Agreed.

Mr. Chairman: Ms. Millard?

Ms. Millard: Mr. Chairman, before we leave this section, if that is the intention, I'd just like to mention that we've been talking previously to this about all the abilities the Board has in cancelling licences and the provisions to me seem to read so that they could, if there were difficulties as the Honourable Member of Local Government says, in one Local Improvement District, there is a problem with off-hours beer sales. It seems to me that the people in that community who are affected by it, could make requests to the Board to have that licence cancelled on some of the provisions that I see

under 36(1).

Also, I really have problems with the second part, with (b). Where do unorganized communities begin and where do they end? If an unorganized community decides not to have one thing or another, whether it's public drinking or off-hours beer sales, how do you know when you're out of that district? How do you know, where does Pelly stop and Stewart Crossing begin? You know, it's very difficult and I would say that I would not only find it difficult, but the RCMP and the Members who live in those communities — what if somebody lives exactly between the two communities?

Also, the Honourable Member across the way has mentioned that the municipalities may in the future want to do something, then, well, let's wait until they want it, and they make representation to us and then we'll consider it.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: No, Mr. Chairman.

Mr. Chairman: Is there any further debate on Clause 28?

Mrs. Watson: Mr. Chairman, I would just move progress until tomorrow until we get the information — or report, thank you.

Mr. Chairman: Clause 29: "The Liquor Ordinance is amended by repealing subsection 45(1) thereof and substituting the following therefor:"

(Reads Clause 45)

Mr. Chairman: Ms. Millard?

Ms. Millard: Mr. Chairman, could we just have an example of where circumstances not otherwise provided for in this Ordinance might occur?

Mr. Legal Advisor: Mr. Chairman, there is a rodeo run by an Indian Band on one occasion that was presented a beer licence, and having another case mentioned where something occurred on one of the steamers on the river in Dawson. There has been, from time to time, unusual cases.

Mr. Chairman: Ms. Millard?

Ms. Millard: Well, Mr. Chairman, wouldn't that come under special licences?

Mr. Legal Advisor: Isn't this special licences, Mr. Chairman?

Hon. Mr. McKinnon: Yes, it is a special licence.

Ms. Millard: Then this is a repetition of what's already been said before?

Hon. Mr. McKinnon: Mr. Chairman, there's a section that says all types of licences that can be granted,

then each specific licence is given, and section 45(1) presently reads "notwithstanding any other provision of this Ordinance, the Commissioner may, in his discretion, ..." So the only change is that "the Board may, subject to the regulations in its discretion grant that special licence".

Mr. Chairman: Ms. Millard?

Ms. Millard: But Mr. Chairman, that is not what I am discussing. Under the list of licences which the Board can issue, it says special licences. Why is there a need to have it said again in this Section?

Mr. Chairman: Mr. Legal Advisor?

Mr. Legal Advisor: A list of licences, and then each one is picked out and the conditions dealt with separately, and this is the term of the special licence to be dealt with separately.

Mr. Chairman: Is there any further debate, debate on Clause 29?

Thirty: "The Liquor Ordinance is amended by repealing subsection 47(1) thereof and substituting the following therefor:"

(Reads Clause 47)

Mr. Chairman: Mr. Berger?

Mr. Berger: Under (c), I'm kind of confused here. (b) says thirty members, and under (c) it says two-thirds or fifty percent. Now, does that mean that a club could consist of three people? Two-thirds of it would be two people, endorse the application, and there was more than fifty percent at the membership meeting?

Mr. Legal Advisor: I left my computer at home, Mr. Chairman. I can't work out the arithmetic, but I thought that it had a minimum number of members in the club.

Mr. Chairman: Mr. Berger?

Mr. Berger: Well then, Mr. Chairman, I think it's a little bit unfair for the smaller communities, because it's quite easy to get thirty members together in Whitehorse, but I think it may be hard in Haines Junction or Teslin or Carmacks, or Dawson and Mayo, to find thirty people.

Mr. Chairman: Mr. Gillespie?

Mr. Gillespie: I believe this is provided for under (b) — it says the club must have thirty members, but it says "or" and then goes on into (c).

Mr. Berger: Well, Mr. Chairman, this is exactly what I said. This could be a club with three people then.

Mr. Legal Advisor: Or in that case, I would take it, Mr. Chairman, it means "and".

Mr. Chairman: Pardon?

Mr. Legal Advisor: I'm taking it that these are conditions attached to the granting of the club licence, and that all of the conditions must be fulfilled.

Mr. Berger: Mr. Chairman?

Mr. Chairman: Mr. Berger?

Mr. Berger: Mr. Chairman, I must have been correct in the first place, and maybe the Legal Advisor didn't have his computer with him.

Mr. Chairman: Mr. Fleming?

Mr. Fleming: I would like a little more clarification myself. For instance, if a club such as Swift River that we know doesn't have thirty members I'm sure, because there's only seven or eight families there and a motel which is closed during the winter, and one garage, so I don't think there is that many, would this affect them in any way, of being able to obtain a licence?

Mr. Legal Advisor: Mr. Chairman, the way I read the arithmetic is that there must be thirty members. You must have a special meeting, and you must have fifteen of your members present at the same time, and of those present, at least ten must approve the proposition that they call for a licence.

Mr. Chairman: Mr. McKinnon?

Hon. Mr. McKinnon: Mr. Chairman, this is specifically a proprietary club, a club that is out for pecuniary gain; it's no service club, it's no community club, and I don't think that there's going to be in the foreseeable future a pecuniary or a proprietary club operated for pecuniary gain in the Swift River area, Mr. Chairman.

Mr. Chairman: Ms. Millard?

Ms. Millard: Mr. Chairman, are we to take it then that "or" will be changed to "and" and it will be treated as a typographical error?

Mr. Legal Advisor: No, Mr. Chairman, I think the "or" is correct, although it means "and".

Mr. Chairman: Mr. McIntyre?

Mr. McIntyre: Mr. Chairman, I really can't agree with that. The first two conditions apply, and then "or" makes this (c) apply. I don't think that the advice we are getting is correct grammatically — it may be legal, certainly it is not correct grammatically.

Mr. Legal Advisor: Mr. Chairman, the custom is that, in giving a list of conditions, if you're going to link them together by a conjunctive conjunction such as "and", you omit it as you run down the list, and you say — we say a tinker, a tailor, a soldier and then you add in "and a sailor", and that means "and" through the whole list.

If it's going to be "or", you do the same thing. Just before the last paragraph you put in an "or" and that controls the whole thing, so in this it means as if it was

written in (a) or (b) or (c), and in all conditions, by no licence shall be granted, unless.

Hon. Mrs. Whyard: Mr. Chairman, could we have "and/or"?

Mr. Legal Advisor: I have no objection to it being changed to "and", because the "or" is intended to mean "and", but it's still correct to use "or".

Mr. Chairman: Ms. Millard?

Ms. Millard: Mr. Chairman, I would like to suggest that we do change "or" to "and". It would make more sense, English-wise, anyway.

Mr. Chairman: Is it the wish of Committee that this be ...

Some Members: Agreed.

Mr. Chairman: Thirty-one: "The Liquor Ordinance is amended by repealing subsections 50(1), 50(6), 50(7) and 50(16) thereof and substituting the following therefor:"

(Reads Clause 50)

Mr. Chairman: Is there any debate on Clause Thirty-one?

Clause Thirty-two: "The Liquor Ordinance is amended by repealing subsection 51(1) thereof and substituting the following therefor:"

(Reads Clause 51(1))

Mr. Chairman: Is there any debate on Clause Thirty-two?

Thirty-three: "The Liquor Ordinance is amended by adding thereto the following new subsections:"

Mr. Berger?

Mr. Berger: Fifty-one (one) — how about beer?

Hon. Mr. McKinnon: Do you need a permit?

Mr. Chairman: Mr. Gillespie?

Mr. Gillespie: Mr. Chairman, I'm informed that we do not issue permits for the transportation of beer. This comes under the Federal Act. The Customs and Excise Act, to make and transport, therefore it's not required under — there's no permit required under this Ordinance to transport beer.

Hon. Mr. McKinnon: Mr. Chairman, it wasn't in the last Ordinance then. If I remember correctly, it's because it wasn't needed, it was understood that you could make beer and a permit wasn't needed, and I think that's the reason why it wasn't included in the last Ordinance, because there was no way we wanted to have the administrative difficulty of giving a certificate to everybody who was making beer when it wasn't necessary, but we can check it and supply the answer.

That's the one I remember that was given at that

time.

Mr. Chairman: Mr. McIntyre?

Mr. McIntyre: Yes, Section Fifty-one (five), Mr. Chairman: "The General Manager may issue a permit for scientific, industrial or medicinal purposes", but that doesn't — although this is a Liquor Ordinance that indicates pretty wide powers of issuing permits which scientific permits are issued under a different Ordinance altogether.

We have a Scientists' Ordinance. You know, the inference is there that the General Manager may issue any kind of a scientific permit. It's not restricted in this Section to something dealing with liquor.

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Yes, Mr. Chairman, I agree with the Honourable Member. What you're saying is that we are implying they issue a permit for the use of alcohol for scientific dum, diddly, dum, dum, dum.

Mr. McIntyre: Yes, that's what I'm saying.

Hon. Mrs. Whyard: Yes, it's implied but it's not in.

Mr. Legal Advisor: Would do, Mr. Chairman, if we add the particulars that would assure liquor permit for scientific purposes?

But the contents of the permit may differ widely from purpose to purpose.

Mr. Chairman: Is that acceptable, Mr. McIntyre?

Mr. Legal Advisor: It would also then need to, in subsection (six), to cross out the word "special" permit issued, Mr. Chairman.

Mr. Chairman: Thirty-four: "The Liquor Ordinance is amended by repealing Section 52 thereof and substituting the following therefor:"

(Reads Clause 52)

Mr. Chairman: Clause Thirty-five:

"The Liquor Ordinance is amended by repealing subsections 53(1), 53(2) and 53(3) thereof and substituting the following therefor:"

(Reads Clause 53)

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, Section 34, are we repealing Section 52, sub (3)? We just say we are repealing Section 52 and substituting the following therefor, and we have 52 sub (1) and (2), so it's a little different than the usual format we've used.

Are we leaving 52 sub(3) in, or are we repealing it?

Mr. Legal Advisor: Could I have the question again? The whole of Section 52 is repealed, Mr. Chairman.

Mrs. Watson: Oh, it is replaced with (1) and (2)?

Mr. Chairman: Mr. Lengerke?

(ADJOURNED)

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

Mr. Chairman: Secunder?

Mrs. Watson: I will second that.

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

Some Members: Question.

Mr. Chairman: Are you agreed?

Some Members: Agreed.

Mr. Chairman: Motion is carried.

(Motion carried)

(Mr. Speaker resumes Chair)

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

Mr. Hibberd: Mr. Speaker, the Committee of the Whole have considered Bill Number 5, An Ordinance to Amend the Liquor Ordinance, and directed me to report progress on same and ask leave to sit again.

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

Some Members: Agreed.

Mr. Speaker: Leave granted. May I have your further pleasure? The Honourable Member from Whitehorse Riverdale?

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

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

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

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

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

(Motion carried)

Mr. Speaker: This House now stands adjourned until ten a.m. tomorrow.

THE FOLLOWING REPORTS WERE TABLED:

76-3-30
Green Paper on Policy for Recreation Development

76-3-31
Department of Education Annual Report 1975-76

THE FOLLOWING LEGISLATIVE RETURNS WERE TABLED

76-3-10
Insurance for Businesses of a Wood Frame Structure
(Written Question Number 4)

76-3-11
Statistics on Litter Laws
(Written Question Number 5)

LEGISLATIVE RETURN # 11
1976 (Third) Session



Mr. Speaker
Members of the Assembly

On November 8, 1976, Mr. Taylor asked the following question:

"Would the government advise the Assembly, 1) How many prosecutions were entered, at both Municipal and Territorial levels, in respect of violations to litter laws, for the Fiscal Years 1974, 75 and 76 to date;
2) How many convictions resulted."

The answer to the above question is as follows:

We are unable to determine the numbers requested from our present statistics' records.

If the Honourable Members feel that this information is desirable, we will set up our records to capture these numbers for the future.

November 15, 1976.

A handwritten signature in cursive script, appearing to read "M. E. Miller".

M. E. Miller,
Member,
Executive Committee.