



The Yukon Legislative Assembly

Number 9

7th Session,

23rd Legislature

Debates & Proceedings

Wednesday, November 17, 1976

Speaker: The Honourable Donald Taylor



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Wednesday, November 11, 1976

Whitehorse, Yukon Territory.
November 17, 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: I would like at this time before we proceed with the Order Paper to draw the attention of all Members of the House to the presence in the Public Gallery this morning of three very distinguished Parliamentarians from the Province of Alberta.

They are: the Honourable Hugh Horner, Deputy Premier and Minister of Transportation to the Province of Alberta; Mr. Ron Tesolin, MLA representing the riding Labbiche-McMurray; and Mr. Larry Shaben, MLA representing the riding of Lesser Slave Lake.

I am delighted, on behalf of the House, to extend a warm welcome to these honourable gentlemen to our beautiful Territory and to this Assembly. It would be our hope that your stay in Yukon, however brief, will be rewarding in every way and we offer to all members of your Assembly every hospitality and privilege we may be able to provide you at any time.

(Applause)

ROUTINE PROCEEDINGS

Mr. Speaker: Under Routine Proceedings, are there any documents for tabling this morning?

The Honourable Member from Whitehorse North Centre?

TABLING OF DOCUMENTS

Hon. Mr. McKinnon: Yes, Mr. Speaker, I have documents in relation to the Motion for the Production of Paper Number Three.

Mr. Speaker: Are there any further documents for tabling? Reports of Committees? Petitions? Are there any Bills for introduction? Are there any Motions for the Production of Papers? Are there any notices of motion or resolution?

The Honourable Member from Whitehorse Riverdale.

NOTICES OF MOTION FOR THE PRODUCTION OF PAPERS

Mr. Lengerke: Yes, Mr. Speaker, I give Notice of Motion this morning that the Department of Territorial Secretary be brought under the jurisdiction of an elected Member of the Executive Committee.

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

The Honourable Member from Whitehorse South

Centre.

Mr. Hibberd: Yes, Mr. Speaker, I give Notice of Motion that the Government of Yukon Territory Procedure Directive PR02/106 be amended to reflect a content of Mr. Speaker's ruling in this Legislative Assembly on November 10, 1976.

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

Are there any Statements by Ministers?

This, then, brings us to the Question Period.

QUESTION PERIOD

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

Question re: Facilities at Canada Customs and Pleasant Camp

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

Is it true that the Canada Customs post at Beaver Creek has no public washroom facilities and that the plans for the new post at Pleasant Camp do not include these facilities?

If so, what is the Honourable Minister going to do about it?

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

Hon. Mrs. Whyard: Mr. Speaker, I am happy to see that we are getting away from the non-issues of this House and down to the real crunch questions of the times.

All the Honourable Members will recall that some two years ago I was on my feet exhorting the Federal Departments who are active in this Territory to come up to our public health standards and provide public facilities in the Customs stations at our borders. The House approved this recommendation; a Motion was duly passed to those in positions of power, and nothing has happened, except that the taxpayers' money has now been devoted to new buildings and additions to buildings, to the tune of some \$180,000.00, and none of these additions or new constructions include any facilities for the public who are paying for them.

Mr. Speaker, in reply to the question from the Honourable Member, I am going to tell this House that this government will now pass regulations under the Public Health Ordinance requiring the senior government to have such facilities as we do already for any privately operated facilities. Every camp operator, every restaurant owner, all of these people have to comply with this Ordinance and, I think Mr. Speaker, it's time the Federal Government did too.

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

Question re: Community Strategy Program

Ms. Millard: Mr. Speaker, a verbal question for Mr.

Commissioner, and it seems to be a repetitious one, because I ask it every Session. How long is it going to take the community employment strategy program to be implemented?

Mr. Speaker: Mr. Commissioner?

Mr. Commissioner: Mr. Speaker, I would appreciate taking that question under notice and responding.

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

Question re: P.W.A. Flights to Whitehorse

Mr. Hibberd: Yes, Mr. Speaker, I have a question for the Commissioner this morning.

Is it true that the Territorial Government is entering into negotiations with the Province of Alberta for Pacific Western Airlines to establish flights into Whitehorse?

Mr. Speaker: Mr. Commissioner?

Mr. Commissioner: Mr. Speaker, I would suggest that our discussions of last night could not be termed negotiations and at the present time, no, there are no negotiations going on.

Mr. Speaker: The Honourable Member from Klondike..

Question re: Exploration in Yukon

Mr. Berger: Yes, Mr. Speaker, a written question for the Commissioner this morning.

How will the Territorial Government encourage exploration, especially for oil and gas in the Yukon, and how will the Territorial Government go about to keep these non-renewable resources, if found in the Yukon, and make them available to the consumers in the Yukon?

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

Question re: Changes in B.C. Motor Carrier Act

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

Is the Territorial Government aware of any changes to the B.C. Motor Vehicles Act that will allow movement of 14-foot wide units along the B.C. section of the Alaska Highway?

Mr. Speaker: Mr. Commissioner?

Mr. Commissioner: Mr. Speaker, I am not personally aware of it, but I will get the information from the appropriate Member of the Executive Committee and respond to that.

Mr. Speaker: The Honourable Member from Whitehorse Riverdale?

Mr. Lengerke: Supplementary. I was just wondering if the Territorial Government have made any approaches to the B.C. government to in fact allow that kind of thing to happen, to ask for a special corridor to be created?

Mr. Speaker: Mr. Commissioner?

Mr. Commissioner: Again, Mr. Speaker, I'll take that under notice and respond.

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

Hon. Mrs. Whyard: Mr. Speaker, I have for tabling, the answer to written question number 12.

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

The Honourable Member from Ogilvie?

Question re: Mileage for Medical Reasons

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

Why is the Department under her jurisdiction still paying only ten cents a mile for a person to drive for medical reasons from outlying communities into Whitehorse when I note one of our Information Services press releases says that there's going to be a curling clinic in December, which offers fifteen cents a mile for cars for travelling to Whitehorse?

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

Oh, the Honourable Minister of Education?

Hon. Mr. Lang: Mr. Speaker, thank you; I think I should respond to the question from the Honourable Member.

This is a Motion that was passed by the Fitness and Amateur Sports Advisory Board, requesting that fifteen cents a mile be allowed for travelling to various recreation events, if it's an event sponsored by the Fitness and Amateur Sports Advisory Board, and what it entails is that they are attempting to get four or five people per vehicle to drive into wherever the event is being held in a community, and this is why fifteen cents is being paid during — through the Fitness and Amateur Sports Advisory Board.

As you know, the monies being allocated by the Fitness and Amateur Sports Board is more or less at their discretion, and I discussed it with them and they felt that if they could get four or five people rather than getting four or five vehicles going to one event, that they would be a lot better off, and it would be an incentive to use one vehicle.

Mr. Speaker: The Honourable Member from Ogilvie?

Ms. Millard: Mr. Speaker, the question really — the gist of the question — was directed to the Minister of Health, and it's asking why it's only ten cents a mile for medical coverage?

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

Hon. Mrs. Whyard: Mr. Speaker, the answer remains the same as on previous occasions when the Honourable Member asked the same question at earlier sessions. We are bound by the rates that are laid down under our Health Plan for that kind of service. If we have more money available, and it is the wish of all members of this government to devote these additional funds to mileage costs for people coming in to see a doctor, that's perfectly possible to change.

It is a matter of assigning the funds we have available to the many demands for those funds. At the moment, my officials feel that there is competent provision for access to medical services throughout the Yukon in various forms. That is only one of the many forms of transportation subsidized by the Plan.

Mr. Speaker: The Honourable Member from Ogilvie?

Ms. Millard: Mr. Speaker, just another supplementary, if I can, to that. The suggestion has been made that this House should ask the Department to up the mileage rates, and that has been done. A Motion was passed a long time ago, almost a year ago, in that respect ...

Mr. Speaker: Order, please. The Honourable Member is making a statement; could she get to the question?

Ms. Millard: Yes. How much has been done in implementing that Motion which was passed by this House?

Hon. Mrs. Whyard: Mr. Speaker.

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

Hon. Mrs. Whyard: nothing

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

Mr. Hibberd: Yes, Mr. Speaker, supplementary to that I wonder if the Minister of Health and Welfare could bring a breakdown of the expenses that have been laid out for medical transportation services both within the Territory and to outside centres.

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

Hon. Mrs. Whyard: Mr. Speaker, is the Honourable Member asking about Medivac or transportation within the Territory or both?

Mr. Hibberd: Both, Mr. Speaker.

Hon. Mrs. Whyard: I will bring that forward.

Mr. Speaker: The Honourable Member from Ogilvie.

Question re: Yukon House

Ms. Millard: Mr. Speaker at our Budget Session last Spring, we were advised that the facilities of Yukon House in Vancouver were being investigated. I wonder how far that has proceeded. I presume this is a question for Mr. Commissioner.

Mr. Speaker: Mr. Commissioner.

Mr. Gillespie: Mr. Speaker, the investigation is still going on and a review of the policy with regard to Yukon House is still going on and there is no answer at this time.

Mr. Speaker: Are there any further questions?
The Honourable Minister of Local Government.

Hon. Mr. McKinnon: Mr. Speaker, I wish to table Legislative Returns in answer to two questions that the Honourable Member from Hootalinqua asked on November 15.

While I'm on my feet, Mr. Speaker, I'd like to reply to a question that Mrs. Watson asked on November 15 with regard to the MacPherson subdivision. She asked (1) the number of individual parcels to be developed; (2) the size of the parcel; (3) the improvements planned for the development; (4) the amount of money budgeted by Y.T.G. for the development of the subdivision.

The number of parcels Mr. Speaker, will be 55, the size of the parcels will be a minimum of 1.8 acres to a maximum of 5 acres. They will be surveyed lots, based on a well-designed subdivision plan. There will be 28 feet, topped gravel roads, ditched and drained, a safety subdivision turn-off road with street lights, under ground prepaid single line telephone, power availability for heating and street lights installed. Soil tests reports show good circulation, permitting conventional septic field disposal.

The area has been tested for water availability. The drilling and testing with hydrological reports are available to lot purchasers. Undeveloped access trail areas provided throughout the subdivision for bicycles, skidoo and a walkway access to surrounding undeveloped areas.

The budget will be set up at \$200,000 but the final cost is not known at this time. The project is at the clearing and grubbing of roadway stage. I also have a development plan and the engineer's comments available for the Honourable Member if she wishes.

Mr. Speaker, I am quite proud of the way the work is progressing on the subdivision. I think it's going to be a real asset to the community of Whitehorse.

And now, Mr. Speaker, I should say that I also hope that the Honourable Member will be able to get television for her constituents in that area.

Mr. Speaker: There being no further questions this morning, I neglected earlier in the Routine Proceedings to table a letter which I will now do, a reply from the Council of Yukon Indians, Mr. Daniel Johnson, which I'll table with the Clerk.

At this time we will set aside a few moments for the Members who wish to reply to the Speech from the Throne.

The Honourable Member from Ogilvie.

Ms. Millard: I bow to the Minister.

Hon. Mrs. Whyard: A point of consultation, Mr. Speaker. Do we get to repeat the ones we've already given, Mr. Speaker?

Mr. Speaker: No, I'm afraid that is not permitted. The Honourable Member from Ogilvie.

REPLIES TO SPEECH FROM THE THRONE

Ms. Millard: Mr. Speaker, it is a distinct advantage to respond to the Throne Speech with two weeks hindsight between its presentation and mine. I thank you for your ruling which allows me this opportunity.

The substance of the Throne Speech and the Minister's address to us was not pleasant. It can never be an easy thing to accept that much of our effort may have been in a different direction from that which another expects from us particularly when the decision-making is being done by that other person.

I have a great deal of respect for the substantial work done in the past by this Administration towards a fiscally responsible Government. It rarely equalled in the rest of Canada. It is something all Yukoners must recognize and should be proud of, a truly fiscally responsible Government; however, we must take careful note of the word responsible. We have been fiscally responsible, no-one can deny that, but have we been responsible in another important area?

It is interesting to note, Mr. Speaker, that the Latin root of the word "responsible" probably gives us more of an idea of its true meaning than that which we assume today. The word "responsible" comes from the Latin, "respondere" — to respond or reflect in response to something.

Mr. Allmand has asked us to show responsibility, to respond to our people in the Yukon. Our responsibility as a Government will be measured by our reactions to the pressures within Yukon society as it is today.

We are being asked to respond to the new ideas and new possibilities around us, otherwise we cannot say that we, as an Assembly, truly represent and reflect Yukoners. Otherwise, we cannot say that we are truly responsible.

Our greatest liability, or our greatest potential as an Assembly lies completely in our responses to Yukoners in the very near future. We must show all Yukoners that we understand the present and are able to plan wisely for the future.

To recognize the present possibilities as they are, and to use that knowledge to comprehend and control the future is a sure sign of maturity. We, as white Yukoners, must be able to see clearly the aspirations of our native Yukoners. We must be able to see and accept native problems and solutions as part of our own.

Our challenge is to accept the native potential as part of the potential for all Yukoners, then we can be truly responsible to all the people in the Yukon.

It has long been my view, privately and quite publicly, that the Yukon Territorial Government must make immediate greater efforts to include native people in the Government structures, whether administrative or

political.

Many actions of this Government in its lifetime have served only to widen the gap between white and native in the Territory. An important example of this was the rejection, by our Department of Education, of the Remedial Tutor Program. It is only now, Mr. Speaker, after several months of work by the native organizations in the Territory, that we, white and native, again have this essential program, although it had been endorsed by all the school advisory committees, the Yukon Teachers' Association, the native organizations, all Band Councils, and more importantly, by this Assembly.

The Remedial Tutor Program, and the negative response to the tabling of the YANSI publication, "Barriers to Education", are being viewed by everyone as vital indications of the response by the Yukon Territorial Government, to the special needs and special problems of the native people of this Territory.

I must warn this Government, Mr. Speaker, that repetition of the same kind of response in the future by this Government to native education problems, will probably buy us a separate native school system, and this administration will be blamed for it. It is as clear and as precise as that.

Our challenge is before us. The Yukon Government's Recreation Department's responsibilities are presently being duplicated by the Indian organizations in all our Indian villages. Is our response going to be a positive one, and attempt to set up cooperative efforts, or are we going to tell them once again to adapt to our white systems?

Our Tourism Branch does nothing to promote Indian history or culture, while spending hundreds of thousands on the promotion of white history in the Yukon. We ignore the greater part of Yukon history in our past.

The Government branches dealing with alcoholism, welfare, health, corrections and local government, are dealing in a large part, with native problems, with very little direct native involvement.

In complete isolation, this government put forward two papers, one dealing with land claims and one with constitutional development, with no native input, although we claim to represent both Indians and whites in the Territory.

The native groups have found it essential to set up some of their own parallel departments. This alone should indicate clearly to us that we are not responding to the special needs before us.

We continue to respond, Mr. Speaker, in an immature and irresponsible way as a Government, overlooking the pressing and extremely important problems of our native brothers and sisters in this Territory, instead of crying apartheid and hiding away from the real problems facing us, instead of arousing negative divisive feelings, we must look positively around us and try to comprehend what is happening to all of us as Yukoners. This is our challenge as people here together.

Mr. Speaker, our native people in the Territory find themselves ready to accept that challenge. They see well what has happened to them, and are eager to begin a new life for themselves. Our native friends and relatives are trying new ideas and are accepting different concepts of living in this Territory.

Because they are doing this, they are one of the Yukon's greatest assets today. They will bring to all of us, refreshing and new and positive views about living together here. We must be ready to accept and answer their challenge to us as Yukoners, responding to Yukoners.

Mr. Speaker: Are there any Honourable Members wishing to reply to the Speech from the Throne?
The Honourable Member from Klondike?

Mr. Berger: Yes, Mr. Speaker.

Mr. Speaker, my initial reaction was that of anger, but since then I have had time to digest most of the contents of what was said. I don't find it that bad now.

All that the main theme was of the Throne Speech and the address by the Minister of Indian Affairs and Northern Development was communicate.

If the Commissioner found it unnecessary to tell us for two months that he was appointed as the Territorial representative at the negotiation table, well, we can throw the ball right back to the Minister's court. Then it's the same thing, no communication.

The only thing is it does not help us in our cause very much. This type of accusation can and will go on, and we will always find fault with each other. The fact is that we do have to take the initial steps in our own Territory, and to have native participation in this House. To me, that would be the right step.

It could be possible that by 1978, the next election, we could have native representation in this House, but first, I believe strongly in this, we have to find out what the people want at the Band level, because I think the C.Y.I. has just as much communication problems and gaps as we have with the native at the Band level.

At least they had in the past, and I don't think they solved this problem yet, of speaking to Band people on the Band levels in the small communities.

Mr. Speaker, we talk about provincial status for the Territory. Somebody, a few years ago, suggested to leave the word Territory out from the name Yukon Territory, and figured we had solved the problem.

In this House, we are pretending that part of the ExCom Committee does not exist, but Mr. Speaker, unless we play ball, and it takes two teams to make up a ball game, unless we solve — or make at least a sincere attempt toward solving these problems, we will never make it as a province.

Mr. Speaker: Are there any other Honourable Members wishing to reply to the Speech from the Throne?

Would the Honourable Member from Whitehorse South Centre, kindly take the Chair.

The Honourable Minister of Health and Welfare?

Hon. Mrs. Whyard: Mr. Speaker, I did not respond to the Speech from the Throne on opening day, and I will later. Are you going to respond now, Mr. Speaker?

Mr. Speaker: You can proceed at this time, if you wish?

Hon. Mrs. Whyard: My remarks will be very brief, Mr. Speaker.

We all know the message was loud and clear when the Minister addressed us at the opening of this House, and I think we had all got the message some months earlier, when we were informed by our previous Minister of Indian Affairs, that despite our understanding for some years that constitutional developments and increased responsibilities for our own affairs would depend upon our ability to handle the responsibilities already assigned to us, and would depend upon our fiscal responsibilities as well, which we had assumed.

We have now learned, and it's been reinforced and we have it in writing, that this is no the determining factor for any increase in constitutional development at this time. The determining factor is our ability to comply with the wishes and aspirations of the native people in the Yukon.

In his address to us at the opening of this Legislative Session, the Honourable Mr. Allmand stressed that we needed communication. In an attempt to show that this Legislative Assembly is cognizant of that need at all times, I moved a Motion in this House, Mr. Speaker, inviting representatives of the native people from the C.Y.I., which is their representative group at this time, to come and discuss with us how we could proceed with this kind of communication and establish some kind of format for continuing dialogue.

Mr. Speaker, there is only one Member in this House who opposed that Motion, and that is a Member who represents a majority of native people in her constituency, and who opposed a native candidate in the last Territorial election.

I am happy, Mr. Speaker, that we are getting a positive response from the native groups in this matter of continuing dialogue, and I am embarrassed when people ask this Government, to prove that their Departments have been working without discrimination with the native people in this country, it is embarrassing to me as a Canadian, and as a Yukoner of some 30 years, to have to put down on paper, for the benefit of people who need proof, that my Department are working with and for native people.

Mr. Speaker, it's like asking a mother why she isn't giving one child the same number of cookies as she is giving another. It's childish. And anyone who would have such an irresponsible approach to the position I have the honour to fill for this government should not be allowed, at any level of government.

I am documenting, Mr. Speaker, because I have been requested to. The opportunities we have to work with Native people and the joint consultations we have with Native people, and the services we provide for Native people, and the Native people don't need any of this. They know, and we have been working on a very good relationship during the time I have been in this office.

I am sorry, Mr. Speaker, that I have had to say these things today, but I refuse to have the staff in my departments maligned any further and this has been a continuing process for some two years. They are not allowed to speak back, Mr. Speaker, and I am speaking for them today.

In addition, at the opening of this House, we had another small example of how the continuing process from above is semi-successful in putting down the duly elected Members of the Legislative Assembly. I think my honourable colleague said earlier that this is an

interesting process, aided and abetted now by members of the media who used to be Yukoners and who used to have the aims and objectives of all Yukoners dear to their hearts.

We are now watching a very carefully programmed timetable of putting us down with the assistance of Federal Departments and Crown Corporations who are spending our money to tell the world outside what a bunch of idiots we have in the Yukon running this Government.

Mr. Speaker, I take umbrage on behalf of all Honourable Members of this House of that carefully planned program. And I will be called paranoid as soon as I leave this House, but I ask you Mr. Speaker and all Members of this House to examine your own reactions to what is happening to us — in a very carefully planned assault on the rights and lawful titles of this Assembly, which Mr. Speaker very competently explained for the benefit of all who doubt.

Mr. Speaker, all joking aside, it is not a funny matter. I think, unless we stand up now, today, at this Session and make it known to all Canadians that we are not to be ridiculed and we are not to be insulted and we are not to be divided into whites and natives in the Yukon, unless we take this opportunity now, Mr. Speaker, there won't be another one.

Thank you.

Mr. Speaker: Are there any other Honourable Members wishing to reply to the Speech From The Throne?

Would the Honourable Member from Whitehorse South Centre kindly take the Chair.

Mr. Speaker: The Honourable Member from Watson Lake.

Hon. Mr. Taylor: Thank you, Mr. Speaker. May I say that I am very pleased to today have this opportunity to make a reply to the Speech from the Throne as it offers the Members the broadest latitude in debate to discuss almost any topic imaginable, ignoring completely the laws of relevancy, Mr. Speaker.

I would like to say also how pleased I am to find that parliamentary democracy has at long last found a home in this Legislative Assembly. However difficult it may have been, all Members are to be commended for making this possible, largely through adaptation of rules and procedures. It has been pointed out to me today that the function of this House in its day-to-day operation is now parallel to that of any other House in the Dominion, and for that I certainly, as an MLA, am justly proud.

This indeed goes well, Mr. Speaker, for the future of Yukon in its transition from Crown colony to eventual provincehood. While we may have been accused of being backwards about coming forward, there can no longer be any doubt about our preoccupation with matters constitutional in nature affecting our Yukon. We must, at all costs and in perpetuity, maintain and preserve and develop those rights, freedoms and privileges enshrined in this Legislature and dictated by tried and tested age-old traditions and experience.

I would like to also offer at this time my congratulations to our Ministers who have, in the face of very difficult barriers, undertaken the duties of their port-

folios and general administration with outstanding success. I would like to add my voice to those who have extended to these Honourable Ministers, a great measure of appreciation for a job well done.

I would further extend my encouragement to them, Mr. Speaker, in confronting the many problems which will surely appear in the days ahead.

Mr. Speaker, I would now like to address my remarks to the question of provincehood for Yukon, a subject of increasing interest and concern to all our people, and while the actual formula is yet to be determined, I say to you today, Mr. Speaker, that it is a travesty of democratic justice to any longer deny the citizens of Yukon their right to full participation in the Confederation of the Dominion of Canada.

It is a travesty of democratic justice to any longer deny the citizens of Yukon the unalienable right to responsible government, as a positive step towards this meaningful objective. How much longer must the Yukon bear the stigma of Colonialism in which it's been enshrouded for so many years?

What has become of that once fierce desire for rational and practical constitutional advance for Yukon and its citizens? Are we indeed prepared to leave the generation that follows a legacy of indifference and subservience to our distant landlords in the east? I think not, and I know a great many concerned Yukoners who think not as well.

Yukon represents a community of interests, ideals and experience, unique perhaps in national terms, but nevertheless we are destined to play an increasingly significant role in Canadian affairs.

Mr. Speaker, this is not a new proposal. A blueprint for provincehood was roughed out some fifteen years ago by this Legislature, and has indeed been reaffirmed several times since by successive Houses. Clearly then, if we are to succeed in our pursuit of this objective, there must be among our people an arousal and a determination to the realization of these just goals.

If we are to discharge our responsibilities to all our citizens in this endeavour, we must establish a meaningful dialogue with Canada. We must negotiate skillfully and wisely those terms and conditions of provincehood. We must develop a planned economy, based in part on resource revenue sharing, to the same extent as our provincial neighbours to the south.

We can no longer afford, Mr. Speaker, to be second-best Canadians. We must at all costs reaffirm that fierce determination for the realization of full responsible government within the meaning of Confederation. This course dictates that social-economic studies would be appropriate at this time, and it would be my suggestion, Mr. Speaker, that the Canada West Foundation be approached to undertake such a study, as perhaps much of the required and updated information may well be available now and in the hands of that Foundation.

The Canada West Foundation is an independent, non-political, non-profit organization, incorporated as a charitable organization under the Letters Patent issued by the Minister of Consumer and Corporate Affairs of the Government of Canada.

Its Charter sets forth its two main objects: one, to initiate and conduct research programs regarding the economic and social characteristics and potentialities of Western Canada; and two, to initiate and conduct

information on educational programs to encourage an appreciation of the Western Canadian heritage, and to stimulate an awareness of its future in Western Canada.

At its last meeting, Mr. Speaker, a short while ago, its Chairman remarked — and I quote:

"The research projects conducted by our Foundation have been worthwhile, but we must not regard research as an end in itself. It is only a means to the end, and the end is the strengthening of Canada West. Possibly we need research to tell us what we have, what we can do, and what the obstacles are. We need research to tell us how western resources and western endeavours can be joined together for a common purpose, and how our strength in this regard can be used positively to achieve some of our aims in Ottawa."

While it is apparent, Mr. Speaker, that we know the basic practical and philosophical constituents of responsible government, may I at this time express to the House my deep concern for the immediate future of our Yukon, a concern arising from what would appear to be the renewal of a divide and conquer attitude by the Federal Government.

Is it possible that the Federal Government is currently embarked on a program of discreditation in relation to our Territory? If this is the case, how could they effectively accomplish such an objective? Indeed, how might they successfully retard social, political, administrative and economic progress in the narrow interests of political power and resource control?

And further, Mr. Speaker, what advantage might be gained from such a policy, were it to in fact exist?

Let us then for a moment look at some recent developments here in Yukon. As most Members know, we were, as of last spring, becoming fiscally responsible in the sense of independence and responsible government. The then Commissioner, James Smith, with experience of years of sound financial administration and a long history of management experience in both the private and public sectors, teamed together with his colleagues on the Executive Committee to bring this very thing about.

There was little doubt in my mind, Mr. Speaker, that we were well on the way towards advancing both administratively and constitutionally at this time. Is it then by sheer coincidence that, following the retirement of James Smith, the political policies of the Federal Government shifted so radically?

For instance, the policy for selecting a resident northerner for Commissioner, as has been the case in the past. Indeed, this policy was changed, notwithstanding the recommendations and in some instances protests of Members of this House and many of our citizens as well, respecting this appointment.

To what extent has policy really changed in the operation of the office of the Commissioner? In light of the fact that the present Minister of Indian Affairs and Northern Development is directing those policies in almost entirely the interests, whatever they may be, of the Federal Government in Ottawa.

Are we in fact regressing, and if so, to what extent is this regression? Was it sheer coincidence that the new Minister of Indian Affairs and Northern Development and our Senator as well have been recently expounding negatives in reaction to the two years' existence of this Assembly, in absolute defiance of the authority of this

House, Mr. Speaker?

Why this policy shift? Mr. Speaker, could it be that our paternal overlords in the east really desire at this time to bring into discredit this Assembly, as well as the administration of our government, particularly in the eyes of the people of Canada? Could our overlords be playing politics with the economy of our Territory, in an effort perhaps to slow down the pace of economic, fiscal and administrative development in the Yukon?

Did the recent ruling of the Canadian Labour Board respecting the Anvil agreement intentionally result in the restrictive action of the Anti-Inflation Board in reducing a wage increase to a rock bottom of eight percent on appeal?

I am sure, Mr. Speaker, that many Yukoners are wondering, as I do, just what is going on. Is this indeed just a coincidence?

It is interesting to me, Mr. Speaker, that all seems to be relatively quiet and normal in the Yukon, until the visit earlier this year of the Leader of the Opposition of the House of Commons in Canada, and since that time the Yukon has received a deluge of government representatives, Liberal Members of Parliament and bureaucrats to an extent that we have never before seen in the Yukon. And I ask myself, is this, Mr. Speaker, also a coincidence?

Well, if this is not a coincidence but is indeed a program of interference by the Federal Government respecting the people of the Yukon, then what is to be gained? What, Mr. Speaker, is the reason?

It would occur to me that the resources of the Yukon Territory could well be the economic plum, and in this regard I would just like to take a few moments to review a few of the major resource potentials in the Yukon Territory that could well be at the root of these problems.

For instance, could it be the fact that at Snake River we have an iron ore body of dimensions of approximately 36 miles in length, 11 to 14 miles in width, and an average depth of 300 feet and with a grade ranging between 46 and 50 percent, 6 percent iron?

The tonnage figures, Mr. Speaker, on this deposit would stagger one's imagination. Can you imagine how 430 square miles of iron ore, and high grade ore, would satisfy the potential for supply and demand for future generations? It would be safe to assume that the Yukon could supply the whole world for a period of a thousand years with iron from that deposit.

Could it involve the Howard's Path zinc property, where estimated reserves here are currently between 300 million and one billion tons of commercially viable ore, and it is thought to be the largest lead zinc mine in the world?

The production of this property, incidentally, will probably be in the forty to fifty thousand tons per day category. Think of what this could mean to the economy of the Province of Yukon.

Could it be the discovery of new and sizeable zinc deposits throughout the Pelly Valley and in the North Canol Road? Or could it indeed be the fact that one of the largest tungsten deposits in North America has been located in the MacMillan Pass area of the Yukon and now awaits development?

You know, Mr. Speaker, very recently a major company has located a large group of claims north of Mayo

on a structure thought to be similar to the Howard's Pass deposit, and, who knows, this could dwarf the Howard's Pass deposit of 300 million to one billion tons.

Another staking rush north of Old Crow, on a known zinc copper deposit, is currently taking place. It is reported that uranium has been discovered north of Mayo in the Bonnet Plume River area; and then, Mr. Speaker, we have the petroleum fields of the southeast Yukon, near Pointed Mountain, where indeed there's presently at least one producing gas-well in the Yukon Territory.

We have Eagle Plain, Peel Plateau to the North and interesting prospects for petroleum in the Beaufort Sea, part of which forms part of this Territory, Mr. Speaker.

Then again, we should look at the power potential to be found in the Yukon Territory, the greatest of which can be found in the Alsek River Basin. It has been said that the Alsek River Basin has the greatest power potential in North America, with the least disturbance to the environment. Huge icefields are natural feeder to this important power potential, the rate of precipitation in this area is one of the highest in Canada, thus ensuring an excellent supply of water.

It may be interesting to know, Mr. Speaker, that the topography is such in this project that it will provide some 1,900 to 2,000 feet of head with a rate of 20,000 cubic feet per second. The power potential from two sites alone would provide approximately 3,000 megawatts of electricity. And what does all this mean in dollars and cents to Yukon?

Supposing, Mr. Speaker, we sold 3,000 megawatts of power over a 300 day period, or 80 percent of the power produced, at the rate of .02 cents per kilo watt. Depending on marketing capability, this would effectively gross the Province of Yukon approximately \$432,000,000 per year.

I could go on, and on, identifying one resource potential after another, Mr. Speaker. All future revenue sources for the future of the Province of Yukon. So, Mr. Speaker, just what is going on? Why is the Federal Government so anxious to downplay both our legislature and our government at this time? And why, Mr. Speaker, just a few weeks ago in Toronto, did the feds elect to tear down our flag and banish it from a Federal-Provincial Conference room even at a time when this Legislature was raising another town in Charlottetown the very birthplace of Confederation itself?

Well, Mr. Speaker, it appears that if this performance is to be continued, Yukon must adopt immediately, a position of extreme caution in its relations with the current government in Ottawa. The people of Yukon have certainly had enough of the divide and conquer concept. The people of the Yukon, Mr. Speaker, deserve much, much better. It is to this House that they look for the safeguards and protection inherent in Yukon's constitution.

We have, perhaps, two years to go before a national election, at which time I would anticipate that the Liberal government will fall, as it did in Quebec, and that the Conservatives will form a government in Canada.

The leader of the Opposition has made nationally, a commitment to the people of Yukon and I presume he now considers the blueprint and the timetable to provincehood, be it 7 or 17 or 70 more years to provincehood, we are going to require a willing and sympathetic federal government and parliament to give

effect to the transition from the Crown colony we now are to provincehood.

The present government currently appears to be diametrically opposed to the stated views of the citizens of Yukon, Mr. Speaker, as expressed by its elected representatives in this and former Houses. We must, therefore, keep inviolate those rights and freedoms that we have wrested from the federal government over the past many years for our citizens.

With a change of federal government, hopefully will come a change of attitude towards Yukon and I am confident, Mr. Speaker, that we, in concert with the federal government, will once again be able to resume our joint pursuit of those constitutional goals we all see for the people of the Yukon and Canada.

I thank you, Mr. Speaker.

Mr. Speaker: Any further replies to the Speech from the Throne?

We will then proceed, under Orders of the Day, to Motions.

ORDERS OF THE DAY

MOTIONS

Madam Clerk: Motion Number 15 standing in the name of the Honourable Member, Mr. Fleming.

Mr. Speaker: Would the Honourable Member be prepared to discuss this motion this morning?

Mr. Fleming: Yes, Mr. Speaker, but I would ask that it be moved to Committee of the Whole or that a Member would move it.

Mr. Speaker: It would first be necessary to have the Motion read from the Chair.

It has been moved by the Honourable Member from Hootalinqua, seconded by the Honourable Member from Kluane, whereas, pursuant to Section 114 of the Indian Act, the Minister of Indian Affairs and Northern Development is empowered to enter into agreements with the Commissioner of the Yukon Territory for the education, in accordance with the Act, of Indian children; and whereas this House has been informed that there is currently no agreement between the parties; and whereas this House considers that the policy of the Government of the Yukon Territory should be formulated in accordance with the law, pursuant to an Ordinance of this House, empowering the Commissioner to enter into such an agreement and carrying out its terms and carrying out its terms in accordance with policies approved by this House. Now therefore be it resolved that this House requests the Commissioner of the Yukon Territory to prepare and place before this House for its consideration without delay:

(a) a statement of the present policy being carried out in respect of Indian children's education by the Governments of the Territory and Canada, including appropriate information with respect to the services provided by the Government of the Territory and the Government of Canada, including

(1) the costs of these services;

(2) the persons entitled to the benefits of these ser-

vices;

(3) the method of the delivery of these services; and
(4) the respective payments made by Government of Canada and the Territory to meet the cost of services.

(b) a policy paper setting forth the intentions of the Government of the Territory in respect of the matters mentioned in paragraph (a) in the future; and

(c) appropriate legislation authorizing the carrying out of the policies of the Government of the Yukon Territory.

Mr. Speaker: The Honourable Member from Whitehorse Riverdale?

Mr. Lengerke: Yes, Mr. Speaker, I move that Motion Number 15 be referred to Committee of the Whole.

Mr. Hibberd: I second that Motion.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse Riverdale, seconded by the Honourable Member from Whitehorse South Centre, that Motion Number 15 be referred to Committee of the Whole. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

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

(Motion carried)

Madam Clerk: Motion Number 16, standing in the name of the Honourable Member, Mr. Berger.

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

Mr. Berger: Yes, Mr. Speaker.

Mr. Speaker: It has been moved by the Honourable Member from Klondike, seconded by the Honourable Member from Whitehorse Riverdale, that the Yukon Territorial Government explore as soon as possible, the feasibility of publicly advertising, via the sale of liquor, the health hazard inherent in the use of alcohol. This should be accomplished by affixing a label on every bottle of liquor sold in the Yukon Territory. This action should be in concert with any action that may be forthcoming from the Federal Government in respect to this subject.

The Honourable Member from Klondike?

Mr. Berger: Yes, Mr. Speaker. I don't know how much more I can say on this, I think we talked about it, and I proposed an amendment in the Committee of the Whole to enter this type of advertising on bottles pointing out the health hazard.

What I am trying to do, Mr. Speaker, is point out to the general public, the hazards of consuming alcohol, and I think by looking into the Liquor Ordinance and trying to come up with stricter rules and regulations right now, I

think we are showing our concern that we are concerned about the alcohol problems in the Territory.

I think we are not really solving the problem. This to me would be another step of making the public aware of the problem of alcohol.

Mr. Speaker: Any further debate?
Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: Sorry, order, please. I'm afraid the question has been called.

Hon. Mr. McKinnon: May I ask a question of the Honourable Member who proposed the Motion?

Mr. Speaker: It's not normally permitted, but I'll permit the question this morning.

Hon. Mr. McKinnon: I was just wondering, under the Interpretation Ordinance, I think liquor means beer, ale, non-fortified wines, fortified wines and I'd have a lot of problems if this Government was supposed to stamp on every bottle of beer that is sold, that this may be dangerous to your health.

As the Honourable Member knows, I wouldn't like to see that on a good Austrian white wine either, Mr. Speaker.

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

(Motion carried)

Perhaps Honourable Members, if they wish to speak to a Motion, could ..

Mrs. Watson: A point of order, do we have the opportunity to vote on the Motion? I don't recall your calling question.

Mr. Speaker: Question has been called and put, and — are there any Members ..

Hon. Mr. McKinnon: Mr. Speaker, on a point of order, I was trying to get on my feet while you were trying to call the question. I think Honourable Members could see that I was trying to catch your eye. I was just wondering how far the Motion is going, because if it goes down to the point of having to put a label on every bottle of beer or bottle of non-fortified wine, I think that it's not a very practical solution to the problem.

Mr. Speaker: Well, in fact, the latter part of the Motion should properly be out of order, and I had not spotted it until perhaps this moment.

May I have your direction in this regard?

Mr. Lengerke: Mr. Speaker, as the Member that called the question, I would withdraw calling that ques-

tion, if that would be in order, to allow debate.

Mr. Speaker: All right, we will permit further debate on this question.

The Honourable Member from Whitehorse South Centre?

Mr. Hibberd: Mr. Speaker, I would move that Motion Number 16 be moved into Committee of the Whole.

Ms. Millard: I second the Motion.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse South Centre, seconded by the Honourable Member from Ogilvie, that Motion Number 16 be referred to Committee of the Whole.

Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

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

(Motion carried)

Madam Clerk: Motion Number 17 standing in the name of the Honourable Member, Mr. Hibberd.

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

Mr. Hibberd: Yes, Mr. Speaker.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse South Centre, seconded by the Honourable Member from Hootalinqua, that the report on the Arctic Winter Games, tabled by the Minister of Education, be referred to Committee of the Whole.

Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

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

(Motion carried)

Madam Clerk: Motion Number 18, standing in the name of the Honourable Member, Mr. Hibberd.

Mr. Speaker: Is the Honourable Member prepared to deal with 18?

Mr. Hibberd: Yes, Mr. Speaker.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse South Centre, seconded by the Honourable Member from Whitehorse Riverdale, that the Department of Tourism, Conservation and In-

formation, be brought under the jurisdiction of an elected Member of the Executive Committee.

The Honourable Member from Whitehorse South Centre?

Mr. Hibberd: Yes, Mr. Speaker.

Mr. Speaker: Order, please.
Did you have a point of order?

Mr. Hibberd: The Honourable Member for Whitehorse Riverdale, please?

Mr. Speaker: The Honourable Member from Whitehorse Riverdale?

Mr. Lengerke: Thank you, Mr. Speaker.
I would move that Motion Number 18 be referred to Committee of the Whole.

Mr. Speaker: Is there a seconder?

Mr. Fleming: I second that Motion.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse Riverdale, seconded by the Honourable Member from Hootalinqua, that Motion Number 18 be referred to Committee of the Whole.

Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

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

(Motion carried)

We shall proceed now to Public Bills.

PUBLIC BILLS

Bill Number 10 — Second Reading

Madam Clerk: Second reading of Bill Number 10, "Financial Administration Ordinance".

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

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

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

Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

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

(Motion carried)

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

The Honourable Member from Pelly River?

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

Mr. Hibberd: I second that Motion.

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

Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

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

(Motion carried)

(Mr. Speaker leaves the Chair)

COMMITTEE OF THE WHOLE

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

We are continuing with the clause by clause reading of the Ordinance to Amend the Liquor Ordinance and, with your concurrence, the Mayor of Whitehorse, Mrs. Ione Christiansen, would like to appear as witness.

Some Members: Agreed.

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

(RECESS)

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

We have with us this morning the Mayor of the City of Whitehorse, Mrs. Christiansen. Mrs. Christiansen, would you like to proceed with your presentation?

Mayor Christiansen: Thank you, Mr. Chairman and Honourable Members: My request to appear before you is to deal with the Ordinance to Amend the Liquor Ordinance, and the Sections 44 and 103 specifically. These are the sections which require action from a community before orders can be made to implement this particular Ordinance. My Council and I felt that you should have a general feeling of our Municipal Council before the final reading of these particular amendments.

It was extremely interesting that, in discussing this in our Council and Committee, none of the Aldermen had been, in fact, approached by an MLA regarding the Ordinance since it was tabled. And this led us to wonder what opinions had been solicited from other Municipalities, L.I.D.s and communities throughout the Territory. As a member of the Association of Municipalities, I phoned Faro and Dawson City and neither of them had, in fact, seen the proposed amendments. They were quite concerned and they were not aware of what the specific amendments were.

Their initial reactions to 103, and I think I must emphasize here that this was their initial reaction and because they had not in fact read it fully and are not fully aware of all of the clauses of these amendments, was that 103 would work if it was Territorial-wide; that there are present laws concerning the subject of drunkenness on the streets and that they would not, by bylaw, request that such legislation, as applied in 103, be classed and implemented in their communities.

Now, my Council was concerned that not enough time has in fact been given to the Municipalities, L.I.D.s and communities to respond to this particular legislation, since it was tabled in the House, and that, contrary to some opinion that there could in fact be a territorial-wide acceptance of such legislation.

If I may be more specific in dealing with Section 44, I would personally, and my Council as well, I would like a clarification of the amendment, Subsection 3. In the explanation, it points out, and if I may just quote a section of this: "This power enables in fact any group of residents within the Territory to effectively restrict beer sales within their area." And it goes on to specify the hours. But in fact, in reading the legislation as set out in the amendment, it brings to question and I think it points out as we read it that, in fact, the Board would have to come to a Municipality, an L.I.D. or a community for each and every application of an off-premises beer licence.

Now, our Council agrees that a community may and should have the right to allow or disallow off-premise beer sales in their community, but that we are in total disagreement that we should in fact be requested to pass on each and every application that comes before the Board.

If I may go on to Section 103, I would first like to say that the whole of the Whitehorse City Council is opposed to drinking in the streets. And if I may just quote a resolution of the Whitehorse City Council of May 11, 1976, in which it is requested "that the Commissioner be advised that the City Council is opposed to the consumption of alcoholic beverages in public streets in the City of Whitehorse and that the Yukon Legislative Assembly be urged to amend the Liquor Ordinance to make such consumption an offence under that Ordinance".

Now, I know that the immediate reaction to that is that the amendments, as suggested here, in fact answer that request fully, but I would point out that the City Council of Whitehorse has no right and would certainly be very presumptuous if they were to ask for this type of legislation in any other part of the Territory but in the City of Whitehorse. And, in making that request, it was our hope that other municipalities would in fact agree and perhaps make representation to their MLA's.

Now, having said that my whole Council is opposed to

open drinking on the streets, I must point out that this is where the consensus of opinion ends.

How this problem is solved, I think, presents no clear-cut solution. The present Liquor Ordinance spells out that impaired persons shall not be in public places. The overriding objections to Section 103 is that the onus of the legislating of liquor regulations is transferred from the body controlling the purchase and sale of liquor to the Municipalities, the L.I.D.s and the settlements, and we feel that this in fact weakens and not strengthens the enforcement of such legislation.

If this amendment were Territorial-wide, it may be beneficial, and we certainly would support it fully; but if it is only to be by community, it would be a divisive factor, and create, we feel, unfair enforcement on those that are moving between one community and another throughout the Yukon — and here I'm not referring to the tourist, I'm referring to the person that travels, and I think in the Yukon we do travel a great deal, and it would in fact create I think unfair enforcement on these persons.

Now, unless such legislation can be posted easily, such as our speed limits in the City boundaries, and the L.I.D. boundaries, I think that this type of legislation would in fact confuse the issue.

As legislators, I believe that we ought to feel that the public is in fact aware of the type of legislation that we are putting through, through the media, and you know, we have become very involved in it and we feel that everybody else is. This is certainly not the case; it was graphically brought home to me the other day when I answered the phone and a resident of this City of 20 years said, "I would like to speak to the Mayor" and I said, "The Mayor is speaking" and he said, "Oh, do we have a woman mayor?" So, after one year, it certainly brings home the point that people are not always as well informed as you think they are.

I think that I can sum up the feelings of Council by saying that the amendments, if the amendments were passed, a vote taken in the City Council to enact such legislation in the City of Whitehorse, would be in fact turned down. We would not enact it.

I must emphasize that it would be not a unanimous vote, but certainly a strong majority vote.

The two major points of concern in the amendments, other than the piecemeal approach to it, deal with the word "consume". This particular piece of legislation says: "No person shall consume liquor in a public place." Now, this does not prevent a person from walking down the street with an open bottle in their hands. It just says he may not consume it, and in a court of law it would have to be proved that he was consuming it, and this, I think, perhaps would be a difficult point to prove.

Another question that was brought up by my Council, and that is the question of drinking in motor vehicles as well as on public streets. There's a great concern there, and I do not feel it is clearly spelled out in this particular portion of the Ordinance.

What are the problems that we are in fact trying to solve by enacting this particular piece of legislation? I suggest that they are: drunkenness on the streets, and dangerous litter such as broken glass.

Now, if we do not have legislation at the present time to meet this need, then I suggest we enact such legislation, but we do have legislation on the books. In the

Liquor Ordinance, under Section 84 and subsections (1) and (2), it says that "No person shall be intoxicated, in an intoxicated condition in a liquor store or a licensed premises" and it also goes on to say that "No person shall be in an intoxicated condition in a public place", and that littering is an offence.

The present legislation I think is difficult to enforce, but I ask, would it be any easier to enforce the type of legislation that we are requesting now or is being presented now?

I think we must seek to improve and not compound an already difficult problem in our society. I feel that the key to our problem is, in fact, enforcement, and not necessarily more legislation, and in saying this, there is no criticism being levied at the enforcement bodies that we now have.

Drunkenness, litter and consumption, not having a bottle in your hand, but consumption as proposed, are extremely difficult things to prove in court. You must have many witnesses and be able to really pin it down. It's very, very difficult.

In conclusion, this whole problem certainly was very graphically brought out to me last night. I called a meeting of the Council, specifically to discuss this problem. When I went to leave City Hall, I couldn't get out of the back door, because an impaired person was semi-unconscious against the back door and had urinated all over the back steps and they were in extremely bad condition and I had to go out the front door.

I ask you, would this type of legislation have prevented that?

Thank you, Mr. Chairman.

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

Hon. Mrs. Whyard: Mr. Chairman, I wish to thank the Mayor of Whitehorse for coming this morning and giving us this background information and the views of City Council.

We had received communications from the City earlier, as she referred to the one specific resolution on the subject of public drinking, but there have been other submissions from many groups in the city, in addition to City Council, and I'm not going to quote them now, they go back over a period of two or three years, one of them back as far as 1970.

But all the wishes of these groups were taken into consideration when the drafting of this legislation was in the mill. I would like, Mr. Chairman, if possible, to clear up what seems to be a misunderstanding on the part of Her Worship and also of some M.L.A.'s in reference to Section 28(3) on page 21, which apparently is being interpreted to mean that under that section, Municipalities or L.I.D.'s would have to be consulted by the Board on every occasion, and I am sure that is not the intention of this drafting.

The drafting was to provide an avenue of approach by the Council and L.I.D. or an unorganized area, in specific cases where they wished their views to be made known to the Board prior to the issuing or renewing of a specific type of licence only, and that is off-premises beer licences.

Now, we might have a little advice from my legal friend, as to whether he feels that this section needs to

be changed, in order to make that ultimately and finally clear. I can understand the objections if it is not.

Mr. Chairman: Mr. Legal Advisor?

Mr. Legal Advisor: Mr. Chairman, the drafting reproduced in subsection (3) of that section, I haven't got immediately in front of me, it talks about a licence. The singular in law includes the plural, so the advice to be given by the Municipality to the Board, can be either in respect of one licence or a group, and the Honourable Member was correct in saying that it's intended to provide an avenue whereby they may, if they wish, make representations to the Board, but they don't have to, and there's no drafting here which says that licences will be referred to the Municipality as a routine thing at all. It's just an avenue has been provided, where they may or they may not, and the decision is not the decision of the Municipality, they are decisions of the Board after hearing representations from the Municipality.

Hon. Mrs. Whyard: Mr. Chairman?

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: May I just continue for one more moment? That is the next area I wished to clear up, Mr. Chairman, because it seems to me from the reports I'm hearing on all sides, that some Members of this House believe that by these new sections that we have implemented in the drafting of the amendments, suddenly L.I.D.s and Municipalities are going to be issuing licences, and Mr. Chairman, this is not so.

The Liquor Board, and the Liquor Commission will still be the power which renews, issues or transfers licences. We are simply trying to enable the opinions of residents in certain areas to be made known to the Board prior to the Board taking the final action.

Thank you, Mr. Chairman.

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: Thank you, Mr. Chairman. I just wanted to say to the witness, Mayor Christiansen, that certainly I appreciate your views, and I can certainly assure you that what you've expressed have been my concerns, and as we were getting into these sections, they would have been heard loud and clear.

Yesterday, I was trying, as the Member to the right of me, we were trying to get some clarification of that particular section 44(3), and again I would like to ask the Legal Advisor, I just think that it says here in considering whether to issue or to renew an off-premises beer licence, pursuant to subsection (2), the Board shall consider .. and I think this seems to be the problem.

Is that not a direction to the Board, even if they don't get a response from a Municipality, that they shall go out and solicit and try and get a view? This is the problem with that wording and I think that has to be changed to certainly clearly state what you're meaning.

Mr. Legal Advisor: Perhaps it would avoid a misconception, Mr. Chairman, there is no duty intended in this drafting of words to say they must solicit their

views but it would take a very small change to make it clear that shall, if the views are offered and wording can be devised quite simply to make that clear.

Mr. Lengerke: Mr. Chairman, I think that is quite satisfactory. If we could get that kind of amendment it would certainly be cleared up.

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Yes, Mr. Chairman, I think our trouble here is that it's a matter of semantics. The actual section says, "shall consider the views", and to me, that infers that views have been brought forward. Obviously it doesn't mean that to others who think that consider the views means solicit the views, which it doesn't, Mr. Chairman.

Mr. Chairman: Mrs. Watson.

Mrs. Watson: Mr. Chairman, I think, and now if you read it and I think the Mayor and I appreciate, certainly appreciate her comments and I'm sorry, really, that none of the Members have undertaken to try to get the views of the Municipality, that she had to request to appear here. However, I'm very happy that she did.

I think that the Mayor and her Council have interpreted it as I have. In considering whether "to issue or to renew" and, that's one, each individual licence is the implication or, not just implication, that's what the section says. And it says the Board shall consider the views of the residents of the area. They must.

But, by the same token, nothing in this legislation, in this section, says that the Municipalities or L.I.D.'s must give their views so the Board could write to a Municipality and say so and so's applied for an off-premise liquor licence, we would appreciate your views and the Municipality could write back and say that's too bad, we're not prepared to give our views. But we are making it a requirement that the Board consider their views.

So I think that the whole section, as it is written now, is inoperable. If the intent, as the Minister is saying, the intent was very different, you certainly haven't put your intent forward in this section and it certainly needs a very thorough review.

Mr. Chairman: Mr. McKinnon.

Hon. Mr. McKinnon: Mr. Chairman, if there is a misunderstanding here, it's a misunderstanding in drafting only, because it was never desired that it had to be a mandatory provision that on every beer licence that a Municipality or L.I.D. would give their opinion.

It was an enabling section intended and I still believe that it does read that way but we are prepared to clear up any drafting misunderstanding. It was an enabling section. If a certain area, if a certain Municipality, or if a certain L.I.D. was having problems in their vicinity, in their community, with the hours of off-premise beer licences, then they could make those wishes known to the Board who would then decide. Nothing more, nothing less, if that isn't clear in the drafting, we would be most happy to make it.

When I hear press reports say that, and I quote, "The

Ordinance would have it up to the individual communities to set hours for beer sales", I have no wonder that the representatives from those Municipalities want to appear before this Committee and try to find out what the intent of the legislation is. That is the intent of the legislation, nothing more, there is nothing ominous. We have received representations that in a certain area, that there is a problem with off-premises beer licence sales.

We are looking toward some method of then getting some input into a Board that makes it's decisions on the hours. There are other areas where we know that there are no objections to the hours that they are going now and that there will not be any input and that the input isn't mandatory; it is discretionary and it is an enabling section and if we can make that crystal clear through the drafting, then we're prepared to move mountains to make that crystal clear in the drafting.

Mr. Chairman: Mr. Berger.

Mr. Berger: Yes, Mr. Chairman. Also I would like to thank the witness for her remarks and I find it curious that similar views were expressed to me from Dawson. I was on the telephone this morning to Dawson and they also said this particular section, and I think because of the misinterpretation of this section, they would be quite willing in accepting this section if they could regulate the hours of sale on a municipal-wide basis to each individual premises.

I do not know the exact outcome — tonight is the City Council meeting, but their initial reaction was that they would disagree with Section 103 and I find it quite curious as to the same reaction here in the City of Whitehorse, also.

Mr. Chairman: Mrs. Watson.

Mrs. Watson: I think that we've forgotten, if that is the intent of the administration with Section 44, I think that we have forgotten in the amendments proposed for Section 34 (3) and (4) certainly provides for the provision of objections notwithstanding any person may object to a renewal of a licence, by filing.

Would it not be, if a municipality or an L.I.D. objected to a renewal of a licence, could they not object in the normal course that is outlined in that section?

Mr. Legal Advisor: Mr. Chairman, it could but this has never been done. It's a legal possibility and remains a legal possibility. I don't think it has ever happened.

Mrs. Watson: But, Mr. Chairman, the vehicle is there, why write another form of mechanics to do the same thing that we have made provision for in that section?

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: I think, Mr. Chairman, the answer is the answer I've been giving in this Chamber for the last two days and that is because these people asked us to the section in.

It is at the request of local groups in the Yukon that this section has been added. If I could, without imposing

upon the presence of the witness, Mr. Chairman, the section that we are at, if I could just remind all Members, deals only with off-premises beer licences.

I wonder if the witness would be patient enough to let me introduce some information I promised yesterday on this particular clause, if that's not imposing on her time.

I had some difficulty yesterday with section 28(3) or some of the Honourable Members had difficulty, and I felt that additional information might assist in clarifying this point.

The subject of the number of beer off-premises licences was raised and I promised to bring information into the House on the number of those licences in the Yukon.

Mr. Chairman, I can tell you that there are 29 premises in the Yukon who have off-premises licences for sale of beer. There is one issued in Dawson, for the information of the Honourable Member, during the summer at one outlet. The rest of the year there is none in Dawson. The only other place that does not have an off-premises beer licence in the Yukon is Haines Junction.

I will circulate this information to the Honourable Members for their perusal later.

I would just like to point out that the number of beer off-premises licences has gone down over the years, because many operators don't renew it. It's an increased cost when they're providing services, and it's inconvenient for most of them. Rural premises that do not operate 24 hours, make it difficult to sell these off-licence beer cases, unless the owner/operator is willing to get up during the night to provide the service.

Local hotels in the Municipalities have night clerks and they consider the night sales are a simple matter to handle. Discussions with the R.C.M.P. have frequently included the problem of 24 hour availability of liquor, at least sometimes, because it provides no drying out time for the drunks. They can go on forever.

Many discussions with writers of briefs and letters regarding public drinking in the streets also included this point, this 24 hour availability, and the interesting part is that whether it is just more obvious, or the problem is worse in rural areas, people in Whitehorse seldom raise a question on this. It is obviously not a problem in Whitehorse.

The glaring problem seems to lie where a licensed premise holding this licence is situated in or near a native village, and the most frequent complaints concern Upper Liard and Teslin. Pelly was a serious problem in this area, prior to the burning of a lodge.

The owner of the Stewart Crossing Lodge claims it is more dangerous now, because the Pelly residents drive there at all hours to purchase beer. This brings up the related problem of driving to procure liquor when the availability is lessened, so you are into another ball game.

In researching causes of alcoholism, the availability of liquor is invariably listed as the prime cause or very high on the list. It would logically follow that a drying-out period sometime during the 24 hours is important in lessening the approach to the problem, and my remarks, Mr. Chairman, apply to the small communities who have asked for help.

I will circulate these thoughts to the Members.

Thank you Mr. Chairman.

Mr. Chairman: Thank you, Mrs. Whyard. Before we allow any further questioning, I think we should adjourn for lunch.

Mrs. Christiansen, would you be available after lunch for any further questions the Members may have?

Mayor Christiansen: Yes, Mr. Chairman.

Mr. Chairman: We will recess until 1:30.

(RECESS)

Mr. Chairman: I now call this Committee to order. Mrs. Watson?

Mrs. Watson: Thank you, Mr. Chairman. It was interesting; this morning's debate was quite fruitful because I think we got the intent of the government for Section 44, and I think that we can accommodate the intent without going to the full measures that the legislation is proposing.

If a person goes back to the Section where there's an opportunity to make objections, that's Section 34, Section 34 says that an application for a renewal of an existing licence may be granted by the General Manager.

I had thought last night, in preparing an amendment to put in regarding this section, and then I thought better, because I think there are dangers in having amendments coming from the floor. I would rather make a suggestion so that the administration can look at the suggestion and possibly bring in the amendments themselves.

I think that if Section 34(1) were amended so that the renewal of an application for a beer off-premises licence for off-hours cannot be granted by the General Manager, it automatically would go to the Board. Then the Board would have to advertise in a public newspaper, would have to list the number of applications for renewal, or fresh applications for licences, as the Legal Advisor has used.

Under subsections (3) and (4), any objections my Municipalities, L.I.D.s, Indian Bands, private organizations or individuals could then be put forward to the Board, then the Board, when they are considering the renewals or the applications, would be able to take into consideration all of the information that they have. They have inspectors' reports; they have all of the information that no-one else has.

They have the objections from the communities, a large segment or a small segment, and also we must remember that we have increased the basis of criteria that the Board can now use for issuing licences and for renewing licences, such as the number of outlets in a certain area at the present time, the population, the projected increase in the population — this type of thing. They can now use this for a basis also for granting a licence.

So if we handle it in this way, the public will have the opportunity if they so desire and because this seems to be a very sensitive licence which would permit the sale of alcohol for 24 hours this may be handled in a very special way, and I don't think it will be that difficult to

draft the intent and to handle it that way.

Mr. Chairman: Mr. McKinnon.

Hon. Mr. McKinnon: Mr. Chairman, I agree totally with all the remarks the Honourable Member has made and we're well aware of Section 34(3) which presently allows anybody to object to any renewal of licence, including the off-premises beer sale licence.

We agree with the sensitivity of this type of licence and that is why we took it out and made it crystal clear because of the sensitivity of it; that there were certain things that could be done for a community to complain about the hours of the off-sale beer. So, in my mind, the government has done exactly what the Honourable Member has asked us to do. All she wants is perhaps to do it in a different method under the general section of objection. Because we thought it was a specific problem that needed special attention we put it in a special, in a special section.

If the amendment is defeated, the right of anybody still to object to that off-premise beer sale licence still exists. We thought that we would make it specific, that we would force the attention to be drawn to the governing body because of the specific complaint that we had had in this most sensitive area with this type of a licence.

Even if the Section 34 is not amended, of course that's up to the Members then and up to the government, I suppose, to make sure that under 34(3) that everyone in the community knows that that right to object to the renewal of any licence is there, whether the Section 28 remains in force or whether it does not pass.

We feel that it is important enough, and from our discussions with various communities, that it was to make the exception in the Ordinance as we did.

I'm a little upset, and I don't mind admitting it, with the remarks of Her Worship who says that there was no attempt at involving members of the municipal body. I'll only say that I went as far as I possibly could with the executive of the Association of Yukon Municipalities without actually having them in the subcommittee on legislation, drafting the legislation, to let them know exactly where the government was heading. I just give both her Council and her administration, and all the municipal councils and the AYM, just credit for knowing the political game as well as they do, that they know that on the introduction of the legislation that any of them could have had a copy of the legislation that was introduced in the House.

I'm going to say that I do take exception to the remarks of Her Worship, because I do make it a point to try and involve, as far as is legally and constitutionally possible, the members of the AYM and the different municipalities with the intentions of government and I, with going as far as I did, I find the remarks just maybe a bit unfair, Mr. Chairman.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, I think the Member misunderstood me. I thought that there should be these renewals, particularly the renewal of these licences, should be handled in a special way and when the applications for renewal, or even an application for a new

licence — in a renewal there isn't the requirement to post renewal application in the newspaper, and I am saying that the Board, when they receive applications for renewal of a licence or an application for a new licence, should post them, give public notice that these will be up for renewal, and applications have been received, and asking for any objections or opinions from the community in which the premises are, and I think in that way you would be drawing attention to this one type of licence that seems to be so very sensitive.

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, that was the intent of this Section, to draw attention and get the views of the residents of the area. However, my concern, as I pointed out the other day, Mr. Chairman, was that we bring the dates for filing that information or that objection to the attention of these people, that is the crunch point here.

I think perhaps, Mr. Chairman, Mr. Gillespie wishes to add something to the posting of the ...

Mr. Gillespie: Mr. Chairman, it is precisely on that point that I was going to speak. The date for all renewals for off-premises beer licences, for liquor licences and so on, all renewals, is April 1st, and according to Section 34, sub (three), any objections to a renewal is on January 1st preceding.

It is the intention of this administration from now on to put a notice in the newspapers and wherever else may be applicable, some time before January 1st every year, to draw to everybody's attention the fact that all renewal objections must be in place before January 1st, and I think this would achieve the purpose.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, that's specifically the type of thing so that you're drawing it to the attention of the public, and if the L.I.D.s or Municipalities as organizations want to object to the renewal of a licence or licences, all of them in the community, they can so do.

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, there's just one other area where I seek clarification, Mr. Chairman, and that is that we have heard a great deal from the Honourable Member whose home riding does not have off-premises beer licence problems, and I would like, if possible, Mr. Chairman, to hear the views of Members from those areas where these problems are severe.

If we have a case here of a possible conflict of interest, as one of the Honourable Members indicated earlier, certainly we would not expect to expose him at this time on this particular subject, but there are other Members in this House whose views I would appreciate.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, on a point of privilege, I feel that whether there is an off-premises licence in my community or not makes no difference with my right to speak in this House on an issue. I'm not here represent-

ing specifically Klauene constituency; I'm here representing the Yukon as a whole, and I must take into account the submission which was made by the Mayor of Whitehorse, the submissions by Dawson.

I don't think that in any way my right to speak should be impeded because of the fact that the specific problem does not exist in my home community. I happen to represent other areas besides Haines Junction also.

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, with respect, I have acknowledged the value of the Honourable Member's contribution to this debate for some days. I am only asking for the expression of opinions from other Members.

Thank you.

Mr. Chairman: Mr. Fleming?

Mr. Fleming: Yes, Mr. Chairman, I will now get involved in it. A few minutes ago, I didn't want to be involved in this actual argument over this one particular section of the Bill; not really because there is too much conflict in it, but merely because I think that that will be settled. That wasn't my problem quite so bad as going farther on. I did wish to ask the witness a question or two regarding something farther on in her brief, which I think maybe I'll let go at this time until such time as we clear this matter up.

However, we've come to the off-premises licence and so forth, and I'm finding this a little hard to understand. This paper we have here with these places on it, a total of twenty-nine, these I understand are 24 hour licences, off-premise licences, to sell beer. I'm presuming that anyway, because I see some here where it's not people, places that are not on here, but they sell beer off the premises during the hours of their restaurant.

Now I think Mr. Thibault could probably clear this up. I think myself, and I guess I'd better clear this up first — Teslin Cafe's considered mine. It's 804 Motel, but somehow or other it has still been going under the old name. We have a licence for the restaurant to sell beer and wine at the table with meals. We also have a liquor off-sales licence and we also have what I consider is a 24-hour licence, if we wish to stay open and sell it 24 hours. After-hours licence, or whatever you call them; it looks like a 24-hour licence to me.

However, what I'm saying is that we do have two licences to sell beer. Am I right? 'Cause we have one on the liquor, liquor, wine, beer, so forth and so on, to sell during hours and then we have this one too. So actually we've got two licences, which really I don't know why we need, but it's there.

Now I, as I say, I just didn't want a misunderstanding that somebody thinks this is the only place they can buy a beer in the Territory, and I think some people might get this impression and possibly in Mrs. Watson's riding, I would think that you have some off-sales beer there, no doubt. Quite a few of them. But not 24 hours. No, I just thought that this might be a misunderstanding.

I'll leave my other questions, if the witness is going to be here, I'll leave my other questions until later, Mr. Chairman.

Mr. Chairman: Is there a question for the witness?

Mr. Fleming: If the witness is going to be here later on ...

Mr. Chairman: I think if you have questions for the witness ...

Mr. Fleming: This morning, I think, in fact, I was very, very pleased with her brief and some phone calls I've had this morning from the City of Whitehorse, which is strange maybe, but I have had them before I got up this morning, they woke me up in fact, on the matter of whether we're going to make legislation or not.

I would like to ask her views, though I think I got them in that brief, as to whether the City Council feels we should make some legislation here in this Ordinance and then have the municipalities come forward and say, "We'd like to change some things", which in their power in this Ordinance would only be public drinking and hours anyhow, according to this Ordinance. That would be the only thing that they would ask in any case.

Would not the Council think more of this Ordinance if it's said, "We're setting the hours across this Territory", then have them come forward saying something rather than having nothing really in the Ordinance but the right to go ahead and do it on your own as best you can and come forward with a different thing in every community?

I'm asking, do you think that it would be simpler to do it that way or do you think it would be simpler to just let it do it this way and have all of them come forward now and try and clear up the mess because the mess is what we're trying to clear up? So why don't we clear up the mess and then, if they want to make it again, give them the right to go ahead and make it. I say, clear up the mess first, and that of course is in other sections in this Ordinance as I fought here yesterday.

What is your view?

Mayor Christiansen: I understand your question, Mr. Chairman. As I understand the question, Mr. Fleming, is that does the City Council feel that the legislation should be Territorial-wide and then, if the Municipalities disagree with this, or areas, that they should come forward to their MLA's and express this. And I would say yes, that definitely is the feeling of the City Council.

Mr. Chairman: Mr. Lang?

Hon. Mr. Lang: Mr. Chairman, I have to take exception as well to some of the remarks that were made here earlier this morning in relation to this Ordinance. I think that I would like to reiterate once again what my two colleagues have said.

This is the result, the legislation you have before you, is the results of presentations made to the Government in the past couple of years and we tried to come up with the best possible legislation that we could, in view of the presentations made to us.

I have a question of the Mayor in relation to section 103. If I understood you correctly this morning, you stated that if this legislation were to pass as it stands

now, the City Council would not be prepared to pass a Resolution to require that they did not want public drinking within the confines of their Municipality.

I'd like to ask why, because the presentations made to us in the past year were that they wanted public drinking off the streets of Whitehorse?

Mr. Chairman: I think she already answered that, but ..

Mayor Christiansen: That's right, Mr. Chairman.

We want the — the Motion that was passed in City Council in May, specified the streets of Whitehorse and I think I did point out the reason for this, that we have certainly no authority and it would be very presumptuous if we specified any other Territory, or any other part of the Territory.

It is the feeling of this Council that this would in fact be a very piecemeal approach, in that you are legislating in separate areas on a very important issue, where it is affecting an individual. In section 44, where you are legislating a premises, you are not putting the onus on an individual to comply. If he goes to an outlet and it's locked, he knows very well that this outlet in that community does not sell beer after hours.

But if a person comes into the City of Whitehorse and we have legislation that says thou shalt not drink on the streets, consume liquor on the streets of Whitehorse, a person happens to have a couple of beers, he picks up his beer as he would in another community and it does not have this legislation, he walks out to his car, he's automatically committing an offence.

We do not feel that this is fair or just.

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Yes, Mr. Chairman, am I getting an indication here, Mr. Chairman, that there is support, not only from Her Worship, but from other Members in this House, for general prohibition of drinking in public throughout the Yukon?

Mr. Chairman: Mrs. Christiansen?

Mayor Christiansen: Are you — certainly it is our feeling that it should be Territorial wide, yes.

Mr. Chairman: Mr. Berger?

Mr. Berger: Thank you, Mr. Chairman.

The Honourable Member of Health and Welfare asked a question that she wanted to hear the views of off-sales in other communities other than Whitehorse.

I don't think there's any problems in Dawson in the summer months in off-sale drinking permits but on the highway, Stewart Crossing has one off-sale permit, and I don't think there's any problems there at Stewart Crossing at all, but as is emphasized later on this brief says, Pelly was a serious problem and the owner of Stewart Crossing Lodge claims it's more dangerous now as the Pelly Residents drive to her lodge at all hours to purchase beer.

I have nothing else to say again, as I said before, maybe those people in Pelly should be asked if they wish to have a liquor outlet and maybe the liquor outlet

should be located in a general store there, or maybe at the service station. This, I think, we should look into, if they wish to have the liquor outlet here.

But I also have a question for Her Worship on general prohibition of drinking in the Yukon in a public place. I asked the question of previous witnesses already, if she and her Council has an idea of what to do with people we pick up under that kind of prohibition?

Like we had this Liquor Ordinance once before, years ago, where everybody drunk or intoxicated on the street was picked up and put in jail and I claim it's not the right solution. I wish to know your views and your Council's views, if they have a definite idea on what to do with those people?

Mayor Christiansen: Mr. Chairman, I would suggest that if in fact we had the answer, that we wouldn't be arguing this particular point now, that if there was a positive answer to how in fact to deal with these individuals and not have them creating an offence under law, and if they could be dealt with, I think that the programs that have been put forward by the Department of Welfare in the last year or so, have been extremely good and will in fact in the future, help to reduce the problem.

But to have a positive answer as to what to do with these people, when in fact they are picked up, we don't have one any more I think than anyone else does at this point.

I would just perhaps like to further comment on the remarks made by the Honourable Mr. McKinnon, and I would like to compliment him on the fact that he has in fact been most helpful to the A.Y.M. and the City Council in the remarks, in my opening remarks, I specifically said that since the Liquor Ordinance had been tabled in this House, it was an observation of our Council that no other M.L.A. had approached them on this particular subject, not prior to the tabling. Certainly we've had full cooperation from the Minister of Local Government.

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: Thank you, Mr. Chairman.

I would like to comment on Section 103, and the Honourable Minister of Health and Welfare asked if someone else would certainly express their views, and I just want to say at this point, that in speaking with a great number of constituents, a great number of citizens, that it certainly came clear to me that people are in favour of restricting drinking in the public places as we have defined in 103 — that they want this to be —

Mr. Chairman: Mr. Lengerke, we are not yet discussing the clause by clause of 103. If you have questions for the witness relating to it, yes, that's fine.

Mr. Lengerke: Thank you.
I have —& that's okay.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Yes, Mr. Chairman, I would just like to say I appreciate the information brought in on the beer off-premise licences as the Honourable Minister of

Health and Welfare promised to do when we rose last evening.

I am not satisfied, having read it, that anybody in particular has you know, not a community for sure, not necessarily a Municipality other than now the Municipality of Whitehorse, have really made any contribution.

It seems to me that in this paper, the R.C.M.P. have made a recommendation and that the native people, and particularly Upper Liard and Teslin it would appear, no doubt have made recommendations and beyond that, I don't see any others from any Municipalities or L.I.D.'s.

You know, as I stated the other day, Mr. Chairman, we have laws in force that we're not enforcing. Take for instance, the litter law. I've solved that problem, incidentally, Mr. Chairman. I have learned from our esteemed Legal Advisor that no prosecutions have ever been entered into by the Government of the Yukon Territory.

I have found that from the Municipality of Whitehorse that no enforcement or no charges have ever been brought under litter by-laws. They have brought some down over garbage by-laws and that no litter by-law in fact exists in either Faro or Dawson, so nowhere in the Territory has anyone ever attempted to cure this problem, but perhaps we can deal with that when we get to 103.

It seems to me too that to restrict a majority of people, who I have said in the House before, from these privileges of 24 hour availability of beer, where the operator will provide on a 24 hour basis, to restrict them because of the indiscretions or the inability of others, you know, in a social sphere, not to be able to handle their liquor is I don't think fair, and I think it would be an injustice to invoke this type of legislation upon the people of the Yukon.

In the case of, as mentioned in this paper, of Upper Liard and Teslin, perhaps it is a responsibility of not only this Government, but of the native organizations as well, to get in with social programs aimed at helping people to learn to cope with this problem, and do something on this line. But to restrict those who are not abusing the privilege, those who feel that the services ought to be provided, which I feel is a majority of people in the Yukon, is pretty rough.

Now, we've spoken in this Ordinance of producing a Board. The Honourable Member from Whitehorse North Centre, has stated earlier in this debate, that they had a very difficult time in ExCom trying to determine what course to follow, and I commend them on the presentation of this Ordinance, but I must say that I must disagree with sub (3).

Now, if the Board was established and this Board went to work, perhaps they could look into the question. Perhaps they could come up with recommendations to the Legislative Programming Committee based on their experience, dealing solely with liquor matters. Perhaps at that time would be the appropriate time to deal with matters contained in section 44(3) and section 103.

I think at this time, Mr. Chairman, I would like to propose an amendment, if I could find a seconder in the House.

I would like at this time to move that Bill Number 5,

entitled An Ordinance to Amend the Liquor Ordinance, be amended as follows, that Section 44(3) be deleted.

Mr. Chairman: Mrs. Watson.

Mrs. Watson: Mr. Chairman, I second that motion.

Mr. Chairman: Section 44(3)?

Hon. Mr. Taylor: Mr. Chairman, perhaps I should not — that should be Section 28 of the Bill, giving reference to 44(3). Perhaps that would clarify the amendment.

Mr. Chairman: It has been moved by Mr. Taylor, seconded by Mrs. Watson, that Bill Number 5, An Ordinance to Amend the Liquor Ordinance be amended as follows: that Section 28(3) be deleted.

Mrs. Whyard.

Hon. Mrs. Whyard: That is the clarification, Mr. Chairman, that I was seeking, because on first listening to the Honourable Member's motion, I thought he was deleting the entire section, which was a little more than anybody in this House is asking.

Mr. Chairman: It would also be out of order, but he's not asking that.

Hon. Mr. McKinnon: I'm just wondering about procedure on this point. We have a witness here who has raised many points in the Ordinance and we were questioning the witness and now we have a motion coming up from Committee with the witness still here.

It almost appears that Her Worship came to Committee because of the sake of argument and obviously she didn't argue against this section of the Ordinance as we're changing the Ordinance, type of thing. I'm wondering if the proper procedure wouldn't be to go with our questioning of the witness and the remarks that she has to make and then get back to our brutal infighting, or whatever you want to call it.

Mr. Chairman: Very well.
Mr. Taylor.

Hon. Mr. Taylor: Yes, Mr. Chairman, I'd like to make it clear that it is not my intention to ask for a vote at this time, until after the witness has been excused.

Mr. Chairman: We'll hold the motion. You can propose it again. Are there further questions for the witness?

Mr. Fleming.

Mr. Fleming: I won't belabour the subject too much longer, but while we're on that particular section of off-sales, prices and so forth, and there seems to be a problem always, and I've seen it here just now, just a little while ago.

In any of the liquor and any time you bring up the liquor problem in the Yukon Territory, people sit back and they don't seem to get right up and get at it like they do in other things, and I was wondering why, and I'm just, you know, we are here to solve some problems. I

can't see why we don't step up.

I have a question of every Member here if they can answer it. If they wish to answer it. I would ask them, just why we need the 24 hours when we could go downtown and we can't get milk for a baby for 24 hours, the essential things that we need in this country. Our banks are not open 24 hours, even to get money to buy booze. We have all sorts of things that are not open 24 hours and yet we have a problem with liquor and we're willing to have it open 24 hours.

Somebody says that if you don't you're going to have a bootlegger in town. I would ask them, you know, would they close the bank because the bank robbers are getting in there? That's one question. I say let's make some laws and then we'll worry about it.

Mr. Chairman: I'm not sure that was actually a question.

Hon. Mr. McKinnon: If that's a question, I'll attempt to answer — yes. We were concerned and this was the Government's attempt in the best way possible that we knew how of coming up with at least a partial answer to the problem the Honourable Member raises.

Mr. Chairman: I don't think that was an answer to the question that was raised, Mr. McKinnon.

Mr. McCall?

Mr. McCall: Yes, you have just given me an area of confusion here, Mr. Chairman, as to the mover of this motion. The gentleman, I think, was referring to 44(3). Is this correct? He made reference to 23(1) or 28(1). Which one is it?

Mr. Chairman: Well, we're not discussing the motion at the present time.

Mr. McCall: No, it's just curiosity, Mr. Chairman, everybody is getting all screwed up here.

Mr. Chairman: It's section 28.
Are there any further questions to the witness?
Mr. Lengerke?

Mr. Lengerke: I have a question of Her Worship. Has your Council or have you any views with respect to the operation of off-premises facilities? For instance, the number of outlets that there should be in a given area, in the city, for instance? Should they be open on Sundays? These are just some of the things that I'd like to hear your views on.

Mayor Christiansen: Mr. Chairman, as to the number of outlets in an area, this certainly has been discussed and I wouldn't be prepared to nail a figure certainly for the City of Whitehorse at this time without further research.

As to the hours that liquor outlets should be open or off-sales should be permitted, I will speak as personal opinion only, because I can't express the exact feelings of my aldermen, they certainly are varied on this.

It would be my feeling that the liquor hours certainly should be a Monday through Friday, closing at 2:00 a.m. and opening again at 9:00 as they do now, a twelve

o'clock closing on Saturday and closed completely on Sunday; that's a personal opinion, and certainly no off-sales liquor permits between the hours of two and nine. This is, as I say again, a very personal opinion, and that is how I would speak to it.

Mr. Chairman: Thank you. Mr. McKinnon?

Hon. Mr. McKinnon: Mr. Chairman, I was interested in the remarks by Her Worship on Section 103, and I do have several questions on the subject.

I think we are much closer on the subject than may appear. We have a unanimous motion, I understand it was unanimous, from the City of Whitehorse saying "that the Commissioner be advised that City Council is opposed to consumption of alcoholic beverages on public streets in the City of Whitehorse, and that the Yukon Legislative Assembly be urged to amend the Yukon Liquor Ordinance to make such consumption an offence under that Ordinance."

I think Her Worship used the word "presumption" — she wouldn't presume to try and say what was best for all of the citizens of Whitehorse or all the citizens of the Yukon, other than the citizens she represents in Whitehorse. I think possibly that she is not speaking as a spokesperson for the A.Y.M. because there are various viewpoints from different Municipalities on this.

So my question is, we have a formal Resolution passed unanimously by the Members of the City of Whitehorse Council, and I have no objection at all, with that Resolution, for the Government to make it an offence under this Ordinance for the consumption of alcoholic beverages on public streets in the City of Whitehorse, and if any other L.I.D. or Municipality or unorganized area wants the same consideration at the next Session of the House I would be pleased to see such Resolutions passed and their names included in the areas where public consumption of liquor was not allowed.

I think that that's what the Motion asks for from the Municipality of the City of Whitehorse. We tried to put into Section 103 that type of philosophy that the people have the ability of coming to the Assembly and having their wishes enacted in legislation.

I would like to ask Her Worship whether she would have any objection to this Ordinance being amended so that it would be an offence for the consumption of alcoholic beverages on public streets in the City of Whitehorse, as a result of the unanimous motion that we have had forwarded to us by the elected Members of the City of Whitehorse Council?

Mayor Christiansen: Mr. Chairman, yes, my answer would be yes, we would have objections to the amendment being put in that it be only in the City of Whitehorse.

I think as I pointed out before, the Council would not be in a position to make a resolution that would cover or request that public drinking not be allowed in any other portion of the Territory, and we have a great concern on public drinking. It was the only way it could be worded, we could not say in the Territory or in any way except with the City, and in discussion yesterday with the City Council they again, and I cannot say that the Motion passed in May was a unanimous decision, I don't have a count of the votes here — the decision last night was

unanimous in that public drinking should be disallowed, but not necessarily just in the City of Whitehorse, and they felt that if in fact it was only in the City of Whitehorse, and perhaps in one other community, that this is too divisive, it discriminates, and that we would not in fact, if this was put in, request — now this was a vote that was taken last night and, being politicians, we all know that it could change tomorrow, but it was a very decisive vote last night that if in fact this legislation was in force, and on Monday night if a vote was called, if the City Council wished to have this implemented, and request the Commissioner to make an Order of area enforcement, that it would be defeated.

Mr. Chairman: Mr. McKinnon?

Hon. Mr. McKinnon: Mr. Chairman. Then I presume, Mr. Chairman, that as the elected Members have always said this of Council, the City of Whitehorse are very astute politicians, because there's a unanimous Motion of Council to stop public drinking, but are given their chance to ask for an area enforcement order under this Ordinance, none of the elected Members in the City of Whitehorse Council would support it.

So what, in essence, we're saying is that, though you wouldn't presume to speak for your sister Municipalities in the Yukon, that you would presume for the elected Members here to speak for your sister Municipalities within the Association of Yukon Municipalities.

Mayor Christiansen: Mr. Chairman, I presume that the elected Members heredo in fact represent all of the sister Municipalities.

Mr. Chairman: I would caution you, Mr. McKinnon, against entering into debate with the witness.

Are there any further questions for the witness?

Hon. Mr. McKinnon: Yes, Mr. Chairman. I would ask Her Worship if she knew that the Municipality of the Town of Faro were against the banning of public drinking on the streets in the City of Faro, would she support the Legislative Assembly in banning public drinking throughout the Yukon?

Mayor Christiansen: If I knew that the City — Mr. Chairman, if I knew that the City of Faro was opposed to legislation prohibiting public drinking, would I support it Territorial-wide?

If in fact the rest of the Territory, the communities within the rest of the Territory, were in favour of it, yes, I would support it.

I believe that the expression from other Municipalities, and that in the City of Dawson and Faro, I know in general discussion, has been that it is not a problem there. If it is not a problem, I suggest that if in fact this legislation were enforced it would not create a hardship on anyone. If it is not a problem, then they do not have drinking on the streets.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: I have a question for Her Worship. When you met with your aldermen last night, did you discuss the definition for a public place that was out-

lined in Section 103?

Mayor Christiansen: Mr. Chairman, yes we did, and we agreed with the places, definitions, residence, public beach, and we agreed that in fact these were good places to be excluded from public drinking; we agreed that we should be allowed to drink in a residence or on a public beach or in a park, et cetera.

It doesn't specify, well automobiles, of course, by exclusion it automatically, we presumed, you would not be able to drink in an automobile, and I hope that we are correct in that assumption, that not by placing it as an exclusion that it is in fact a prohibited place to drink, because this was certainly a concern of the Council.

Were you or were you not allowed to drink in automobiles, and they were very concerned with that particular point.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, I think I would like that answered. Is an automobile a public place, as defined in the definition under Section (3) of 103?

Mr. Chairman: Mr. Gillespie?

Mr. Gillespie: Mr. Chairman, in accordance with the definition in Section (1) or (2) at the beginning of the Ordinance, a vehicle is included in the definition of a public place. Does that answer the question?

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: For clarification, the actual words are "includes a vehicle in a public place".

In other words, Mr. Chairman, my interpretation of that is that you're not permitted to drink in a vehicle which is in a public place. If you would like to go out and sit in the garage and drink in your vehicle in your own garage, I presume that's legal, but this would, Mr. Chairman, prohibit you from drinking as you drove along the Highway.

Hon. Mr. McKinnon: I only wish that Mr. Legal Advisor were here, Mr. Chairman, because my understanding ...

Mr. Chairman: We have asked him to return.

Hon. Mr. McKinnon: ... of it is that where there is an area enforcement order in place, then you cannot drink in a vehicle in a public place. That would mean within the Municipality of the City of Whitehorse, if there were an area enforcement order in effect. What it would mean, if on your way to Marsh Lake you could open a beer at the Carcross cut-off.

Mr. Gillespie: That is correct, Mr. Chairman.

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: Yes, Mr. Chairman, a question for the witness.

Mayor Christiansen, in discussion with your Council when you were discussing the public beach, public park,

public campground, I'm concerned about the public park. It's been expressed to me by some residents that this would allow drinking then to take place in some of the lesser parks, like Kinsmen's Park and some of these playground areas, and I don't know just how serious this concern really is, and I was just wondering if this discussion had taken place?

Mayor Christiansen: Mr. Chairman, no, we did not get specific in spelling out parks. I think that you could perhaps say that the park behind City Hall is a public park, and certainly one that is used quite extensively for just such things.

No, it was not discussed in detail.

Mr. Lengerke: Thank you.

Mr. Chairman: Are there any further questions for the witness?

Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, I would just like to make one final effort to clarify for my own satisfaction the position that Her Worship has given us here today regarding the City of Whitehorse and their position on public drinking.

We have received a Resolution asking the Yukon Legislative Assembly to amend the Liquor Ordinance, to make consumption of alcoholic beverages on public streets an offence, but by using this procedure to do so we are now told that the City would not approve making it an offence, unless all other areas of the Yukon did the same at the same time.

I am assuming from that, Mr. Chairman, that the opinion is that unless the entire Territory bans any drinking in public the Municipality would not agree.

Am I correct, Mr. Chairman?

Mayor Christiansen: Mr. Chairman, that is correct.

Hon. Mrs. Whyard: Thank you, Mr. Chairman. Mr. Legal Advisor?

Mr. Chairman: Yes, Mr. Legal Advisor; we had entered into some debate whether drinking in a vehicle was considered drinking in a public place? With reference to this Ordinance.

Mr. Legal Advisor: Mr. Chairman, it's slightly technical, and it depends on a case in the House of Lords some years ago where some women were charged for soliciting improperly in a public place. They were in a taxi cab, which is in Piccadilly. They were in a taxi cab in Piccadilly; they were charged with soliciting in a public place. And the decision of the House of Lords was that they were in a public thing. The thing was in the place; they were in a private thing which was in a public place.

Mr. Chairman: I'm not sure we gained anything by your re-entry, Mr. Legal Advisor.

Mr. Legal Advisor: Mr. Chairman, it needs a special section to deal with it because a car is a private place and a person is not in a public place when they're

in a car, although the car is in a public place. You can visualize a house trailer being in the middle of the street. It's a private place, but the trailer is in a public place; the individual may be asleep in bed in the trailer, in a private place.

Mr. Chairman: Mr. McKinnon?

Hon. Mr. McKinnon: Mr. Chairman, I asked the same question when we were going through this Ordinance. If I had have received an answer like that at the time, it wouldn't have allowed the government to bring in this Ordinance. The answer that I got was that there would be no changes throughout the Yukon of drinking in an automobile unless that car was in an area where there was an area enforcement order and then it would be considered to be in a public place and a person could not consume alcohol in the vehicle while it was in that area where the area enforcement order was. Correct?

Mr. Legal Advisor: It has to be specially mentioned, Mr. Chairman.

Mr. Chairman: Thank you.

Mr. Legal Advisor: We've drafted it to make it an offence. If the car is in the place where drinking is prohibited, then drinking in a car is deemed to be drinking in a public place. We specially mentioned it. But without special mention, then you've a problem.

Hon. Mr. Lang: So then, Mr. Chairman, I think that Mr. McKinnon was correct in his interpretations.

Mr. Chairman: Are there any further questions for the witness?

Thank you, Your Worship, we've appreciated your presentation. Thank you very much. You're excused.

We will proceed with the clause by clause reading. As I remind you, we are not passing these clauses at the present time until we reach the conclusion of this package of clauses.

Mrs. Watson?

Mrs. Watson: Mr. Chairman, in the amendment to Section 44(1), we state "the Board in its discretion" and so on, "may make all necessary regulations to establish hours, prices and serving facilities". Now, the Board does not have the power to make regulations.

Mr. Legal Advisor: This is correct, Mr. Chairman.

Mr. Chairman: What is correct?

Mr. Legal Advisor: Anywhere, except here. They don't have the power to make regulations. Perhaps it can be considered if this section is being considered.

To have the power to make regulations because it says so in this section. I take it that what the Honourable Member is saying is they should not have the power to make regulations, because it's reserved for the Commissioner.

Mr. Chairman: Yes.

Mrs. Watson: Under the powers of the Board, it very specifically states, subject to this Ordinance and regulations, the Corporation has full power and jurisdiction, we were assured that the Ordinances, the Ordinance passed in this House and the regulations, and the regulations made pursuant to the Ordinance and they will involve policy which will be the discretion of this House to do.

Now if you want the Board to be able to establish hours, prices, and serving facilities of such licenced premises, you're only giving them authority to make regulations regarding prices with that one licence. The rest of the legislation, they administer the licences under the prices that are established in the regulations, which the Government does so you're, in this section, you're completely going opposite to what you've done in the others.

Mr. Chairman, I bring it up because I don't think it's your intent.

Hon. Mr. McKinnon: Mr. Chairman, being very astute politically, we can see somewhere along the wings, defeat of Section 44(3) and we thought subsection (1) would still allow in this one very, very sensitive area, the Board in this area to make different regulations and for different areas throughout the Yukon.

We just agree so much with this principle because of the political sensitivity of this licence and if Honourable Members want to take that out too, then there is no discretion whatsoever in any of these sections and the status quo will continue to exist with the only changes being that we would be, we would be ready and willing and we have already stated that we would advertise the renewal of any licences and then it would probably be up to the M.L.A.'s to get the community involved in it if they changed the licences.

Mrs. Watson: Mr. Chairman, it's quite a bomb. I don't think any M.L.A. here was aware of the intent of that. I'd like to have a little time to think about it.

Mr. Chairman: Mr. McIntyre?

Mr. McIntyre: Mr. Chairman, perhaps the difficulty could be avoided by changing the word "regulations" to "conditions". They do that in other cases, set the conditions.

Mr. Chairman: I'll be coming back to this section to consider further.

Mr. Taylor?

Hon. Mr. McKinnon: Mr. Chairman, we have tried, by every means possible in section 44 to get some local input, either through a Resolution of the Board or a Municipality, or either that in this one area, people could go to the Board and the Board could make specific different hours and regulations for off-premises licences in different areas.

We're not trying to hide anything.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: My reading of 44(1) is that the Board may make all necessary conditions, fine, to establish

hours, prices and serving facilities. Now the prices and the rest of it, the Government sets the prices. This one you're letting the Board, and this is for liquor off-premises.

But you're not saying, you are saying now that you wanted local input, but actually you're not tying 44(1) the conditions, into recommendations by the local authorities which you are soliciting. All you are saying in (3) is that they consider the views of the residents of the area, whether a licence should be — whether an outlet should have a licence, not the views on the price.

Would that also give them the authority to set the price for off-beer sales? You're doing it just for off-premise liquor sales in (1) but you're not doing it for off-premise beer sales in (2), and I think maybe it was your intent to do that.

Mr. Chairman: Mr. Gillespie?

Mr. Gillespie: Mr. Chairman, there seem to be several options here, depending upon how you read it. The word "make" could be changed to read "recommend all necessary regulations"; alternatively, the word "regulations" could be changed to "conditions", in which case the Government itself would make regulations which would confine the ability of the Corporation to make conditions, or it could be left as it is.

I wonder if we shouldn't take an opportunity to examine these alternatives, and return to the House subsequently on this?

Mr. Chairman: The problem is, of course, what are you going to return with, Mr. Gillespie?

Mr. Taylor:

Hon. Mr. Taylor: Yes, Mr. Chairman, I really commend the Honourable Member from Klauke for picking this one up. This Legislative Assembly and the Territorial Council before it, as long as I was on both, have always felt badly about allowing the administration to write regulations and this seems to appear in every Ordinance, but certainly I wouldn't think that Members of this Assembly, I would hope, would consider allowing anybody but the administration to write regulations.

I don't know, it seems to me that the power still is there, the administration on recommendation of the Board, perhaps, could provide for regulations, but at least when those regulations are brought down, they do come before this House at some point in time, and we've got a chance to have at them if we feel that they're not in the best interest of the people of the Territory.

So you know, I would say that the suggestion made by the Honourable Member from Mayo is a wise one, and perhaps conditions would take away from the Board, the right to write regulations and leave it properly with the administration.

Mr. Chairman: Mr. Legal Advisor?

Mr. Legal Advisor: Mr. Chairman, we used the same formula in subsections (1) and (2) and if you do that it would mean "and subject to the regulations established", and so forth, so that subsection (1) would then read:

"The Board may, in its discretion, issue a licence

allowing the retail sale of liquor in any licensed premise for off-premises consumption, and subject to the regulations, establish hours, prices and serving facilities..."

And subsection (2) would then run the same and it would then fit together.

Mrs. Watson: Mr. Chairman, I'm not disagreeing. This is a very interesting approach that you're taking, where you're giving the Board the opportunity to review the prices for off-premises liquor and beer. So if you did it that way, you would again be taking that authority away from the Board.

Hon. Mr. McKinnon: Mr. Chairman, in the field of off-premises liquor sales, we were told by different viewpoints that there were some problems with serving facilities, that in some areas it was nothing more than what the terminology that was used in representations to us was legalized bootlegging, that you went to the little door, you knocked on the door, and the Government had given a licence to slip open the door and stick a bottle out through the door.

They said, you know, we should have some control over that type of an operation, they don't think it's proper.

In the area of prices, we did receive some representation as far as prices went, that one of the ways of combatting the availability of booze was in prices. The other one was in hours, that in certain establishments that all that they stayed open for on the 24 hour basis, was close to villages to provide for that trade coming on a 24 hour basis.

We thought that all other areas of the Ordinance, that it was all subject to the regulations and in this one area because of the very, very great problems which had been presented to us, that we would give the Board the flexibility on to act on what they knew of the local situation through presentations that had been made.

We are not unwilling for the Government to make those regulations and put this into the same category as all the other sections of the Ordinance. We're just saying that we've heard over and over about some of the problems that were being presented in the off-premises licences and just went into different methods to try to attack them. I make no apology for the different methods in which we tried to attack the problem.

Mr. Chairman: Mr. McIntyre?

Mr. McIntyre: Mr. Chairman, in the previous section that we've already approved, the licence — Section 23(1) — a licence authorizes the licensee to purchase from the General Manager and to sell liquor, subject to the terms and conditions set out in the licence and those terms and conditions are set out by the Board. They're not the same for every licence.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: The Government retains the right to reset the licence fees and the prices, don't we? I think so.

Mr. Chairman: Mr. McIntyre?

Mr. McIntyre: Mr. Chairman, the only difference

really is in the other section. Instead of saying "subject to terms and conditions", you could say the "terms and regulations".

You know, the regulations are something that are set by the Board, but the conditions in the licence may be different than those in the regulations.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Isn't it just the reverse, Mr. Chairman, of what the Honourable Member from Mayo just said? Really the conditions would be set by the Board, and the regulations would be established as an Appendix to the Ordinance.

Mr. Chairman: Mr. Gillespie?

Mr. Gillespie: Mr. Chairman, the regulations will set in fairly broad terms what the conditions might be. It's an umbrella. Within those terms, the Board can set more specific conditions, depending upon what is permitted — what latitude is permitted to them by the regulations.

But basically the policy is set in the regulations but there is some latitude within those regulations, to set conditions.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, in fact, under the regulations the Government has set the price that you charge for liquor, off-premise liquor. There is a mark-up of a dollar and a quarter, and for beer that's sold off-premises, right?

Mr. Gillespie: That's correct.

Mrs. Watson: And what we are doing, suggesting in this section, is giving this up to the discretion of the Board. Does anybody want to answer, right? At the discretion of the Board.

But Mr. Chairman, you're only saying it the liquor, you're not saying it the beer.

Mr. Chairman: Mr. Fleming?

Mr. Fleming: Yes, Mr. Chairman. I have to agree with the Honourable Member of Local Government in the last comments he made. However, this is giving the Board, you know, all the power in the world to make any regulations they wish really, to establish hours, prices and serving facilities, really. 44(1) is, and I realize, and I think I have been one of the big advocators to have some regulations to this effect to stop certain things going on in the Territory, but I'm afraid again I find this hiding behind something. We're not afraid to come out, I think, and make them say it in a different way. Ourselves, if we make the regulations, if we make the laws, that these places can't do this type of thing.

I don't know whether everybody understands exactly what I mean, because they don't probably know the problem. I know the Honourable Member does know the problem, and I think it's in the case of a place that now gets a licence through having a restaurant, and all of a sudden he can just do whatever he wants with that licence, and now we're giving the Board a chance to put a

stop to that type of thing. I've got to agree that we need something to put a stop to it.

However, I can't see the Board really being the responsible party again. We hand it to the L.I.D.'s and now we're handing something to the Board. I still think that we should make our own regulations and say what the prices and all necessary regulations, not leave it up to the Board.

Mr. Chairman: I would suggest to Honourable Members that if they wish to bring forward amendments, we have not passed these clauses until we reach the conclusion of page 30, then I will be going back to clause 18 and starting from there for acceptance of clauses, but I'm including them altogether so we can go back and forth and talk about them in general. We would otherwise be cut off from going back to talk about them.

Mr. Taylor?

Hon. Mr. Taylor: Yes, Mr. Chairman, I have proposed, and there is an amendment at this point before Committee, and perhaps we could deal with that amendment at this time and clear the matter away so we might know where we are going from there.

Mr. Chairman: No, I said that that amendment was not — I would not accept that amendment for the present time, Mr. Taylor.

Hon. Mr. Taylor: Well, may I know then procedurally why? Are our rights being taken away from this Committee?

Mr. Chairman: No, they are not, Mr. Taylor. Clause 36.

"The Liquor Ordinance is amended by repealing subsection 55(1) thereof and substituting the following therefor:"

(Reads Clause 55)

Is there any debate on Clause 36?

Mrs. Watson: Page 36?

Mr. Chairman: We're on page 25.

Some Members: Clear.

Mr. Chairman: 37.

"The Liquor Ordinance is amended by repealing subsection 56(2) thereof and substituting the following therefor:"

(Reads Clause 56)

Is there any debate? On Clause 37.

Mr. Fleming.

Mr. Fleming: Just a little clarification, as to Corporation or partnership. Now in the word partnership, I would presume would have to be a written type of partnership, some were not, whereas you left some business to a person in a will or any other way, type or form. It would have to be a partnership, wouldn't it, written?

Mr. Legal Advisor: Partnership can be formal or informal. It's formal if it's registered under the Partnership Ordinance, it's informal if two people, in fact, jointly own a piece of property. They're said to be in partnership.

Mr. Chairman: Clause 38.

"The Liquor Ordinance is amended by repealing subsection 58(1) thereof and substituting the following therefor:

(Reads Clause 58)

Mrs. Watson.

Mrs. Watson: Mr. Chairman, a question on Section 57, old Section 57. It refers to licences in respect to taverns, cocktail lounge, dining room, restaurant or clubs and in respect of, does that include off-premise licences?

Mr. Legal Advisor: Mr. Chairman, there are no off-premises licences except they are attached to a person who holds another licence.

Mrs. Watson: So everyone who has any liquor licences would have to comply with 57.

Mr. Legal Advisor: Yes, Mr. Chairman.

Mrs. Watson: Thank you.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Yes, Mr. Chairman, as in the old Ordinance, the new uses the term, unless he is a fit person to manage and operate. How is this determined? How do you say who's fit and who isn't fit? And in fact, I'd like to know that one in detail.

Mr. Legal Advisor: Mr. Chairman, it's easier to say who's unfit than who's fit as a rule. A person may be too young, a person may be too old; a person may have a string of convictions; a person may be unsuitable for different reasons, but in the final event, it's the Board that will make that decision. They're not so much looking for fit people as trying to bar people who are unfit.

Hon. Mr. Taylor: Hmmmm.

Mr. Chairman: Mr. Berger.

Mr. Berger: Mr. Chairman, I just wanted to ask the same question, but I'm not too satisfied with the answer of the Legal Advisor especially on a convicted person. I always thought that once he paid his debt to society, he's fit again.

Mr. Legal Advisor: Mr. Chairman, there are provisions out of the Criminal Code of Canada whereby a person can have their convictions wiped out and this has happened in the case of people who have applied to be endorsed as managers under the former Ordinance and have been investigated for one reason or another, it has been found that they have got a pardon, then the Board takes account of the pardon because the law of Canada

provides that the slate be swept clean and it is swept clean. But, if that hasn't been done, they may be an unfit person by reason of convictions.

Mr. Chairman: Clause 38.

"The Liquor Ordinance is amended by repealing subsection 58(1) thereof and substituting the following therefor:"

(Reads Clause 58)

Mr. Taylor?

Hon. Mr. Taylor: Just on this question of fit person. Why could we not say unless, in the opinion of the Board, he is a fit person. It looks so broad to me. Maybe perhaps if you said in the opinion of the Board, he is a fit person. I don't know. It just doesn't read right to me.

Mr. Chairman: Mrs. Whyard.

Hon. Mrs. Whyard: Mr. Chairman, there is provision in the next section for provision to the Board to decide if there is any doubt regarding the applicant's fitness or unfitness. I would think that in most cases, there is very little doubt and no need to submit it to the Board for every application. But, in cases where the General Manager feels there is some doubt, the Board has the final say and we find that in sub (3):

I would refer the Honourable Member to other areas of occupations where we have the same kind of ruling, such as in the issuing of taxi cab licences. The operator has to show that he has a clear record for the safety of the public whom he will be conveying in his vehicle. This is the matter which is referred to the Chief Constable of the Municipality of Whitehorse when there is a case of doubt. But only when there is a case of doubt, I would think, Mr. Chairman. There has to be a certain amount of common sense applied to these matters.

We are not saying, Mr. Chairman, that because someone has had a conviction in his past, he is going to be barred forever from working in a place which sells liquor in the Yukon. That's not the point. The point is he might be very well qualified because he's had previous experience in the mishandling and poor management of alcohol. He might be a much better manager because of that past experience.

But there is provision there for reference to the Board for a decision.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: That still doesn't solve the problem. All you're saying here in (2) is that unless he is a fit person to manage and operate the premises, but it doesn't say fit person in whose eyes. It doesn't say the Board, it doesn't say the Commissioner, it doesn't say anybody, it just says unless he is a fit person.

Now, if that was left open and that broad, you could put 70 different interpretations on it. In whose eyes, and that's what I'm saying. At least if you said "No person shall be endorsed on or continue on the licence unless in the opinion of somebody is a fit person", then you would explain it. If it was in the opinion of the Board, or the opinion of the Commissioner, or the opinion of somebody, but to leave it broad and just say unless he's a fit

person, ought not to be in law.

Mr. Legal Advisor: I don't want to make a policy decision, Mr. Chairman, but I wouldn't anticipate that there would be much difficulty in changing the expression to saying, "in the opinion of the General Manager", and then it goes on.

If that's agreeable to the House, I would suggest it to the administration.

Some Members: Agreed.

Mr. Chairman: Clause 39.

"The Liquor Ordinance is amended by repealing subsection 60(1) thereof and substituting the following therefor:"

(Reads Clause 60)

Mr. Fleming?

Mr. Fleming: Just a clarification of Section 9, please.

Mr. Chairman: Is that what you said, section 9?

Mr. Fleming: Yes, Mr. Chairman.

Hon. Mr. McKinnon: The General Manager of the staff, as I understand it, Mr. Chairman, cannot be granted a licence in respect of any premises.

Hon. Mrs. Whyard: Mr. Chairman, if you want the short answer to the Honourable Member's question, I refer you to Mr. Gillespie.

Mr. Gillespie: Mr. Chairman, I thought Mr. McKinnon had given the answer, that Section 9 refers to the General Manager or any member of his staff and what 60(1) says is that no licence shall be granted to the General Manager or any member of his staff.

Mr. Chairman: Are you clear on that point, Mr. Fleming?

Mr. Fleming: Yes, Mr. Chairman.

Mr. Chairman: Just on that note, I think we should have a short recess.

(RECESS)

Mr. Chairman: I now call this Committee to order. We go now, I believe, to Section 40.

"The Liquor Ordinance is amended by repealing subsection 65(2) thereof and substituting the following therefor:"

(Reads Clause 65(2))

Mrs. Watson?

Mrs. Watson: Mr. Chairman, before we go on, I wonder if we could go back to 62(1) and (2). It wasn't amended but I'm wondering whether the administration wants 62(1) and (2) left the way it is. You're bring-

ing in the request of the Commissioner and I would presume that it should be an automatic review carried on by the Board every two years, for the exceptions that are made?

62 is in the legislation, in the original legislation, 62(1) and (2), they were not amended, but should it not be amended, to bring it so it conforms with the amendments that we now have?

Mr. Chairman: Was that a question, Mrs. Watson, projected to the Ministers?

Mrs. Watson: Mr. Chairman, I'll ask the question of the Ministers if they can provide the answer, and maybe they want to get ..

Mr. Chairman: Do any of the Ministers care to answer the question?

Hon. Mr. McKinnon: Mr. Chairman, I recognize the point that the Honourable Member makes, and I think we'll have to take a look at it.

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

Mr. Fleming: No, Mr. Chairman.

Mr. Chairman: We will go to Section 41.

"The Liquor Ordinance is amended by repealing subsection 67(1) thereof and substituting the following therefor:"

(Reads Clause 70(1))

Section 43.

"The Liquor Ordinance is amended by repealing subsection 75(7) thereof and substituting the following therefor:"

(Reads Clause 75(7))

Mr. Berger?

Mr. Berger: I would like to go back to 70(1), section 42, 70(1). "Every person entitled to possess or consume liquor may lawfully have or keep, under section (b), not more than a quart of spirits or wine or two gallons". Does this mean that they cannot have anymore any more than a quart or two quarts or three quarts in his house, and who is going to check on that?

Mr. Chairman: Who are you going to refer your question to, Mr. Berger?

Mr. Berger: Anybody who cares to answer, Mr. Chairman.

Hon. Mr. McKinnon: Mr. Chairman, as far as I understand it, that's the amount that is legal under the Parliament of Canada, under I think it's the Customs and Excise Act that allows you to import and we have to keep within the limits and cannot go above what the laws of Canada states and it's a replica of what the laws of Canada now provide.

Mr. Legal Advisor: Mr. Chairman?

Mr. Chairman: Yes, Mr. Legal Advisor?

Mr. Legal Advisor: In paragraph (a), what we are talking about is a tourist coming into Canada from outside, in this case it would be Alaska via the route coming here. He can keep whatever the Canada Excise laws allow him to keep as a tourist, and it changes from time to time so it's better to leave it as a possible fluctuation.

In (b), it's an amount set by us, because under the special law which applies here, in the Yukon Act, this part of Canada can prevent the importation from any other part of Canada but mainly this is devoted to a person importing from within Canada, such as the person going to Atlin and buying it in Atlin and bringing it back to the Territory. That's what (b) is aimed at.

Mr. Chairman: But actually Mr. Legal Advisor, he is making reference to (a).

Mr. Legal Advisor: Mr. Chairman, (a) and (b) of section 70.

One is coming into Canada really and the other is coming from B.C. or somewhere into the Yukon.

Mr. Chairman: Mr. Berger?

Mr. Berger: Mr. Chairman, I'm still not satisfied, because it doesn't say that he is importing it, and I think what Mr. Legal Advisor has in mind is to say that he has it in his possession when he crosses the border.

I do understand this under section (a) but I interpreted both sections actually the way it is written there, that somebody can come to my house and find an excessive amount of imported liquor there, and I could get fined for that.

Mr. Legal Advisor: Yes, Mr. Chairman, he could, that's correct.

Mr. Chairman: Yes, Mr. Berger?

Mr. Berger: Mr. Chairman, in other words, if somebody presents me with a present, and somebody else presents me with a present, I could quite easily have an excessive amount of liquor in my house, and is that illegal?

Mr. Chairman: It's a good point, Mr. Berger. Mr. Legal Advisor, would you clarify that?

Mr. Legal Advisor: Technically, yes, if he has imported it. The excise laws and the import laws are drafted in a very tight fashion so to avoid evasion of the tax, so if a person imports too much and doesn't acknowledge it to the Department of Liquor Control and pay the excess, then he would have committed an offence.

But at any time he can make an application. Now this doesn't really cover the situation of two different people sending a person a present, at two different times, and the person keeping those two things. It doesn't cover that particular situation.

Mr. Chairman: Mr. Gillespie, did you wish to add

anything to this?

Mr. Gillespie: I'm not sure if this will clarify it, but I think the key in 70(1)(a) is at the end of the sentence, where it says "without any payment of tax or duty thereof". Any liquor that you buy at the store here received from within Canada has already had the tax or duty paid on it; so this only refers to liquor coming from outside the Territory, if I'm understanding your question correctly.

Mr. Chairman: I know you won't be satisfied, Mr. Berger, until we get a proper clarification.

Mr. Berger: Mr. Chairman, I'm still not satisfied, and maybe Mr. Chairman can be reminded that I didn't ask (a) at first because I realized what (a) is talking about, but I am also concerned about (b).

Mr. Chairman: Mr. McKinnon?

Hon. Mr. McKinnon: Well, Mr. Chairman, it could be a long story but I'll try and make it short. Originally there was no Section 70(b) in the Liquor Ordinance, so under the Statutes of Canada, under the Customs and Excise Act, you were legally allowed to bring a certain amount in. If you went to Alaska, you could bring a certain amount of liquor back to the Yukon.

Some enterprising young policeman stopped a car where they had some booze that had been brought back from Alaska and because they didn't like probably the length of the hair of the driver who happened to be driving the car they arrested him and charged him with having liquor in the Yukon that was not bought at a government liquor store.

Even though the Canada Customs and Excise Act allowed for that amount of liquor to be in that car, he was arrested because the Yukon, and charged and convicted in a Yukon court, because we didn't have the saving section in our Liquor Ordinance that allowed him to have in the Yukon that under his possession.

I was of the opinion that if he had appealed, he probably would have won it because the Federal Act was superior, but at any rate the fine was nominal so it wasn't appealed.

So we started putting this in our Ordinance, Section (b), so that it would protect the person who went down to Atlin and brought back the amount that he was allowed under the Federal Legislation, that he couldn't be arrested and charged and convicted, as people had been in the past, unfortunately, through the overzealousness of an R.C.M.P. officer in a conviction on this type of charge.

I always thought that (a) and (b) were co-joined, because it would be rather strange to allow less or more than the Federal Act allowed under our legislation because then I think a person could probably still be — or if he had more than was allowed under the Federal Act, that he could still be charged and convicted under the Federal Act, and I always understood from the time that the amendments were made to the Liquor Ordinance that (a) and (b) remained the same, so that the amount that you had in your possession in the Yukon was the same as the amount that you were allowed to have under the Federal Legislation in bringing in from another country.

I think the same problem exists if you have a whole bunch of friends who have gone over to the United States and start bringing you back presents of booze, and if you get an enterprising and overzealous officer, which I don't think under any law that there is protection, if he decides he wants to go into your house and get a Summons or a Subpoena because he suspects that under the Liquor Ordinance you're doing something illegal.

I've never heard of a charge, I don't think I ever will hear of a charge under that Section. I don't know how we can protect all these different things that could come up, but we put (b) in originally to take care of a very — of a situation which I still don't believe should have ever existed, except through the — through a conviction or through a charge that I don't think should ever have been laid, and I don't know how we protect against the point that the Honourable Member makes at this point.

Mr. Chairman: Mr. Berger?

Mr. Berger: Mr. Chairman, my real concern is under (b) — "A person entitled to possess or consume liquor may lawfully have or keep ..." This is what my real concern is really, because, personally, I'm a real slow drinker and sometimes I have liquor accumulated for years at home, and if it is possible for an overzealous officer to come to my home and find an accumulation of bottles in there which are from out of the country, he could, under this Section, lay charges against me.

I mean, I can understand when a person crosses the border that he has to abide with the law of the land; that's fine. But to keep that liquor, in other words, the law forces me to consume the liquor in excessive amounts, which I'm not accustomed to, and this is what I'm objecting to.

Mr. Legal Advisor: One technical point, Mr. Chairman; this section is not a section which is creating any offence. This is an enabling section which allows people to do certain things. The section cannot be breached. Different sections are the sections which allow a person to do certain things. This is an enabling section.

The only question is, how much liquor do you allow a person to have in his possession which has not been bought in this Territory but has been brought from outside, and under what circumstances?

The drafting is producing a particular item of policy, not intending to create an offence.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Yes, Mr. Chairman, there's so much gone by since I wanted to ask my question, but I think I've cleared it up. What it seems to say though, if you go to Haines every weekend, each weekend for about four weekends, you bring back a bottle or two of whiskey, that you can't do. That really, until you consume what you've got first, you can't bring back any the next weekend. You can bring it back, but you can't keep it and that's simply what it means. It's kind of silly.

Mr. Chairman: Ms. Millard?

Ms. Millard: Mr. Chairman, I'd like a comment from the Legal Advisor on the time limits. I know that there are certain time limits that — impositions of time

limits on this, too — like within six months you can bring in a certain amount, that kind of thing. I think that really clears up some of it.

Mr. Legal Advisor: I'd have to look at the Yukon Act, Mr. Chairman, because the offence is created under the Yukon Act. The person is not charged with an offence against the Yukon Liquor Ordinance; he's charged with an offence under the Yukon Act and I just don't have my books here, but I think it's three months and a fine or something.

Hon. Mr. McKinnon: Mr. Chairman, I feel we're running into a great difficulty. There's a school of opinion with 70(b) that says that if this section were tried in a court, there might be a very good chance that it would be overthrown.

I think it was proven in the Quebec/Ontario beer strikes, where people from Quebec, because of the beer strike, went into Ontario and they had more than the Quebec provincial legislation allowed them under the terms of their Liquor Ordinance and they applied to — I see Mr. Legal Advisor shaking his head, but anyway, there was a ruling at that time that a guy was caught with a whole carload of beer and it was ruled that, even though the section was in the Provincial Liquor Ordinance that they couldn't stop the trade between the different provinces, and whether this is just one of the anomalies of being a Territory, that we haven't got the same privileges, again I don't know.

Mr. Legal Advisor: The Honourable Member is correct, Mr. Chairman. What occurred in Quebec during the strike was that a person transported certain brands of liquor from Ontario into Quebec or *vice versa* because of the strike. He was charged and he got off because he had transferred Canadian liquor from one province to another and therefore he could not be charged because he was protected by the BNA Act against any local law which contravenes the BNA Act.

But, unfortunately, the BNA Act does not apply in this Territory. It's the Yukon Act that applies. And, under the Yukon Act, Canada has made it an offence for any person to bring liquor from any part of Canada into this Territory, except under the authority of this legislature. So, in order to allow a person to do what's forbidden under the Yukon Act, it's necessary to have this section enabling him to do it. So the offences under the Yukon Act

Mr. Chairman: Well, Mr. Legal Advisor, I think you're just dirtying up the picture, which is dirty already. So I think we should hold it right there.

Hon. Mr. McKinnon: It is just another telling argument in favour of provincial status, Mr. Chairman.

Mr. Chairman: Order, please.

Hon. Mrs. Whyard: Mr. Chairman, with respect, in any other part of Canada, you can go from one province to another and take any brand from one province to another so long as it is not imported into Canada. This is the court ruling as I understand it. But you cannot do that, bringing a B.C. wine from Atlin here, under that court ruling across Canada. We have to implement spe-

cial sections to cover because we are excluded, as Mr. Legal Advisor pointed out, from that ruling under the British North America Act.

Mr. Chairman: Mr. Berger, does that answer your question?

Mr. Berger: No. I may be standing elaborating this, but this bothers me. I looked at the Yukon Act and it's — under Intoxicants, Section 48(3) — and it says in there where peace officer has reasonable grounds for believing that an intoxicant has been manufactured, compounded or made in the Territory or imported or brought into the Territory from any place outside the Territory, in violation of this Act, or that any vessel, vehicle, airplane, appliance or things that have been used for any of the above purposes in violation of this Act, he may, in the Territory, without a warrant, effect seizure thereof. But it does not say in there that I cannot keep liquor in my possession. It says you cannot bring it into the Territory illegally, but it does not say in here that I cannot keep it in my home, an accumulation of liquor. I think that this is where this section's wrong.

Mr. Chairman: Yes, Mr. Legal Advisor, can you clarify that point?

Mr. Legal Advisor: Perhaps it may be wrong, Mr. Chairman. We are not making it an offence in this Ordinance for anyone to keep imported liquor. So whether we put the word "keep" in or take the word "keep" out, it doesn't affect the offence.

What we are doing is we are eliminating the risk which the Honourable Member is at of having his car seized by a peace officer and being confiscated because he happened to have an extra present from his generous friend from Anchorage, who was bringing him the extra whiskey. This is what we are doing; we are trying to protect people, so it's hard to change it.

Mr. Chairman: Section 44: "The Liquor Ordinance is amended by repealing subsection 76(1)(a) thereof and substituting the following therefor:

"Seventy-six (one):

(Reads Clause 76(1))"

Mr. Chairman: Section Forty-five. Mr. Berger?

Mr. Berger: I'm sorry, I would like to once more go back to this Section, because to me it does not protect me. I'm making an offence.

Mr. Chairman: Which section are you referring to, Mr. Berger?

Mr. Berger: Forty-two, seventy. It says in here, "A person entitled to possess or consume liquor may lawfully have or keep" and if I exceed that amount I'm breaking the law, and this is what I'm harping on, Mr. Chairman. If I have more than one quart of spirits or wine, I'm breaking the law, in my home. It doesn't say in the car, and I think maybe what my suggestion would be, maybe to put in "when crossing the border, I cannot have more than that".

Mr. Chairman: I think, Mr. Berger, if you study subsection (a) it helps to clarify the point you keep expressing.

Yes, Mr. McKinnon?

Hon. Mr. McKinnon: Mr. Chairman, this section was changed because of exactly the thing that you try to protect yourself against all the time — from overzealousness. We had not seen a conviction under the lack of this section being in here, Section (a) and (b), up until the time that there was a conviction, and that was approximately ten years ago.

There hadn't been a conviction before, and there hasn't been a conviction after. I would suggest that if there were a conviction, and it would be through stupidity in the conditions that the Honourable Member has mentioned, which it was in stupidity why we had to put this section in in the first place, I would be the first one here to say that isn't it too bad that because of the overzealousness and stupidity we have to amend the section which has no real need in the legislation.

I just don't think it's going to happen, and I would be the first to support the Honourable Member if it did happen, but to put into legislation all these eventualities that could happen, if there wasn't the relationship between the members of the constabulary and the government as it is now and which has happened and gets much better every year and over the years, I just don't think that it's necessary to make further amendments to 70 at this point in time.

Mr. Chairman: Do you have any further comment, Mr. Berger?

Mr. Berger: I'll sleep on it, thank you, Mr. Chairman.

Mr. Chairman: Section 45: "The Liquor Ordinance is amended by repealing subsection 80(1) thereof and substituting the following therefor:

"Eighty (one):

(Reads Clause 80(1))"

Mr. Chairman: Clarification, Mr. Legal Advisor, on that language?

Mr. Legal Advisor: It's only a technical section, Mr. Chairman. It read originally, instead of "board" it read "Commissioner", and we are talking about whether a seizure is a forfeiture and things like that. The Board may, under some sections, do it or the court may do it if they happen to be the subject of a charge. So it's just technically making it clear that each has his own power, and it's not the substitution of a court power for a board power.

Mr. Chairman: Thank you.

Section Forty-six: "The Liquor Ordinance is amended by repealing Section 81 thereof and substituting the following therefor:

"Eighty-one (one):

(Reads Clause 81)"

Mr. Chairman: Forty-seven: "The Liquor Ordinance is amended by adding thereto the following new subsections ..."

Mr. McIntyre: Mr. Chairman?

Mr. Chairman: Yes, Mr. McIntyre?

Mr. McIntyre: Mr. Chairman, in Section 48(1) it says that a magistrate or a Justice trying an alleged violation, it doesn't say that he's found this man guilty, so that this section would authorize the magistrate to recommend the suspension or cancellation of a licence without the man being found guilty. It definitely infers that, because it says "alleged violation".

Mr. Chairman: Yes, Mr. Legal Advisor?

Mr. Legal Advisor: I'm not sure if the words would bear the instruction put on them by the Honourable Member from Mayo, Mr. Chairman. He's trying an alleged violation, it isn't a violation until he's made a finding. But it has been that way for the last 20 years and maybe it's about time we looked at the section, Mr. Chairman, and updated the language once we're looking at other sections.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Yes, Mr. Chairman, I believe that section was reviewed in 1970, first session, so it's only about six years ago when this was last dealt with, and I think the Honourable Member from Mayo makes a good point, why do you use the word "alleged"?

You know, I take his point, and perhaps this should be reviewed by the Legislative Programming Committee when you're looking at the other sections.

Mr. Legal Advisor: I have already said it will be reviewed, Mr. Chairman, because it could do with updating, but we weren't thinking in terms of updating, we were just changing one word to another.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Well, Mr. Chairman, with respect, while the Ordinance is open and you are looking at this thing, you ought to be doing it because it's not the duty of this Legislature to make legislation, it's the duty to ensure that no bad legislation gets through this House, and if it can be seen to work a disservice on the public, then we ought to get rid of it.

Mr. Legal Advisor: Yes, Mr. Chairman.

Mr. Chairman: Mr. Taylor, did I hear you right in your statement, that we are not here to make legislation?

Hon. Mr. Taylor: You did, Mr. Chairman.

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

Hon. Mrs. Whyard: Mr. Chairman, I would just like to express my appreciation to the Honourable Member

from Mayo, who has experience in the judicial area, and I appreciate his implications that we are, in effect, saying if we didn't call it the "alleged", we would say "bring in the guilty party".

Mr. Chairman: Section 47.

"The Liquor Ordinance is amended by adding thereto the following new subsections:"
83(6):

(Reads Clause 47)

Yes, Mr. Berger?

Mr. Berger: Mr. Chairman, I think we should amend a couple of words in here, and we should make "may" into "shall" in all places, because further on in (8) it says that it shall be an offence for the supplier to.. In other words, we should change all the "mays" into "shall".

Mr. Chairman: Yes, Mr. Legal Advisor?

Mr. Legal Advisor: Mr. Chairman, if that happened, a lot of people would be up on charges of pestering children, because it will be a very broad section under Section 7, if every vendor had to ask every person all the time to produce proof that they were a particular age. It would be a most extraordinary thing.

Mr. Berger: Why not, Mr. Chairman?

Mr. Legal Advisor: Section 7 would have a tremendous impact on the Territory.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, more in house-keeping, I suppose in the Ordinance, if we were to change the age of majority in the Territory at any given time, we would have to come back to this Ordinance, and why don't we say in these subsections (6), (7) and (8), rather than saying age of 19 years, why don't we say the age of majority?

Mr. Chairman: Mr. Legal Advisor?

Mr. Legal Advisor: There is no particular reason except it used to be 21 and we just use 19 now, it's easier to understand, at least I thought it was, but maybe "age of majority" is better.

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, I'm sure if we inserted the phrase "age of majority", some Honourable Member would say why don't we spell out what the age is?

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, it was simply a suggestion on housekeeping in this Ordinance, because if we do change the age of majority, either lower or raise it at some future session, then it seems to me what you've got to do is go and start researching every Ordi-

nance in the Territory and change them all, and in this case, I only suggest it as a housekeeping measure, that's all.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, I don't think we should put in the age of majority, I think we should leave it at 19 so that if we ever change the age of majority, then we should research every piece of legislation, and I would hate to think that the drinking age in the Yukon Territory could be lowered by amending another piece of legislation. I suggest we leave it at 19 in the Liquor Ordinance.

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: Yes, Mr. Chairman. This section kind of interests me, and I have to agree with the Honourable Member across the way that I would like to see it say, "The Corporation shall establish a system of identification to enable persons ..." and I really would like to hear some comments with respect to this. I could ask Mr. Thibault, do you think this would be — is it feasible to establish this kind of a system?

I understand right now that you are almost prepared to issue identification cards, that they are readily available. Why not make this mandatory for Yukon residents?

Mr. Thibault: Mr. Chairman, we do have identification for the past year or so, so it is in existence right now, so if a person who, coming into a licensed outlet or a liquor store, if the vendor feels that he may be under the age of nineteen, this is required, requested of them to provide it or prove it to the vendor or the licensee to provide this identification card. And this is why the reason we put the word there "may" request a person to prove it, but sometime the person — it is not necessary to ask every person to provide it. Just, it's left to the vendor or to the licensee to request this.

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: I understand that, you know, certainly you wouldn't have to ask everyone, but I just would think that it would be an excellent measure to take to provide for proof positive and as I said, for Yukon residents.

Anybody who wants to go into a beverage room or buy liquor, or what have you, why can't they go to the Liquor Control Commission or to the liquor store to get proof positive.

I don't think this would be a very hard measure to implement and certainly it would cut down on the problem of identification that they are having in the beer parlours at this point, because I understand that people come in with driver's licences and they might be carrying four or five driver's licences that they can use for identifying, which in fact are not theirs.

Mr. Chairman: Mr. Fleming.

Mr. Fleming: Mr. Chairman, did you indicate me.

Mr. Chairman: Didn't you want to say something?

Mr. Fleming: Yes, I did. I'm wondering about the cards and the law itself. If the card is not mandatory and everybody must have it, then how can you apply the law actually to it when you ask, when a peace officer wants to ask for it, for the card or something? You know, there is no law here today that says you have to have a card that does state your age. Nothing definite anyway. We have licences, we have U.I.C.; we've got I don't know how many cards, we got a pocketful of them, but they are none of them, we don't have to have them.

Therefore, you know, we don't have to have any card if we're going to produce something that says that the law can check somebody and see if he has a card, then I think it's up to the Government to say, okay, there is a card and you have to have it and not just maybe come and get it.

Mr. Chairman: Mrs. Whyard.

Hon. Mrs. Whyard: Mr. Chairman, I'm surprised by the remarks that the Honourable Member from Riverdale, because driver's licences now have a photo which aids identification of the person presenting them as an identification. And that is why we have established a system to provide photos from this Government on driver's licences.

Mr. Chairman?

Mr. Chairman: Order, please, Order, Mr. Lengerke.

Hon. Mrs. Whyard: A driver's licence bearing the photograph issued as the person, a photograph of the person issued pursuant to the Motor Vehicle's Ordinance.

Mr. Chairman: Yes, Mr. Lengerke.

Mr. Lengerke: I have a driver's licence and it hasn't got my photo on it. Are they issuing this way now?

Mr. Legal Advisor: I'm not sure it's in operation, but I understand they will be if they are not now. This is taken into account. Many provinces already have it in effect and are, liquor identity cards have a photograph on it.

Mr. Chairman: Ms. Millard.

Ms. Millard: Mr. Chairman, I don't know what sort of police state we're advocating here with people running around having mandatory cards. It shocks me that the suggestion is even coming out. There's enough identification obviously now, by law, in people's possessions to prove what their age is, birth certificate or anything else.

Also what are we going to do about people who are coming into the Territory who aren't resident here. Tourists who want to buy a case of beer. Are they going to have to go and have their picture taken first. I'd like to have a comment from the Member from Riverdale on that.

Mr. Chairman: Ms. Millard, I have three I.D. cards now, so one more isn't going to make much difference. Mr. Lang, I believe you had a question.

Hon. Mr. Lang: Mr. Chairman, I think it should be pointed out in section 8, there it points out that the supplier must prove that the person to whom the liquor was supplied produced an I.D. card with a photograph.

Now the point is that if somebody is running an outlet, and he sees somebody that looks maybe below the age of majority, as the Honourable Member from Watson Lake refers to it as, then they can ask that individual to leave unless he produces the proper identification.

Mr. Chairman: Mr. Berger?

Mr. Berger: Yes, Mr. Chairman, but I cannot see giving a licensee this type of responsibility, putting the onus on the business man, because in most cases, as a liquor vendor, or liquor outlet, I would welcome having a young person or a young looking person coming in there and asking for identification, and he has nothing to hide, he is quite willing to show it.

This is the whole thing, and it makes a much easier relationship, instead of having like the Honourable Member from Riverdale says, and I am aware of it, of many people in the Territory, young people having two or three different driver's licences with different ages on them.

Mr. Chairman: Mr. Fleming?

Mr. Fleming: Yes, Mr. Chairman, as always the points are very interesting, but I still haven't really got to my point at all, and nobody really answered me or said — you know, I'm saying that if we're going to make the legislation and say that the person, you know, has to have a card, or he has to produce something to prove it, then I'm saying that we must also make the card because everybody doesn't have a driver's licence. Everybody doesn't have some other type of licence.

I would like to get the opinion of the witness.

Mr. Chairman: Mr. Gillespie, do you wish to comment on that?

Mr. Gillespie: Mr. Chairman, there would be no harm in 83(6) to say that the Corporation shall establish a system of identification cards, and then anybody who — any minor or any person who is over 19 who is concerned about his appearance, and who doesn't have a driver's licence or some other identification card that has picture on it, can go to the Liquor Corporation or the vendor, and obtain a card that is established by the Corporation for that purpose, and he is then fully protected.

Mr. Chairman: Thank you. Mr. McIntyre?

Mr. McIntyre: Mr. Chairman, in section, or in subsection (8), the language isn't clear, because the identification card requested doesn't really relate to one issued pursuant to this Ordinance, and the only thing required to have a picture on it is the driver's licence, which aren't obtainable yet in the Yukon.

So I believe that the language in Section (8) should be cleared up to specify that the identification card produced must be one bearing a photograph, or it must be one issued pursuant to the licence, and it must be specified exactly what kind of an identification card

we're talking about.

Mr. Chairman: Good point. Mr. McIntyre. Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman. I certainly welcome that suggestion and this is a request that has come from people who are involved daily in an attempt to identify those who are under age, should not be on their premises and the suggestion that they must have a card with a photo on it is the answer.

I think this section was trying to deal with the sources we have already for such cards, and use the Motor Vehicle photography section, to provide such identification, but I agree with the Honourable Member, that that's a half-way measure, and I would like very much to see a proper identification card with photo.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, I would also suggest that we consider putting in the section that was suggested by the representatives from the Hotel and Motel Organization, where the minor must accept some of the responsibility too. So if they are found guilty of an offence, that they have been in an establishment and they were under the age, that the fine should not be less than \$100.00.

I think that we should be putting something like this in the legislation.

Mr. Chairman: Yes, Mr. McKinnon?

Hon. Mr. McKinnon: Mr. Chairman, I don't know where the penalty section is in the Ordinance, except that I know it's in there, but sub-eight of Section 47 is an attempt to put that onus on the minor, rather than on the, rather than on the supplier, and there had been difficulties prior to this in convictions being laid, because there was no protection as I understood it for the owner or the supplier.

This, in effect, does give him the protection of being able to say if you don't have your I.D. card, it's the only thing that I can accept, get out and that's it, and if the person — but if the person does have a forged I.D. card or some type of identification which is valid, then the owner or supplier is protected from the — from being prosecuted if he does produce an I.D. card.

So in his putting the onus on the person under nineteen rather than the other way around, which it was in the prior Ordinance, and we realized that there was some problems with it. I'm still not clear on 83, sub-seven. There was some request that the "may" in that should be changed to "shall" and I just couldn't accept that type of amendment, because it would mean that even if the person had originally produced his I.D. card, it still doesn't help the fact that he appears to be below the age of nineteen years, and if it's "shall" it would be mandatory for him to deliver that card and it would be mandatory upon the police officer or the supplier if he appeared to be nineteen to demand that card every time that the person came into the establishment or went to buy a case of beer, and I couldn't accept that as an amendment.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, I would still like to see that section included as sub (nine) on the fine of not less than \$100.00. I think, when the legislation is taken back for consideration, you should consider putting that in in Section Nine.

Mr. Legal Advisor: Mr. Chairman ...?

Mr. Chairman: Yes, Mr. Legal Advisor?

Mr. Legal Advisor: ... I don't want to get into a policy hassle about this, but the House is aware of the fact that this House has been consistently reluctant to put minimum fines on any legislation, so there would be the practicalness of basic policy to insist on a minimum fine, particularly in the case of a young person.

Hon. Mrs. Whyard: Mr. Chairman?

Mr. Chairman: Yes, Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, I have had a number of requests on this specific point from various groups and individuals throughout the Yukon and, in view of some of the flaunting of the laws of this land — open flaunting, when minimum fines have been imposed by the courts — I have to agree with the Honourable Member that it is time to look at a greater, a bigger minimum fine for minors who knowingly go into premises where they know they should not be and consume alcohol.

We have had recent instances, Mr. Chairman, where the fine was as low as \$8.00 for one who served the minor, and the minor was fined \$20.00 and went out laughing; and teenagers these days don't even have to let their parents know about it because they can raise the twenty bucks and pay the fine. In one instance, for instance, Mr. Chairman, they are given time to raise \$20.00.

I am of the old school who still thinks that is not a deterrent and I still think, Mr. Chairman, that we should have another look at the minimum, and I have a conviction that there is a ground swell of public opinion to support it.

Mr. Chairman: Mr. Fleming?

Mr. Fleming: Yes, Mr. Chairman, in hearing the arguments about the "shall" and "may", I'm going to be a little worried, I think, as the Honourable Member of Local Government is on the "shall request a person to appear, again, to be 19".

Now that puts the onus again right back on the people that run the business places. Practically all of it, because the officer is going to say, did he appear to be 19? You know, what's "appear" mean? He appears to be 19, and regardless of whether he does or not, if he didn't actually ask him to produce that, he's in trouble right away, because he shall request any person.

Well, you know, I can't go along with the "shall" there because the "appears" is nothing definite, you know.

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: Yes, Mr. Chairman, again I just welcome the comments from the Minister. Certainly, I'm

aware of some instances where the minor who went in and was served was fined very heavily or was not fined very heavily at all, and the person who supplied it was absolutely fined very heavily, and how could he identify and prove the age when we have such a loose system of identification, and this is my point and I still would like to see it and get some further clarification that the Corporation shall establish a system of identification cards, and that system to me will be an I.D. card from the Liquor Control or the Motor Vehicle Branch, and I want to know from the witnesses if that in fact is going to be the case, and is the case, when this comes into effect, this Ordinance?

Mr. Chairman: Mr. Gillespie?

Mr. Gillespie: Mr. Chairman, in answer to the Honourable Member's question, there is a system of identification cards in effect right now, so ...

Mr. Lengerke: But is it mandatory?

Mr. Gillespie: Well, it's mandatory that the Corporation shall establish ...

Mrs. Watson: No it isn't.

Mr. Lengerke: No it's not.

Mr. Gillespie: Excuse me, sorry, the Corporation has established a system. All we are saying is that the Corporation shall continue to have in existence, if you change the word to "shall" and I have no difficulty with the word "shall" in there.

Mrs. Watson: You haven't got a Corporation.

Mr. Chairman: Order, please. Are you finished, Mr. Gillespie?

Mr. Gillespie: The government has in existence now a system of identification cards, and what we are saying here is the Corporation may continue.

Now, if you wish to change that, if the House wishes to change that to "shall", there's no harm done because merely it is a direction that we continue to have what we've got now.

Mrs. Watson: Mr. Chairman?

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, I don't quite understand the system that we have now, and what would be required to have it mandatory that if people are nineteen and want to go in to buy a drink, they had better get themselves a card with their picture on it that I am interested in.

What have we got now, what do we need so that it is mandatory, so that they do have to have it?

Mr. Legal Advisor: Mr. Chairman, regulations have been established under the existing Ordinance which permitted the Commissioner to buy machines and have a system of identification cards which, I think, for one dollar anyone in the Territory can get. He can

only get that if he proves to the operator of the machine that he is nineteen years or older. In order to do that, he must produce at least, in most cases, two documents of identity related to himself so as to prove positively that he is nineteen or over.

That system is in existence and it appears to be working well. And the machine tours all of the settlements in turn, every couple of months, and then relocates in Whitehorse.

Now, Mr. Gillespie has said that there is no objection to changing the word "may" to "shall", because the system is in existence and is working, but if we go beyond that and make it mandatory on the individual, it's a different kettle of fish, and a lot more drafting would be required in order to make this so. Because then you are requiring that a certain category of people must join this system, whether or not they purchase liquor.

It's designed to be voluntary that any person, if he wants to avoid the hassle with a barman serving him, can ease the hassle by producing his card with the photograph on it and then he is served. Without that, if there's a doubt about it, the barman is entitled to refuse him, under the existing regulations.

All that we're establishing here is changes in this section from the regulations and putting them into the Ordinance so that a supplier will have a solid defence if he serves a boy with a card, then he cannot be convicted. If he serves a boy who has no card and the boy appears to be under the age of nineteen, then he's going to get a solid fine.

We're setting up the court results which will happen from carelessness in this area. This is what we're attempting to do, not attempting to institute a system of identification cards for the total population.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, there is another aspect to this thing that I don't think has been discussed and that is, under 83(1)(b), you make provision for people under the age of nineteen to consume liquor under certain circumstances.

What they say in 83(1)(b), a person under the age of nineteen years may, in a private residence, club, licensed dining room, restaurant, or at a reception, consume liquor provided by or with the consent of a parent, grandparent or legal guardian or while accompanied by such a parent, grandparent or legal guardian. All you're saying is that no person under the age of nineteen years shall enter, be or remain in any tavern or cocktail lounge. So here you have another set of circumstances.

Is it the intention to have all the children under nineteen equipped also with identification cards? Because if you go down into sub (seven) for instance, you're saying any licensee or the servant or agent or liquor vendor or the inspector or peace officer, and if you're suggesting you're going to say shall request a person who appears to be below the age of nineteen years, what you're doing is, you're saying that peace officer, he's obligated to go to this person and get a card.

If you leave it "may", at least it's obvious to the officer that it's quite a legal situation and he is not bound by law to accost this young person and —

If you said "shall" for instance, this poor young person who may be twenty years old could be — and look, perhaps, younger than his years — could be stopped by

the licensee, the servant, the agent, the liquor vendor, the inspector, and God knows how many peace officers all in the course of one evening. I would agree with Mr. Legal Advisor that could be considered hassling. So, if there's any suggestions in this House that we change that "may" to "shall", it shall not go with my approbation, that's for sure.

Some Members: Very good, very good.

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: I must agree with Mr. Taylor, once again. Thank you, Mr. Chairman.

Mr. Berger: Mr. Chairman, this is one situation that I don't think that anybody insisting on Section 8, 17, amended to "shall" any more.

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, I think we're clear. The wishes of the House are that there shall be these cards with photos on for people who wish to establish proof that they are of drinking age. I think that the government has got this message. I don't see the need to change anything in the section because we are in the process of providing that system now.

The wording "corporation" should stay because it is that part of the Ordinance specifically dealt with. We know what you want, we are attempting to provide it. I cannot see any need for anything further. The system of identification cards, unless you wish to add "with photo" is already under way.

Mr. Chairman: Mr. McIntyre?

Mr. McIntyre: Yes, Mr. Chairman, I'd still like to see the Section 8, an identification card pursuant to this Ordinance, because it doesn't say that.

Mr. Legal Advisor: I have no objection to it being put in, Mr. Chairman, but an identification card in that section covers an identification card or a driver's licence, both of them are covered by the meaning "bearing a photograph". We can add the identification card and just put "with photograph" if you like or identify it as pursuant to Section, Subsection (seven).

Mr. Chairman: Yes, Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, with respect, (six) does say "pursuant to this Ordinance".

Mr. Chairman: Yes, Mr. McIntyre?

Mr. McIntyre: Mr. Chairman, Section Eight doesn't. Section (Eight) infers that any identification card that a person has on him that says that he's nineteen is acceptable, and it doesn't need to have his picture. Only the driver's licence bearing a photograph needs to have the photograph on it.

If you're talking about the same identification card in (eight) as you are in (six), you must say "pursuant to this Ordinance".

Mr. Chairman: Thank you, Mr. McIntyre.
Section Forty-eight:

"The Liquor Ordinance is amended by repealing sub-section 87(1) thereof and substituting the following therefor:

"Eighty-seven (one):

(Reads Clause 87(1))"

Mr. Chairman: Yes, Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, does this eliminate, Mr. Chairman, all those lovely trips to Australia and the wine-growing countries?

Mr. Chairman: Section Forty-nine:

Mr. Berger: Mr. Chairman?

Mr. Chairman: Yes, Mr. Berger?

Mr. Berger: The Honourable Member from Klwane suggested a Section (Nine) in 47, and I don't think there was actually a clear answer on this particular section she proposes.

Mr. Chairman: Yes, Mrs. Watson?

Mrs. Watson: Mr. Chairman, I'm sorry, I had hoped that when they review the legislation they will be inserting that conviction where they — it can't be less than a hundred dollars, and I thank the Honourable Member from Klondike.

Mr. Chairman: Yes, Mr. Legal Advisor?

Mr. Legal Advisor: Mr. Chairman, a minimum sentence of a hundred dollars does raise problems because not every teenager happens to have a hundred dollars.

Mrs. Watson: Tough.

Mr. Legal Advisor: It will be considered.

Perhaps they shouldn't be in a bar, Mr. Chairman. It raises problems for other Departments. What do you do with a person who does not have the hundred dollars? Do you put him in jail for six months?

Mrs. Watson: Mr. Chairman, the ...

Mr. Chairman: Mr. Legal Advisor, isn't it correct that the minor comes under parental guidance, wouldn't they also be liable?

Mr. Legal Advisor: Mr. Chairman, it's not my business to get into a policy discussion except that I get so mad at what would I do with the person who doesn't have the hundred dollars. I can see the problems coming to my desk.

The sixteen-year-old, no job, who happened to be served a drink which was bought by somebody else, and he's automatically fined a hundred dollars, he must be fined a hundred dollars. What do we do with him? Some of them have parents, some of them exist on social welfare, other people don't; they're poor.

Ms. Millard: Mr. Chairman, perhaps we could have a Motion.

Mr. Legal Advisor: Mr. Chairman, I didn't want to get into a debate, I'm sorry for doing it; it will be considered by the Legislative Programming Committee.

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

Hon. Mrs. Whyard: Mr. Chairman, I would just like to assure the Legal Advisor that in view of current court trends, where minors are being given variations of sentences and not necessarily fines, but are given opportunities to work out those fines in some worthy community area, I think this is a matter which would only concern the courts.

Mr. Chairman: Section Forty-nine:

"The Liquor Ordinance is amended by repealing sub-section 91(1) thereof and substituting the following therefor:

"Ninety-one (one):

(Reads Clause 91(1))"

Mr. Chairman: Yes, Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, I wonder if I could have an explanation of why the repeal, because it seems to me that that's exactly what the Ordinance says now.

Mr. Chairman: Mr. Legal Advisor?

Mr. Legal Advisor: Mr. Chairman, it's what the Ordinance tried to say, but unfortunately there's a misprint and it was the reverse way around, and we failed to get convictions because of it, so it was brought back to correct what was really a misprint in 1970, Mr. Chairman.

Mrs. Watson: They wished to say "employer" not "employee". Read it, the old Act says "employer".

Mr. Chairman: Thank you, Mrs. Watson.
Section Fifty:

"The Liquor Ordinance is amended by repealing sub-section 97(1) thereof and substituting the following therefor:

(Reads Clause 97(1))"

Mr. Chairman: Section 51.

"The Liquor Ordinance is amended by repealing sub-section 101(1) thereof and substituting the following therefor:"

(Reads Clause 101)

Yes, Mr. Taylor.

Hon. Mr. Taylor: Why are, now that you've made all, all peace officers liquor inspectors, why are you not saying, "if seized by an inspector", in this section?

Mr. Chairman: Mr. Legal Advisor.

Mr. Legal Advisor: Mr. Chairman, the operations of this area will be done normally by peace officers, by R.C.M.P. officers, and normally they operate under criminal code procedures in certain cases. But it's not intended that our inspectors, as a matter of routine, are going out in the streets and enforcing this kind of an Ordinance. R.C.M.P. officers maybe, but if they do make a seizure, then the Government wants — the Board wants to know that.

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

Mr. Chairman: Mr. Taylor.

Hon. Mr. Taylor: What happens then to the inspector? Does he just take it home and put it in his private supply? Why just the peace officer is provided for here, why not the inspector?

Mr. Legal Advisor: We have direct control over the inspectors, they're civil servants. We don't have the same direct control over peace officers. It has happened as a matter of fact, that peace officers have made seizures and have not reported in to the Department of Liquor Control. So, we're just taking a step in this direction.

Mr. Chairman: Mr. Fleming.

Mr. Fleming: I welcome that step, because I don't want to be an inspector and going seizing anything and get poked in the nose for it. Let's have the peace officers do something. We've been so afraid to make legislation that does any harm to anybody anymore that I'm beginning to think maybe we just want to turn it over and go home.

Mr. Chairman: Mrs. Watson.

Mrs. Watson: Mr. Chairman, I'd like to ask a question. Am I to understand that when we establish the Corporation, that the Corporation will have inspectors, just liquor inspectors working on their behalf. They will continue to be civil servants but will they be working on behalf of the Corporation?

Mr. Chairman: Mr. Gillespie.

Mr. Gillespie: That is correct, Mr. Chairman. That inspector may be a staff member of another department working as an agent of the Corporation for a period of time, but he will be working under instructions from the Corporation. The effect will be that the Corporation will have its own liquor inspectors.

Mr. Chairman: Are you making reference to the Inspections Branch? Is this what you're saying?

Mr. Gillespie: That is correct.

Mrs. Watson: They won't continue another inspections branch within the Government?

Mr. Gillespie: Mr. Chairman, it's possible that the

liquor inspector will continue to be employed by the Inspections Branch, as an agent of the Corporation for a period of time. The reason that we would do this is that we have only one inspector now. In the event that he is sick or away, we are then able to use one of the other inspectors under the Inspections Branch to perform his duties. But the instructions that he will operate under when acting pursuant to this Ordinance will come from the Liquor Corporation.

Mr. Chairman: Mrs. Watson.

Mrs. Watson: Mr. Chairman, I'm very, very pleased to hear this. What, if the Corporation feel that they require the services of another inspector? We're always talking about enforcement and this type of thing and the Corporation may feel that, because of public pressure, that they require the services of another inspector. Can they proceed to hire another inspector or do they first have to go through the budget and submit it as part of the Territorial Budget.

Mr. Gillespie: Mr. Chairman, they would have, as they do at present, to submit a request for additional position through the normal budgetary process, as they do now.

Mr. Chairman: Yes, Mrs. Watson?

Mrs. Watson: But, Mr. Chairman, are they not empowered, is the General Manager not empowered to pay all the expenses of the administration of this Ordinance?

Mr. Gillespie: Mr. Chairman, the Liquor Corporation will come under the aegis of the Financial Administration Ordinance, which is being amended and to be brought before this House and all its provisions will apply, including the budgetary provisions will require that budgets be approved by the Government before the money is expended.

Mrs. Watson: Thank you.

Mr. Chairman: Mr. Lengerke, you had a question.

Mr. Lengerke: Just a question of Mr. Gillespie. In this dual role, the inspector is going to have some problem, I would think, someplace along the line figuring out what his priority is going to be.

In other words, he's going to be under instruction from the Corporation or the Board, and he's also going to have some instructions from the section of the enforcement branch. I can see some interesting situations developing, where he should be out as number one, be out after matters pertaining to the Corporation, he might have to be doing his duties for the other section. This, I think this is something that has to be considered.

Mr. Chairman: Yes, Mrs. Whyard.

Hon. Mrs. Whyard: Mr. Chairman, I welcome these comments from both the Honourable Members, because it has been of great concern to members of the Liquor Board for some time that they require the services of specially trained people in this area.

They have had to make do with people who are also operating for other areas of Government as a matter of economy and efficiency from a personnel point of view.

I quite agree with the Board's stand on this question. You must have specially trained people who are familiar with every section of this Ordinance and every part of liquor enforcement and the whole field is a special study.

I would certainly hope that this same support would be forthcoming if this Government requires further funds to finance additional inspectors who are specially trained.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, I don't think the Honourable Member from Riverdale's question was quite fully answered. Will the inspectors be in a difficult position if they are employees of the Territorial Government and also employees of the Corporation? I think we are very anxious to see if the inspectors will be able to carry out the instructions of the Corporation, perform the inspections on behalf of the authority who's administering the legislation.

I would like some comments on the question that he made.

Mr. Gillespie: Mr. Chairman, the precise arrangements have not yet been worked out. Indeed, it has not yet been determined whether we will continue with an inspector under the Inspections Branch, to do the liquor inspections, or whether we will move that position over to the Liquor Corporation.

There are budgetary implications and administrative efficiency implications such as the one I mentioned, where a person is sick. There could be complications, this is for the administration to work out, but the Corporation has a responsibility, and the Government has the responsibility to support the Corporation in that regard.

I think there are — as I say, we don't have the arrangements fully worked out, and if we do operate under the Inspections Branch, it's my anticipation that it would only be for a temporary transition period, but when we have everything sorted out, then that position would in time be moved directly underneath the Liquor Corporation.

Mrs. Watson: Mr. Chairman?

Mr. Chairman: Yes, Mrs. Watson?

Mrs. Watson: I shall be bringing forth a Motion recommending that the inspectors, be moved from the Inspections Branch as soon as possible, and be put under the direction of the Corporation.

Mr. Gillespie: Mr. Chairman, I would be pleased to have such a Motion carry forward, providing it said as was indicated by the Member, as soon as possible, because there are complications in the meantime.

Mr. Chairman: Mr. Lengerke, do you have a question?

Mr. Lengerke: It's been answered now.

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, I'm not quite sure whether Mr. Gillespie referred to Section 4, which says "The provisions of the Public Service Commission Ordinance shall apply to all persons other than Members of the Board, engaged in the administration of this Ordinance."

Thank you, Mr. Chairman.

Mr. Chairman: Thank you, Mrs. Whyard.

I think if there's concurrence of the Members that we should hold on reading of Section 52 on, I believe there are some individuals that wish to come forward on these particular sections, according to Mr. Hibberd.

I will proceed, if there is no objections from Members, I will proceed into 103.

Ms. Millard: Mr. Chairman, I thought we were going to consider a Motion at this point.

Mr. Chairman: I have spoken with the mover of the Motion, and he's prepared to leave that until tomorrow.

I must emphasize we are not quite through yet. Okay? Yes, Mr. McIntyre?

Mr. McIntyre: Are we on 103, Mr. Chairman?

Mr. Chairman: I'm going on to section 52 now.

Mr. McIntyre: Okay.

Mr. Chairman: Section 52.

"The Liquor Ordinance is amended by repealing Section 103(1) thereof and substituting the following therefor:"

(*Reads Clause 103(1)*)

Mr. McKinnon?

Hon. Mr. McKinnon: Mr. Chairman, I just want to outline as succinctly as possible, the problem as I see it in this section dealing with public drinking.

I think all Honourable Members have been supplied with a copy of the number of letters and petitions that the Government has received over — it has been received, I thought that Members had been made available, at any rate, they are available to Members, that have been received by Government over the last several years, since I've been serving on the Executive Committee.

It has been substantial and there has been many pressures brought, particularly I think to Members of Executive Committee, and I know that some Honourable Members who have spoken to me on it, that they have also been under some pressure and some lobbying as far as curtailing public drinking.

Any of us who have been around the Territory for any length of time, know that this is not a new problem in the Yukon, and I think that there is a misapprehension of people who have come to the Territory in the last several years, since the Liquor Ordinance has been amended, who tend to think that the amendments to the Liquor Ordinance have created the public drinking

situation. This is just not a correct statement.

Prior to the amendments to the Ordinance, the constabulary could go to any of their favourite places in Whitehorse, which I was aware of, and pick up any number of people for public drinking at any time that they so desired. The difference in the Ordinance was that we were of the opinion that it was probably better sitting on the banks of the river drinking the jug of Pacava than sitting in the bars doing it, and we are proving nothing by these people being picked up over and over and over again, some of them up to the number of several hundreds of times, being put before the magistrate, being incarcerated, being put in jail, spending your 7 days, then coming out and the whole process reversing itself again.

So the Ordinance was changed, but it was still against the law to be drunk in a public place, which it always had been, but no longer would a person be picked up and incarcerated, or if he were for his own protection, he wouldn't be charged, and he would be let loose the next day.

You know, the thing of public drinking is not a new and a novel and a unique thing in the Yukon. In fact the Honourable Chairman of Committees, the Member, Mr. Hibberd, stated that he probably thought in his opinion as a doctor at the opening of the debate on this, that it was probably less obvious a problem now than it had been prior, and I think that if you check the Votes and Proceedings, that he said that.

In spite of all that, I agree, there is a great pressure, and there is a great lobby, and there is public concern, and I'm happy and I think it's a good thing that there is public concern about the amount of public drinking and as I told Honourable Members before, that this has been one of the problems that has been uppermost in my mind, as I travelled throughout the Yukon in the last several years.

It particularly came home by different representations by different communities, and particularly when we received, in Government, in May of this year, a Resolution from the City Council of the Municipality of Whitehorse, and the Resolution was passed by the City Council and it's very, very clear, and I don't think there can be any misunderstanding or mistaking the intent of the Motion in any way, shape or form.

It was asked that the Commissioner be advised that City Council is opposed to consumption of alcoholic beverages on public streets in the City of Whitehorse and that the Yukon Legislative Assembly be urged to amend the Yukon Liquor Ordinance to make such consumption an offence under that Ordinance.

I don't think it could be clearer than that amendment and quite rightly so, because as the Mayor said that she can't presume to think in her responsibility as the Mayor of the City of Whitehorse, for all of the people of the Yukon, but just asked specifically for the clearing up of a problem which was mentioned specifically in the City of Whitehorse.

She also mentioned, Mr. Chairman, that she was not speaking for the A.Y.M., that she was not speaking for the Municipality of Dawson, nor the Town of Faro. The reason is obvious that the A.Y.M. is not agreed on this subject in any way, shape or form.

As I understand it through my dealings with the Association of Yukon Municipalities, Faro and Dawson have not made up their minds, and indeed one of those

communities is opposed to a blanket prohibition on drinking in public in the Yukon.

In the L.I.D.'s, Mr. Chairman, we have heard specifically from the L.I.D. of Teslin. They want the ability to control public drinking in the L.I.D. or want the Government to act to control public drinking within the L.I.D.

In my meetings with the people in Watson Lake, and particularly I got the other reaction, that they were not having the problems that were stated by the L.I.D. of Teslin, and wanted the Ordinance to remain the same.

As I mentioned, prior, I did not have the specific discussion on the problem in the L.I.D. in Mayo. I have not received any real objections and problems from the L.I.D. in Haines Junction on that section of the ordinance as it stands.

I have not received any complaints and the Government hasn't, from people in unorganized areas, and the comments that I get from most of the people in them, is that the problem is just not there to the extent that they even notice it in any way, shape or form.

So that leaves us right at this point in time. There are some areas who say that the Ordinance as it stands is fine, we have not experienced problems and difficulties with it. There are other areas who are saying we want the ban of public drinking on our streets within our areas, but if you specifically name us as areas where there is no public drinking, then we will turn around and say "we no longer support you, even though we specifically asked for our specific area to be an area which is under provisions that there is no public drinking within the Municipality or the L.I.D."

So I can only say that I just want to outline the problem that we were faced with in bringing in legislation to try and let those people in those areas where they said that there was a problem, they recognized the problem, to take care of that problem, and areas where they said we don't have this problem, we don't see a problem, that they didn't have to use the sections of the Ordinance, but they were there if they wanted to use them in the future.

We see the sections of the Ordinance, nothing is mandatory in any way, shape or form.

If elected people in the Municipalities or the L.I.D.'s do not feel the problem is enough to warrant the passage of a by-law indicating to the Commissioner that they would like to make him an area and force order pursuant to this Ordinance, then the section lays there and, of course, is not activated until certain things happen.

An action of a by-law by a Municipality or an L.I.D. or the other methods of gaining public support through an unorganized area. So that was the Government's method of handling it because of the problems that we faced in all of the various areas throughout the Yukon.

We will maintain after listening to all the arguments and presentations, that the sections, as we presently have them in the Ordinance, are the best way to go. We haven't received any answers at the present time. We realize that it is a dilemma for all Members and I can only tell you that on this one, there is no possible way that any of us can win because if we do one that's universal, then we're going to hear from certain Members in this House and certain areas and certain Municipalities and certain L.I.D.'s that there is Big Brother in Whitehorse, once again shoving legislation down our throats that we don't want and we don't need.

If we don't do anything, Mr. Chairman, then we're going to hear that we're irresponsible that we're not serious about dealing with the problems of liquor in the Yukon; that we don't listen to the people about taking public drinking off the streets in those areas where they so desire.

This was our method of coming up with an attempt at amending that will at least satisfy the majority of the people in the Yukon, and, as I have said before, that we are only ready, willing and able to listen to suggestions and amendments that come up with a better solution to the problem and, up to this point in time, Mr. Chairman, we haven't heard anything.

Mr. Chairman: Thank you, Mr. McKinnon. Mr. Fleming?

Mr. Fleming: Yes, Mr. Chairman. I think the last few words of the Honourable Member for Local Government that overall he hasn't heard suggestions. I know that I haven't made any amendments, but I've certainly made many suggestions and one of them especially that I've fought ever since I've been here and will continue to fight.

However, we're in 103(7) and I see that the way that they go to the L.I.D.'s and so forth are approximately the same thing as going there to find out if they would like to have a swimming pool or possibly some sewer, water or something. Nothing, I don't think is important as this Liquor Ordinance.

I can't just see them going there and saying we'll get a letter from ten people and then we'll have a hearing and then we'll make a canvass of all the homes in town. I can see this being, this Ordinance that's in effect, as being in effect for the next two or three years before we even get anything done, in any community. So we're not going to clean up the public drinking or anything else for some time if this Ordinance passes the way it is today.

As I said the other day, I don't know whether I have a conflict of interest or not, but, if it goes through the way it is now, I won't, if I vote at all, I certainly will be voting against it and I will definitely find out if I can because I feel very strongly about it.

The Honourable Member said that he had been to so many places and heard so many views, but I think that when he said he had the view of some of the unorganized communities, and they felt, you know, that there was something to be done, but, he didn't really say it all. I think he might have got the feeling there though that they did want something done. I'm sure that all those communities want something done. I just cannot see a community in this Territory that would just say leave it alone. No way. I have also been to a few communities and seen the problems.

I can't say anymore really. I've said all I could already. I've tried to convince the Members in this House that we should go the other way and make regulations or an Ordinance and put some teeth in the Ordinance and then let the people see if they're satisfied with it. I guess if the Members don't care to go that way, naturally it won't. But I certainly would like to hear from them too, on the view, on that view alone.

I'm wondering at this time, I guess I would ask in sections past whereas they were giving the authority not authority, but letting the L.I.D.'s come forward and say

about the hours and so forth. I find that that is different than 103 — the wishes of the inhabitants. Why the difference in how they're going to go about it? One place they must more or less make — and when it's all over they can get it or not from the Board. And on 7 here, they say there will be a plebiscite held. Why should the two be different?

I think that the L.I.D.s and the communities can apply.

Mr. Chairman: Does Mr. Gillespie wish to comment?

Mr. Legal Advisor?

Mr. Legal Advisor: Mr. Chairman, in the drafting of this, it seemed a simple matter when dealing with the issue of a licence to ascertain the wishes of an L.I.D. or something like that. Here you're making law of general application to the public at large, and there's more solemnity attached to it. That's a bigger decision and it stands for two years, and it makes it an offence for a person to drink in a public place in any area where an enforcement order is in place.

So it's treated with a degree of solemnity that perhaps the other doesn't deserve.

Mr. Chairman: Mr. Fleming?

Mr. Fleming: I'm glad to hear that, Mr. Chairman.

However, I won't say too much more, except that I do feel that we, you know, are not doing our job here if we don't do something about it.

As the Legal Advisor just said, it made those two sections simpler, and I think in all respect to our Members that are working at this and brought it forth, in the Government of the Yukon Territory, I think that they made the whole thing very simple and dropped it onto — are trying to drop it onto the shoulders of somebody else, and I know I'm going to get a rise on this, but I can't help it, it looks like that to me. It's written out very easily, very simply, and look after it L.I.D.s, and look after it, so forth, and I don't agree, I want to do something about it.

Mr. Chairman: Thank you, Mr. Berger?

Mr. Berger: Thank you, Mr. Chairman.

I just have a question for the Honourable Member from Whitehorse North Centre. I wonder, for the information of all the Members of this House, could he supply us with some of those requests for restriction of public drinking? We have a list of who's submitted a brief to the government.

What I have particularly in my mind is the Royal Canadian Mounted Police, and the Yukon Ministerial Association, and the Outreach Program and so on.

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: I have a number of letters here which, if you wish, can be circulated, but I am not in possession of all documents which have been submitted to the Liquor Board, and I would point out that in some cases they were not written for public consumption, but these letters, Mr. Chairman, are certainly indicative of

the opinions of a large number of groups, if you would like to have them circulated.

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

Mr. McIntyre: Thank you, Mr. Chairman. I am not in support of this Section simply because, to use the expression that we heard over the radio the other day, it's going to "Balkanize the Yukon".

Hon. Mrs. Whyard: Balkanize or vulcanize?

Mr. McIntyre: I think that if we pass a section prohibiting public drinking it should be of general application and I would support this section, providing the first section were eliminated, and all the sections after Section (3), but not as it stands in its present form.

I'm in complete agreement with the Honourable Member from Hootalinqua that we should make a positive stand on this particular section and either pass something that means something or else get rid of it altogether.

Mr. Chairman: Thank you, Mr. McIntyre. I think before you go into any further questions, dueto the nature of Section 103, taking into account there is a Motion that is held over on Section 28, is it the wish that we carry on or do we put it over until tomorrow?

Mr. Hibberd: Mr. Chairman, you can't really deal with the Motion regarding that Section until you go right back — we have not carried any Sections —

Mr. Chairman: That's what I'm talking about, Mr. Hibberd.

Mr. Hibberd: We have to start there and go through before we get to the amendments.

Mr. Chairman: Is it the wishes of the Members that we put it over until tomorrow — or are we going to carry on?

Some Members: Agreed.

Mr. Chairman: I would entertain a Motion.
Yes, Mr. Lengerke?

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

Mr. Chairman: Is there a seconder?

Mr. Hibberd: I second that Motion.

Mr. Chairman: It has been moved by Mr. Lengerke, seconded by Mr. Hibberd, that Mr. Speaker do now resume the Chair.

Are you agreed?

Some Members: Agreed.

Mr. Chairman: Thank you. I shall declare the Motion 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 Committees?

Mr. McCall: Yes, Mr. Speaker.

The Committee of the Whole have considered Bill Number 5, An Ordinance to Amend the Liquor Ordinance, and has 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 is granted.
May I have your further pleasure?
The Honourable Member from Ogilvie?

Ms. Millard: Mr. Speaker, I move that we call it five o'clock.

Mr. Hibberd: I will second that.

Mr. Speaker: It has been moved by the Honourable Member from Ogilvie, seconded by the Honourable Member from Whitehorse South Centre, that we now call it five o'clock.

Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the Motion carried.

(Motion carried)

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

(ADJOURNED)

THE FOLLOWING LEGISLATIVE RETURNS WERE
TABLED

76-3-12
Referrals to Psychiatrists
(Written Question Number 12)

76-3-13
Access to Alaska Highway
(Oral Question - Page 177)

76-3-14
Contracting Road Building
(Oral Question - Page 176-177)

THE FOLLOWING SESSIONAL PAPERS WERE TA-
BLED

76-3-32
**Response to the Motion for the Production of Papers
Number 3**

LEGISLATIVE RETURN #10
1976 (Third) Session

LEGISLATIVE RETURN # 13
1976 (Third) Session

Mr. Speaker
Members of the Assembly

Mr. Speaker
Members of the Assembly

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

On November 15, 1976, Mr. Fleming asked the following question:

"What steps are the YTG prepared to take to assist the various lodges and small businesses in Yukon to obtain fire insurance coverage to at least meet their minimum mortgage commitments?"

"Due to highway reconstruction several properties in the Mile 895 area now require an access road of approximately four or five hundred yards. Is there any intention of the government snow plowing these roads? It is on the right-of-way."

The answer to the above question is as follows:

The Answer to the above question 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.

Government policy provides for clearing of the entrance to the access road only. Therefore, we do not intend to plow these access roads.



November 16, 1976.

M. E. Miller,
Member,
Executive Committee.



November 15, 1976.

M. E. Miller,
Member,
Executive Committee.

LEGISLATIVE RETURN # 14

1976 (Third) Session

LEGISLATIVE RETURN # 12

(1976 THIRD Session)

Mr. Speaker
Members of the Assembly

Mr. Speaker,
Members of the Assembly

On November 15, 1976, Mr. Fleming asked the following question:

On November 15 1976, Ms. Millard asked the following question:

"Has there been any thought in the government's mind on possible contracting to private enterprise of some of the Territorial roads in the territory?"

- a) How much money is in the Corrections budget for client referrals to psychiatrists?
- b) Can that money be used without referral by the Court?

The answer to the above question is as follows:

The answer to the above question is as follows:

Road reconstruction is normally handled through contracting with private enterprise. Road maintenance will continue to be performed by YTG forces.

- a) In the 1976/77 Correctional budget the sum of \$4,400. is set aside for Professional and Medical Services.
- b) The money can and is used without referrals by the Courts.

17/11 1976
Date


Signature

November 16, 1976.



M. E. Miller,
Member,
Executive Committee.