



# The Yukon Legislative Assembly

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Debates & Proceedings

**Tuesday, November 23, 1976**

Speaker: The Honourable Donald Taylor



November 23, 1976.  
Whitehorse, Y.T.

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

**Madam Clerk:** There is, Mr. Speaker.

**Mr. Speaker:** I will now call the House to order.  
We will proceed at this time with morning prayers.

*(Prayers)*

#### ROUTINE PROCEEDINGS

**Mr. Speaker:** We will proceed at the time with the Order Paper.

Are there any Tabling of Documents this morning?  
The Honourable Member of Whitehorse Riverdale?

#### TABLING OF DOCUMENTS

**Mr. Lengerke:** Yes, Mr. Speaker, I have for tabling this morning, a paper that relates to the subject, The Establishment of a Committee for Yukon's Future. I believe we have a resolution that is in Committee of the Whole, and I think this information would be pertinent to that, and I would like to introduce it at this time.

**Mr. Speaker:** Proceed.

Are there any further Documents for Tabling?  
Reports of Committees? Petitions? Introduction of Bills?

Are there any Notices of Motion for the Production of Papers? Are there any Notices of Motion or Resolution?  
Are there any Statements by Ministers?

We will then proceed to the Question Period.

#### QUESTION PERIOD

**Mr. Speaker:** Have you any questions?  
The Honourable Minister of Education?

**Hon. Mr. Lang:** Mr. Speaker, I have for tabling, Legislative Returns to written Questions Numbers 11, 20 and 23. In reply to a question asked by the Honourable Member from Ogilvie on November the 18th about Project Coach, the budget amount was \$5,400.00, expenditure to date was \$1,375.00. The number taking the course, there were 22 enrolled, and when the course was given, 16 showed up to attend the program.

**Mr. Speaker:** There being no further questions, we will — the Honourable Minister of Health and Welfare?

**Hon. Mrs. Whyard:** Mr. Speaker, yesterday Mr. Fleming asked a question concerning how much part time nurses who relieve the public health nurses in the outlying areas are paid. The answer, Mr. Speaker, is that community health nurses have a pay scale composed of three main sections, Community Health Services 1, 2 and 3. Sections 1 and 2 are dependent upon the years of nursing experience. Section 3 depends upon the nurse having a Public Health Certificate. Each section has five different levels so that increments are awarded for each year of service. The salary ranges from \$12,035

to \$15,783, plus isolated post allowance.

Part time replacements are paid under the same scale, but for the hours they work, computed on the yearly rate. This means that the part time nurse's educational qualifications and experience are taken into consideration when she is placed on the salary scale.

**Mr. Speaker:** The Honourable Member from Hootalinqua.

#### Question re: Approaches to Tagish Bridge

**Mr. Fleming:** Yes, Mr. Speaker, I have a question for the Commissioner this morning in regards to the approaches to the new Tagish Bridge.

The last Commissioner in this House agreed to bring forward, when the plans were finished, the plans for the bridge before construction started so we could take a look at them, and I'm wondering if this same thing could be done with the approaches also, the approach road that leads to the bridge so that we will have prior knowledge as to where they are going to go other than on the road that is there now.

**Mr. Speaker:** Mr. Commissioner.

**Mr. Commissioner:** I would be pleased to bring that forward for the Honourable Member.

**Mr. Speaker:** The Honourable Member from Hootalinqua.

#### Question re: Campground at Carcross

**Mr. Fleming:** Yes, Mr. Speaker, I also have another question for Mr. Commissioner.

I think, two or three Sessions back, there was some discussions as to a campground that may be situated close to Carcross, in that vicinity, due to the new road going through and everything, and I'm wondering if there is anything being done about this?

**Mr. Speaker:** Mr. Commissioner.

**Mr. Commissioner:** Mr. Speaker, I'd like to take that question under advisement and respond at a later date.

**Mr. Speaker:** The Honourable Member from Hootalinqua.

#### Question re: K.V.A. Grant to Dawson

**Mr. Fleming:** I'm not really trying to belabour the Commissioner, but I do have these questions.

Is it true that the government gave the K.V.A. at Dawson a grant or some assistance last year, in '76, approximately, I think somewhere in the neighbourhood of \$500.00 or \$5,000.00, it's just more or less rumours, I guess. Is it true, also that they raised the licences for running the establishment at that time? And, if so, would I be right in assuming that K.V.A. did not gain financially in any way?

**Mr. Speaker:** Mr. Commissioner?



**Mr. Commissioner:** Mr. Speaker, again I would have to go to the Member of the Executive Committee responsible for that particular aspect. However, one question of clarification, raise the licences for that establishment — do you mean Diamond Tooth Gertie's or something like that, or what licence fee are you referring to specifically?

**Mr. Fleming:** The gambling licences, the tables, Mr. Commissioner.

**Mr. Speaker:** The Honourable Member from Pelly River?

**Question re: Annual Chest X-rays for Cyprus-Anvil Employees**

**Mr. McCall:** Yes, Mr. Speaker, I have three written questions for the Minister of Health and Welfare.

In view of the fact that Cyprus-Anvil's agreements with its employees allows employees to take their annual chest x-rays within normal working hours without loss of wages, why has the Northern Health Services decided that in Faro, only Friday after normal working hours can be the only time the majority of Cyprus-Anvil's employees can take their annual x-rays?

**Question re: Overtime for Nursing Personnel**

**Mr. McCall:** My next written question, Mr. Speaker is, are the overtime rates being paid to nursing personnel of Northern Health Services in Faro for work done after normal working hours, with respect to chest x-rays?

**Question re: Qualifications for Use of X-ray Units**

**Mr. McCall:** My final question, Mr. Speaker. Is it the policy of Northern Health Services in Faro to allow the normal qualified personnel to use x-ray units in the outlying districts?

**Mr. Speaker:** The Honourable Member from Whitehorse Riverdale?

**Question re: Policy Regarding Gravel Pits**

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

I understand that a gravel pit policy, or a policy for the use of gravel pits is being developed by the Territorial Government, and I was just wondering what progress has been made to date on that, when we expect some sort of final decisions that you can let it be known to the people who are most interested?

**Mr. Speaker:** The Honourable Minister of Local Government?

**Hon. Mr. McKinnon:** Mr. Speaker, I thought certainly my political downfall would be at least on something like dogs and cats or sewer and water operations, but it appears it is going to be on gravel pits, Mr. Speaker.

There have been problems, and there's no doubt about

it with gravel pit operations, particularly within Municipalities, and we've been requested by both the Municipality of the City of Dawson and the City of Whitehorse, to take over all gravel pit operations within the Municipal boundaries, that would be a subject for debate by itself.

In any case, we have accepted back the responsibility from various municipalities, and we are presently formulating a policy and it's at the stage now where within the next week or two, that we will be consulting with people who are using gravel pit and quarry operations, to see whether we can reach a consensus on a gravel pit policy prior to it becoming government policy, Mr. Speaker.

**Mr. Speaker:** The Honourable Member from Hootalinqua?

**Mr. Fleming:** Supplementary, Mr. Speaker. The Minister of Local Government is speaking of Municipalities, I notice, and due to the problem we have had this Fall, the contractors in the Teslin area have been cut off from all the gravel pits that were being used for many years by the Federal Government employees there, and in turn, the Federal Government hauled from those same pits afterwards.

I might ask if there's anything going to be done in the area of the smaller towns and outlying villages in the Yukon too?

**Mr. Speaker:** The Honourable Minister of Local Government?

**Hon. Mr. McKinnon:** Yes, Mr. Speaker, this will be a Territory-wide policy with different regulations towards different degrees of Municipal status, L.I.D.'s, unorganized areas and Municipalities.

The general philosophy and policy is because of the very great pressures that have been put on the Government, Department of Local Government by Municipalities, by unorganized areas, by Local Improvement Districts, that the day of free and easy, unlimited laissez-faire access to gravel anywhere, any place, any time within the Yukon, is fast coming to an end.

I don't know whether it's good or bad, but it's the position that we have been forced into.

**Mr. Speaker:** The Honourable Member from Pelly River?

**Question re: Construction of Bridge across Pelly River**

**Mr. McCall:** I have a question for the Minister of Local Government.

In view of the fact that there is a considerable amount of exploration going on on North Canal Road, does the Minister know of any plans in the works for construction of a bridge across the Pelly Cross River?

**Mr. Speaker:** The Honourable Minister of Local Government?

**Hon. Mr. McKinnon:** I'd be most happy, Mr. Speaker, to bring that question to the Executive Committee Member in charge of highways, Mr. Miller.



**Mr. Speaker:** The Honourable Member from Klondike?

**Question re: Report on Labour Relations in Germany**

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

On May 27th this year, I asked the then Commissioner for a report on labour relations in Germany. It was by Charles Conaghan, Vice-President of U.B.C. and the Commissioner said he would look into it, to get it to this House, if possible. I was wondering if there was ever any action taken on this.

**Mr. Commissioner:** Mr. Speaker, not to my knowledge, but I will certainly check into it and report back to the House.

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

**Hon. Mrs. Whyard:** Mr. Speaker, on November the 15th, the Honourable Member from Ogilvie asked questions regarding stabilization plans for asbestos tailings at the Clinton Creek Mine, and on surveys by regional mining engineers on asbestos fibre levels, where asbestos is handled or stored, other than at the mine, and I have that information to table this morning.

**Mr. Speaker:** If there are no further questions, we will now proceed to the Orders of the Day to Motions.

**ORDERS OF THE DAY**

**MOTIONS**

**Madam Clerk:** Motion Number 31, standing in the name of the Honourable Member Mrs. Watson.

**Mr. Speaker:** Is the Honourable Member prepared to discuss Motion 31 this morning?

**Mrs. Watson:** Yes, Mr. Speaker.

**Mr. Speaker:** It has been moved by the Honourable Member from Kluane, seconded by the Honourable Member from Hootalinqua, that Legislative Return Number 3 be referred to Committee of the Whole. Are you prepared for the question?

**Some Members:** Question.

**Mr. Speaker:** Are you agreed?

**Some Members:** Agreed.

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

*(Motion carried)*

**Bill Number 12, Second Reading**

**Madam Clerk:** Second reading of Bill 12, An Ordinance to Amend the Municipal Ordinance.

**Mr. Speaker:** Under Public Bills, it has been moved, pardon me ..

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 12 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 12 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 that the Motion is carried.

*(Motion carried)*

**Bill Number 10, Financial Administration Ordinance.**

**Madam Clerk:** Third reading, Bill 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 10, Financial Administration Ordinance be now read a third 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 10 be now read a third time.

Are you prepared for the question?

**Some Members:** Question.

**Mr. Speaker:** Are you agreed?

**Some Members:** Agreed.

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

*(Motion carried)*

**Mr. Speaker:** Are you prepared to adopt the title of the Bill?

**Hon. Mr. McKinnon:** Yes, Mr. Speaker. I move, seconded by the Honourable Member from Whitehorse West, that Bill Number 10, Financial Administration Ordinance do now pass and that the title be as on the Order Paper.

**Mr. Speaker:** It has been moved by the Honourable Member from Whitehorse North Centre, seconded by



the Honourable Member from Whitehorse West, that Bill Number 10 do now pass and that the title be as on the Order Paper.

Are you prepared for the question?

**Some Members:** Question

**Mr. Speaker:** Are you agreed?

**Some Members:** Agreed.

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

*(Motion carried)*

**Mr. Speaker:** Bill Number 10 has passed this House. May I have your further pleasure at this time? The Honourable Member from Pelly River.

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

**Mr. Fleming:** I'll second that.

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

Are you prepared for the question?

**Some Members:** Question.

**Mr. Speaker:** Are you agreed?

**Some Members:** Agreed.

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

*(Motion carried)*

*(Mr. Speaker leaves the Chair)*

#### COMMITTEE OF THE WHOLE

**Mr. Chairman:** I now call this Committee to order and declare a brief recess.

*(RECESS)*

**Mr. Chairman:** I now call this Committee to order. First on the agenda this morning is the reconsideration of the Electrical Protection Ordinance. At this time we have appearing as witnesses before Committee, Mr. Bert Toews, who is the Chief Electrical Inspector, and Bert Hadvick, representing the Electrical Contractors.

I refer you to — if you have any questions of the witnesses, please don't hesitate. They don't actually have a brief to present to us, but they are willing to — they have come to answer our queries regarding the

problems we encountered on reading the Ordinance.

I refer you to page one. It has been moved by Mr. McKinnon, seconded by Mrs. Whyard, that Bill Number Two entitled "Electrical Protection Ordinance" be amended as follows: Page two, Section Two, "owner" to read "owner when referring to electrical equipment or wiring includes a lessee, occupant or person in charge of premises". The bottom of page two.

Mr. McIntyre?

**Mr. McIntyre:** Mr. Chairman, it should be "lessee" not "leasee".

**Mr. Chairman:** A typographical error, Mr. McIntyre.

Mrs. Watson?

**Mrs. Watson:** Mr. Chairman, I wonder if I could ask a question in regard to the Canadian Electrical Code on Page one?

**Mr. Chairman:** Yes, I think for the purposes of what we have to do we will not merely accept the amendments, but the whole Ordinance I think should be available for discussion, in view of the fact the witnesses are now here to answer our questions.

**Mrs. Watson:** Mr. Chairman, I think it should be directed possibly to Mr. Toews, and I had some concern when we were going through the legislation about the Electrical Code, and we are more specifically interested in Part One, I believe, and my concern was that if a person has some electrical work done to their house, and my concern was that if the inspector went in and inspected that piece of work it would give him the authority to go into the rest of the house and to ask that that electrical work in the rest of the house be brought up to the standards of the Electrical Code, as amended of today, 1976.

Now, is my concern in this area correct?

**Mr. Toews:** The electrical code itself in the guidelines to the administration of it does make reference to that particular problem, and the only time that it says that we can enforce the present standard on an existing home is when it is subject to misuse, hard usage, that it has been mishandled. In other words, if the wiring was up to a certain standard in 1955, provided it wasn't misused and it's in proper working condition, we do not have the authority to require the replacement of this wiring.

**Mrs. Watson:** Mr. Chairman?

**Mr. Chairman:** Mrs. Watson.

**Mrs. Watson:** That is the thing that I think, that I was most concerned about was the Electrical Code and the amendments. I am concerned though that, I don't know whether the electrical inspectors or whether it's the building inspectors require quite often where people are applying for a permit they're told that they have to update all the wiring, you know, before they can get the permit, and I suppose it probably ties in with the building permit requirements.



**Mr. Toews:** The National Building Code, which we are involved with as well in the inspection of electricals, requires that when a house is relocated onto new property, in other words, if the person lifted the house up and put it on a basement, it's not the same as if they picked it up and physically moved it to another location. When it's physically moved, then the National Building Code requires that it be brought up to present standards. This would basically involve a house being moved from possibly downtown Whitehorse to one of the subdivisions. It would have to meet then the present requirements of the National Building Code for that particular subdivision.

**Mrs. Watson:** Mr. Chairman, this is most enlightening, but if you were just building on a room and you were applying for a building permit, you do not have to rewire your whole house.

**Mr. Toews:** That is correct.

**Mrs. Watson:** Thank you, Mr. Chairman; that clarifies a lot.

**Mr. Chairman:** Mr. McKinnon?

**Hon. Mr. McKinnon:** There are two separate sections, the one dealing with the electrical code and the other one being 5(2) where, in the opinion of an inspector, the installation or use of electrical equipment or wiring contrary to the requirements of the code would not create an undue hazard to life or property, he may permit such installation.

**Mr. Chairman:** Any further debate on the amendment?

**Mrs. Watson:** May I ask another question?

**Mr. Chairman:** Yes, you may, Mrs. Watson.

**Mrs. Watson:** My questions were posed — the questions asked were regarding residences. What about commercial places if they are making alterations and the electrical inspector comes, is asked to approve the alterations; they have to have a plan, I believe. Can the electrical inspector require them to rewire the whole thing, to bring it up to the standard of today in the Electrical Code?

**Mr. Toews:** Public Buildings have a slightly different requirement. We're enforcing, as far as the public buildings in the Yukon, we're looking not at the code requirements as much as our concern to public safety of the people that are going to be entering that property. The only time that we do require updating in the older or the existing part of the building is when we feel that public safety is in jeopardy.

**Mrs. Watson:** Mr. Chairman?

**Mr. Chairman:** Mrs. Watson?

**Mrs. Watson:** Thank you. One ...

**Hon. Mr. McKinnon:** Mr. Chairman, I just wanted to point out that there is two "typos" on the first amend-

ment "owner". The only change that should have been made in the definition of "owner" was the grammatical change pointed out by the Honourable Member from Mayo. That "means" should have been taken out. Unfortunately, there is now a spelling mistake, and a word left out: and the Section should read:

"Owner when referring to electrical equipment or property or wiring includes a lessee, occupant and person in charge of premises".

**Mr. Chairman:** Another typographical error. Mrs. Watson?

**Mrs. Watson:** Mr. Chairman, my question, I think, should be directed to the Minister of Local Government. "Licence" in the interpretation section means a licence issued pursuant to this Ordinance.

There is only one kind of licence under this Ordinance, am I correct, and that is the electrical contractor's licence?

**Hon. Mr. McKinnon:** Yes, Mr. Chairman, as far as I'm aware.

**Mr. Chairman:** Mr. Toews?

**Mr. Toews:** The licence that they are referring to here is basically a take-off of the old Alberta Electrical Act that they had prior to the new, where they have what they call a master electrician. They used to have what they called a "P" licence; this was not a licence to operate a business; this was a licence to obtain electrical permits, and this is basically what we were referring to here. This is why, farther into the Ordinance, we required that they still obtained the business licence.

This licence here is just a licence to obtain electrical permits.

**Mr. Chairman:** Mrs. Watson?

**Mrs. Watson:** The only type of licence that you get under this Ordinance is an electrical contractor's licence?

**Mr. Chairman:** That is correct.

**Mrs. Watson:** Mr. Chairman, one more question.

**Mr. Chairman:** Mrs. Watson?

**Mrs. Watson:** What is the prescribed fee, or what is the present prescribed fee for electrical contractor's licences?

**Mr. Chairman:** Mr. Toews?

**Mr. Toews:** Possibly Mr. Hadvick could answer, because he is buying them, I am not.

**Mr. Hadvick:** It varies into what the fields that you're working in. The contractor's licence primarily in the City of Whitehorse is a hundred dollars. If you have retail sales, there's another hundred dollars, and also if you're just a distributor it's also possibly another fee of a hundred dollars in that area. It depends in what field of occupation you're primarily in.



If you're strictly contracting, then it is a hundred dollars.

**Mr. Chairman:** That's the fees you're referring to, Mrs. Watson?

**Mrs. Watson:** No, Mr. Chairman, that's the business licence fee.

What I want is what would be the fee of the electrical contractor's licence that you get under this Ordinance, and this would have to be Territorial ...

**Mr. Toews:** I am sorry, there would be no fee charged. Under the Ordinance there would be no fee charged for the permit licence, this licence that's referred to in here.

**Hon. Mr. McKinnon:** There will be a charge for permits, not for the licence.

**Mr. Toews:** Yes.

**Mrs. Watson:** Mr. Chairman, I have another question.

If I was qualified, and now I must read my qualifications, a qualified journeyman, is that right?

**Mr. Chairman:** You're eminently qualified, Mrs. Watson — perhaps not in this field.

**Mrs. Watson:** When I'm finished with this, I may know a little more about electricity!

However, if I was a qualified journeyman and I wanted to do electrical work, I couldn't just go and get a licence. I would have to get a contracting licence, am I correct?

**Mr. Chairman:** Mr. Toews?

**Mr. Toews:** I believe you're correct there; you would have to get the contracting licence to be classed as an electrical contractor, but unless you met the requirements for the qualified person, the bonding, et cetera, you would not be entitled to obtain a permit to do the work, even though you had a licence to operate as a business.

**Mrs. Watson:** Mr. Chairman, I may as well be blunt. What I'm trying to get at, I'm looking at Sections 13 and 14. Section 13(1) says: "No person shall make an electrical installation or instal electrical equipment or advertise or hold himself out as a contractor unless he holds a valid and subsisting licence issued under Section 14".

It doesn't say electrical contractor's licence. Fourteen — and you see, you can make an electrical installation or instal electrical equipment and still not be an electrical contractor. If you advertise and hold yourself out as a contractor, you need an electrical contractor's licence, yes, but if you want to make an electrical installation or equipment, you should be able to get a licence, should you not?

Also, because 14(1) then says: "The Commissioner may issue to a qualified journeyman or person who employs a qualified journeyman, an electrical contractor's licence to engage in business as an electri-

cal contractor", and we are tying in 13(1) directly into 14(1) and we are saying that the only way you can get a licence is to want to be an electrical contractor.

My point is, if you are a qualified journeyman, should you not be able to get a licence, if you may not want to be a contractor. You may want to do it for yourself, or for your son or your daughter, or something like that.

**Mr. Chairman:** Mr. Hadvick, do you have a response to that?

**Mr. Hadvick:** If you want to do something for yourself, the intent is not to prevent an individual, but it varies upon the areas to which you're looking at as a means of livelihood in the area and the location. This Ordinance here is intended to cover the whole Yukon where different conditions exist.

There's two ways of looking at it: if the guy isn't — if it's a particular substantial, feasible saving to him — if you just want to make your own installation where the fee of electrical contractor's licence and to what he's going to save it's going to be no advantage. And if he wants to do his own work, I understand that in the Ordinance it is not meant to prohibit him as long as it passes inspection. If he's just doing a minor job for himself, there's no real financial gain for him.

**Mrs. Watson:** Well, Mr. Chairman, but if you're building your own house and are a qualified journeyman, you can get a permit, but shouldn't you also get a licence because you are a qualified journeyman? You shouldn't have to be a contractor.

**Hon. Mr. McKinnon:** Mr. Chairman, it is not mandatory.

It has to be on a permit rather than on the licence because we just are going to be absolutely with no control whatsoever if only a qualified journeyman electrician can have a licence. If he's only doing work for someone else, it's not mandatory for him to have a licence. He can get a permit to be able to do it. So the qualifications or the exceptions have to be on the permit, not on the licence.

We're coming into a field where I thought we had argued quite well in the, you know, the last time we went around the Ordinance, that this was the only way of controlling the situation.

**Mrs. Watson:** But, Mr. Chairman, this is ...

**Mr. Chairman:** Mrs. Watson.

**Mrs. Watson:** What if you are a qualified journeyman? And there's the exceptions for if you're building your own home. But if you are a qualified journeyman and you are building a hotel, you're building a restaurant; you can get the permit, but you have to get an electrical contractor because he is the only one that can get a licence, so you have to take out an electrical contractor's licence to do your own work.

**Mr. Chairman:** Mr. Toews.

**Mr. Toews:** No, we have provided exceptions for the owners to do their own wiring.



**Mrs. Watson:** In a commercial establishment?

**Mr. Toews:** Oh, I'm sorry, this is ...

**Mrs. Watson:** No, you see, it's the commercial I'm thinking of, and the reason is that an electrical contractor's prescribed fee and it might be that the electrical contractor's licence fee might be in the neighbourhood of three or four hundred dollars. If a guy doesn't want to be an electrical contractor, he only wants to obtain a single licence so that he can get a permit so that he can wire his own hotel. I'm thinking of Norm Chamberlist.

**Mr. Chairman:** Order, please.

**Mrs. Watson:** He should certainly not have to take out an electrical contractor's licence and pay three or four hundred dollars if the fee would be less.

**Mr. Chairman:** The Chair hates to be repetitious, but it is necessary that every day I must remind Members that they should be recognized by the Chair and that they should speak to the Chair.

Mr. Fleming?

**Mr. Fleming:** Yes, Mr. Chairman. I don't have too much problem with this section except for, as the Member from Kluane has stated, that this really does, in a sense, stop the journeyman that owns a business place from doing his own work.

I think that possibly the witnesses would verify this as it is also a safeguard for the Territory for the electrical contractors that are paying large monies for a licence so that they, a person just cannot go out and help himself to, say I own this or I own that or even if he don't own it he can pretend he's in there with it, and just go ahead and do work wherever he wants to do it, and actually not hold a licence of any kind; consequently, we would have, actually, what we've got today. There is no control over it at all, so I think that is what this does safeguard, does it not?

**Mr. Toews:** The safeguard is twofold. It is — it accomplishes that and also something that isn't stated in here but is a policy of the wholesale suppliers of electrical supplies. They will not deal with anyone but electrical contractors so that it's possible, if you were going to be doing your own wiring in a commercial — it would be to your advantage to become a licensed contractor to be able to purchase the items at wholesale.

**Mr. Chairman:** Mr. Lengerke.

**Mr. Lengerke:** Thank you, Mr. Chairman. I was hoping that I could get some clarification on 13 and 14 too. I thought I knew what it meant but, having heard some of the remarks, I don't know. I would ask the witness, or ask him for clarification on that. I think that 13 and 14 certainly pertain to a commercial, a man that holds himself out as a contractor or is doing commercial work. I would like some clarification on that; I don't think it even pertains to a journeyman that, for instance, who does want to do his own wiring, as Mrs. Watson has said. Certainly, only he needs a permit, not a licence.

**Mr. Toews:** That is correct.

**Mrs. Watson:** That is not what Section 13(1) says.

**Mr. Chairman:** Mrs. Watson!

**Mrs. Watson:** Mr. Chairman, I'm sorry. Mr. Chairman? It says no person shall make an electrical installation or instal electrical equipment as two of the requirements unless he holds a valid and subsisting licence issued under Section 14 and we are limiting the licence — we are tying a journeyman's qualification to licence, but then in Section 17 you're tying your journeyman's qualifications to a temporary working permit. Should it not be tied into a temporary working licence?

Now, I could be wrong; I'm not saying that my — but I have spent a lot of time trying to get this straightened in my mind and I am not trying to put blocks. I just want to be very careful so that when the legislation is through it's saying what we want it to say, and so that you can do what you want it to do. I think we've got ourselves a bottleneck.

**Mr. Chairman:** Mr. Berger?

**Mr. Berger:** I am getting more confused, and I would like to get a ruling from the Chair. We are discussing "owner" on page two, Section 2; how did we jump to Section 13 all of a sudden?

**Mr. Chairman:** Well, as I indicated, Mr. Berger, I am trying to allow latitude in debate so that we have full debate on the issues that are before us. I agree this is not directly pertinent to what is being discussed, but it does have reference to it, so I am allowing debate on it.

Mr. Lengerke?

**Mr. Lengerke:** Mr. Chairman, again I wonder if we could consider rephrasing that to say something like this: that "No person shall make an electrical installation or instal electrical equipment as a contractor or advertise unless he holds a valid subsisting licence issued under ..."

Would that make it clear to Mrs. Watson? I think I — I hope I understand it.

**Hon. Mr. McKinnon:** Mr. Chairman, I think that's exactly what the Section does say. I don't know whether — it has to be clarified further, whether that's good drafting as the Honourable Member has stated, that if it clears it up to any greater extent, because I read this exactly as that's what the Section says.

**Mr. Chairman:** Mr. Fleming?

**Mr. Fleming:** Mr. Chairman, I'm wondering if the witness could clarify this for me, as it was brought up a few minutes ago and it does pertain to this Section due to the fact that the wholesale operators will not sell to date.

Now, you own a place; if you're going to do a little on your own, you have to run down to one of the little stores downtown or something and try to help yourself. You can't go and get wholesale wires and so forth and so on unless you have a contractor's licence. That's the way it stands today in this Territory.



**Mr. Toews:** This is correct. This isn't a policy that we imposed on the wholesale suppliers. This was their own personal position on — because they were there to serve the contractors, not operate in opposition to the retail outlets in the towns.

Could I answer Mrs. Watson's question regarding licence and permit?

**Mr. Chairman:** Yes.

**Mr. Toews:** I think we are confusing possibly the word "licence" and "permit". The permit is the permission to do a particular installation. The licence is the authorization to operate as a contractor to do any installation that they wish to take a permit out on, and I think this is possibly where we are getting a bit of confusion, is the two different words.

**Mrs. Watson:** Mr. Chairman?

**Mr. Chairman:** Mrs. Watson?

**Mrs. Watson:** Mr. Chairman, this is very true; the licence is given to a qualified person, the permit is given for a job, but then, why do you give a definition for a licence and an electrical contractor's licence? Why not just give one definition, electrical contractor's licence, because that's all you've got.

When you use the word electric licence, you use electrical contractor's licence. Then the next question is, if the permit is for the work, why do you give under Section 17, under Section 17 I believe it is — yes — sub (two), again in sub (one), "No person may work or hold himself out as a qualified journeyman unless he is a qualified journeyman within the meaning of this Ordinance." Okay. The chief inspector may issue a temporary working permit to any person who satisfies him that he is a qualified journeyman. The permit is for a job in the rest of the legislation. You get a permit if you want to change your house; you get a permit if you're building a house. It's for the job.

But in 17, you're giving a temporary working permit for someone because they aren't fully qualified, not just for a specific job, or am I wrong?

**Mr. Toews:** No, I'm sorry, this here is the — what Canada now has is what they call an Interprovincial red seal on the electricians' certificates, and if we have a contractor that comes in with a qualified man from another jurisdiction, as long as he meets the other requirements of the contractor, even though he does not have a journeyman ticket from the Yukon, as what we're requiring, then he is allowed to work on that, on that Interprovincial seal.

The Interprovincial seal only came into effect about eight years ago, so there's a lot of journeyman electricians who have their ticket from Ontario, Quebec, any other province, and they also recognize these, but then they are required within a certain time frame to write the exam in the Yukon, if they wish to remain here.

**Mr. Chairman:** I would like to ask the witnesses just one point that that might bring up. Is the training that is given for becoming a journeyman here in the Yukon, is this recognized through other provinces?

**Mr. Toews:** It is recognized through agreement. The chief electrical inspector from Alberta discussed with me the last time I was out on a conference regarding some complaints they had from a few Yukon electricians that had come out and didn't seem to know how to do the work that they were involved in, and this is something that possibly, because we follow the B.C. qualifications which are different than Alberta, even though they are tied into an interprovincial agreement, it — this is where the problem was created.

**Mr. Chairman:** Are the qualifications in B.C. accepted in Alberta?

**Mr. Toews:** Only on certain levels. B.C. has the A, B and C level, and I think Alberta will not recognize the C level in their province.

**Mr. Chairman:** So a journeyman trained in the Yukon would be able to obtain work in Alberta?

**Mr. Toews:** Yes.

**Hon. Mr. McKinnon:** But the exam is standard, is it not?

**Mr. Toews:** The interprovincial exam for the journeyman electrician is standard.

**Mrs. Watson:** Mr. Chairman, I believe that exam is given here, is it not? We can write that exam?

**Mr. Toews:** Yes.

**Hon. Mr. McKinnon:** It is standard.

**Mr. Chairman:** Please recognize the Chair, Mr. McKinnon.

**Mr. McCall?**

**Mr. McCall:** Mr. Chairman, I'm just curious on that point. Just going back for a moment now to this Interprovincial seal. The question I am curious about is, recently one of our apprentices passed his Interprovincial red seal in British Columbia, along with his heavy duty mechanic, and yet he had to take the same exam once he came back to the Yukon. In other words, it took him two Interprovincial red seal exams for the same red seal. I'm just curious as to why.

One was an electrician, the other one was a mechanic.

**Mr. Chairman:** Mr. Toews?

**Mr. Toews:** It was in the mechanical trade, was it?

**Mr. McCall:** And also electrical.

**Mr. Toews:** I'm sorry, I am personally not involved in the writing of the exams or the enforcement of the exam requirements, and why this would be required I do not know.

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

**Mr. Legal Advisor:** Mr. Chairman, Mr. Scholes, the head of the Vocational Section in the Department of



Education, is the person who operates these particular programs. I understand from him that we are — have a common agreement with provinces that we set an Interprovincial red seal certificate. If the person does that examination and is awarded the red seal here, that qualifies him in any province which recognizes the system of the red seal throughout the provinces.

But he would be the person to answer specific questions in detail about whether or not a person would have, on a particular occasion, to do a second examination here.

**Mr. Chairman:** The reason this question was raised was that I believe there have been such difficulties of people being trained in the Yukon and being recognized in the provinces. This has been raised by journeymen here in the Yukon, and so I'm inquiring, is this so? Is there such a problem?

**Mr. Legal Advisor:** Mr. Chairman, there is more than one electrician's trade, and there are other trades involved. Perhaps we could ask Mr. Scholes to attend and answer specific questions dealing with the generality of the situation in respect of red seal in tradesmen, and in particular the construction electrical trade. He would have the answers at his fingertips.

**Mr. Chairman:** No, I think this was with specific reference to the electrical trade, where these were reported.

**Mr. Toews:** I believe what possibly could have been the problem with the electrical, Bert just mentioned here, we have two classes of electricians in the Yukon. One is the industrial, which is involved in general heavy duty maintenance and the construction trade which is involved in the actual installation of wiring. It's two completely different worlds, and this is possibly where the person had the qualifications as a construction electrician, and had to get the industrial to meet it.

**Mr. Chairman:** One other problem that might be appropriate at this time is that the number of qualified journeymen seems to fluctuate a great deal. At certain times of the year it is very difficult, I understand, to find qualified journeymen for the work that is available. Is this not a problem?

**Mr. Toews:** This is a problem generally in the Yukon, is because we are either a feast or famine area. When the construction season is at its peak, you can't buy a tradesmen of any sort, be it a carpenter or an electrician.

**Mr. Chairman:** Mr. McCall?

**Mr. McCall:** I just wanted to clarify one point here, Mr. Chairman. I'm talking about industrial electricians, and Mr. Legal Advisor brought up a very interesting point. The situation in the apprenticeship program in the Yukon is about 15 years behind the times, and this is because of ignorance shown by certain individuals, and this is why in Cyprus we ventured into our own program and I am very deeply involved with it.

We have found that an inter-provincial red seal issued in the Yukon is fine, but when the training is done out-

side the Yukon, which in most cases it has to be because of lack of facilities, and in our particular case, most of our apprentices in the different trades go down to British Columbia, because it's one of the best in Canada. Alberta is 15 years behind the times.

The point I'm trying to say, Mr. Chairman, is that the interprovincial seal is fine and dandy in the Yukon, but an individual that passes his exams with flying colours in British Columbia, that comes back with his red seal, has to sit that same examination again in the Yukon, which I find rather ridiculous, and this is what's going on and it should be stopped.

**Mr. Toews:** As I have said, this is outside of my jurisdiction. I'm not involved personally with the administration of the qualification exams.

**Mr. Chairman:** Mr. Hadvick, I believe you had some comments on this.

**Mr. Hadvick:** Primarily this Ordinance, Mr. Chairman, is concerned with the service to the consumer or the public at large within the contractor's scope. It is a policy, as far as various provinces, a person before he is allowed to serve the consumer in general as a contractor, he must serve four years apprenticeship, plus work three years for other contractors, then he is required to sit down and write, in some areas, a Masters exam which is considerably six to eight hours, some of them average around six hours, before he is entitled to put himself onto the public at large.

This Ordinance, as I understand it here, is protection for the consumer and primarily the contractor. We're leading into trades that goes into apprenticeship, discussing primarily areas that are not applicable to the Ordinance.

**Mr. Chairman:** Mr. McCall.

**Mr. McCall:** With all due respect to the witness, Mr. Chairman, a lot of these trades and contractors do a lot of work in the existing industry and I could give an example where contractors who are supposed to have qualified electricians, have come up from places like Washington and places like Alberta to do electrical contracting work on property as a contractor, and this is what basically what this Ordinance is all about.

The example I'm using is Camco who have electrically operated equipment, and these people are coming in and it's a component style type of machinery and it's just hooked together like putting a plug in the socket. They call themselves electricians. They're more like glorified labourers, Mr. Chairman, as far as I'm concerned. They haven't a clue what it's all about and yet they're classified as electricians within the contractors frame of operation for the company I work for, so it does overlap into the industry sector.

**Mr. Chairman:** Mr. McKinnon.

**Hon. Mr. McKinnon:** Mr. Chairman, several points. One of them a little application on the problem that the Honourable Member from Pelly makes and I was amazed to find out that under the last Ordinance that a company could contract, an outside company could contract a major, and I mean a major contract, and the



Honourable Member knows which one I'm talking about, which is a public building where there is going to be many, maybe even hundreds of people staying and, under the past Ordinance, they did not have to have one qualified journeyman electrician during any of the wiring.

That building is probably the most highly unionized house that the Yukon knows and it was only because of the strike and the involvement of the Chief Electrical Inspector of the Yukon and his contacts in Ottawa that forced the company to put at least one qualified journeyman in charge of the labourers working on a public building in the Yukon. Now we have no, no protection under our present Ordinance to actually force that person.

When I heard some of the horror stories that went on in public buildings in the Yukon by the Chief Electrical Inspector, I said that no matter how contraventional this Ordinance is, we've just got to get some sort of protection for people living in public buildings and try and adapt it a bit to the Yukon necessity.

The Honourable Chairman of Committees made a point that I'd like to hear Mr. Hadvick comment on because it all depends who you talk to, what this Ordinance will do. Talking to Mr. Hadvick, he says that the journeyman need a protection of an Ordinance so that there will be journeymen available to do the job. He gives the instances of qualified journeymen leaving the Yukon because they have no protection that they have in every other province under an Electrical Protection Ordinance.

You talk to other people who have been holding themselves out as electrical contractors, who say that this Ordinance is just going to make it even more difficult to get an electrical contract, so it all depends who you talk to as to whether it's going to help or to hinder and I'd just like to hear Mr. Hadvick's comments on that point, the point the Honourable Chairman raised in Committee.

**Mr. Chairman:** Mr. Hadvick.

**Mr. Hadvick:** There has been a few journeymen have left the Territory. The same, our particular trade primarily is for the protection of life and property. I have known instances, I'm on my 32nd year in this trade. I have known persons who have classified themselves as journeymen, holding a licensed journeyman certificate. That certificate has been withdrawn from due to improper work where installation is made. In order for him to acquire again, he would have to reapply and rewrite and reapprentice.

The situation, Alderman from Pelly, I agree with this ourselves as a contractor, which I am. This individual who hires himself out as a journeyman, he won't do it if he has a licence. What are your journeymen in? Are you domestic, primary housing, commercial or industrial?

A straight journeyman's licence does not tell you the knowledge of the individual.

We in the trade take a pride in it, as we all in our responsible positions are proud of what we are doing, but as our job is for protection of life and property, and in order to carry these duties out, you have to be well qualified. But the ones that you're working with, you find individuals who are not doing installations that meet this requirement, or have a pride in their trade, the good people that you require here, leave the Territ-

ory or go into other fields, to which one member, who used to be a past instructor at the Vocational School, Mr. George Moore, is no longer in the trade. He's in the glass business, so it's the same situation as it is here.

As a contractor, you're liable and responsible for the work that you guys do. You hire them out, you're forced to pay them, if you don't pay them to what you are supposed to, you have the Labour Relations Board on your back, but if you get on a job and they do a job inferior and they leave the Territory, or they leave, you're still stuck with it. So you're damned if you do and damned if you don't.

**Mr. Chairman:** Mr. McCall?

**Mr. McCall:** Mr. Chairman, I would like to project a general question to the Minister of Local Government. I've been through this Ordinance a couple of times. I'm curious as to why there isn't enough protection for our contractors within the Yukon Territory, as to contractors that are coming in from outside, and this is quite a question that was raised to me many, many times.

I have noticed in the amendments, that you haven't put too much protection in looking after our journeymen, and anybody in the electrical field in the Yukon, as well as contractors. You have not seemed to have tightened up this area, and I'm curious as to why?

**Mr. Chairman:** Mr. McKinnon?

**Hon. Mr. McKinnon:** We do it generally in the policy on Territorial Government contract regulations, where there is preference given to Yukon contractors through those regulations. We cannot control the Federal contracts, and we cannot control private contracts either.

So in the area where we do have some involvement, and we do have some control, we do act and give preferential treatment to Yukon contractors.

The Federal Government, of course, said that they were going to introduce a preferential bid system of 10% on local contracts — for local contracts on Federal projects. We've seen nothing to the effect that this has been done at this point in time, and of course we're not interested in trying to go into the private market place and interfere with private contracting, and private calling of contracts.

So in the one area, which are not the major contracts, we do do our best to protect the Yukon businesses, Mr. Chairman.

**Mr. Chairman:** Mr. McCall?

**Mr. McCall:** I'm just curious on this point. I notice that there is a lot of lateral given to the inspector when he issues permits, and I'm just curious whether the Minister has considered this area where permits can only be given to contractors that are registered in the Yukon, whether they be for a period of time or otherwise.

I'm just curious whether this area should be tightened up even more and what opinion you have on it.

**Mr. Chairman:** Mr. McKinnon?

**Hon. Mr. McKinnon:** Mr. Chairman, it wasn't the intent of the Ordinance to give such discretion or powers



of flexibility to the inspector. He doesn't want them, and I think that elected Members don't want to see that type of great discretionary ability in the hands of a member of the public service.

**Mr. Chairman:** Mr. McCall?

**Mr. McCall:** I'm not suggesting for one moment that we encourage that. What I am trying to say, Mr. Chairman, is some of the present language you are proposing, there is a lot of lateral as to allowing permits or disallowing permits. This is what I'm saying.

**Mr. Chairman:** Mr. McKinnon?

**Mr. McKinnon:** Mr. Chairman, I don't think that we should be attempting to attack each specific industry in isolation. We have tried to attack the whole problem of dealing with the protection of Yukon contractors, through the contract regulations, and maybe they're not strong enough, but I don't think the Honourable Member has read the updating of those regulations, because there is in them, the — to the extent that we can go at this time — protection to Yukon contractors and people in business in Yukon.

**Mr. Chairman:** Mr. McCall?

**Mr. McCall:** I'm not for one moment trying to attack any particular trade or single it out, but I'll say this, Mr. Chairman, that the electrical trade is one of the most significantly important trades that we have, and if it is not done properly, we know what type of damage it can create, so we have to take a very, very close look at it.

**Mr. Chairman:** I have a question, perhaps the witnesses have already alluded to and they might help me to answer. The question has been raised whether by enacting this Ordinance, there might be fewer journeymen available, and therefore there might be more problems created, or it might be the reverse. It might create a situation where there would be more journeymen here because of the protection they may receive under this Ordinance.

**Mr. Toews:** I feel that the first few years, we're still going to have a problem obtaining the journeyman electricians for various projects. This is why we've got this transitory clause in the back end of the Ordinance.

What I feel though is that the students that are presently, or have in the last few years attended the Vocational School and were given the opportunity to become registered apprentices and work for contractors that are operating in the Yukon, that over a period of the next three years, we will have a lot of homegrown qualified electricians that know the area, that know the work that's involved in the area, and will be qualified under this Ordinance or any other Act in any other Province, to work as electricians.

I think we have to build up a network of qualified tradesmen, which is the reason for the transitory section in the Ordinance.

**Mr. Chairman:** Mrs. Watson?

**Mrs. Watson:** Mr. Chairman, that brings me to the transitory section 29, and it ties in again with 17 that I was questioning, and I was saying — asking, temporary working permits and then under 29, you're proposing that temporary working permits to any person — although they're not a qualified journeyman, who has been carrying work out as a contractor, are you going to give them a temporary working permit for each job that they do, or will it be one to carry them year by year? What is the intent of that Section?

**Mr. Chairman:** Mr. Toews?

**Mr. Toews:** The intent will be an annual licence to obtain permits, and therefore they can become electrical — or continue being electrical contractor. It's not that they are going to take a look at every individual job that they are going to bid on, because I think that any contractor that is working presently that is not a qualified electrician, knows his own personal limits, and I feel that they will be able to continue at their own personal level, without any danger to anyone or in the other work.

They will just be subject to inspections, the same as any other job.

**Mrs. Watson:** Mr. Chairman?

**Mr. Chairman:** Mrs. Watson?

**Mrs. Watson:** If it is an annual thing, then it should be a temporary working licence.

**Hon. Mr. McKinnon:** We have no objection, Mr. Chairman, from changing it to a licence, because then we'll get a hundred bucks from them too, as I think we should.

**Mr. Chairman:** Mrs. Watson?

**Mrs. Watson:** Mr. Chairman, then also I think you should look at 17 sub (1) or sub (2), whether it would be a temporary working permit for a specific job, or whether it would be a temporary working licence for that three month period.

Again, it brings me to another question. Would you call it an electrical, temporary electrical contractor's licence, would they be allowed to bid on jobs? That's the question.

**Mr. Chairman:** As far as your first two ...

**Mrs. Watson:** The transitory, 29(1), the people — that Section 29(1) now applies, I believe, to contractors who do not have qualified journeymen on staff or they are not.

Now, you will if you will give them a temporary working licence, will it be a contractor's licence?

**Mr. Legal Advisor:** Yes, Mr. Chairman.

**Mrs. Watson:** Mr. Chairman ...?

**Mr. Chairman:** Mrs. Watson?

**Mrs. Watson:** ... I think that is the reason I have



been bringing up this licence and contracting licence, and I think it should be very specific in this instance.

**Mr. Chairman:** Do I understand, Mrs. Watson, are you satisfied with changing the word "permit" to "licence" in these two instances, or do you wish it to be augmented further?

**Mrs. Watson:** Mr. Chairman, I'm quite satisfied now, but I think that I've got a better understanding. I think that they understand why I have been bringing up the question, but it will involve changing it in 29(1) and (2). It will require changing 17, and it may require looking at the Interpretation Section again, whether you should leave just bare "licence" in or not.

**Mr. Chairman:** Well, we can consider the three changes in 29(1) and (2) and 17(2) as typographical errors, changing the permit to licence, if that is acceptable.

**Mr. Legal Advisor:** Mr. Chairman, it would be dangerous to do that, because we may have to read them through and change other sections, with respect.

**Mr. Chairman:** Do you wish to bring this back?

**Mr. Legal Advisor:** Yes, Mr. Chairman.

**Mr. Chairman:** That's 29(1) and (2), 17(2), and the Interpretation Section.

**Mr. Lengerke:**

**Mr. Lengerke:** Thank you, Mr. Chairman. A question of a general nature, with respect to Clause 29, to either witness. Have we a situation in Whitehorse that we might have a, say, a contractor who is very knowledgeable in the field of contracting, now, you know him, who possibly would not be able to qualify under the examination, and I'm talking here strictly of a written examination because, possibly, of the fact that he might not be able to speak English or understand English that well.

So you see any difficulty here? I realize you've got a clause here where you can issue a temporary licence on an on-going basis, but how do you feel about that? Is there any problem in that situation?

**Mr. Toews:** I believe this would be something that would have to be — I can appreciate what you're facing, is the potential of a person, due to a, well, some people have a hang-up against exams and, that they, this would have to be settled with the Education Department as far as whether they would accept a physical examination of their work and a verbal questionnaire to see whether they would give them a certificate as a qualified electrician based on this.

I personally would have no quarrel with it, but the thing that would, to me, be a problem would be that I don't feel that we should be doing this for everyone who is operating a business at present because I have seen, personally, some of them that can't troubleshoot an electric hot water heater and tell you what's wrong with it. And yet, there's others that are working and they can take it and go right into a very complicated system and tell you what the problem is. So I wouldn't want to be the

one that would have to decide, because personalities could come into it.

**Mr. Chairman:** Mr. Lengerke?

**Mr. Lengerke:** I have a further question with respect to the bonding. On Page 9, Clause 14(2), is actually bonding a licence? And when, I think somebody said that a licence is free, well I guess it's really not free because you do in fact have to deposit some sort of a bond and I'm wondering again here, just a reaction from the business world, if this is going to be acceptable or if you think that people, for instance, being in business for 15 or 20 years in Whitehorse, a recognized business, if that isn't bond enough?

I don't know if there is any difficulty in it and I personally can't see why a business operating for that length of time would not accept putting up a bond, but there could well be and maybe Mr. Hardvick might have a comment on that.

**Mr. Hardvick:** I think it varies upon the individual himself, his own character, as a rule, primarily, and what work he's bidding in. Insurance people have a policy of bonding now and are very careful on the individual character's responsibilities, many details as reliability on issuing a bond.

For a number of years, bonds also related to the financial responsibility, if a person can back up his responsibility to purchase a bond. With the amount — lax as the situation is here and everything is out of control, this also has a bearing on it, to a certain degree. But the insurance people — losses they've suffered; they're looking at things in a very hard point of view these days, which has an effect.

**Mr. Lengerke:** Mr. Chairman.

**Mr. Chairman:** Mr. Lengerke.

**Mr. Lengerke:** Just supplementary to that — this might be a question to the Minister of Local Government or to the Chief Inspector. Are there any other jurisdictions in Canada where you have to put up this kind of bond or surety to get a licence?

Certainly, if you're contracting and you're bidding on a contract, you have to put up a bid deposit and a performance bond, and this is quite acceptable. But I was just really wondering if there are any other jurisdictions where, in order to get a licence you have to put this kind of surety up? Can you give me an example of that?

**Mr. Legal Advisor:** Mr. Chairman, I can't really cite an example, but we can look it up in detail, but it is my understanding that this is a normal form found throughout the provinces.

**Mr. Lengerke:** Thank you.

**Hon. Mr. McKinnon:** Mr. Chairman, I don't think we should leave the impression that the, that the licence that has to be got by a qualified tradesman is, is free. Contractors, the general building, I looked up the Schedule of Fees under Commissioner's Order. The general building contractor's is \$300.00. A specified trade or subcontractor, which includes carpenter, elec-



trician, plumber, painter, drywaller, landscaper, or mason, is \$100.00 per year throughout the Territory.

**Mr. Chairman:** Mr. Lengerke.

**Mr. Lengerke:** Mr. Chairman, are you talking of a business licence that is issued in the Territory? Like Territorial ... That is not duplicated in the City of Whitehorse. In other words, you need one in the City of Whitehorse and if you worked outside of the City of Whitehorse you need one for the Territory. Correct?

**Hon. Mr. McKinnon:** That is correct.

**Mr. Lengerke:** Okay.

**Mr. Chairman:** Mr. Fleming.

**Mr. Fleming:** Yes, Mr. Chairman, maybe I am a little confused, but I don't think so. I think we're trying to turn something completely loose again and have all sorts of people just running and getting licences to operate an electrical trade.

I see here that this, in 17(2), that's called now a permit which somebody suggested should be a licence possibly now. And of course, somebody said before that the licence would cost no money, but the contractors' licence would cost money, and then I see at the bottom that in this Ordinance this permit, or we should say, I suppose, licence now, would be "no such temporary licence will be valid for any period in excess of three months" is the way we read.

Now, I'm just wondering what the person is going to do in three months with a licence to contract what, or where, in three months. I just don't quite see that. You know, what is the good of the licence to start with a three months' temporary licence or whatever. I could see also that there is going to be many people walk into the country that just have a red seal and say they could start contracting again, as we have in our other contracting situations in the Territory, and I don't think it's very good the way it is today.

I would like some protection for the contractors in this Territory. I don't think this is going to help them at all, the way it's written out here.

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

**Mr. Legal Advisor:** Mr. Chairman, this is not intended to deal with contractors; it's qualified tradesmen who are qualified somewhere else and come to the Territory and need a qualification here. Then they get it, if they have the outside qualifications. It's not intended to be controlling contractors.

**Mr. Chairman:** Mr. Fleming?

**Mr. Fleming:** Yes, Mr. Chairman, in other words, we are speaking about a temporary working permit for a journeyman to work for a contractor, then we are not speaking of licences again, are we? We're speaking of a permit, because that person should not have to buy a licence, say a hundred dollars or two hundred dollars to go to work for a journeyman — or for a licensed contractor, under the Electrical Ordinance?

**Mr. Legal Advisor:** Correct, Mr. Chairman.

**Mr. Fleming:** It's sort of mixed up.

**Mr. Chairman:** Mr. Toews?

**Mr. Toews:** Yes, this here is basically covers the — we require that a certain number of journeymen under the Trades Qualification Ordinance, there is to be a ratio of a certain number of journeymen to the apprentices.

Now, when a large project is in progress, you have quite a few people coming in from outside. What this is going to require, as we have our apprentices to work under these particular journeymen, we have to basically recognize their qualifications, so that they get credit for the time that they spend working under the instructions of this particular person.

Now these jobs can last a short period, or can be quite extensive. If they are extensive, they will have to write the local examination if they do not have the red seal.

**Mr. Chairman:** Mr. Fleming?

**Mr. Fleming:** Yes, Mr. Chairman. I'm very clear now. I think the Ordinance is okay, if we don't start discussing contractors in it and licences. The way it's written here is okay but if it refers in any way to any contracting, which we have been listening to for the last while, then that's a different question entirely.

**Mr. Chairman:** Mr. Berger?

**Mr. Berger:** Thank you, Mr. Chairman. I just about forgot what I wanted to ask, but it concerns the Territorial Government. At the present time, the government has a policy where heavy duty mechanics installing generating units in the field, and hooking up those units to the existing wiring and so on, under this Ordinance here, people would not be qualified to do this type of work. Is the Government prepared to change their policy and comply with this Ordinance?

**Mr. Chairman:** Mr. Toews?

**Mr. Toews:** I'm not sure, I'm having my battles with electrical permits alone with the Federal Government, but this is something different. But as far as large generators, and mechanics doing the installation, it is beyond the scope of this particular Ordinance.

There's a clause that exempts the Public Utilities, N.C.P.C., Yukon Electric, from the requirements of qualified people as far as our qualifications.

**Mr. Berger:** Mr. Chairman?

**Mr. Chairman:** Mr. Berger?

**Mr. Berger:** I'm talking about the Territorial Government. I myself installed about four units in different camps. I'm not an electrician, I'm a heavy duty mechanic by trade, and I was also required to hook those units onto existing fields in the camps, and install wiring and everything, and it was all done under my job description.



Now, is the Territorial Government going to comply with this Ordinance, and change the job descriptions?

**Mr. Chairman:** Mr. Toews?

**Mr. Toews:** I'm hoping to accomplish that by clause — Section 18, the definition of an employer. It's someone that is not operating as a contractor. I have basically included this section to cover Territorial Government, C.N.T. which have electricians on their staff that do routine maintenance, repairs and additions, and instead of requiring a permit for every project and this sort of thing, we are requiring a log which they submit to us and then we check it.

**Mr. Chairman:** Mr. Berger?

**Mr. Berger:** Well my point then would be that then the whole job description of the Territorial Government has to be changed, in order to comply with this Ordinance.

**Mr. Chairman:** Mr. McKinnon?

**Hon. Mr. McKinnon:** Mr. Chairman, are we to understand that a heavy duty mechanic's job description in the Government of the Yukon Territory, includes the installation of generators?

**Mr. Chairman:** Mr. Berger?

**Mr. Berger:** That is correct, Mr. Chairman.

**Hon. Mr. McKinnon:** We'll have to look at job descriptions, Mr. Chairman. The point that Mr. Toews makes is absolutely correct.

Under Section 18, our viewing of the way it will read is that you could only do that work under the supervision of a qualified journeyman, who would have to be on the job. Every month, that qualified journeyman, the Government of the Yukon, would submit to our Chief Electrical Inspector, the work that he has supervised in the preceding months, just to make sure that none of what you say is going on is going on in the future, after the Ordinance is passed.

**Mr. Chairman:** Mrs. Watson?

**Mrs. Watson:** Mr. Chairman, isn't Section 19, public utilities, and this would be installation of generators, wouldn't that apply to some of the job description?

**Mr. Legal Advisor:** No, Mr. Chairman, the Territorial Government is not a public utility.

**Mr. Chairman:** Mrs. Watson?

**Mrs. Watson:** Mr. Chairman, but isn't a generator, it doesn't say a public utility company necessarily, it's the installation of generators for a public utility.

**Mr. Legal Advisor:** Mr. Chairman, as we see it, that is correct. Section 18 would apply to the case in point that is a person doing electrical work on an on-going basis for his own purposes. Electrical utility sections are designed for a completely different situation.

**Mrs. Watson:** Thank you, Mr. Chairman.

**Mr. Chairman:** Mr. Fleming.

**Mr. Fleming:** Mr. Chairman, I have a question again on 29(1). "Notwithstanding section 17 for a period of two years after coming into force", would the Minister of Local Government explain that, why, just for two years?

**Mr. Chairman:** Mr. Toews.

**Mr. Toews:** The reason that we put two years is that under the present Trades Qualification Ordinance, a person has to show four years experience before he is entitled to write the examination. I surveyed every person that is presently working as an electrical contractor that is not qualified and within this two year frame, he will have sufficient time to entitle him to write. I'm not trying to kill anybody or anybody's business presently. And this two years was to give them sufficient time that they would have to write that exam. This additional ..

**Mr. Chairman:** Mr. Berger.

**Mr. Berger:** This is just a general question that just struck me. Like it says here, on 18(2), "Notwithstanding subsection (1), no employer may order or permit any apprentice or other employee or person, not being Qualified Journeymen, to perform electrical work to which this Ordinance applies..." Now would this Ordinance also apply to electrical work on moving equipment?

**Mr. Toews:** It would apply to reinstallation of live equipment, yes. On anything but a public utilities project.

**Mr. Legal Advisor:** Mr. Chairman, the definition section mentions, gives a description of what is covered under the expression "electrical installation".

**Mr. Chairman:** We shall recess until 1:30 If the witnesses could appear at that time, it would be much appreciated.

(RECESS)

**Mr. Chairman:** I now call this Committee to order. There's a Motion before Committee now, moved by Mr. McKinnon, seconded by Mrs. Whyard, that Bill Number 2, entitled "Electrical Protection Ordinance" be amended as follows:

"Owner" when referring to electrical equipment or property or wiring, includes the lessee, occupant and person in charge of premises.

**Hon. Mr. McKinnon:** Lessee.

**Some Members:** Agreed.

**Mr. Chairman:** Shall this amendment to Clause 2 carry?

**Some Members:** Agreed.

**Mr. Chairman:** Page 3, Section 4 — shall Clause 2



carry?

**Some Members:** Agreed.

**Mr. Chairman:** Mrs. Watson?

**Mrs. Watson:** Mr. Chairman, as far as I'm concerned, Clause 2 can carry, but I think we should give the administration the opportunity to make some amendments to the definition of licence and electrical contractors, after they review it.

**Mr. Chairman:** I'll stand Clause 2.

**Mrs. Watson:** Agreed.

**Mr. Chairman:** Page 3, Section 4. Moved by Mr. McKinnon, seconded by Mrs. Whyard, that Bill Number 2, entitled "Electrical Protection Ordinance" be amended as follows:

"4. (1) An inspector may

(a) place in operation or stop or cause to be placed in operation or stopped, any electrical equipment that is being inspected.

(b) Except in the case of a single family dwelling unit, require the preparation and production to him of plans and specifications of the installation of the electrical equipment and wiring that is satisfactory to him.

(c) Remove or cause to be removed any obstruction that may prevent a thorough inspection.

(2) An inspector may at any reasonable time enter and examine any premises other than a dwelling, and the electrical equipment or wiring in or upon such premises.

(3) An inspector may, with consent of the owner, at any reasonable time, enter and examine any dwelling and the electrical equipment and wiring in or upon such dwelling.

(4) Where an inspector shows a Justice of the Peace that he has reasonable cause to believe and does believe that an electrical installation in a dwelling is a hazard to the occupants of the dwelling, or to the public generally, or that an offence contrary to this Ordinance has been committed therein, the Justice of the Peace may issue a warrant authorizing and requiring the inspector to enter and examine the dwelling at such time or times as may be stated in the warrant.

**Mr. Chairman:** Mrs. Watson.

**Mrs. Watson:** Mr. Chairman, I have a question under 4(1)(b). You don't have to have, you don't have to have the plans and specifications when it's a single family dwelling, right? Under clause (b).

**Mr. Chairman:** Mr. Toews.

**Mr. Toews:** That is correct. The plans for a single family dwelling normally are never followed by the person doing the wiring because there is usually some convenient, or more convenient method discovered while he's doing the installations, so it's impossible to hold a person to a plan on a single family dwelling.

**Mr. Chairman:** Mrs. Watson.

**Mrs. Watson:** But there is no requirement to have the plan.

**Mr. Toews:** No, there is no requirement.

**Mrs. Watson:** Well, Mr. Chairman.

**Mr. Chairman:** Mrs. Watson.

**Mrs. Watson:** This brings up something that has disturbed me and I had to go to this section once before and it's under the Engineering Professions Ordinance. I think that we'd better look at it. Section 21(2), it says no plans or specification for any works or buildings or for any alterations thereto, involving the safety of the public, or costing over the sum of \$20,000.00 shall be passed, approved or accepted by any Municipality, and so on, without the stamp of a registered professional engineer or architect.

Now, would that apply in this instance in municipalities, and most of our homes are over \$20,000. You see, this was put in in 1958 when most of the buildings over \$20,000 would be commercial buildings. But now we're looking at homes and what that says, that any home in a Municipality valued at over \$20,000 is going to have to have a plans and specifications, signed by an engineer or an architect.

**Mr. Chairman:** Mr. Toews.

**Mr. Toews:** I wasn't aware of this clause and I guess I'd be the worst offender because I draw, I think, half of the plans for people who are going to do their wiring because they haven't got anybody else that can tell them how to do it, and I guess I've been the worst offender as far as that particular Ordinance would be concerned.

**Mr. Chairman:** Mrs. Watson.

**Mrs. Watson:** Well, Mr. Chairman, that has to be changed, that piece of legislation, doesn't it? I've had, I had an occasion at one time, that's why I know it's there. I was looking at some sections for someone and it's quite glaring. And because it was in '58, it needs to be updated.

**Mr. Legal Advisor:** I'm sure the matter will be looked into, Mr. Chairman, we can't have the Honourable Member breaking the law.

**Mrs. Watson:** No, Mr. Chairman.

**Mr. Chairman:** Mrs. Watson.

**Mrs. Watson:** I'm not — I'm just drawing it to your attention and then you have, you have to make the amendment to conform with what we're saying in here.

**Mr. Chairman:** Will the Government take that undertaking?

**Hon. Mr. McKinnon:** Certainly, we will.

**Mr. Chairman:** Mr. Lengerke.



**Mr. Lengerke:** Yes, Mr. Chairman, I just — Mrs. Watson is absolutely right, but I am aware in other jurisdictions, the engineering profession has amended their legislation, or have requested that their legislation be amended to up that figure considerably and I think, I'm sure we're going to heed the advice of Mrs. Watson.

**Mr. Chairman:** Shall the amendments carry?

**Some Members:** Agreed.

**Mr. Chairman:** Shall Clause 4 carry as amended? Clause 5, there was some question the Members had regarding Clause 5 that they might now wish to question the witnesses regarding.

**Mrs. Watson:** Mr. Chairman, my questions were answered this morning when we went through the different ..

**Mr. Toews:** Shall I read the section in the Electrical Code that I was referring to? It's in our scope of the Electrical Code.

**Mrs. Watson:** I would certainly be happy to hear it.

**Mr. Toews:** Rule 2022, Renovation of Existing Installations.

"The Inspection Department may require such changes as may be necessary to be made to existing installations where through hard usage, wear and tear, or as the result of alterations or extensions, dangerous conditions have developed."

**Mr. Chairman:** Page 6. Shall Clause 5 carry?

**Some Members:** Agreed.

**Mr. Chairman:** There was some question regarding Clause 7 on Page 5. We were requiring some information, requirements for mortgages. Do we have that information?

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

**Mr. Chairman:** Yes?

**Mr. Legal Advisor:** The note I have is that there was a question about plans for private homes, you were asked by the Honourable Member from Kluane ..

**Mrs. Watson:** Mr. Chairman, that is in this section, we have already taken it up.

**Mr. Chairman:** Shall Clause 7 carry?

**Some Members:** Agreed.

**Mr. Chairman:** Clause 8. Moved by Mr. McKinnon, seconded by Mrs. Whyard, that Bill Number 2, entitled "Electrical Protection Ordinance" be amended as follows: 8(1).

"An inspector may issue in respect of any premises, a permit entitling the holder of the permit to install, alter or extend any electrical equipment or wiring on such

premises."

**Mrs. Watson:**

**Mrs. Watson:** Mr. Chairman, I asked for that amendment and I'm quite satisfied, I think it's been clarified, in respect of any premises, the permit.

**Mr. Chairman:** Shall the amendment carry?

**Some Members:** Agreed.

**Mrs. Watson:** Mr. Chairman?

**Mr. Chairman:** Mrs. Watson?

**Mrs. Watson:** On Page Six, subsection (three), "An inspector shall not issue a permit except when owner or an electrical contractor holds a valid and subsisting licence issued pursuant to Section 14". I don't think you've taken into consideration you may be issuing a permanent permit to someone who holds a temporary work permit or licence, have we?

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

**Mr. Legal Advisor:** In Section 17, which is the point in question, the person who now has a contractor's licence, is working as an electrical contractor, will get a temporary working licence to enable him to work, so the wording here would probably fit.

It's the contractor or the owner of the premises who gets this permit.

**Mrs. Watson:** Mr. Chairman, ...

**Mr. Chairman:** Mrs. Watson?

**Mrs. Watson:** ... it's taken care of as far as Section 17 is concerned, but what about the transitory section in 29(2) where these people can still continue for two years to perform electrical contracting?

**Hon. Mr. McKinnon:** One of the changes — what we are saying, we are looking at it to see how it will apply to the total rest of the Ordinance. If Section 29(1) were changed to read "issue a temporary licence", it would take care of the point that the Honourable Member raises.

**Mrs. Watson:** Mr. Chairman?

**Mr. Chairman:** Mrs. Watson?

**Mrs. Watson:** A subsisting licence issued pursuant to Section 14 or 29? Section 29? You would have to add it.

**Mr. Chairman:** Mr. McKinnon?

**Hon. Mr. McKinnon:** Well, Mr. Chairman, that's just the point that we made, that we didn't want to do the amendments until we looked through the whole of the Ordinance and saw how one applied to the other and brought them all in on the licensing provisions.

**Mr. Chairman:** Page 8, Section 12.  
Mr. Legal Advisor?



**Mr. Legal Advisor:** Could I explain the meaning of the redraft, Mr. Chairman?

**Mr. Chairman:** Pardon?

**Mr. Legal Advisor:** Could I explain the meaning of the redraft?

**Mr. Chairman:** This redraft now ...

**Mr. Legal Advisor:** Of Section 12, yes, Mr. Chairman.

**Mr. Chairman:** I'll read it first then.

Moved by Mr. McKinnon, seconded by Mrs. Whyard, that Bill Number Two entitled "Electrical Protection Ordinance" be amended as follows: 12(1):

"An inspector may —

"(a) disapprove in whole or in part any plans and specifications submitted to the inspector,

"(b) require the alteration of any electrical equipment or wiring,

"(c) require the cutting off of the supply of electrical energy to any electrical equipment or wiring, or

"(d) refuse to permit the installation or operation of any electrical equipment or wiring."

Mr. Legal Advisor?

**Mr. Legal Advisor:** Mr. Chairman, on reworking this section, it appeared that we had left out the substantive power of the inspector to make these orders on which the appeal would arise. So we reworked the section, using almost identical language, but first of all saying the inspector may do these things and then working in the power of appeal against this to avoid repetition in 2, 3 and 4.

**Mr. Chairman:** I will complete the reading of the amendment:

"(2) an order or decision of an inspector pursuant to subsection (1) may be made orally or in writing, but if made orally shall be confirmed by a written order by the inspector.

"(3) Any person aggrieved by an order or decision pursuant to subsection (1) may appeal the order or decision to the Chief Inspector by forwarding by registered mail a statement in writing on the matter complained of to the Chief Inspector within 21 days after the notification to him of the order or decision appealed, or within such further time as the Chief Inspector may allow.

"(4) The Chief Inspector may amend, vary or revoke any order or decision appealed from under subsection (1), and his decision is final and binding."

Mrs. Watson?

**Mrs. Watson:** Mr. Chairman, these ten days which has been changed to 21 days, and I think Mr. Berger from Klondike brought that up. I'm wondering whether he's satisfied with that time?

**Mr. Chairman:** Mr. Berger?

**Mr. Berger:** I am, Mr. Chairman.

**Mr. Chairman:** Shall the amendment to Clause 12

carry?

**Some Members:** Agreed.

**Mr. Chairman:** Shall Clause 12 carry as amended?

**Some Members:** Agreed.

**Mr. Chairman:** Moved by Mr. McKinnon, seconded by Mrs. Whyard, that Bill Number Two entitled Electrical Protection Ordinance be amended as follows: "16(1) Where an inspector finds that any electrical installations or equipment supplied and installed that does not comply with the Ordinance, the inspector shall forthwith send notice of the defective work to the contractor and owner and must therein specify a time of not less than three days wherein the defects shall be remedied."

Does the amendment to Clause 16 carry?

**Some Members:** Agreed.

**Mr. Chairman:** Shall Clause 16 carry as amended?

**Some Members:** Agreed.

**Mr. Chairman:** Subsection 4. Moved by Mr. McKinnon, seconded by Mrs. Whyard, that Bill Number Two entitled Electrical Protection Ordinance be amended as follows: "16(4) A notice pursuant to subsection (1) shall be deemed to have been received by the contractor or the owner seven days after such notice has been mailed to the contractor or owner."

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

**Mr. Chairman:** Mr. Legal Advisor.

**Mr. Legal Advisor:** May I speak up? The original request which was made by the Honourable Member from Mayo was to change the "or" to "and" so that the notice will be sent to both the contractor and the owner.

That immediately raised a problem because one of the two might be in New Zealand or could be far away. So, we've got to deem a notice to have been served so it was necessary to add in Section 4 so that the work can proceed and be done, notwithstanding that one of the two might be absent.

**Mr. Chairman:** Shall this amendment to Clause 16 carry?

**Some Members:** Agreed.

**Mr. Chairman:** Shall Clause 16 carry as amended?

**Some Members:** Agreed.

**Mr. Chairman:** Thirteen. Moved by Mr. McKinnon, seconded by Mrs. Whyard, that Bill Number Two entitled Electrical Protection Ordinance be amended as follows: "19(1) An employee of a recognized electric, power or communications public utilities may do electrical work connected with the installation, alteration, repair or maintenance of equipment necessary for the operation of the public utility which has been assigned



to him as part of his duties by the public utility."

Mr. Berger?

**Mr. Berger:** Mr. Chairman, it's nothing to do with 19(1). I got it marked on 18(3) that the administration promised to look into this wording of this Section 3, where every employer shall, on or before the 10th day each month, send or deliver to the Chief Inspector a report with all electrical work done on his premises. I think I brought up the question, what are his premises if he works on somebody else's property? They're not considered his premises.

**Mr. Chairman:** Mr. Berger, perhaps we could deal with that; we will first deal with this motion before the House.

Shall the amendment to Clause 19 carry?

**Some Members:** Agreed.

**Mr. Chairman:** Shall Clause 19 carry as amended?

**Some Members:** Agreed.

**Mr. Chairman:** Mr. Berger? Mr. Legal Advisor?

**Mr. Legal Advisor:** That point was discussed, and it turned out that the employer we're talking about in these three subsections is a person like the Territorial Government who employs qualified people to do electrical work, so that the only work that is permissible to be done is work on the premises of the employer himself. He can't contract out; he is not a contractor.

The wording we would recommend should stand.

**Mr. Berger:** I'm more confused, Mr. Chairman.

**Mr. Chairman:** Any further questions regarding that, Mr. Berger?

**Mr. Berger:** Well, I'm afraid, Mr. Chairman, I can't ask any more than I asked already because even the answer Mr. Legal Advisor brought forward confuses me even more.

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

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

**Mr. Legal Advisor:** ... there are three or four firms, including the City of Whitehorse and the Territorial Government, and such people, who do, in fact, employ or should employ qualified people. Under this Ordinance, they are only permitted to do work on their own premises.

There's a different class of person and electrical contractor who works on other people's premises, but only for one specific purpose.

**Mr. Chairman:** Mr. Toews?

**Mr. Toews:** This is what we would normally class as a maintenance electrician. Department of Public Works have them, Territorial Government has them, C.N. has one. I believe the City has one. And they do maintenance, minor alterations to electrical systems,

and what we want to know is what they are doing, because some of these could be in an office building where the public has access to, so that the wiring that they do is maintained in a safe, operable condition.

**Mr. Chairman:** Thank you.

Page 17, moved by Mr. McKinnon, seconded by Mrs. Whyard, that Bill Number 2 entitled Electrical Protection Ordinance be amended as follows: "29(4) A person who is aggrieved by the refusal of a temporary working permit pursuant to subsection (1) or a condition imposed under special permit pursuant to sub (2) or the current cancellation of a temporary working permit pursuant to subsection (3), may appeal the decision and the provisions of subsections 15(3), (4) and (5) apply *mutatis mutandis*."

**Hon. Mr. McKinnon:** Mr. Chairman?

**Mr. Chairman:** Mr. McKinnon?

**Hon. Mr. McKinnon:** That Section will possibly be reworked also, depending on whether we change the temporary working permits to licences throughout the whole of the Ordinance.

As I understand it, that is the only major question that is sought in the Ordinance at this time, Mr. Chairman.

**Mr. Chairman:** Then Clause 29 will also be sttd over.

Any further questions for the witnesses?

Thank you very much for helping us today. The witnesses are excused.

We will proceed with Bill Number 11, An Ordinance to Amend the Public Service Staff Relations Ordinance.

"One: Subsection 7(1) of the Public Service Staff Relations Ordinance is repealed and the following substituted therefor:

"Seven (1):

(*Reads Clause 7*)

**Mr. Chairman:** Mr. Taylor?

**Hon. Mr. Taylor:** Yes, Mr. Chairman, I wonder if at this time, I note that in the explanatory note that the Yukon Public Service Staff Relations Board has changed its constitution for administrative purposes. Could we just have a brief, perhaps, explanation of just what this change really is?

**Mr. Chairman:** Mr. Lang?

**Hon. Mr. Lang:** Yes, Mr. Chairman. There is just a minor change in the Ordinance, in order to allow the Yukon Public Service Staff Relations Board, which is in actuality the Federal Public Service Staff Relations Board, to allow them to appoint members at large, rather than from particular interest groups.

What we are doing is attempting to co-ordinate our legislation with theirs, so the only basic change is the appointment of members to the Board — that's the only change. There's no real administrative changes, that's what they mean. It's that they are trying to attempt to change the Board so they can get members at large, so that they are not representing special interests of the



employer or employee organizations.

**Mr. Chairman:** Is there any further debate on Clause 1?

Are there any amendments to Clause 1? Shall Clause 1 carry?

**Some Members:** Agreed.

**Mr. Chairman:** Two: "Subsections 12(1) and (2) of the Public Service Staff Relations Ordinance are repealed and the following substituted therefor:

"Twelve (1):

*(Reads Clause 12)"*

**Mr. Chairman:** Mrs. Watson.

**Mrs. Watson:** Mr. Chairman, maybe somebody could answer why the Public Service Staff Relations Board has taken to appointing members from at large rather than to have representation from the special interests, like employer and employer groups.

**Mr. Legal Advisor:** Mr. Chairman, the change was originally made by the Government of Canada to the Canadian Public Service Staff Relations Board on the recommendation of the then Chairman of the Board, Mr. Finkleman, who is also our Chairman. He wrote a special report, including this as one of his recommendations to the Government of Canada.

The recommendation was accepted and became law in Canada, I think last May or June. He, in his report he gave the reasons for it and it was based on his experience of 18 years as a labour relations chairman in Ontario, plus 8 or 9 years' service in Canada. In his report he said that he had found, over the years, that vice-chairmen and members who were appointed to represent either the employer side or the employee side normally voted with the group in arriving at their decisions.

But the political pressures arising from origins sometimes required them to say "I disagree", without giving any reasons in order the politics of the situation could be preserved.

The special interest people had become dissatisfied with this method of operation and they preferred to be appointed to represent the public at large and not in any way to be connected with their former friends either on the employer side or the employee side. This didn't impinge in any way on the honesty of the decisions, but sometimes required them to make certain face-saving gestures.

He analyzed the totality of the decisions from the two Boards and he found that it was less than 1% that this had in fact occurred and recommended that the system be changed. That fulltime members be appointed, who would in fact come from the fields of labour, depending on whether it was employer or employee, a balance would be kept in the appointing of them so that they would cut the imbibical cord and no longer feel any requirement politically in their decisions to bow their heads towards their former friends.

All of the members of the board concurred with this recommendation and the situation now is in Canada that people are appointed, full-time people. There used

to be 8 headed by a Chairman, to which there was some deputy chairman added, I couldn't recall exactly how many the members are now. I imagine it's somewhat the same. The Board is satisfied that this system works excellently and the members who have been appointed are representative, in fact, of life on either side. The former Chairman of the Public Services Alliance, Mr. Claude Edwards, who was president at the time that this Ordinance first came into force, is now a full-time member. An Assistant Deputy Minister from the Treasury Board has become a full-time member, in addition to the ordinary members, and the Chairman, Mr. Finkleman, has retired very recently and been succeeded by Mr. Howard Brown, who is now holding office as our Chairman, who succeeded him.

The sections are requested by the Chairman of the Board, concurred in by the members from both sides and I thought perhaps, the Minister might have mentioned that the Public Service Alliance has concurred in these changes and given us a letter to that effect. So that the sections come well recommended.

**Mr. Chairman:** Shall Clause 2 carry?

**Some Members:** Agreed.

**Mr. Chairman:** Unfortunately, there is no Proclamation Clause involved with this Bill, so I would hope that the Government will take notice of this and bring in their necessary provisions so that we can pass this Bill.

**Mr. Legal Advisor:** Mr. Chairman, it can come into force on assent. If there's no Proclamation Clause, it comes into force upon assent.

**Mr. Chairman:** Then why has this not been the procedure up until now? We have always had such a Proclamation Clause in every Bill that has come before this Committee.

**Mr. Legal Advisor:** Mr. Chairman, always is a loud word. It was a decision of the Government to have this clause and make it clear in every drafted Bill and I just forgot to put it in in this instance.

**Mr. Chairman:** That's what I meant.

The Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory, enacts as follows: An Ordinance to Amend the Public Service and Staff Relations Ordinance.

Shall the title carry?

**Some Members:** Agreed.

**Mr. Chairman:** Shall I report to the Bill without amendment.

**Some Members:** Agreed.

**Mr. Chairman:** Bill Number 12, An Ordinance to Amend the Municipal Ordinance.

1. "Subsection 100(1) of the Municipal Ordinance is amended by adding thereto the following new paragraph:"

*(Reads Clause 100(1))*



Mr. McKinnon?

**Hon. Mr. McKinnon:** Mr. Chairman, this comes as a specific request from the City of Dawson, and a general request from the Association of Yukon Municipalities.

As I have told Honourable Members, we have been working at amendments, housekeeping amendments to the Municipal Ordinance over the last six months, and we've got about 15 sections now where we have been working with specific municipalities, and with the Association of Yukon Municipalities, to bring all these amendments up-to-date at a certain time, hopefully next spring.

However, it has been pointed out by the City of Dawson and the Association of Yukon Municipalities, that this is one amendment that is needed immediately for a specific purpose. Without this amendment, Mr. Chairman, the City Council of Dawson is unable to protect their historic buildings in areas of Dawson and specifically Heritage Canada has committed \$200,000.00 to rebuild the Miner's Rest Hotel, known as the Yukon Hotel, provided though that protective legislation is passed first.

If the Municipal Ordinance is not amended until the 1977 Spring Session, the City will be unable to provide the necessary zoning by-law in time for the 1977 construction season. The effects of such a delay, Mr. Chairman, would mean that Heritage Canada may revise their priorities, and the Miner's Rest Hotel restoration may be set back for several years, or could even be possibly cancelled.

Also, Mr. Chairman, the provision of single accommodations would suffer a severe set-back, as the Heritage Canada proposal includes up to 7 self-contained apartment units for single people. Valuable free advertising would also be lost to Dawson by excluding the Miner's Rest Hotel project from the Heritage Canada Newsletter, an undesirable development may proceed if City Council is now unable to effectively control any development.

We thought, and our legal advice was, that the City Councils probably had the authority under the Municipal Ordinance to pass such by-laws, but they wanted, and Heritage Canada wanted it to be made specifically clear and outlined in the Ordinance that they did have the power and the responsibility.

As Honourable Members always know, that I'm just putty in the hands, Mr. Chairman, of the duly elected Members of the Municipal Councils and L.I.D. Boards, so we went about fulfilling their request at this time, Mr. Chairman.

**Mr. Chairman:** Mr. Berger?

**Mr. Berger:** Yes, Mr. Chairman. I just wanted to advise and thank the Honourable Member from Whitehorse North Centre for acting so promptly on the City of Dawson's request, and as he pointed out so accurately, it was very, very important to the City of Dawson that this amendment would be forthcoming in this Session.

**Mr. Chairman:** Mr. McCall?

**Mr. McCall:** I have really no great objections to the amendment, Mr. Chairman, but what I am concerned

about is I think you are opening certain avenues for other municipalities to start playing a game of dictation.

What I would like is further clarification on specially designated zones. I am not questioning the concern the Minister may have as to the City of Dawson. What I am concerned about is the Town of Faro and maybe the City of Whitehorse.

**Hon. Mr. McKinnon:** Mr. Chairman, we could have tried to be more specific, you know. We could have gone into the area of protecting buildings, areas or zones of specific historical interest, that kind of nature. But we thought, and this is my philosophy, that duly elected Members of Municipal Councils, should have the authority of being able to control within their Municipalities, areas and zones, whether they're historical sites or for other purposes.

I'm just of the opinion that if they are not doing what they should be doing as elected Members, they only serve for two years, and they're going to hear about it from the people who hold the ultimate weapon, the vote at the ballot boxes.

So you know, you might say it's a philosophy of give them enough rope and they'll hang themselves. I only wish that the Federal Government would treat the Members of this House exactly the same way as we treat the duly elected Members at the Municipal and L.I.D. levels, Mr. Chairman.

**Mr. McCall:** Mr. Chairman?

**Mr. Chairman:** Mr. McCall?

**Mr. McCall:** The Minister is not answering my question.

**Hon. Mr. McKinnon:** I didn't intend to.

**Mr. McCall:** I would like the Minister to be a little more specific, because specially designated zone, could mean many things.

I would like some further clarification, Mr. Chairman.

**Mr. Chairman:** Mr. Mr. McKinnon?

**Hon. Mr. McKinnon:** Mr. Chairman, I don't know how specific the Honourable Member wants me to be. The amendment, it says regulating and control the architectural design of buildings, and describing materials to be used to the exterior of buildings in a specially designated zone.

A specially designated zone in the area of Dawson would be the historical area downtown, that is going to be renovated and part of the core under the master plan of National Historic Sites. The City of Dawson wants enabling legislation to be able to control the facades of the buildings in that area, so that they come to the theme of 1898.

We think that other cities should be able to do exactly the same thing as many cities in B.C. and other areas of Canada have designated specific areas for specific purposes, whether they happen to be a shopping mall where no traffic is allowed; whether they be a German motif, as one of the areas in the Kootenays now has. That's



their prerogative, and if they have the mandate of the people that they represent, then they should have the ability and the empowering legislation to be able to do those types of things within the boundaries of municipalities.

But we could have made it entirely specific and restrictive, just for historic zones and specified historical areas, and we thought that that isn't what this government would like to do. We would like to give them the powers as broad as possible, under normal municipal powers, and this is a normal municipal power in all the Municipal Acts that we were able to examine, Mr. Chairman.

**Mr. Chairman:** Mrs. Watson?

**Mrs. Watson:** Mr. Chairman, I'm certainly not opposing this. However, aren't all zones specially designated zones, residential zones, commercial zones and so on; aren't they all specially designated zones?

**Hon. Mr. McKinnon:** Mr. Chairman ...

**Mr. Chairman:** Mr. McKinnon?

**Hon. Mr. McKinnon:** Probably if the City of Dawson had a zoning bylaw at this time, this would not be necessary. They do not. There has been a zoning bylaw under discussion by the City of Dawson for several years now, as far as that — at least this is one of the areas where they haven't passed a zoning bylaw because of certain controversies that have happened in that municipal area.

**Mr. Chairman:** Mrs. Watson?

**Mrs. Watson:** Well, a further question. This really shouldn't even be asked in here, the mechanics of it, so they have a specially designated zone. Do they then pass regulations specifying the architecture that they would like to have, and would they be under the bylaw, or as part of the bylaw?

**Mr. Legal Advisor:** Yes.

**Mr. Chairman:** Mr. Lengerke?

**Mr. Lengerke:** Mr. Chairman, I was just going to try and clarify that, and certainly a very good example of this situation is a town in British Columbia — Kimberley, B.C., where in fact they did this by a protective Ordinance and were working on a special zone, and the architectural style was protected and everybody adheres to it and it's a very workable arrangement.

**Mr. Chairman:** And their Ocktoberfest was quite delightful.

**Mrs. Whyard?**

**Hon. Mrs. Whyard:** Mr. Chairman, I'm not aligning myself with that final remark, Mr. Chairman, but I would like to say that this project of restorate is certainly a very encouraging one from my Department's point of view, because the proposal is that senior citizens will be included as possible tenants for this reconstructed hotel. This is one of our objectives as well, it

receives our approbations.

**Mr. Berger:** Mr. Chairman?

**Mr. Chairman:** Mr. Berger?

**Mr. Berger:** Thank you, Mr. Chairman. I didn't want to say this, but the Honourable Minister of Health and Welfare left herself wide open. I wonder if she included the senior citizens in the restoration program too, but for the information of all the Members there's a master plan from Historic Sites laying here in the library, and I think it's a very good laid out plan and I think it would be very valuable for all Members to take a look at it and see what the plan is for Dawson City.

**Hon. Mrs. Whyard:** Are you going to let me reply, Mr. Chairman?

**Mr. Chairman:** If you so wish, Mrs. Whyard.

**Hon. Mrs. Whyard:** Mr. Chairman, I would merely state that most senior citizens are in better shape than I am.

**Mr. Chairman:** That's a reply?

**Hon. Mrs. Whyard:** Yes, Mr. Chairman.

**Mr. Chairman:** Mr. McCall?

**Mr. McCall:** Yes, Mr. Chairman, I'm not like you said, unduly concerned about this amendment. I just hope ...

**Mr. Chairman:** You just seem to have a lot to say about it.

**Mr. McCall:** ...the other Members realize this, that it does not come back to haunt us, because when we talk about restorations in various municipalities I just hope we don't get into a political football field about the Faro Hotel being restored, and I think we are already involved in enough political football fields now.

So, like I say, Mr. Chairman, I just hope it doesn't come back to haunt the Minister.

**Mr. Chairman:** If that was a football field, I'm sure it wouldn't be fair because one team would be on the downhill and the other on the uphill at all times.

**Mr. McCall:** Slightly at an angle, Mr. Chairman.

**Mr. Chairman:** Mr. Fleming?

**Mr. Fleming:** Mr. Chairman, I wasn't going to belabour this subject at all because I have no fault with the problem they have at Dawson now. This does cure it, although I do also have some misgivings, especially designated zone, myself.

This is a municipality, but I am worrying about the future, when there will be an L.I.D. included in the same thing and we will have the problem, because if they talk about it now at the meetings, making everything the same, and I hope we all won't have to live in little green houses or something.



I would wonder why they couldn't specify the zones, as the Member from Klondike has said, there is now a pretty good set-up map in the country, and couldn't they somehow designate the areas a little bit closer than this, so that they don't interfere with the actual lives of other people?

**Mr. Chairman:** Mr. McKinnon?

**Hon. Mr. McKinnon:** Mr. Chairman, we're looking at amendments to the Municipal Ordinance. We attempt to make them as broad as the municipal authority can hope to operate under, and give them all the room for manoeuvring and flexibility we possibly can.

If it happens that at some time the L.I.D.s — and this is the way Municipal Ordinances are changed — to the involvement of the particular city and the Association of Yukon Municipalities, and the requests coming forward from them, total consultation, for total involvement, and we generally leave them with the Ordinance as they want it amended in any specific circumstances.

The same would hold true from the L.I.D.s and we have presently working exactly the same type of review of the L.I.D. Ordinances, with the consultation of the L.I.D.s, to the extent where we will be meeting all of the L.I.D. people on December 4th to take a look at the amendments that they want, and the way that we'll think about bringing them forward to the Assembly.

You can be assured that when these amendments come through they will have been done with the total involvement and consultation of the people involved with the amendments, and this was done in this matter, and once again it is the philosophy of this government, it's going to continue to be as long as I represent the Department of Local Government, that when they ask for amending legislation that they get it in the broadest terms possible that they've asked for.

**Mr. Chairman:** I hope, Mr. McKinnon, that that includes the Band Councils.

**Hon. Mr. McKinnon:** Mr. Chairman, do you want to go on in the consultation process of the Band Councils as the Department of Local Government does, because we could spend the rest of the afternoon on that basis also. And I'm not ready to sit here and let it be said that we are not in the consultative involvement process with every segment of Yukon society in anything that comes up for deliberation in the Department of Local Government.

**Mr. Chairman:** Mr. McCall.

**Mr. McCall:** Yes, Mr. Chairman. In view of what the Minister has just said, I'm hoping that the Minister can keep this House advised as to the amendments that are forthcoming as to the Municipal Ordinance so that we know and will be able to separate the municipal bylaws that the municipality can't pass themselves as to normal amendments to the Municipal Ordinance.

**Mr. Chairman:** Mrs. Watson?

**Mrs. Watson:** Mr. Chairman, I think the Honourable Member from Pelly has made a very good point and I don't, certainly don't, completely agree with the Minis-

ter of Local Government.

I think you have to go through the consultative process, but I do think in any structure of government there is a local government situation and there also is a provincial or territorial government situation. I don't think we can abrogate the responsibilities that we have at the Territorial level down to a local government level, particularly when at the Territorial level you are responsible for the funding to provide the things that are going to be done and the decisions that are going to be made at a local level and I think there comes a time when you really have to look at the situation.

I agree that there has to be consultation but I still feel very, very strongly that we do have a Territorial level of government and we must maintain the responsibilities of that Territorial level of government and not hand them over when they do not involve local matters. And I can cite you again the Liquor Ordinance.

**Mr. Chairman:** I was going to do it for you.

**Hon. Mr. McKinnon:** I was beginning to wonder, Mr. Chairman ...

**Mr. Chairman:** Mr. McKinnon?

**Hon. Mr. McKinnon:** ... what Ordinance we were discussing at this time.

**Mr. Chairman:** Any further debate on Clause 1?

**Some Members:** Clear.

**Mr. Chairman:** Shall Clause 1 carry?

**Some Members:** Agreed.

**Mr. Chairman:** I now take great delight in reading the Proclamation Clause: (2) This Ordinance shall come into force on assent.

Shall this clause carry?

**Some Members:** Agreed.

**Mr. Chairman:** The Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory enacts as follows: An Ordinance to Amend the Municipal Ordinance.

Shall the title carry?

**Some Members:** Agreed.

**Mr. Chairman:** Shall the Bill carry without amendment?

**Some Members:** Agreed.

**Mr. Chairman:** I would now refer to Motion 27. Twenty-seven: it has been moved by Mr. Lengerke that regulations be developed with respect to a domestic animal herd law which can be enforced under the provisions of the Highways or Pounds Ordinance and that these regulations be introduced by the next Session of the Yukon Legislative Assembly.

Mr. Lengerke?



**Mr. Lengerke:** Thank you, Mr. Chairman. I think I spoke briefly to the Motion the other day and I recall the Honourable Member from Whitehorse North Centre saying something that he thought that they had tried and attempted to suggest fencing in Yukon on a number of occasions and this would be an almost impossible situation.

By bringing in this Motion, Mr. Chairman, I don't want to suggest for one minute that fencing is the only solution, because it is not. It would be very nice if we could, in fact, legislate areas to be fenced and certainly that is one of the ways, but I believe there is other ways to control problems of domestic animals and particularly cattle and horses running at large.

I would like to suggest that a control or designated grazing area is something that we should consider and is very feasible in Yukon. I think that areas can be marked and that animals can be controlled by strategic placement of salt licks, supplementary feeding areas, a development of good watering holes, watering sites.

In other words, I'm saying that controlled ranging is possible and I think we're approaching that position in Yukon. We're getting a number of animals that we should be seriously looking at that kind of control.

I don't know if the Honourable Members are aware or not, but there is assistance available via the Federal Government, in this case, that they will come in, they will take an area, if granted by the Territorial Government, in this case it's still Federal Government lands, it would be in this case, and they can develop it into a community pasture and this has been a very successful program.

The community pasture, once it's built, and this is why I'm talking about fencing, I'm talking about the installation of water supply, corrals, the rest of it. The community pasture is turned over to a local group, to a pasture organization made up of people who are certainly active in having cattle or horses for a living or a supplementary living.

I think that this is the approach that I would like to use.

There's one other thing that I suggest, is that maybe we should examine the question of liability and provide some direction in that regard, in the case of where a truck or car goes down the road and does hit an animal. I've seen it where, nine out of ten times, it's not only the damage that the person has to pay for to his vehicle but he is slapped with a bill to pay for some highly pedigreed or blue-ribbon animal later on, and I don't think this is right. I think we should certainly instill, someplace along the line, that the people that do have these herds should be responsible as well, even if it is open range, they should know where the heck they are and try to control them to some degree.

I think with that, I will await some comments from the other Members, but as I said, I know there is an approach to be used here. I know that assistance is available if we ask for it, and I would at least like to see us go that far at this point in time.

**Mr. Chairman:** Mr. Fleming?

**Mr. Fleming:** Yes, Mr. Chairman. I know that we do have the responsibility towards the public at large and on the highways and everywhere else, but as far as coming up with a herd law in the Yukon Territory — I

would say it would be impossible.

In the first place, the owner of the horse that gets a grazing lease could not fence a — feasibly fence the lease, because it would not be something that people couldn't tear down legally and walk through it, because they don't have the right.

Even speaking, as the Member has said, of a watering hole, I don't believe he could even have the water to the horses under the present system in the Yukon Territory without getting a permit from the Water Board to use that. I think it's quite a problem really to do anything.

I would say, though, that he's absolutely right on some of the controls, and I would like to see possibly some control as to how the people that own the animals do take care of them, and I'm speaking of horses that are hobbled on the road, with hobbles on their front feet, and sometimes their back feet, so they don't go away and move from one area to another, so as these people who are again usually guides and so forth and so on don't have a problem looking after them.

I think this is absolutely deplorable. I do not see any reason for this at all. They have a business in the Yukon Territory and they are making money from that business; I think it's their responsibility to look after their horses and not have them in a position where they get on the highway and they can't move off it even if they wish to get out of the way of a vehicle.

This is one of the areas where I think we probably could do something for it, and as the Member has said, there are other points too that could be looked into the laws. Now, that's my only comment. I couldn't vote for the Motion now because there is no way, I don't think, it possibly could be put into effect in the government.

**Mr. Chairman:** Mr. Taylor?

**Hon. Mr. Taylor:** Yes, Mr. Chairman. I just can't recall the year, but some years ago this House considered the question of herd law and open range and we had quite a debate on the subject, I must say, but when all the arguments were in and the whole question had been debated, we felt that the open range concept was quite acceptable in the Territory, and I for one still do.

You know, there are some very peculiar problems here, and it's nice to talk about community pastures and these idealistic suggestions made by the Honourable Member from Whitehorse Riverdale, but they just don't necessarily exist. We don't have the nutritional value in the feed in this country, and that means that an animal, of course, perhaps has to range a little further for feed than he would in a normal circumstance, say in Alberta or in British Columbia and places in the south and the east.

The very scattered nature of this feed decrees that horses and so forth have to range that much further to get the amount of feed it takes to keep them going, particularly in the summer months. You know, there's a lot of feed can be found in the rights-of-way along the highways of the Yukon.

Now, occasionally horses will present a problem; they will get on the road; but I haven't seen that much of a problem if a person is driving with any kind of care and attention at all. Horses, as a rule, in the daytime don't cause too much of a problem. At night, this could be a different situation in the summertime.

But we have found in any event that open range by



signing areas where horses have been pastured or browsing or grazing, the signing has done the trick. I don't see that this is as great a problem as the Honourable Member makes it.

I did have a question, Mr. Chairman, of the Honourable Member. I can only guess that someone is lobbying with the Member for this type of legislation, or else — I just can't — I would like to ask him who is having difficulty with this and, you know, what group is it that wants this done, and for what reason?

**Mr. Lengerke:** I'll be glad to answer that. I could tell you ..

**Mr. Chairman:** Mr. Lengerke.

**Mr. Lengerke:** Excuse me.

**Mr. Chairman:** I was merely acknowledging you were recognized by the Chair, Mr. Lengerke.

**Mr. Lengerke:** Thank you, Mr. Chairman, I'm sorry, I should have waited until I was.

I would just like to say to the Honourable Member from Watson Lake that nobody is lobbying me for this. It's something that I've seen in the probably in the short time that I've been in Yukon, I've seen a number of instances where it's occurred. It's happened to me personally. I've certainly been associated with the transportation industry and I know from that that there are a lot of problems. If there's any lobbying, that would be where it would come from, but it's not in the form of a direct lobby.

I know what damages have been done to vehicles and transportation facilities. I know the number of people that we have involved in that industry in Yukon and I know a specific area that they operate in and I think there should be some better controls imposed.

I also think that by initiating what I've suggested through a strategic type of community pasture program, that we can also encourage what you say, I have to disagree that we do not have the feed available and some of the reproduction capability of grasses and what have you and I don't want to get into that, but we do, we have a very good potential. And I think via this program, over the years, we could show and indicate to people engaged in this business that in fact it is very possible and it is viable in a small way.

**Mr. Chairman:** Mr. Taylor.

**Hon. Mr. Taylor:** Yes, Mr. Chairman. I was interested in the Honourable Member's remarks. You know, when we discussed this the last time, nobody could really tell us the ratio between domestic animals being, causing a problem and causing accidents on the highways over non-domestic animals like moose and caribou. So, no matter which way, I believe it was determined that the wildlife caused more problem indeed than the horses did in the long run, but I'm just wondering if the Honourable Member has any figures along this line to present.

You know, I certainly don't think that we've reached that stage of development as yet in the Yukon Territory, where we ought to impose restrictive laws, with respect to this — Pounds laws. I still go for the open range

concept. To try and encourage, in any way, fencing is just impractical, it's too costly, and, you know, I don't see that this thing is working the hardship at this point in time, but I think if you are interested in looking at this subject further, then perhaps the people in the business, the people who own horses should be consulted and see if they can come up with any ideas that might alleviate the situation referred to by the Honourable Member.

I don't think that this House should give direction to the Administration at this time to bring in a Pounds Ordinance. I think that's something that the — or regulations to the Pounds Ordinance. I think that's something that the Administration ought to do on their own and perhaps if they felt this to be a problem in their view, they could consult with the outfitters and whoever else is involved in the thing and see if they couldn't work out a solution to whatever problem, if indeed it does exist.

**Mr. Chairman:** Did you have a reply to that Mr. Lengerke?

**Mr. Lengerke:** Yes, Mr. Chairman, thank you.

I just, again, want Honourable Members to understand that I'm not saying that the open range system is going to be abandoned completely by this, but I think that we have, we can have open range grazing in designated areas as well, and the Honourable Member from Watson Lake suggested and mentioned that already to date we have had successful, or success with some signing in the areas. Certainly there is a liability situation there, where if it is signed that the driver or the motorist certainly recognizes that he's going through an area where there are going to be livestock at large. I think this is fine.

But I'd like to see us take a little better look at where those designated areas are and do something within those range areas as well to try and control the animals on the highway. I've suggested that it can be done by cooperative action or approach by the use of, as I've said, controlled feeding areas. You don't have to have animals running all over the highway.

I've lived across the prairies where there are no fences as well in many areas, and the cattle don't run all over the road, because they stay out on the pastures that provides them some feed and provides them some water and provides them some salt and I think this is the kind of thing I'd like to see used.

I'm not looking for any great hard, fast regulations here at this time, but I wanted to open this up because I want to see what direction we are going. I think it's time we did look at it realistically.

**Mr. Chairman:** Mr. McCall?

**Mr. McCall:** I don't want to spend too much time on this particular Motion. I differ slightly, Mr. Chairman, from the Honourable Member from Watson Lake. I don't believe in overdramatization of a problem that is before us.

I think that a lot of consideration should be given to this Motion, when one considers that we live in our own little communities, we have our own little fences to keep whatever protected, and here we are, we are considering free range or open range for small groups of animals that should be behind fences, just like dogs are, just like



cats are and children are.

I don't think the Honourable Member has spent enough time on the trucking routes, and seen some of these horses, or what's left of them after a truck has hit it. I think this is what the Member that moved the Motion was concerned about, and I'm concerned about it, because I travel the trucking routes I think a little more regularly than the Honourable Member from Watson Lake.

**Mr. Chairman:** In a Cordova, Mr. McCall.

**Mr. McCall:** Well, that's beside the point, Mr. Chairman. What I am concerned about is that I have seen many herds of horses on the Klondike Highway, and in some areas on the Campbell Highway, who are just not receptive to traffic, and I think they should be restricted in some way to where they can be controlled. I don't think free range is necessary in this modern day and age with all the traffic we have, and I think the Honourable Member should spend a little bit of time between stops between Whitehorse and Watson, he may realize what the mover of the Motion is talking about.

**Mr. Chairman:** Mr. Taylor?

**Hon. Mr. Taylor:** Mr. Chairman, just in reply. You know, I'm wondering if the Honourable Member has ever read the Pounds Ordinance, or indeed if he knows what he is talking about.

For instance, in the Pounds Ordinance already, and I don't know whether the Honourable Member from Whitehorse Riverdale raised the question, there is provision whereby the owner of any animal that creates an accident is liable for that.

Except I'm not too clear now as to whether he is liable within a signed area, that's the alternate deal.

What I'm saying is that the Pounds Ordinance, at this point in time, seems to me in my mind to be sufficient to deal with the whole Pounds question, and that's my feeling on the matter, and unless someone can convince me with some facts, that this is not the case, then I certainly won't be supporting the Motion.

**Mr. Chairman:** Mr. McCall?

**Mr. McCall:** Mr. Chairman, I think the Honourable Member is having difficulty understanding what he is talking about.

**Mr. Chairman:** Order, please.  
Mrs. Watson?

**Mrs. Watson:** Mr. Chairman, I'm not going to be supporting the Motion. I don't think that a lot of us realize the complete ramifications of the Motion. The Motion is rather unclear too, and it was partly my — I take some responsibility because I did second the Motion without going over it properly.

The Motion does not say whether the regulation shall be just brought back for review, or whether it should be brought into force, and we are looking at — we are just mentioning the Pounds Ordinance, not even knowing whether there will be provision under the Pounds Ordinance to bring in regulations, and we mention a Highways Ordinance, so I don't think much can be gained at

all by passing this Motion, and we could do a great deal of harm by the implications that the Motion may have.

Now, I am thinking about the people who have to keep horses for a living, it's part of their business. There is a danger. I have driven the highways in the Yukon Territory, I'm sure just as long as anyone, and I realize the danger is involved when you have cattle and horses on the road. But the narrowest experience I personally have ever had was with two moose on the road.

You know, if you get rid of one problem, we are not going to be able to get someone to fence in the moose, and if you ever drive down the Haines Road, there is a great problem with moose. You can see as many as a dozen moose on that road during the wintertime, on any trip to Haines, and it's quite — you know, it's not just that you see one every once in a while.

There is a danger, but on the other hand by correcting one problem, you correct another. Now these people, there are people who have to have horses as part of their living. Every outfitter has to have five horses per hunter under our regulations, under the Game Ordinance.

Now, he has to be able to feed these horses. Now, if any of you have read the agricultural report that was prepared or commissioned by this Government and it was tabled in this House approximately a year ago, the comments by that gentleman were that the grazing leases in the Territory are completely inadequate. I believe right now they can get 40 acres per horse. He recommended doubling that and also making some provision for long-term leases and provisions so that they can cultivate part of it to grow their own feed.

Now until we can give some opportunity to people who have to have horses for a living, how can you cut them right off and say you can't have open range, you've got to keep them some place?

Now if you have 10, 15, 20 horses, look at the acreage you are going to have to have, and look at the fencing you are going to have to do. And then, you still have your problem of your wild animals. There is the danger on our highways, but I would like to see this Motion today defeated. Let's not even consider passing this Motion, unless we are sure of what it is going to say.

But by the same token, that doesn't stop the administration from taking this whole question into consideration, and maybe coming forward — not necessarily coming forward with a proposed policy, but to at least identify the problems. But I think it would be just a very horrible thing, if this were passed without giving the people who would really be affected by this, whose livelihoods depend on this, an opportunity to appear as witnesses.

If there's any possibility of it going through, these people must have an opportunity to tell us why, what we would be doing to them.

**Mr. Chairman:** Mr. McIntyre?

**Mr. McIntyre:** Yes, Mr. Chairman. I think we should realize that the Motion that Mr. Lengerke made has not even been supported by himself, because he hasn't referred once in his remarks to changing or developing regulations. All he's been suggesting is that we should look into certain aspects of feeding and putting salt out to attract beasts away from the road.

But I have some knowledge of the difficulties that the



people that have owned grazing leases, or lease grazing leases have, and that is with fencing. They are not permitted to fence under the present Federal regulations, and even if they were permitted to, it wouldn't be an economic thing for them to do.

The only way we could do any fencing, to keep horses off the highways, is if the Territorial Government itself would fence the highways to keep the animals off, because it would be completely impractical for people that own horses to do that fencing.

**Mr. Chairman:** Mr. Berger?

**Mr. Berger:** Yes, Mr. Chairman, I particularly want to rise on this thing, because I'm very biased. I was involved in an accident and I have maybe had more experience, but I would like to suggest to some of the Members that on the Mayo Road, there's a number of different outfitters in there, and there is one particular man, I don't know who it is or so, it's around Pelly. He seems to have a feeding shack there, and he's very successful in keeping the animals off the road, while other ones further south, there's animals roaming all over the highway, especially at night, and I'm not too much concerned in daytime, but especially at night time those animals are a real hazard to anybody going down the road, at 30 miles an hour or 60 miles an hour.

**Mr. Chairman:** Mr. Fleming?

**Mr. Fleming:** Yes, Mr. Chairman, I just wanted a moment, because I have something to clarify. We sometimes are misunderstood, sometimes with the public, I think Mr. Berger was misunderstood last year when something came up in the Game Ordinance and I find myself in that same position now when I spoke of hobbling horses and control and law.

Sometimes the game guides misunderstand in this House, and I wanted it very clear that none of the Members misunderstand me today, and also that they will hear, you know, that it is not my intent to really run down some game guides, because I am absolutely for them.

But it's the hobbling of horses that I have seen, I want this clarified, was not right in the Yukon Territory, due to the fact that our road goes into B.C., out of B.C. and so forth and so on, and the problem I was speaking of was actually around this area. I haven't seen a Yukoner yet doing this, although it may be.

However, I would like to see some control there, possibly something that the Humane Society really could act upon.

The fencing matter that the Honourable Member from Mayo has brought up was very interesting, because I thought about it, but the Member from Klwane shot down all my thoughts as soon as she started speaking of the moose that was going to be in the Territory, because that would finish that off too. The environmentalists would say no way could you fence the Alaska Highway, because the moose can't go from here to there and so forth and so on.

It might be a fine idea if the moose were over there and the horses were over there and we were over there, and some other people were over here and we had the fence down the highway, everything would be wonderful.

**Mr. Chairman:** Ms. Millard?

**Ms. Millard:** Mr. Chairman, just a procedural thing. I'm wondering if Mrs. Watson has withdrawn her seconding and should we be discussing this Motion?

**Mr. Chairman:** She can still second the Motion and vote otherwise, so we are okay.  
Yes, Mr. McKinnon.

**Hon. Mr. McKinnon:** Mr. Chairman, I thought this might come up at this session, so I asked our Game Director to give some thoughts on the problem, and he was quite succinct in the comments that he came back with. He made the point that only the Honourable Member from Mayo has alluded to.

He says the 99.9 per cent of the land in the Yukon is under Federal jurisdiction, as well as a similar high percentage of the grazing and agricultural leases, the most effective step in solving the problem would be a change in the Territorial Lands Act, making it mandatory for grazing and agricultural leases to be fenced in.

I'm personally of the opinion that the Federal Government has the power at present to charge horse owners that use Crown Lands other than their grazing leases, but of course, as usual, they make no use of it. So after going through the different regulations in the Pounds Ordinance, the Director makes the, the Acting Director makes the point that as a long term goal, we should continue to put pressure on Ottawa to amend the Lands Act, requiring all grazing and agricultural fenced leases to be fenced in.

I sent back a little note to him, I don't know whether you're supposed to read these things in the Legislature or not, but in any rate I said I agree the Feds gave the damn agricultural and grazing leases, I suggest that they should not be responsible for enforcing or changing it as it can be enforced.

It's just another one of those areas where we have nothing to do with the granting of the lands, the grazing, the agricultural leases, that was all done by another federal government and now guess who's going to pay the bill. You guessed it, the taxpayer who comes under the jurisdiction of the Government of the Yukon and I just don't think that we should be prepared to commit that person to have to spend that amount of money, or also have to arrange all of our Ordinances, whether they be the Pounds Ordinance or any other Ordinance, and have to hire inspectors, put in community pastures and the whole bit, to take care of a problem that was none of our making. We had nothing to do with it, but it's the total whole ball of wax. Here is the problem, now you guys solve it.

It comes in every area and I think that we should have quid pro quo, if they want to give us the surface rights of all the Crown Land in the Yukon Territory, we'd be prepared to accept our responsibility and make sure that the horses and the livestock don't run at large. It's not our problem, it wasn't created by us and we should, if we're going anything, it should be forcing the people responsible to take the responsibility for it and that's the Federal Government.

**Mr. Chairman:** Mr. Lengerke.

**Mr. Lengerke:** I don't agree with the Honourable



Minister and I don't agree with the approach there all the way. Regardless of whose land, whose problem, it is our problem and I think we should be showing some responsibility on how to get at it.

But I suggest to you this, and I apologise to the House, I really do, I apologise to the seconder of the Motion. I'm reading the Motion myself and usually I'm the fellow that has such a long Motion I'm trying to put everything in it, that I have to agree with the Honourable Member from Mayo, that it certainly isn't the Motion that I should have presented, because what I was really trying to get at was that I would like the regulations, and I know there are regulations, there are regulations under the Pounds Ordinance, there are regulations under the Brands Ordinance, right now, that do, in fact, supposedly regulate the herd law.

I would like to see those enforced a little better and if they can't be enforced, as the Honourable Member, or the Honourable Minister says, there could be problems. I also talked to the Game Director, Games Branch Director, and he did tell me the problem with respect to Crown Land.

As I say, I apologise for the Motion, it should have certainly worded a little differently. I would like to see, as a result of the discussion here today though, that some direction be given that we do in fact, take some future action with respect to looking at the possibility of creating what I've indicated earlier, some community pastures, because I know I've talked to people in the livestock business, I've talked to outfitters. They run their horses, they use them for three or four months of the year and they let them run wild. I think they would also like to have somewhere were they could put them, where somebody could look after them and where they'd be under control.

Others maybe don't want that, maybe they're quite happy the way they are. But I would like to see us give some direction to possibly looking at the development of a couple of community pastures or one at least in Yukon. As I indicated earlier, it's 100% financing by the Federal Government in this case. They are turned over then to the Territorial Government or turned over to a pasture committee who can run it on a local basis. It provides for a very minimal amount of employment but you can involve some Indian people or whatever you wanted to. But I think it's an area that we should look at.

I certainly don't want to look at it in a negative factor, I think we're getting to the point where we'd better start controlling this.

**Mr. Chairman:** Mr. McCall.

**Mr. McCall:** Yes, Mr. Chairman, after that elegant speech I was wondering if the mover of that Motion would be prepared to withdraw it at this time.

**Mr. Chairman:** Mr. Lengerke.

**Mr. Lengerke:** Mr. Chairman, certainly, I think that that would be quite in order. I would withdraw it with the permission of the seconder. I will withdraw the Motion and hopefully, as I say, maybe a new Motion could come forth.

**Mr. Chairman:** Do we have the consensus of the House that this Motion is withdrawn?

**Some Members:** Agreed.

**Mr. Chairman:** I would just like to add one comment. In perusal of this Motion, I went back to the Pounds Ordinance, and I see by definition "animal" means, and one of the definitions here is "neat cattle". Does that mean they're tidy, that they create no public menace.

**Mr. Legal Advisor:** No, Mr. Chairman.

**Mr. Chairman:** Mrs. Watson?

**Mrs. Watson:** Mr. Chairman, I must though, with the Honourable Member from Riverdale who spoke about the community pasture concept, and I'm not familiar with it at all, but it has been suggested to me by various people in the areas on the Mayo Road, on the Alaska Highway North and in my own community, and it would be very beneficial if we could try to get some information from the administration or wherever we could get it from, on the community pasture concept, and it would be most informative anyway, so that we could at least know what we are talking about.

**Mr. Chairman:** Mr. McKinnon?

**Hon. Mr. McKinnon:** Mr. Chairman, the community pasture concept is gone into in quite some detail in the Peak Report. He suggests that this is one of the answers for the problems of horses and livestock running at large.

I'm just opposed, particularly at this point in time, with the economic restraints that are upon us, that any area that the Y.T.G. goes into to rectify the problem, whether it be community pasture, whether it be enforcement of the Brands Ordinance, the Pounds Ordinance, the Area Development Ordinance, is going to cost money. There is just no way around it, and I just get so darned mad, and I don't mind admitting it, and I think I've been consistent on this, on a problem that is not of our making, that we always have to spend Territorial taxpayers' dollars to resolve, and this is exactly the same instance.

If we have to enforce further the Pounds Ordinance, the Area Development Ordinance, or the Brands Ordinance, or go into the community pasture business, let no-one fool himself, it's going to cost money to the Territorial taxpayers.

**Mr. Chairman:** Mr. Berger?

**Mr. Berger:** Yes, Mr. Chairman. The Honourable Minister answered part of my — some of what I wanted to say about the Peak Report, but there is also the Agricultural Association — I believe it was four or five years ago, it was intended to start a community pasture, and they ran into a slight problem of funding, and I believe the funding required at that time was something in the neighbourhood of \$360,000.00.

**Mr. Chairman:** Committee will now recess.

(RECESS)

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



Mr. Lengerke?

**Mr. Lengerke:** Mr. Chairman, just prior to the break, we were discussing the possibilities of community pastures in relation to herd laws and the rest of it, and I have a Motion that I would like to introduce at this time, if it's in order.

**Mr. Chairman:** Yes, it is.

**Mr. Lengerke:** It's moved by myself, and seconded by Mr. Berger, Member from Klondike, that the Territorial Government, through the Minister of Indian Affairs, immediately apply to the Federal Government Department of Regional Economic Expansion, P.F.R.A. Division, to have an investigation carried out with respect to the feasibility of developing one or two community pastures in the Yukon in the near future.

**Hon. Mr. McKinnon:** What is P.F.R.A.?

**Mr. Lengerke:** P.F.R.A. is Prairie Farm Rehabilitation Administration.

**Mr. Chairman:** Could I have that again, Mr. Lengerke?

**Mr. Lengerke:** P.F.R.A. stands for Prairie Farm Rehabilitation Administration.

**Mr. Chairman:** Thank you.

**Mr. Lengerke:** It's a division of the Department of Regional Economic Expansion and they're not only just confined to the Prairies, but they have done work in British Columbia, and northern parts of the Province as well.

**Mr. Chairman:** It's been moved by Mr. Lengerke, seconded by Mr. Berger, that the Territorial Government, through the Minister of Indian Affairs, immediately apply to the Federal Government, Department of Regional Economic Expansion, P.F.R.A. Division, to have an investigation carried out with respect to the feasibility of developing one or two community pastures in Yukon in the near future.

Mr. Lengerke?

**Mr. Lengerke:** Thank you, Mr. Chairman. The Motion is pretty explicit, and I would like to just again mention this service is available, if in fact they would recognize that our application is bona fide. I don't know how they would react, they might say well what's up there in the Yukon?

I think certainly a bit of background information would have to be provided with respect to the recommendations in the Peak Report and some of the problems we're having. I think with that kind of direction to them, that they would well agree to sending one or two of their people who are well versed in the development of pastures, and regrassing programs, to come take a look and provide the administration, the Government of the Yukon, with costing, the area that they so thought would be a good area, and if they in fact would be able to give us the assistance in the actual development, to the 100% that I have said.

Thank you.

**Mr. Chairman:** Mr. McIntyre?

**Mr. McIntyre:** Mr. Chairman, are we going to discuss this Motion now?

**Mr. Chairman:** Yes.

**Mr. McIntyre:** I would just like to point out that I believe that DREE is not operated in the Yukon Territory, and while I won't oppose the Motion, I don't believe that it will get anywhere.

The Department of Indian Affairs and Northern Development take it upon themselves to control development in the Yukon, and I don't think there's any chance that they will permit DREE to operate here.

**Mr. Chairman:** Mr. Lengerke?

**Mr. Lengerke:** The Honourable Member from Mayo has a point, and I would like to say this, that that's why I'm suggesting it through the Minister of Indian Affairs.

There is funding that is conveyed to that Department via DREE, via the Ministry of State, other Departments actually do provide assistance, but it comes through the Minister of Indian Affairs. I would hope that probably the Minister of Local Government might be able to add a little more to it.

I think he realizes that there is funding that is directed from other Departments via the Department of Northern Affairs to Yukon.

**Mr. Chairman:** Mr. McKinnon?

**Hon. Mr. McKinnon:** Mr. Chairman, the Government of the Yukon has looked at the possibility of some DREE type programs coming into Yukon. I think the prohibition of times past when the Federal Government was reluctant to see another Department of government also involved in development programs come into northern Canada, is perhaps fading.

The Government of Yukon has one overriding consideration in any type of Federal Government agency that sticks its nose into the Yukon, and that is the Yukon Government is going to have control absolutely of what they perform and what they do in the boundaries of the Yukon.

There are agreements now signed, particularly one with the Government of Manitoba that I've examined quite thoroughly, between DREE and the government. It's by far the best type of agreement that I have seen DREE and a provincial government develop up to this point in time. It does provide monies in certain areas, particularly in northern programs, and also in other areas, Mr. Chairman, but it also has that money completely and absolutely and the direction of the program under the control of the provincial authorities.

If the Yukon gets into a DREE type program with an agency, other than the Department of Indian Affairs and Northern Development at this time, I think it would be fair to say that those controls and our ability to dictate the terms of the agreement, would be uppermost in our mind before such an agreement was brought to this Assembly for it to be ratified by other members of the Legislature. So, it wouldn't be fair to say that no work



has taken place in this area because there are preliminary type of looks into the areas where we could be helped in future in Yukon by having various agencies of government which are not presently active in Yukon, eventually active groups.

**Mr. Chairman:** Mr. Lengerke.

**Mr. Lengerke:** Mr. Chairman, I'd like to thank the Honourable Minister for his comments. I again would just like to probably conclude this by saying that this Motion is very simple in nature really, it's just asking if somebody would consider doing an investigation. It is not binding us to anything and they're going to come back and they're going to outline the conditions by which they might do it, or in fact, they might well come back and tell us that they cannot even operate in Yukon even if it's through the Minister of Northern Affairs. So with that I certainly conclude discussion on this.

**Mr. Chairman:** Are you ready for the question?

**Some Members:** Question.

**Mr. Chairman:** It has been moved by Mr. Lengerke, seconded by Mr. Berger, that the Territorial Government, through the Minister of Indian Affairs, immediately apply to the Federal Government, Department of Regional Economic Expansion, P.F.R.A. Division, to have an investigation carried out with respect to the feasibility of developing one or two community pastures in Yukon in the near future.

All those in favour?

**Some Members:** Agreed.

**Mr. Chairman:** Contrary?  
The Motion is carried.

*(Motion carried)*

Motion Number 6.

Moved by Mrs. Watson, seconded by Mr. Lengerke, that the Government of Yukon amend policy directive 2/2, titled "Access to Files" to accommodate the specific needs of the Members of the Legislative Assembly who need to have access to Government information in order to carry out their responsibilities as the elected representatives of the Yukon people; and that the amendments be tabled in this House during the life of this Session.

Mrs. Watson.

**Mrs. Watson:** Yes, Mr. Chairman, I don't know whether I'm going to be speaking just to the Motion or will I be allowed to speak to the amended Motion?

**Mr. Chairman:** Yes.

**Mrs. Watson:** Mr. Chairman, this has given me a lot of problems over the past little while, and I spoke to it before in the Committee. Now, how does one go about getting information if you want to do some research or if you want to do a thorough investigation of a problem.

You may not want to go through normal channels, through the Executive Committee to get the informa-

tion for you. You should, it should be the right of every Member of this Legislature to work independently and to know what channels to use without having to go through the normal Executive structure of the Government.

The Policy Directive 2/112, I don't think, is clear enough in the direction, and the fact that the procedure all hinges on the fact that you could get the information through the Executive Committee Member or through the Commissioner himself. And it shouldn't be that way. There should be other people designated.

I'm not looking for personal information, I'm not looking for the opportunity to get my hands on files. That's not the point of this Motion at all. I'm looking to have the government look at this whole business of what information should be available to Members of the Assembly and how do they go about getting this information.

I have several instances, I've gone to members of the Clerk's staff. Now, they don't know and I'm not going to push them into making a decision without having some clear-cut guidelines for them. I'm not going to get any employees into trouble and that's why I think it's so very important and I think that some Members are taking this Motion rather lightly. And to me it's one of the most important things that we should be considering.

The suggestion was made that maybe we should have a research person on staff. Well, that's fine, that's great if we could afford it. But, I think we are, while we are at the level that we're at right now, I think we're still going to have to be prepared to do an awful lot of our research, and if you're going to do research, how do you get information?

I am not proposing to tell the government how to write the guidelines, but I would certainly like to see them review the guidelines, the procedure directive, and that one person or that certain persons are designated as those people that provide the information, that Members of the Legislature may need, if it's classified information, fine.

If we can't have it, that's fine, I am not going to argue about it; in fact, I wouldn't be asking for classified information, I'm sure. But there's a lot of background information that must be available within files on which legislation was drafted in years gone past.

I know there have been studies done by Territorial Government money that are not available to Members of the Legislature, yet really should be, because there's some very important information in some of these studies. These things should be made available to us, and — I'm just asking for the guidelines, the procedure directives, to be reviewed to bring them up-to-date, to let us operate in a meaningful way as Members of this Legislature and as representatives of our constituents.

**Mr. Chairman:** Yes, Mrs. Watson. I should read the amendment actually to which you are now speaking:

Moved by Mr. Lengerke, seconded by Mr. Fleming, that Motion Number Six be amended by deleting the word "number 2/2" in line 1 and replacing it with "number 2/112", and by deleting the words "access to files" in line 2 and replacing the item with "procedure directive". And that the words "by clearly defining guidelines and what classes of information are available to M.L.A.s and to designate persons within government, in addition to the Executive Committee, who can assist and from whom information can be obtained" be



added directly after the word "people" in line 5.  
Mr. McKinnon?

**Hon. Mr. McKinnon:** I wonder if the Chair or the Honourable Member could read the total Motion as it will read with the amendments?

**Mr. Chairman:** Yes.

"That the government of the Yukon amend policy directive 2/112 titled 'Procedure Directive' to accommodate the specific needs of the Members of the Legislative Assembly, who need to have access to government information in order to carry out their responsibilities as the elected representatives of the Yukon people, and that the amendments be tabled in this House during the life of this Session — ". I'm sorry ...

"... to government information in order to carry out their responsibilities as the elected representatives of the Yukon people, by clearly defining guidelines and what classes of information are available to M.L.A.s, and to designate persons within the government, in addition to the Executive Committee, who can assist and from whom information can be obtained, and that the amendments be tabled in this House during the life of this Session."

It's not deleted —

**Mrs. Watson:** "And that the amendments be tabled during the life of this Session" is not part of that Motion.

**Mr. Chairman:** It has not been deleted in the amendment.

**Hon. Mr. McKinnon:** Mr. Chairman, a further amendment, if that was the intent of the amendment, as I understood it was, and that's why I wanted it read in total. There's no objection to the amendment and the Motion as it reads, with that exception, at least for the elected Member of the Executive Committee.

I don't think it's just humanly possible with the demands that are presently being placed on our time with constant Leg. Prog. and ExCom meetings for us to do any kind of a job on delivering those kinds of amendments required at this Session of the Legislature, Mr. Chairman — it's just logistics.

**Mr. Chairman:** Well, I will entertain a sub-amendment. I don't think ...

**Mr. Lengerke:** If that wasn't cleared up it should have been, because certainly the amendment was to delete "and that the amendments be tabled in this House during the life of this Session" would not be included.

**Mr. Chairman:** Someone-else will have to move that sub-amendment, because it's your amendment.

The sub-amendment is moved by Mr. Taylor, seconded by Mr. McCall, that the words "that the amendments be tabled in this House during the life of this Session" be deleted.

Is there any further debate on the sub-amendment?  
Are you ready for the question?

**Some Members:** Question.

**Mr. Chairman:** On the sub-amendment.

**Mrs. Watson:** Thank you.

**Mr. Chairman:** All those in favour?

**Some Members:** Agreed.

**Mr. Chairman:** Contrary?

The sub-amendment is carried. The Motion as amended now reads:

"That the Government of the Yukon amend policy directive number 2/112, titled 'Procedure Directive' to accommodate the specific needs of the Members of the Legislative Assembly, who need to have access to government information in order to carry out their responsibilities as the elected representatives of the Yukon people, by clearly defining guidelines and what classes of information are available to M.L.A.s and to designate persons within the government in addition to the Executive Committee, who can assist and from whom information can be obtained."

Is there any further debate on the amendment?  
Are you ready for the question?

**Some Members:** Question.

**Mr. Chairman:** All those in favour?

**Some Members:** Agreed.

**Mr. Chairman:** Contrary?

The amendment is carried. Is there any further debate on the Motion as amended?

Mrs. Watson?

**Mrs. Watson:** Mr. Chairman, ...

**Mr. Chairman:** Mrs. Whyard, I'm sorry.

**Hon. Mrs. Whyard:** Mr. Chairman, I have every sympathy for the Honourable Member, as I was — great respect for the reasons for which he is proposing this Motion and I would like to assure in all seriousness all Members of this House that there are members of your Executive Committee who have the same frustrations.

It may be very difficult to believe, Mr. Chairman, but there are times when members of the Executive Committee, elected members, are denied access to files which, in my opinion, should definitely be their business to read. I don't know what I could do about that in this Motion, Mr. Chairman, but I certainly would support what the Honourable Member is trying to achieve.

**Mr. Chairman:** Ready for the question?

**Some Members:** Question.

**Mr. Chairman:** That the Government of the Yukon amend policy directive number 2/112, entitled 'Procedure Directive' to accommodate the specific needs of the Members of the Legislative Assembly who need to have access to government information in order to carry out their responsibilities as the elected representatives of the Yukon people by clearly defining the guidelines and what classes of information are available



ble to M.L.A.s and to designate persons within the Government, in addition to the Executive Committee, who can assist and from whom information can be obtained.

All those in favour of the Motion as amended?

**Some Members:** Agreed.

**Mr. Chairman:** Contrary?

The Motion as amended shall carry.

*(Motion carried)*

**Mr. Chairman:** Mrs. Watson?

**Mrs. Watson:** Just in reply to that, the Honourable Minister of Health said, and if she notices in the Motion it may even assist the Members of the Executive Committee if they, in the developing of these procedure directives because it still states to accommodate the specific needs of the Members of the Legislative Assembly.

Now the Members of the Executive Committee are Members of the Legislative Assembly and you have some very specific needs. So, actually, the Motion does, does provide the umbrella under which you may develop some type of guidelines.

**Mr. Chairman:** Mr. Taylor?

**Hon. Mr. Taylor:** I have just one interesting comment on the point raised by the Honourable Member from Kluane. In this policy directive it goes on, it says "However, it should always be remembered that a Counsellor or MP is an elected representative and is therefore entitled to certain special consideration. The authority for determining where such special considerations apply rests with the Executive Committee Member concerned."

**Mr. Chairman:** Motion Number 20. It is moved by Mr. Hibberd that the Government of the Yukon Territory Procedure Directive PRO 2/106 be amended to reflect the content of Mr. Speaker's ruling in this Legislative Assembly on November 10, 1976. I would ask Mr. Taylor to speak to this Motion.

**Hon. Mr. Taylor:** Yes, Mr. Chairman. I wish I had a copy of this to circulate to all Members, but the procedure directive that you've referred to in your Motion, Mr. Chairman, PRO 2/106 is entitled "Forms of Address for Yukon Council" and it cites out a list of things which generally states that direction received from the Minister of Indian Affairs and Northern Development concerning the use of the terms Minister, Yukon Legislative Assembly and so forth. It states that the Yukon Act defines and so forth, and I believe that this is the same policy directive as my friend from CBC has directed to his radio news-room. I notice that they are almost entirely the same.

As all Members are aware, on November the 10th, a ruling was obtained from the Chair in the House which provided that the Assembly will be and is lawfully known as the Yukon Legislative Assembly and is in complete accord with practice and usage of Parliamentary privileges in Canada and not inconsistent with the laws of Canada.

You know, I don't think there is much more I can say on it. I think that it's important that the Government of the Yukon Territory give recognition within the administration to this Assembly and to the elected side of government. I believe that the Executive Committee are empowered, I understand, to collectively make decisions in this regard, and this could be a true test of the powers that the Executive Committee really has.

If a majority of Members of Executive Committee agree to alter this directive, as should be the case, then I would think that it would be possible to make the alterations requested in the Motion.

So I would say very little more at this time, Mr. Chairman. I think it's an important Motion and I think it will show to the Legislature that if the Executive Committee can make these alterations, that indeed the Government of the Territory do, in fact, respect this House.

**Mr. Chairman:** Mr. Lang?

**Hon. Mr. Lang:** Mr. Chairman, I have to rise in full support of the proposed Motion. I think it's time that the people of Canada were aware that the various Members on the Executive Committee do have portfolios, the same responsibilities, as any other elected Member throughout Canada that's in a Cabinet.

We have responsibilities, which in some cases are a lot more far-reaching, because a lot of the issues are at a much more personal level, and sometimes we find it very difficult in our everyday jobs as Ministers to perform with this type of problem confronting us, which is very similar to the situation in Prince Edward Island.

I think it's time we were recognized in this fashion, or else at the same given point in time, if they're not prepared to recognize us as Ministers for this Government, I think possibly then it should be changed in the Government of Canada so that we are referring to the Members of the Privy Council in relation to their everyday duties of their portfolios.

**Mr. Chairman:** Mr. Lengerke?

**Mr. Lengerke:** Thank you Mr. Chairman. I certainly rise in support of this Motion. Being the recipient of a very clearly cut, well defined ruling by Mr. Speaker on a point of privilege one day in this House, I must say that I would hope the Commissioner of this Territory would really take note and suggest, regardless of what the Minister has given him as a directive, I would certainly, if I were the Commissioner, would be fighting that directive, and certainly trying to uphold the ruling of the Legislature here at home.

Thank you.

**Mr. Chairman:** Mr. McKinnon?

**Hon. Mr. McKinnon:** Mr. Chairman, I think that it should be understood by all Members of the Assembly that policy directives do come before ExCom for clearance, procedure directives do not; and probably this is one of the reasons why such a procedure directive has been in the procedure manual of the Government of Yukon.

I have no problem at all in looking at the changing of this procedure directive to accurately reflect the ruling of Mr. Speaker and the rights and prerogatives of this



House, which I am completely and totally in agreement with. Of course, this House has the authority, I think that is obvious, and that the Government of the Yukon should of course reflect the authority that this House has in styling itself as the Yukon Legislative Assembly, and the elected Members of the ExCom as Ministers.

So we will certainly be proceeding with the passage of this Motion through the changing of the procedure directives, and I think that all Members should know and the elected Members on the ExCom should know also that if all we're doing is masquerading as a government and don't have even the power to change a normal procedure directive from Government of the Yukon, then it's time that we quit masquerading and joined together to do battle with the common enemy, so I don't think there will be any problems in having the people who come under our control as Government of Yukon Territory employees know that they are very anxious to be able to address us in the forms and style that they would like to, as good Yukon citizens, and we'll be back to you as soon as possible with the results of changes of this procedure directive that was passed on March 19th of '75.

**Mr. Chairman:** Mrs. Whyard?

**Hon. Mrs. Whyard:** Mr. Chairman, aside from the constitutional background to this Motion, there's a very practical one, and I think women are usually considered pretty practical people, and that is that when you have the honour of representing the Yukon Territory at a provincial conference, or a federal/provincial conference outside of this Territory, it is almost completely impossible to explain to any non-Yukoner attending that conference what a Member of an Executive Committee is.

They have no understanding, because we are absolutely unique in government, as far as I know, and no Canadian has any background or any understanding or any similar experience to compare. They haven't a clue, so then you are forced to explain to them that a Member of the Executive Committee, an elected Member of the Executive Committee in the Yukon, is the equivalent of a Cabinet Minister in a province, and it is then, as I think I've said at other times in this House, Mr. Chairman, that you learn the abysmal ignorance of all concerned regarding this government and this Territory, at the federal senior civil service level, when Assistant Deputies, and Deputy Ministers then say to you, "You mean you have elected Members in your government?"

Mr. Chairman, I am not kidding. They have no knowledge of how far responsible government is moving in the Yukon. They have no knowledge whatsoever that there are elected Members to this House who are carrying the responsibilities of a Cabinet portfolio, and there is only one way to tell them, Mr. Chairman, and that is to have the name as well as the game.

**Mr. Chairman:** Mr. McKinnon?

**Hon. Mr. McKinnon:** Mr. Chairman, as a final note, I think one interesting sidelight to this is that it has now been in usage over several years, where we have been corresponding directly with Ministers of the Federal Cabinet, and it's interesting to note the very real change

it has taken through the form of usage over those two years, where they were very careful to make sure that it said Executive Committee responsible.

Over the past few years, it has changed, so that all letters now which are addressed from Federal Cabinet Ministers to myself over the last six months, have all been addressed as Minister of Local Government, and the salutary greeting inside has always been "Dear Mr. Minister", or "My Dear Colleague", so it's coming about that — and they know very well that the usage which we are using is fully within our jurisdiction and realm of responsibility, and it's interesting to see that they are changing so rapidly at the federal level in dealing with the ExCom Members, Mr. Chairman.

**Mr. Chairman:** Mr. Taylor?

**Hon. Mr. Taylor:** Yes, Mr. Chairman, perhaps one point that I didn't mention in my last remarks is that when the Chair rules such matters, the proclamation is unchangeable by any outside authority out of this House. It is unchangeable. The judiciary cannot change it; the Parliament of Canada cannot change it. It becomes, in effect, law itself, and whether or not the Minister of Indian Affairs recognizes it or not, is another question.

The problem that we've had with the CBC I think is an interesting one as well, and I was fortunate enough yesterday to meet with the Director — pardon me, the Vice-President, that's what I'm searching for, the Vice-President of English Services, and the new Director of Northern Services, and the local station manager and discussed with them the extreme problem we have with their reporting, in terms of usage of names of this Legislature. We discussed the matter at some length, and I was given the assurance by the Vice-President in charge of English Services of the CBC that he would personally take the matter back and cause a meeting to be had in Ottawa or Toronto, as the case might be on this subject.

I don't think that up to the point of that meeting, they understood that perhaps they were in contempt of the House, and perhaps, you know, didn't intend to be. So I'm extremely hopeful that they will do a service to the people of the Yukon by changing their policy in light of the ruling that has been brought down, and I thought I would report this to the House.

**Mr. Chairman:** Are you ready for the question?

**Some Members:** Question.

**Mr. Chairman:** It has been moved by Mr. Hibberd, seconded by Mr. McCall, that the Government of the Yukon Territory, Procedure Directive PRO 2/106 be amended to reflect the content of Mr. Speaker's ruling in this Legislative Assembly on November 10, 1976.

All those in favour?

**Some Members:** Agreed.

**Mr. Chairman:** Contrary.  
The Motion is carried.

*(Motion carried)*



Mrs. Whyard.

**Hon. Mrs. Whyard:** Mr. Chairman, I'm wondering if, in view of the recent developments in the Province of Quebec, whether we should now consider ourselves the National Assembly.

**Mr. Chairman:** With deference to the Member from Hootalinqua, we will proceed with Motion 26, which is a little different than what we have been dealing with at the present time. It has been moved by Mr. Fleming, the matter of the Teslin Sewer Eductor truck and Sewage Lagoon.

**Mr. Fleming:** Yes, Mr. Chairman, this won't take very long and hopefully there won't be much discussion. It is more or less the only way that I had to come forward and more or less get the problem that is in the Town of Teslin, direct to the responsible people today.

I have asked the government when we were going to have the eductor truck available and I have asked also what we were going to do this winter after finding that it would not be available. So therefore, I feel that something should be done and I wish to let the Members responsible know that what the problem is.

The answer I got when I asked when the truck would be available was this, I had two answers. One was that it was ordered November 1, '76, delivery expected April 1, '77. Tank and truck to be manufactured in Eastern Canada. The truck requires special specifications such as automatic transmission, etc. for easier operation and maintenance for L.I.D., thus requiring longer assembly time. I have another one after that that says that Taylor Chev/Olds of Whitehorse received the contract to provide a truck and tank delivered April 1, '77 again.

And in answer to what is going to happen up until this time, the answer is if the sewage lagoon site can be completed substantially for use, a temporary service may be possible, perhaps commencing around mid-December. We have no indication at this time how much work will be accomplished on the lagoon site.

Now the government may not have that information even though they are the prime people that are putting out the contract, but I do have information, because I live right where the site is. The site might possibly have one cell this Fall, but I doubt it. In fact, I doubt if the contractor is working now, due to the weather.

The idea of a truck in mid — a possible truck in mid-December, which is not really the one which was ordered, but possibly something else, doesn't fit in with the rest of the situation in Teslin. We have the problem now, not in mid-December. And the services may be possible.

I want to be sure that the government understands that they now are pumping out the low cost housing, the nursing centres, the wash house in the Indian village, and this type of thing is being done wherever it is necessary and the taxpayer is paying that bill. Our Community Club is being pumped out once in a while and we pay the bill individually.

In my case, in my place, I will probably again have to do something and it looks like I'm again going to have to pay the bill or probably another \$200.00 fine. I'd like to have some answer from them as to whether they are going to do something for the — actually for the tax-

payer that is not connected up with the government this winter in the way of possibly the vehicle that is being used now provided it is a necessity. We have a couple of places that are a necessity and one especially that is running into the Lake and has been ever since we brought the matter to their attention a couple of years ago.

That's all I have to say Mr. Chairman. I hope that they take it in good faith and do something about it.

**Mr. Chairman:** Thank you, Mr. Fleming.

**Hon. Mr. McKinnon:** Mr. Chairman, the problem that the Honourable Member raises of course is the straight delivery problem from the ordering of a vehicle which is a special type of vehicle necessary to do a specific job, and even though you order them in November, they come back and say it will take six months, eight months, twelve months to deliver.

Governments are always faced, every private contractor, every individual doing business, is faced with specialized equipment with the same problem. Problems of government is that by the time they go through the budget, financing, and the review of the way that they go about ordering, that they don't have the lead time and the possibility of ordering several years in advance. They have to wait until the money is voted in the budget before they can move any further.

I just want to say something — we'll find a solution to the problem that the Honourable Member raises for this winter. We, generally, when these problems in individual communities come up, I think without exception, that we're able to find a solution on a common sense basis through dealing with members in the community.

I just wanted to say that I have never been involved in a better display of government and local community involvement than in the area of the Teslin sewer disposal system.

The first I found out about the necessity for — that the problem was evident in Teslin, that something should be done about it, the first correspondence I had was on November 3rd of 1975. Within the course of the year, Mr. Chairman, there has been a total engineering program that was initiated by members of the Teslin District, who said we don't want the normal engineering program where people come down and put a different system that we don't want. We know what we want, we want this time to be able to go to the engineers and say, "These are our ideas and we would like to see you work on our ideas", rather than come with the normal type system and tell us that this is what we want.

That's what was happening, the members were consulted all the way along the line, a vote was taken, it got support and so we went on further in putting the plan that was voted upon by the residents into operation, and this year we have let the contract go for the lagoon. It's not going to be finished in this building season, and also let the contract go for the trucks.

So within a year, government, through involvement with the local citizens, have got this thing off the ground to a very great degree and the total first phase of the system will be finished by next year. I think that's a real compliment to the people in Local Government, and the people of Teslin and everybody involved, because I know that the work of the Local Government advisor in



this area, he's been complimented and our Department has by his involvement, and I think it's probably the fastest that I've seen all the different areas go into action, move into action, to get a solution to a problem which was in the Teslin area.

So, we are not going to get the eductor truck until the earliest next Spring, that's a straight delivery problem because it's specialized equipment. I don't think you can blame government for that, there's a problem in Teslin over this winter as there have been in past winters, and we'll find a solution to it, I can assure the Honourable Member from Hootalinqua that we will.

**Mr. Chairman:** Mr. Fleming?

**Mr. Fleming:** Mr. Chairman, I would take that as very good faith myself, and I won't belabour the subject any further myself. Maybe somebody else wants to.

**Mr. Chairman:** Mrs. Watson?

**Mrs. Watson:** Mr. Chairman, I think this would be an ideal time to talk a little bit more about sewage, particularly sewage disposal systems, and I asked the Honourable Member, the Minister of Local Government, to table the applications and licence forms for — that the Y.T.G. had applied to the Water Board for, for water and sewage disposal in the L.I.D.'s and the reason I asked for this information to be tabled, was I noted that the L.I.D. application for a Water Board licence had been — the application was in the name of the Teslin L.I.D., and the licence was granted, I believe, to the L.I.D.

I'm not sure whether the licence was granted, but I know the application was made in the name of the L.I.D.

Now, Watson Lake, Mayo and Haines Junction's applications were made in the name of Y.T.G. and the licence was also issued to the Territorial Government.

Now, I'm somewhat concerned, because the L.I.D. at Haines Junction are looking at a new sewage disposal system, they are reviewing it, and they probably will have to apply to have a renewal of their licence and I'm concerned whether that licence will be applied for by Y.T.G. for the L.I.D. at Haines Junction, and that the licence will be in the name of the L.I.D. at Haines Junction. The reason for my concern is that under the Local Improvement District Ordinance, local improvements are turned over to the L.I.D. by Y.T.G.

It doesn't — and then the next clause says, "The operation and maintenance is done by the L.I.D." It does not say that the L.I.D.'s now own that local improvement.

Now who is ultimately going to be responsible for any liability that may occur, because of that local improvement, and I'm thinking of a lagoon or so on. If there's flooding and this type of thing, if somebody wants to take some action, they'll take the action against the Teslin L.I.D., but the Teslin L.I.D. does not have money, and they have no capability under the legislation to raise money.

That is the reason, Mr. Chairman, that I asked for these documents to be tabled, I wanted to have a look at them, and I would hope that the Minister of Local Government will look at the situation, to whom should the licences actually be granted, the Water Board licences, considering the legal positions of the L.I.D.'s in the — under the existing legislation that they have now?

I think that it puts the, when the application is made to the Water Board, by the L.I.D., I think then that some are very bad position because they're giving a licence to somebody who doesn't own anything and hasn't any capability of raising any money. I would certainly hope that some review would be made.

**Hon. Mr. McKinnon:** Mr. Chairman, the easy answer is that as soon as the suit came against the L.I.D., if I were a member of the L.I.D. I'd dissolve because there's a section in the Ordinance that says that once that is done all the responsibilities and all the assets and liabilities are the responsibility of the Commissioner, so you could say well, there you go boys, it's your mess not mine any longer, if it were a major problem.

The Honourable Member makes a very good point because there is a problem of if a Local Improvement District is charged with local improvements and the asset following the construction, then it would seem to follow quite logically that the asset should be in the name, in the licensing, of the Local Improvement District. That's the problem with all elected officers, the Honourable Member knows, whether it happens to be at the Territorial Assembly level, at the Municipal level or the Local Improvement District level. At any point of elective office, anywhere up to, I imagine, a Member of Parliament, at what point does the elected member assume responsibility for things he has done and has not done?

We have tried to answer it in various Municipal Ordinances. Different provinces have tried to answer it in various Provincial Legislature Acts and the Federal Government has tried to answer it in the House of Commons Acts.

It's an ever present question and one I don't think ever really gets satisfactory answers at any level.

**Mr. Chairman:** Mrs. Watson?

**Mrs. Watson:** Mr. Chairman, but I think one of the big points is that the L.I.D. legislation does not clearly define who is the owner of the asset and I think that this is where the problem is that the L.I.D. could say it's Y.T.G.'s and Y.T.G. could say that it's the L.I.D.'s, because they have turned it over and the L.I.D. would say for operation and maintenance.

It's not clear enough and some individual who had some great property damage possibly as a result of a non-functioning of a sewage lagoon or sewage disposal system, which is, you know, not inconceivable, would have no course of action through any legal structure, so that, that is the area where I have some concern.

They are in the legislation given the power to own land, but it doesn't say that they own the local improvement; it just says they operate and maintain. This is the area where I would direct the Minister's attention and if he is talking about amending legislation I certainly think they should take that into consideration and possibly somehow or other provide, if the Territorial and L.I.D. are going to get the licence, they should then have some letter of intent or some letter of accepted responsibility by the Territorial Government regarding the sewage lagoon — the responsibility itself.

**Mr. Chairman:** Is there any further debate?

We will proceed to Motion Number 22. It is moved by



Mrs. Watson that YTG Liquor Inspectors, who are required to assist in the administration and enforcement of the Liquor Ordinance, be established forthwith under the sole jurisdiction and control of the General Manager and the Board of Directors of the Liquor Corporation.  
Mrs. Watson?

**Mrs. Watson:** Yes, Mr. Chairman, if the liquor legislation ever passes through this House so that we do have a Liquor Corporation, my Motion directs that the Liquor Inspectors come under the control of the corporation forthwith and under the General Manager and the Board of Directors. Too often we have our inspectors wearing several hats and it's very difficult to, I'm sure it is very difficult for them to perform and it's a little difficult for the people who are being inspected because they never know which one it is, whether today he's a labour inspector or something else the next day.

I think I've spoken on this before and I would be very anxious that this Motion should pass this House so that when and if the Liquor Corporation is established they will have at least some type of inspection service that they will be able to control and direct.

**Mr. Chairman:** Mr. Lengerke?

**Mr. Lengerke:** Mr. Chairman, as seconder of that Motion and certainly as I made many comments with respect to the inspection services when we were discussing the Ordinance, I concur wholeheartedly and I know that the legislation that was brought forth with respect to the establishment of a Liquor Control Board as such, Corporation, is excellent. But I also know that, without a realistic inspection service under their control, that the benefits that supposedly are going to come forth from that type of corporation and organization will not accrue to the people of the Yukon if we don't have proper inspection services.

I can just see a great frustration if in fact we are going to have inspectors as the Honourable Member has said wearing a number of hats. I think it is all too important a subject to deal with if you are just going to have a novice inspector involved. I think he has to understand the industry; he has to understand the people that he is dealing with, the hotel keepers, the people that go and frequent bars and licensed premises, and the rest of it.

I think he has to be very comprehensive in his knowledge of what is going on. That is why I suggest that we certainly do put the inspectors under the jurisdiction of the Board.

**Hon. Mrs. Whyard:** Mr. Chairman, I know that the people who are charged the responsibility for administering and enforcing the Liquor Ordinance will be more than pleased to have this Motion carry in this House because it will fill a need they have been pointing out for some years.

**Mr. Chairman:** Is there any further debate on Motion 22?

Mr. Lang?

**Hon. Mr. Lang:** Yes, Mr. Chairman, I would like to ask the Honourable Member, in relation to this Motion, just how many liquor inspectors does she envisage hav-

ing to come under the jurisdiction of the Liquor Corporation in order to perform this type of function, because I think it is fairly — all Members should be aware that when we are passing this Motion, which I have no problem with, but at the same time you'd best be aware that you are looking possibly at an increase in man years; possibly one, two or three, I don't know; you are looking in the area of possibly 15 to 30 thousand dollars or something. So I think that all Members should be aware of what this — the intent of this Motion and the implications of it.

**Mr. Chairman:** Mrs. Watson?

**Mrs. Watson:** Mr. Chairman, I'm well aware of that, but underneath the — but under the Liquor Ordinance if it passes and the Corporation who will be the body that determines the inspection services that are required; I think it will be up to them to determine the number of inspectors and they will make the recommendations for the — in the budgetary estimates. So I would certainly not want to say one inspector, two inspectors, because if they feel very strongly that they require three or four in the Yukon Territory, their salaries are charged to the Liquor Account. So it is really at their discretion with our approval in dollars and cents.

**Mr. Chairman:** Is there any further debate on Motion 22? It was moved by Mrs. Watson, seconded by Mr. Lengerke, that the YTG Liquor Inspectors who are required to assist in the administration and enforcement of the Liquor Ordinance be established forthwith under the sole jurisdiction and control of the General Manager and the Board of Directors of the Liquor Corporation.  
All those in favour?

**Some Members:** Agreed.

**Mr. Chairman:** Contrary?  
The Motion is carried.

*(Motion carried)*

**Mr. McCall:** Yes, Mr. Chairman, I would move that Mr. Speaker do now resume the Chair.

**Mr. Fleming:** I second that.

**Mr. Chairman:** It was moved by Mr. McCall, seconded by Mr. Fleming, that Mr. Speaker do now resume the Chair. Are you ready for the question?

**Some Members:** Question.

**Mr. Chairman:** Are you in favour?

**Some Members:** Agreed.

**Mr. Chairman:** Motion is carried.

*(Motion carried)*

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



tees?

**Mr. Hibberd:** Yes, Mr. Speaker. The Committee of the Whole have discussed Motions 27, 6, 20, 26 and 22 and directed me to report the same.

The Committee of the Whole have also considered Bill Number 11, "An Ordinance to Amend the Public Service Staff Relations Ordinance" and Bill Number 12 "An Ordinance to Amend the Municipal Ordinance", and directed me to report the same without amendment.

Committee have also considered Bill Number 2 "Electrical Protection Ordinance" and directed me to report progress on same, and asked leave to sit again.

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

**Some Members:** Agreed.

**Mr. Speaker:** May I have your further pleasure at this time?  
The Honourable Member from Riverdale?

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

**Ms. Millard:** I second that Motion.

**Mr. Speaker:** It has been moved by the Honourable Member from Riverdale, seconded by the Honourable Member from Ogilvie, that we do now call it five o'clock.

Are you prepared for the question?

**Some Members:** Question.

**Mr. Speaker:** Are you agreed?

**Some Members:** Agreed.

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

*(Motion carried)*

**Mr. Speaker:** This House now stands adjourned until 10:00 a.m. tomorrow morning.

*(ADJOURNED)*

THE FOLLOWING SESSIONAL PAPER WAS TABLED

76-3-34

**Mr. Lengerke's Proposed Committee**

THE FOLLOWING LEGISLATIVE RETURNS WERE TABLED

76-3-21

**Northern Research Project - Old Crow**

(Written Question Number 11)

76-3-22

**Campground Permits**

(Written Question Number 20)

76-3-23

**Territorial Agent**

(Written Question Number 23)

76-3-24

**Stabilization Plans for Asbestos Tailings/Survey on Asbestos Fibre Levels**

(Written Question Number 8)



LEGISLATIVE RETURN #27  
1976 (Third) Session

LEGISLATIVE RETURN #27  
1976 (Third) Session

Mr. Speaker  
Members of the Assembly

On November 15, 1976, Ms. E. Millard asked the following question:

"How much money is the Northern Yukon Research Project near Old Crow receiving from the Canada Council, and how much of that money is left in the Yukon? Also, what special permits are issued to the NYP by the Yukon Territorial Government?"

The answer to the above question is as follows:

The Director of the Northern Yukon Research Project has advised that the Canada Council originally authorized an annual budget of up to \$200,000 for a five year program which commenced in 1975. This was subsequently reduced to \$175,000 due to the government policy of financial restraint. These funds may be augmented to an unknown extent by additional funds contributed by agencies such as the Connaught Foundation, Canadian Gas Arctic or others.

In a report dated January 27, 1976 the project Director advised of the following expenditures in Yukon in the first (1975) season of the program.

- about \$8,500 in salaries to six residents of Old Crow
- about \$8,000 in supplies purchased in Yukon
- miscellaneous expenditures of a minor nature up to \$2,000 for accommodations, etc.

The same source forecast the hiring of about 10 residents for 2 1/2 months each in 1976 and a similar level of activity. Two riverboats would be constructed at a total cost of approximately \$1,600. The 1976 progress report is not yet available.

Helicopter charter, which amounted to some \$36,000 in 1975, was provided by an Inuvik based firm.

A license is granted under the authority of Scientists and Explorers Ordinance on application for each year's activity. The license specifies the conditions, and an annual progress report is required.

The Northern Yukon Research Program is complementary to and in no sense duplicates the program carried out in the northwest Yukon by the Bering Yukon Refugium Project which is carried out with funds from the operating budget of the National Museum of Canada and the Geological Survey of Canada. The NYP party shares the facilities of the Northern Yukon Research Project near Old Crow for a short period each summer.

Nov 22 1976  
Date

*Alvin Pearson*  
Signature

Mr. Speaker  
Members of the Assembly

On November 18th 1976, Mr. Fleming asked the following question:

"How many campground permits were sold in the past year and how much money was collected? How much did the program cost?"

The answer to the above question is as follows:

This year a new campground fee structure was introduced whereby the annual campground fee was increased from \$5.00 to \$10.00 and a daily fee of \$2.50 was introduced as an option to purchasing the annual permit. At the same time residents were allowed the free use of campground facilities.

A total of 2170 annual permits and 3629 daily permits were sold for a total of \$30,772.50. This dollar figure represents an actual 21% increase over the previous year. However, if we are to consider the 20% decline in highway traffic this year and assume a similar parallel decrease in the potential to collect fees, the amount collected this year represents a theoretical 5% increase from the previous year.

The cost of this year's campground fee collection program was \$17,952.00 resulting in a net gain of \$12,820.50. However, the cost of this year's program included the changing of all border signs, campground information signs and campground fee signs as well as a brochure to explain the fee increase. These costs will not appear in subsequent years.

Nov. 22, 1976

*F. J. Gillespie*  
F. J. Gillespie,  
Assistant Commissioner (Exec.)



LEGISLATIVE RETURN #23  
1976 (Third) Session



LEGISLATIVE RETURN #23  
(1975 THIRD Session)



Mr. Speaker  
Members of the Assembly

Mr. Speaker,  
Members of the Assembly

On November 18th, 1976 Ms. Millard asked the following written question respecting Territorial Agents:

"Does the definition of the position of Territorial Agent include the following responsibilities:

1. to provide access for individual citizens to Territorial regulations
2. to advise individuals concerning government policies"

The answer to this question is:

1. The duties of Territorial Agent are discharged by Liquor Vendors in communities other than Whitehorse. One of the specified duties is to provide information in representation of various Departments of the Territorial Government. As all Territorial Agents are provided with copies of The Revised Ordinances and Regulations persons wishing to examine them may do so in the office of the Territorial Agent.
2. Territorial Agents are able to advise individuals on Government policy only in certain areas of concern. They are not familiar with all operations of the Government and are therefore unable to advise on all Government policies. Their primary responsibilities relate to the administration of The Liquor Ordinance and the Motor Vehicles Ordinance as well as authorization to issue Marriage licences, business licences and burial permits.

November 22nd, 1976

*P. J. Gillespie*  
P. J. Gillespie

On November 15, 1976, Ms. Millard asked the following question:

Could the Minister of Health, Welfare & Rehabilitation report to the Legislature concerning the stabilization plans for the asbestos tailings at the Clinton Creek mine, and also on the survey by the Regional Mining Engineer on the asbestos fibre levels as they occur in areas in the Yukon where asbestos is handled or stored other than at the Clinton mine?

The answer to the above question is as follows:

With regard to the stabilization plan for asbestos tailing at Clinton Creek, the Department of Indian and Northern Affairs and the Yukon Territory Water Board are in receipt of a preliminary report on the proposed rehabilitation and stabilization of the waste rock dump and mill tailings pile.

Cassiar Asbestos Corporation is required to provide a final plan for approval by the Department and the Water Board six months prior to closure of the mine.

Although, under present tailings disposal methods, wind erosion does not appear to be a problem, this possibility will be further discussed and investigated.

With regard to the survey of possible hazards related to the transportation of asbestos fibre, a full report was provided the Commissioner on November 18. In summary this report states that samples taken on several different occasions showed that:

- (a) in the garage locations levels of asbestos fibre in the air did not exceed 0.23 fibres per millilitre and averaged 0.01 to 0.08 f.p.m.l.
- (b) in the off-mine sheds and storage yards levels ranged from 0.04 to 0.16 f.p.m.l. in the yard and 0.10 to 0.45 f.p.m.l. at fixed locations in the shed.

However, personal samples taken on fork lift drivers and sweepers in the shed ranged from 0.55 to 0.86 f.p.m.l. These levels originate from bags broken during transfer and handling, and from hand sweeping operations.

The above levels are well below the established occupational levels for mining operations of 5 f.p.m.l. at present and 2 f.p.m.l. in the future.

White Pass & Yukon Route, operators of the transfer shed and storage yard, have been asked to take steps to eliminate bag breakage and use vacuum systems to clean up spilled fibre. Wearing of approved masks has also been recommended.

The Regional Director of Resources and Chairman of the original Task Force states that he will arrange for further monitoring in the shed area and that if the expected improvement in house-keeping occurs, it should not be necessary to establish mandatory levels or monitoring of such.

A copy of the Regional Mining Engineer's report of November 17 is attached.

Nov. 23rd 1976.  
Date

*D. Whyand*  
Signature