



# The Yukon Legislative Assembly

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7th Session,

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Debates & Proceedings

**Thursday, November 25, 1976**

Speaker: The Honourable Donald Taylor



The Yukon Legislative Assembly

1974

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November 25, 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 this time with the Order Paper, under Routine Proceedings.

Are there any documents for tabling this morning?  
The Honourable Minister of Education?

#### TABLING OF DOCUMENTS

**Hon. Mr. Lang:** Mr. Speaker, I have for tabling, a document concerning the Community Basic Education and Life Skills Program.

**Mr. Speaker:** Are there any further documents for tabling? The Honourable Minister of Local Government?

**Hon. Mr. McKinnon:** Mr. Speaker, on March 11th, 1976, it was moved by the Honourable Member from Pelly River and seconded by the Honourable Member from Whitehorse Riverdale, that it is the opinion of this House that the Yukon Housing Corporation, together with the Yukon Builders' Association, pursue in cooperation with other Federal and Territorial agencies, the feasibility of establishing a Yukon industry for the purpose of prefabrication and ready-to-move housing structures.

Attached is a study entitled "A Preliminary Assessment Into the Viability of Home Manufacturing in the Yukon", which was prepared for the Yukon Housing Corporation, Mr. Speaker.

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

Under Reports of Committees, may we have a report from the Chairman of Committees of the Whole House?

#### REPORTS OF COMMITTEES

**Mr. Hibberd:** Mr. Speaker, the Committee of the Whole considered Motion Number 23 and directed me to ask leave to sit again.

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

**Some Members:** Agreed.

**Mr. Speaker:** Leave is granted. Are there any further Reports of Committees? Petitions? Introduction of Bills? Notices of Motion for the Production of Papers? Notices of Motion or Resolution?

The Honourable Member from Kluane?

#### NOTICES OF MOTION

**Mrs. Watson:** Yes, Mr. Speaker. I would like to give Notice of Motion that matters relating to the Territorial Government policy of annual rental for leased land be moved into Committee for discussion.

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

The Honourable Member from Kluane.

**Mrs. Watson:** Yes, Mr. Speaker, I will give Notice of Motion, seconded by the Member from Klondike, that the Homeowner Grant Ordinance, Section 4(1), be amended during this Session to provide that an application for a homeowner grant must be made on a prescribed form and delivered to the Territorial Treasurer not later than December 30 of the year in respect of which the application is made.

**Mr. Speaker:** I would have to reserve my ruling on that Motion. I'll study it to see if it is in fact possible to move that.

The Honourable Member from Whitehorse Riverdale.

**Mr. Lengerke:** Notice of Motion with respect to N.C.P.C., the Yukon Legislative Assembly in recognizing the concerns of all Yukoners as to the continued and future operation of the Northern Canada Power Commission, urges — this Notice would be sent to the Minister, by the way, Mr. Speaker — urges you, when considering the recommendation of the task force on rates to take immediate action with respect to amending the N.C.P.C. Act so that financial relief can be given to the Commission in such a way to guarantee a positive financial position for present and future operation and in turn provide stability to the rate structure effecting energy users in the Yukon and the Northwest Territories.

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

We will then proceed to Statements by Ministers.  
That brings us then to the question period.

**Mr. Speaker:** Have you any questions?  
The Honourable Minister of Health and Welfare.

**Hon. Mrs. Whyard:** Mr. Speaker, before getting into the question period, I would appreciate the House recognizing, in the Gallery, the presence of Judge Ernest Boychuk of Saskatchewan who has come to the Yukon to assist us with a workshop on juvenile problems.

*(Applause)*

#### QUESTION PERIOD

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

**Question re: Snowplowing Right-of-ways.**



**Mr. Fleming:** Yes, Mr. Speaker, I have a question for the Minister of Local Government this morning. It is more or less a supplementary on the answer I got from the Minister the other day, in regards to the snow plowing on the right-of-way on the highway, but it is a different question because it is going to come in to the legal — I would ask the Minister, when he said that they did plow it, the approaches, does that mean that they plow out the approaches to the edges of the right-of-way, or do they merely plow out the burn that is built on the highway, in the winter time with the graders?

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

**Hon. Mr. McKinnon:** Mr. Speaker, one of these days, one of these days I'm going to get it through that I am not responsible for highways and public works, and I will direct the question to the Executive Committee Member in charge of Highways and Public Works.

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

**Mr. Fleming:** Mr. Speaker, then would the Honourable Minister also direct this one to the Department of Highways?

If in fact, they do not plow any farther than the shoulder of the road and do not plow to the perimeter of the right-of-way, and the person owning properties adjacent to this plowed that portion that is Crown lands, would he not be liable for prosecution if anything happened on there?

**Hon. Mr. McKinnon:** Mr. Speaker, I will direct the question to the proper authority. On this whole question, you know, when we are going to get into a system of a real firm policy set down, there's going to be a lot of disadvantages to the system that now works quite well, that everybody just keeps quiet about, Mr. Speaker.

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

#### Question re: Fishing Rights

**Mr. Berger:** Yes, Mr. Speaker, the supplementary question to an answer received the other day on fishing licences, I would like to inquire about.

My other question would be who is eligible to receive a commercial fishing licence and one other question I have is what steps did the Department of Fisheries take to preserve the fishing rights of the native people in the Yukon Territory?

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

**Hon. Mrs. Whyard:** Mr. Speaker, on November 23rd, the Honourable Member from Pelly asked a number of questions regarding x-rays at Faro, and I would like to table the answers to those questions 27, 28 and 29.

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

**Mr. Berger:** Yes, Mr. Speaker, I believe I didn't say who I directed my question to. I direct my question to Mr. Commissioner.

**Mr. Speaker:** I thank the Honourable Member. The Honourable Minister of Education?

**Hon. Mr. Lang:** Mr. Speaker, yesterday the Honourable Member from Whitehorse South Centre asked if the position of the coordinator of the Remedial Tutor Program was a paid position.

Mr. Speaker, it is a paid position, it is defined as a half time position, and the salary is \$8,000.00 per annum.

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

#### Question re: Written Answers

**Mrs. Watson:** Mr. Speaker, a question, at what time should the Members of the Government, the Executive Committee be bringing forth their written answers to questions? There seems to be confusion.

**Mr. Speaker:** I don't believe there's any confusion. This is the process that we've followed since the beginning of this Session.

Are there any further questions? The Honourable Member from Klondike?

#### Question re: Tax Collection

**Mr. Berger:** Yes, Mr. Speaker, I again direct a question to Mr. Commissioner. In the near future, the Yukon Territory, as proposed last Spring, will take over the tax collection, income tax collection, and my question is, under this proposal is it possible for companies operating in the Territory, to defer their taxes.

#### Question re: Companies deferring taxes.

**Mr. Berger:** The other question is, in connection with this, how many companies in the Territory are deferring taxes right now? Who are they, and how much money do they owe to the Federal Government?

**Mr. Speaker:** Is this a written question?

**Mr. Berger:** No, it's an oral question, Mr. Speaker.

**Mr. Speaker:** Perhaps a question of that length and involving that much research should be a written question, however, Mr. Commissioner.

**Mr. Commissioner:** Mr. Speaker, I'm afraid that I can't answer that question today. I will have to do considerable researching for the answers and report back at a later date.

**Mr. Speaker:** Any further questions? We'll then proceed at this time to Orders of the Day. Oh, I'm sorry, Mr. Commissioner.

**Mr. Commissioner:** Mr. Speaker, I have some answers to oral questions that were submitted to the House



on November 22. Dr. Hibberd asked the following question. The recently announced government restraints on spending for the remainder of the fiscal year caused considerable concern to the Yukon Territorial Public Service Association and I understand that there was a meeting between the members of the Executive Committee and the members of the Union. I am wondering if there are any changes brought about as a result of that meeting, and secondly, if there is to be a continuing dialogue between the government and Y.T.P.S.A. regarding these budgetary restrictions. The answer is, there were no changes made to the financial restraint programme. We have agreed to keep the Y.T.P.S.A. advised of any action we take concerning changes to the staff establishment.

The second question, submitted on November 17, by Ms. Millard. How long is it going to take the Community Employment Strategy Programme to be implemented? The Department of Manpower and Immigration is currently assessing the Community Employment Strategy Programmes, which have been put into operation in some of the provinces. There have been some difficulties encountered in the structural planning of a programme for Yukon and, at the present time, there are no immediate plans to implement a Community Employment Strategy Programme in Yukon.

Finally, on November 18, Dr. Hibberd asked the following question regarding the Lynn Building. I understand the lease that the government undertook is not yet expired. I would like to know what this building is now being used for in terms of government use and what other uses do you intend to put it to? The Lynn Building is presently vacant. This government has no future uses for this building. We have attempted to sublet the building, but were unsuccessful.

Thank you.

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

**Hon. Mr. McKinnon:** Mr. Speaker, I would like to table the answer to a question asked by the Honourable Member from Hootalinqua on November 15 concerning the dump at Squanga Lake. If I could just add a bit of a disclaimer — I don't like the answer, Mr. Speaker, and neither will he.

**Mr. Speaker:** We'll then proceed to Motions.

**ORDERS OF THE DAY**

**MOTIONS**

**Madam Clerk:** Motion 32, standing in the name of the Honourable Member, Mr. Fleming.

**Mr. Speaker:** Is the Honourable Member prepared to discuss Motion 32 this morning?

**Mr. Fleming:** Yes, Mr. Speaker.

**Mr. Speaker:** It has been moved by the Honourable Member from Hootalinqua, seconded by the Honourable Member from Whitehorse Riverdale, that the Minister of Indian Affairs and Northern Development con-

sidered nominations from the Yukon Legislative Assembly when appointing members to the Federal-Territorial Lands Advisory Committee.

The Honourable Member from Hootalinqua.

**Mr. Fleming:** Mr. Speaker, I would ask that somebody move that this go into Committee of the Whole.

**Mr. Hibberd:** I so move.

**Mr. Berger:** I second that.

**Mr. Speaker:** It has been moved by the Honourable Member from Whitehorse South Centre, seconded by the Honourable Member from Klondike, that Motion Number 32 be referred to the Committee of the Whole. Are you prepared for the question?

**Some Members:** Question.

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

**Some Members:** Agreed.

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

*(Motion carried)*

**Madam Clerk:** Motion 33, standing in the name of the Honourable Member, Mr. McIntyre.

**Mr. Speaker:** Is the Honourable Member prepared to discuss Motion Number 33 this morning?

**Mr. McIntyre:** Yes, Mr. Speaker. The appointment of Keith Byram to the Territorial Water Board has been discussed by the Members, and I think we could proceed with the question.

**Mr. Speaker:** It has been moved by the Honourable Member from Mayo, seconded by the Honourable Member from Watson Lake, that the Yukon Legislative Assembly recommend to the Minister of Indian Affairs and Northern Development the appointment of Keith Byram to the Territorial Water Board.

Is there any further debate?

**Some Members:** Question.

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

**Some Members:** Agreed.

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

*(Motion carried)*

**Madam Clerk:** Motion 34, standing in the name of the Honourable Member, Dr. Hibberd.

**Mr. Speaker:** Is the Honourable Member prepared to discuss Motion 34?

**Mr. Hibberd:** Yes, Mr. Speaker.



**Mr. Speaker:** It has been moved by the Honourable Member from Whitehorse South Centre, seconded by the Honourable Member from Whitehorse Riverdale, that the Green Paper on the Motor Vehicles Ordinance be referred to Committee of the Whole.

Are you prepared for the question?

**Some Members:** Question.

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

**Some Members:** Agreed.

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

*(Motion carried)*

**Mr. Speaker:** This then brings us to Public Bills.

**PUBLIC BILLS**

**Bill Number 12 — Third Reading**

**Madam Clerk:** Third Reading, Bill 12, "An Ordinance to Amend the Municipal Ordinance".

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

**Hon. Mr. McKinnon:** Mr. Speaker, I move, seconded by the Honourable Member from Whitehorse West, that Bill Number 12, "An Ordinance to Amend the Municipal 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 12 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 that the Motion is carried.

*(Motion carried)*

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

**Hon. Mr. McKinnon:** Yes, Mr. Speaker, I move, seconded by the Honourable Member from Whitehorse West, that Bill Number 12, "An Ordinance to Amend the Municipal Ordinance", be now passed 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 12 be now passed 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:** May I have your pleasure at this time? The Honourable Member from Pelly River?

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

**Mr. Fleming:** I second that Motion.

**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 and the House resolve into Committee of the Whole for the purpose of considering Bills, Sessional Papers and Motions.

Are you prepared for the question?

**Some Members:** Question.

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

**Some Members:** Agreed.

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

*(Motion carried)*

*(Mr. Speaker leaves the Chair)*

**COMMITTEE OF THE WHOLE**

**Mr. Chairman:** I now call this Committee to order. We will be proceeding with the amendments to the Electrical Protection Ordinance.

I now declare a brief recess.

*(Recess)*

**Mr. Chairman:** I now call Committee to order. We will proceed with the amendments to Bill Number 2, "An Ordinance to —", "Electrical Protection Ordinance". I refer you to Page 3, Section 2(1):

It has been moved by Mr. McKinnon, seconded by Mrs. Whyard, that Bill Number 2 entitled "Electrical Protection Ordinance" be amended as follows: Section 2(1), definition of "qualified journeyman" to read as follows:

"Qualified Journeyman means a person who has complied with the tradesmen qualifications regulations and is the holder of a tradesmen qualification certificate in the construction electrician's trade, or who has



been issued a temporary certificate by the Chief Inspector”.

Mr. McKinnon?

**Hon. Mr. McKinnon:** Mr. Chairman, I think that it probably would help Committee to just explain the thrust of the amendments as they appear before Committee. All of them are tied together, and it was questioned in Committee that there might be some difficulty with the terminology that was being used, the Ordinance where you used two different sets of licences or permits or certificates; so they're completely separate now.

There's a licence, one licence, a permit, one permit, a temporary certificate, one certificate, and each is defined and each has its own place, and I think that, with the terminology and definition of the temporary certificate, that the difficulty of definition has been overcome, to our satisfaction at least, Mr. Chairman.

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

**Some Members:** Agreed.

**Mr. Chairman:** On the same page — moved by Mr. McKinnon, seconded by Mrs. Whyard, that Bill Number 2, “Electrical Protection Ordinance”, be amended as follows:

Section 2(1) — insert a definition of temporary certificate to read as follows: “Temporary Certificate means a temporary certificate issued pursuant to Sections 17 and 29 of this Ordinance.”

Is there any debate?

Shall the amendment carry?

Mrs. Watson?

**Mrs. Watson:** Mr. Chairman, I'd just like to comment that I find the terminology being proposed now is much better and it certainly ties the certificate or the former permit directly to qualification, which was the original intent. So I'm quite satisfied with the proposed amendment.

**Mr. Chairman:** Thank you, Mrs. Watson. Shall the amendment carry?

**Some Members:** Agreed.

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

**Some Members:** Agreed.

**Mr. Chairman:** Page 12 — moved by Mr. McKinnon, seconded by Mrs. Whyard, that Bill Number 2, “Electrical Protection Ordinance”, be amended as follows:

17(2): “The Chief Inspector may issue a temporary certificate to any person who satisfies him that he is a Qualified Journeyman from another jurisdiction or holds a Tradesmen Qualification Certificate in the construction electrician's trade, issued by an authority outside the Yukon Territory for such period as will enable him to obtain a Tradesmen Qualification Certificate in the construction electrician's trade, pursuant to the Apprentice Training Ordinance, but no such temporary certificate will be valid for any period in excess of three

months.”

Is there any debate?

Shall the amendment carry?

**Some Members:** Agreed.

**Mr. Chairman:** Moved by Mr. McKinnon, seconded by Mrs. Whyard, that Bill Number 2, the Electrical Protection Ordinance, be amended as follows:

17(3): “The holder of a temporary certificate issued pursuant to this section may work as and hold himself out as a Qualified Journeyman for the period of the validity of the certificate.”

Is there any debate?

Shall the amendment carry?

**Some Members:** Agreed.

**Mr. Chairman:** Shall Clause 17 carry?

**Some Members:** Agreed.

**Mr. Chairman:** Page 16, Section 29(1): Moved by Mr. McKinnon, seconded by Mrs. Whyard, that Bill Number 2, “Electrical Protection Ordinance”, be amended as follows:

“29(1): Notwithstanding Section 17, for a period of two years after the coming into force of this Ordinance, the Chief Inspector may issue a temporary certificate to any person who, although not a Qualified Journeyman, satisfies the Chief Inspector that the applicant has been carrying out work as a contractor prior to November 1, 1976, and is reasonably capable of performing electrical work without danger to the public.

“(2) The Chief Inspector may impose conditions in respect of the temporary certificate, which conditions shall be endorsed upon the certificate, including the condition that the holder of the certificate, within a time endorsed upon the certificate, obtain a Tradesman Qualification Certificate in the construction electrician's trade.

“(3) The Chief Inspector may cancel any temporary certificate issued pursuant to this Section for a breach of a condition, or may extend the certificate for a period not exceeding six months in order to enable the holder to obtain his Tradesman Qualification Certificate.

“(4) A person who is aggrieved by the refusal of a temporary certificate pursuant to subsection (1) or a condition imposed in respect of the temporary certificate pursuant to subsection (2) or the cancellation of a temporary certificate pursuant to subsection (3), may appeal the decision and the provisions of the subsections 15(3), (4) and (5) shall apply *mutatis mutandis*.

“(5) The holder of a temporary certificate issued pursuant to this Section may work as and hold himself out as a Qualified Journeyman for the period of the validity of the certificate.”

Is there any debate on the amendments? Shall the amendment carry?

**Some Members:** Agreed.

**Mr. Chairman:** Shall Clause 29 carry?

**Some Members:** Agreed.



**Mr. Chairman:** Shall Clause 19 carry? I didn't do that when we went through it. Clause 19?

**Some Members:** Agreed.

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

**Mr. Berger:** You mean the amended Clause 19?

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

**Mr. Berger:** You mean as amended?

**Some Members:** Agreed.

**Mr. Chairman:** Are we agreed?

**Some Members:** Agreed.

**Mr. Chairman:** Section 31: "This Ordinance, or any portion thereof, shall come into force on such day or days as may be fixed by the Commissioner."  
Shall Clause 31 carry?

**Some Members:** Agreed.

**Mr. Chairman:** "Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory, enacts as follows: Electrical Protection Ordinance."  
Shall the title carry?

**Some Members:** Agreed.

**Mr. Chairman:** Shall I report the Bill as amended?

**Some Members:** Agreed.

**Mr. Chairman:** We'll proceed with the amendments to the Ordinance to Amend the Liquor Ordinance, Bill Number 5.

One.

Mrs. Watson?

**Mrs. Watson:** I don't believe I received a copy of the amendments to the Liquor Ordinance.

**Mr. Chairman:** Oh? I believe they were passed out this morning.

Mrs. Watson?

**Mrs. Watson:** Are you all deemed not to give me a copy of the amendments?

**Some Members:** Agreed.

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

Page one: moved by Mrs. Whyard, seconded by Mr. Lang, that Bill Number 5 entitled "An Ordinance to Amend the Liquor Ordinance" be amended as follows:

"Page 1, Section 2, definition 'Public Place'. 'Public place' means any place to which the public may have access as a right or by invitation expressed or implied, and includes a vehicle in a public place."

Mr. Berger?

**Mr. Berger:** Yes, Mr. Chairman, I still have some problem with this interpretation because it does not specify a parked vehicle or moving vehicle. On one hand we're outlawing drinking while driving and on the other hand we give the public the right to drink while driving. That is the way I interpret it.

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

**Mr. Legal Advisor:** Mr. Chairman, I don't think we can question — this is merely a definition saying what a public place is. The only change in this from the earlier definition is there is eliminated therefrom a reference to Section 103 because in the group of amendments there is no Section 103.

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

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

**Mr. Berger:** Well, I have trouble prior to this. I even had trouble in the old Ordinance, because I cannot see how we can say a vehicle in a public place, because like I say, on one hand we are making it illegal to be drinking while driving; on the other hand we give him the right in here.

**Mr. Legal Advisor:** Mr. Chairman, there's no reference in this Ordinance to drinking while driving.

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

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

**Mr. Berger:** But it doesn't say so. I mean I would say if you give anybody the right to drink in a vehicle which is in a public place, you should specify specifically to say the vehicle has to be parked. Maybe even with the key removed from the ignition.

**Mr. Legal Advisor:** Mr. Chairman, this doesn't appear to be a drafting point. If the Honourable Member wishes to put forward a motion dealing with drinking in a vehicle, it's quite a different matter. This is merely a definition and conveys no permission and implies no prohibition either way. It's just neutral.

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

**Mrs. Watson:** Mr. Chairman, this is very true, however the whole legislation makes no prohibition. It doesn't state specifically that there is a prohibition for drinking in any place. It's silent, and I think this is the thing that concerns a lot of people, it's completely silent on where you can drink and where you can't.

The only time you use public place is an intoxicated person can't be intoxicated in a public place, and I think this is the concern that the Honourable Member from Klondike has, is because we're silent on that, and we're saying a vehicle is a public place, so we are implying, are we not, that it is legal to drink in a public place, in a vehicle, and this is the reason why so many of us are concerned.

Under the Criminal Code you're not supposed to, and they now have the roadside breathalyzers that the



R.C.M.P. are going to be using, and yet we are implying that it's legal to drink in a vehicle.

**Mr. Chairman:** Mr. Gillespie?

**Mr. Gillespie:** Mr. Chairman, Section 84(2) states that no person shall be in an intoxicated condition in a public place. With this definition, with this amended definition, that means that no person may be in an intoxicated condition in a vehicle in a public place.

**Mrs. Watson:** Big deal.

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

**Mr. Berger:** I still disagree with it, because in my experience in the liquor business, you get one person who may look sober and act sober at one moment, and maybe all he takes is one drink of any kind of liquor, and he's really intoxicated and a danger to the public, and this is what I am really concerned about.

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

**Mr. Legal Advisor:** Mr. Chairman, this is with respect, I'd say it's a bad place to get involved in policy decisions in the definitions section. If the House would ask for some direction from the Chairman as to where this could be crisply attacked and dealt with, it might be preferable.

We might twist the definition for the sake of a moment of policy.

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

**Mr. Lengerke:** Yes, Mr. Chairman, I think that there should be a section dealing with this specific section, we should consider that.

I would just like to make this comment that you know, here we are tabling Green Papers in this House that speak of speed limits and safety belts and the rest of it, and alarming us all that there's many accidents occurring today, and we don't consider the fact that you can drink in a vehicle while driving. I think it's time that we took a responsible stance and did make a decision on this matter.

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

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

**Mrs. Watson:** I think we're prepared to go on to discuss the Bill, but in no way do we want the ability to talk about this policy to be cut off from this Committee. We were cut off once before very sharply, and if we permit us to leave this Section now and we can discuss it here, in the hopes that we can discuss it again and we're cut off from being able to discuss it, I don't think we would be very happy.

So unless we have some very firm indication that there is going to be a place where we can discuss this, I don't think I want to leave this Section. It's safe here.

**Mr. Chairman:** Mrs. Watson, if it will satisfy the Members, I will leave this amendment until we have

gone through the Bill and come back to it later. So this Clause has not yet passed Committee.

**Some Members:** Agreed.

**Mr. Chairman:** Page 3. That also deals with the same Clause, so I am leaving both of those amendments for the present time.

Moved by Mrs. Whyard, seconded by Mr. Lang that Bill Number 5, An Ordinance to Amend the Liquor Ordinance be amended as follows:

3(7).

"Where a licensee appeals the suspension of his licence pursuant to subsection 17(3) and a quorum of the Board is not available to hear the appeal, summarily a member of the Board may, with the consent of the appellant and the General Manager, hear the appeal and in such case, the member hearing the appeal has all the jurisdiction in respect of the matter, as a quorum of the Board."

Mr. Legal Advisor?

**Mr. Legal Advisor:** The purpose of this Section change is to reproduce the feeling that appeared to be in the debate before. The feeling was against having a one member Board.

On investigation, it turns out that there is one area where it is essential to have the Board be able to act for one member, and that occurs when a licensee's licence is suspended. He is in business.

If the Board cannot quickly be pulled together, he might be a week or two weeks out of business, so if he consent to the matter, then a single member can try the issue and restore the licence if necessary.

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

**Mr. Lengerke:** Mr. Chairman, I'd just like to certainly concur with the amendment. I congratulate the members for bringing that in, that is a pretty fair amendment. Thank you.

**Mr. Chairman:** Is there any further debate on the amendment.

Shall the amendment carry?

**Some Members:** Agreed.

**Mr. Chairman:** Moved by Mrs. Whyard, seconded by Mr. Lang, that Bill Number 5, An Ordinance to Amend the Liquor Ordinance be amended as follows:

"Subsection 3(8) amended by deleting the word "thereof" at the end of the clause." To read:

"3.(8) The Board shall choose a chairman from among their number to be chairman."

Is there any debate on the amendment?

**Some Members:** Agreed.

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

**Some Members:** Agreed.

**Mr. Chairman:** Shall Clause 3 carry?



**Some Members:** Agreed.

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

**Mrs. Watson:** Mr. Chairman, I see that we're going over 7 and 8, and I would hope that we can come back to 7 and 8, if we need to.

**Mr. Chairman:** Yes, I think we can because I see they have been stood over.

**Mrs. Watson:** Yes.

**Mr. Chairman:** I'll just go through the amendments that have been ...

**Mrs. Watson:** As long as it's understood that they have been stood over.

**Mr. Chairman:** Pardon.

**Mrs. Watson:** As long as it's understood.

**Mr. Chairman:** Yes.

**Mrs. Watson:** Thank you.

**Mr. Chairman:** Moved by Mrs. Whyard, seconded by Mr. Lang, that Bill Number 5, entitled An Ordinance to Amend the Liquor Ordinance, be amended as follows:

"Subsection 10.(3) From and out of the Liquor Corporation Account there may be paid all expenses..." from and out of the Liquor Corporation Account.

**Mr. Legal Advisor:** Mr. Chairman, this was a question of lining up the words to match in the earlier subsection.

**Mr. Chairman:** Yes.

**Mr. Legal Advisor:** But while we're on this section, a point was raised during the debate on this section as to the other parallel Ordinance, the Liquor Tax Ordinance. This matter was considered, but it wasn't thought appropriate to deal with that at this Session. At a point in time when it will be dealt with in the Spring Session, then the necessary amendments will be made to eliminate "Director" and substitute "General Manager".

**Mr. Chairman:** Mrs. Whyard.

**Hon. Mrs. Whyard:** Could I have some clarification as to why 7 and 8 are held over because my notes indicate that we have dealt with the problems in that section.

**Mr. Chairman:** Perhaps we could deal with this amendment and then bring that up.

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

**Mr. Chairman:** Shall the amendment to Clause 10 carry?

**Some Members:** Agreed.

**Mr. Chairman:** Shall Clause 10 carry as amended?

**Some Members:** Agreed.

**Mr. Chairman:** Perhaps, Mrs. Whyard, we'll go through the amendments that have been presented to us, I think there are other clauses that have been stood over but to avoid more confusion, let's deal with the amendments that have been presented to us.

Page 7. Moved by Mrs. Whyard, seconded by Mr. Lang, that Bill Number 5, entitled An Ordinance to Amend the Liquor Ordinance be amended as follows:

"11.(1) The Corporation shall, at the beginning of each month of the fiscal year, transfer the estimated net revenue of its previous month's operation from the Liquor Corporation Account to the General Accounts Fund; but the total annual amount so transferred shall not exceed the net revenue of the fiscal year established by audit and the amount so established shall be adjusted to the amount to be transferred in the transfer covering the final month of each fiscal year."

**Mr. Taylor:**

**Hon. Mr. Taylor:** On this General Accounts Fund, is this a new entity? Out of the Yukon Consolidated Revenue Fund?

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

**Mr. Legal Advisor:** No, Mr. Chairman, there has always been a separate account within the account and it's the same as before, it's just that the transfer method is different. Now we're going every month instead of every quarter.

The reason why it's come back for amendment was because it was a typist's error and the word "quarterly" was reproduced in the penultimate lines of the original draft.

**Hon. Mr. Taylor:** I see, thank you.

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

**Mrs. Watson:** Mr. Chairman, I believe there is typist's error in this too, it should be the General Accounts in the Yukon Consolidated Revenue Funds, shouldn't it not? The original section said from the Liquor Corporation to the General Account in the Yukon Consolidated Revenue Fund. It might be a typographical error.

**Mr. Chairman:** Mr. Gillespie.

**Mr. Gillespie:** That is correct, it was left out. That was in the original amendment, as Mrs. Watson has pointed out. And it was not reproduced here in this amendment, so we'll reword the amendment "to the General Account in the Yukon Consolidated Revenue Fund."

**Mr. Chairman:** "11.(1) The Corporation shall, at the beginning of each month of the fiscal year, transfer the estimated net revenue of its previous month's operation



from the Liquor Corporation Account to the General Accounts Fund ..."

**Mr. Legal Advisor:** No, Mr. Chairman, "to the General Accounts in the Yukon Consolidated Revenue Funds."

**Mrs. Watson:** Yes.

**Mr. Chairman:** "...in the Yukon Consolidated Revenue Fund."

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

**Some Members:** Agreed.

**Mr. Chairman:** Shall Clause 11 carry as amended?

**Some Members:** Agreed.

**Mr. Chairman:** Page 12 — Page 8, sorry.

Moved by Mrs. Whyard, seconded by Mr. Lang, that Bill Number 5 entitled An Ordinance to Amend the Liquor Ordinance be amended as follows:

"Sections 12(1)(b)(ii) and (iii) to read as follows:

12.(1)(b)(ii) In the case of the balance sheet, give a true and fair view of the state of the Corporation's affairs as at the end of the fiscal year; and

(iii) In the case of the statement of income and expense, give a true and fair view of the income and expense of the Corporation for the fiscal year."

**Mr. Legal Advisor:** This is just to change the word "financial" to "fiscal" Mr. Chairman.

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

**Some Members:** Agreed.

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

**Some Members:** Agreed.

**Mr. Chairman:** Page 9, moved by Mrs. Whyard, seconded by Mr. Lang, that Bill Number 5, entitled An Ordinance to Amend the Liquor Ordinance be amended as follows:

"14.(1)(d) The annual report shall be signed by the Chairman of the Corporation and shall have attached thereto, the Auditor General's Report."

**Mr. Legal Advisor:** This was a typo, Mr. Chairman.

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

**Some Members:** Agreed.

**Mr. Chairman:** Shall Clause 14 carry as amended?

**Some Members:** Agreed.

**Mr. Chairman:** Page 13, moved by Mrs. Whyard, seconded by Mr. Lang, that Bill Number 5 entitled An Ordinance to Amend the Liquor Ordinance be amended as follows:

"23.(1) A licence issued pursuant to paragraph 22(a) through (1) authorizes the licensee to purchase from the General Manager and to sell liquor subject to the terms and conditions set out in the licence.

(2) A licence issued pursuant to paragraph 22.(1)(m) authorizes the licensee to manufacture the liquor mentioned in his licence, and to sell liquor subject to the terms and conditions set out in the licence.

(3) A licence issued pursuant to Paragraph 22.(1)(n) authorizes the licensee to sell liquor subject to the terms or conditions set out in the licence.

(4) Except as provided in this Ordinance, no person may sell or keep for sale, liquor without a licence."

Is there any debate on the amendment? Mr. Fleming?

**Mr. Fleming:** Mr. Chairman, I would like to have some clarification on (2).

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

**Mr. Legal Advisor:** Mr. Chairman, the purpose of the amendment was to pick up the point that was made by the Honourable Member from Mayo in debate, that the Section was too broad because brewers do not automatically get a licence to sell when they get a licence to brew. So the thing had to be handled differently.

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

**Mrs. Watson:** Mr. Chairman, subsection (4), there is a new section. Is it just sort of to solidify — because it's not in anywhere else, is it?

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

**Mr. Legal Advisor:** I think it was in the original Bill and was just broadened so that the total package could be renumbered.

Paragraph 2 of that section.

**Mrs. Watson:** Okay, fine.

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

**Some Members:** Agreed.

**Mr. Chairman:** Shall Clause 23 carry as amended?

**Some Members:** Agreed.

**Mr. Chairman:** Page 14, moved by Mrs. Whyard, seconded by Mr. Lang, that Bill Number 5 entitled "An Ordinance to Amend the Liquor Ordinance" be amended as follows: 27(1):

"Upon receipt of the application for a new licence, the Chairman shall call a meeting of the Board, which shall forthwith proceed to consider the matter."

**Mr. Legal Advisor:** Mr. Chairman, this is a new Section that wasn't dealt with in the old Ordinance. It turned up in the homework of the Honourable Member from Klwane. She questioned the elimination of the word "recommendation".

**Mr. Chairman:** Is there any debate on the amend-



ment?

Shall the amendment carry?

**Some Members:** Agreed.

**Mr. Chairman:** Shall Clause 27 carry as amended?

**Some Members:** Agreed.

**Mr. Chairman:** Page 17 — moved by Mrs. Whyard ... Mrs. Watson?

**Mrs. Watson:** Mr. Chairman, I believe there are things here that we recommended and were stood over, and I also believe that sub (29) sub (2) needed to be amended. It was another one of those sections where it says "the Board recommends" and now the Board decides in this new legislation — in the amendments.

**Mr. Chairman:** If it was stood over, we'll come back to it.

**Mrs. Watson:** But it isn't in the amendments, it — I think it's been overlooked.

**Mr. Legal Advisor:** Which subsection?

**Mrs. Watson:** Twenty-nine, sub (two).

**Mr. Chairman:** But we're just dealing with the amendments that have been presented from the government. There are other clauses that had been stood over, and we will go over them after we have completed these. Is that all right?

**Mrs. Watson:** Yes.

**Mr. Chairman:** Page 17: moved by Mrs. Whyard, seconded by Mr. Lang, that Bill Number 5 entitled "An Ordinance to Amend the Liquor Ordinance" be amended as follows: 34(5):

"Where the application for a renewal is referred to the Board, the provisions of Sections 24(2), 27, 29(2), 31 and 32 shall apply *mutatis mutandis*."

**Hon. Mr. Lang:** Mr. Chairman, also in this amendment here we refer to 29(2) as the Honourable Member from Kluane was making reference to an amendment that was changed, set aside.

I don't know what happened to it; possibly this Section could be set aside for the moment?

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

**Some Members:** Agreed.

**Mr. Chairman:** Moved by Mrs. Whyard, seconded by Mr. Lang, that Bill Number 5 entitled "An Ordinance to Amend the Liquor Ordinance" be amended as follows: 34(6):

"Notice of the objection pursuant to subsection (3) shall be served by the objector on the licensee either in person or by registered mail at the same time as the objection is filed with the General Manager."

**Mr. Legal Advisor:** That is to change "by" from what it was — "served upon".

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

**Some Members:** Agreed.

**Mr. Chairman:** Shall Clause 34 carry as amended?

**Some Members:** Agreed.

**Mr. Chairman:** Page 18: moved by Mrs. Whyard, seconded by Mr. Lang, that Bill Number 5 entitled "An Ordinance to Amend the Liquor Ordinance" be amended as follows: 35(1):

"The provisions of Section 25 shall not apply to application for renewal of a licence unless so ordered by the Board or the General Manager."

**Mr. Legal Advisor:** This is changing the internal reference. It was 29, it's now correctly 25, Mr. Chairman.

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

**Some Members:** Agreed.

**Mr. Chairman:** Shall Clause 35 carry as amended?

**Some Members:** Agreed.

**Mr. Chairman:** Page 19: moved by Mrs. Whyard, seconded by Mr. Lang, that Bill Number 5 entitled "An Ordinance to Amend the Liquor Ordinance" be amended as follows: 36(1)(g):

"In the case of an application for a tavern or a cocktail lounge licence, whether the hotel or motel to be licensed contains a qualifying number of rooms on the same lot as the tavern or cocktail lounge premises to be licensed or on a lot or lots immediately contiguous thereto."

**Mr. Legal Advisor:** This is a typo also, to insert the word "or" in the first line, Mr. Chairman.

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

**Some Members:** Agreed.

**Mr. Chairman:** Shall Clause 36 carry as amended?

**Some Members:** Agreed.

**Mr. Legal Advisor:** Mr. Chairman asked me some query about paragraph (h) of that subsection, (h) on page 19.

**Mr. Chairman:** I'm sorry, what ...?

**Mr. Legal Advisor:** On the second line of paragraph (h) at the top of the page.

**Mr. Chairman:** What about it?

**Mr. Legal Advisor:** Mr. Chairman had a query about it.



**Mr. Chairman:** I have no notation here. Yes, you mean the stable population you're referring to, Mr. Legal Advisor?

**Mr. Legal Advisor:** Yes, Mr. Chairman, you asked me what was a stable population ...

**Mr. Chairman:** Yes.

**Mr. Legal Advisor:** ... and I told you it was not a population of horses.

**Mr. Chairman:** Yes, that's right.

Page 21: moved by Mrs. Whyard, seconded by Mr. Lang, that Bill Number 5 entitled "An Ordinance to Amend the Liquor Ordinance" be amended as follows: 44(1):

"The Board may in its discretion, issue in accordance with regulations establishing hours, prices, serving facilities and conditions of sale -

"(a) A licence allowing the retail sale of liquor in any licensed premises for off-premises consumption, or

"(b) A licence allowing the retail sale of beer in any licensed premises for off-premises consumption during the periods when the licensee of the premises is not permitted to sell beer for consumption on the premises."

**Mr. Legal Advisor:** Mr. Chairman, this is a redraft of Sections - subsections (1) and (2), and not Section 3 in this Section, Mr. Chairman.

**Mr. Gillespie:** Mr. Chairman, there's a typographical error in the first line, "The Board may in its discretion comma" - that comma should be out of there at that point.

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

**Mrs. Watson:** Mr. Chairman, I would request that question not be put to this amendment at this time. I really would like an opportunity to go over it a little more thoroughly and possibly, when we come back after lunch, you could put the question on this Section, but I would like it stood over for just a short time.

We've just got the amendments and we're trying very quickly to adapt them to our notes, and I don't want to make a snap decision on this one.

**Mr. Chairman:** I'm sure you don't, Mrs. Watson, so we'll stand that until after recess.

**Mrs. Watson:** Thank you.

**Mr. Chairman:** Page 22: moved by Mrs. Whyard, seconded by Mr. Lang, that Bill Number 5 entitled "An Ordinance to Amend the Liquor Ordinance" be amended as follows: 47(1)(b):

"Unless the club has a permanent local membership of not less than 30 members."

**Mr. Legal Advisor:** An "and" is being substituted for "or", by the Honourable Member from Dawson.

**Some Members:** Agreed.

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

**Some Members:** Agreed.

**Mr. Chairman:** Shall Clause 47 carry as amended?

**Some Members:** Agreed.

**Mr. Chairman:** Twenty-three. It is moved by Mrs. Whyard, seconded by Mr. Lang, that Bill Number 5 entitled "An Ordinance to Amend the Liquor Ordinance" be amended as follows:

"51(5) The General Manager may issue a liquor permit for scientific, industrial or medicinal purposes.

"(6) A permit pursuant to subsections (4) and (5) may be granted by the General Manager subject to such terms and conditions as may be fixed by the Board."

**Mr. Legal Advisor:** These are minor points. One was the point to insert the words "liquor permit" in front of "scientific purposes". During the debate it was said to be too wide; and the other then was a drafting point which I don't think was made during debate, to eliminate the words "special permit" which was originally in 6 because it covers both a permit under 4, which is an import permit, and 5 which is a liquor permit.

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

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

**Mrs. Watson:** Would not Section, sub (3), then require amending "General Manager may issue a liquor permit respecting the possession..." or what kind of permit would he be issuing in subsection (3) and what about subsection (4) "may issue to any person an import permit". That's fine, but what about number (3)?

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

**Mr. Legal Advisor:** It's not too easy to think of a neat word to put in the first line of subsection (3). It's a permit respecting the possession or transportation of wine for a wine composition or a wine-making course. So if we start putting in words as to what it is, it gets a bit lengthy. It's a wine permit, I suppose. There are other kinds of wine permits as well.

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

**Mrs. Watson:** Mr. Chairman, it isn't that important, no, I'm prepared to accept permit.

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

**Some Members:** Agreed.

**Mr. Chairman:** Shall Clause 51 carry as amended?

**Some Members:** Agreed.

**Mr. Chairman:** Twenty-six. Moved by Mrs. Whyard, seconded by Mr. Lang, that Bill Number 5 entitled "An Ordinance to Amend the Liquor Ordinance" be amended as follows:



"58(2) No person named shall be endorsed on or continued on the licence unless he is a fit person in the opinion of the General Manager to manage and operate the premises in respect of which the licence is issued."

**Mr. Legal Advisor:** Mr. Chairman, the Honourable Member from Watson Lake asked that this change be made. It's adding in the words "in the opinion of the General Manager" as an expression of who it was the opinion of.

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

**Some Members:** Agreed.

**Mr. Chairman:** Shall Clause 58 carry as amended?

**Some Members:** Agreed.

**Mr. Chairman:** Page 27: moved by Mrs. Whyard, seconded by Mr. Lang, that Bill Number 5 entitled "An Ordinance to Amend the Liquor Ordinance" be amended as follows:

Insert new Subsection 62(1) and (2) as follows:

"62(1) The Board shall review once every two years the provisions of subsections 61(3) and 61(4) and may require as a condition of renewal of the licence in respect of any premises that the number of bedrooms be increased.

"(2) Where the Board imposes a condition pursuant to subsection (1), it shall be a condition of any licence renewed thereafter in respect of such premises that the required number of bedrooms be constructed to a standard acceptable to the Board within a period of not less than two years from the next renewal of the licence."

**Mr. Legal Advisor:** Mr. Chairman, this was not in the original set of amendments put forward to the House, but during the debate the Honourable Member from Kluane was perspicacious enough to find that the Commissioner was still alive in the Bill, so this amendment deals with that point and leaves it to the Board.

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

**Mr. Fleming:** I'm a little concerned about 62(1), "The Board shall review once every two years the provisions of subsections 61(3) and 61(4)". Sixty-one (4) is in the City of Whitehorse, 61(3) is in any place.

I would like a little more clarification on that. In other words, does this mean to say even though you have not changed your cocktail rooms or anything like that, that you must add more bedrooms to your hotel all of a sudden, just because they decide so?

**Mr. Legal Advisor:** That is a possibility, Mr. Chairman, as the Section is written. The way this section had been operated was that there are a number of places which are 'grandfathered in' over a period of years, and if I can actually remember the debate during 1970 where some Members were saying at that time that provisions should be made for updating premises with the increase in business and so forth.

So they wanted a power to review the general standards throughout the Territory on a regular basis. As it

was then, at the instance of the Commissioner, it was a view to having the Board gently upgrade the premises over a period of years. So that was the power at that time.

The reason that this was brought in is just for one reason; it is not to deal with that particular policy point, but to take the power out of the Commissioner's hand, to have the Board do it and let the Board do it. As a matter of automatics, they will review it every two years, but this does not mean to say that they will make orders every year.

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

**Mr. Fleming:** Mr. Chairman, you are giving them the right to do this. Now I can understand whereas a building had been built and possibly there was a licence issued, maybe to some problem that was had at the time in the community or something, the Commissioner may have issued a licence for a place that didn't have quite the amount of rooms, you know, and this could be then, they must say they've got to have so many rooms at a certain time.

I can also see the upgrading of the facilities and the building and so forth at any time that it's necessary, but I cannot see a licence being issued for say, 15 rooms, and then two years later he comes along and says, no you've got to add another 5 now, just at their discretion. I certainly can't — cannot vote for something like that.

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

**Hon. Mr. McKinnon:** Mr. Chairman, this is exactly as it has been in the Ordinance since 1970, with the protection now that it shall not be at the request of the Commissioner. That's the only difference that's been made since 1970.

We've taken the Commissioner's power out of the Ordinance to tell the Board, you go and review the Teslin Lake Motel, and think about upgrading the rooms, because we don't think he should have a licence or something of that nature. It's in the Board's — we made it more flexible and better for the licensees, rather than made it more stringent.

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

**Mr. Fleming:** I agree with that philosophy somehow, but I must also remind Mr. Chairman, that I haven't been in this House since 1970 and I also haven't had a chance to change anything in the Liquor Act since 1970, and I still don't agree with that amendment, as it stands today.

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

**Mrs. Watson:** Mr. Chairman, I think maybe there's a little misunderstanding. Section 61(3) says that the requirement, if a person was licensed prior to 31st of March, 1965, they could get a cocktail licence with only 15 bedrooms.

Then after December of '69, they had to have 20 bedrooms, and I think that is the requirement at the present time. What we are doing in Section 62 with this proposal, is giving the Corporation the authority to review those



people who didn't fulfill the 20 room requirement, and have had between '65 and '69 to do it, and still haven't done it, and we are giving them the authority to say that well everybody else has to have 20 bedrooms, maybe you should try to, you know, comply with the law and we would require that you bring it up to 20 bedrooms within a couple of years or something like this.

You see, they've had this right since 1965, that's 11 years.

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

**Mr. Fleming:** Mr. Chairman, I agree if that is the case, that is all right. But the way it reads here to me is that they could force them to add more rooms to what the law is today. In other words, they have the 20 which is legal, and then come along and say, add another 5, and I think Mr. Legal Advisor said this could be done under this amendment.

**Mr. Legal Advisor:** No, Mr. Chairman, I was pointing out that a number of premises were "grandfathered" in earlier Ordinances. The Honourable Member from Kluane pointed out this is since 1965, but this has actually been happening over a period of 25 or 30 years, and there has been a little upgrading, but not much, because the general sense is that a person who gets a licence today with say 5 bedrooms or 4 bedrooms, is entitled to retain it, notwithstanding the fact that in general terms, the qualifications is now 20.

There have been premises who were licensed with 4 bedrooms.

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

**Mrs. Watson:** I believe the qualification now is 30, isn't it, for the Whitehorse area, for a cocktail lounge, and since '65 they have been able to have it with 15?

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

**Mr. Lengerke:** Yes, Mr. Chairman, I was just going to make the comment that if we are going to retain grandfather clauses forever and a day, I can't see the reasoning to that. I think that some place along the line, they have to be dealt with and this is the case here.

If we are going to update our facilities within reason, that certainly this kind of action has to be taken. I can't see anything unreasonable about it whatsoever.

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

**Some Members:** Agreed.

**Mr. Chairman:** Shall Clause 62 carry as amended?

**Some Members:** Agreed.

**Mr. Chairman:** Page 29, moved by Mrs. Whyard, seconded by Mr. Lang, that Bill Number 5 entitled An Ordinance to Amend the Liquor Ordinance be amended as follows:

"81.(1) A magistrate or justice who convicts a licensee of an offence pursuant to this Ordinance may, in addition to any other penalty, recommend to the Board

a suspension or cancellation of the licence held by the licensee."

**Mrs. Whyard?**

**Hon. Mrs. Whyard:** This is for the Honourable Member from Mayo who was not happy with the alleged violations.

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

**Some Members:** Agreed.

**Mr. Chairman:** Shall Clause 29 carry as amended?

**Some Members:** Agreed.

**Mr. Chairman:** Clause 46, I'm sorry, Clause 81.

**Mrs. Watson:** 81.(1).

**Mr. Chairman:** Moved by Mrs. Whyard, seconded by Mr. Lang, that Bill Number 5 entitled An Ordinance to Amend the Liquor Ordinance be amended as follows:

"83.(6) The Corporation shall establish a system of identification cards to enable persons of 19 years or over to prove their age for all purposes pursuant to this Ordinance."

**Mr. Legal Advisor:** Mr. Chairman, there's a substitution of "shall" for "may".

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

**Some Members:** Agreed.

**Mr. Chairman:** 83.(8). Moved by Mrs. Whyard, seconded by Mr. Lang, that Bill Number 5 entitled An Ordinance to Amend the Liquor Ordinance be amended as follows:

"83.(8) In any prosecution for the supply of liquor to a person under the age of 19 years, it shall be a defence for the supplier to prove that the person to whom the liquor was supplied produced an identification card bearing a photograph of the person issued pursuant to this Ordinance, or under the Motor Vehicles Ordinance, or a similar Act of a province."

**Mr. Taylor?**

**Hon. Mr. Taylor:** Yes, Mr. Chairman, I note that we have taken out the driver's licence. Maybe I could be informed as to just why this decision was made again. I believe it was discussed at some length in Committee when we first discussed the Bill, but I'm just wondering why a driver's licence, which does not have a photograph, can be used?

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

**Mr. Legal Advisor:** Well it was intended, Mr. Chairman, in the drafting, to make it possible to deal with an identification card bearing a photograph of the person.

Now, a driver's licence issued here will not have a photograph until the machinery has arrived, but in the provinces it has arrived and some people have them, so



it's intended to reproduce that card, an identification card bearing a photograph, whether it's issued under this Ordinance or under the Motor Vehicles Ordinance, will allow the person to identify himself age-wise to the supplier.

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

**Hon. Mr. Taylor:** Mr. Chairman, in this case even a passport then would be considered ..

**Mr. Legal Advisor:** Yes, Mr. Chairman, or if he could get a birth certificate with a photograph on it too.

**Hon. Mr. Taylor:** Well, this is my next question ..

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

**Hon. Mr. Taylor:** ...is the birth certificate, Mr. Chairman, and birth certificates don't necessarily have photographs. Is not a birth certificate sufficient?

**Mr. Chairman:** Mr. Gillespie?

**Mr. Gillespie:** A point of clarification here, Mr. Chairman. Photographs or identification cards can be used only if they're issued pursuant to this Ordinance or the Motor Vehicles Ordinance. A birth certificate or other item of such nature is not permissible for this purpose. It has to be one bearing a picture, and it has to be issued pursuant to this Ordinance, or the Motor Vehicles Ordinance, or a similar Act of a province.

So if the person has a birth certificate he can take it to the Liquor Corporation and get an identification card, with his picture on it made, and then he can use that.

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

**Mr. Lengerke:** Mr. Chairman, just for the sake of clarity, would you accept that card which has a picture but has not — doesn't say anything about date of birth or anything else, or might not be bona fide in any other area?

**Mr. Gillespie:** What is that card?

**Mr. Lengerke:** This happens to be the Y.T.G. card.

**Mr. Gillespie:** No, Mr. Chairman.

**Mr. Lengerke:** No, I'm just trying to make a point here, is that not all cards with photographs would be acceptable.

**Mr. Gillespie:** That's right.

**Mr. Lengerke:** Because I could have one from the Conservation Society with my picture on it, and it doesn't mean a thing.

**Mr. Gillespie:** The point here, Mr. Chairman, is that that card is not issued pursuant to this Ordinance ..

**Mr. Lengerke:** Right ..

**Mr. Gillespie:** ...or to the Motor Vehicles Ordinance.

**Mr. Lengerke:** ...I was just trying to make the point.

**Mr. Gillespie:** Right.

**Mr. Legal Advisor:** Mr. Chairman, the point that's been lost in the debate is that this is directed to the person who is supplying the liquor to the minor. It's giving him a cast iron defence if he has produced a card, so that he doesn't have to worry about the authenticity of the card if it has the photograph on it, and it's issued pursuant to legislation.

Now, this does not in any way prevent a person going into a bar and satisfying the supplier that he is over the age of 19, or if he's known. It's no relation to the individual who is looking for the drink, it is giving a cast iron defence to the supplier, which is necessary.

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

**Hon. Mr. Taylor:** Mr. Chairmna, this card system is just not available that readily. Perhaps here in Whitehorse it is, everybody seems to think that the whole Yukon is Whitehorse in this instance, and there are little scattered communities all over the Yukon where, you know, these things aren't that easily obtained, and you know, I just can't see why a birth certificate yet can't be used in the same manner as one of these cards.

**Mr. Chairman:** Mr. Gillespie.

**Mr. Gillespie:** Mr. Chairman, approximately every two months, we have an itinerant person who carries the photographic machinery required to all the liquor vendors and people can pick up the necessary card, identification card at that time. This is our attempt, the way we're attempting to deal with the problem the member has raised.

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

**Hon. Mr. Taylor:** With respect, Mr. Chairman, you take them to the liquor vendors, but there's not liquor vendors all over the Yukon and I think we have quite a debate raised by the Honourable Member from Kluane on this some time ago.

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

**Mr. Berger:** Thank you, Mr. Chairman, I think this is the reason why we changed "may" to "shall" and it is up to the Corporation now to establish this type of system.

**Mr. Gillespie:** Mr. Chairman, this person ..

**Mr. Chairman:** Mr. Gillespie.

**Mr. Gillespie:** .. that travels with the equipment does not only go to the liquor agent. I'm sorry I should have made that clear. He goes to all of the communities and is available for this purpose. It is advertised in advance that he is coming.



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

**Hon. Mr. McKinnon:** Mr. Chairman, in answer to the Honourable Member from Watson Lake, when I was going to school in Manitoba many years ago, it used to be against the law to enter a beer parlour if you were under the age of 21 years, and some enterprising older university students and graduate students put their way through university by bootlegging identification cards which were birth certificates to people who were under age and don't believe that the people of today, the 16 and 17 years of age aren't every bit as enterprising as we were in the past, Mr. Chairman.

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

**Mr. Lengerke:** Mr. Chairman, I just want to assure the Honourable Member from over at Watson Lake that he or I would probably have no difficulty showing our birth certificates as we went into the bar. They'd accept them, I'm sure.

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

**Some Members:** Agreed.

**Mr. Chairman:** Shall Clause 83 carry as amended?

**Some Members:** Agreed.

**Mr. Legal Advisor:** It's only fair to say, Mr. Chairman, that there was a suggestion during debate with Section 9.

**Mr. Chairman:** Yes, I'm sorry.

**Mr. Legal Advisor:** That has not been produced as an amendment.

**Mr. Chairman:** Yes, before we carry that, I should mention that there had been the suggestion regarding the minimum fine, I believe it was.

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

**Mr. Chairman:** There was possible inclusion of another Section 9 that had been discussed previously. So before we pass that clause, is there any further debate on that Clause?

**Mrs. Watson:** Mr. Chairman, is there any further debate? I didn't hear what you said.

**Mr. Chairman:** Is there any further debate on Clause 83? Because the possibility had been raised regarding adding a Section 9, with reference to a minimum fine. This had been raised in debate before. Mr. Berger?

**Mr. Berger:** Why don't we stand this clause over? We could continue on with amendments.

**Mr. Chairman:** Well, this is the last amendment that has been presented to us and this would be an appropriate time, I think, to finish with Clause 83, because

it does not influence the other clauses that we have yet to discuss.

**Mrs. Watson:**

**Mrs. Watson:** Yes, Mr. Chairman, I believe that there was at this time, I wasn't in here, where we were talking about the fine of \$100.00 for the minors. There was never an actual suggestion — there was a suggestion made on it and there were people who spoke against it, but I don't think it was ever a determination of whether we should be adding that section or not, to the legislation.

**Mr. Chairman:** That is correct, Mrs. Watson.

**Hon. Mr. McKinnon:** We looked at it in length, probably the government agrees with the points that were made by the Honourable Member from Mayo and we're not prepared to introduce \$100.00 minimal fine in that section at this time.

**Mr. Chairman:** Is there any further debate on Clause 83?

Shall Clause ...  
**Mr. Lengerke?**

**Mr. Lengerke:** Mr. Chairman, did I understand that — did the Minister say that they were not prepared to entertain that? Could you enlighten me with a few more reasons, Mr. McKinnon?

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

**Hon. Mr. McKinnon:** I would ask that the Honourable Member from Mayo to make his points again. They were exactly the points that we took into consideration.

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

**Mr. McIntyre:** Mr. Chairman, what I was pointing out was that a section of this type which imposed a special fine on just one section of offenders under this Ordinance would be contrary to any principles of justice that I ever heard of.

**Mr. Chairman:** Shall Clause 83 carry as amended?  
**Mrs. Watson.**

**Mrs. Watson:** Mr. Chairman, however I think that sometimes a person wonders unless some very clear direction is given. We have some very blatant abuses of justice at the present time and I'm sometimes wondering whether we should be more specific in some of these things.

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

**Mrs. Watson:** I'm not going to pursue the matter whatsoever, but I do have some great misgivings on what is happening and I think a lot of us feel quite strongly about the only people who are abusing the — and are drinking — there is under age drinking and the fact that somehow or other they are not getting the message and possibly this is one way of doing it.



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

**Mr. Lengerke:** Yes, just to emphasize that point, I wonder, maybe Mr. Legal Advisor or any of the Honourable Ministers could give me a little direction here as how do we instill in the magistrate and the courts to fine the minor just a little heavily, a little more heavily I should say in these instances?

We do have some cases and I know of some cases very recently where the minor was fined a very minimal amount of money and yet the person that was serving him, was fined very, very heavily and I don't think that is justice. I just don't believe that and the only reason I am standing up here saying this is that I think it's something that needs to be emphasized, so how do we get that message across? By standing up here and shouting about it?

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

**Mr. McIntyre:** Mr. Chairman, I think the difference in the amount of fines levied is the consideration of who is making the profit and selling it. The minor certainly isn't.

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

**Hon. Mr. McKinnon:** Mr. Chairman, I would just like to warn Honourable Members that when you take Magistrates' decisions into the public forum, as in this legislature, boy, do you ever get tromped down by the full might of the Department of Justice and the Magistrates involved!

I had one instance where I did exactly that, and I'm still recoiling from the shock waves.

**Mr. Chairman:** Your point is taken. Shall Clause 83 carry as amended?

**Some Members:** Agreed.

**Mr. Chairman:** I would like now to return to the clauses that have been stood over, but there have been no amendments forthcoming from the government's side.

Committee will recess until 1:30.

*(Recess)*

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

I have one further amendment, on page 15. Moved by Mrs. Whyard, seconded by Mr. Lang, that Bill Number 5 entitled "An Ordinance to Amend the Liquor Ordinance" be amended as follows:

"29(2) Where the Board decides that the application for a licence should be granted with conditions, it shall give the applicant an opportunity to make representation concerning the conditions."

Is there any debate?

Shall the amendment to Clause 29 carry?

**Some Members:** Agreed.

**Mr. Chairman:** Shall Clause 29 carry as amended?

**Some Members:** Agreed.

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

**Mrs. Watson:** Mr. Chairman, I don't know whether this is the right time to bring it up or not, but is Section 52(3) repealed or is the 52(3) to remain in the existing legislation. Fifty-two (3).

**Mr. Chairman:** Sub — ?

**Mrs. Watson:** Three. Are they leaving old 52(3) in and if so they're going to have to change "Commissioner" to "Board" again, I believe.

**Mr. Chairman:** Mr. Gillespie?

**Mr. Gillespie:** It reads, "The Liquor Ordinance is amended by repealing Section 52 thereof and substituting the following therefor", which means that sub (3) was removed.

**Mr. Chairman:** If you turn to page 1 and page 2, dealing with Section 2, concerning the debate on the amendment to public place: the amendment which had been considered I will read again:

"Public place" means any place to which the public have access as a right or by invitation expressed or implied and includes a vehicle in a public place."

**Mr. Taylor?**

**Hon. Mr. Taylor:** Mr. Chairman, just one question I would direct, Mr. Chairman, to the Legal Advisor. Does this include a hotel room?

**Mr. Legal Advisor:** Yes, Mr. Chairman, it would include portions of a hotel.

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

**Hon. Mr. Taylor:** Mr. Chairman, I am talking about a hotel room. Is not a hotel room, when it's occupied by a renter or whatever, is that not then considered to be a private place rather than a public place?

**Mr. Legal Advisor:** Yes ...

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

**Mr. Legal Advisor:** ... the room that is let to an individual would be his private place, although it would be a public building.

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

**Mr. Lengerke:** Thank you, Mr. Chairman. I was just wondering if the people moving the amendment had thought of putting in "and includes a stationary vehicle" in a public place. Was any consideration given to that?

**Mr. Gillespie:** Mr. Chairman, I don't believe it's necessary. The way it reads is the vehicle can either be moving or stationary, providing it is in a public place.

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



**Mrs. Watson:** Mr. Chairman, I think it was the thinking this morning that we would not really discuss definitions section because really the aspect of the vehicle being a public place when it should be discussed in a policy matter, which we are prepared to propose in a new section after we finish dealing with the Bill.

But we could not really deal with this section until it's considered in the new section at the end.

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

**Hon. Mr. Taylor:** Mr. Chairman, I don't know; it seems to me that if we are going to get any business done in this Committee that we've got to get on with it. There is an amendment before us; let us deal with it and let us take a vote on the situation, if necessary, and be done with it. Because we could higggle haggle with this kind of nonsense for ever and ever and a day here.

Now, if there's a matter that relates to this amendment, it ought to be discussed here now and the whole matter dealt with. But if we just keep jumping back and forth in the manner described by the Honourable Member for Kluane, my God, we'll be here forever and ever and ever, Mr. Chairman.

Let us deal with the amendment before the Committee, and once it's done, it's done, and move to the next and the next and clean up this work and get on to other things.

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

**Mrs. Watson:** Mr. Chairman, but you have to deal — you cannot introduce a new clause to a Bill until you have dealt with the Bill.

Now, we don't want to be ruled out of order by introducing a new clause at this time and saying that we haven't dealt with the Bill. Now if you want to make a decision on public place, and it may — you may have to change your mind in order to deal with the new portion, we just want some assurance that we can introduce a new clause and still be able to come back and look at 'public place'.

**Mr. Chairman:** Actually, Mrs. Watson, it is generally considered that a new clause cannot be considered until the others have been, but it is not a rule that is followed, and if we are considering something that is relevant to a new clause, the new clause can be introduced at this time.

Mrs. Watson?

**Mrs. Watson:** Mr. Chairman, could we deal with Section 44 before we go into the new clause? I asked to have it held, and I would like to ask some questions on the proposed amendment.

**Mr. Chairman:** Very well. Mr. Taylor?

**Hon. Mr. Taylor:** Mr. Chairman, with respect, you know, one Member, I don't think, of this House can be jumping back and forth just at any will that she chooses in this Ordinance, and I know the Chair has been abundantly fair in this regard but, you know, if it's the will of Committee to do this type of thing, to change our routine procedures, that should be a decision of this Committee.

But to change our procedures at this point in time is extremely wrong.

**Mr. Chairman:** Well, in trying to expedite this matter, I think it better — there are several other clauses that have been stood and I think it might be expeditious to leave that amendment on 'public place' until we have dealt with other matters.

**Hon. Mr. Taylor:** Okay, great.

**Mr. Chairman:** I will deal with the one other amendment that we have before us, which is on page 2, which I think we can deal with now.

Moved by Mrs. Whyard, seconded by Mr. Lang, that Bill Number 5 entitled "An Ordinance to Amend the Liquor Ordinance" be amended as follows: Subsection (2) — that should be two, I believe?

**Hon. Mrs. Whyard:** The objection from the Honourable Member from Kluane was that this next amendment also has to do with Section 2, and therefore she had asked to have it left open.

**Mr. Chairman:** No, I think this — no, not this one.

**Mrs. Watson:** Mr. Chairman, I did not ask to have this put over at all. I wondered why we didn't deal with it at the time, and ...

**Mr. Chairman:** No, we can't deal with it ...

**Mrs. Watson:** ... I think Mr. Chairman just overlooked it.

**Mr. Chairman:** We cannot deal with Section 2 in entirety, but we can deal with this amendment: Two (2):

"For the purpose of paragraph (1)(1), any liquor that contains more than two and one half per cent by volume at 16 degrees celsius or 60 degrees Fahrenheit of absolute alcohol shall be deemed to be intoxicating."

Mr. Gillespie?

**Mr. Gillespie:** Mr. Chairman, I believe there are two typographical errors here. To begin with, it should read Subsection 2(2). And, in addition, the word "Celsius" should start with a capital "c" rather than a small "c".

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

**Some Members:** Agreed.

**Mr. Chairman:** Four. Powers and duties of the Corporation. These have been stood over.

Seven (1) The Corporation shall administer and enforce this Ordinance.

Eight (1) Subject to this Ordinance and the Regulations, the Corporation has the sole power and jurisdiction, et cetera.

Mrs. Watson?

**Mrs. Watson:** I note, Mr. Chairman, that under 8(1)(a), they've still left the authority to establish and



operate liquor stores and warehouse, subject to the Ordinance and Regulations, to the Corporation. Regulations drawn up by whom? Whose Regulations are they? Are they the Corporation's Regulations or are they the Regulations under this Ordinance? Now, I think these are two different kinds of Regulations.

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

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

**Mr. Legal Advisor:** There's no mention of regulation-making power except in respect to the Commissioner remaining in the Bill itself. The regulations made by the Commissioner, who in turn makes it on the advice of the Executive Committee.

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

**Mrs. Watson:** One further question, then. Is it the intent of the administration to prepare regulations defining criteria where liquor stores will be established, for guidance of the Corporation?

**Mr. Legal Advisor:** Mr. Chairman, the Regulations are already in existence, they are already made under the Ordinance and will remain in force until fresh Regulations are made.

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

**Mrs. Watson:** Mr. Chairman, there are no regulations setting criteria for establishing liquor stores and this is my question. Is it in the intention of the administration because of the problem that it's going to be very, very necessary for the government to prepare a regulation to provide some guidance and establishing criteria that the Corporation will work under in order to establish new liquor store outlets.

**Mr. Chairman:** Mr. Gillespie?

**Mr. Gillespie:** Mr. Chairman, this has been the subject of considerable debate in the course of the examination of these amendments. It's the intention of the administration to look into the whole question of where liquor stores or other means of selling liquor shall be established, and then, after this policy issue has been examined, only then would the question of regulations come forward.

In other words, it's a matter for the Executive Committee first to look at the policy, and regulations would follow from that examination.

**Mr. Chairman:** Is there any further debate on Clause 5?

**Mrs. Watson:** Mr. Chairman, I feel very inhibited, very inhibited and frustrated, because I can't say what I want to say because I can't speak to Section 44, sub (1), the amendment, and I can't ask the necessary questions that I would have to ask, and even though the Member from Watson Lake feels that it isn't proper procedure I just feel very frustrated.

I think these two things are completely interlocked

and inter-tied, and we should be able to discuss them.

**Mr. Chairman:** Well, the Chair has ruled before that you are permitted to do so. You are permitted to, if they are related, you are permitted to consider them in debate.

**Mrs. Watson:** Thank you, Mr. Chairman. Then I will be speaking to the proposed amendments to Section 44 on Page 21.

**Mr. Chairman:** It would expedite matters to now deal with this clause on Page 21.

Moved by Mrs. Whyard, seconded by Mr. Lang, that Bill Number 5 entitled "An Ordinance to Amend the Liquor Ordinance" be amended as follows:

Forty-four (one):

"The Board may in its discretion issue in accordance with regulations for establishing hours, prices, serving facilities and conditions of sale —

"(a) A licence allowing the retail sale of liquor in any licensed premises for off-premises consumption or

"(b) A licence allowing the retail sale of beer in any licensed premises for off-premises consumption during the periods when the licensee of the premises is not permitted to sell beer for consumption on the premises."

**Mrs. Watson?**

**Mrs. Watson:** Mr. Chairman, I wonder if someone from the administration could explain the policy behind the two amendments, before I ask any further questions. I don't quite know whether my interpretation of the Sections are what they should be, and I would prefer to have someone give the explanation on them.

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

**Hon. Mr. McKinnon:** I think, Mr. Chairman, that the Honourable Member from Kluane has realized the intent of the amendments under Section 44, that we took into consideration the points that had been made from the Honourable Members from Hootalinqua and Kluane as to the difficulty of providing liquor at standard prices in the outlying communities throughout the Yukon.

We didn't have any magic formula to come up to the House as to this is the criteria and this is how it's going to be done in the future. We thought the Board was going to be a professional group of people who had long involvement with the problems of dealing with liquor, that this problem would be presented to them under the new amendments in Section 44, that they would have the flexibility of being able to perform the function that has been hinted by Honourable Members in this House.

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

**Mrs. Watson:** Mr. Chairman, whose regulations again?

**Hon. Mr. McKinnon:** There will be ...

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

**Hon. Mr. McKinnon:** ... Commissioner's Orders that will be okayed by the Executive Committee.



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

**Mrs. Watson:** You are saying the Board may, in its discretion, in accordance with the regulations — well, where does the discretionary plays come in then?

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

**Mr. Legal Advisor:** The intent of the draftsman in producing this is that there'll be a basic set of regulations setting guidelines. The Board will have some discretion within the guidelines set by the government. In particular, the problem arises as to the issuing, we say especially of retail beer licences in the community, it's got to have an element of discretion depending on the facts it finds are.

In other cases, the discretion may be limited because standard set of things may be set and if those are fulfilled then the licence must issue. A lot will depend on the regulations and basically it's in accordance with government policy.

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

**Mrs. Watson:** Mr. Chairman, okay, that's fine. What about pricing now? Can I be assured that these places will be able to buy liquor at the normal prices that liquor stores have? Are we losing the authority here to regulate some of the selling price, retail price of the liquor?

**Mr. Legal Advisor:** No, Mr. Chairman, this will convey the authority to do the things which the Member suggest could be done. It does not take the decision to do those things. It just provides a framework within which, if the government sets the policy, that policy may be carried out. It does not set the policy.

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

**Hon. Mr. McKinnon:** Mr. Chairman, it's the very reverse of what the Honourable Member is worrying about. It's true, in this section, because it is in regulation now that they can only price by regulation of government. This allows the Board to do what she would like to see it do in certain areas and in certain premises, fix the prices so they are not according to the regulations, a dollar and a half above the price that is normally bought at a liquor store.

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

**Mrs. Watson:** I haven't got any political clout with the Corporation, but I have in this House and I'm going to make sure that I leave the price — I'm not talking about the off-premise, after hours, this type of thing price, I'm quite happy to see the Board use their discretion, but I am talking about the people who are ordinary citizens of Yukon should be able to buy their liquor at the same price as anyone in Whitehorse. Can I be assured that this will be provided for in here? Mayo, Watson Lake, right, but can I be assured that this is in here, that the government can do this and will do this.

**Mr. Legal Advisor:** The drafting only provides that

the government can do it. It's for the government to decide whether it will or not.

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

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

**Mrs. Watson:** .. government sluff off to the Corporation?

**Mr. Chairman:** Mr. Gillespie.

**Mr. Gillespie:** Mr. Chairman, if the government freezes its regulations in a certain way, in such a way that it does pass that decision-making on to the Corporation, then yes. On the other hand, the government can set regulations in such a way that it keeps that decision to itself, because it is the government itself that makes the regulations.

**Mrs. Watson:** Mr. Chairman, I thought the Legal Advisor ..

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

**Mrs. Watson:** ... was bad, but!

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

**Mr. Legal Advisor:** This is a framework within which a power would be exercised. It's for the government to bring its policy into existence by regulation and for the Board to carry out that policy. The Board is the creature of the House and the government and in carrying out its policy it's bound by the dictates of government when lawfully expressed in regulation. It's for the draftsmen at that time, to write the regulations in accordance with the directions of government officials which the policy is carried out.

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

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

**Mrs. Watson:** That is fine and I suppose this is the only assurance I'm going to get other than a specific policy and I know I'm not going to get that this stage of the game and I can understand that too. But the government can provide a framework through the regulations that by that framework and by those regulations, they can actually give the authority to the Corporation without taking the decision themselves.

Mr. Chairman, I think our policy decisions that have been made in the past under liquor regulations, very blatant policy decisions, which are now in the Ordinance at this time, and not brought to this House and I want to make sure that we are retaining the ability to be flexible. I don't think we should tell the Corporation what to do once they get them established. I want them to be an independent body, knowing what their authority is, knowing what their power is and to operate independently away from political pressures. That's why we've got them.

But I want to keep back the authority to do what I want us to do without having to fool around. And that's one



thing to assure that people in areas that don't have liquor stores can buy liquor at the prices that everyone else can. That's the only thing I'm asking for. I want to make sure that I've got that, because once we're finished with this, leave the Corporation alone, let them operate.

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

**Mr. Legal Advisor:** Mr. Chairman, it's difficult to deal with that question.

In answer to the first part of the question, the answer is yes, the Honourable Member has her wish. In answer to the second part of the question, as to whether or not her wish will come true, I can't answer that.

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

**Mrs. Watson:** I get a little concerned. We have people who have — we have Members here representing people who live in some of these areas where a liquor store is needed very badly, or the privilege to have a liquor store, and I wonder whether they are concerned about this Section also.

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

**Mr. Fleming:** I am behind the Honourable Member in every word she said.

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

**Hon. Mr. McKinnon:** Mr. Chairman, it was impossible to do what the Honourable Members wanted to be able to be done through this Ordinance. It is now possible for that to be done, and I am sure that the Honourable Members who have demanded these changes will be pestering, will be pressuring government to do what is able to be done now under the Ordinance.

I give them full credit for their capabilities of putting pressure on government. I know that we're going to have it, and we're saying we'll have to respond to it, and we've got the ability in the Ordinance to respond to it now.

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

**Mrs. Watson:** Mr. Chairman, if I — and I will be pursuing with my pressure, you can rest assured — and if I find that in this legislation, I've passed away the ability for the government to do it, because I don't think that we should, you know, the Corporation's a separate thing, but the government to be able to do it, well then you can rest assured I'll be in here with a Private Member's Bill, and I hope the government supports me on it.

**Mr. Chairman:** Is there any further debate on the amendment to Clause 44?

**Some Members:** Agreed.

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

**Some Members:** Agreed.

**Mr. Chairman:** Shall Clause 28 carry as amended?

**Some Members:** Agreed.

**Mr. Chairman:** I now return to Page 4. Shall Clause 5 carry?

**Some Members:** Agreed.

**Mrs. Watson:** Pardon me, Mr. Chairman, what clause?

**Mr. Chairman:** 5, 5 of the new Ordinance.

**Mrs. Watson:** Just a minute.

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

**Mr. Lengerke:** Mr. Chairman, clarification ..

**Mr. Chairman:** This is Clause 5 of the new Ordinance, the ordinance being An Ordinance to Amend the Liquor Ordinance, which includes other clauses of the old Ordinance, but the clause that you are now voting on is Clause 5 of the Ordinance to Amend the Liquor Ordinance.

Starting on Page 3 ..

**Mr. Lengerke:** Start at Page 3, yes, okay.

**Mr. Legal Advisor:** It extends from Page 3 to Page 9 ..

**Mr. Chairman:** Yes.

**Mr. Legal Advisor:** .. and as far as my recollection goes, Mr. Chairman, there was no question arose on that group of clauses that hasn't been dealt with by the amendment. There were minor ..

**Mr. Chairman:** I agree, but we must pass the Clause.

**Mr. Legal Advisor:** Yes, Mr. Chairman, but as amended.

**Mr. Chairman:** Shall Clause 5 carry as amended?

**Some Members:** Agreed.

**Mr. Chairman:** Page 14 ..

**Mrs. Watson:** I didn't think we made any amendments to Clause 5.

**Mr. Legal Advisor:** Mr. Chairman, we changed the word "financial" to be "fiscal".

**Mr. Chairman:** Yes, we did that this morning. Clause 14. This was stood at a previous reading. I'll re-read it.

The Liquor Ordinance is amended by repealing subsection 26(1) thereof and substituting the following



therefor:

"26.(1) Upon receipt of an application for a new licence, the General Manager shall refer the application to the Board for a decision and shall forward to the Board any relevant material or objections which may be received."

Mrs. Watson?

**Mrs. Watson:** I believe that I requested an amendment to that Section, because it's almost an immediate thing, and yet you're not giving a time limit, for the requirements of the seven days after the last publication in this one. This is an application for a new licence, and I think that I have "amendment required" notated beside line 26, sub (1).

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

**Mr. Legal Advisor:** Mr. Chairman, the question was in respect to Section 27, and — which was not part of the original separation of the government, and the amendment was in receipt of taking on the word "recommendation of the Board", and that had been done.

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

**Mrs. Watson:** Mr. Chairman, with respect, Mr. Chairman, 26 sub (1) states now, "Upon receipt of an application for a new licence, the General Manager shall refer the application to the Board for a decision and shall forward to the Board any relevant material or objection which may be received."

Now, this is a new licence, now that says he must do that — he can do that almost immediately when he gets it.

**Mr. Legal Advisor:** There's no time, Mr. Chairman.

**Mrs. Watson:** I know, that's the trouble, because a new licence applicant has to advertise in the paper three times, and you have to wait — you have to wait until 7 days after the last publication, that's the time you have for objections.

**Mr. Chairman:** I am going to have to ..

**Mrs. Watson:** You really can't consider, you can't consider the application until you've given the time for the objections to come in.

Now, am I right on that?

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

**Mr. Legal Advisor:** With respect, Mr. Chairman, it's an administrative matter.

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

**Mr. Legal Advisor:** Mr. Chairman, all the section says is that when the General Manager gets it, he sends it down to the Board. There's no time for anything else, Mr. Chairman.

It has caused no trouble in the past on the present grounds.

**Mr. Chairman:** I think it's time for me to make my daily announcement that Members should be recognized by the Chair before they speak.

Mrs. Watson, it was specifically directed to you. Members should be recognized by the Chair before they speak. Thank you.

Mrs. Watson?

**Mrs. Watson:** Mr. Chairman, we did it in 27(1) then, in our amendment today.

**Mr. Chairman:** Mr. Gillespie?

**Mr. Gillespie:** Mr. Chairman, I'm not sure that I'm answering the question that Mrs. Watson has posed, but 26(1) is clearly a procedural section, which indicates that when the General Manager receives an application, he will forward it on to the Board. That's all it does.

Section 25 in the Ordinance is the one that provides for an appeal period, or a period during which public notice must be given, and during which an appeal may be issued.

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

**Mrs. Watson:** Mr. Chairman, with respect, if you look at what we amended in 27 sub (1), our new amendment, we said it has to be considered forthwith to proceed to consider it.

**Mr. Chairman:** Mr. Gillespie?

**Mr. Gillespie:** I defer to the Legal Advisor on this, but my understanding of 27(1), which states "Upon receipt of the application for a new licence, the Chairman shall call a meeting of the Board." That is bound also by Section 25 that says that that Board meeting shall not occur until at least three weeks have passed.

It doesn't mean that the meeting of the Board has to be held right now, merely that the date for that meeting has to be set.

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

**Mr. Legal Advisor:** Mr. Chairman, I imagine that what happened was in 1970 when people didn't trust the new board, some untrusting Member had "forthwith" inserted into it because of allegations that in the past when an application was made for a new licence, it might take six months or a year to hear.

Because at that time it was the Commissioner personally who decided on the licences without the benefit of a Board, and it may have come out in the drafting at that point in time.

I have no hard and fast rules about it, but I'm guided by the fact that the sections didn't cause any problem. We are not changing this administrative procedure, each one is just merely a transfer from the Commissioner nowadays to the Board, the Board makes a decision, not a recommendation.

We didn't set out with the intention of drafting new procedures.

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



**Hon. Mr. McKinnon:** Mr. Chairman, it would remove all suspicion if a "forthwith" were included in 26(1), it wouldn't harm anything.

**Mr. Legal Advisor:** The problem is, Mr. Chairman...

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

**Mr. Legal Advisor:** ... not taking the "forthwith" out, it's having the "forthwith" in, that is the problem, with respect. It's the "forthwith" in paragraph, in Section 27(1) which was decided on this morning, which says that upon receipt of the application from the General Manager, the Chairman calls a meeting of the Board.

The Board then forthwith proceeds to consider the matter. The Honourable Member is afraid they would consider the matter before the objections arrive. But whatever forthwith may mean, it's still governed by the law that there's a set time limit before which a hearing may not be held, so the objections must be considered, and when they come in, they must be forwarded to the Board by the General Manager.

**Mr. Chairman:** Mrs. Whyard?

**Hon. Mrs. Whyard:** Mr. Chairman, the Legal Advisor has just covered the point I was rising on, and that is that the material isn't forwarded until the objections have been heard, and they go with the application to the Board for consideration and it's spelled out in 26(1).

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

**Mr. Lengerke:** Well, Mr. Chairman, I was going to say that I concur with the Legal Advisor, I thought that what he had said cleared it up for me considerably. So I can rest on that one.

I thank him for that explanation.

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

**Mrs. Watson:** Mr. Chairman, contrary to the interpretation of what some of the Members say, I'm quite satisfied also, but it is a procedural section of what things should be done.

Now if it hasn't caused problems in the past, I'm quite prepared to leave it as it is and not tamper with it, and if somebody gets burnt on it, then it'll be back in here, I guess.

**Mr. Chairman:** Shall Clause 14 carry?

**Some Members:** Agreed.

**Mr. Chairman:** Clause 15.

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

"28(1) Any person may object to the granting of a licence by filing his objections, together with the reasons therefore, in writing with the General Manager not later than the fifth day after the latest publication of the advertisement referred to in Section 25, and serving

a copy thereof by registered mail upon the applicant."

**Mr. Legal Advisor:** The point that was raised in debate on this, Mr. Chairman, is that the timing of the day, the fifth day, after certain things happen — this was agonized over in Leg. Prog. for perhaps three-quarters of an hour. But the total time taken within the examination in sort of a draft form and with some regret the government decided to leave the section as in the original draft.

**Mr. Chairman:** If the members of Leg. Prog. agonized for three-quarters of an hour, in a bigger assembly here we might go three hours.

Mr. Berger?

**Mr. Berger:** Thank you, Mr. Chairman. I would just like to ask of Mr. Legal Advisor what the agonizing effect was in Committee and why this wasn't considered.

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

**Mr. Legal Advisor:** It was very seriously considered, Mr. Chairman, in relation to the total length of time taken from the commencement of the advertisement to the final hearing and everything else. The five day period is only one of a number of periods within which objections may come.

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

**Hon. Mr. McKinnon:** Mr. Chairman, it's advertised in three successive papers. That's 21 days and with 5 more days that's 26 days, and we just didn't think the communications throughout the Yukon were really that bad that a person wouldn't see one of those notices within 26 days and be able to file objections, if he wanted to. You know, we can go a month or two, but we're just putting it off and certainly within that 26 day period there's time for a person to see the advertisement in the paper.

People are interested in the liquor licences coming about, they're watching for them. I used to be in the booze business and, for crying out loud, we were looking for them and always had our eye open for it and people who are in the groups who are opposing licences, for any reason, they've got their eyes open and they're sharp. They know what's happening. Let's not try to fool ourselves.

**Mr. Chairman:** Shall Clause 15 carry?

**Some Members:** Agreed.

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

**Mr. Berger:** I would just like to thank the government for this type of consideration, because I think this was a very big consideration given to the whole thing in thinking of the outlying districts. I would again thank them very much for this type of consideration given to the outlying areas.

**Mr. Chairman:** I would point out to the Honourable



Member that the circulation must be in a newspaper in the area in which the premises are situated.

**Mr. Berger:** Mr. Chairman, I would like also to point out to Mr. Chairman and every other Member in this House, unless you lived in the outlying areas you don't know what you're talking about.

**Mr. Chairman:** Shall Clause 15 carry?

**Some Members:** Agreed.

**Mr. Berger:** Disagree.

**Mr. Chairman:** Page 15, Clause 17. The Liquor Ordinance is amended by repealing subsection 31 thereof and substituting the following therefor:

"30(1) Where any objection to the application has been made pursuant to Section 28, the Board shall fix a day at least 7 days after the last day of publication referred to in Section 25 for hearing representations on behalf of the applicant and the General Manager and on behalf of the person or persons who have filed an objection pursuant to Section 28."

**Mr. Berger?**

**Mr. Berger:** I again rise in the same point that, as in the other section. I also ask for an extension of that period in here and I would like to again thank the administration for considering this matter.

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

**Mrs. Watson:** Mr. Chairman, I wonder if the Honourable Member from Klondike has a suggestion as to what he would like to see in this?

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

**Mr. Berger:** Mr. Chairman, I'm going to wear this chair out. I asked the last time and I'm asking again, that Section 28(1) be amended to ten days and Section 31 to twelve days. It hink this is just a little bit to ask for and it wouldn't hurt anybody, but I've got my reasons and I think I know why the administration doesn't want to consider this.

**Mr. Chairman:** What is your reason, Mr. Berger?

**Mr. Berger:** I can't say it in the House, Mr. Chairman.

**Hon. Mrs. Whyard:** Well, Mr. Chairman, we did give this long and serious consideration and we knew the points that were brought up by Mr. Berger and they were considered and the time element was carefully reviewed. As the Honourable Member has pointed out, you have close to a month now and the people who are interested in it watch for every announcement, just as they do for every claim, mining, legal notice, for the call for bids for contractors, the people who are interested in this area watch for these announcements.

**Mr. Chairman:** we just could not see that adding another five days was going to make any difference to the people anywhere in the Yukon.

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

**Mr. McCall:** Thank you, Mr. Chairman. I think what the Honourable Member from Klondike is saying is very valid, and I think the Minister should not show too much ignorance because a few days more is not going to do that much damage. I think it will assist the outlying areas a lot better.

I would caution the Minister to consider it.

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

**Hon. Mr. McKinnon:** Mr. Chairman, there seems to be some kind of consensus that there was some type of a plot of the elected Members on ExCom to do some dirt to the outlying areas, when we considered this Ordinance.

All I can do is just stand up here and assure you that nothing could be further from the truth. We took a look at the time frame in Section 30 and we took a look at the time frames through the whole Section, and it's worked out to three newspaper announcements, 21 and 5 days is 26 days and 7 days later we were going in over a month for the notice of objection. We just came to the opinion, after hearing from the Superintendent of Liquor, that it was in his knowledge, and all the facts that he had and all the time he's been Superintendent of Liquor, that all the objections came in after the first notice went in the paper, and very, very seldom was there ever any objection after the second or the third notice in the paper.

They all came in, he said, and I think it was almost without exception, within the first ten days, so we took into consideration the time frame in here which is over a month, with suggestions from the Superintendent of Liquor who has been around for about twenty years in the field of liquor in the Yukon, and the considerations of the Honourable Member from Klondike, and said that we don't think that there has been enough of a case made to go to any further extensions.

If Honourable Members had brought in amendments because they felt so strongly about it, and putting in another five days, the elected Members on the ExCom would have gone along with it, because we just don't consider it to be that much of a position one way or the other that we can't move on it.

It was our suggestion, and it was after serious consideration and involving the Superintendent of Liquor Control and, you know, it would have been a simple amendment without getting into this hassle, if Members had wanted to move it we would have supported it, because we just don't feel that strongly about it. That's how big a plot it is against Members of the House in leaving it as it is. It's nothing.

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

**Mr. McCall:** I think the Honourable Minister is being very evasive. One, he does not live in outlying districts.

Two, when you consider between Old Crow and Watson Lake just how many publications there are where the government releases information on anything, whether it be on a daily or monthly basis. I don't think you considered that. How many government offices where the publications may be shown or displayed? I don't think you have considered that, and I don't think



you've considered the Honourable Member's request.

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

**Mr. Lengerke:** Yes, Mr. Chairman, I would certainly hope and I would think that the Member from Klondike as well as the Member from Pelly are not raising any objection because they think there's a plot. I'm sure that they have a valid reason for what they want, and as it doesn't affect certainly my constituency the days in there are in accord, but I would think that if they have some good valid reasons and there are other people concerned about this, I would like to hear about it, and it's now the time to move an amendment to it, and I would certainly support it if it has some validity.

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

**Ms. Millard:** I'll have to join this vocal debate, in being one whose constituency is the furthest away from Whitehorse, I would say that the length of time is sufficient.

**Mr. Chairman:** Is there any further debate on Clause 17?

Mrs. Watson?

**Mrs. Watson:** This is Clause 30, sub-one?

**Mr. Chairman:** In the old Ordinance; it's Clause 17 in the new Ordinance.

**Mrs. Watson:** Mr. Chairman, I would move that the Board shall fix a day at least ten days after the last day of publication referred to in Section 25.

**Hon. Mr. McKinnon:** I second that.

**Mr. Chairman:** It has been moved by Mrs. Watson, seconded by Mr. McKinnon, that 30, sub-one, shall read: "Where any objection to the application has been made pursuant to Section 28, the Board shall fix a day at least ten days after the last day of publication referred to in Section 25, for hearing representations on behalf of the applicant and the General Manager, and on behalf of the person or persons who have filed an objection pursuant to Section 28."

Are you ready for the question?

**Some Members:** Question.

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

**Some Members:** Agreed.

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

Shall Clause 17 carry as amended?

**Some Members:** Agreed.

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

**Mr. McCall:** That wasn't too difficult, Mr. Chairman.

**Mr. Chairman:** I beg your pardon?

**Mr. McCall:** That wasn't too difficult, was it?

**Mr. Chairman:** Page 23. Clause 32.

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

51.(1) The General Manager may issue to any person a permit to make, transport or possess home made wine."

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

**Mr. Legal Advisor:** Mr. Chairman, the question that arose was whether beer should or should not be added to it, and an inquiry was made in that regard.

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

**Hon. Mr. McKinnon:** I have in my hot little hands, Mr. Chairman, the permit that must be filled out under the Collector of Customs and Excise for beer for home consumption. As stated previously, we were right on under the Customs and Excise Act, permits for home made beer.

**Mr. Chairman:** Shall Clause 32 carry?

**Some Members:** Agreed.

**Mr. Chairman:** Page 26. 39.

"The Liquor Licence is amended by repealing subsection 60.(1) .."

**Mr. Legal Advisor:** It's the Liquor Ordinance.

**Mr. Chairman:** Subsection 60 sub (1) thereof and substituting the following therefor:

"60.(1) No licence shall be granted to or for the benefit of a person who is appointed under Section 9, and no licence shall be granted in respect of any premises, the owner or part owner of which or of any interest therein, is such an appointee, and every person who knowingly recommends the issue or is a party to the issue of a licence in any such case commits an offence."

I'm not sure what this refers to, but I see in the old Ordinance, it refers to Section 8.

**Hon. Mr. McKinnon:** There was a question on that section, but I thought it was answered, Mr. Chairman, that new Section 39 just states that the General Manager of the Corporation and his staff can't benefit under a licence of the Ordinance, and the question was answered when we went through it, and I didn't think there was anything further on it.

**Mr. Chairman:** I don't know, the clause was not carried.

**Mr. Gillespie:** Mr. Chairman, did you catch the typographical error "Liquor Licence", it should be "Liquor Ordinance"?

**Mr. Chairman:** Yes. Shall Clause 39 carry?



**Some Members:** Agreed.

**Mr. Chairman:** Are there any further amendments?

Mr. Taylor?

**Hon. Mr. Taylor:** We still have to deal with an amendment on public place.

**Mr. Chairman:** Oh, you are right. I still have the amendment on Page 1, Section 2. Shall we deal with that at the present time?

**Some Members:** Agreed.

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

**Mr. Lengerke:** Mr. Chairman, you gave us assurance that we would be able to discuss the possibility of a new section before we dealt with that, and I was just wondering if you wanted to do that. I have no objection to going back to Page 1 ..

**Mr. Chairman:** I have no objection to entertaining a new ..

**Mr. Lengerke:** If we have now completed the amendments and the clause by clause reviewal, we would like to propose a new section.

**Mr. Chairman:** Carry on.

**Mr. Lengerke:** I have a proposed amendment to the Bill. Do you want me to circulate it, Mr. Chairman, or read it out?

**Mr. Chairman:** Yes, please.

**Mr. Lengerke:** It's a Motion moved by myself, seconded by the Member from Kluane. I have copies.

**Mr. Chairman:** I will read it from the Chair.

Moved by Mr. Lengerke, seconded by Mrs. Watson, that Bill Number 5 entitled An Ordinance to Amend the Liquor Ordinance be amended as follows, by adding the following new section thereto:

"(1) That no person shall consume liquor in any place except

(a) a residence;

(b) a public place, that is

(i) a public beach, public park, public campground, and

(ii) a location that is off the highway that is reasonably remote from any settlement that is used for picnicking, sports fishing, hunting or other outdoor recreational activity, unless otherwise notified to the public by the owner in the manner prescribed, and

(iii) at facilities such as a garden terrace or poolside patio of a licensed premises; and

(c) such other places as may be prescribed.

(2) Proof of possession in a public place of a bottle or can containing liquor which has been opened is *prima facie* evidence of consumption by the person who is found in possession of the liquor in such public place.

(3) Where one of two or more persons with the know-

ledge and consent of the rest has liquor in his custody or possession, the liquor shall be deemed to be in the possession of each and of all of them"

**Hon. Mr. McKinnon:** Mr. Chairman, on a point of order, may I rise?

**Mr. Chairman:** Yes.

**Hon. Mr. McKinnon:** Are you going to allow this section to be debated?

**Mr. Chairman:** No. I'm sorry, but this subject matter comes under material that has already been dealt with by Committee and voted on.

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

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

**Mrs. Watson:** Mr. Chairman, really in all fairness, if you look at the contents of the section, and if you look at the contents of Section 103, there's just no way that you can even consider the fact that there is a similarity.

As I've said before, Section 103 is an Area Enforcement Order ..

**Hon. Mr. McKinnon:** Mr. Chairman, on a point of order ..

**Mrs. Watson:** ... and — no, Mr. Chairman

**Hon. Mr. McKinnon:** I now rise on a point of privilege.

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

**Hon. Mr. McKinnon:** I asked on a point of order whether the Chairman was going to allow this section to be debated, but he said that he was not, and now we are debating the section, and I would like to know whether the Chairman is going to enforce his ruling or not.

**Mrs. Watson:** Mr. Chairman, on a point of order, surely to goodness this is a democratic Assembly, and when there isn't an opportunity to — I would dare say a very close portion to a majority of Members in this House, who would want to consider this problem ..

**Mr. Chairman:** I will give my ruling, Mrs. Watson — Mrs. Watson.

**Mrs. Watson:** .. and we are being muzzled.

**Mr. Chairman:** Mrs. Watson, you're out of order.

**Mrs. Watson:** Absolutely being muzzled.

**Mr. Chairman:** Out of order, Mrs. Watson.



**Mr. Chairman:** I will quote from Beuchesne. An act to amend the Criminal Code. "No other section of the Code can be amended from those mentioned in the Bill. The amendment of an act of the same Session is another aspect of the rule against the repetition of decided questions." And, "Amendments must be relevant to the subject matter of the Bill and to the Clause to which they are proposed and they must not be inconsistent with the previous decision of the Committee on the same question." And on that basis, I make my ruling.

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

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

**Mr. Lengerke:** It is not the same question.

**Mr. Chairman:** I beg it is. I have made the ruling that it is the same question.

**Mrs. Watson:** On a point of order, really Mr. Chairman, the ruling we voted on whether we should have area enforcement orders. That's what we voted on in Section 103, whether we should give the power to have area enforcement orders which would regulate drinking in public places.

**Mr. Chairman:** Mrs. Watson, you're out of order.

**Mrs. Watson:** This has nothing to do with it.

**Mr. Chairman:** Mrs. Watson, you're out of order.

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

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

**Mr. Lengerke:** The section we are discussing previously was an enabling section to allow municipality control.

**Mr. Chairman:** You're out of order, Mr. Lengerke.

**Mrs. Watson:** Mr. Chairman, a point of order ..

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

**Hon. Mr. Taylor:** I wonder if we could then now deal with the amendment on Page 1, Section 2?

**Mrs. Watson:** I have a right, as a duly elected person, I have been infringed upon.

**Mr. Chairman:** Public place. It has been moved by Mrs. Whyard, seconded by Mr. Lang, that Bill Number 5, entitled An Ordinance to Amend the Liquor Ordinance be amended as follows:

"“public place” means any place to which the public have access as a right or by invitation expressed or implied, and includes a vehicle in a public place.”

Shall the amendment carry?

**Some Members:** Agreed.

**Mrs. Watson:** Disagree.

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

**Some Members:** Agreed.

**Mr. Chairman:** "6.(1). This Ordinance or any portion thereof shall come into force upon a day or days as proclaimed by the Commissioner."

Shall Clause 106 carry?

**Mrs. Watson:** Disagree.

**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 Liquor Ordinance."

Shall the title carry?

**Some Members:** Agreed.

**Some Members:** Disagree.

**Mr. Chairman:** Shall I report the Bill as amended?

**Some Members:** Agreed.

**Some Members:** Disagree.

**Mr. Chairman:** There isn't a poll, I'll ask for a show of hands.

All those in favour?

**Mrs. Watson:** Disagree.

**Mr. Chairman:** Contrary?

The Motion is carried.

I'll now declare a brief recess.

(RECESS)

**Mr. Chairman:** I will call the Committee to order. I'll refer you to Motion Number 14, regarding the White Paper on Legal Advice to the Legislative Assembly.

Mr. Taylor?

**Hon. Mr. Taylor:** Yes, Mr. Chairman. I'd first like to say that I most appreciate the work that the staff have done in researching this question. The question of a legal person to be involved in the Legislative side rather than solely on the Legislative side, rather than on the Administrative side has always bugged future, I should say former legislatures in the Yukon. I know it must have been an exhaustive piece of work to put together.

However, it appears that it is now possible for us to fall back upon the experience perhaps of Prince Edward Island and Saskatchewan in particular, and we found that in Saskatchewan they have both a legislative counsel and a law clerk, are both one and the same person. They have a House of approximately 61 members. The Legislative Counsel or LawClerk, as you prefer, drafts about 120 pieces of government legislation per year and about 75 pieces of this legislation apparently gets presented in the House in a year.



So, it was felt that to, you know, to have a qualified lawyer based on the experience found in the provinces, that a quality lawyer should only be doing about 25 Bills a year, and, oddly enough, that seems to be roughly the amount of legislation that we deal with in this Legislature.

Our present need would be for one legal person to function under the Clerk of the Assembly, rather than under the administration. The Legal Advisor, as I understand it, from the research and from the Paper, is that the Legal Advisor would be advisor to the Speaker to the Clerk, to the M.L.A.'s, to draft amendments during Sessions, and working for M.L.A.'s on House business only, not on anything unrelated to House business.

On the other side of the fence, this person would draft legislation, regulations, consolidation of Ordinances and, of course, the annual consolidation, and this type of thing. So, I would be pleased, at this time, Mr. Chairman, just before the debate ensues on this question, to perhaps place a Motion before Committee which they could consider.

It would be, I would like to move that this House supports the concept of the establishment of a position of law clerk to be located within the Clerk's office to act as law clerk for M.L.A.'s and who will be responsible for preparation of all legislation and regulations, if I could find a seconder.

**Mr. Chairman:** Secunder?

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

**Mr. Chairman:** It has been moved by Mr. McCall, seconded by Mr. — moved by Mr. Taylor, seconded by Mr. McCall, that this House supports the concept of the establishment of a position of Law Clerk to be located within the Clerk's office, to act as a Law Clerk for M.L.A.'s, who will be responsible for preparation of all legislation and regulations.

**Mrs. Watson?**

**Mrs. Watson:** Mr. Chairman, we don't have a copy of the Motion, and I wonder if we could get a copy, but I would like to speak to the Motion and to the Paper.

I agree completely with what the Motion says, and I think that the Clerk's office has done a great deal of research. I think they have come forward with a very good proposal, however, I would support the Motion if it didn't imply that it would have to be brought into effect this year.

I don't know what the price tag to this service would be, but I think it would be considerable, and we are facing a time of financial constraints within the whole government. I'm afraid that if the Motion meant that it should come into effect for the fiscal year '76-77, I'm afraid I would have to vote against it.

I agree with the concept, and I think that if we were looking at expending any more money for the operation of our Assembly, that I would prefer to consider some funding for some Committee work. It wouldn't be nearly the amount that would be required to establish the Law Clerk, and I think the Committee work, there is a crying need for this type of thing to be done before — between Sessions.

I would hope that we agree in principle to this Ses-

sional Paper, but because of the problem of financing, that we review it again next year, that we indicate that we are prepared to make some constraints on our operation within government, to sort of parallel constraints that the administration has been asked to put on their operations.

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

**Hon. Mr. Taylor:** Yes, Mr. Chairman. The Motion asked that we agree with the concept. Certainly, there is much more research is — well not so much research, I suppose, but one would have to have our Clerk or our staff look around to see just who is available at what price, and to see if indeed it can fit in with the budget in the forthcoming year.

This would have to, of course, be a decision which was finalized with the Budget Review Committee and the Executive Committee and this type of thing, but no, I don't put any limitations on it. I'm asking in my Motion that the House support the concept, and if this House doesn't, it's the first point in my experience that we ever did disagree. We've had resolution after resolution of former legislatures in Yukon asking for this very thing.

But it may be a possibility that we can do this, and this is what I'm asking.

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

**Mrs. Watson:** Mr. Chairman, it would assist us a great deal if we had a copy of this Motion.

**Mr. Chairman:** It is coming.

**Mrs. Watson:** Thank you.

And Mr. Chairman, I will say that I agree with the concept but there is a qualifying thing to it. I don't think that the budget committee should have to make the decision on whether they proceed with it for the next fiscal year. I think this is the decision here, because they're going to be — once they have our motion, they're going to say, what do we do? Have we got enough money? Do they really want it this year? I think we should give them some indication that we are prepared to spend that kind of money this year, this coming year.

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

**Hon. Mr. Taylor:** With respect, every Member has that opportunity when we discuss the budget. That's where that's done.

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

**Mrs. Watson:** Mr. Chairman, the Honourable Member knows full well the procedure for budgeting and I think that it is not fair to our Executive Committee Members who have to consider the budget not to give them some direction. I know how I would feel; they will say, well, if we put it in they're liable to criticize us and say, oh, \$50,000.00 for a Law Clerk, when the budget comes forward. And then, if they don't put it in some of them will say, well, I thought we passed a motion we want the Law Clerk concept. I think this House must give them some direction.



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

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

I think there are several things that we'd like to point out to all Honourable Members — one being that we can't see this position being filled before the next Budget Session, so it will be an item in the budget and all Members will have the opportunity to look at what our financial situation is and whether we can afford the luxury of the Law Clerk at that time.

Also, I think, Mr. Chairman, it should be mentioned that, and it is in the Paper, that this is an extremely difficult position and costly position to fill, but all provincial jurisdictions are having problems obtaining the expertise of Law Clerks and drafting people.

We've had a position open in the office of the Legal Advisor for two years now for a solicitor and have been actively trying to fulfill that position on a permanent basis and have been unsuccessful up to just this point in time.

I have to disagree with the, all legislation and regulation in the motion from the Honourable Member from Watson Lake, because it would seem to me if we did have the Legal Advisor, that we did have a solicitor finally filled that we've been looking for years in the Legal Advisor's office, that during the Session and in the preparation of a Session, and we did have the ability of other people who were perfectly capable and competent of drafting legislation and regulations, we'd just be wasting time and energy and manpower by passing a motion saying, regardless, that we have these people sitting there and perfectly competent and expert in being able to do things, that only the Law Clerk has the confidence and competence to draft all legislation and all regulations.

It would seem to me not to be an efficient use of manpower and I haven't come from private industry that long ago that I don't like to see people sitting around doing nothing.

So, I have no problem at all at this part of the motion because it will come before the House in the Budget Session for the filling of the position and for the approbation of the House to give the budgetary wherewithal to be able to fill the position. And I couldn't support all legislation and regulation as is proposed in the Motion of the Honourable Member from Watson Lake.

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

**Hon. Mr. Taylor:** Yes, Mr. Chairman. Perhaps I would certainly be agreeable to dropping the word "all" in that line.

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

**Mr. McIntyre:** Mr. Chairman, I heartily support this Motion. I should point out that this Law Clerk input in the Motion is responsible for the preparation of all legislation; he's responsible for it, it doesn't say that he has to prepare it personally.

Some other law clerk could do it, or someone in the Legal Advisor's office. It doesn't say that he personally has to do it. I don't see anything wrong with the Motion as it stands.

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

**Hon. Mr. Taylor:** Mr. Chairman, just on that point, it's my understanding that in the provinces the governments, of course, have many solicitors and many different departments but the legal counsel or the law clerk eventually is the final one who reviews all legislation and regulations, notwithstanding that perhaps they were drafted in other departmental areas within government.

So it was never intended that only this one person would be the only one drafting legislation.

**Mr. Chairman:** Mrs. Whyard?

**Hon. Mrs. Whyard:** Yes, Mr. Chairman, that's my concern, because it does say "all", and we're going to eventually run into a day when he isn't here and you have to have something done, and you might be restricted by this phrase, and I think the Honourable Member has agreed that he is willing to remove the word "all", which could cause a problem at some time.

As Chairman of the Legislative Programming Committee, I see the necessity for this position being filled, and would certainly support this Motion, and I hope that we will have the approval of all Honourable Members when the time comes to approve the funds.

**Mr. Chairman:** In view of the significance of it, I really think we should have an amendment, if you wish to delete the word "all".

Mr. Fleming?

**Mr. Fleming:** Did you say you wished an amendment to remove "all" from the ...?

**Mr. Chairman:** If Committee wishes to remove the word "all", it should be done by amendment to the Motion.

Mr. Berger?

**Mr. Fleming:** Okay.

**Mr. Berger:** Yes, Mr. Chairman. I would move as an amendment to this Motion that "all" will be removed, before the word "legislation".

**Mr. Chairman:** Seconder?

**Mr. Fleming:** I second that Motion.

**Mr. Chairman:** It has been moved by Mr. Berger, seconded by Mr. Fleming, that the word "all" be removed from the Motion, so that the amended Motion would read: "That this House supports the concept of the establishment of a position of Law Clerk to be located within the Clerk's Office to act as Law Clerk for MLA's, and who will be responsible for preparation of legislation and regulations."

Mr. McIntyre?

**Mr. McIntyre:** Mr. Chairman, I don't think that it makes any difference if you take the "all" out. He's still responsible for the preparation of legislation, and that infers that he's responsible for all of it.



I don't think it matters whether you leave it in or take it out.

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

**Hon. Mr. McKinnon:** The vote, Mr. Chairman, the support, I understand, is for the majority of Members who prefer the phrase in without the "all" in it whether it means us or not.

**Mr. Chairman:** I would pose the question on the amendment, whether to delete the word "all".  
All those in favour?

**Some Members:** Agreed.

**Mr. Chairman:** Contrary?  
The amendment is carried.  
Are you ready for the question on the Motion?  
Mrs. Watson?

**Mrs. Watson:** No, Mr. Chairman, not quite. I must reiterate, I do agree with the concepts of the Bill, and I know that it takes — that this type of person is very difficult to find, and I also know that they are very expensive to hire, to get a good person. But I can't help but think of what the Honourable Minister of Health and Welfare said, I hope you will remember this when it comes to Budget Session.

Now, I am not — I am going to give my warning; I will support the Motion because I can still feel quite free to vote against provision for a law clerk, if there is any means for any taxation in this Territory or there is any need to cut other very good programmes, I want to be free to make the decision not to proceed with the law clerk this year, before I bring any more taxation on the people of the Territory.

I will support the Motion, with that qualifying part in it.

**Mr. Chairman:** Is there any further debate?

The Motion now reads: "That this House supports the concept of the establishment of a position of Law Clerk to be located within the Clerk's Office, to act as law clerk for MLA's, and he will be responsible for preparation of legislation and regulations."

All those in favour? Contrary? Motion is carried.

*(Motion carried)*

**Mr. Chairman:** Motion Number 15, that WHEREAS pursuant to Section 114 of the Indian Act the Minister of Indian Affairs and Northern Development is empowered to enter into agreements with the Commissioner of the Yukon Territory for the education in accordance with the Act, of Indian children, AND WHEREAS this House has been informed that there is currently no agreement between the parties, AND WHEREAS this House considers that the policy of the Government of the Yukon Territory should be formulated in accordance with law, pursuant to an Ordinance of this House, empowering the Commissioner to enter into such an agreement and carry out its terms in accordance with policies approved by this House, NOW THEREFORE BE IT RESOLVED that this House request the Com-

missioner of the Yukon Territory to prepare and place before this House for its consideration without delay:

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

(1) The cost of these services;  
(2) The persons entitled to the benefits of these services;

(3) The method of the delivery of these services, and  
(4) The respective payments made by the Governments of Canada and the Territory to meet the costs of the services.

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

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

Mr. Fleming?

**Mr. Fleming:** Yes, Mr. Chairman. In bringing this Motion to the House, it wasn't just done in a day. There's a lot of thought brought into it, and there's been a lot of problems that caused it, and I might speak now on some of the reasons for the Motion.

The Motion in itself is to have the two governments create a policy whereas Members of this House will know where they stand in respect of the native children and the schools and transportation in going to school, in any phase of that argument we're always having with them as to who is responsible.

Under Section 114 of the Indian Act, the Minister of Indian Affairs and Northern Development is empowered to have an agreement with the Government of the Yukon, Commissioner, and I have been told in this House, of course, that they do not have an agreement this Session.

Also, other questions that were asked by Members, on February 16th 1976, a Member asked "What is the amount of money for registered Indian people which is paid by the Federal Government to the Territorial Government for education for registered Indians", and I'll give you this answer.

"Does the Federal Government contribute anything to the Territorial Government for capital costs" — that was the other question.

The answer was as follows: "There are no separate payments made to the Territorial Government in respect of registered Indians." Therefore, that is one of the reasons we wish to have an agreement, so that we do know who is responsible and who we should go to when we have a problem.

Another reason is that I don't think the native peoples in many places understand the policy that is before us today, which is only the one for the Yukon Territory. The Government may have one somewhere but nobody knows anything about it, and they themselves, when I have spoken to them of what problems we had in transportation and so forth with the children, in one instance I found the paper that was from the Parliament of Canada in which monies was allotted to the Yukon Territory, and these people, in all honesty, many of them believe that this money was given to our Department of



Education.

Now, somewhere along the line, there's a misunderstanding, and I would like to see that misunderstanding cleared up, so we know where to go when we have a problem.

To carry on with the Motion, a statement of present policy being carried out in respect of Indian children's education by the Government of the Territory and Canada, including appropriate information with respect to the services provided by the Government of the Territory and the Government of Canada, the two together, so that the problem is actually solved, we know exactly where we're supposed to get the money, the cost of these services, the persons that are entitled to the benefits of the services. If there is such a thing that they are entitled to something extra, we would just like to know who we are arguing with; the method and delivery of these services, so we know again what is going on and what has got to happen; the respective payments made by the Government of Canada and the Territory to meet the cost of these services. These are something we can't seem to get the answer on now. I think if we had those costs we would know where we were going. And the policy paper setting forth the intentions of the Government of the Territory in respect to matters mentioned in Paragraph (a) and appropriate legislation to carry out exactly what I've been speaking about.

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

**Hon. Mr. Lang:** Mr. Chairman, this Motion that you have before you today is a very important motion in that it's a motion that's causing myself and the government a great deal of concern and presently the department is attempting to research all the various areas that pertain to this particular motion so that we can give you the proper background in this House before you pass a motion or defeat a motion without all the information being present.

I think it would be very advantageous for this House to defer this motion 'til possibly early next week so that I could have this information here in order to present it to the House so that everybody gets a broad picture of what has happened in the past and what is happening now. I would ask the House if they would defer this matter until possibly early next week, Mr. Chairman.

**Mr. Chairman:** Is it the wish of this Committee that we defer this Motion until ...  
Mrs. Watson?

**Mrs. Watson:** Thank you, Mr. Chairman; we certainly concur because this is the type of information which we have looked forward to for some time. If we're going to start sorting out this problem and get some answers, well by all means I would be prepared to even defer 'til the next Session if we were going to get some proper answers to it.

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

**Hon. Mr. Lang:** Mr. Chairman, hopefully I'll have all the information by next week. I can't promise, and if I don't have all the information I may ask the House to wait 'til the Budget Session.

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

**Mr. Fleming:** Mr. Chairman, in answer, I would also like to see that information; that is what I'm asking for and I'm prepared to wait a few days. There's no problem there whatsoever, if this is the wish of the Members and hopefully that the Minister of Education, if that is where the answers are coming from, the Federal Government or wherever, will get them here in this Session because I am tired of waiting and I have problems now on my back that I can't get rid of because there has been no answer to it.

I get the blame the same as you get the blame for things that are not our fault and unless we can prove to the people that it is not our fault we just might as well throw up our hands and forget it.

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

**Mr. Berger:** Mr. Chairman, I'm in agreement with deferring this motion until next week, but I have an additional question to the Minister of Education — all the Ministers actually.

In what respect is the difference in the agreement with the Indian Affairs Department and the provinces and the Territory? I'm referring to a newspaper article in one of the local newspapers yesterday that the problem arose in Manitoba, where the Indian Affairs Department neglected to pay their share on education, health, and welfare, and I believe that there was one other department. And if those provinces know exactly how much money the federal government has to put into these different departments, how come we don't know?

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

**Hon. Mr. Lang:** Mr. Chairman, I think that this will all come out once I get this information for the House. I don't think there's any need in pursuing the conversation any further until next week when we have all the information. I know what the Honourable Member is getting at and I think that I'll have a concise paper here to explain just what has actually happened in the past and what is actually happening now as far as the Territorial Government is concerned. I cannot speak for the Federal Government, fortunately.

**Mr. Chairman:** Mrs. Whyard?

**Hon. Mrs. Whyard:** Well, Mr. Chairman, as far as the Department of Health is concerned, I can assure Honourable Members that the bills for the responsibility of the Federal Department are being paid by the Federal Department.

**Mr. Chairman:** We'll defer debate on that Motion until next week.

I refer you to Motion Number 25, regarding "An Energy Policy for Yukon". We have a request for a witness to appear at this time. Mr. Martyn Williams from the Conservation Society. Does that meet with agreement of Committee?

**Some Members:** Agreed.



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

(Recess)

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

We now have with us appearing as witnesses, Mr. Martyn Williams and Mr. Bob Sharp from the Conservation Society. They have a brief that they would wish to present at this time.

Mr. McKinnon?

**Hon. Mr. McKinnon:** Mr. Chairman, before we get into discussion, I have been reminded by the Secretary to the Executive Committee that on June 10th of this year, that an Energy Policy for Yukon, the paper that we are discussing, was accepted by ExCom as Y.T.G. policy.

**Mr. Chairman:** Carry on, Mr. Williams.

**Mr. Williams:** A development policy is stated and implied in the paper, "Energy Policy for Yukon". In our view, this is a most inappropriate process to arrive at plans for a future Yukon. Formulating the designs and plans for our region should clearly come before deciding what our energy needs and supplies will be.

To proceed otherwise is to run the risk of embarking unaware on a development scheme, which may be to the overall detriment of the Yukon. We must decide what kind of Yukon we want in a conscious fashion.

We are not convinced that most Yukoners desire future Yukon characterized by main industrial developments. To the contrary, we feel many people live here because we are not characterized in that fashion.

We are encouraged by the paper, "Establishment of a Committee for Yukon Future" and the principles which it embodies. This mind of process, leading to a future plan for the Yukon, needs to be followed before an energy policy may be appropriately established.

The urgency implied by the energy policy is questionable. We have not had sufficient opportunity or time to examine the ramifications of the energy policy in detail, and conduct some independent analysis relating to the policies supporting rationale.

There are, however, a number of points we wish to query and investigate further. We will touch upon some of these topics in the following point by point discussion of the paper. We do not want you to consider this, our summary, or only input. We would like the opportunity to address you at some later time, when we have been able to research the issues related to the policy in more depth.

That's our present brief, but we would like to make a few comments on the policy paper too. The first comment is that the term "electrical energy" implies hydroelectric energy throughout the whole report, and the Yukon is, in many ways, unsuitable for hydroelectric projects. The Yukon, by its geography, has low rainfall, low elevations in the valley bottoms. It has high runoff in the Spring, and so in order to create a hydroelectric system, hydroelectric power dam, you have to dam up a great amount of Yukon, in order to produce a certain amount of power, which if you look at other situations where there are high rainfall, consistent run-off throughout the year, it requires utilizing less land,

utilizing less resource.

Also the valley bottoms in the Yukon are the most productive areas of the Yukon in terms of biology, and by using those, we're perhaps removing them from other uses which implies actually that hydro is not a renewable resource in that the valley bottoms are used up by a hydro dam.

You may be wondering how this applies to the present dams we see, such as the dam at Whitehorse. That is a most unusual case in the Yukon, and that is a good dam in terms of not using up a lot of land. It's using a river which has a lake back-up system which will supply constant flow throughout the year, but the suggestions that the Sigma Report included as the main areas for future Yukon dams, were on rivers which didn't have this, and which would mean damming up a great quantity of Yukon in order to produce a certain amount of power.

Okay, Bob Sharp will go over the next point.

**Mr. Sharp:** The first policy also includes the notion that to develop energy which will meet future needs, it will be necessary to export energy until the needs in the region rise to meet the supply you have at hand.

We find, and we have looked at this in the historical context in other places, that when a process of energy export is entered into, it is entered into on a long-term basis, and the commitments are such, both in the infrastructure of transmission and in the contractual agreements between the parties to whom the energy is being sold, it ties you on a long-term basis. It is not revocable.

This leads us to a concern that we will be locked into an export, energy export policy and when our needs rise to a point at which we would like to consider the notion of retracting some of the energy we are exporting, we will be confronted with the option of having to build another dam in the scenario created in the energy policy.

The second policy statement is applied to a rationale for transmission of, I believe it's electrical energy throughout the Territory. It is our view, and I think this is questionable, that this may be — this may not be the most rational approach. We are, by our very nature, a sparsely populated region and it may make more sense on the regional basis to develop other sources of energy to supply different areas and locales in the region.

We should be looking at a package that offers the Yukon, as a total, the lowest energy cost, and I'm viewing this in the long run, that we can possibly arrive at.

Policy three states where hydro is not applicable. By this it gives the first priority to hydro development. It is our view that this statement of priorities should not be made in this manner, but that individual areas within the Yukon should have their energy supply assessed on an area by area basis, as opposed to applying hydro as a first priority, and having to demonstrate that it is not applicable, but other sources may be more applicable. It is our view that this should be more open ended.

The fourth point deals with the equitable energy split. It is our view in this policy that we are a relatively small Territory, and it is our view that many residents — and this is an untested view, and as we argued earlier in our brief, we would like to see this aired, that most residents would not like to see large scale development in the region that alter the character of the region.

The way we are now, and even with the doubling of our population, we have the capacity with the resources we



now have within our boundaries, to be virtually self-sufficient in terms of our energy demands. If you're referring to an exchange in fuel / petroleum balances, then it may be worthwhile examining this in a broader context that does not tie us into an exchange that we may in the long run regret.

Martyn, I will leave you with the last section there.

**Mr. Williams:** Another point that the energy policy discusses is energy conservation, and we've obviously considered this as an area of great importance, and we would like to express to the Legislative Assembly, that we'd be most willing in assisting in whatever ways we can in the formulation of policies of energy conservation, that this Assembly might be willing to undertake.

Thank you.

**Mr. Chairman:** Thank you. Are there any questions for the witnesses?

Mrs. Watson?

**Mrs. Watson:** Mr. Chairman, the main thrust of your presentation was that you really didn't agree with the policy statement as outlined by the government. The policy statement in this pamphlet to me indicates that there might be the possibility of some day the Yukon consumers being able to get energy for their heating of their homes, and for the lighting of their homes at a reasonable rate.

And you are not agreeing with this policy, and I wonder what alternatives you would suggest, on a long-term basis, and for now, when we get light bills and fuel bills that are going up all the time, we are concerned now, and I'm more interested in how would you approach it for the future?

**Mr. Chairman:** Mr. Sharp?

**Mr. Sharp:** Mr. Chairman, our principal objection to the policy on energy is that it is not an energy policy. It is a development plan for the Yukon.

We would like to see just as would you, the most effective heating we can provide for our homes in an environment in which we can live with a tremendous strain.

We did some analysis of what has happened to energy costs over the last two years and our analysis, even though cursory, has thrown considerable question on the projection and rationale which support the policy and implied urgency of the policy. For example, over the past year since August of 1975 to June of 1976, to heat up homes that would use 7,000 kilowatts of electrical energy, the price has raised from \$113.19 a month to \$267.12 a month.

We are not at all convinced that the kinds of development which have gone on now have been assuring us that those kinds of goals that you are suggesting are being met. And we are inclined to feel that the energy policy as stated here is much too open-ended. It doesn't allow for us to build in the option of having some input as to when we're going to provide the energy for the next two or three potential mines that come in mind and we feel that should be something that the people of the Yukon have a say in.

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

**Hon. Mr. Taylor:** Yes, Mr. Chairman, I was somewhat surprised to hear Mr. Williams' comments respecting electrical energy and saying that basically that the Yukon is relevantly unsuitable for such projects and I take, well, that took me aback, I must say. I consider that to be absolute bunk.

It's quite clear that there are suitable development sites in the Yukon and I cited in this House the other day at least one and that is the Alsek, which can produce, at this point, one of two dam site bases, and these are out-of-sight dams doing very little ecological damage whatsoever in relation to your Yukon River proposals which you spoke of, or your lower valley proposals. Two dams alone can produce 3,000 megawatts of power and that is a fair amount of power.

If we're talking about electrical energy in the Yukon Territory, you've got to talk big developments. There are problems, there's silting problems, these are, I think there is an answer to that. And this is an out-of-sight proposition which can be of benefit to the industrial and resource development aspects of territorial development for the future.

If you don't have these sort of things, what you're purporting to do is to make a national park out of the Yukon, we'll just put a fence around those nice people up there and leave them for some future generation to deal with. So I'm not in favour of that whatsoever.

Mr. Sharp spoke of the exporting of electrical energy. That's the clue. I believe a little later on either Mr. Sharp or Mr. Williams, I believe at the close of his remarks, stated that he wanted to see cheap energy, low-cost energy in the Yukon. Well, if you're going to have that low-cost energy from hydro power, you've got to have a big project and you've got to be able to market enough power, hopefully that you could perhaps pay off the capital costs of your dam site and your transmission lines.

Now, when Mr. Sharp was talking about the problems with transmission of energy via grid, I assume you are probably referring to the fact that there would be some minor disruption to the land surface in the Territory wherever that grid would go. I'm not too clear on that. Perhaps Mr. Sharp could clarify that point for me.

In any event, you know, if you developed a thing like the Alsek, which has an ultimate power potential of 11,000 kilowatts, you can export power down through British Columbia. You can take power from the Alsek project throughout the Yukon, distribute it to the industry that requires it and send the rest to British Columbia, who in turn will send it through their grid system and market it for us in the United States. I'm informed that the United States will buy every bit of power that can be shot down in that direction from the Province of British Columbia, so I see little difficulty in getting a product to market, Mr. Chairman.

In terms of our own immediate needs right now — if the pipeline comes through, you're looking at anywhere from 200 to 350 megawatts of power it's going to take just to run the pumps on the pipeline and if you have a smelter, you're talking another 200 megawatts. If you're talking — there is a third development which I don't believe the wraps are off yet in the Yukon, but that's going to consume some 350 megawatts.

We haven't started to talk about the lesser industrial needs. We have seven mines in the Yukon, ready to



come into production. Seven of them and we've got two going, two that are dying at this point.

They need power, and they need power and they need transportation, for that matter, in order to produce, so when anyone comes and starts talking to me about power, and putting it down, I like to rise in defence of the scheme, because largely the economic development and future of our Territory is going to be dependent upon our ability to develop a major hydro site.

If you can develop a major site in terms of those costs, Mr. Chairman, that the witnesses were referring to, you can produce power perhaps at 2 mills — say, .02 cents a kilowatt. Now, this is the kind of power we want in the Yukon, and I'm not sure on that too. It was either one and a half, or pardon me, .02 — yes .02 cents a kilowatt.

So, I don't know, when you have advantages and see advantages like that, it seems to me that we ought not to develop a policy which would be so restrictive as to prevent such developments, and so I simply rise to say, Mr. Chairman, when someone comes in here and tries to tell me — and another thing too, I think a statement was made by Mr. Sharp, I believe, that a large number of — most residents of the Yukon do not want a large scale development, I believe was the statement, that also Mr. Chairman, is also absolute and utter bunk.

Those are my comments on the whole thing.

**Mr. Chairman:** Thank you. I would remind Members to confine their remarks at this time, to questions for the witnesses.

**Hon. Mr. Taylor:** Could I have the answer to the question I asked in relation to what was the concern about the power grid?

**Mr. Chairman:** Mr. Williams?

**Mr. Williams:** Maybe I could just make one comment in that I think what we are trying to say is that we don't know what Yukoners want. We don't really feel that anybody knows what Yukoners want, because nobody has ever looked, nobody has ever asked, and what we are suggesting is that the establishment of a Committee for Yukon Future, would, having gone through the processes of looking at what the Yukon needs for the future, then saying the Yukon needs a growth rate of 10%, the Yukon needs a growth rate of 2%, which you know, what are we going to have? Having started with a growth rate of 10%, then we need this, this and this mine, or we need this development, rather than doing it the other way around. Rather than developing a large hydroelectric system, inducing industries to come into the Yukon, and then finding out in 20 years time, that's not what everybody wanted in the first place.

I think we should be doing the reverse process, and that's why we're saying that we should be looking really at what people want for us, and then looking at that energy obviously is a component of supplying people's future needs, just a component, rather than leading the way.

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

**Mr. Lengerke:** I don't — Mr. Chairman, if the Honourable Members wants to question, go ahead.

**Mr. Chairman:** Yes.

**Hon. Mr. Taylor:** I just simply had one question. Now, a few moments ago, these gentlemen or witnesses told us that most residents of the Yukon did not want large-scale developments. Now, I understand we're told just the opposite, that really they don't know. Which is it? Do they — do these gentlemen know what the people of the Yukon want, or do they not know what the people of the Yukon want? Explain.

**Mr. Chairman:** Mr. Taylor, I think you really are entering into debate with the witnesses, and we had better carry on.

**Hon. Mr. Taylor:** It's a question, Mr. Chairman. They made two statements; I think one of them has got to be wrong and one has got to be right.

**Mr. Chairman:** Order, Mr. Taylor.

**Mr. Williams:** Could I just perhaps read out what we did say, then, in our brief? We are not convinced that most Yukoners desire future Yukon characterized by main industrial developments. To the contrary, we feel that many people who live here do so because they're not characterized in that fashion.

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

**Mr. Lengerke:** Thank you, Mr. Chairman. I'm certainly interested in the comments the witnesses did make.

As you know, I tabled in this House a proposal to just carry out some kind of a study as they suggest, because I find it just that complicated. I find that no matter where I attend I see that question being raised, of just what do we want, where are we going.

I think that it is time that we took a look at that, and I want to ask the witnesses a question here. What do they, how do they see us looking after our basic requirements, our requirements right now, the basic infrastructure, the basic energy requirements, just to maintain the lifestyle that we are used to, right at this point in time, and we must carry on regardless you know, it doesn't matter if you're for development or not for development, development is going to happen regardless.

I think we have an opportunity to control it, of course, but what do we do in the interim? How are we going to solve the interim energy requirements?

**Mr. Chairman:** Mr. Sharp?

**Mr. Sharp:** I think I can respond to that, and point out two and approximately three things. First of all, we can analyze what our current supplies are in the Yukon in energy, not just in hydro, but in energy. We can examine the question of regional self-sufficiency and examine some of the kinds of transactions which have characterized development in the Yukon in the past, and we can examine the benefits and demerits of large-scale as opposed to smaller scale development.

It has been our impression in discussions and presentations by Dr. Craig, the Regional Geologist, that the whole area of utilization of coal resources has been vir-



tually uninvestigated.

We see that the seven mines that Mr. Taylor referred to do not necessarily have to come on line when they become economically productive in terms of the price of the ore body, but that the people of the region should have some distinct interest in saying when those mines will come on line so that they will be scheduled to avoid the kinds of booms and busts that we've been characterized.

We also have on line a fourth wheel, which will meet a large component of our needs. Unfortunately, we look at the last development and we look at what has happened to our energy costs and we have seen that energy costs soared and they've been characterized with major developments that lead us to really doubt that these kinds of capital intensive projects are to our benefit.

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

**Ms. Millard:** Mr. Chairman, Mr. Sharp has just answered a great deal of my questions. I'd like to hear more from him on their ideas of energy conservation in the Yukon.

**Mr. Williams:** I've made some notes on energy conservation, but we don't seem to be able to find them right now and perhaps this is an area that is, as we said, we haven't had a tremendous amount of time to gather all the facts from them and all the information — but there are some areas, obviously, perhaps increased efficiency in home heating, in legislation, perhaps for the building code so that buildings are legislated to be perhaps more efficient.

It's also not essential to meet all demands placed upon the utilities, such as the sort of thing we're talking about in regulating mines that would come into production. And one last point ...

**Mr. Chairman:** Mr. Sharp?

**Mr. Sharp:** The point I was trying to make and I jotted this down was that we have, in the past, been characterized by meeting all demands for energy without examining what the character of the demands is. It is our view that the rather open-ended policy, as long as you can pay for it, you get it, should be subject to some scrutiny.

We do not envision the kind of Yukon that Mr. Taylor implied, a national park. We envision a Yukon which is characterized by many of the things that cause us to live here and as such we don't want to see quantum junk. I realize that's slightly off the topic but it's in that vein that we see our needs being moderate. We see a need for a public programme of constraint and common sense that hits all kinds of media, that is embodied in the schools and embodied in a consumer programme. And that is deficient, we don't see that in operation very effectively.

**Mr. Chairman:** Mrs. Whyard?

**Hon. Mrs. Whyard:** Thank you, Mr. Chairman, I wanted to commend Mr. Williams and Mr. Sharp for coming before us today because I know that they are both concerned Yukoners who have an unusually keen

appreciation of many of the special advantages the Yukon offers to people who will appreciate them.

There is only one question I wish to ask them and that has to do with how more they would get more public opinion than has already been received on the subject of a major power development, a hydro power development in the Yukon, because, as far as I can recall, Mr. Chairman, there have already been three sets of public hearings on this particular topic and it seems to me, Mr. Chairman, that when such hearings occur you do not get a complete cross section of Yukon residents. You get the people who are keen for only one side of the question and they have enough gumption to get up, go to the meeting and make their views known. I suppose this commentary would apply to almost anything in that area.

I don't think that the gentlemen, or anyone in this House, should be surprised if we haven't come up with a comprehensive policy on energy for the Yukon at this time, because Canada hasn't yet.

**Mr. Chairman:** Mr. Williams?

**Mr. Williams:** One point first of all is that we should perhaps be looking at what the Yukon needs in terms of energy and then looking at the project, rather than doing the reverse. So, having decided how many kilowatts of power the Yukon needs over the next ten years, then we should be looking at, perhaps, methods of getting that power. Not only hydro but also other alternatives, and then I think the processes which Mrs. Whyard has outlined are a very good forum for getting public input, but obviously, if the process of deciding how much power the Yukon needs has gone through first of all, then the one-sided approach to any sort of public forum on a specific aspect of a specific dam would be looking rather at limiting environmental effects or minor social effects rather than looking at the whole question 'do we need power?' That would already have been decided in the other forum.

**Mr. Chairman:** Mrs. Whyard?

**Mrs. Whyard:** Well, Mr. Chairman, the only other question then is what is the other form and how are you ever going to get a consensus of Yukoners who will agree on how far they want to go with development in this Territory?

**Mr. Chairman:** Mr. Sharp?

**Mr. Sharp:** The form isn't a novel form. It's been applied in Manitoba, Alberta, B.C., Ontario, in regional districts throughout B.C., in Municipal Districts by the Greater Vancouver Regional District, and these are programmes which have an informal community hearing as the nucleus for creating and forming ideas which are fed into a Commission.

The Commission recognizes at the outset that there is not agreement or consensus on these issues, but this format allows for an articulation and a clear demonstration of where conflicts exist, so that decisions that are made are made in an open forum, the decisions that are made are made in a fashion which are then accountable on a Territorial-wide basis.



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

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

**Mr. McCall:** Thank you, Mr. Chairman. Just an observation as to the witness's statement. I'm having great difficulty understanding some of the theories as to the variations between the renewable and non-renewable resources when you consider conservation.

I think that some of the statements made by one of the witnesses concerned with botany and the conservation of botany — I think one should consider that if we are going to be involved in plans for the long-term concerning energy, I think the most recognizable resource which adequately provides for energy, with the least damage to conservation, when one considers the non-renewable resources which creates a lot of damage to conservation — and I'm talking about coal, oil, natural gas — the methods that are applied in order to extract this from the earth, and when we consider the unknown quantities of coal in the Yukon which will be probably tapped in the generations to come, I would think, I think the only logical course of action, whether you be an engineer or layman on the street, would be to consider the renewable resource first, not last. If it does, and it probably will, damage the conservation of, as you suggested, botany.

I think it would be a far superior advantage to all concerned than considering the mass destruction of land by mining coal, or even looking for oil or natural gas.

I think that one should consider, if they are dedicated to conservation or protection thereof, one should consider electrical energy and the establishment of it, would be far superior than any other type of method of looking for non-renewable resources. If you wish to restrict the conservation to a minimum.

In other words, what I'm saying, would you not agree that the lesser of the two evils would be the best train of thought in planning for the future?

**Mr. Chairman:** Mr. Williams?

**Mr. Williams:** I think what we have to do is weigh up the costs, you know. There isn't just an environmental factor, you know, there's a cost factor, and there's all sorts of things, and what we are saying is that perhaps we should be looking at coal, estimating the cost, estimating the environmental factor and doing a comparison between coal and hydro, and then on the basis of that comparison then coming to conclusions rather than saying straight away one or the other.

So that's why we're saying that perhaps there should be a bit more research, and we should also be looking at the spin-off benefits of some of these things too. For instance, coal does tend to employ local Yukoners, as indicated by Consul Bute. It has other advantages, so we're not saying just look at one through the environmental aspects, but look at as many different methods of getting energy through as many different ways as possible, and weighing them all up, and then coming to a more balanced and rational conclusion.

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

**Ms. Millard:** Mr. Chairman, I'm interested in the aspect of the policy statements which seems to presume that — more than seems, it does presume, that if there is any extra energy or even until the energy is needed in the Yukon, it could be sold outside the Territory.

I'm wondering if our witnesses could make some comments on what their knowledge is of selling power in other jurisdictions — two other jurisdictions, say, like the experience in B.C., if they have any knowledge of it.

**Mr. Chairman:** Mr. Sharp?

**Mr. Sharp:** This is in part also directed to the question Mr. Taylor asked earlier about the establishment of export arrangements. There are two things which characterize export of electrical energy.

One is the development of a grid system, which is a transportation infrastructure for electrical energy, which is quite expensive, and the second thing which characterizes energy export is the demand for long-term commitments on the part of receivers.

So that the policy as stated here comes into conflict the way we envision it, with the day, or in the day that the Yukon said, I'm sorry, we need that power because of commitments we made in part financial to establishing a grid, and in part contractual to establishing the arrangement, we are not at liberty to retract those finances, for those energy supplies.

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

**Hon. Mr. Lang:** Yes, Mr. Chairman, I appreciate the witnesses coming here this afternoon, and I would like to point out a couple of points here, that with this policy statement that we presented here today ...

**Mr. Chairman:** Mr. Lang, do you have questions for the witnesses, or would you like to make your remarks after the witnesses leave?

**Hon. Mr. Lang:** No, Mr. Chairman, I would like to direct a question towards the witnesses, if that's all right?

**Mr. Chairman:** Very well.

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

At any rate, in number 3 of the policy statement there, it says the Government of Yukon Territory will encourage the exploration for all alternative supplies of energy inside the Yukon, and I think this answers what Mr. Williams was saying a little earlier about in reference to looking at the coal supplies and this type of thing, so that area has been covered.

Also, at the same time, what we are advocating as a government, we should be looking at a major hydro project and seeing, examining, if you will look at policy statement 4, examining the possibility of selling it extra-territorially, so that the user in the Yukon is not bearing the full cost, the full financial burden of the power costs like they are at the present time.

I think we have to come out with a policy statement as a government that we're prepared to look at alternatives, because prior to this time the government has not come out with any policy statement of any kind, and



today everybody is crying "wolf".

We have the Aishihik project which the decision was made in Ottawa and now here we're living with the results of it.

**Mr. Chairman:** I'm not sure what the question was, Mr. Lang.

**Hon. Mr. Lang:** Well, Mr. Chairman ...

**Mr. Chairman:** Yes, Mr. Lang?

**Hon. Mr. Lang:** ... Mr. Williams, would you not agree that what you stated a little earlier that this should be explored, is answered in statement number 3 in the policy?

**Mr. Chairman:** Mr. Williams?

**Mr. Williams:** Yes, except it does say at the end of our statement, where hydro is not applicable, and we feel really that that perhaps is set hydro as the priority and that the others are subservient to hydro, and we note that the Council has passed, we believe, a Motion supporting the geological survey of Canada to explore and define coal reserves in the Yukon, and we also believe that that hasn't been done, and so ...

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

**Hon. Mr. Taylor:** Yes, I don't know which Council did that, Mr. Chairman, I don't think this Assembly ever did, I'm sure I can't — but in any event, I have a question for Mr. Sharp, I believe.

He restated his position in terms of transmission of power, and he suggested that this was not very good because of long-term arrangements. Perhaps it was Mr. Williams that said this, but that the long-term arrangement was just — blew the thing.

Doesn't it seem logical that to market large blocks, shall we call it, of electrical energy, that you market only what is surplus to your need, and you don't make the mistake that it was done in British Columbia and commit yourself for ever and ever and ever to the production of power.

I mean, do you not think that this is the logical way to do it, that it can't be done?

**Mr. Chairman:** Mr. Sharp?

**Mr. Sharp:** I most certainly think it is, this is the logical way to do it, and the problems we have, as you just mentioned, there are seven mines coming on tap.

Now, if we had scheduled for the future in the Yukon x kilowatts of power, that would mean that we would have to stage those mines so that all seven would not come on at once, so that it would in effect — in effect, what we are doing is levelling out the boom and the bust that comes with seven mines coming on line at one time.

If in fact that kind of foresight can be used in our Territory, and I don't know that it's possible with the kind of economic base we possess, then I would certainly agree; I think we have the responsibility to be cautious.

Your second factor relates to the character of major

hydro development in terms of long-term spin-off effects for Yukoners.

There are many major projects in the analysis of DREE programmes that are large scale programmes have been indicated in a number of analysis. These projects have considerable cost to the regions in which they are developed. There's minimal benefits. The benefits accrued in the south in the major industrial areas.

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

**Mr. Lengerke:** Thank you, Mr. Chairman, I have to agree somewhat. I think we have an opportunity, Mr. Chairman, if we seize upon it now to certainly plan and provide for a controlled economic growth in Yukon. And, as I said, I've been in this House on a number of occasions, suggesting that we do exactly that and the longer we leave it, the greater the problem is going to be.

My question is a very simple one for the two witnesses. I was just wondering from a conservation standpoint, do you agree that benefits can accrue with respect to conservation factors when you do build a large reservoir? When you do have a large body of water that wasn't there before? Just what are your feelings about that?

**Mr. Chairman:** Mr. Williams.

**Mr. Williams:** It's depending on the type of project. The water can provide recreational and other facilities, but in the situation that was proposed in the Sigma Report where we're damming large rivers such as the Pelly and the Francis, we are creating lakes that have a very high draw-down, that have a very high fluctuation between high and low levels. This makes the shoreline not a very beautiful sight in times of low level.

It means that float planes, etc. etc. residential users, industrial users, recreational users don't like to use the lake created because of those sort of factors.

Depending on the situation, obviously Schwatka Lake, where the level is kept very constant, I should think it's within two or three feet of a given figure, it can be used by recreational users, but it depends upon the situation.

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

**Mr. Lengerke:** If we were successful in carrying out the programme that I'm suggesting and we do get a study commitment or a consensus of the people across Yukon, for which direction we're to go, how big we are to go, some commitments as to the kinds of development they see, would it then put to rest the kind of questions you raise? Would you then put your efforts towards getting the best conservation benefits from the type of projects then that you would see built?

**Mr. Sharp:** That would in part go towards answering it. However, developing a plan and implementing a regional plan are two different types of things and we would see the input of conservationists as an ongoing kind of input. It doesn't terminate at any point. In fact, we would see in the kind of process we envision, that it is not a terminal kind of process of input and analysis, but



it is an ongoing process.

**Mr. Chairman:** Mrs. Whyard?

**Hon. Mrs. Whyard:** Well, Mr. Chairman, the stream has flowed by. The point I wanted to pick up on, Mr. Chairman, was reference to a study regarding the amount of coal, which we have been informed during the seminars sponsored by the Conservation Society, some year ago or more, was plentiful in the Yukon and there has been no particular study done on that grade of coal for the purpose we were discussing.

There was a motion passed in the House, at my instigation, the recommendation that such a study be done was passed to the Geological Survey of Canada and I think it was duly reported back. But, some months later, we received a copy of the report which had been done 10 or 15 years earlier on certain coal deposits in the Yukon which were not the ones that we were talking about. The study had not been done from the point of view we were approaching and that was the end of that.

Thank you, Mr. Chairman.

**Mr. Chairman:** Did you have a question, Mrs. Whyard?

**Hon. Mrs. Whyard:** No, I didn't, Mr. Chairman.

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

Thank you very much.

Is there any further debate on this Motion? Mr. Fleming?

**Mr. Fleming:** Yes, Mr. Chairman, I disagree with some and I agree with some. I see the point in the witnesses and some of the points they brought up which are very logical, and I can understand their concern, if they are environmentalists, in covering thousands of acres of land, just to get power when there's possibly areas where you can get power without covering that land.

I think they gave us something to think about. I can't agree entirely with the Honourable Member from Watson Lake, well he's gone now, but anyway, I cannot — I cannot agree entirely with his total concept of having power in large quantities, unless we can afford to have these things done, there's other ways of bringing power.

I would hate to see a project going on a river such as they spoke of, and cover thousands and thousands of acres, and then just end up probably covering up as much in resources as you're going to get out of it.

I didn't have any questions for them, I sort of go along with their thoughts. Pretty good.

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

**Ms. Millard:** Mr. Chairman, I have a question for the Minister of Local Government. I understood that this policy was not completely developed and it hadn't been accepted, and then today we hear it is.

Is it still in its developing stages? Will there be more input from this Assembly to an energy policy in the Yukon, or is this a definite thing? Is there a time period set on it? Just where are we at with this policy?

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

**Hon. Mr. McKinnon:** Mr. Chairman, I think we all got mixed up with white and green papers. I think this should be a Green Paper. This is for advice and input from all Members of the Assembly, and what happened, it was asked to be tabled in ExCom, and after that decision, came the decision on white and green papers, and we just got mixed up in the colours in the shuffle. But I can see, and I've talked to the Clerk since then, and it should have been on Green Paper.

**Mr. Chairman:** Perhaps we should heed Mr. Berger's advice and get some candy-striped paper.  
Ms. Millard?

**Ms. Millard:** Mr. Chairman, I don't really think my question was answered. It was more where are we at with this policy? Is this now going to be a definite policy of the Yukon Territory, or is there some change in mind?

**Hon. Mr. McKinnon:** We're at where we are ..

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

**Hon. Mr. McKinnon:** ... right now with the paper, if it's considered a Green Paper and we've come before the Assembly asking for further advice and input to the position that we have developed up to this point in time with the paper that is before the Members.

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

**Mr. Berger:** Yes, Mr. Chairman.

I would like to comment on this non-policy paper, because it's the only thing I can call it, because I can't first of all see how we can come up with a policy. I asked a question in the House the other day, and the answer I received, and it was based on number 3 in the policy statement, as the Honourable Minister of Education refers to, he sees an answer in it, I don't.

Because as the question correctly points out, the responsibility lies with northern economic development with the Federal Government. They own the land, they make the decisions. N.C.P.C. is owned by them. We're not making any decisions whatsoever on N.C.P.C.

As the policy goes right now through Federal Government agencies again, oil and gas, if it ever will be found in enough quantities, will be leaving the Yukon, and we again have no say on the whole matter.

The most important thing is that I think this is what I really say there's a non-policy. How can we come up with a policy on energy, especially hydro development, when we haven't got the land claims settled? We cannot commit any valleys in the Yukon to any large hydro development.

I think we can talk about it, and wishful think about it, but we never can come up with a definite policy.

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

**Hon. Mr. Lang:** Mr. Chairman, I think the Honourable Member raised some very good points and I think this is the reason, one of the major reasons this policy is



being presented here today is that we, as the Government of the Yukon Territory want to be involved in the decisions that are going to effect the lives of the people of the Yukon.

What we are saying is that yes, we are prepared to look at other major power developments but we want to be involved and I would like to think that this Assembly here would want to be involved, because I tell you, each and every one of your constituents will pay in the final analysis. We got the message from Donald MacDonald here not too long ago. The Federal Government is not going to take care of you. If this is true, everyone of your constituents are going to pay and I think this a major reason why we laid this policy here. This is an attempt to become involved in this process.

We all know what happened at Aishihik, there is no point in calling "wolf". The party is over, we are going to pay for it. Okay, let's look at some other alternatives and this is what we're saying. We as a government want to be involved in the decision-making that's going to affect the lives of Yukoners. And unless we make that attempt, you can forget about anybody coming to ask you to partake in it. I mean, let's be frank and honest about it. God helps those that help themselves and we've got to be involved because nobody's going to take care of us.

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

**Mr. Berger:** Yes, Mr. Chairman. I have to again pick on Number 3 in the policy statement. The Government of the Yukon Territory will encourage and my question was how will the Government of the Yukon territory encourage these things, any explorations? They have no right to encourage anything. They have no rights over the land. How would they encourage it — give it away?

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

**Hon. Mr. Lang:** Mr. Chairman, if the Members in this House are going to take this attitude, I would suggest we close shop and go home because we're wasting a lot of money going through the democratic process because, as far as I'm concerned, in number 3, what we're doing is saying that if people want to do exploration in the Yukon, come to see the Government of the Yukon, we'll look at your plan and see if we can help you out in the areas that we have concern over or control over, like in the area of Education, Health and Welfare, all these areas are effected one way or another.

It wasn't a month ago when we had a presentation from a future possible mine, Natung came in and gave a presentation to the Government of the Yukon Territory, because they know it's going to effect the Government of the Yukon Territory as far as the services are concerned and they want us to be involved.

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

**Mr. Berger:** Yes, Mr. Chairman, the Honourable Member has said it's have a plan. We have no plan. We have a very proud statement here that encourages companies to come up here, but we have no plan what to do with those companies when they're in the country.

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

**Mr. McIntyre:** Mr. Chairman, I don't think that we can possibly approve of this particular paper without having the question brought up in (b) where it says at the present time in the Yukon and the foreseeable future, hydro is the only local energy source with a proven ability and economic viability for energy production.

That statement is pretty far reaching when you consider the coal reserves that we have at Braeburn and in the vicinity of Carmacks. And until those are properly investigated, I think that a statement like that is completely untenable.

**Mr. Chairman:** I think in view of the discussion and the fact that it is a White Paper we are not in the position to be passing any motion unless the Member wishes to bring one in on a subsequent occasion.

**Mr. McCall?**

**Mr. McCall:** Yes, Mr. Chairman. In view of what you've just stated I would like to move Mr. Speaker now resume the Chair.

**Mr. Chairman:** Secunder?

**Mr. Chairman:** It has been 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 resumes the Chair)*

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

**Mr. Hibberd:** Mr. Speaker, the Committee of the Whole have considered Bill Number 2, Electrical Protection Ordinance, and Bill Number 5, An Ordinance to Amend the Liquor Ordinance, and directed me to report the same with amendment. The Committee have also considered Motions 14 and 25 and directed me to report the same. The Committee have also considered Motion number 15 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:** Leave is granted. May I have your further pleasure? The Honourable Member from Whitehorse Riverdale?



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

**Mr. Hibberd:** I second that.

**Mr. Speaker:** It has been moved by the Honourable Member from Whitehorse Riverdale, seconded by the Honourable Member from Whitehorse South Centre, 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 is carried.

*(Motion carried)*

**Mr. Speaker:** This House now stands adjourned until 10 a.m. Monday next.

*(ADJOURNED)*

THE FOLLOWING LEGISLATIVE RETURNS WERE TABLED

76-3-26  
**Pre-Fabrication & Ready-to-Move Housing Structures**  
 (See Sessional Paper Number 39)  
 (Motion Number 22 — 1976 First Session)

76-3-27  
**Annual Chest X-ray for Ryprus Anvil Employees**  
 (Written Question Number 27)

76-3-28  
**Overtime Rates of Nursing Personnel**  
 (Written Question Number 28)

76-3-29  
**Qualifications for use of X-ray Units**  
 (Written Question Number 29)

76-3-30  
**Dump at Squanga Lake**  
 (Oral Question — Page 177)

THE FOLLOWING SESSIONAL PAPERS WERE TABLED

76-3-38  
**Community Basic Education & Life Skills**

76-3-39  
**A Preliminary Assessment Into The Viability of Home Manufacturing In The Yukon**  
 (See Legislative Return Number 26)

LEGISLATIVE RETURN #26  
 1976 (Third) Session

**Mr. Speaker**  
Members of the Assembly

On March 11, 1976, it was moved by the Honourable Member from Pelly River and seconded by the Honourable Member from Whitehorse Riverdale

"THAT it is the opinion of this House that the Yukon Housing Corporation, together with the Yukon Builders Association, pursue in co-operation with other federal and territorial agencies, the feasibility of establishing a Yukon industry for the purpose of prefabrication and ready-to-move housing structures."

Answer

Attached is a study entitled "A Preliminary Assessment into the Viability of Home Manufacturing in the Yukon" which was prepared for the Yukon Housing Corporation.

November 23, 1976.



M. E. Miller,  
 Member, Executive Committee.

LEGISLATIVE RETURN #27  
 (1976 THIRD Session)

**Mr. Speaker,**  
Members of the Assembly

On November 23, 1976, Mr. McCall asked the following question:

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

The answer to the above question is as follows:

The scheduled hours for taking chest X-rays in Faro during the current week are:

- Monday, November 22                    9:00 a.m. to 5:00 p.m.
- Wednesday, November 24                2:00 p.m. to 5:00 p.m.
- Friday, November 26                    2:00 p.m. to 5:00 p.m.

The number of X-ray clinic hours has been greatly extended to take care of the current heavy workload.

Nov. 24 19 76.



Signature



## LEGISLATIVE RETURN #25

(1976 THIRD Session)

Mr. Speaker,  
Members of the Assembly

On November 23, 1976, Mr. McCall asked the following question:

Are overtime rates being paid to the nursing personnel for work done after normal working hours with respect to chest X-rays?

The answer to the above question is as follows:

Every effort is made to have nursing personnel in Faro carry out their duties within normal working hours so that overtime rates are not being paid to nursing personnel with respect to chest X-ray work.

Nov. 24 19 76.

  
Signature

## LEGISLATIVE RETURN #29

(1976 THIRD Session)

Mr. Speaker,  
Members of the Assembly

On November 23, 1976, Mr. McCall asked the following question:

Is it the policy of Northern Health Services in Faro to allow its non-qualified personnel to use X-ray units in the outlying districts?

The answer to the above question is as follows:

Nurses in the employment of Northern Health Services take chest X-rays in various communities throughout the Yukon including Faro. They are carefully instructed in the techniques of radiography by the Chief X-ray Technician of the Whitehorse General Hospital. As of Wednesday, November 24, 1976, a registered technician is helping out on a part time basis to cope with the heavy workload of chest X-rays at Faro.

Nov. 24 19 76.

  
Signature

November 22/76

## LEGISLATIVE RETURN #30

(1976 Third Session)

Mr. Speaker,  
Members of the Assembly

On November 15 19 76, Mr. Fleming asked the following question:

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

The answer to the above question is as follows:

On November 9th the Department of Local Government received a letter from Mr. W. N. Sanregret, Head, Land Use, Dept. Indian & Northern Affairs that their Department has "undertaken a cleanup and restoration program at the Squanga Lake dump site". The site had never been authorized or developed for such use and would have to be redeveloped in a suitable site approved by Environmental Protection Services and Dept. of Public Health.

Mr. Sanregret advised us of the concern by residents for continuation of this service. We advised Mr. Sanregret that we have no budget funds available this year and budget funds are not forecasted for this facility in the 1977-78 budget. For the time being residents may have to use the Johnson's Crossing Dump facilities or properly dispose of garbage by burying on their own property.

The Department of Tourism had also been using the site (to dump campground garbage) and were similarly notified by the Land Use Branch. Tourism advise they have no funds available for such work. Since the Federal Land Use Branch have funds available for cleaning and restoration of such areas, they actioned the site clean up.

We have been actively co-operative on such developments with the Federal Land Use Branch and as a result our 1976-77 funds were expended this year on relocating two dumps - the one at Johnson's Crossing and one on the Car-cross Road. In every case we obtain the consent of the Federal agencies concerned before opening new pit areas and must agree to pay maintenance costs on the facility thereafter.

24/11/76 19  
Date

  
Signature