



The Yukon Legislative Assembly

Number 22

4th Session

24th Legislature

HANSARD

Thursday, November 26, 1981 — 1:30 p.m.

Speaker: The Honourable Donald Taylor

Yukon Legislative Assembly

SPEAKER — Honourable Donald Taylor, MLA, Watson Lake

DEPUTY SPEAKER — Grafton Njootli, MLA, Old Crow

CABINET MINISTERS

NAME	CONSTITUENCY	PORTFOLIO
Hon. Chris Pearson	Whitehorse Riverdale North	Government House Leader — responsible for Executive Council Office, Public Service Commission, Land Claims and Intergovernmental Relations.
Hon. Dan Lang	Whitehorse Porter Creek East	Minister responsible for Renewable Resources, Tourism and Economic Development.
Hon. Geoffrey Lattin	Whitehorse North Centre	Minister responsible for Municipal and Community Affairs, Highways and Public Works, Yukon Housing Corporation and Yukon Liquor Corporation.
Hon. Meg McCall	Klondike	Minister responsible for Health and Human Resources, Education and Information Services.
Hon. Howard Tracey	Tatchun	Minister responsible for Justice, Consumer and Corporate Affairs, Government Services and Workers' Compensation Board.

Government Members

(Progressive Conservative)

Al Falle	Hootalinqua
Robert Fleming	Campbell
Doug Graham	Whitehorse Porter Creek West
Peter Hanson	Mayo
Grafton Njootli	Old Crow
Donald Taylor	Watson Lake

Opposition Members

(New Democratic Party)

Tony Penkett	Whitehorse West
Maurice Byblow	Faro
Roger Kimmerly	Whitehorse South Centre

(Liberal)

Ron Veale	Whitehorse Riverdale South
Alice P. McGuire	Kluane

Clerk of Assembly
Clerk Assistant (Legislative)
Clerk Assistane (Administrative)
Sergeant-at-Arms
Hansard Administrator

Patrick L. Michael
Missy Follwell
Jane Steele
G.I. Cameron
Dave Robertson

Whitehorse, Yukon
Thursday, November 26, 1981

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

DAILY ROUTINE

Mr. Speaker: We will proceed at this time to the Order Paper.

Are there any Returns or Documents for Tabling?
Reports of Standing or Special Committees?
Petitions?

Are there any Introductions of Bills?

Introduction of Bills

Hon. Mr. Pearson: I move, seconded by the Honourable Minister for Justice, that Bill Number 76, *An Ordinance to Amend the Elections Ordinance, 1977*, be now introduced and read a first time.

Mr. Speaker: It has been moved by the Honourable Government Leader, seconded by the Honourable Minister of Justice, that Bill Number 76, *An Ordinance to Amend the Elections Ordinance, 1977*, be now introduced and read a first time.

Motion agreed to

Hon. Mr. Pearson: I move, seconded by the Honourable Minister for Renewable Resources, that Bill Number 79, *An Ordinance to Amend the Income Tax Ordinance*, be now introduced and read a first time.

Mr. Speaker: It has been moved by the Honourable Government Leader, seconded by the Honourable Minister of Renewable Resources that Bill Number 79, *An Ordinance to Amend the Income Tax Ordinance* be now introduced and read a first time.

Motion agreed to

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

Are there any Notices of Motion?

Are there any Statements by Ministers?

This then brings us to the Question Period.

QUESTION PERIOD

Question re: Government progress on Women's Bureau

Mr. Byblow: I have a question I would like to direct to the Minister responsible for Manpower.

I understand that a Women's Bureau was established within the Manpower Branch of Government, in October of 1978. One of the mandates was the encouragement of job training and equal work opportunities for women. Other than the pre-trades program, what has this Government done in this regard?

Hon. Mr. Tracey: I would have to take that under advisement Mr. Speaker.

Mr. Byblow: The private sector is the second largest employment group in Yukon, many of its workers being women. Will the Government make a commitment to assist employers in carrying out more non-traditional work opportunities for women?

Hon. Mr. Tracey: I could not give a definitive answer to that. I cannot understand why the Member across the Floor is insisting that the Government should assist the employers. I think that it is incumbent upon the employers to try and introduce women into the work force.

We are in a situation in the Territory, and everywhere in Canada, where women are forming a larger and larger part of the work force. I do not know why it is incumbent upon the

Government to assist employers. I certainly will talk to the Department and find out just exactly what we are doing.

Mr. Byblow: I think that one of the commitments of the Women's Bureau was that sort of promotion by Government.

In the final supplementary, I would ask the Minister if his Government would then, as a result of the absence of any positive affirmative action programs, undertake any research to actually determine the work roles that women play in the Territory?

Hon. Mr. Tracey: First of all I want to clarify that I did not say anything about the Government not using affirmative action programs. The Member raised the idea of assistance to employers. That is a much broader concept than affirmative action.

As far as the role of women in industry is concerned, that is the function of that Department and I am sure it is going on at all times.

Question re: Government veto of Section 41(e) and (f), Constitution Act, 1981

Mr. Veale: I have a question for the Government Leader, with respect to the Yukon Government's veto on the removal of Section 41(e) and (f) from the *Constitution Act, 1981*. Would the Government Leader advise why he finds those provisions a greater threat to the Northwest Territories than to this Territory?

Hon. Mr. Pearson: I think probably I find 41(e) to be a greater threat to the Northwest Territories than to Yukon because it provides for the extension of boundaries of the provinces into the Territories.

With respect to Yukon, only British Columbia could be interested in extending its boundaries. When it comes to the Northwest Territories, there are, I believe, seven provinces that actually border on the Northwest Territories. I would respectfully suggest therefore, that the danger is seven times as great for them as it is for us.

As regards the creation of new provinces, I do not think that it is any better or any worse for the Northwest Territories than it is for us.

Mr. Veale: Does the Government Leader not agree that any attempt by a province to extend boundaries northward will result in great pressure from all the other provinces, not to allow any Territory to proceed to provincial status?

Mr. Speaker: I think the Honourable Member is asking an opinion; however, I will permit the question in this case.

Hon. Mr. Pearson: It may. I do not know whether it would. I am sorry, I just cannot express any kind of an opinion on that. The provinces may have some desire to extend their boundaries northward. If they do have, save and except for a couple of cases that I have heard of in the last 20 years, they have kept it a deep, dark secret.

Mr. Veale: Has the Government Leader discussed the implications of Section 41(e) and (f) with any of the provincial Premiers or their representatives?

Hon. Mr. Pearson: No.

Question re: S.T.E.P. Program

Mr. Kimmerly: Question for the Minister responsible for Social Services and Voluntary Agencies.

I understand that a training program in effective parenting, commonly called the S.T.E.P. Program, was offered in Whitehorse last winter, with federal funding. The Yukon Territorial Government took over this program, but immediately allocated all of the funds to a one-year research project. Is the S.T.E.P. Program going to be offered, and when?

Hon. Mrs. McCall: I cannot tell the Member exactly when, but the S.T.E.P. Program was found to be a very effective program, and I would imagine that it is going to be renewed.

Mr. Kimmerly: It is my information that the Family Services Association is again offering this program after Christmas, entirely on a voluntary basis, through the work of volunteers. Will the Minister contact the Association to discuss any

assistance the Department may offer?

Hon. Mrs. McCall: The important thing was that the program should continue, whether on the basis of volunteer labour, or whatever. At the moment, I believe it is quite satisfactory, and, as far as I know, it is going to continue on that basis.

Mr. Kimmerly: Last spring, there was a waiting list of 75 couples intending to take this valuable program. Will the Minister make a commitment to provide continuous financial support and staffing for the program in future?

Hon. Mrs. McCall: If the program should be failing with its volunteer help, we would certainly look at some sort of funding. We do not want the program to stop. As far as I know, though, the volunteer labour is succeeding very well with the program.

Question re: Property tax deferral for senior citizens

Mrs. McGuire: I have a question for the Government Leader today.

On April 2nd of this year, I put a question to the Government Leader, regarding property tax deferral for senior citizens, as a means of alleviating undue hardship in meeting their yearly expenses. Has the Government Leader made a decision in regard to this property tax deferral?

Hon. Mr. Pearson: Any such deferrals would be reflected in the Operation and Maintenance Budget of this Government, which we intend to table in the early spring.

Mrs. McGuire: The Government Leader at that time promised to study the B.C. plan, whereby full deferral of property tax can be made by the elderly, widows, and certain handicapped people, resulting in the delaying of the payment of property tax on the owner's home until such time as the owner wishes to sell, or when the owner dies. Has this Government studied the B.C. plan, or given any consideration to introducing the plan into the Territory?

Hon. Mr. Pearson: Well, I cannot answer the question other than to refer to my previous answer. It is a budgetary matter which will either be up for discussion, or not be up for discussion, when the Budget is tabled.

Question re: Executive Council appointments

Mr. Penikett: I have a question for the Government Leader.

In response to questions last week on his Executive Council appointments, the Government Leader said that these employees are not required to be "card carrying Conservatives", but "must demonstrate a certain degree of political loyalty". Could the Minister clarify for the House what exactly is meant by, "a certain degree of political loyalty"?

Hon. Mr. Pearson: I am sorry I cannot. If the Leader of the Opposition does not know, or cannot determine what it is, I am sure some of his Members can.

Hopefully, I, and my people on this side, as well, can determine whether or not employees who are working for us are exhibiting the degree of political loyalty that we think we have the right to expect of them.

Mr. Penikett: It sounds like the Government Leader is having the same trouble with the term as I am. The Government Leader does not know what, if any, affiliation these employees have, as he indicated. What does he use as a test of political loyalty?

I asked the Government Leader the question because, having changed from the previous system of appointment to a new one, no-one has yet established for the House the criteria for those appointments.

Hon. Mr. Pearson: We have established a criterion for those appointments. The criteria for those appointments, as I said, are efficiency, first, and, second, our determination that they are prepared to exhibit a certain degree of political loyalty to us on this side.

Mr. Penikett: I would like to ask the Government Leader the direct question: in a case where an applicant for one of these positions demonstrates the appropriate job skills, how does that person demonstrate his political loyalty?

Hon. Mr. Pearson: They do. I think that the Leader of the Opposition is going to have to take my word for it. They do or

they do not. I do not seem to have any problem, at all, in determining this. If he has a problem determining this, then that is his problem.

Question re: Students' Financial Assistance Ordinance

Mr. Byblow: I have a question I will direct to the Minister of Education on the subject of the *Students' Financial Assistance Ordinance*.

The Ordinance requires that dependents under 19 must have lived in the Yukon for at least two years before beginning post-secondary education, in order to be eligible for help.

Since Yukoners must travel out of the Territory for extended periods, and there is some question as to whether residency is broken, can the Minister explain the reason for this requirement?

Hon. Mrs. McCall: We are looking at that part of the Ordinance. The Ordinance is going to be changed in the spring. We had hoped to have it in for this Session, but we will have it here for the spring. That is one of the Ordinances that is being looked at.

Mr. Byblow: I am very pleased to hear the Minister say that the Ordinance is being looked at and that we can anticipate some changes.

I would then ask her, with respect to independent students over 19: they must have completed at least two years of secondary school in Yukon as well, and have lived here for two years prior to requesting assistance.

Since we are faced with many instances where students remain elsewhere to complete their education — that is, the last couple of years of high school, when their parents move here — is the Minister considering this section for change as well?

Hon. Mrs. McCall: The entire Ordinance is being considered.

Mr. Byblow: I would only then ask the Minister when we can anticipate the changes to come into the House?

Hon. Mrs. McCall: I just told the Member, in the spring.

Question re: Government policy on the historical and recreational development of the Yukon River

Mr. Veale: I have a question for the Minister of Renewable Resources, regarding the policy of the Yukon Government on the historical and recreational development of the Yukon River.

The Minister has stated that he has been involved in ongoing discussions with the Province of British Columbia, the Government of Canada, and Alaska. Why does he now say that he is not prepared to meet with federal officials at this time to discuss that concept?

Hon. Mr. Lang: If the Member recalls, I believe he is becoming a little bit confused. We are talking about two different things. We are talking about the A.R.C. Program, as well as the Yukon River Basin Study. We have gone into an agreement with British Columbia, Canada, and Yukon with respect to looking at various resources along the Yukon River, and it is presently in process. I think that it will provide a great deal of inventory and data, which will provide for later decision-making concerning the total aspect of the A.R.C. Program as it relates to the Yukon River.

Mr. Veale: Will the Minister state then at what time he will proceed to work towards a joint plan with B.C., Yukon, Alaska, and the Government of Canada for an A.R.C. concept and an A.R.C. agreement?

Hon. Mr. Lang: I am going on memory, but I believe the Yukon River Basin Study is a three-year agreement, so subsequently, information is going to be compiled over that period of time.

In the meantime I would like to think that the Indian land claims will be settled, and we will have an idea about some of the disposition of land along the Yukon Corridor, which is going to have a major effect with respect to any plans are adopted for that particular corridor.

Once that has been decided and agreed upon, the next step would probably be to sit down with the Government of Canada, and Parks Canada in particular, to discuss further management plans, overall. It is going to take a great deal of time.

Once the information is made available, I will ensure that he gets it directly, rather than second-hand.

Mr. Veale: The Minister has indicated agreement with the recommendation on Page 17 for the development of commercial accommodation services. I am referring now to the concept plan report prepared jointly by the Government of Canada and this Government. Does his Government agree with the implementation policy set out on Page 4 of the agreement?

Mr. Speaker: Order, please. I think the question is out of order. I think the Honourable Member is now asking for another opinion, and, of course, this is contrary to the Rules.

Perhaps the Honourable Member could rephrase his question.

Mr. Veale: I do not wish to seek an opinion; I simply wish to seek the policy of the Yukon Government. The implementation section is on Page 4 of the Executive Summary, and sets out two clauses on how this matter should proceed. This is a joint paper by the Yukon Government and the Government of Canada. Is that implementation policy agreed to by this Government?

Hon. Mr. Lang: I would like to refresh the Member's memory. If he recalls, he asked me a very similar question last week and I made it very clear that this was strictly a departmental, internal document. It had never been considered by the political arm of the Government, which is the Cabinet.

It is not my intention, at the present time, to bring this forward to Cabinet. Perhaps at a later time in the early spring of 1982, we might be required to sit down and seriously examine the various recommendations here.

I think that the Member opposite is attempting to put across to the general public that this is a policy that has been agreed to by the Government of the Yukon Territory, and, for that matter, the Government of Canada. I want to make it very clear that that is totally false. To my knowledge, the Government of Canada has not totally accepted this at a political level; neither have we.

Question re: Support services for psychiatrist

Mr. Kimmerly: I have a question for the Minister of Health. The Minister has recently announced that she is now negotiating for the full-time services of a psychiatrist. In the process of the negotiations, is there discussion of support services for a psychiatrist, such as a day treatment program?

Hon. Mrs. McCall: Yes, there has been much discussion over the mental health program in general; it is a key priority with the Government.

We have, to date, helped re-organize committal procedures to ensure that patients' rights and full legal process are followed through with; established regular meetings with the Chief Medical Officer, public administrator, RCMP, and hospital staff; begun a re-organization of mental health files; initiated patient follow-up procedures; and we have been applying pressure on the Medical Services Branch. The result of all this is one additional community mental health nurse to be added this year, a community psychologist to be added next year, and a daycare program to be commenced in 1982-83 at Whitehorse General Hospital for in- and out-patients.

We have begun research, and mutual Medical Services/Health and Human Resources planning, for psychiatric group homes and auxiliary community support programs. We have supported efforts to improve general practitioner skills in the area of mental patient management. We have been supported by the efforts of private medical clinics to include a clinical psychiatrist, and, as I mentioned to the House before, we think that we are having some success there, but we have no word as yet.

Mr. Kimmerly: May I say that I am delighted. As a supplementary question, are the recommendations of the Canadian Psychiatric Association, concerning the psychiatric problems of Native people, being considered as well?

Hon. Mrs. McCall: Yes, there is special attention being paid to the needs of the Indian people.

Mr. Kimmerly: With reference to the reorganization of the

files just announced, is the Minister discussing with federal officials the return of Yukoners from outside mental institutions?

Hon. Mrs. McCall: Yes, that is one of our key concerns. Until we have more facilities, of course, that is impossible. It is something that we are definitely discussing.

Question re: UKHM eviction notice to employees

Mr. Penikett: I have a question for the Minister of Consumer and Corporate Affairs.

Earlier this year United Keno Hill Mining Company gave an eviction notice to its striking employees. When that happened, did the Government of Yukon, at the request of the Company, or of the union, or on its own initiative obtain an opinion as to the legality of this notice, under the *Yukon Landlord and Tenants Ordinance*?

Hon. Mr. Tracey: To the best of my knowledge, they did.

Mr. Penikett: Perhaps the Minister might indicate to us what that decision of the Government was. Given that the terms of the employees' tenancy are contained in the collective agreements between the Company and the union, did the Government offer, or obtain, an opinion as to the propriety of the rent increase and the subsequent eviction notice, during an industrial dispute?

Hon. Mr. Tracey: I would suggest that if my Department got a legal opinion, all that would have been taken into consideration.

Mr. Penikett: I have some hope of hearing from the Minister what the Government's position was. Given that this Government will eventually create a new Department of Labour to handle such disputes, is it the Minister's intention to bring in a policy which will permit the eviction of families from their homes, as an acceptable bargaining tactic during contract negotiations?

Hon. Mr. Tracey: No, I did not say that, and I do not expect that that will be in there. I suppose that when we are looking at industrial relations legislation we will look at all the aspects of industrial relations.

Question re: Geothermal production of food

Mr. Veale: I have a question for the Minister of Renewable Resources about the geothermal production of food in Yukon.

The Minister is aware of the application of a businessman to set up a greenhouse facility near the Takhini Hot Springs, to produce vegetables for the City of Whitehorse. What is the policy of Yukon Government on the use of the hot springs sources in Yukon for this type of food production?

Hon. Mr. Lang: Maybe I had better give some background respecting the application that was put forward, in regards to the utilization of the hot water that provides us with the Takhini Hot Springs.

Approximately a year ago, it came to our attention that there was an application to drill behind the Hot Springs, for the purpose of utilizing that hot water to grow vegetables. We, at that time, had a meeting with the consultant for the individual who was applying, and listened to what he was proposing.

The direct question was asked of that consultant whether he could guarantee that, if that drilling were permitted, it would not be injurious to the Hot Springs.

I believe it is 86 gallons per minute that flows out of the Hot Springs, which is just barely enough water to operate the Hot Springs as it presently exists. He said he could not. It was a new science, and a lot of work would have to be done in the future to be able to have guarantees of that kind.

Further to that, it was not this Government's decision to make. It was the Water Board's. The Water Board heard the application, not only from the applicant and his expert advice, but also, at expense to the taxpayer, the Government of Canada flew up a number of people who are experts in this area, mainly from the Department of Energy, Mines and Resources. The Water Board came to the conclusion that it would be a risk to the Hot Springs.

In view of that, it became the policy of this Government that we were not prepared to allow a venture of that kind to go

ahead if it was going to ruin the Hot Springs, which many people in my riding, and I am assuming the Member opposite's riding, use for recreational purposes; also many tourists.

With respect to geothermal, we are more than prepared to consider other areas, and perhaps offer some assistance, if we possibly can, in aiding anyone who is looking for geothermal energy to produce, as the Member opposite referred to, vegetables or whatever; I have had my Department in the process of getting some discussions underway, to see if there are other areas that could be examined, as opposed to threatening a very viable operation like the Takhini Hot Springs.

Mr. Veale: I thank the Minister for his complete answer.

Has the Minister determined the nature of the risk, and is it a risk that it was too close to the Hot Springs? Is there potential for areas outside the immediate vicinity of the Hot Springs? In other words, is there potential in that hot springs basin in some other location?

Hon. Mr. Lang: Obviously, from what I have just said, there will always be the risk with respect to drilling in the close proximity of the Hot Springs. For further information for the Member opposite, apparently that water that is heated, below the earth, is there for approximately 12 years before it comes up to the surface again. I just put that in as a note of information for the Member opposite.

I understand there is a possibility that there could be some geothermal energy available in the Fish Lake area, well away from the Hot Springs, so that it would have no effect on it. Now that was just a cursory view of some geologists who came up approximately a year ago, and were just looking at the area from the geological and topography point of view.

Mr. Veale: I thank the Minister for sharing his expertise.

Has the Minister, in fact, made that decision final, by zoning the area contiguous to the Hot Springs as a tourist area, rather than an area for commercial development?

Hon. Mr. Lang: I think it is fair to say, yes, we have taken a fairly firm decision on that area, unless it could be guaranteed that there was not going to be any adverse effects to the Hot Springs. I think that it is fairly clear.

I do not think that it is our intention to change the zoning regulations that apply to that area. I think that the operator out there is providing a very good service to the public. I recognize the Member has not been in the Yukon for as long as I have. I do not hold it against him, but the fact is that about twenty years ago, I remember the Hot Springs and the service that was being provided, and compared with what is being provided today, it really has improved.

Along with that, I think there has to be land set aside, in close proximity, for other recreational pursuits, such as cross-country skiing, horse rides, and whatever. This is advantageous to you and me, as citizens of Yukon, and also to our tourists who come to visit Whitehorse. Hopefully they will stay another couple of days because of the Hot Springs.

Response to Previous Question — Naming of new school in Riverdale

Hon. Mrs. McCall: I have the answer to a question asked in the past week or so, regarding the naming of the new school in Riverdale.

In the interests of community harmony, the new autonomous school will be called Grey Mountain Primary School: the name chosen by the students, the parents, and the school committee.

The other name that was proposed was Martha Louise Black, the name of a distinguished and well-loved pioneer. A new policy for naming new schools is being formed, and it is to be hoped that a new and larger school would be a more suitable monument, to a remarkable woman who left such a legacy to Yukon.

Question re: Specific occupational areas re job training in Yukon

Mr. Byblow: No, I do not think a school should be named after me.

I have a question for the Minister responsible for Manpower. In previous questioning of the Minister, he said that his Gov-

ernment is negotiating with Ottawa to get better job training programs in Yukon. I would like to ask the Minister what specific occupational areas his Government is concentrating on in these negotiations?

Hon. Mr. Tracey: I am not party to the negotiations. I could not tell the Member exactly what areas they are negotiating in, but they are negotiating in areas that we need right here in the Territory, for skills that we are going to be needing in the next few years.

One area we would probably be looking at in the future is computer training. However, as I am not involved in the actual negotiations with the Federal Government, I cannot tell the Member exactly which ones we are looking at.

Mr. Byblow: In previous discussions in the House that the Minister took part in, he also acknowledged that Yukon does have a job training problem, and that the planning and training functions of his Department, if combined, would improve the delivery of job training in Yukon.

I am unclear as to the full meaning of that, and I would like to ask the Minister if what he is really saying is that there is an administrative problem in delivering job training programs in Yukon?

Hon. Mr. Tracey: I think I should enlighten the Members across the floor. What is happening in Canada today is that the Federal Government is trying to usurp provincial powers, in regards to education and training. By having the Department of Manpower — which does the adult occupational training — separated into two different portfolios or departments, we lose the co-ordination that is needed to be able to put forward a strong policy to the Federal Government to get them to fund our programs; or, at least, to not interfere with our programs. For example, one program that we developed for training truck drivers in Ross River was turned down by the Federal Government.

The Federal Government wants to do their own thing. They want to work through the Canada Manpower system, instead of dealing through the provinces and the Territories. So, we have to develop a strong Manpower function in this Government in order to combat the Federal Government in this regard.

Mr. Byblow: I can certainly appreciate what the Minister is saying and I am glad to see the progressive action that was announced in the House the other day: the return of the Manpower Branch to Education.

I would then like to ask the Minister of Education about a specific matter in this area. It is my understanding that one of the Vocational School courses, where students have in the past constructed a house that was later sold in the community, was this year cancelled.

Now, in light of the job training component; in light of the public demand for housing; and in light of the return on materials investment; I would like to know why that project was cancelled.

Hon. Mrs. McCall: The project was cancelled because the house was not sold.

Question re: Disruption of land claims process — CYI financial difficulty

Mrs. McGuire: I have another question for the Government Leader.

It has been stated a number of times that the CYI has run into financial difficulty in carrying out the land claims negotiations. My question is: has the Government Leader made any representation to the Federal Government to ensure that there will not be any disruption in the land claims process?

Hon. Mr. Pearson: I am aware that the CYI are on the brink of running into financial difficulties, with respect to their budgeting process for this current fiscal year. I have expressed the hope on behalf of this Government, to the Minister of Indian Affairs and Northern Development, that a land claims settlement would not be hindered by such a thing as finances.

Question re: Job opportunities for patients recovering from mental illness

Mr. Kimmerly: I have a question for the Minister responsi-

ble for Manpower.

In this International Year of the Disabled, is the Minister considering stimulating the creation of job opportunities for people recovering from mental illness, as an occupational therapy?

Hon. Mr. Tracey: I would have to take that question under advisement. I do not know what we are doing in Manpower in regards to the disabled.

I hope the Member across the floor realizes that the Manpower Department only does the research and planning; we do not do the implementation of the training. The question would be better directed to the Minister of Education.

Mr. Kimmerly: As a supplementary to the Minister of Education, I would direct the same question. I would also ask whether, in the education system, you are now planning for special needs instruction for learning-disabled children?

Hon. Mrs. McCall: I am not sure which question the Member opposite is asking, perhaps both questions. As far as employment for people who are disabled for whatever reason, physical or mental: yes, indeed, they are planning to facilitate jobs for these people. It is in the Public Service Commission.

I am afraid I have forgotten the other question.

Mr. Kimmerly: The other question is, are you now considering and discussing special instruction for learning-disabled children, and especially identification of learning disabilities in the schools?

Hon. Mrs. McCall: Yes, this is a program that has been established in the schools and is ongoing.

Question re: Government counter-offer re claim made against Department of Highways for removal of gravel from mining claim

Mr. Penikett: I have a question for the Minister of Municipal Affairs regarding a case that the Minister will remember well.

Last year a constituent of mine, a person who mines in Dawson, complained to the Minister and myself that Highways Department employees had removed some 150 cubic yards of gravel from his claim along the Hunker Creek road. At the time, the Minister asked the miner to make a claim for removal of the material, and a claim was made.

Could I ask the Minister if the Government has responded by making a counter-offer in this particular matter?

Hon. Mr. Lattin: I remember the case very well. How could I forget?

We had asked him to make the request, though it was actually nothing to do with Municipal Affairs; it was more to do with the Highways Department, which turned the job down. We asked him to put these claims in writing and we suggested that, in future, any correspondence on that particular thing would be with the Legal Department. It is in the Legal Department now and what they have done with it, I am unable to answer.

Mr. Penikett: The Minister dispatched that very nicely. I would like to direct my supplementary, then, to the Minister of Justice.

The miner in question claimed the loss of over 1,000 ounces of placer gold. I would like to ask the Minister of Justice if the Government has assessed this claim and made an offer of settlement?

Hon. Mr. Tracey: Maybe I should get the Legal Department to run it through a sluice box.

No, I have no knowledge of the claim, or whether my Department has it or not. If the Member wants, I can find out and bring the answer back to him.

Mr. Penikett: I have high hopes that the Minister of Justice will get to know these cases as well as does the Minister of Highways.

Prior to obtaining samples from the claim, as I understand the Minister's officials did, it would be interesting if the Minister could find out whether they made any inquiry as to the legal right of the Government of Yukon to remove such samples, under federal mining laws? That is just a question of notice.

Hon. Mr. Tracey: I will take that under advisement.

Mr. Speaker: Order please. I must advise the House that

the time has now elapsed for Question Period and we will proceed to Orders of the Day, under Government Bills and Orders.

ORDERS OF THE DAY

GOVERNMENT BILLS AND ORDERS

Bill Number 75: Second Reading

Hon. Mr. Lang: I move, seconded by the Honourable Member for Whitehorse Porter Creek West, that Bill Number 75 be now read a second time.

Mr. Speaker: It has been moved by the Honourable Minister of Economic Development, seconded by the Honourable Member for Whitehorse Porter Creek West, that Bill Number 75 be now read a second time.

Hon. Mr. Lang: Presented before this House is a very comprehensive piece of legislation. It has to deal with the wildlife and the laws of harvesting the same in the Territory. It is probably, if not the most, one of the most important direct responsibilities that we as a Government have.

The work on this legislation started some two and a half years ago, and Members opposite will recall that, in 1979, we brought some amendments forward with the commitment that we were going to rewrite the total legislation. This has been done, and I would like to take a moment and commend the Department of Renewable Resources and the officials within the Department. They have done a lot of work and put a lot of time and effort into this piece of legislation, which they firmly believe was needed with regard to wildlife management in the 1980's.

The legislation is very broad and all-encompassing, and it also takes into account the outfitting policy we announced last spring. The outfitting policy, as you recall, was the result of approximately six months' discussions with various organizations: in particular the Yukon Outfitters Association.

It is incorporated in a section of the Ordinance which clearly outlines what we believe to be the moral and legal financial responsibilities that we have to that industry. It also builds-in protections to that industry, to ensure the longevity of an industry which provides a service to those people who wish to come to the Territory, but also to have control for management purposes.

I would, at this time, like to commend the time and effort and work that the executive of that organization put forward concerning the review that we did. There are some areas, perhaps, that we disagree in, but overall, I felt that the discussions with the outfitters were very enlightening and constructive, from these people who have devoted their business lives to the Territory and to this type of industry.

I should point out that over the past five years, to some extent these people have been somewhat maligned. These people live in Yukon, pay their fuel bills twelve months of the year in Yukon, and are committed to Yukon.

Further, the legislation is very clear as to what they can and cannot do. I think it gives them direction and long-term security, respecting their investment in the Territory.

There is no question in my mind, in dealing with these people, of their commitment to the Territory and also of their commitment to conservation. They are committed to the conservation and preservation of our game, not only from a business standpoint but as citizens of Yukon, and have outlined what they would like to see, not only in their life time, but in generations to come.

We have also done a further review of the legislation as it affects trappers. We have given further attention to the concessions given to trappers, and, similarly, the rights and privileges which we have granted to the outfitting industry.

I have not had that much of an opportunity to speak to people within the trapping organization, but I think, overall, they will find most of these sections acceptable, as far as their membership is concerned.

It would be my intention to meet with them fairly soon, if they

would like to speak to me about the legislation that is before you.

The legislative base that we are requesting Members to consider here is very, very important, with respect to the departmental officials and the carrying out of what we, the general public, would ask them to do. I think it is very clear what can and cannot be done, regarding enforcement. It also provides the base for the Wildlife Department to go about and do a very important aspect of their business: wildlife inventory.

A major principle that is in this legislation — and I am sure that there will be further debate as we move along to the Committee structure and back into the House — is the question of penalties. You will recall that, over the past ten years, there has been some public outcry over the penalties that have been authorized or issued regarding violations of the *Wildlife Ordinance*.

We made a commitment that we had a responsibility to state in legislation what we felt were minor violations as opposed to major violations, and to give some political direction to those people who have to cast judgements when somebody is accused of breaking the law.

You can see within the legislation before you, it is fairly clear and concise as to what we deem penalties, and what we deem major penalties and the consequences thereof. It is substantial, there is no question, and it will be interesting to hear what other Members have to say with respect to that aspect of the Ordinance, which constitutes a major change from what the legislation used to read, prior to the introduction of this Bill.

Throughout the Ordinance, there are various ideas incorporated that we have had put forward by various organizations. The Fish and Game Association brought a number of ideas forward which have been incorporated. We have had ideas brought forward from the Outfitting Association, as well as from the trappers' organization. In large part, we have put those into our legislative base, because I believe that they have been constructive ideas put forward, and they will be in the best interests of the general public, with regard to the management of our wildlife.

I noticed, in an article a number of days ago, some criticisms being put forward concerning various sections of the legislation. I just want to make it very clear to the Member for Whitehorse South Centre that a number of the sections he is referring to, and which he is indicating to the public as being our sections, are actually sections of the Ordinance which have been in effect in previous legislation: perhaps the numbers have been changed.

The right for me, as a Yukoner, as a Canadian, to take out a fellow Canadian from some other province was afforded into legislation some three years ago. I should point out that there has been no abuse of a section of that kind. It has been, what one would term somewhat of a reciprocal arrangement with the provinces, because most provinces have that particular capability in their legislation — for a citizen of their province to take out a fellow Canadian if they so wish. I should point out that, under the regulations, it allows for, I believe, 100 permits, and we have only had 30. The success rate in harvesting game has been very limited.

The legislation that we have before us, as I indicated, is the consequence of many years of work, and I just want to refer back to the Department. Mr. Speaker, who has been a Member of this House for 20 years — and I am not trying to date him — as the Member for Watson Lake, can recall that at one time the Wildlife Department consisted of two people. Over the years, the Government of the Yukon Territory has seen fit to increase the staff and responsibility of that Department to the point where there are now approximately 70 people on staff, with various responsibilities within that Department.

What I am saying is that the Conservative Party of the Yukon Territory takes this responsibility very seriously: the enforcement as well as the game management of our wildlife. We feel it is a priority on this side of the House. We have introduced new programs, as all Members know, such as the Auxiliary Con-

servation Program, which is going to allow the public to participate in what is their resource.

I think that we can come up with a program, through the information side of the Department, of getting into the classrooms throughout the Territory and impressing upon our young people the importance of our wildlife; the importance of insuring that everyone follows the rules; and in the long term I think that we will come up with a management program which will be in the best interests of the general public and in the best interests of the wildlife of the Territory.

I can see no reason why the Members opposite will have any problem supporting this legislation. I think it is fairly clear, fairly concise, and I am sure, once they have gone through it during the Committee stage, that they will be standing up and giving those officials, as well as me, the credit where credit is due.

Applause

Mr. Veale: I would like to commend the Government in this House for setting up the Select Committee procedure, because many of the comments and criticisms that could be made at this time, just have to be touched on, since we will have an excellent opportunity, under the Chairmanship of the Member for Mayo, to go into some of these important principles in detail at the Select Committee level. I certainly welcome the Minister's agreement to refer the legislation to the Select Committee.

I do have some concerns, though, to express about the lack of financial commitment that the Government has made to this Department. I share the Minister's view that it is the most important jurisdiction that we have today in Yukon, but I do not share his view that that obligation has been fully discharged. There will be lots of time for debating that subject, particularly during the next O and M Budget session.

I would point out that, in terms of actual manpower exclusively devoted to the conservation or enforcement function, Yukon is far behind the Northwest Territories. There, the ratio is about four to one, in terms of people actually devoted to conservation and to wildlife management.

We can argue all day about numbers, and about how many there are in Yukon, but I think even the Minister would agree that some of the 70 that he has mentioned are really dealing with campground services and many other things. We will take a look at that and examine it very closely in the Select Committee.

Basically, though, the position of our Party is that this is a very fundamental resource, and a very fundamental and important jurisdiction for Yukon, and for all people in Yukon; it has to be given a very high priority. That high priority has to come, in terms of the dollars that are allocated to the Department.

The issue of land claims negotiations is something that may be affected by this Ordinance, and to that extent, having this matter before the Select Committee is also a good opportunity to have Indian representatives here to present their position, so that we will not be in the position of passing legislation which may have some problems in it. I certainly welcome that opportunity to consider that in the Select Committee, and I hope the Member for Old Crow will join us at the Selection Committee and make his position clear at that time.

There is a great deal of concern, I believe, amongst outfitters I have spoken to, about the status of their industry. One of the greatest problems about any business, and any industry, in Yukon is what the rules of the game are. When businessmen know the rules of the game, there is not a big problem, but when they do not know the rules of the game, that does create some problems.

We will be giving particular attention to the sections of this Ordinance which give a great deal of ministerial discretion to the Minister, to determine when outfitting should not take place.

The Minister says he is fair. Well, we will hear more about that in future years.

The point is that there are ways of writing legislation, and that principle in this legislation gives the Minister a very high degree, an incredible degree, of discretion to determine when an outfitting business should cease.

In any event, the point is that a businessman who does not know how long he can project his investments into the future, and how long his recovery period will be, is in a position of jeopardy. I think that issue will be addressed at the Select Committee, and the outfitters will have some submissions to make on it.

There are some new concepts in the legislation which, in many respects, I am pleased to see, although I have some problems with the jurisdiction issue. I am talking about the wordings, such as, "endangered species", "habitat protection", all of which are very important, and I do not challenge the objective behind it. The difficulty I have is that we may not have the jurisdiction that is being claimed in the Ordinance. I am sure we will have answers to that brought forward by the Department, when they appear in front of the Select Committee.

I have read it, and I am telling you that there is a problem. The Member for Old Crow may not understand the problem, but it is certainly there.

There is another thing that the Minister has mentioned, and it is the idea of "deeming". Deeming is a principle that has advantages, because it is a clear direction to a court about what constitutes an offense. There are two principles: one principle is that you can leave it to the court to determine whether the offense has been committed; of course, we will be hearing soon about the appointment of the second judge to see whether that should be done. Also, the other principle is that of setting out what facts constitute the offense, and that is the deeming provision that the Minister has mentioned.

The problem with that, as a method of proceeding, is that unless citizens are fully and very well aware of those deeming provisions, they can unwittingly walk into situations that result in offenses being committed. That is a problem I think we can address in the Select Committee, as well.

I must say that I am pleased that the penalty sections have been addressed. I think that will be a definite improvement.

Finally, a new concept has been introduced in the Ordinance, and it is a concept under the wording "concession". That is wording that we will have to pay particular attention to, because it may have implications beyond just the administration of the Ordinance. I am speaking now of the situation of a trapper or an outfitter who has a concession. What is the legal meaning of that concession? What happens when a third party causes damage to the particular interest that the outfitter or the trapper has? The use of the word "concession", as opposed to "license", may result in a diminished right for the trapper or the outfitter against third parties. I certainly intend to pursue that in the Select Committee. All in all, I look forward to examining this legislation in detail.

Mr. Kimmery: I will come right to the point. The Ordinance, in all of its 58 pages, might just as well be one page. It might just as well say, "The Commissioner in Executive Council may make regulations concerning wildlife."

There are numerous sections where the phrase, "subject to the regulations" is used. There is a whole part — Part VII, containing 41 sections — giving specific and general powers to legislate by regulation.

In the Assembly this Session, there were numerous barbs concerning the legal profession and lawyers. This legislation is a prime example of what those barbs are aimed at. It is fundamental to our democratic society and to the rule of law that laws are clear and simple, so that common folk can understand them. It is fundamental that the law expresses the policy of the Legislature, and that the elected representatives of ordinary folk decide these important ...

Mr. Hanson: On a point of order.

Mr. Speaker: Order, please.

Mr. Hanson: If I had wanted to go to a legal school, I would

have gone to one. We are now addressing the *Wildlife Ordinance*. I do not want to listen about law. I am not a lawyer, and I am not interested in it.

Mr. Kimmery: It is fundamental that the law expresses the policy of the Legislature, and that the elected representatives of ordinary folk decide these important questions of policy.

This Bill gives that important responsibility to the Cabinet: a Cabinet so busy that the policy-making civil servants and the lawyers have a large measure of control over decisions, because they supply the information and most of the argument put forward, to a Cabinet which deliberates in secret. We do not criticize the fact that Cabinet meetings are not open to the public. Nor do we criticize the function and activity of senior civil servants. Our point is that the major policy questions, concerning wildlife, should be clearly stated in the legislation, and the legislation should not be so flexible as to allow other parts of government to change it without going back to the Legislature.

Put another way, we are saying that it is inadequate, contrary to our constitutional heritage, to skirt the whole issue of a major policy question by simply giving the power to make regulations about it.

Let me give you two examples: one simple, one more complex. The policy question of the rights of Yukon residents and non-residents is a crucial and important policy question. Nowhere is the word "resident" defined. Obviously, it is left to the regulations. Now, the complex one. We all know there is to be a Wildlife Management Board. There is an agreement among Yukon Territorial Government, the Council for Yukon Indians, and the Federal Government to establish one. There are terms guaranteeing Native representation on this Board, and terms guaranteeing harvesting rights for Indian people. Nowhere are there terms of reference and terms of membership for this Board, except what will come in the regulations. If we, the Members of this Assembly, pass this Bill in this form, we will not be able to decide those important policy questions — which is what they are, not minor details to be filled in later.

Other important policy questions are simply left out. The competing interests of the placer mining industry and the trapping industry is a question of prime importance to both of those industries, yet it is not part of this legislation.

We intend to look closely in Committee at the repeal of the fur export tax, and to fully inspect the policy questions involved in that principle.

The question of a guide's legal responsibilities for violations is left, by and large, to executive action. For the protection of guides, as well as for the protection of wildlife, generally, this question should be addressed in the legislation, and it is not.

Another area of prime concern to us is the power given to conservation officers. This legislation is legal overkill, motivated by conservation officers who have an exaggerated sense of the value of wildlife and a diminished sense of the value of the natural rights of citizens. The powers given conservation officers here are clearly not cognizable at common law. They are more extensive than the powers given to RCMP officers.

I easily deduced that the Department have collected, over the years, every case where they felt they did not get their way, and have drafted extra power for themselves to see that it does not happen again. They have lost sight of the feelings and sensitivities and rights of common folk.

The RCMP would not dare to attempt to acquire the powers outlined here. They have greater experience with civil liberties.

The Minister invited a comment about penalties, and I am very glad to comment on that important issue. I am sure — I am positive in fact — that the law enforcement agencies and the judiciary, and perhaps most of all, the public, will be pleased that the penalties are brought to a realistic level.

I am looking forward to attempting to improve this Bill in Committee on those fundamental principles, and we will express the views previously put forward as forcefully as possible, in the Committee stage.

Mr. Speaker: The Honourable Minister of Economic Development, now speaking, will close the debate.

Hon. Mr. Lang: I have to rise with respect to the principle of the Bill, and what has been said by the Members opposite.

Is it permissible for the Member opposite to speak prior to it, because I recognize that I close debate.

Mr. Speaker: The Honourable Member, having spoken, has closed debate. Does the Honourable Member have any further remarks?

Hon. Mr. Lang: I would like to reply to the Member for Whitehorse South Centre, and I would recommend to the Member opposite that first of all he begin by reading the legislation. That is number one. And for number two, perhaps he could do some research concerning what has gone on in this Legislature, not just during the life of this Legislature, but over the past three and a half years. Basically, for the Member's information, the *Fur Export Tax Ordinance* was repealed, if the Member wants to check the record.

I think that the Member obviously has read this from a very misinformed point of view. Basically, the legislation is designed to ensure that there is a clear understanding of the legislation, and the rights various groups have with respect to the rights and privileges written into this document.

I should point out that it is a priority of this side of the House, concerning the harvesting of game, that residents come first. I think it is fairly clear and very concise, and I think this principle is there in the legislation.

As regards the comments made by the Member for Whitehorse South Centre, on the principle of the Bill, I should point out that this legislation does give some Ministerial authority. Very clearly, it does. If he looks at the present legislation, that authority is largely already there. Now, you may argue the difference between "Commissioner", as opposed to "Minister", but the point is, with the evolution of Government, the Minister and the Cabinet, today, have that responsibility; it is no longer the Commissioner. This is called responsible government.

That responsibility, and the regulation-making power that we have there, is necessary with respect to the game management responsibilities that the Department of Renewable Resources has. If one reviews the various provincial statutes across the country, it is fairly similar to them, with respect to the way this particular legislation has been formulated, and also to the regulation-making power.

I want to correct a misconception that has been put forward, stating that the Conservation Officers have more authority than the RCMP. If the Members opposite had read the legislation, they would see that is not the case. In one particular case, it is essential that an RCMP officer accompany a conservation officer when the latter must perform certain duties.

We recognize the the responsibilities we have. We also recognize that the conservation officer, on the enforcement side of the Department, needs various powers, and these should be clearly defined. We have done everything we possibly can to do that, while at the same time taking into account the public's freedoms and rights, which are essential as well.

I should point out further, to the Member for Whitehorse South Centre, who indicates that really it is the Cabinet in secrecy making all these decisions about the regulations, that yes, they do go to Cabinet, but there is a procedure now in place where regulations, when being considered, will initially be looked at in draft form, by the Wildlife Advisory Council, and will be very seriously considered by people who are lay-people, and they will be reviewing how they would affect a certain industry or the public at large.

I want to say to the Member opposite that when he reviews the legislation, and he reviews it in that context, I am sure that he will see, and will agree, that there are enough safeguards which will require necessary public review, prior to any major decisions being made.

I notice, in the remarks that were made by the Member for Whitehorse South Centre, that there is no criticism with re-

spect to the consultation process that was used. I have discussed the various concepts with organizations, as I have outlined earlier, and I have to say that they have given very good advice. The Wildlife Advisory Council has been very beneficial to me, as the Minister responsible. They have met on numerous occasions, discussed various ideas of what should or perhaps should not be incorporated into legislation, and they have brought forward what I believe to be very constructive ideas, which are now incorporated in the legislation before you.

With regard to the method of reviewing this legislation, I have indicated to Members opposite that it is my intention to direct it to the Select Committee. I recognize that it is a new Committee that is set up by this House, but it will provide organizations, and interested parties, an opportunity to come forward if they see that something should be done about a piece of legislation, or a change in a clause, or whatever, and it will be seriously considered by the Committee.

I should point out that, as the Minister responsible, I am prepared to look at any constructive, well-thought-out recommendations. I look at this Bill — not from a partisan point of view, but I would like to think that we can look at it from a non-partisan point of view — as being in the best interests of the general public.

It is going to be a very interesting experiment. In view of the comments I have already read in the newspaper, it seems to me that we could well be getting into a partisan debate. That is fine. If we are going to play hardball, I just want to know who is going to be pitching and who is going to be catching.

So, at any rate, I am putting this forward: this very important piece of legislation, into a new process as far as the parliamentary procedures of this House are concerned. I trust all Members will take that responsibility very seriously, as I am sure they will, and I should point out that I am more than prepared, and once again I emphasize this, to look at constructive changes.

But, it will largely be dictated by how they are presented, as to the various elements of this particular piece of legislation. Assuming that we can get unanimous consent to pass this particular Bill on Second Reading, into Committee, it will then be my intention to bring forward a reference motion.

Motion agreed to

Hon. Mr. Lang: I move, seconded by the Honourable Member for Old Crow, THAT Bill Number 75, *Wildlife Ordinance*, be referred to the Select Committee, chaired by Mr. Hanson; and THAT Messrs. Graham, Fleming, Kimmerly and Veale be appointed to the said Committee for the purpose of reporting on Bill Number 75; and THAT the Committee submit its report to the Legislature not later than December 14, 1981.

Mr. Speaker: It has been moved by the Honourable Minister of Economic Development, seconded by the Honourable Member for Old Crow, THAT Bill Number 75, *Wildlife Ordinance*, be referred to the Select Committee, chaired by Mr. Hanson; THAT Messrs. Graham, Fleming, Kimmerly and Veale be appointed to the said Committee for the purpose of reporting on Bill Number 75; and THAT the Committee submit its report to the Legislature not later than December 14, 1981.

This motion is non-debatable.

Motion agreed to

Mr. Speaker: May I have your further pleasure?

Mr. Fleming: I move, seconded by the Honourable Member for Hootalinqua, that Mr. Speaker do now leave the Chair and that the House do now resolve into the Committee of the Whole.

Mr. Speaker: It has been moved, seconded by the Honourable Member for Hootalinqua, that Mr. Speaker do now leave the Chair and that the House do now resolve into the Committee of the Whole.

Motion agreed to

COMMITTEE OF THE WHOLE

Mr. Chairman: I call the Committee of the Whole to order. We will now have a short recess.

Recess

Mr. Chairman: I will now call the Committee of the Whole to Order.

I refer the Committee to page 59. I guess you all know the page by now. We will resume debate.

Mr. Penikett: I am only on my feet on a point of order. The caucus critic on this question just happens to be fetching some notes to bring back so we can continue the debate, which I am sure has been stimulating for everybody. I just wanted to make sure that we did not clear the item before my friend got back and was able to add to the discussion. I am sure the Minister would not want to miss the discussion, so I will remain on my feet on a point of order until such time as my friend arrives.

Mr. Byblow: I am on my feet to await the caucus critic.

Mr. Chairman: Is that a point of order, sir?

Mr. Byblow: No, Mr. Chairman. I have a question.

I think last night before adjournment I had asked the Minister to indicate to me why the consultation process had not been completed or fulfilled, with respect to the apartment block. At that time, I got an answer from the other Minister.

I would simply repeat that question, and ask him whether or not he has examined other alternatives? Whether he intends to examine other alternatives? Whether he intends to advance more fully the consultation process concerning the type of housing the community wants? In conclusion, I would ask if he can indicate whether this is a *fait accompli* or not?

Hon. Mr. Pearson: It must be a written question. It is the same one he asked yesterday.

Hon. Mr. Lattin: I am getting rather tired of answering the same questions many times.

I explained to the Member yesterday that the cost factor is one of the determining things in choosing this type of accommodation. When I first came into this country I had to get my own accommodation, and I lived in some pretty poor places. I had no choice.

We have one policy: it is to put in good accommodation. We feel that, for the dollar value that we are going to expend, that apartment is the best way to solve this particular problem. If we are providing it, we should have the capability to spend the taxpayers' money in a way which we feel will get the best dollar value, in the housing situation, for our staff in a locality. That is why we have chosen this particular complex to house our staff.

While I am on my feet, the Member across from me was saying the other day that if the Government would put some lots in Faro maybe some of the people would build. For his own edification, I want to tell him that there are 12 lots there, and have been for sometime, and the people are not picking those lots up. Maybe he should get his figures straight and not say that we are not making land available, when land is available in Faro.

Mr. Chairman: Members should realize that repetitious questions are not allowed in the House; however, I will allow the the Member the benefit of the doubt.

Mr. Byblow: I appreciate the Minister's response. He answered my question, but he brought up a couple of other questions.

With respect to the land that is available, I would like to advise the Minister that the 12 lots available are rural residential lots: exactly the land that was requested by the community several years ago, and put into place before this particular Government came to office. However, within the town, the land is nonexistent. That is the reference there.

The Minister tells me that, for dollar value, this is the best route to go, and in the strictest economic terms he is probably totally correct. I would submit to him that if the situation arises where, as a result of this type of housing, there is a loss of competent teaching staff, if it results in empty and unpaid-for units, then the economic argument does fall by the boards.

Certainly, if the hiring policy for teachers becomes governed by the housing availability, then there is some irreparable harm to educational standards, which cannot be dollar valued.

Those are the negative facets.

Arguing for the apartment block, and I think this is what the Minister is really getting at, there may very well be the possibility that the rest of the community could use those units, and that they would be filled up entirely. In light of the housing demand that is in Faro, in a crisis situation, that would be okay.

The point that I have been asking the Minister is, why has consultation not taken place? He admits that the lobby has been there for several years. He admits that there were many requests for various and alternative types of housing. I distinctly recall taking the Minister personally to meet with the teachers and discuss this.

I understood from this that the Minister would be looking at it again, and taking a second look at the decision that was announced to the town last May. That is what I am seeking: why the consultation process was not fulfilled.

Hon. Mr. Lattin: I think what he is saying is that we have to follow through on all these consultation meetings.

It is true that I met with these people. It is true that I considered it. After I had heard their recommendations, we assessed all the pros and cons; we felt, and still feel, that an apartment complex is the best way to solve the problems we have in housing in Faro.

I guess what the Member is saying is that unless I agreed with them, I had not considered them. I certainly did consider them. My Department considered them. The Board of Directors of Yukon Housing considered them, and this is what we feel is the best solution to the housing of our staff in Faro.

Mr. Byblow: So be it.

*Yukon Housing Corporation agreed to
On Yukon Liquor Corporation*

Mr. Chairman: I shall now refer Committee Members to Page 63. We will now consider general discussion on the expenditure summary on Yukon Liquor Corporation.

Mrs. McGuire: I just want to ask the Minister if he knows what the Corporation's goals and objectives are, and, if he does, what are they?

Hon. Mr. Lattin: When you refer to goals in this Department it is rather a difficult question to answer. In other departments, when we set up corporations or departments, we have various goals, but in this particular corporation, it has always been recognized that governments are the sellers of liquor.

This Corporation was incorporated to carry out this function, and basically their function is to sell liquor.

Also, one of the other functions that we have in the Liquor Board is the licensing of premises in Yukon. Basically, they do not have a lot of other functions like other departments have; they are basically, you might also say, a business. Their particular business and expertise is the selling, buying, and distribution of liquor in Yukon.

Mr. Kimmerly: I also am interested in the goals and objectives of the Department, of course, with reference to the Capital Budget.

Now, in this Capital Budget, there are some items about liquor stores, and that of course brings up the general question of the placement of the liquor stores. As the Minister well knows, there is a public debate that arises from time to time about a liquor store in places like—for example, Old Crow; for example, Upper Liard; for example, Ross River.

I am specifically interested in the capital expenditure policy of this Government, with respect to the placement of liquor stores. That is the first general question, as it goes to the goals and the policies of the Department.

The second general question is also related to capital expenditures. It is that in past years there was a report, commonly called the *Brass Report*, which was financed by the Liquor Corporation. The Liquor Corporation is acknowledging a social responsibility, if you will, around the sale of alcohol.

I am interested in the Minister's policies as they relate to building liquor stores and establishing liquor outlets in various parts of the Territory, with specific reference to the responsibility for alcohol abuse.

Hon. Mr. Lattin: As far as liquor outlets are concerned, we have two provisions in supplying liquor to various communities of Yukon. One is that, in a place of quite a concentrated population, we have provided liquor stores. In the other places, where a liquor store is not warranted, we have the possibility for some of the licensed premises to have off-sales.

It must also be remembered that all liquor stores except the one in Whitehorse perform another function for Government, in that they do some of the Government licensing.

One of the policies is that we have to have a certain — we have no particular figure — area of fairly large population, relative to the population of Yukon, before we put these facilities in, and that is probably what we are doing.

I cannot say very much more about it.

Mr. Kimmerly: I thank the Minister for outlining one of the criteria that he looks at: that is, the population of a community. That is an obvious criterion to look at.

Does the Minister also look at the incidence of alcohol abuse in a community as a criterion?

Hon. Mr. Lattin: We are talking about something entirely different. The availability of liquor is one thing; whether it is there for the people. Nobody insists that you have to patronize that store.

If you are talking about the alcohol problem, and trying to say that it is because liquor is there, that is an entirely different problem. I would say to you that it is the prerogative of the person himself whether he wants to buy and consume alcohol or not. We are only making the facilities available to the people who want that facility, and whether a person abuses it or not is his responsibility. That is not the responsibility of the Liquor Corporation.

Mr. Chairman: I would like to remind Members that we are discussing *Capital Estimates, 1982-83*.

Mr. Veale: I would just like to direct the Minister to the departmental objective. It relates to the question that he just answered.

The departmental objective is extremely narrow in its definition, because it is making the objective strictly the purchasing and the selling of liquor. It makes no statement regarding the profits, and the use to which those profits are put.

I understand the proposition that profits from the Liquor Corporation go into General Revenue, and that you cannot allocate, specifically, to a department or anything of that nature. However, in the Spring Assembly, I had asked the Government Leader, and he had agreed, that ten percent now placed on the cost of a bottle of liquor is going to result in the increase of revenues, simply because the basic cost is going to be increasing with inflation, and the prices the importers are charging, and so.

Would it not be an appropriate objective for the Liquor Corporation not to involve itself in the rehabilitation process? I am not suggesting that at all, and I understand the Minister's position on that. I do not think it would make a lot of sense to have the Yukon Liquor Corporation handing out the bottle at one door, and dragging the person in the next door and rehabilitating him.

The rehabilitation process, though, is extremely important, and could be part of the departmental objective, to the extent that, as revenue increases — not because there has been an increase, but that ten percent is going to result in additional revenues. It could be an objective to have those additional revenues allocated, though not in any specific sense, and monitored so that the public could be assured that those profits are going to rehabilitation, so that we are able to beef up the rehabilitation process.

It could be an important departmental objective. Would the Minister be interested in pursuing that objective for the Liquor Corporation?

Hon. Mr. Lattin: I am glad that the Member across from me understands that the liquor profits go into General Revenue. I do not think that we even have the mandate, the way it is set up, to say what we will do with the money. It goes into

general revenue. I would say that we contribute a fair amount to General Revenue, and this Government spends a lot of money on the Alcohol and Drug Programs that we have. So, indirectly, we are financing them, but right now we are discussing the Capital Budget and the objectives of the Yukon Liquor Corporation. I think that what he is asking for has absolutely nothing to do with this particular Budget.

Mr. Kimmerly: I would ask the Minister, with specific reference to the Capital Budget and specific reference to buying or building Liquor Stores — which of course is one of the identified items in the Capital Budget — you said, just a moment ago, that you build or buy liquor outlets in places where people want the facilities. Would you clarify that statement? I am specifically asking, is it the policy of the Government to place a Liquor Store where people want it, and, conversely, to not place a liquor outlet in a community where a majority of people do not want it?

Hon. Mr. Lattin: Firstly, I take exception to the word "build". In one specific case, we are building one, as the Member is aware, in Faro. We provide these services.

I would say that for all facilities we add to the communities there has been a certain amount of input from the communities. We have never experienced any people not wanting a Liquor Store.

You talk about Upper Liard. I do not know where the Liquor Store is in Upper Liard. They have not asked us for a Liquor Store in Upper Liard, nor are we providing one at this particular time. For me to stand here and say that Upper Liard, in the future, will not have a Liquor Store — that I cannot do.

If the people in a particular community are numerous enough to make it viable, and enough people want it, we will certainly take it into consideration. I think that goes for any place.

Mr. Chairman: The Chair will now consider the line items. *On Liquor Store and Headquarters Equipment*

Mr. Chairman: The first item is Liquor Store and Headquarters Equipment, \$50,000.

Mr. Kimmerly: Does this \$50,000 expenditure represent the purchase or upgrading or building of a Liquor Store, and if so, where is it to be?

Hon. Mr. Lattin: There is shelving, small items, office equipment, this type of thing, in our warehouses, and throughout our Liquor Stores in the Territory. That is all this amount is for.

*Liquor Store and Headquarters Equipment agreed to
On Forklifts and Pallet Trucks*

Mr. Chairman: We will now discuss Forklifts and Pallet Trucks in the amount of \$47,000.

*Forklifts and Pallet Trucks agreed to
On Other 1981-1982 Items*

Mr. Chairman: Other 1981-82 Items, \$275,000.

Mr. Byblow: I would like to inquire of the Minister: with respect to the \$275,000 that is being appropriated for the construction of the Liquor Store, is it still a figure expected to be used for that particular construction?

Hon. Mr. Lattin: We have identified that amount of money for that particular thing. That is correct; it has nothing to do with this Budget. That is correct; we have identified that much money. Just for all Members, we have a tender called right now. I think that in the latter part of the month, which is quite quickly approaching, we will probably have the submissions in on that tender.

*On Total Authority
Total Authority agreed to*

Mr. Chairman: The normal procedure in appropriations is that we will clear each item in Schedule A in Bill Number 70.

**Bill Number 70: First Appropriation Ordinance, 1982-83
On Education**

Mr. Chairman: Education, \$7,509,000.

*Education agreed to
Consumer and Corporate Affairs*

Mr. Chairman: Consumer and Corporate Affairs, \$2,000.
*Consumer and Corporate Affairs agreed to
On Health and Human Resources*

Mr. Chairman: Health and Human Resources, \$364,000.
*Health and Human Resources agreed to
On Municipal and Community Affairs*

Mr. Chairman: Municipal and Community Affairs,
\$12,829,000.

Mrs. McGuire: At this point I would like to make a correction to a statement of error that I made earlier, in discussion of the Haines Junction Sewage Lagoon, on the line item on page 21.

I will refer here to Hansard, page 346, where it says: "I have a couple of questions on this. The original vote was for \$2,000,000 on a two-year term. I want to know why the change? Secondly, this contract was let some months ago, but there seems to be no movement on this project".

Now, Mr. Chairman, it is at this point that I give the impression that the contract for the whole project was let and awarded, and the Minister did not correct me at the time.

I wish to say here that only the site clearing of the project was contracted out and then postponed. I want to correct this, in case it causes confusion with contractors who may be doing follow-ups on this, and who may wish to bid on the main contract.

Mr. Chairman: I declare that the statement is corrected.
*Municipal and Community Affairs agreed to
On Tourism and Economic Development*

Mr. Chairman: Tourism and Economic Development,
\$5,306,000.

*Tourism and Economic Development agreed to
On Justice Department*

Mr. Chairman: Justice Department, \$1,068,000.
*Justice Department agreed to
On Highways and Public Works*

Mr. Chairman: Highways and Public Works, \$1,710,000.
*Highways and Public Works agreed to
On Intergovernmental Relations*

Mr. Chairman: Intergovernmental Relations, \$15,000.
*Intergovernmental Relations agreed to
On Library and Information Resources*

Mr. Chairman: Library and Information Resources,
\$190,000.

*Library and Information Resources agreed to
On Renewable Resources*

Mr. Chairman: Renewable Resources, \$512,000
*Renewable Resources agreed to
On Government Services*

Mr. Chairman: Government Services, \$864,000.
*Government Services agreed to
On Yukon Housing Corporation*

Mr. Chairman: Yukon Housing Corporation, \$1,572,000
*Yukon Housing Corporation agreed to
On Yukon Liquor Corporation*

Mr. Chairman: Yukon Liquor Corporation, \$97,000.
*Yukon Liquor Corporation agreed to
On Total Authority*

Mr. Chairman: Total Authority, \$37,438,000.
*Total Authority agreed to
On Clause 2*

Mr. Chairman: I refer Committee to Clause 2 of the Bill.
*Clause 2 agreed to
On Clause 3*

*Clause 3 agreed to
On the title
Title agreed to*

Mr. Graham: Mr. Chairman, I move that you report Bill 70,
First Appropriation Ordinance, 1982-83, without amendment.

Mr. Chairman: It has been moved by Mr. Graham that the
Chairman do now report Bill 70, *First Appropriation Ordinance,
1982-83, without amendment.*

Motion agreed to

Bill Number 73

Mr. Chairman: I refer Committee to Bill 73, *Fourth
Appropriation Ordinance, 1980-81. General debate.*

On Clause 1

Hon. Mr. Pearson: The purpose of this Bill is to appropriate
\$1,746,400, to defray certain expenses of the public service of
the Yukon Territory, for related purposes for the period of 12
months ending March 31, 1981. These are the Supplementary
Estimates, No. 2, for the year just past.

The book has all of the financial transactions of the Department
in it, both over-expenditures and under-expenditures,
and what it is necessary for us to vote, in the Supplementary, is
the over-expenditures. We will be voting in respect to the seven
departments and loan amortization, listed on Schedule A. The
net amount of the money required, in order to meet the appropriation
for those specific departments, will be the net amount
we vote.

Mr. Penikett: We do not intend to prolong debate on the
Supplementary Estimates. The money has been spent. We
may ask for some particular on how well it was spent, but I
think we will wait for them until the detailed reading in Committee.

*Clause 1 agreed to
On Schedule A*

Mr. Chairman: I will refer Committee to Schedule A.

Hon. Mr. Tracey: The over-expenditure on the Consumer
and Corporate Affairs Department was required to pay out the
amount owing to clear off the Whitehorse Credit Union. We
paid the B.C. Central Credit Union, in order to finish, once and
for all, our dealings with the Whitehorse Credit Union. That
required a supplementary of \$98,200. It is the major part of the
\$94,500. The others were incidental, small amounts, here and
there in the Department. That was the major one that caused
the over-expenditure.

Mr. Veale: If I understand it, that is the final payment?
Does the Minister know what the total figure has been for the
payment of the Whitehorse Credit Union and the B.C. Central
Credit Union?

Hon. Mr. Tracey: It seems to me that it is in the neighbour-
hood of six hundred and some thousand dollars.

Mr. Veale: I assume that that is a net figure, having taken
into account the sale proceeds of the Whitehorse Credit Union
building?

Hon. Mr. Tracey: No, that did not include in the building.
That was the money that was lost. The building is part of the
money that is recovered.

Mr. Chairman: Are there further questions? I would like to
remind Members that on the *Fourth Appropriation Ordinance*
we only go through the Schedule once.

*Consumer and Corporate Affairs agreed to
On Executive Council Office*

Mr. Chairman: Executive Council Office, \$6,200.

Hon. Mr. Pearson: The over-expenditures in the Executive
Council Office of \$6,200 amount to some \$4,500 in excess money
for Commissioner's travel, and just over \$2,000 in increased
travel by Ministers.

*Executive Council Office agreed to
On Finance*

Mr. Chairman: Finance, \$1,042,400.

Hon. Mr. Pearson: This is the Department of Finance, and
it is necessary that it pick up some extraordinary expenses at
the end of each year. The large over-expenditures come in the
area of Workers' Compensation Board; unpredictable lump
sum pension payments, some \$403,000. Prior years adjust-
ments, write-offs of prior years revenue and recoveries — in
other words, we anticipate that we are going to make a certain
amount of money in respect to revenues and if we do not reach
those numbers then, of course, our recoveries are not the
same, either, and these have to be written off, and they are
always written off. This year, because of last year, that write-
off was \$486,900. Other monies in the branch, some \$23,000, was

over-expended. The Homeowners' Grants were some \$42,000 over what our estimates were. The write-off of bad debts was \$58,000.

Mr. Veale: I am just not clear on lump sum pension payments and how that arises. Are you talking about those disabilities that are less than ten percent, that are capitalized at the request of the individual? What are we talking about?

Hon. Mr. Pearson: The Government of Yukon Territory does not pay Workers' Compensation. We are, in fact, self-insured. As a consequence, if any of our employees is injured and is awarded a pension, or lump sum payment, by the Board, then we have to make those payments, and this is what has transpired in the past year. We have some \$400,000 in payments to make. We do not estimate those payments at the beginning of the year at all. We cannot.

Mr. Veale: On the concept of self-insuring, is that the best route to go? Has that been determined quite clearly?

Hon. Mr. Pearson: Yes. The only Government in Canada that is not a self-insurer is the Government of the Northwest Territories. The concept is, if Government is not a self-insurer then, in fact, the Workers' Compensation Fund, which is an employer's fund, is then contaminated with Government money. Government is then seen to be subsidizing Workers' Compensation, and that is deemed to be not the thing to do.

Mrs. McGuire: Would the Government Leader repeat what the \$23,000 was for?

Hon. Mr. Pearson: Just straight administrative costs: costs of supplies, materials, increased professional services, increased personnel requirements, in the Department of Finance, for the year.

*Department of Finance agreed to
On Library and Information Resources*

Mr. Chairman: Library and Information Resources, \$1,000.

Hon. Mrs. McCall: The over-expenditure of about \$1,000 is about \$300 for miscellaneous small adjustments scattered throughout the O and M Budget: just small miscellaneous expenditures. About \$700 is for additional freight and construction costs related to installation of record station shelving.

*Library and Information Resources agreed to
On Municipal and Community Affairs*

Mr. Chairman: We will now consider Municipal and Community Affairs, \$74,800.

Hon. Mr. Lattin: This amount, \$74,800, is basically the money required for the deficit in the Dawson water and sewer system.

Mr. Veale: Just to clarify this, does the Minister indicate that that relates to the actual capital project, and that that is the deficit at the time of completion the installation? Or is it from running into the continuing problems that are now being discovered?

Hon. Mr. Lattin: I believe that the question was on the Capital. This is the deficit in the operation of it, O and M.

Mr. Veale: This is a figure of \$1,158,000 and it relates to the O and M of this project since it has come on-stream. Is that what we are talking about?

It has come on stream at a particular time. When was the sewer system on-stream? August, September, I do not know when, but is this money that has been incurred since it has come on-stream, since the system has been completed?

Hon. Mr. Lattin: I am not quite sure what the Member is asking me for. Maybe I did not explain it to well.

This \$74,800 is the O and M deficit. In other words, it cost that much more to operate than we had put in the original Estimates.

*Municipal and Community Affairs agreed to
On Tourism and Economic Development*

Mr. Chairman: Tourism and Economic Development, an under-expenditure of \$64,100.

Hon. Mr. Lang: It is fairly straight-forward, and is fairly clearly expressed in the explanation.

We are underspent by \$64,000 in Promotion and Professional Services.

In respect to the funds for the Ski Chalet, it was largely due to the low estimate and the timing of the implementation. It was in the middle of the year and, subsequently, there was more spent than we had initially planned.

It should be pointed out to Members that, if they recollect, they voted a Supplementary last year, which I believe was in the area of \$580,000, back to the Legislature. As the bills came in, however, they proved our estimate was off, and this is what we require.

*Tourism and Economic Development agreed to
On Renewable Resources*

Mr. Chairman: Renewable Resources, \$64,200.

Hon. Mr. Lang: Once again, it is the same situation. As you know, we are in the Supplementaries for 1980-81.

There were some non-completion of our campground developments in the Yukon River Attraction projects. The money was not spent and, subsequently, we are authorizing its return.

In respect to the increase, it was a question of rental equipment for various enforcement officers. It looks to me like we have resolved that problem. In the course of this last year we have purchased a number of vehicles for the Department and also for our rural offices. Subsequently, it should get us away from many of the rental costs that we have had to incur over the past number of years.

While I am on my feet, I would refer the Member for Faro, who questioned me in respect to campgrounds, page 241 of the 1981-82 Main Estimates. He was taking up time of Committee asking for the number of campgrounds that we took care of. I believe there are 59 campgrounds for which we have responsibility. I think the Department should be commended for its efficiency and the standard of campgrounds that we have in the Territory.

*Renewable Resources agreed to
On Loan Amortization*

Mr. Chairman: Loan amortization, \$225,200.

Hon. Mr. Pearson: I think that I would just like to point out to the Honourable Members that this amount of \$225,000 is made up of \$211,000 for interest and \$13,000 for principal. This is money that we paid back, but did not have shown in our original Loan Amortization appropriation.

*Loan Amortization agreed to
On Schedule 'A'*

Mr. Chairman: I refer the Committee to Schedule 'A'. Does the total amount of \$1,746,400 carry?

*Schedule 'A' agreed to
On Clause 2*

Mr. Chairman: I refer the Committee back to Clause 2. Does that clause carry?

*Clause 2 agreed to
On Clause 3*

*Clause 3 agreed to
On Title of the Bill*

Title of the Bill agreed to

Hon. Mr. Pearson: I move that you report Bill Number 73, *Fourth Appropriation Ordinance, 1980-81*, without amendment.

Mr. Chairman: It has been moved by Mr. Pearson that the Chairman do now report Bill Number 73, *Fourth Appropriation Ordinance, 1980-81*, without amendment.

Motion agreed to

Bill Number 78

Mr. Chairman: I refer the Committee of the Whole to Bill Number 78 *An Ordinance to Amend the Building Standards Ordinance*.

Hon. Mr. Lattin: At Second Reading, I indicated what we were trying to accomplish. I shall not add any more to it. I suggest that we go through with it. It is quite a simple bill.

*On Clause One
Clause One agreed to*

*On Clause two
Clause two agreed to*

On Clause three

Clause three agreed to

On Title of Bill

Title of Bill agreed to

Hon. Mr. Lattin: I move that you report Bill Number 78 *An Ordinance to Amend the Building Standards Ordinance*, out of Committee, without amendment.

Mr. Chairman: It has been moved by Mr. Lattin that Mr. Chairman do now report Bill Number 78, *An Ordinance to Amend the Building Standards Ordinance*, out of Committee, without amendment.

Motion agreed to

Bill Number 71

Mr. Chairman: I refer the Committee to Bill Number 71, *An Ordinance to Amend the Municipal Finance Ordinance*.

Mr. Byblow: Could I just request a brief recess to procure some notes?

Agreed

Mr. Chairman: I call a short recess at this time.

Recess

Bill Number 71

Mr. Chairman: I refer Members to Bill Number 71, *An Ordinance to Amend the Municipal Finance Ordinance*.

On Clause 1

Hon. Mr. Lattin: I cannot add very much more to it. It is a very simple Bill. It is just giving us the ability to pay the LID's the money that they would have received had the Ordinance gone into effect. I think I made all the comments on Second Reading. At this time, I cannot add very much to it.

Mr. Penikett: At Second Reading we indicated that we would be supporting the Bill. The intent is quite clear and really not very controversial.

Mr. Veale: We would support the Bill as well.

I would just direct one question to the Minister. Will this section be repealed once the Ordinance is brought into full force?

Hon. Mr. Lattin: Yes.

Clause One agreed to

On Title of Bill

Title of Bill agreed to

Hon. Mr. Lattin: I move that you report Bill Number 71, *An Ordinance to Amend the Municipal Finance Ordinance*, out of Committee of the Whole, without amendment.

Mr. Chairman: It has been moved by Mr. Lattin, that Mr. Chairman do now report Bill Number 71, *An Ordinance to Amend the Municipal Finance Ordinance*, out of Committee of the Whole, without amendment.

Motion agreed to

Bill Number 66

Mr. Chairman: I shall now refer the Committee to Bill Number 66, *An Ordinance to Amend the Municipal Ordinance*.

On Clause 1

Mr. Veale: I think that it is now in legislation that comes into effect on September 1, 1982, and I think that is what everyone has been asking for. We approve.

Mr. Penikett: Yes, I think this is considered the Yukon equivalent to the Federal-Provincial Accord.

We have a commitment from the Government to entrench certain constitutional changes as a result of negotiations between them and AYC, and other people.

I do notice, in the same light, that we, in the Yukon Territory, are proud to have a constitutional accord with two "notwithstanding" clauses of our very own, "notwithstanding Section One" and "notwithstanding Section Two," it says here. So we are just like the big guys. We have our own constitutional accord here and we will support it.

Clause 1 agreed to

On Clause 2

Clause 2 agreed to

On Title of Bill

Title agreed to

Hon. Mr. Lattin: I move that we report Bill 66, *An Ordinance*

to Amend the Municipal Ordinance, out of Committee of the Whole, without amendment.

Mr. Chairman: It has been moved by the Honourable Mr. Lattin that Chairman do now report Bill 66, *An Ordinance to Amend the Municipal Ordinance*, out of Committee, without amendment.

Motion agreed to

Bill Number 68

Mr. Chairman: I would refer Committee to Bill 68, *Miscellaneous Statute Law Repeal Ordinance*.

On Clause 1

Hon. Mr. Tracey: This Bill is brought in to repeal some of the ancient bills that are no longer of any use to us, and there is not much sense having them on record.

Clause 1 agreed to

On Clause 2

Clause 2 agreed to

On Clause 3

Mr. Veale: This is a serious moment, because it has always been a great fascination to anybody reading Yukon Ordinances to read the *Saw Logs Driving Ordinance* and I think we all should, indeed, mourn its passing at this time.

Laughter

Clause 3 agreed to

On Clause 4

Clause 4 agreed to

On Title of Bill

Title of Bill agreed to

Hon. Mr. Tracey: I move that you report Bill 68, *Miscellaneous Statute Law Repeal Ordinance*, out of Committee, without amendment.

Mr. Chairman: It has been moved by the Honourable Mr. Tracey that Chairman do now report Bill 68, *Miscellaneous Statute Law Repeal Ordinance*, out of Committee, without amendment.

Motion agreed to

Bill Number 72

Mr. Chairman: I now refer Committee to Bill 72, *An Ordinance to Amend the Court of Appeal Ordinance*.

Hon. Mr. Tracey: In most provinces, it is normal for the Court of Appeal of Final Resort to consist of more than one Judge. In the Territory, subsection 4(2) of the *Court of Appeal Ordinance* provides that in non-criminal matters heard in the Territorial Court, the only appeal is to the Supreme Court, unless a further appeal is specially authorized by another Ordinance or Federal Statute. A conviction for a Territorial offence, therefore, cannot be appealed to the Court of Appeal unless an ordinance directs otherwise. There are few, if any, special authorities in the ordinances, with the result, therefore, that the right of final appeal to a Court of more than one Judge is denied. The repeal of subsection 4(2) eliminates this injustice.

Mr. Kimmerly: This is a very simple bill. Perhaps it is a little overdue. We, in this Party, agree with the principle and have absolutely no problem with it.

Mr. Veale: We support it.

On Clause One

Clause One agreed to

On Title of Bill

Title of Bill agreed to

Hon. Mr. Tracey: I move that you report Bill Number 72, *An Ordinance to Amend the Court of Appeal Ordinance*, out of Committee, without amendment.

Mr. Chairman: It has been moved by the Honourable Mr. Tracey that Mr. Chairman do now report Bill Number 72, *An Ordinance to Amend the Court of Appeal Ordinance*, out of Committee, without amendment.

Motion agreed to

Bill Number 74

Mr. Chairman: I refer the Committee to Bill Number 74, *Miscellaneous Statute Law Amendment Ordinance, 1981 (No. 2)*.

Hon. Mr. Tracey: This is just exactly what the Bill says. It is to amend some discrepancies in some of the ordinances.

While I am up, I would like all Members to take notice of Clause 3(1). You will see, in the third line of Clause 3(1) it says, "Subsection 3." The "3" should have brackets around it. The bottom line says, "Subsection 4." The "4" should have brackets around it.

Mr. Chairman: Do we have unanimous consent?

Agreed

On Clause One

Clause One agreed to

On Clause 2

Mr. Veale: Would the Minister indicate, just for the record, what the problem was with the former description of Electoral District of Klondike?

Hon. Mr. Tracey: The old description of the boundaries of Klondike did not close the boundaries. There was one side left open.

Clause 2 agreed to

On Clause 3

Clause 3 agreed to

On Clause 4

Mr. Kimmerly: I should just point out that I made comments at the Second Reading stage about this not being a miscellaneous amendment. The miscellaneous amendment obviously refers to Section 241 and Section 250 being a duplication of sections. There is another very important point, if the *Motor Vehicles Ordinance* is brought up in the House, and that is that the proclaiming into force of some sections and not other sections. Therefore, by the process of proclamation, or selective proclamation there is, substantially, an amendment, or the practical effect is that there is an amendment of the ordinance. But, I am satisfied that this is procedurally the wrong place to bring up that particular topic.

Mr. Veale: Yes, I think that the two lawyers in the House should acknowledge that the Minister has slipped this one by on us, and he is absolutely correct.

Laughter

Clause 4 agreed to

On Clause 5

Clause 5 agreed to

On Clause 6

Clause 6 agreed to

On Clause 7

Clause 7 agreed to

On Title of the Bill

Title of the Bill agreed to

Hon. Mr. Tracey: I move that you announce Bill Number 74, *Miscellaneous Statute Law Amendment Ordinance, 1981 No. 2*), out of Committee, without amendment.

Mr. Chairman: It has been moved by the Honourable Mr. Tracey that the Chairman do now report that Bill Number 74, *Miscellaneous Statute Law Amendment Ordinance, 1981 (No 2)*), out of Committee, without amendment.

Motion agreed to

Mr. Graham: I move that you report progress and beg leave to sit again.

Mr. Chairman: It has been moved by the Honourable Mr. Graham that we report progress and beg leave to sit again.

Motion agreed to

Mr. Chairman: I move that Mr. Speaker do now resume the Chair.

Motion agreed to

Mr. Speaker resumes the Chair

Mr. Speaker: I will now call the House to order.

May we have a report from the Chairman of Committees

Mr. Chairman: Yes, Mr. Speaker, I have a long speech here to make.

The Committee of the Whole has considered Bill Number 70, *First Appropriation Ordinance, 1982-83*, Bill Number 73,

Fourth Appropriation Ordinance, 1980-81, Bill Number 78, *An Ordinance to Amend the Building Standards Ordinance, Bill 71*, *An Ordinance to Amend the Municipal Finance Ordinance, Bill 66*, *An Ordinance to Amend the Municipal Ordinance, Bill 68*, *Miscellaneous Statute Law Repeal Ordinance, Bill 72*, *An Ordinance to Amend the Court of Appeal Ordinance* and *Bill 74, Miscellaneous Statute Law Amendment Ordinance 1981 (No. 2)*. I am directing you to report the same without amendment and beg leave to sit again.

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

Motion agreed to

Mr. Speaker: Leave is so granted. May I have your further pleasure?

Mr. Graham: I move, seconded by the Honourable Member for Mayo, that we do now adjourn.

Mr. Speaker: It has been moved by the Honourable Member for Whitehorse Porter Creek West, seconded by the Honourable Member for Mayo, that we do now adjourn.

Motion agreed to

The House adjourned at 4:50 p.m.

The following bills were tabled and given First Reading, Thursday, November 26, 1981

Bill Number 76

An Ordinance to Amend the Elections Ordinance, 1977

Bill Number 79

An Ordinance to Amend the Income Tax Ordinance