



The Yukon Legislative Assembly

Number 26

2nd Session

24th Legislature

HANSARD

Monday, October 22, 1979 — 1:30 p.m.

Speaker: The Honourable Donald Taylor

Yukon Legislative Assembly

SPEAKER — Honourable Donald Taylor, MLA, Watson Lake
DEPUTY SPEAKER — Geoffrey Lattin, MLA, Whitehorse North Centre

CABINET MINISTERS

NAME	CONSTITUENCY	PORTFOLIO
Hon. Chris Pearson	Whitehorse Riverdale North	Government House Leader — responsible for Executive, Council office, Public Service Commission, Finance and Pipeline.
Hon. Doug Graham	Whitehorse Porter Creek West	Minister responsible for Education, Justice, Information Resources, Government Services
Hon. Dan Lang	Whitehorse Porter Creek East	Minister responsible for Highways and Public Works, Municipal and Community Affairs, Yukon Housing Corporation, and Yukon Liquor Corporation.
Hon. Meg McCall	Klondike	Minister responsible for Health and Human Resources and Workers' Compensation Board.
Hon. Peter Hanson	Mayo	Minister responsible for Renewable Resources, Consumer & Corporate Affairs, Tourism & Economic Development.

Government Members

(Progressive Conservative)

Al Falle	Hootalinqua
Jack Hibberd	Whitehorse South Centre
Geoffrey Lattin	Whitehorse North Centre
Grafton Njootli	Old Crow
Donald Taylor	Watson Lake
Howard Tracey	Tatchun

Opposition Members

(Liberal)

Iain MacKay	Whitehorse Riverdale South
Alice P. McGuire	Kluane

(New Democratic Party)

Tony Penikett	Whitehorse West
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(Independent)

Maurice J. Byblow	Faro
Robert Fleming	Campbell

Clerk Of Assembly
Clerk Assistant (Legislative)
Clerk Assistant (Administrative)
Sergeant-at-Arms
Editor of Hansard

Patrick L. Michael
Missy Parnell
Jane Steele
G.I. Cameron
Lois Cameron

Whitehorse, Yukon**Monday, October 22, 1979 - 1:30 p.m.****Mr. Speaker:** I will now call the House to order.

We will proceed at this time with Prayers.

Prayers

Mr. Speaker: Before proceeding with the Order Paper this morning, I would say that I am very pleased to draw the attention of all Honourable Members to the presence in the Speaker's Gallery, today, of Mr. Gordon Fairweather, the First Chief Commissioner of the Canadian Rights Commission.

Mr. Fairweather has served as a parliamentarian for many, many years. He was first elected to the Legislative Assembly of New Brunswick in 1952 and re-elected twice, serving his native province as Attorney-General from 1958 to 1960. He was elected to the House of Commons in 1962 and was re-elected five times. Mr. Fairweather is also an officer of the Order of Canada.

It is indeed a distinct pleasure for me, today, to convey on behalf of all Honourable Members, our warmest welcome to Yukon and to this House to such a distinguished Canadian and parliamentarian, and express to Gordon our sincerest hope that his visit and future visits will be both fruitful and enjoyable in every respect.

DAILY ROUTINE**Mr. Speaker:** Are there any Returns or Documents for Tabling?**TABLING OF DOCUMENTS**

Hon. Mr. Graham: Mr. Speaker, I have two Legislative Returns for tabling, and also an agreement between Yukon Lottery Commission and Rampart Management Services, for the management of the Western Canadian Lottery.

Hon. Mr. Lang: Mr. Speaker, I have for tabling the answer to a question by the Honourable Member for Campbell, concerning areas designated as reserves for native people.

Hon. Mr. Pearson: Mr. Speaker, I have for tabling today answers to questions asked by Mr. Penikett regarding the Tourism Advisory Board, a cost study on moving goods by way of the Carcross-Skagway Road, and tourism promotional material.

As well, Mr. Speaker, I have the answer to a question asked by Mr. Fleming respecting car rentals.

Mr. Speaker: Are there any further Tabling of Documents,

Are there any Reports of Standing of Special Committees?

Presentation of Petitions?

Reading or Receiving of Petitions?

Introduction of Bills?

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

Notices of Motion?

Are there any Statements by Ministers?

MINISTERIAL STATEMENTS

Hon. Mr. Pearson: Mr. Speaker, it gives me great pleasure, on behalf of this Government today, to introduce to the House the Honourable Mr. Peter Hanson, who is sitting on the front benches for the first time with us today. Mr. Hanson's portfolio responsibilities will be Renewable Resources, Consumer and Corporate Affairs and Tourism and Economic Development.

Mr. Speaker, I would like to report to the House as well that because of the changes in portfolio duties, I will be assuming responsibility for the Executive Council Office, the Public Service Commission, Finance and the Pipeline Office.

The Honourable Mr. Lang will be responsible for Highways and Public Works, Municipal and Community Affairs, Yukon Housing Corporation and the Yukon Liquor Corporation.

The Honourable Mr. Graham will be responsible for Education and Manpower, Justice, Information Resources and Government Services.

The Honourable Mrs. McCall will be responsible for Health Services, Human Resources and the Workers' Compensation Board.

Mr. Penikett: On behalf of the Opposition Members I would like to

congratulate the new Members of the Executive Council and for my part especially, the new man, my friend the Honourable Member from Mayo.

I wish them well in the conduct of their duties, of course not too well, but hope they serve the people of the Yukon to the best of their abilities.

I must confess to the Government Leader, we have, at times, a little difficulty keeping up with the changes but we will do our best and I am sure they will.

Mr. Fleming: I also rise to congratulate the new Member.**Mr. Speaker:** Order please. I believe we have not yet come to the Question Period.**Mr. Fleming:** I am not questioning.**Mr. Speaker:** I am afraid the only statement that the Chair can permit, at this time, are from the Leaders of the Parties.

Are there any further statements by Ministers?

This then brings us to the Question Period.

QUESTION PERIOD**Question re: Constitutional Development**

Mr. Penikett: I have a question for the Government Leader. Given that the last Yukon Conservative Party resolution on responsible government says that, "there be one government for Yukon, fully responsible, and fully representative to all people of the Yukon, and that that government have an Executive Committee that is fully composed of elected Members," does the Government Leader consider that he has a mandate for any further constitutional development in the Territory?

Hon. Mr. Pearson: Yes, Mr. Speaker, I am confident that we have a mandate to achieve fully responsible government at the earliest possible date, and that finally, Mr. Speaker, achieve provincial status.

Mr. Penikett: One of the pleasant features of the reception desk in the foyer of this building is a daily aphorism. Appropriately, today's reads, "Whom the gods would wish to destroy, they first make mad with power." I would like to ask the Government Leader if he intends to adopt the title of Premier, in accordance with the Order-in-Council instructions creating the Executive Council of Yukon.

Hon. Mr. Pearson: I have previously answered that question in this House. I honestly do not know how many times I have to answer it.

Mr. Penikett: I thank the Government Leader for his assurance. Given that the Government represents the views of only 37 per cent of Yukon's population, can we have his assurance that no further constitutional changes beyond responsible government will be made without full consultation with representatives of Yukoners of all opinions on this question?

Hon. Mr. Pearson: There is a Notice of Motion put on the floor by the Honourable Member, who just asked the question. I am not sure what has prompted this particular question at this particular time, but, certainly, that must be a matter of discussion on that motion.

Question re: Resource Control

Mr. Byblow: I have a question for the Government Leader. In light of the historical occasion, I would like the Members opposite to recognize the colour of my attire.

In the Government Leader's address to the nation this morning, he indicated that negotiations are presently underway to give Yukon control of its own resources. Could the Government Leader indicate what discussions have, and will, be taking place.

Hon. Mr. Pearson: Mr. Speaker, I am confident that if the Member looks at that speech, I did not say that negotiations are underway. I did say that negotiations would soon begin.

Mr. Byblow: Mr. Speaker, to pursue the topic, I would like to inquire of the Government Leader what his Government's position is with respect to the control of resources as I expect will be discussed with the Federal Minister this week?

Hon. Mr. Pearson: Mr. Speaker, I do not know where the Honourable Member gets his information. It is not my information that I will be discussing the control of resources with the Minister during this forthcoming week.

My information is, as I reported to this House, that I am going to

Ottawa because the Minister asked me to be in Ottawa because the CYI is there and we are going to be discussing Land Claims.

Maybe, in the context of Land Claims, there might be some negotiations or discussions in respect to renewable resources. But, Mr. Speaker, Land Claims are a matter between the Government of Canada and the CYI. We are simply members of the Federal Government's team, at that point in time.

Renewable resources are owned by the Federal Government of Canada. I do not know that we are in any position to discuss them at all.

Mr. Byblow: I would thank the Government Leader for a very informative answer.

This morning in his address, he also indicated that his Government feels resource control is a key to fiscal accountability before provincehood.

I would inquire of the Government Leader if he can respond whether or not he feels investor climate is being jeopardized by the present political development in the Territory.

Mr. Speaker: Perhaps the question is marginal in that it does seek an opinion. However, I will permit the question.

Hon. Mr. Pearson: Mr. Speaker, if the Honourable Member wants my opinion, no, I do not think it is affected at all.

Question re: Conflict of Interest Rules

Mr. Penikett: Thank you, Mr. Speaker, another question for the Government Leader: now that the Executive Council has been sworn in to succeed the Executive Committee, I would like to ask the Government Leader, for the record, if he can assure this House that conflict of interest rules now under Committee review, will continue to apply to the Members of the Executive of the Yukon Government?

Hon. Mr. Pearson: No, Mr. Speaker, the conflict of interest rules are a matter that are properly within the purview of this House. I cannot assure the Honourable Member of anything.

Mr. Penikett: Mr. Speaker, given that the instructions to the Standing Committee on Rules, Elections and Privileges, refer only to conflicts of interest for M.L.A.s and elected Executive Committee Members and not Executive Council, will the Government bring to the House an amendment to the Committee's instructions for reviewing these rules?

Hon. Mr. Pearson: Mr. Speaker, I submit that the Honourable Member is embarking upon an exercise in semantics at this point in time. Surely we are all adult enough, in this House, to accept the fact that references to Executive Committee prior must now mean references to Executive Council.

Mr. Speaker, we, on this side of the House, are responsible enough to accept that as being a fact.

Mr. Penikett: Mr. Speaker, is the Government Leader aware of a letter written by the Minister of Indian and Northern Affairs to the Globe and Mail which was published on Saturday, which makes reference to meetings on Constitutional Development between CYI and YTG in Ottawa this week?

Hon. Mr. Pearson: Mr. Speaker, I am not aware of the letter.

Question re: Alberta Heritage Fund Symposium

Mr. Byblow: I have a question for the Government Leader with respect to the Government Leader's visit to Edmonton last week to attend the Alberta Heritage Fund Symposium. Could the Government Leader advise the House on the value of the trip towards establishment of a Yukon Heritage Fund?

Hon. Mr. Pearson: Mr. Speaker, the object of the trip was not to determine, or make any moves towards the establishment of a Yukon Heritage Fund.

The Symposium held by the University of Alberta, at the request of the Government of Alberta, in respect to the Alberta Heritage Savings Trust Fund, was because the Alberta Government is now three years into its Heritage Fund and because it has reached the magnitude of five billion dollars which is very, very close to being one half of the national debt of Canada.

The Government of Alberta asked that learned people sit down and discuss ways that possibly the terms of reference of the Alberta Heritage Fund could be changed to make it more beneficial for all of the people in Canada.

Mr. Speaker, there were ten papers tabled. They are very, very, extensive and I would be most pleased to make them available to any Member of the House who is interested in reading them.

I found it a very, very informative conference. I am confident that the Leader of the Opposition did as well, in that it pointed out numerous pitfalls that do exist and problem areas that we, quite

likely, should be able to avoid, should we ever be in the enviable position of being able to establish a Yukon Heritage Trust Fund.

Hon. Mrs. McCall: Mr. Speaker, I have an answer to questions put to me by the Honourable Member from Whitehorse West, regarding patients requiring psychiatric attention.

On an emergency basis, patients who require immediate attention for psychiatric illnesses, can be seen at any time by the primary care physician, who is on 24-hour call at the Whitehorse General Hospital.

Urgent referrals for psychiatric consultations have always been dealt with promptly. The waiting period for elective referrals averages approximately three weeks, which compares favourably with the same situation in major centres.

Hon. Mr. Lang: Yes, Mr. Speaker, I have a number of oral questions to respond to.

On October 16th, the Honourable Member from Campbell asked a question in respect to the Alaska Highway upgrading. The following question was asked: "With the intended contract on the Alaska Highway from approximately 777 to 792, in the Morley River area, I think the Government intends to straighten up 20 or 25 miles of road.

"At what stage is this contract, also is the right of way clearing in the general contract or can it be let for a small contract for local hire?"

Mr. Speaker, before I begin answering the question, it must be noted that when I speak of public works, it is the Government of Canada, not the Territorial Government.

Public Works has called a tender for clearing and grubbing in the B.C. section, Mile 770 to 776. When a land use permit is obtained for the Yukon section, Mile 776 to 790, then an additional tender for clearing and grubbing will be called for this section.

Following the clearing and grubbing contract, a tender for a grading contract will be called.

At the same time, Mr. Speaker, the Honourable Member from Whitehorse West asked an oral question in respect to the Dempster Highway, in respect to the interim management plan. The question was, "The issue of winter operation should be reviewed and a decision made as to whether a new policy is needed for the winter of 1979-80, based on the findings made between now and then. Can the Minister tell this House as to what findings were made during the year in respect to opening the Highway to traffic this winter?"

Mr. Speaker, over the past year, there have been no findings which indicate that there should be a new policy for winter management of the Highway. In the winter of 1978-79, the main caribou migration did not cross the Highway and thus, baseline data was not obtainable.

Data collection and survey will continue over the length of the Highway for the next two years, as the long term management plan is being developed. Any new policies or changes in the existing policy will be reflected in the final plan.

The Honourable Member from Whitehorse West also asked the following question: "Is a contractor's criminal record considered in the awarding of Government contracts". The answer, briefly, is no.

The Honourable Member from Whitehorse West also asked a question in respect to the Two Mile Hill intersection reconstruction. "Given planned development in Hillcrest and the ever-increasing rush hour traffic on the Alaska Highway, would the Minister consider accelerating the timetable for phase one of the Alaska Highway/Two Mile Hill Intersection Reconstruction?"

Mr. Speaker, the answer is that because lot sales in Hillcrest will not come about until 1980, the effects of traffic from the development will not be known until later in that year. The earliest improvements in the intersection should be undertaken in 1981.

Question re: Mining Safety Regulations

Mr. Penikett: Thank you Mr. Speaker. I have the honour of directing to the new Minister of Consumer and Corporate Affairs his first question. I would like to ask him in reference to the Coroner's findings in the connection of with the tragic death of William Carvill at Whitehorse Copper Mine, Yukon's Chief Mining Inspector is reported to have said that new Mine Safety Regulations reflecting new industry conditions are required. Can the Minister say if he is prepared to develop, or accelerate the development of new regulations in the Territory.

Hon. Mr. Hanson: We are now developing some new safety rules in the branch and we will take it under advisement right now and let you know at a later date.

Mr. Penikett: I would like to ask the Minister in order to partially

avoid the recurrence of serious mining accidents in the Territory, would the Minister consider including in the Government programs, in cooperation with the Minister of Manpower, a proposal to make mining a designated trade, as it is in Manitoba.

Hon. Mr. Hanson: I have had some talks on it in the last week but, as I only took office this morning, I will just take it under advisement at this time.

Mr. Penikett: Will the new Minister also advise the House, when he reports, if he is prepared to enshrine the basic principle of industrial safety, namely the worker's right to refuse unsafe work, when he develops the regulation.

Hon. Mr. Hanson: I will take that under advisement too.

Question re: Report on Continuing Education

Mr. Byblow: I have a question for the Minister of Education, Mr. Speaker. I was of the understanding that we would have a tabling of a report of the Alberta study on continuing education. May I inquire when it will be available?

Hon. Mr. Graham: Mr. Speaker, I gave an undertaking to this House to produce that report when it was ready. I would ask that, through your good offices, that you request the Honourable Member opposite to wait until such time as it is ready.

Mr. Speaker: I am afraid the Chair has not that capability, but perhaps the Honourable Member will take the answer under advisement.

Question re: Housing Corporation Ordinance

Mrs. McGuire: Thank you, Mr. Speaker. I have a question for the Honourable Minister of Municipal and Community Affairs. Seeing as the inadequate Housing Corporation Ordinance serves only to benefit people on fixed incomes and downgrades the efforts of many oppressed people who are trying to upgrade their living standards by rising to higher wages only to discover that their Yukon Housing rent has risen to above the Territory's economic rent prices, would the Minister bring before this House, the Housing Corporation Ordinance for revision and discussion.

Hon. Mr. Lang: No, Mr. Speaker. I recognize the question that the Honourable Member is raising. I think it should be pointed out though, that this side of the House, and I would like to think on the other side of the House, believes in home ownership.

As she well knows, the policy of this Government and the Housing Corporation, is to allow people who are in Housing Corporation accommodation, the ability to purchase the home. Therefore, Mr. Speaker, I think that is a step in the right direction to counter the situation that has developed in the communities over the past years.

If the Honourable Member has any other ideas, I would be more than prepared to sit down and speak to her about them. It is very difficult area, Mr. Speaker, we have a responsibility to those who cannot afford housing, but at the same time, when they can afford housing, I maintain that they should pay the going rate just like anyone else. We all have a fuel bill, we all have to pay our way.

Mrs. McGuire: Does the Minister recognize that in order to bring about ownership of these houses, that he must revise the Ordinance?

Hon. Mr. Lang: Mr. Speaker, if she is looking at it from a legal point, I would have to look at it.

Question re: Education/Art Instruction

Mr. Penikett: I have a question for the Minister of Education. The Minister is aware of a program of art instruction in the Whitehorse Elementary School, that was conducted by a team of art specialists, under a Canada Works Project. Can the Minister say if his Department received a positive response to this program.

Hon. Mr. Graham: Yes, we did, Mr. Speaker.

Mr. Penikett: I would like to ask the Minister if he knows if Canada Works grants will continue to be necessary to provide special art instruction in the schools, or will the Department of Education, in the near future, formally incorporate special art instruction in our schools, with fulltime instructors and budget increases and so forth?

Hon. Mr. Graham: As the Honourable Member opposite well knows, further instruction in any of our schools in the Territory will require additional manyears, which we do not have available. We did hire one of the three young ladies who did carry out the art program last year, and she is now a teacher in one of the schools in Whitehorse.

Mr. Penikett: Does the Department not have an art education curriculum from grades one to twelve, and if it does not, will it be adopting one in the near future?

Hon. Mr. Graham: May I take the question under advisement, Mr. Speaker.

Question re: Inflation

Mr. Byblow: I have a general question for the Minister of Consumer and Corporate Affairs. In light of the cost of living increase to food and fuel costs announced last week, what are this Government's general plans to combat inflation in the Territory?

Hon. Mr. Hanson: That question has been asked many times before. I will take it under advisement at this time.

Mr. Byblow: In light of the Economic Research and Planning Unit's most recent survey which reflects an increasing gap in prices between Yukon communities and Edmonton, primarily in commodities of food, does the Government plan to investigate whether this disparity may, in fact, be justified?

Hon. Mr. Hanson: I am sure this has been studied before, but I will ask, and come back to this House with some answers.

Question re: Tour Operators/Licensing of

Mr. Penikett: I would like to help the Minister responsible for Tourism with his apprenticeship and ask him the following question: during the recent meeting of the Yukon Visitors' Association, delegates were advised that the Government was preparing legislation concerning the licensing of tour operators. When can we expect this legislation to be introduced in the House?

Hon. Mr. Hanson: Mr. Speaker, I have not seen any so far along in this Legislation and neither has the rest of the caucus. I think we will have to see it first before we present it to the Honourable Member.

Question re: Education/Student Counsellors

Mrs. McGuire: Thank you, Mr. Speaker, I have a question for the Minister of Education.

Being as counsellors for high school students are a much needed factor in most schools, if only on a part time basis, would the Minister tell the Members what qualifies a school for this extra necessity?

Hon. Mr. Graham: Mr. Speaker, as staffing is part of the administrative side of the Department, it is part of their responsibility. I do not really feel qualified to comment on what is a necessary requirement to become a member of our staff. I am sure that the requirements are there and I am sure they are met by the people that we presently have hired as counsellors in the schools.

Mrs. McGuire: Thank you, Mr. Speaker. Does the Minister know how many school counsellors there are in Yukon?

Hon. Mr. Graham: No, Mr. Speaker, I do not.

Question re: YTG Employee Job-sharing

Mr. Penikett: It is two and a half, Mr. Speaker.

I have a question for the Minister newly responsible for the Public Service Commission, to which he may wish to take notice

Does the Government, at the present time, allow two or more employees to share one fulltime job in an area outside of jobs requiring shift work?

Hon. Mr. Pearson: Yes, Mr. Speaker, we do.

Mr. Penikett: Thank you, Mr. Speaker. Can the Minister also say if the Government has ever conducted research into the viability of more extensive job-sharing of this type within its ranks?

Hon. Mr. Pearson: Mr. Speaker, I am sorry, I do not know whether there has been any extensive research conducted. I do know that this is being tried on a quasi-experimental basis and, from what I have been able to ascertain, it is being found to be beneficial, both to the employees involved and to the people that they serve.

Mr. Penikett: Thank you, Mr. Speaker. I would like to then ask the Government Leader if the Government has any serious reservations about implementing such job-sharing schemes, where there appears to be a demand for it?

Hon. Mr. Pearson: Mr. Speaker, I am sorry, I cannot answer that question specifically. I do not know of any serious reservations, personally, at the present time.

Mr. Speaker: There being no further questions, we will now proceed with the Order Paper, to Government Motions.

ORDERS OF THE DAY

GOVERNMENT MOTIONS

Motion Number 23

Mr. Clerk: Item Number 1, adjourned debate, Mr. Hibberd.

October 22, 1979 YUKON HANSARD

Mr. Speaker: Is the Honourable Member prepared to proceed with Item 1?

Mr. Hibberd: Yes, Mr. Speaker.

Mr. Speaker: It was moved by the Honourable Leader of the Government, seconded by the Honourable Minister of Municipal and Community Affairs, THAT this House approves in general the operations of the government since the adjournment of the spring sitting.

This debate was adjourned.

Dr. Hibberd: Mr. Speaker, perhaps to refresh our memory on where we were in this debate, I could mention what had transpired at that time.

We had been discussing, Mr. Speaker, the new terms of reference that had been brought forward for the new Commissioner and I had not intended to speak on this debate at that time, but I was faced with a barrage of negative, childish statements coming from the Opposition benches and I felt that it was absolutely necessary that there was some answer given to them so the record could be set straight.

Mr. Speaker, what has happened is several of us have been involved in politics for some length of time now. We have been concerned that the affairs that are of primary concern to us here in Yukon have been handled by a Minister, who is 3,000 miles away and who is an urban dweller, who is not familiar with the problems that we have here. We got involved in politics to see if we could do something to bring those things back to Yukon, so that we could have some say in these affairs.

Mr. Speaker, I was very pleased that, with the change in government in Ottawa, there then became a Party that would listen to what we had been saying for a long time, that was receptive to those ideas.

Mr. Speaker, they were being receptive to the principles under which the rest of this country has been operating since Confederation.

Mr. Speaker, we are the only area in Canada who has been forced to be governed in a colonial way, without the benefits of a democracy. This Government, Mr. Speaker, has been very successful in bringing about these changes or seeing that they are brought about by the Government in Ottawa.

I would rejoice, Mr. Speaker. This is the main reason that I and several others have become involved in politics in Yukon. But what happens when this announcement is made?

We hear from the Opposition benches that they are very dismayed, that we cannot cope with such responsibilities, that we are going against the wishes of the people. The inferences that we only have one-third of the voters on our side is simply not true, Mr. Speaker.

We are here because we have a mandate to act for the people of Yukon, and that is what we are doing, that is what we have been doing to bring about these changes that have now come.

I would like to remind Members, Mr. Speaker, that, in 1974, there was a party formed in Yukon on the principle that there should be provincial status brought into the Territory. That party was called the Yukon Territorial Provincial Liberal Party, Mr. Speaker, of which founding members were the Leader of the Opposition and our present Senator in Ottawa.

Mr. Speaker, they were so interested in having these changes done, they had a party formed for that reason. They had to borrow this idea from us to get there, but they still had the right idea at that time.

What happened to them? Merely because they have not been the people that have been responsible for bringing about these changes, they are going against them. They are negative.

Mr. Speaker, this is why we are here. We want to see these affairs brought into our own control. Do the Members opposite not wish to have these changes brought about? Would they rather see a Section 16 of the Yukon Act? Would they rather see that we do not have the opportunity to organize our own municipal institutions? Would they rather see that we do not have the right for the election of their Council Members? Would they rather see that we do not ever have responsibility for the licensing of businesses and trades? Would they rather see that we do not have any rights for the solemnization of marriages in the Territory?

Would they rather that we did not have anything to do with our jails, with our system of justice? Would they rather see that we do not have any influence over what is our educational system, what our hospitals are, agriculture in the Territory, the administration of sale of liquor in the Territory? These are all things, Mr. Speaker,

that, under the Yukon Act have been delegated to the Commissioner and now, through the province of the present Minister, are being delegated to the Members of this House so that, again, we can come to the principle where the people who are living here actually have the say in what goes on.

A lot has been said about the fears that have been raised with regard to resources and with regard to finances in the Territory. I would like to point out that, under Section 24 of the Yukon Act, we still do not have responsibility in these areas, and as has been stated many times by the present Prime Minister of Canada, and by members of this party, the changes that would come about in these areas, with regard to resources and with regard to finances, would only be brought about when the people of Yukon have been consulted by way of a referendum.

Those changes are not what we are discussing today. We are gradually evolving toward that principle, I agree, and that is why we are here and that is what we are trying to get to. But, in the meantime, I am distressed that the Members opposite cannot support the principle by which they are here themselves, to have some say in these affairs of a purely local nature.

The present Government, during the past several months, has been able to achieve this through consultation with the present government in Ottawa, I take a great deal of pleasure in being able to support their efforts in this area, and, therefore, support this Motion.

Mr. Lattin: Mr. Speaker, I concur emphatically with my colleague to my right. He has expressed my thoughts with more eloquence than I can muster. I, too, am amazed that the Members on the opposite side are so repugnant to a few more powers, and continuing forward so we can obtain more of our democratic rights, that the other parts of our great country enjoy.

I do not believe we are moving too fast. Over the past thirty years, I have heard the people, and former Councillors of Yukon, lament the puppet-type of government that we have had. I have seen the seeds of responsible government sown. Today we are beginning to witness the fruit of our toils.

We still have a long way to go, however, for people who wish to control the destiny of Yukon, the right to have a say in our government process, the road is clearly outlined for us, and it is there for us to tread.

Our Party, and I, personally, have stated publicly, time and time again, that before we become a province, a referendum will be held, so that all people in Yukon will have the final say. That is the grass-roots philosophy, and the march of progress of a democracy. I have absolute faith in the decisions that Yukon people will advocate. Yes, the people of Yukon will have the ultimate say.

I have heard the point raised that we, on this side, are representing only 37 per cent of the people. I submit, this is a ridiculous argument. Let us remember that the procedure we operate under at election time is sometimes referred to as, "first past the post." This may not be the ultimate in the election process, but it is the system we all accepted when we ran for election to public office.

Mr. Speaker, for anyone to say that we do not represent the people of the Yukon, I submit that each individual Member does not have a complete majority in their own riding. Do they mean to stand here in this House and say that they only represent the people who voted for them? I cannot and do not believe this. I submit, it will be a sad day if this occurs. I am sure that each Member represents all the people of his riding to the best of his ability. Likewise, Mr. Speaker, on this side of the House, we represent all the people of the Yukon. We are striving to represent all and are advocating legislation and programs for the betterment of Yukoners.

Let us put an end to this fallacy that we represent only 37 percent of Yukon people. This is utter nonsense. It is ludicrous to even suggest that we govern for 37 percent of the time and then pack up and go away.

Mr. Speaker, it should be very plain that this frame of thinking is a step out of tune with reality. Let us once and for all put an end to this misconception. Thank you, Mr. Speaker.

Mr. Tracey: Mr. Speaker, I also feel I must rise in support of this Motion and also add my support to our action in requesting and in receiving more responsible government. After all, as Dr. Hibberd stated last week, for many frustrating years we have been trying to garner control of our affairs in Yukon from Ottawa, and yet when a political party which just so happens to be the Territorial Progressive Conservative Party is successful in wresting some of this control from Ottawa, we are criticised for secretly trying to obtain provincial status. The Honourable Leader of the Opposition has stated that we have obtained de facto provincial status and I am

sure that he does not believe this, as I do not think any of the rest of us actually believe it. We have a long way to go yet. We promised a referendum. It has been reiterated many times and on one occasion again today.

What we have accomplished has been what we have demanded over past years, that being the opportunity to make our own decisions as to how this great Territory should be run. Surely no one in their right mind would suggest that colonial status is the best for us and there is no one here as elected Member of Territorial Council of Yukon that could participate in the management of this Territory, and it surprises me when I realise what the Opposition Members are saying is that they are incapable of managing this Territory and so, necessarily, so are we. We do not share that lowly opinion of ourselves Mr. Speaker, and down throughout history those who demand the right to manage their own affairs and have had to fight against those, such as the Members across the floor, who would settle for the status quo rather than fight for that right.

The great countries that we, in North America, live in were not built by people who were afraid of change but rather those who demanded more change, demanded responsibility and the right to make their own mistakes.

We would be foolish to say that mistakes will not be made. We will make them for that is in the nature of growing towards maturity and growing towards provincial status for Yukon.

The reductions of the power of Commissioner is a large step towards the maturity that we are seeking and I for one am very happy that most of the powers of that office have been stripped from it. This in no way reflects on the personage of Mrs. Christensen but on the office that she held.

The Member from Campbell stated that we can diminish the powers of Commissioner and carry on business as usual anyway, and I am happy to hear that at least one Member from across the floor realizes that business as usual can be carried on and perhaps that the Commissioner's job as overseer of the Yukon Territory is not very necessary after all.

Surely the job of the Opposition is to constructively criticize the workings of the Government side of the House. I would like to stress the words "constructive criticism", Mr. Speaker.

The Honourable Leader of the Opposition obviously does not agree with this principle. For example, he leads off by saying that we will be voting for the Income Tax Ordinance and then, in the next breath, tries to sit on the fence by saying that if we bring on our own Income Tax Ordinance, we are only going to have to pay more taxes.

He goes on to say that we are about five years premature with this Bill. Mr. Speaker, if he actually believes that the Bill is five years premature, surely he can come up with some sound arguments against it. If he is able to do that, then why lead off by saying that he is going to support the Bill?

Surely he is not recommending that we leave our heads stuck in the sand, as he has been doing in most other issues that have been raised in this House, Mr. Speaker.

It is heartening to hear that most Members across the floor think that a lot of the things that we have accomplished are or will be beneficial. Perhaps, Mr. Speaker, we are living up to our campaign promises, promises that we were elected on, promises that the people wanted action upon.

Perhaps also, by living up to these promises, the Opposition can find no substantial problems with our operation of Government, since the spring sitting.

Thank you, Mr. Speaker.

Mr. Speaker: Is there any further debate?

Hon. Mr. Pearson: Mr. Speaker, this morning was a very special occasion for Yukon. It was an historic and significant event that saw responsibilities and authority previously vested in the appointed Commissioner, formally transferred to the duly elected representatives of the people of Yukon.

Though it was meaningful in the history of the evolution of responsible government in Yukon, it was also the natural culmination of some 80 years of struggle by Yukoners to control their own affairs, as I outlined in my comments this morning.

I must say, Mr. Speaker, how appalled I am by the scare tactics employed by the Opposition Members and, in particular, by the Honourable Leader of the Opposition. When I hear him expounding on how people are afraid that things have gone too far too fast, I wonder if he has ever taken the time, since his fairly recent arrival in this Territory, to examine the long history of the struggle for responsible government in Yukon? Or whether he really understands exactly where Yukon is now, constitutionally?

The original Yukon Act of 1898 provided for a Commissioner, who was to take instructions from the Minister of the Interior or the Governor-in-Council, plus an appointed Council of six. It did not take Yukoners long to begin their objection to that form of government.

As far back as 1899, the Klondike Miner editorialized as follows: "A great deal has been said and written about the apparent lack of wisdom shown in the governing of this Territory and in the laws and regulations under which we operate. After all is said and done, does not the greater part of the trouble arise from the Government of Canada attempting to keep this distant country directly under its own eye and control, through local officers, who of varying necessity, do not feel their responsibility to the people of the locality as they do to their own immediate superiors, the Dominion officials, the source of their authority here."

Mr. Speaker, on June 7th, 1905, Yukon's Member of Parliament, Dr. Alfred Thompson, addressed the House of Commons in his first speech, choosing as his theme, responsible government.

Now, Mr. Speaker, I quoted a part of Dr. Thompson's speech this morning, however, I would like to quote it in full at this time. Dr. Thompson said: "I submit there is no principle so deeply imbedded in the heart of the Anglo Saxon as that of responsible government. When you trace the history of the race, you will find running through it that one bright thread. They want the right to elect their own representatives to govern themselves.

"In the Yukon, although we are 4,000 miles removed from here, there is in our breasts the same sentiment which has animated this race since its dawn, to the present day."

One of the tactics used by the Honourable Leader of the Opposition in this House is to equate the orderly evolution of responsible government that we have reached at this time, with provincial status. We hear him ranting, like a broken record, that we have somehow surreptitiously achieved provincial status when he was not looking, through the back door, as he described it, a method, Mr. Speaker, unknown to this side of the House.

Somehow, he implies, this is being done without full consultation and involvement of the Yukon public. Mr. Speaker, what absolute nonsense and garbage.

The Honourable Leader of the Opposition does the people of Yukon a great disservice and injustice with this kind of irresponsible talk. What has happened, as of today, is that the elected Members of the Yukon Legislative Assembly now have recognized control over strictly Yukon matters, such as education, property taxation, liquor control, municipalities, and generally all matters of a merely local or private nature in the Territory, just as the Yukon Act set it all down in 1898.

My Government considers this to have been an important step in the realization of democratic institutions and responsible government in Yukon. Our elected Members no longer have control of local matters placed at arms' length. No longer must they deal through an appointed Federal officials to handle what the Yukon Act gave them authority to supervise so long ago.

Mr. Speaker, I really wonder whether we have moved too far, too fast. Even former Yukon Liberal Associations recognized that things were happening too slowly and too late. As has been pointed out by the Honourable Member from Whitehorse South Centre, the founding platform of the Yukon Liberal Association, of which I know the present Honourable Leader of the Opposition was a founding member and this party was called the Yukon Provincial Liberal Party, was formed with the sole intent of creating within Yukon, a wholly, independent form of government, prepared to take over responsibility for the social and economic development of Yukon as a province.

Its policy aim was to achieve provincial status, its policy objectives, immediate authority for the administration, distribution and disposal of Yukon land, totally elected executive, evolution of the role of Commissioner to that of Lieutenant-Governor.

Now, Mr. Speaker, that cannot be denied. That was published in all newspapers in the Territory in 1974, this was the stated platform of the Liberal Party.

As well, Mr. Speaker, I would like to read into the record, a quote of the Honourable Leader of the Opposition that was reported in the Whitehorse Star of Wednesday, November 15, 1978, about a week before the last Territorial election. This, Mr. Speaker, is from an article written by Mary McGuire who at that time was a staff reporter for the Star. The heading says "Libs Will Join Coalition with NDP or Independents". I think that is significant. The point that I want to bring to your attention is this, MacKay says, "Ruling out provincial status for the Territory, did not mean ruling out fully responsible government within the next four years."

"He said he envisioned the Commissioner taking on the roll of a governor-in-Council who would not sit in on Executive Committee meetings, but would be informed of the decisions made in their meeting."

I do not know when the Honourable Member changed his mind about all of this. It does seem to me that the change occurred the day that we announced that we had made some progress.

Mr. Speaker, there were other objectives in that draft of the Yukon Liberal Platform having to do with social development, economic development, and so on. I think that I have given you enough to demonstrate that the Honourable Leader of the Opposition should perhaps consider resigning since his current views are so divergent from the Party's original objectives.

It grieves me, Mr. Speaker, that the Honourable Leader of the Opposition is now denouncing the basic democratic principles for the sake of political expediency, for the sake of striking fear and apprehension in the hearts of Yukoners, to cast doubt in their minds regarding the ability of their elected fellow Yukoners to fulfill the responsibilities which are legally and rightfully now theirs. Certainly full provincial status as we know it in Canada will not be attained by the Yukon until we obtain full fiscal responsibility for the financial affairs of this Territory. This has not happened and can only happen when Yukon is given responsibility for control of its own resources. Anyone realistic and honest knows that those negotiations which must be approved by referendum submitted to the people of the Yukon are only beginning in the months to come.

A great deal of work must be done before we are ready for the referendum in addition to discussions between the Federal Government and other provinces.

Mr. Speaker, after eighty years of continued struggle by the elected people of this Territory, we have reached the half-way point on our road to independence. The swearing-in of our Executive Council today, places new and serious responsibilities on those elected Members.

If we do not deliver, the Federal Minister to whom we are responsible can, by a simple letter of instruction, revoke those responsibilities.

Mr. Speaker, a hundred and fifty years ago, Lord Durham wrote in his report on Canada, "The Colonists may not always know what laws are best for them or which of their countrymen are the fittest for conducting their affairs, but at least they have a greater interest in coming to a right judgment on these points and will take greater pains to do so than those whose welfare is very remotely and slightly affected by the good or bad legislation of these portions of the Empire."

It is in the best interest of all of us in this Legislative Assembly where we represent all of the people of the Yukon, that we demonstrate the political maturity of some eighty years of constitutional growth by handling, in a responsible manner, the supervision of local affairs through the normal democratic process. Not only can the Minister change that situation but the people of the Territory have the right to remove us if we cannot or do not deliver the goods.

Mr. Speaker, the Minister of Indian Affairs and Northern Development has placed great trust in the abilities of men and women elected to this Legislature. I have every confidence that they will demonstrate most clearly in the coming months that his confidence and that of the people of the Yukon has not been misplaced.

Thank you, Mr. Speaker.

Mr. Speaker: The Honourable Leader of the Government having twice spoken has now closed debate.

Division has been called. Mr. Clerk, would you kindly poll the House.

Hon. Mr. Pearson: Agreed

Hon. Mr. Lang: Agreed

Hon. Mrs. McCall: Agreed

Hon. Mr. Hanson: Agreed

Hon. Mr. Graham: Agreed

Mr. Lattin: Agreed

Dr. Hibberd: Agreed

Mr. Falle: Agreed

Mr. Tracey: Agreed

Mrs. McGuire: Disagree

Mr. Penikett: Disagree

Mr. Fleming: Disagree

Mr. Byblow: Disagree

Mr. Clerk: Mr. Speaker, the results are nine yea, four nay.

Motion agreed to

Motion Number 32

Mr. Clerk: Item Number 3, standing in the name of Mr. Graham.

Mr. Speaker: Is the Honourable Member prepared to deal with Item 3?

Hon. Mr. Graham: I am, Mr. Speaker.

Mr. Speaker: It has been moved by the Honourable Minister of Education, seconded by the Honourable Leader of the Opposition, THAT the Standing Orders of the Yukon Legislation Assembly be amended to read:

45. (3) At the Commencement of the first Session of each Legislature a Public Accounts Committee consisting of five Members shall be appointed and the Territorial Accounts and all Reports of the Auditor General shall stand referred automatically and permanently to the said Committee as they become available.

46. (3) A Member of a Standing Committee who is unable, on a temporary basis, to attend the business of the Committee may delegate a stand-in member who shall have full voting privileges. Notice of the name of the substitute member must be given to the Chairman prior to the meeting; and

THAT the existing Standing Order 45. (3) be numbered 45. (4) and that the existing Standing Order 46. (3) be renumbered 46. (4).

Hon. Mr. Graham: Mr. Speaker, this motion is in keeping with the report that the Standing Committee on Rules, Elections and Privileges recently introduced to the House and, I believe, it was accepted unanimously by the House. This motion will, in fact, carry out that Report.

Motion agreed to

Motion Number 31

Mr. Clerk: Item Number 2, standing in the name of the Honourable Mr. Graham.

Mr. Speaker: Is the Honourable Member prepared to deal with Item 2?

Hon. Mr. Graham: I am, Mr. Speaker.

Mr. Speaker: It has been moved by the Honourable Minister of Education, seconded by the Honourable Leader of the Government, THAT Messrs. MacKay, Graham, Hibberd, Lattin and Penikett be appointed to the Standing Committee on Public Accounts;

THAT the said Committee be empowered to examine and enquire into all matters referred to it by the House and to report from time to time their observations thereon;

THAT it have power to send for persons, papers and records, and to examine witnesses under oath; to sit during period when the House stands adjourned; and to print such papers and evidence as may be ordered; and

THAT the Clerk of the Legislative Assembly be responsible for providing the necessary support services to the Committee.

Hon. Mr. Graham: Mr. Speaker, the five persons named in this motion, I am sure, will carry out the duties of a Public Accounts Committee with great vigor and with a certain amount of expertise, I trust. I trust that these names are acceptable to all Members of the Legislature.

Motion agreed to

Motion Number 33

Mr. Clerk: Item Number 4, standing in the name of the Honourable Mr. Graham.

Mr. Speaker: Is the Honourable Member prepared to deal with Item 4?

Hon. Mr. Graham: I am, Mr. Speaker.

Mr. Speaker: It has been moved by the Honourable Minister of Education, seconded by the Honourable Leader of the Government, THAT, pursuant to Standing Order 45, a Standing Committee on Statutory Instruments be established;

THAT the Honourable Members Mr. Tracey, Mr. Falle, and Mr. Fleming be appointed to the said Committee;

THAT the said Committee be empowered to sit during intersessional periods and to report from time to time;

THAT the Clerk of the Legislative Assembly be responsible for providing the necessary support services to the said Committee;

THAT the said Committee review all new regulations as they are published; and

THAT the said Committee review such other existing or proposed regulations as are referred to it by Order of the Assembly.

Hon. Mr. Graham: Mr. Speaker, this is a Committee that we failed to appoint last Session. I feel that it is a very important Committee to this House.

Therefore, we are taking these steps, at this time. I think that the three members named are all very competent and capable of carrying out the duties.

Motion agreed to

Mr. Speaker: We will now proceed to Government Bills and Orders.

GOVERNMENT BILLS AND ORDERS

Bill Number 13: Second Reading

Mr. Clerk: Second reading, Bill Number 13, standing in the name of the Honourable Mr. Lang.

Hon. Mr. Lang: Mr. Speaker, I move, seconded by the Honourable Member from Whitehorse South Centre, that Bill Number 13, **Boiler and Pressure Vessels Ordinance**, be now read a second time.

Mr. Speaker: It has been moved by the Honourable Minister of Municipal and Community Affairs, seconded by the Honourable Member from Whitehorse South Centre, that Bill Number 13 be now read a second time.

Hon. Mr. Lang: Mr. Speaker, since 1955 the Yukon has had a piece of legislation on the books regulating the installation and operation of boilers and pressure vessels. It has not been revised since that date, and new technology and safety standards developed over the years dictate that it should be revised.

The legislation will allow Government to control the manufacture, design and construction of boilers used in Yukon. The quality control will be standardized with measures being accepted by many other provincial jurisdictions. Uniformity will provide flexibility within the industry to use plans and standards on a reciprocal basis from jurisdiction to jurisdiction.

The proposed legislation also provides standardization in the certification of power engineers to operate boilers and pressure vessels within Yukon and throughout Canada. In this respect, our operator certification standards will, for one class of operators, be slightly lowered from the standards that presently prevail.

Our inspection branch has, over the past years, Mr. Speaker, offered certification examinations to Yukon operators. This updated Ordinance will not drastically effect the existing Yukon operators or plant owners. Essentially all current installations meet the proposed standards.

At the same time, Mr. Speaker, we have taken the step of giving a grandfather clause to ensure those plants that perhaps need some revision, to give them a year to update their plants so that they can conform with the Ordinance and attempt to cooperate with the individual people that are directly affected.

I should point out also, Mr. Speaker, that a very extensive appeal process for those that may be affected by the application of the Ordinance is a significant feature of the Bill.

At the same time we are taking the opportunity to convert the measurements to metric.

Mr. Speaker, the proposed Boiler and Pressure Vessels Ordinance will ensure that plants in Yukon are operating and installed to safe and efficient standards. The requirements for new boiler and pressure vessels in Yukon is expanding. Therefore, it is most desirable in the interests of public safety to be prepared for this increase in activity.

Examples of possible or proposed installations are fairly numerous. We have the Kotaneelee gas plant in the southeast corner of Yukon. You have the possibility of a major generator unit installed by Yukon Forest Products in Watson Lake, the possibility of pipelines and various other developments as the Yukon goes on.

This particular piece of legislation will ensure that the standards are abided by, at the same time provide that safety that is necessary for workmen, and at the same time will benefit those that are in those particular businesses to ensure that they have a plant and a plant that is going to hold them in good stead for many years to come. Thank you, Mr. Speaker.

Mr. Penikett: Mr. Speaker, after one of my many speeches this spring, one of my favourite Tories came up to me and said, "I just read your speech in Hansard. I loved it. Who wrote it for you?"

"I am glad you liked it," I replied, "Who read it to you?"

All this goes to show, Mr. Speaker, that we have to be very careful of what you say around here so I am going to be very careful about this Bill. As all Members opposite know, I am not really a suspicious person but I must confess that I approach Bill Number 13 with some caution. I am not superstitious either but I approach Bill Number 13 with the same caution. I must confess to the Minister that it did not look that interesting to me the first time that I glanced at the title. It also did not appear to be covered by any of the planks of my election platform. Still, diligent as I am, I eventually got around to reading it. And, Mr. Speaker, I was surprised.

I believe this Bill 13 may go down in history. It just may be the most important piece of legislation ever presented to this House. It could be a major Bill, not for what it purports to do, but what it could do if it is passed unchanged.

I, for one, Mr. Speaker, intend to take this Bill very, very seriously, because in terms of history, it may dominate that other historical event that we had today.

What are we talking about here?

Look at the definitions in the first page.

It says, "Pressure Piping System" means --

Mr. Speaker: I am afraid the Honourable Member should restrict his comments to the philosophy of the Bill and it is not competent to bring in the details of the Bill at this time. This is done in Committee of the Whole.

Mr. Penikett: Mr. Speaker, I believe I will make clear to you that my concerns are directly related to the principle of the Bill. If you will bear with me for a second I think I will make that very clear.

Mr. Speaker: As long as quotations from the Bill, it is understood, are not permitted, then proceed.

Mr. Penikett: The Pressure Piping System which is referred to in the Bill, the tubes and conduits and other bolting components making up a system for which purpose is the conveyance of an expansible fluid, it says in this Bill, and the control of the flow of that expansible fluid under pressure between two or more points,

Now the Bill also talks about what an expansible fluid means. It refers to any vapour and it refers to any liquid under pressure or temperature that will change to a gas or vapour when the pressure is reduced to atmospheric pressure.

Now, what is this all about, you ask. I think, you know, it refers to pipes, it refers to gas and liquid under pressure. So what happens, I get the idea that this Bill with the unlucky number thirteen, titled Boiler and Pressure Vessels Ordinance, maybe that describes it, but maybe, I wonder, we have here a Bill which possibly does no less than dramatically seize the power to regulate the construction and maintenance of gas and oil pipelines in the Yukon.

Now, I think to myself, I know the Yukon P.C.s, they would not do that. It is not possible. Then I think that there are sections of the Bill which say this Bill refers to pressure vessels of 152 millimetres, or less, in internal diameter. That is about a Benson and Hedges cigarette and a half. Why that particular measure, I do not know and I will leave it to the Minister to explain.

But I did look at the Alberta Bill on which this legislation is based and it does not make those specific references that this Bill makes, which led me to believe that, perhaps, the specifics in this Bill were intending to, in fact, narrow the principle of this Bill so it did not cover pipelines.

Now there is another fascinating section which I had a lot of problems with, which I think outlines the principle of the Bill.

Section 3(2)(f) which talks about pressure piping system operating relief valve set at 103 kilo pascals or less, or words to that effect.

Now, Mr. Speaker, my education is limited and I must confess that I did not have any idea what a kilo pascal looked like, even if it bit me on the earlobe. I looked it up in the Oxford dictionary, bit it was not at home there. I read 4,183 pages of Pipeline: News Clipping Service compiled and distributed by the Public Affairs Bureau since last November, but there was not a single mention of kilo pascals there.

Now, when in doubt, I did what I always do, I consulted some bright new Democrat in Whitehorse West for the answer. I found out that a pascal is, apparently, a unit of pressure equal to the pressure resulting from a force of one newton acting uniformly over an area of one square metre.

I asked myself, now, does a kilo pascal refer to pressure of 1000 newtons acting uniformly over an area of one square metre? How many dozens of thousands of newtons are there bashing around inside pipelines? I wondered how many there were in one square

metre of a Foothills' pipeline? Quite a lot, I imagine, but was it 103,000 kilo pascals or less? Who can say?

Now, there is another section that refers to any piping machinery and equipment ancillary thereto by which refrigerants are vapourized, compressed, et cetera, and that have a capacity of 10.5 kilowatts or less.

"Compressed" is a word that caught my eye, because I see to remember compressors mentioned in connection with the Alaska Highway Pipeline. I seemed to recall that there was something about those are the things that the Federal Government was talking about electrifying so that they would have a reason to build another dam, so that Municipal Affairs might have an excuse to flood Carmacks and move it and perhaps build some new project here in Yukon.

Of course, the Game Department, therefore, would not have so many animals to look after because we would have a big river flooded and they would be able to stretch their major budget a little further, which I am sure the Honourable Member from Mayo would appreciate.

But still, there was this mention of compressors, and I did not know enough about compressors to know if they referred to the compressors that might be on the pipeline and whether those had anything to do with 10.5 kilowatts or not. I wondered if there was some profoundly scientific reason for this figure.

I wondered was it selected so that it would specifically exclude pipelines and thereby protect the integrity of Ken McKinnon and the Northern Pipeline Agency.

Or was it, and I can just hear my friend to the right, the Leader of the Liberal Party seeing in here another sinister plot by the Yukon Government to snatch more constitutional authority from the Federal Government.

As you know, I have no great affection for the present Federal Government or its mandarins, but I think I really would be quite terrified of the prospect of some Members of this Government taking responsibility for the regulation and construction of a major pipeline.

So, I would be very interested if the Minister could tell us later if Foothills does plan to employ any "pressure piping system and machinery equivalent to ancillary thereto by which refrigerants are vapourized, compressed and liquified in the refrigeration cycle that have a capacity of 10.5 kilowatts or less?"

The Bill says that the Commissioner can appoint a chief inspector, of course, for the purposes of administering this Ordinance and any regulations made under the Ordinance. Much as I admire the former Commissioner or whomever may now have that job, I find the prospect of my friend Ray Cummings, or some other government inspector running up and down the Highway regulating one or two Foothills Pipelines a tiny bit comical.

There is a section which talks about all the things they have to inspect, the maintenance repair and the welding and everything else, and I think that all the things that are covered in this Bill, we would have a terrific National Film Board film, which would make Charlie Chaplin's *Modern Times* look very dry. We could have this film made of our inspector running up and down doing his inspection of the pipeline.

The Bill, of course, in principle, requires applicants to submit designs for approval and registration by the Chief Inspector. I do not know who the Commissioner has in mind for this job, but I would think that they would probably need an awfully big desk because I understand that there is quite a bit of paper involved in these things.

I also think that it is quite likely that if this thing is meant to cover pipelines, that Walter Baker and Mitchell Sharp and Ken McKinnon and the entire National Energy Board are going to be just a little ticked off with the Yukon for taking their jobs.

I commend it as a make-work program and as an employment strategy for the Territory, but I have some concerns on another front. There is all sorts of stuff in here about receipts of application and compliance with regulations and design approval and date specified and so forth.

Significantly, and I say this, Mr. Speaker, to the Minister, there is no mention whatsoever of public hearings. Yukoners have grown to love public hearings in connection with pipelines, and I am sure that he will want to correct this oversight after he has had a few words with Mr. Blair and Justice Berger and Dean Lysyk.

There is another thing in here that I wonder about in terms of the principle of the Bill. This spring, the Government Leader quite promptly gave us a lecture about discriminatory pipeline taxation.

At that time, the Opposition felt properly reprimanded about aversion on the question of Heritage Fund. This seemed a bit like the pot calling the kettle black after I read the section of the bill that refers to the fees. "The owner of the pressure vessel shall pay to the Territory for such amount as may be prescribed". I imagine that that would cause some consternation in some quarters.

I am sure that the Minister of Community Affairs will be hearing from President Carter about this; so, I do not want to prolong the speech. I would like the Minister to let us in on the secret and to know what we really are doing here.

In closing, I just want to say, Mr. Speaker, that I do congratulate the authors of this Bill for it is either a gigantic Trojan horse or some kind of roaring mouse. I am not sure which after reading it, but I do want to say to the Minister that I really enjoyed going over it.

Mr. Byblow: Mr. Speaker, I had planned to address the principle of this Bill, but regretfully I am not prepared to do so primarily because I have not been able to acquire the research information that I had asked for in the form of having the Bill forwarded to trades people in the field.

I understand that this information is forthcoming, as the Honourable Member has pointed out, there are some concerns with the Bill. I would request of the House that debate on this Bill be adjourned until tomorrow. Do I have a seconder?

Mr. Fleming: I will second that.

Mr. Speaker: It has been moved that debate be adjourned on Bill Number 13.

Some Members: Agreed.

Some Members: Disagreed.

Mr. Speaker: The House cannot determine as to whether division has been called here or not. I have heard no division and it is difficult to obtain the "yeas" or "nays". May I have direction of the House at this time?

Two Members having risen, division is so called.

Hon. Mr. Pearson: Disagree.

Hon. Mr. Lang: Disagree.

Hon. Mrs. McCall: Disagree.

Hon. Mr. Hanson: Disagree.

Hon. Mr. Graham: Disagree.

Mr. Lattin: Disagree.

Dr. Hibberd: Disagree.

Mr. Falle: Disagree.

Mr. Tracey: Disagree.

Mrs. McGuire: Agreed.

Mr. Penikett: Agreed.

Mr. Fleming: Agreed.

Mr. Byblow: Agreed.

Mr. Clerk: Mr. Speaker, the results are four yea, nine nay.

Motion negatived

Dr. Hibberd: Mr. Speaker, I just thought I might add a comment for the edification of the Leader of the NDP party, the reason this legislation had to be brought in was that the competence to handle hot air that has been forthcoming from this Chambers has increased considerably since the NDP Leader came on board, so we have had to have new legislation to govern his behaviour.

Motion agreed to

Bill Number 19: Third Reading

Mr. Clerk: Third reading, Bill Number 19, standing in the name of the Honourable Mr. Graham.

Hon. Mr. Graham: Mr. Speaker, I move, seconded by the Honourable Member for Tatchun, that Bill Number 19, Retirement Plan Beneficiaries Ordinance, be now read a third time.

Mr. Speaker: It has been moved by the Honourable Minister of Education, seconded by the Honourable Member from Tatchun, that Bill Number 19 be now read a third time.

Motion agreed to

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

Hon. Mr. Graham: Mr. Speaker, I move, seconded by the Honourable Member for Tatchun, that Bill Number 19 do now pass and that the title be as on the Order Paper.

Mr. Speaker: It has been moved by the Honourable Minister of

Education, seconded by the Honourable Member from Tatchun, that Bill Number 19 do now pass and that the title be as on the Order Paper.

Motion agreed to

Mr. Speaker: I shall declare that Bill Number 19 has passed this House.

May I have your further pleasure at this time?

Hon. Mr. Graham: Mr. Speaker, I move, seconded by the Honourable Member from Whitehorse North Centre, that Mr. Speaker do now leave the Chair and we resolve into Committee of the Whole.

Mr. Speaker: It has been moved by the Honourable Minister of Education, seconded by the Honourable Member from Whitehorse North Centre, that Mr. Speaker do now leave the Chair and that the House resolve into Committee of the Whole.

Motion agreed to

Mr. Speaker leaves the Chair

COMMITTEE OF THE WHOLE

Mr. Chairman: I shall call Committee of the Whole to order.

At this time we will have a short recess.

Recess

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

At this time I have a Motion before us that we have Mr. Donald Campbell as a witness this afternoon. Are you all in favour.

Motion agreed to

Mr. Chairman: I would like to welcome Mr. Campbell as a witness.

This afternoon we are going to consider Bill Number 13, Boiler and Pressure Vessels Ordinance.

I will now anticipate General Debate.

On Clause 1

Hon. Mr. Lang: Mr. Chairman, we had a few minutes to speak to the principle of the Bill during second reading. I would like to point out the reason that we feel it should get into Committee of the Whole for discussion. I recognize that the Honourable Member from Faro would have liked to have had more time but I think it has to be understood that the particular piece of legislation in front of us has been tabled for two weeks and I think that the witness is competent enough, from a technical point of view, to explain the Ordinance.

At the same time, he has, during the course of his tenure with the Government, had the ability of speaking to the various operators who would be under the particular piece of legislation.

In respect to the Honourable Member from Whitehorse West's comments on the Ordinance and his allegation that he alluded to, if I can use that terminology, that I, and the people within our Department were going to, in one fell swoop, take over the authority of the National Pipeline Agency and subsequently ensure that the gas pipeline was built to the satisfaction of the people of Yukon and, for that matter, in the national interest and, of course, we cannot forget Jimmy Carter.

This is not an accurate reading of the principle of the Bill, Mr. Chairman, I am glad to report. It is not my intention or of anyone on this side of the House, or for that matter, I am sure anyone on the Opposition side to take over from the NPA the responsibility that has been vested to them through the Parliament of Canada and we cannot forget also at the same time, the National Energy Board, through the mandates they have, play a very important role in respect to recommending the construction of pipeline, at the same time the terms and conditions of how a pipeline would be built.

I am not that familiar with that particular piece of legislation, but it is my understanding that it is their prime responsibility and it would not be a responsibility of the Government of the Yukon Territory, in respect to a construction of a gas pipeline, such as the Alaska Pipeline.

The area that this particular piece of legislation would apply is depending on what was to take place in respect to the NPA quote, the National Energy Board, the Government of Canada, in respect to our responsibility of the annual inspections once it was built.

In other words, we may well have to assume the responsibility, through our Department, to inspect on an annual inspection those compressor stations, not the pipeline itself, but the compressor stations.

For example, in the Kotaneelee Gas Field, our officers have already been down there in respect to looking at the installation of the compressor stations. I believe that is the terminology, looking

at the pipes, the designs and everything else that is involved with it.

But the Federal Government has the responsibility from well-head, across the pipe, the gas pipe itself, but we have the responsibility similar to the building standards, codes, and everything else, in respect to where our jurisdiction lies in the compressor stations.

There is definitely an area where our responsibility would lie. The gas pipeline is another question. That is something that would have to be discussed, just exactly what our role would be from an inspections point of view.

But I think that I can assure the Honourable Member once again that, from this side of the House, it is not a case of seeking, surging or whatever the terminology you want to use, for power. It is a case of trying to get our own ship in order in respect to the installations that are presently in effect, but, more importantly, those that will be built that would apply directly under this particular piece of legislation, so that through the Department, the Inspections Branch, they have a piece of legislation that outlines their mandate in the parameters that they utilize.

As the Honourable Member fully knows, and I appreciate the fact of the research he has done, we have, to a large extent, copied the Alberta legislation.

The way I understand it, it is fairly standard across the nation, the various provincial jurisdictions, but it is an area that is becoming more and more pronounced in respect to the types of installations that are being put in with the mining fraternity, at the same time, as I cited, the advent of the Kotaneelee compressor station.

It is very interesting, while I am on that topic, Mr. Chairman, just as an aside to inform the House, I did have the opportunity of visiting that particular plant. It is rather strange in Yukon that, really, the amount of, shall we say, publicity, the amount of emphasis that has been put on to informing the people of Yukon in respect to that particular installation, is minimal. If you go there, the amount of money that has been spent there is actually mind-boggling, and that is located in the southeast corner of the Yukon.

I must say that I was very impressed with the work that they have done with the improvements, the roads, this type of thing that they have put on. They made a very obvious attempt to alleviate the situation as far as the environment is concerned. For example, they have seeded on both sides of the various roads that are built in that particular area. It is tied into the West Coast Line that goes into the NWT which obviously has made it possible to put that particular field into production.

I think that you will find that when we go through the Ordinance and the Member from Faro will find that it is a very technical Ordinance and this is why we have Mr. Campbell here, I think that a lot of the apprehensions that he may well have in respect to the Ordinance will be put to rest by our witness.

Thank you, Mr. Chairman.

Mr. Penikett: Thank you, Mr. Chairman. I thank the Minister for his contribution and has assurances that he is not grabbing for responsibility in the construction of these two pipelines.

As the Minister made mention, I did look at the Alberta legislation. One thing perhaps, Mr. Chairman, I think this is a general point but I would, if possible, like to refer it to the witness. I noticed that the Alberta Legislation does not make specific reference to the sizes, the kilo pascals and all of those other things that were mentioned. Perhaps it may have a practice of putting those things in regulations which would not be unusual.

I would like to ask the witness if the measurements of the limits put in this Ordinance are some kind of ceilings that are specifically put in there so that something like the Foothills Pipe Line or the gas pipeline is specifically excluded from this legislation.

Mr. Campbell: I do not know whether I understand the question properly. I do not think that the intent of putting the measurements, the pressure settings are intended to exclude the Foothills Pipe Line operation. I think that you will find that what we are trying to do is meet the standards that are set by Canada, the Canadian jurisdictions. The standards for the design registration and the sizing of plants are pretty well standard across Canada. We communicate fairly closely with other jurisdiction and the intent of the measurements, the pressure settings, are there so that we are in uniformity with the rest of Canada.

Hon. Mr. Lang: Perhaps I could add to this, Mr. Chairman, and I will probably ask the witness to follow up on this.

In drafting the legislation, we gave specific direction that those things that can be put into the Ordinance should be put into the Ordinance, those things that would not necessarily have to be changed for some time.

As you know, and I agree, the Honourable Member from Campbell has been very much an advocate in respect to legislation, to try and incorporate in the legislation the broad policies and principles and not allow it to be put into regulations unless it was necessary.

My understanding is that the different kilo pascals and the numbers and this type of thing would probably, in the Alberta legislation, and I will have to bow to the witness on this, would be in the regulations. I think that is the question you asked.

Mr. Chairman, could I have the witness comment in respect to the Alberta legislation.

Mr. Campbell: Yes, I agree to that. There are regulations attached to the Ordinance or the Acts in the provinces and it does spell out more specifically the sizing, the pressures, temperatures, capacities, et cetera.

But, under the Act, which no doubt you have, we have followed that fairly closely, also.

Mr. Penikett: Mr. Chairman, I do not want to belabour the point, just while we are in the general discussion, I would like to know if there is a technical reason for the upward limits that are suggested in this Bill, for example, pressure vessels of 152 millimeters or less in internal diameter, pressure vessels operating a relief valve set at 103 kilo pascals or less, heating systems having working pressure of 207 kilo pascals or less, or internal diameter of 610 millimetres or less. Later on it talks about refrigerating cycle that has a capacity of 10.5 kilowatts or less.

I was just curious as to the reason for setting these upward limits. Is there no possibility that we will have anything at all, with the possible exception of a major pipeline that exceeds these specified ceilings or maximums?

Mr. Campbell: In this field of work, if I can possibly clarify, there are two fairly basic guidelines or categories, rather, where, in fact, you have an operation of heating and pressure vessels that we classify as low pressure.

The 103 kilo pascals that you see, is the equivalent of 15 pounds per square inch gauge. That is the defined level where we talk about a low pressure and then a high pressure.

Low pressure is meaning that normal heating plants fall into this category. The high pressure are plants like the hospital, where they are generating steam and have a fairly high pressures, et cetera, where they require fulltime operators, things along that line.

This is why there is sort of a guideline, in regards to these pressures and temperatures.

Mr. Penikett: Could I just get this clear, Mr. Chairman. Is the witness then saying that heating plants like that of the hospital would not then be covered by this legislation, in fact.

Mr. Campbell: Yes, they are.

Mr. Penikett: I am still not sure that I understand, Mr. Chairman. I understand the division between low and high pressure, for example, but I was curious as to why these limits are put in here. But it is just for certain types of pressure vessels, in fact, it is dividing up the kind of things that are covered. Is that the case?

Mr. Campbell: That is right. Vessels under a certain size, for instance, providing the low pressure do not fall within the categories of the requirements of this Ordinance. The findings over the years is that in fact quite small, the volume is not there for potential danger and, I suppose, basically what the Ordinance is all about is the safety of the public and the people operating the vessels and motors.

Hon. Mr. Lang: I just want to make one comment that comes to mind in respect to the comments that were made by the knowledgeable Member from Whitehorse West on the principle of the Bill. I want to assure the Honourable Member that in respect to the enforcement and the carrying out of the duties of this Ordinance, is that it is by an individual who does have a background in this particular area.

It is not a situation, as the Honourable Member intimated, that somebody who has maybe seen a boiler once in his life and all of a sudden he or she is an expert. It is a case that, in terms of reference for the job, there is definitely a background that is necessary in order to competently carry out the legislation.

At the same time, the intent of the Legislation, I impress upon Members, is to help those people who are involved in this, or who have installations of this kind. This is the whole design of it, to ensure safety for them, as people, as well as the public.

We are trying to revise, as I have said, an outdated Ordinance

from 1955 to 1979. A lot, as we all know, has taken place, especially in areas of this kind, in the area of technology.

Mr. Penikett: What the Minister says is very admirable. As he knows, I probably have a higher regard for the Territory's public servants, than even he does. I have no concern on that score at all, I am not worried about that.

I would just like to ask the Minister about the pipeline question, once and for all just so that it is clear in my own mind. In his remarks at the beginning of this debate, the Minister made reference to a situation that we would be responsible, perhaps, for looking at the thing, inspection of the thing, once it was in place. That suggested the kind of responsibility that, for example, a municipality might have for a new subdivision after the Territory had developed.

Can the Minister assure the House that there would be no complications at all with this Ordinance, or anybody feeling any concern that it might be an intrusion into what is now federal authority by virtue of the Northern Pipeline Act. In a question of this pipeline or perhaps the possible subsequent one, in the terms of boiler pressures, this Ordinance, for example, does require for you to submit plans. It does require, you know, a review of issuing of licenses, registrations and all of those kind of things, which are commendable, and I was not being entirely facetious, Mr. Chairman. I was a little concerned that Mr. Blair and Jimmy Carter and a few others might be a little concerned if they felt that, in addition to all the rigmarole they had to suffer at the hands of the U.S. Federal Government and the other agencies that someone might read this Ordinance as requiring them to go through the process once again with someone in the basement of this building.

Hon. Mr. Lang: Mr. Chairman, you are asking me a constitutional question moreso than anything else, this is the way that I interpret what you are saying.

It is my understanding that the NPA is set up as the one window dressing approach in respect to the actual building of the pipeline. It could well be that we may be involved at the design stage. In fact, it is my understanding, in talking to the people involved with this particular area of concern, that, out of courtesy, if something of this nature is being built, the company sends a copy, to the Territorial or Provincial Government, of the design, and whatever. It is more or less a formality.

As far as actually becoming totally involved at the pre-building stage, first, it would only be with the compressor stations, and not on the gas pipeline itself. Second, that is something that would have to be worked with the NPA. If we were to do it, then it would be a contractual situation and it would be strictly cost recoverable from the pipeline installation itself. I would like to assure the Honourable Member that it is not our intention to get involved unless we are requested to get involved in that particular area. As far as the O&M side is concerned, the annual inspection, that is a responsibility that we assume as part of our responsibility of being in a jurisdiction.

Mr. Penikett: Mr. Chairman, I would like to ask the Minister two easy questions and one tough one. Have the Federal authorities seen this legislation? Have they expressed any concern about it? Would the Minister comment on the kind of situation where if the plans were submitted to officials of this Government and they had some concern with them, perhaps not a serious concern, but it did not meet our standards and so forth, and rejected them, would that rejection stand up or would the Federal power supersede the Territory's in the case of those standards?

Hon. Mr. Lang: Mr. Chairman, in the drafting stages, this has been in the mill with the Government for quite a number of years, there could have been some discussion with the Federal authorities at the regional level.

As far as publicly putting it forward, in fairness to this Legislature, this is where the decision has to be made.

As far as the question, the Federal government having more jurisdiction rather than the Territory, yes the Federal Government's jurisdiction would apply.

Prior to another question, perhaps Mr. Campbell could outline whether or not there has been any discussion with the regional people because there is some liaison with the Federal Government at the administrative level.

Mr. Campbell: Maybe a short comment in regards to the federal-territorial jurisdiction: in the past, we have had the arrangement where, in fact, there is a federal jurisdiction in Whitehorse that does the actual pipeline survey, et cetera, for instance, the Kotaneelee gas plant.

Their jurisdiction covered the pipeline from the well to the plant and we then took over within the gas plant. We communicated with Ottawa and Ottawa sent me their Act and it clearly indicates, at that point, apart from thinking about the major gas pipeline, at that point that they, in fact, agreed that they had jurisdiction of the pipeline itself and that the gas plant was under the Territorial jurisdiction.

Mr. Penikett: Mr. Chairman, I just want to make it clear because I know that the Minister knows that I am nothing if not continually cooperative, I just wanted to help the Minister out, frankly, and make sure that he did not have any problems with the Federal Government further down the line.

I think I understand it now and I think I appreciate it. I just want to be absolutely sure that the Federal Government does not have some concerns with this legislation, at which time we might be in a ridiculous situation of disallowance or some darn thing like that, when, in fact, this thing may be needed for a much more regular and routine kind of construction of boiler and pressure vessels than, in fact, the rather major one that Mr. Blair is contemplating.

Hon. Mr. Lang: Mr. Chairman, I will endeavour to ensure that we have an affirmative on that. It is my understanding it is, but I will doublecheck that.

At the same time, Mr. Chairman, I want to point out, when we are dealing with the legislation, there are a couple of areas in the legislation that will be coming up that some Members, at least on this side of the House, would perhaps like to see minor changes, which were raised by Members.

I think it is going to take a great deal of time going through, in consideration of it, because it is such a technical piece of legislation. I think that, in respect to the Third Reading of it, it could wait for some time for that matter, once we have gone through Committee of the Whole, to ensure that the questions that the Honourable Member has raised and, to a certain extent, I think they are valid.

Mr. Byblow: I, too, wish to be very cooperative with the Government.

I have a question with respect to the explanatory note dealing on the standardization program. Seemingly, there is some type of reciprocal arrangement and, while an answer is given for that, perhaps that could be related to the pipeline jurisdictions that may be affected in the proposed line.

Hon. Mr. Lang: Mr. Chairman, there is very good reason for the uniformity, because I think we would find it a very difficult situation for government and, in turn, industry, if each jurisdiction had different qualifications and standards for such things as compressor plants.

There has to be uniformity so that the individual companies can plan accordingly and, at the same time, order their parts and, at the same time, be able to have a stock of parts to be able to interchange between their plants, whether it be in British Columbia, whether it be in Yukon, whether it be in the Northwest Territories.

So, there is good reason for the uniformity of the legislation as it applies to that particular aspect.

Clause 1 agreed to

On Clause 2

Mr. Chairman: This Clause is basically definitions. We will clear each definition and then the clause afterwards.

Mr. Penikett: In regards to "approved and registered", I was asking the question in general discussion and general debate, Mr. Chairman, I would like to know now the specific question, in those parts of a major pipeline may fall under the purview of this Ordinance, will Government require registration and approval within the meaning of that definition?

Hon. Mr. Lang: Mr. Chairman, I think it goes back in respect to our relationships with the NPA and just exactly what role this particular Department will play in the advent of the building of the pipeline.

I would suggest at this time, that they would register a certification with the Government, out of courtesy, similar to what they do with the provincial jurisdictions.

Is that not what happens in the provincial jurisdictions, Mr. Campbell?

Mr. Campbell: Yes, there is a Canadian Standard Code that is uniform across Canada. It is a boiler and pressure vessel code, B-51. It spells out the requirements for design and registration in all provinces in Canada, and territories.

That is where this falls under.

Mr. Byblow: Could we have a practical interpretation of those scales in "heating plant"?

Hon. Mr. Lang: Mr. Chairman, (a) 103 kilopascals and a temperature not exceeding 121 degrees Celsius, would apply, for example, to the Whitehorse Elementary School, which is roughly 250 degrees Fahrenheit. They are heating a hot water plant.

(b) would apply, for example, the Capital Building here, and (c) is "any system or arrangement of boilers referred to in paragraph (a) or (b)", is a combination of the two.

To give you an example of (a) and (b) would actually apply to those two examples.

Mr. Penikett: On "inspector", the Minister may want to deal with this further down, but I do not recall in the Ordinance that it suggests any specific qualifications for the inspector, and that is probably as it should be.

I am just wondering whether this term was appropriate, in view of the history of inspectors in the Territory. At one time, as the Minister knows, we had inspectors who cover a number of Ordinances, that were just generally government inspectors. We now have a situation where some inspectors, I think, or at least there may only be a couple of them left in the Government, who only inspect for one Ordinance, like the Medical Professions Ordinance, the inspector there only, in fact, deals with that one Ordinance.

I also understand that I think the Territory still, in some areas of inspection, has to go Outside because, something like elevators, there either may not be someone here or there is not anybody approved to do those kind of inspections here.

I understand the general application of the word, but it seems to me that in this case you are going to need someone with some very definite professional skills. I wonder if those professional skills might be defined, in the words of some trade or something that may be covered by legislation in another area.

Hon. Mr. Lang: Mr. Chairman, I think it is wiser to leave it out of the legislation because something like that changes, as you know, as time goes on, in respect to qualifications.

That is something that is worked out through the Public Service Commission, in consultation with the provincial jurisdictions and, in view of this Ordinance, would apply in respect to the qualifications necessary to ensure that the individual was competent to be able to do the necessary inspections under this piece of legislation.

I think that it fair to say that we have had a lot of difficulty, and we would be very honest about it, recruiting for this particular position. I think that it was budgeted for some four or five years ago, and Mr. Campbell came on staff approximately two years ago. It is a difficult area to recruit, but at the same time, I think we would be wiser if we could not recruit anybody to administer this Ordinance with the necessary qualifications, you would be better off not administering the Ordinance until which time you had somebody who had the necessary competency.

It is the question of supply and demand and also the wish for people to come up here with these qualifications. We have been fortunate. Mr. Campbell is no longer with the Government but we now have another individual in that Department who has the necessary qualifications. **Hon. Mr. Hanson:** The Honourable Minister has already answered it. I was going to say that we used to bring our boiler inspector in from Outside for years and years, a little old guy who came up here for about twenty years from Victoria, I think it was.

Mr. Fleming: Mr. Chairman, if I could go back I think that we passed up a typographical error in (c) where "piping system, machinery and 'auxillary'," I presume it should be.

Mr. Chairman: Where was that again, Mr. Fleming?

Mr. Fleming: It is in (c): "engines, turbines, pressure vessels, pressure piping system, machinery and -- mine is spelled out a-n-c-i-l-a-r-y. I presume that to mean auxillary equipment. Is that word meant to be in there?"

Mr. Campbell: It means the same type of thing. It means auxillary equipment. That is just the type of word that is generally used in the trade.

Hon. Mr. Lang: On the definition of "power plant", Mr. Chairman, I would like to point out that (a) would apply to the power plants such as the heating plant such as the Takhini where we talk about 103 kilopascals. It is 15 psi's. (b) I am not sure what that would apply to. Perhaps the witness could elaborate further.

Mr. Campbell: A heating plant refers to a low pressure plant such as, for instance, this particular building here. A power plant has basically the same type of workings of this building only they are

operating in excess of 160 pounds per square inch, for instance, and over 250 degrees.

In other words, they are not generating steam in that particular power plant but they are using that particular plant with high pressures and high temperatures, such as, for instance, the plant up in Faro. They pressurize it with nitrogen and they are operating with high temperatures and pressures.

Mr. Byblow: On this definition of "pressure piping system", I believe this is the section that was alluded to repeatedly in the past. Reviewing the wording, the Minister has given the assurance that the application is not intended for a pipeline as such but would he not comment that the wording does suggest it.

Hon. Mr. Lang: Mr. Chairman, it may suggest it but as I said that from a legal and realistic point of view, the gas pipeline that the Honourable Member is referring to is a Federal project and subsequently the terms and conditions and application are set down in cooperation, I understand, with the National Energy Board and the technical people in the industry to ensure that they have the line built and will function for many years with very little difficulty.

All I can do is assure the Honourable Member that it is not our intention, unless requested that we become involved, and if we do then it would be a case of negotiation through the NPA. It is similar to our situation with our Building Inspectors, to a certain extent we are going to be involved, whether we like it or not. This is something that would have to be looked at when that time came, I mean, maybe we are all being a little presumptuous by saying that there is going to be an Alaska gas pipeline. There could well not be one.

As I said earlier to the Member from Whitehorse West, and it bears out and it has been proven time in and time out that the Federal Government does have the authority when it comes to Federal projects such as these. Subsequently their legislation would overrule ours if there was a conflict.

Mr. Fleming: I take it then that the Minister could probably clarify as to whether this section would take effect though in the case of the natural gas pipeline coming to the outskirts of a municipality or town, and then from now on in we would have the responsibility inside that where we have jurisdiction. Is that not true?

Hon. Mr. Lang: Mr. Chairman, that is my understanding. If we were to receive gas for municipalities, then we would have a responsibility for an inspection of that kind, and rightfully so. I think that it is a responsibility that we should have, and we should be prepared to exercise it if that day were ever to come.

Mr. Byblow: Mr. Chairman, perhaps I could ask the witness, in the arrangements that are in place with respect to the standardization of the auxiliary equipment, has there been any direct standardization with the Alaskan side of this type of equipment on the line?

Mr. Campbell: Are you referring to a gas pipeline in Alaska?

Mr. Byblow: Yes.

Mr. Campbell: I could not really speak knowledgeably about the Alaska Gas Pipeline.

I would say that I do not fully understand your question; maybe you could repeat it again.

Mr. Byblow: I am simply inquiring whether the standardization attempts that are being done under this Ordinance to regulate uniformly, the relative equipment, is comparable to that that was used across the border in Alaska because I can see the problem that may result if it is not.

Mr. Campbell: This field of work is fairly extensive, and, looking south to the States, there again, as I mentioned before, there is a standard across Canada. There has also been a similar type of standard in the United States. That standard, and there are several codes with that standard, is adopted by the Canadian jurisdictions. Through our Ordinance we have, in turn, done the same thing.

Mr. Fleming: I have a question on "pressure vessel". It may be simple in a way, but 0.0425 cubic metres, and I should maybe know, but just what size? Could you give us an example of that size in gallons or in cubic feet?

Hon. Mr. Lang: Mr. Chairman, that equates into 1.5 cubic feet.

Mr. Fleming: The reason I was questioning it is that I was wondering how far down we go in the field of oxygen or propane and this type of thing. We go right down to the twenty pound bottle and that would be included in this, would it not?

Mr. Campbell: It says, "anything over 1.5 cubic feet," and that is pretty well standard across the country. That is where the figure comes from. It is standard across Canada, the United States and the Territories.

Mr. Byblow: As a point of interest, could the witness explain the

difference between a pressure vessel and a boiler?

Mr. Campbell: Okay, in simple terms, I suppose, a boiler is a unit where you fire oil, or whatever type of fuel you want to use. You either generate heat to heat a building, for instance, or you generate steam for a power plant. That covers the boiler areas.

A pressure vessel is a type of container, for instance, that propane is held in. An air receiver, where you produce air for a mine. They have big tanks that contain air.

Clause 2 agreed to

On Clause 3(1)

Hon. Mr. Lang: Mr. Chairman, the principle in respect to this section is to ensure that certain boilers of a certain size and less, are not included under this legislation. As an example, you may well have one at your home, and, from a safety point of view, it does not necessitate inspections that other boilers would require.

The aim is to try to set a minimum below which it is up to the individual to ensure that it is installed properly.

Mr. Fleming: I might ask, Mr. Chairman, does this take us right down to a home heating plant that is heated by hot water heat?

Mr. Campbell: I think you will find that, further along the Ordinance, it does spell out, in fact, what sizes are exempt from this Ordinance. It exempts, for example, a private dwelling.

Clause 3(1) agreed to

On Clause 3(2)

Mr. Byblow: Perhaps we would not have any questions if the Minister or witness could just quickly run through a practical comparison of each of those ratings.

Hon. Mr. Lang: Mr. Chairman, I do not have practical examples for all of them. Under (b), it calls for 20 kilowatts, which is 2 horsepower, which would apply to a hot water boiler used, for example, in a home.

The (h) is 10.5 kilowatts, is equivalent to three tons or one horsepower, which would refer to such things as refrigeration systems used by stores.

I do not have examples right on hand on the remainder of them, other than for (c), which is used for expansion tanks and hot water boilers.

Perhaps the witness has something further to, perhaps, give examples in other areas.

Mr. Campbell: Well, perhaps maybe I can run through it quickly here.

Number (a) is saying 10 kilowatts, which indicates one horsepower. That would be a boiler used for very small purposes, for instance, sterilizing or they do use steam kettles in kitchens, et cetera, in restaurants.

A boiler having two horsepower, that would be similar to one used in a home.

Number (c) is a type of boiler, for instance, that is used with an open system. Instead of having a closed system where you could have a pressure explosion, the expansion tank is open so, therefore, there is no danger.

Pressure vessel, six inches, pressure vessels are 1.52 millimeters, that means that it is six inches in diameter. The findings over the years are that pressure vessels under a certain size have not created a danger in terms of explosion.

(e), the storage of hot water, there again, under a certain size, that is considered by provincial jurisdictions because they do meet every year, that that is a safe limit.

(f), piping system with a relief valve, a safety valve set at 15 pounds, is considered to be the limit that is safe.

(g), that is in a hot water system. For instance, it is similar to your heating system. Most of the time it is only operated up to 30 pounds per square inch. It is protected by, normally, a safety valve set at that point.

(h), refrigeration system, there again, most refrigeration systems are under pressure and this is a limit considered by, again, most jurisdictions to be a safe limit.

Mr. Tracey: Mr. Chairman, on (c), I would like the witness or someone to explain to me how you can have an expansion tank which is fully vented to the atmosphere without having a pressure relief valve in it. I cannot understand the need of having two separate subsections there.

Mr. Campbell: You will not see very many of these kinds of systems as you travel across the country anymore, but the original hot water heating systems had a tank that was connected to a boiler

without any valves. The tanks were put up in the attic of a building and the head pressure from the tanks, because of the elevation difference, gave you the pressure on your system.

But it was an open system, so, therefore, it did not require the safety valves for protection.

Mr. Fleming: I understand that, but the back pressure from the boiler could get relief by going back up into your water supplies, so that would do away with the need of a safety valve.

Mr. Falle: On (e), how many gallons is that?

Mr. Campbell: It is 610 millimetres, a measurement of 24 inches.

Mr. Falle: On (f) I have trouble with "piping system". Does this refer at any time in here to a garage air compressor, which is run at perhaps 100 to 150 pounds, a small garage air compressor would meet that, not a really small one, but any garage type would. How would this legislation take care of that?

Mr. Campbell: The air compressor which is used in garages falls under this Ordinance because they do operate over 15 pounds per square inch. Most of their receivers are rated at 200 pounds per square inch. They are regulated to operate at different pressures though. Normally they are designed and manufactured to operate at 200 pounds.

Hon. Mr. Lang: In other words they would come under this legislation. Is that correct?

Mr. Campbell: That is right.

Mr. Byblow: Just a general question, Mr. Chairman. If all of the descriptions under (2) do not apply for the purpose of this Ordinance or any regulation thereof, what is the method of control of those auxiliary items?

Hon. Mr. Lang: Mr. Chairman, it is not intended to "control" or to come under this legislation at all. It is from the experience of the people that have been close to this type of work, these are areas that really do not bring out any danger of any kind.

Mr. Byblow: I could then conclude, Mr. Chairman, that I could design any system that would fall under any of these categories in (2)?

Hon. Mr. Lang: Correct.

Mr. Fleming: Mr. Chairman, I have a little problem with this. When you say "a pressure vessel which is used for the storage of hot water and has an internal diameter of 610 millimetres or less", so a pressure vessel of 152 millimetres or less in an internal diameter, you are speaking of the diameter of that certain piece of pipe or whatever it might be in this case. It might turn out to be a pipe. However, you call it a vessel there. Just how long could that vessel be? Or could it just be big enough so that, you said six inches, it would be six inches each way. Otherwise it looks like you could build a vessel that was from here to eternity and you are still all right. And yet, you cannot build a pipe and do that without that certain qualification. You are speaking of diameter.

Mr. Campbell: Yes, we are speaking of diameter, and normally when the design of a tank, if you are building a tank of 24 inches, normally it is not longer than about five feet.

It is used for the storage of hot water, and this type of vessel, in particular in this kind of work, is normally used for pushing tanks in a heating system. They are normally the size of 24 inches, or less, and five feet in length.

Clause 3(1) agreed to

Mr. Byblow: Does "calculation" in that section refer to the mathematics of a calculation?

I will rephrase that, what is the reference to "calculation"? Does it refer to the arithmetic type of calculation, or some other?

Hon. Mr. Lang: Mr. Chairman, I am not too sure what section he is referring to.

Mr. Chairman: Subsection (b) is what we are on, Mr. Byblow.

Mr. Byblow: I am sorry, Mr. Chairman, I thought we cleared that entire section.

Mr. Chairman: No, we have not yet. I did not want to rush it past you.

Clause 3(2) agreed to

On Clause 3(3)

Mr. Byblow: Doesn't anyone remember my question? I was inquiring as to what is the nature of that "calculation," arithmetic or otherwise?

Hon. Mr. Lang: Mr. Chairman, this would refer to calculations for, an example, a horsepower rating, this type of thing.

Mr. Byblow: Is it strictly arithmetic?

Hon. Mr. Lang: Yes, Mr. Chairman, in the final analysis, that is what it is going to come down to. It is going to come down to measurements of some kind. Maybe Mr. Campbell has more to add.

Mr. Campbell: There are calculations made, in this line of work, as to the horsepower, pressures, temperatures, et cetera, of vessels. That is what it applies to.

Mr. Falle: This "calculation" that we are talking about, is this the part in this Bill that would exclude a small air compressor? I mean the pressure is there but horsepower is not?

I could be running at 120 pound pressure and it takes five or ten minutes to build it up. It is not really like fifteen CFM, or something like that. I am creating about 1 CFM, actually. It is still a pressure vessel, but, under this whole legislation, is it the intent that every compressor in the country is going to have a license, or be inspected?

This is what I am really getting at. Or is there someplace in the legislation that it can be excluded, through your calculations?

Mr. Campbell: There can be some air receivers that could be excluded but they would be very small. They would be under 1.5 cubic feet. I would say that the majority of air receivers fall under this jurisdiction and it is for the safety of the public and it would have to fall under the design requirements, etc.

Mr. Tracey: Mr. Chairman, I can visualize a bureaucratic nightmare here. On Section 17(1), whenever a person removes or rents or exchanges or whatever, a pressure vessel or whatnot, he would have to go through a whole bureaucratic nightmare in order to move an air compressor, say.

Hon. Mr. Lang: Mr. Chairman, I think we can discuss that particular section when we get to it and look at it accordingly.

It is a very technical piece of legislation, it is hard for us all to understand just exactly what it does. What the witness has said, the way I understand it, is that this would put the pressure vessel that the Member from Hootalinqua was referring to in respect to, for example, gas stations and this kind of thing. These types of thing such as this would they have to be inspected under this piece of legislation.

Mr. Campbell: I am sorry but I am a bit confused here. We were talking about calculation and I am not sure where you are now.

Mr. Chairman: We are still considering this section. We are on (3) which is calculation.

Hon. Mr. Lang: Mr. Chairman, in fairness to the witness, I do not think it is the subsection. We are trying to envisage in our minds, just exactly what would be excluded from inspection, the overall exclusions.

The Honourable Member from Hootalinqua was referring to so many horsepower, this type of thing, in the utilization of, say for example, a gas station for air and this type of thing. Where does it start and where does it end, at the same time ensuring public safety?

Mr. Campbell: I would say that, going further back, that all pressure vessels and the air receivers in garages are pressure vessels.

Mr. Falle: Mr. Campbell, you have answered my question, not to my liking, but you have answered it. In other words you are saying that every air compressor, every receiver, every painter who has a little portable air compressor is going to have to have a certified licence and come under this legislation in order to have, maintain, or have that thing, especially move it. The moving part really bothers me. If I want to move my compressor from 1 to 2, I know, but I was thinking this calculation might alleviate us from that area if there was a possibility, because we are going to have trouble with this Legislation, as my Honourable Member suggested, if this is the intent, but I do not think it is.

Mr. Penikett: Mr. Chairman, just on a point of order, I think we should make it clear here that the witness is here as a technical expert, and if the Government backbenchers have any violent political objections to the Bill, they really should be directing them at the Minister, not at the witness.

Hon. Mr. Lang: Mr. Chairman, I concur. I think that we are trying to get into our minds just exactly where does it end and where does it start for the inspection of the department, and at the same time ensuring that we are not getting too technical and interfering with the small business fellow who has a small compressor.

I think that this is the point that we are trying to get to. Perhaps we could leave Section 3 totally aside, and perhaps I could have some clearer understanding of just exactly where this section's intent is going, because I am not at all convinced in my mind that perhaps we may not have tightened up too much.

Mr. Chairman: You would like to see Section 3 stood over?

Hon. Mr. Lang: The whole section.

Clause 3 stood over

On Clause 4

Mr. Falle: Mr. Chairman, you know, I do not want to be repeating myself. This is a very technical piece of legislation. I do not think there is one of us who is a steam engineer. Maybe our guest does, but we do not have the qualifications to pass the legislation and I have not had it answered by my Minister or anybody. I think we are all in the dark as to how really technical it is. That is why we backbenchers are jumping up and asking for your expert advice. Because we cannot understand.

Hon. Mr. Lang: There is just one point that I want to make, and that is that we set Section 3 aside, and perhaps I could maybe get a better understanding as to just exactly what areas this is going to cover, at a minimum, as I said earlier.

I think this is the question, and I do not think that anybody is objecting to the principle of the Bill, which is to ensure that the public safety is taken into account.

At the same time, we want to ensure that we are not going to have our standards so minimal that we are forcing everybody to go through a stringent inspection. So, to the Member, the Section has been set aside and subsequently, it will be looked at.

Mr. Chairman: The Chair will now call a short recess of about five minutes.

Recess

Mr. Chairman: I call Committee of the Whole to order. We will continue on where we left off before recess.

On Clause 4(1)

Hon. Mr. Lang: Mr. Chairman, these two sections are a clause which is uniform to the requirements of the other jurisdictions. It gives authority to the Chief Boiler Inspector to carry out the requirements of the Ordinance for the operating personnel and plant safety.

Clause 4 agreed to

On Clause 5(1)

Hon. Mr. Lang: Mr. Chairman, this section is consistent across Canada. I do not know how applicable it is to the Yukon at the present time, but it could well be in the future.

The total principle of this section is that all boiler pressure vessels and pressure piping, if it is to be designed and constructed and to go for sale, they have to apply and be certified and registered with the Government to ensure that it is up to safety and up to standard. I am not aware of anybody actually building them in the Yukon today, but it could well happen. Is that correct, Mr. Campbell?

Mr. Campbell: That is right, the next provision the design, construction and sale, primarily the design and construction of boilers and pressure vessels lays down the requirements where, in fact, if a person wanted to become a manufacturer in the Yukon, the requirements are laid down for that reason.

Mr. Tracey: To get back to the subject which we were just talking about a few minutes ago, this would also include piping for airlines, would it not, or in a garage, or whatever?

Mr. Campbell: No, it does not cover a pressure system in garages. The power piping and pressure piping covers a plant like the Whitehorse Hospital where you have high pressure steam piping systems.

Mr. Tracey: On Section (1), to get back to the definition of a pressure piping system, it says "pipes, tubes, conduits, fittings, gaskets, bolts" or whatever, in piping, and a pressure vessel also includes an air receiver, I do not see how we could exclude this piping here from that of an air receiver.

As far as I know, air is an expansionable fluid. Maybe it is not.

Hon. Mr. Lang: Mr. Chairman, I think we are pursuing the point that we left off at prior to recess. I think what the Honourable Member is referring to is the area that we are concerned with is the minimum standard for exemptions.

For example, in Section 3, if we were to, the way I understand it, raise the number of kilopascals to ensure that we are not infringing on to small air compressors, this Section would not apply. It basically states an exemption, and therefore the legislation does not apply.

So, I think we are pursuing the same thing and it should be addressed in the section that we have stood over.

Mrs. McGuire: Is not what Mr. Tracey is getting at contained within the exclusions under "General" on page 3? I am not sure of the way it should be stated, but it should be included under 'exclusions', on page 3, Clause 3(2), "This Ordinance or any regulation made under this Ordinance does not apply to:". Does not one of these cover it, say under (d), where it says "a pressure vessel of 152 millimetres or less."?

Hon. Mr. Lang: Mr. Chairman, that is my point. This is the area that we are going to review. Then, if we look at these air compressors we may decide we should raise the minimum standard to exclude them from the legislation.

At the same time, this section that we are addressing now would not apply, then, because it is very specific that the legislation would not apply, according to the preamble to Subsection 3(2), but to anything over and above that minimum, these things would apply in the design and construction phase, and sale, of this type of a construction.

As I said earlier, as far as this section is concerned, itself, it does not really apply to Yukon at the present time. It is looking ahead in the case that somebody actually does go into manufacturing of some kind, even in a small way. Then there is a section that would apply to ensure that they were coming up to the public safety and the necessary standard in the construction of a particular boiler, or this type of thing.

Mr. Fleming: I realize that this section does not cover anything that is even being made today. It is covering something that might be done. A pressure piping system that somebody may design himself, because that is what it says, "intends to construct or use in Yukon, the design of which has not been approved," so we are speaking of something that is not even here yet, but might come. However, in the case that somebody did wish to put in a pressure piping system from his air compressor, then it would come into effect, and it would be under that.

Hon. Mr. Lang: Mr. Chairman, it depends on the exemptions under Section 3(2), the minimum standard that we set in the legislation. Anything above that minimum, yes, it would apply. But, as I have said, we have set Section 3 aside to look at the minimums to see if, perhaps, they may be too low and we may increase them, so that the minimum would be a little higher and it would exclude other things that we, perhaps, really do not want to have apply under the legislation.

Because it states, Mr. Chairman, very specifically, as the Honourable Member from Klwane has pointed out, "The Ordinance or any regulation made under this Ordinance does not apply to:" (a), (b), (c), (d), (e), (f), (g). So, it depends on those standards that are set there and then above that standard, then it would apply.

That is the section we are going to look at.

Mr. Fleming: I do not want to delay the section any longer, Mr. Chairman, however, I will say that the Minister is going to have a problem because when you start to try and take anything out of here, that is in here, and change the size of it, because there is no question in my mind that there are air compressors and lots of them and they are big ones and there are small ones, there are little ones and everything, if you start taking them out of there you are going to have to have some distinction that is air compressors.

I think, myself, just as a point that the Minister might take right now, is that you should look into the question of air compressors on their own and not have them mixed up with this because you are going to have a mess because propane and all that stuff goes right down to small. You have got to have the legislation for it, I agree, but when you get into the air compressors, they also go down very small, but they also go right up to big and you cannot remove one. You would have a mix-up.

Hon. Mr. Lang: Mr. Chairman, that is the point I am making. What is the minimum standard? Is it 24 inches in diameter or is it 36? This is the question that I have to address with the technical expertise we have, to say if we do alter it, what does it do.

I think there is one other point that has to be made is that there are Federal Canadian standards, the way I understand it, I believe it is the CSA and this is really taken from that particular Federal legislation that presently is in place.

But we will look at it and I agree there has to be a minimum.

As far as the propane tanks are concerned, if my memory serves me correctly, I believe anything over 2,000 gallons falls under it and anything below does not. But there is a starting point where this Ordinance does come into effect, for safety purposes, primarily, for not only the individual that is using it, but also for the public at large, as well.

So, it is that saw-off that we have to try to find.

Mr. Tracey: Mr. Chairman, I recognize that we have a problem here and that we are going to look at it, but I think that my colleague, Mr. Lang, should also take into consideration that the size of the air compressor makes no difference to the piping system. You can have a 500 horsepower air compressor still running 120 pounds of air and whatnot.

So, the size of the air compressor makes no difference to the piping system. So, I think Mr. Fleming has made a very good point, that perhaps we should exclude air compressors and air piping systems out of this Ordinance or put a different section in to cover that.

Hon. Mr. Lang: I have said that we are prepared to look at it.

Clause 5(1) agreed to

On Clause 5(2)

Clause 5(2) agreed to

On Clause 5(3)

Clause 5(3) agreed to

On Clause 5(4)

Clause 5(4) agreed to

On Clause 5(5)

Clause 5(5) agreed to

On Clause 6

Hon. Mr. Lang: It is my understanding that this section is consistent across the various jurisdictions as to where a boiler is moved into this jurisdiction, it is registered, and the inspections branch knows that it is there, so they can do the annual inspection, and everything else that is entailed with respect to the Ordinance.

Mr. Penikett: I can only express the wish and hope that anybody who wishes to bring a boiler into this Territory will be able to very readily obtain from the inspector the information as to whether the standards and the specifications of the article he wishes to bring in do in fact meet with Yukon law. I certainly hope we will not have the situation where people are bringing these things in and finding out that they do not qualify and then, at great expense, having to ship them out again.

Hon. Mr. Lang: Mr. Chairman, I think it goes back to the uniformity of this legislation and the importance of that. That is why with Alberta and the Northwest Territories, British Columbia the basic standards are the same. The witness has outlined the fact that there are Federal standards that have to be abided to as well. It is more or less a basic formality, except perhaps in the situation where you have a very old boiler. This would then perhaps necessitate some upgrading. Is that not correct, Mr. Campbell?

Mr. Campbell: What usually happens in most jurisdictions is that the persons that are transferring boilers or pressure vessels, it is important to have the registration which is pretty well uniform across the country so that you know where the vessels are, where the boilers are. And if in fact, a boiler, for instance is going to B.C., the Province of British Columbia, before accepting it into the Province, comes into the Yukon and does an inspection of that particular boiler before it crosses the border. This has happened many times.

Hon. Mr. Lang: Mr. Chairman, can I ask the witness, how often does that actually happen in realistic terms? Does it happen very often, or is it a case of rarity when this type of situation develops?

Mr. Campbell: With older types of boilers, it does not happen as often but we do have many occasions where we have new boilers and pressure vessels coming into the country and going from one province to another.

Mr. Penikett: Mr. Chairman, when I asked that question I was hoping to avoid some expense for the owner of the boiler by him going to the office here and say, "I want to bring this boiler, it has these specs, will it meet Yukon standards?"

What I get from Mr. Campbell is not a way to save the boiler owner any money, but perhaps a very delightful way for a Yukon Public Servant to take quite a few trips outside before any vessels were brought into the Territory. I was fascinated by the prospect that Yukon inspectors have to come here which suggests to me that any boiler that is coming into the Territory, that some Government official, at taxpayers' expense, would be going south to perhaps Alberta or Ontario or someplace from where a boiler is brought in. I hope that will not be the case, and that in fact we can solve this problem by some paperwork device rather than a lot of travelling.

Hon. Mr. Lang: Mr. Chairman, I would, too, and I think it is a case of basic standards. I think it would be a case of "these are the

standards, if you bring it in we have to see it." I think that would alleviate the concerns of the Honourable Member.

Mrs. McGuire: I just want to know the difference between Section 5(1), as compared to Section 6(1). It sounds like we are just reading the same thing over other than, "specifically bringing into the Yukon."

Hon. Mr. Lang: There is a definite difference. Section 5 applies if a person is designing, constructing and selling in the Yukon. Section 6 applies to any individual who is bringing in a pressure vessel or boiler from outside Yukon. They then have an obligation, when they are in process of bringing it in, to inform the Boiler Inspectors Branch that this boiler is coming to the Territory, meets such standards, and then the Boiler Inspector knows it is here and has an opportunity to inspect it. The main purpose is to ensure that it is safe.

Clause 6 agreed to

On Clause 7

Mr. Fleming: In Clause 7(3), I can understand the gist of it, but does this stop a person from perhaps inventing a new type of boiler in this Territory?

Hon. Mr. Lang: No, the particular sections in question here are allowing them, and giving them the guidelines as to what must be done. I must stress again that the boiler inspector is there to help, and that is the reason for the boiler inspectors, to help the individual and see that public safety is taken fully into account and that the standards are adhered to.

Mr. Fleming: I realize all that. What I am talking about is an inventor who wishes to make something, he is not going to an inspector and have him hanging around to find out what is going on. He is going to invent something new, and this does put a stop to that, if you must go by this, "until the change is approved and registered."

Now, if you wish to change the design of something, and you wish to do it in secret, until such time as you want to bring it forward as something new, I can see you not being able to use it, but I cannot see you not being allowed to change the design of it.

Hon. Mr. Lang: There is no problem with changing design. It is when it goes into the construction phase, it states very specifically that no person shall commence construction. If you make a design, you can keep it for as long as you want, but once you get into the construction phase, then you have an obligation to ensure that you have met all of the requirements set down by law, not only at the Territorial level, but, indirectly, federal law as well. It is primarily for public safety.

Clause 7 agreed to

On Clause 8

Mr. Byblow: Is the implication of this section that the owner of the design is responsible for any accident that arises from such a system?

Hon. Mr. Lang: No, Mr. Chairman, the intent of the legislation is to ensure that a design is put forward when it goes into the construction phase. If that design is followed up, it is approved and registered, then he or she has to follow that design. If there is going to be any major alteration, then he or she has to come back to the inspection branch to verify that the change is necessary, or whatever he or she is attempting to do.

Mr. Byblow: I was simply enquiring, beyond that, whether or not a regulation could then apply that would make this owner responsible for the original design in the event of a breakdown, or accident, or blow-up, or whatever.

Mr. Campbell: In the case of a registered design, if in fact there was a definite fault found in the design of that vessel, or the design registration, what happens in the Canadian Standards, it is withdrawn until the fault is corrected, bearing in mind the safety of the public and operators at all times.

Mr. Byblow: I will leave it after this question, Mr. Chairman. I was trying to determine whether there is a determined and defined liability that can be created through regulation against the owner of the design of the system?

Hon. Mr. Lang: Mr. Chairman, I think you are asking a question probably applying under the Federal Statutes, as opposed to this piece of legislation. It is not our intent to write legislation so that the individual that designed it is going to carry on forever and a day the liability of something that were to happen. For an example, if an individual is running a boiler and he or she did not comply with what had to be done, and subsequently there is a major accident, there is an offence section in the legislation, on Page 24, which

outlines the offences if they do not comply with the legislation and the intent of the legislation.

That particular aspect is not considered in the legislation as far as liability, or whatever, is involved. That is a case that I would imagine would have to be resolved in either a civil court or, maybe, a criminal court. You are asking a legal question that neither I nor the witness are competent to answer.

Clause 8 agreed to

On Clause 9(1)

Clause 9(1) agreed to

On Clause 9(2)

Mr. Tracey: Mr. Chairman, would it not be much better and much simpler to have the government notify everyone instead of having the designer of a boiler having to notify everybody who is allowed to construct. He might not even know who is allowed to construct a boiler or piping system or whatnot.

Hon. Mr. Lang: It may be a valid point that is raised. The thought and intent behind this section is that the designer who has the design is in the business and he obviously knows who is using his design. If the market place ever dictates that this ever happens that he or she would know who was constructing boilers and this sort of thing and would be in a position to notify them.

Mr. Tracey: They could overlook somebody though then he would be breaking the law. Would it not be much easier, the Government already knows who is licenced. Would it not be much easier for the Government to notify them.

Hon. Mr. Lang: I am prepared to put (2) aside.

Clause 9(2) stood over

On Clause 9(3)

Clause 9(3) agreed to

On Clause 9(4)

Clause 9(4) agreed to

Mr. Chairman: At this time my watch says 5:25.

May I ask of the witness if he can be with us tonight at 7:30?

Mr. Campbell: Yes.

Mr. Chairman: Thank you very much.

At this time we will recess until 7:30. The witness may be excused and we will see him at 7:30 tonight.

Recess

The following Sessional Paper was Tabled on October 22, 1979:

79-2-37

Agreement between Yukon Lottery Commission and Rampart Management Services

The following Legislative Returns were Tabled on October 22, 1979:

79-2-22

Vehicle registration: time limits

(Oral Question - October 15, 1979 - Page 388)

79-2-23

Games of Chance Regulations

(Oral Question - October 15, 1979 - Page 388)

79-2-24

Native reserves in Yukon

(Oral Question - October 18, 1979 - Page 450)

79-2-25

Yukon Tourism Advisory Board: Membership and terms of reference

(Oral Question - October 10, 1979 - Page 349)

79-2-26

Studies regarding the cost of moving goods into Yukon

(Oral Question - October 11, 1979 - Page 372)

79-2-27

Policy respecting distribution of tourism & promotional materials

(Oral Question - October 11, 1979 - Page 370)

79-2-28

Guidelines regarding government rental of U-drives

(Oral Question - October 16, 1979 - Page 412)