



# The Yukon Legislative Assembly

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## **HANSARD**

**Thursday, November 6, 1980 — 1:30 p.m.**

Speaker: The Honourable Donald Taylor

# Yukon Legislative Assembly

SPEAKER — Honourable Donald Taylor, MLA, Watson Lake  
DEPUTY SPEAKER — Grafton Njootli, MLA, Old Crow

## CABINET MINISTERS

NAME	CONSTITUENCY	PORTFOLIO
Hon. Chris Pearson	Whitehorse Riverdale North	Government House Leader — responsible for Executive, Council Office, Public Service Commission, Finance and Pipeline.
Hon. Doug Graham	Whitehorse Porter Creek West	Minister responsible for Education, Justice, Consumer & Corporate Affairs, Information Resources, Government Services and Workers' Compensation Board
Hon. Dan Lang	Whitehorse Porter Creek East	Minister responsible for Renewable Resources, Tourism and Economic Development
Hon. Geoffrey Lattin	Whitehorse North Centre	Minister responsible for 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

## Government Members

### (Progressive Conservative)

Al Falle	Hootalinqua
Jack Hibberd	Whitehorse South Centre
Peter Hanson	Mayo
Grafton Njootli	Old Crow
Donald Taylor	Watson Lake
Howard Tracy	Tatchun

## Opposition Members

### (Liberal)

Iain MacKay	Whitehorse Riverdale South
Alice P. McGuire	Kluane

### (New Democratic Party)

Tony Penkett	Whitehorse West
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### (Independent)

Maurice J. Byblow	Faro
Robert Fleming	Campbell

Clerk Of Assembly  
Clerk Assistant (Legislative)  
Clerk Assistant (Administrative)  
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**Whitehorse, Yukon**  
**Thursday, November 6, 1980**

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

*Prayers*

**Mr. Hibberd:** Mr. Speaker, I rise on a point of privilege this morning. During this last week, Mr. Speaker, this House has been considering a motion regarding the ability of one of our Members to hold his seat. This motion, Mr. Speaker, was raised by another private Member, not by myself, and there is no doubt, Mr. Speaker, that he raised this issue in good faith and without malice.

But from the outset, Mr. Speaker, I have opposed this motion. Members here know that I have worked to have this motion set aside. Unfortunately, some members of the media, Mr. Speaker, have done to me a grave injustice. Both radio station CKRW and the newspaper *Yukon News* have attributed this motion to me.

I understand from several colleagues that it was on the news of radio station CKRW on Tuesday last. The *Yukon News*, in their lead article of Wednesday's paper, not only misinformed the public in terms of the sponsorship of this motion, they repeated it again in the same article, the same error, and they could not even spell my name correctly.

Mr. Speaker, obviously this story is quite false, not only in ascribing my name to a motion which I opposed, which I worked against, debated against, and voted against. It is also grossly inaccurate in portraying both myself and my party as political assassins, when no party stand was taken on this issue.

Mr. Speaker, I would submit that these inaccuracies are bound to occur, Mr. Speaker, when members of the media break their own basic rules of good reporting; when reporters do not check their stories beyond a single source, and when they report a speech which is yet to be delivered, and therefore there is no refutation and no correction for gross inaccuracies.

I realize, Mr. Speaker, that the damage is already done but in fairness I would ask both CKRW and the *Yukon News* to give equal coverage to retracting their statements: to state my actual point of view and to express a public apology to me.

Mr. Speaker, we, sitting in the back here, have little enough opportunity to have our views aired in the public forum. But I am not asking, Mr. Speaker, for a favourable, or otherwise, interpretation of an issue. I am merely asking for responsible reporting and asking those reporters to get their facts straight. In other words, Mr. Speaker, I am asking for responsible reporting.

**Mr. Speaker:** Although the Chair finds some sympathy concerning the question of privilege raised by the Honourable Member, it has been shown that passages from a newspaper do not constitute a breach of privilege unless they relate, generally, to the House, or a Member thereof, or the conduct of a Member. Inaccurate reporting by a journalist, in this case, does not constitute a breach of privilege.

We will proceed with the Order Paper: Are there any returns or documents for tabling?

**TABLING OF DOCUMENTS**

**Hon. Mr. Pearson:** Mr. Speaker, it gives me great pleasure to table today the annual report of Yukon to the Minister of Indian Affairs and Northern Development.

**Mr. Speaker:** The Chair is pleased today to table the report of the Auditor-General of Canada for the year ended March 31st, 1980.

- Are there any further documents for tabling?
- Reports of Standing or Special Committees?
- Petitions?
- Receiving or reading of petitions?
- Introduction of Bills?

**BILLS: INTRODUCTION AND FIRST READING**

**Hon. Mr. Lang:** Mr. Speaker, I move, seconded by the Honourable Member for Tatchun that a bill entitled *An Ordinance to Amend the Game Ordinance, No. 2*, be now introduced and read a first time.

**Mr. Speaker:** It has been moved by the Honourable Minister of Economic Development, seconded by the Honourable Member for Tatchun, that a bill entitled *An Ordinance to Amend the Game Ordinance, No. 2*, be now introduced and read a first time.

*Motion agreed to*

**Mr. Speaker:** Are there any Notices of Motion for the Production of Papers?

Notices of Motion?

Statements by Ministers?

This then brings us to the Question Period. Have you any questions?

**QUESTION PERIOD**

**Question re: COPE Agreement**

**Mr. MacKay:** I certainly have, Mr. Speaker, thank you.

My question is to the Government Leader. In the news today is the welcome news that there has been some progress in the COPE negotiations. As I realize that amendments to the *Game Ordinance* have just now been tabled, it is inappropriate to ask details of that; however, Mr. Speaker, can the Government Leader indicate what other major areas of disagreement remain with the COPE agreement?

**Hon. Mr. Pearson:** Mr. Speaker, it is very difficult for me to enumerate the areas of concern that we had, as a Government, with the COPE Agreement-in-Principle. I believe that probably the two areas where the most problem existed was the suggestion in the COPE Agreement-in-Principle that there be a wilderness park across north Yukon from one border to the other: something which would have, from our point of view, effectively cut us off from the north coast in entirety. The other thing was the privileges that the people of COPE, being extra-territorial people as far as we were concerned, were seeking in respect to hunting.

Now, Mr. Speaker, what has transpired is that COPE is talking to Senator Davy Steuart, who has been named — I do not know that the right term is "negotiator". Senator Steuart's mandate, if I understand it correctly from the Minister of Indian Affairs and Northern Development, is to try to move forward on the COPE Agreement-in-Principle, with the end result being an agreement.

Senator Steuart's mandate, I suggest, may well be one of a facilitator rather than a negotiator. When he was appointed, because we had made a fair amount of noise about our concerns, he asked what our concerns were. We told him what our concerns were, particularly in respect to the hunting and the wilderness park, and we know that he talked to COPE about these concerns.

There was an agreement reached between COPE, this Government, and Senator Steuart that on this coming Monday the Government of Yukon would table with Senator Steuart a proposal that we think might be acceptable to COPE in respect to north Yukon. Needless to say Mr. Speaker, part of that proposal would be these amendments to the *Game Ordinance* that we are hoping this House will consider seriously early next week. It will at that time, Mr. Speaker, be known, I suspect, whether COPE are amenable to these suggestions that we have made.

We have made some fairly far-reaching suggestions, Mr. Speaker, hoping that we can reach some kind of an accord with COPE, whereby we can go forward with them to Senator Steuart saying we think that as far as Yukon is concerned, the proposals as enumerated now are favourable to both Yukon and to COPE, and they are something that everyone can live with. They are going to be beneficial and we are going to support those changes to the COPE Agreement-in-Principle, so it is a quasi-negotiating stand that we are in at the present time.

I would suggest, Mr. Speaker, that it is very likely that our position as a Government, with respect to COPE, will be public on Monday afternoon in Ottawa.

**Mr. MacKay:** I thank the Government Leader and pass on my compliments to him for the manner in which the matter is now being handled; it is good to see. I think he may even have preempted all my supplementaries, but I will try, anyway.

Can he indicate if the Government's position is, in principle, opposed to any kind of park on the North Slope, or are we really talking about the kind of park and the size of it, at this stage?

**Hon. Mr. Pearson:** Mr. Speaker, in principle, we are not

opposed to a park in northern Yukon. As far back as 1973, this Government went on record as suggesting a park in northern Yukon, so, in principle, we are not opposed at all.

What we have done, Mr. Speaker, is make some suggestions, some alternatives that we think may be acceptable to COPE.

**Mr. MacKay:** One of the other alternatives in the COPE Agreement-in-Principle was that some freehold land be retained by the Inuvialuit in the North Slope. I am wondering if the Government is opposed in principle to that particular provision, or is this, again, part of the package?

**Hon. Mr. Pearson:** Mr. Speaker, I am going to have to beg the indulgence of the House and not answer that question at this point in time, because we are getting into an area that not only covers the COPE thing but also the Yukon Land Claims situation.

**Question re: Constitutional Development**

**Mr. Penikett:** Mr. Speaker, I have a question for the Government Leader. Yesterday I raised with the Government Leader the matter of Mr. Bud Drury's letter about the federal government memorandum on northern constitutional development, which was published recently in a Yellowknife newspaper. I wonder if the Government Leader is yet able to say if he has had an opportunity to view the Cabinet document in question; and, if he has had a chance to review it, is he prepared to consider referring it to the Special Committee on Constitutional Development of this Legislature?

**Hon. Mr. Pearson:** Mr. Speaker, once again I must beg the indulgence of the House. Frankly, I anticipated being on an airplane at this point in time and not being faced with the question from the Honourable Member again today. I have not had time to look at that at all yet.

**Mr. Penikett:** Perhaps the Government Leader could at least say if he has had any indication from the federal minister responsible for northern development if, during his visit next week or sometime in the near future, this Government Leader will be given the opportunity to discuss frankly and openly the contents of the federal government's policy paper on this important matter?

**Hon. Mr. Pearson:** Mr. Speaker, I certainly hope that I get an opportunity to see this policy paper that the Honourable Member is speaking of, because I know I have not seen that.

**Mr. Penikett:** Given the obvious seriousness of allegations of persistent colonial attitude by a former federal Liberal Cabinet Minister against the present Liberal Government, could the Government Leader say if he is taking any special initiatives himself to (1) apprise himself of the contents of this document, and (2) to convey to those in authority the reasonable concerns of people, of this community, of all political stripes?

**Hon. Mr. Pearson:** Mr. Speaker, if the Honourable Member, when he said "document", was referring to the Drury Report, we have taken that report and interpolated what we can of that report to the Yukon situation. There are some similarities. There are some things that are similar. There are some things that, when they are being considered in the NWT, I am sure that, at the same time, should be considered here.

Again, Mr. Speaker, I am very anxious to see this Cabinet document and if we can put it to any value from our side I am sure we will.

**Question re: NCP Head Office Relocation**

**Mr. Byblow:** Mr. Speaker, I will direct my question to the Minister of Economic Development. With reference to the Federal Ministers' visit on the 14th of this month, this Government has indicated that energy will be a topic of discussion. Does the Minister anticipate any final decision at that meeting, with respect to the NCP move to Whitehorse?

**Hon. Mr. Lang:** Mr. Speaker, the Member has kind of put me in a difficult position because I cannot really speak for the Minister; I would sometimes like to. I would say, looking at the track record, that it is going to be very difficult to assess whether or not there would be a decision made. I should point out that Whitehorse is not necessarily going to be the community. The Government Leader made it very clear the other day that it was the employees that had to move who preferred Whitehorse to any other community in the North.

**Mr. Byblow:** In light of the Minister's statement to the House last Monday, over energy supply assurances to Yukon in general, can the Minister say whether this Government, at this meeting, will be seeking any further assurances with respect to energy, or perhaps in the form of transportation subsidies towards the cost of

moving fuel supplies to the Yukon?

**Hon. Mr. Lang:** Mr. Speaker, definitely energy is going to be discussed. It was indicated a number of days ago that there are a number of areas that will be discussed. How far we get into specifics remains to be seen, with respect to the time schedule that is allowed for us.

**Mr. Byblow:** Could the Minister indicate what main energy propositions will be made to the federal Minister?

**Hon. Mr. Lang:** Not at this time, Mr. Speaker; it is strictly a preliminary meeting. As the Government Leader has indicated, we are working with the Government of Canada to attempt to establish an energy policy for the north, and, in particular, Yukon. For myself, I am very pleased to see that the Government of Canada has recognized that Yukon and Northwest Territories are different and are looking at it accordingly.

**Question re: Government Vehicle Use**

**Mr. Fleming:** I have a question for the Minister of Justice, I believe, or the Minister responsible in this case. Is the Minister aware that the use of government vehicles on holidays and Sundays and so forth may — and I emphasize that word "may" — be becoming a practice in the Yukon Territory?

**Hon. Mr. Graham:** Mr. Speaker, it is our intention to discourage the unlawful use, or the unnecessary use, of government vehicles at any time.

**Mr. Fleming:** Does the Government have a direct policy for policing the care of these vehicles or the use of these vehicles, at such times as holidays and weekends?

**Hon. Mr. Graham:** We have a policy, Mr. Speaker, that governs the use of these vehicles. As for policing that use, no, we do not have anyone who runs around the Territory making sure that the vehicles are used only for the purposes specified in that policy.

**Mr. Fleming:** In this case, I would ask the Minister if — and this may be a little hypothetical — he feels this is being done, that he will come up with some sort of policing that will put a stop to it.

**Hon. Mr. Graham:** Mr. Speaker, generally we like to hear from the public whenever they feel that there has been a misuse of government vehicles. I know that in my department I have many calls from the general public indicating to me potential misuses of government vehicles, and we have a firm policy of following up those calls from the public, and dealing with them as quickly as possible.

**Question re: Constitutional Development**

**Mrs. McGuire:** I have a question for the Government Leader: As the Territorial Government has been publicly invited to submit a proposal on Yukon concerns to the Federal Constitution Joint Committee, and the Government Leader has said that he would be attending and making presentation, my question to the Government Leader is this: will this Government's constitutional committee be included in this Government's delegation, and would they appear before the Joint Committee, as recommended by Senator Paul Lucier, Member of the Federal Committee?

**Hon. Mr. Pearson:** Mr. Speaker, I am not aware that we have been invited to submit anything to that Committee yet at all.

I am, however, aware, because I have talked to him personally, that Senator Lucier feels that we will be asked to submit a brief, and that we, as a Government, will be asked to be present and present our concerns.

Now, Mr. Speaker, I feel strongly that we, as a Government, have a responsibility to do that, and I am hoping Mr. that when we do, we will have the support and the input from any group or any organization that wants to give us anything at all. Particularly, I would hope that the constitutional committee of this House would spend the weekend — because, Mr. Speaker, that is what is going to be required — thinking seriously about what should be in any brief that we present to the Government of Canada.

**Mrs. McGuire:** I was glad to hear that answer. I will ask the Government Leader: will the proposal be made public before submission, during, or after?

**Hon. Mr. Pearson:** Now, Mr. Speaker, everyone is going to have to understand, that if what Senator Lucier has told me is fact, we are going to have to have this proposal, this submission, on its way to Ottawa by mid-week next week. Mr. Speaker, there is little doubt about it, when we have it on its way, it will be public.

**Question re: Game/Elk Relocation**

**Mr. Tracey:** I have a question for the Minister of Renewable Resources. It has been my understanding that over the past few

months, there have been negotiations or discussions going on with Alberta, to start a program to re-locate elk into the Yukon Territory. I wonder if the Minister has reached any conclusion with it in discussions with Alberta.

**Hon. Mr. Lang:** Yes, Mr. Speaker, there have been active discussions with the Government of Alberta over the last six months in respect to re-locating elk to the Yukon Territory. I am pleased to report to the House that the Government of Alberta, through the Honourable Bud Miller, who is responsible for wildlife in Alberta, has agreed to a test or a pilot project of making available 12 to 20 elk, probably next year, for re-location in the Territory.

Now, I want to stress, Mr. Speaker, that this is a possibility. We have the commitment that they will be made available, but there are two aspects that still have to be further considered: the financial aspect, as well as the biological side of what a program of this nature would entail. I personally am very pleased to see the commitment by the Government of Alberta and I certainly hope that we can go ahead with a program of this kind. It has further been indicated that, if the program is successful, we could well go into a long term program with the Government of Alberta, to see whether or not we could create an elk herd here that could one day be harvested and provide another species of wildlife in the Yukon Territory.

**Mr. Tracey:** Mr. Speaker, I would also like to ask the Minister if he has reached any conclusions as to where these elk would be located if they were brought to the Territory?

**Hon. Mr. Lang:** No, Mr. Speaker, there has not been anything definite because it has been strictly in the preliminary negotiating stage with the Government of Alberta. This is one of the questions that will have to be addressed fairly soon. I would expect that one area that will be seriously considered is to try to increase the present small herd, which has stayed at approximately the same number since about 1952, to see whether we can get them to the point where they will be able to reproduce much more quickly than they are reproducing at present.

**Mr. MacKay:** Mr. Speaker, perhaps I could just make a brief suggestion to the Minister that, in transferring elk, he might consider transferring some PCs. I think they have an excess in Alberta and a shortage in the Yukon.

**Mr. Speaker:** Order, please.

#### Question re: MLA/Conflict of Interest Guidelines

**Mr. MacKay:** Mr. Speaker, earlier this week a report was tabled by the Committee of Rules, Elections and Privileges in which consideration was given to changing conflict of interest guidelines for MLAs. As the report had in its terms of reference the conflict of interest guidelines for Executive Committees to consider, yet no specific reference was made; can the Government Leader indicate to the House whether he accepts the report as a recommendation for loosening the Cabinet conflict of interest rules?

**Hon. Mr. Pearson:** Mr. Speaker, I must say I am a bit disappointed that the report did not address or make any suggestions to me, with respect to what the new rules should be for Cabinet Ministers; but, I think I want to say to the House that I recognize that it is my responsibility to set those rules. I am not, nor was I, intending to shirk that duty or responsibility by suggesting at the time that the terms of reference were set for the Committee that they consider this; I was looking for more input.

It would be my intention, Mr. Speaker, when this item is discussed, that I will, I hope, be in a position to tell the House, as forthrightly as possible, what changes I think might emanate from changes in our present Orders.

**Mr. MacKay:** Can the Government Leader perhaps indicate at this time whether he considers that Cabinet Ministers will be able to run a business on the side, shall we say, while being paid the full Cabinet salary of around \$45,000 a year?

**Hon. Mr. Pearson:** No, Mr. Speaker, I am confident that that rule will not change. My first demand of any Cabinet Minister is that he is a Cabinet Minister for 24 hours a day, seven days a week.

Mr. Speaker, there is just no time for anyone in a position like this to have any sort of outside interests.

**Mr. MacKay:** Can the Government Leader indicate in what form his rules will be brought down: whether they will be in the form of guidelines or Commissioner's Orders.

**Hon. Mr. Pearson:** Mr. Speaker, at the present time, they are in the form of a Commissioner's Order. I have not really decided whether that is the right way to have it, at this point in time, or whether I would like to have a little more flexibility. Again, I will

speak to the House directly on that when I am prepared to speak.

#### Question re: Energy Subsidization Program

**Mr. Penikett:** I do hope no member of the Cabinet has to go to the Labour Standards Board about their hours of work. I would like to ask the Government Leader if he has been apprised of the details of the energy subsidization program for the north, referred to by Mr. Munro in Ottawa yesterday, and mentioned on the news these last 24 hours.

**Hon. Mr. Pearson:** No, Mr. Speaker, we have not. We hope fervently that that is one of the major reasons that the Minister is coming to Yukon on November 14, to tell us exactly what those details are.

**Mr. Penikett:** Does the Government Leader have no indication whatsoever whether the program is intended for electrical power for diesel fuel; if the subsidy is in that area; or if it will cover home heating fuel, and whether gasoline and diesel fuel might be included in the program as well.

**Hon. Mr. Pearson:** Mr. Speaker, as far as I know, the programs will only cover heating fuel. They will not cover gasoline and diesel fuel for motor vehicle use, if that is what the Honourable Member is referring to.

**Mr. Penikett:** Given the large amount of diesel fuel used in this Territory for the purpose of generating electricity, is it the Government Leader's information at this point that there is no likelihood that there will be a subsidy on that fuel in order to keep our electrical rates down?

**Hon. Mr. Pearson:** Mr. Speaker, it will be a key issue. We burn now, in this Territory, because of the lack of hydro, so much diesel fuel that our electrical rates are subject to very rapid increases because of the increasing rate of diesel fuel. We are hopeful that there will be some alleviation, because that is one of the areas, as far as we are concerned: an energy use. Diesel fuel is used for an energy use, just the same as burning it in a furnace, at that point in time, as far as we are concerned. We are hopeful that that will be covered.

#### Question re: Minimum Wage Increase

**2Mr. Fleming:** This is a question, I believe, to the Minister of Justice. Is the Minister aware that the Federal Government intends to revise the minimum wage rates on December 1, 1980 and also on May 1, 1981?

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

**Mr. Fleming:** I believe at this time in the Yukon Territory we have our own situation, and the Government may raise that minimum wage above the rate that is set by the Federal Government?

Does the Minister have any intention of placing a larger percentage in their legislation or policy, whatever, so as to make the figures more realistic to the cost of living in this territory?

**Hon. Mr. Graham:** Mr. Speaker, it has always been the habit of the Yukon Government to increase their minimum wage to slightly more than that of the federal minimum wage. However, I have not presented any Cabinet papers to my colleagues yet to recommend increasing the minimum wage any amount. We are looking at it at the present time and I expect something to come forth fairly quickly.

**Mr. Fleming:** In this case, when the Minister presents this, could he reassure the House that he will at least present to Cabinet the very fact that the percentage that this Government raises it, should also go along with the cost of living, and escalate it at the same time, like the federal government?

**Hon. Mr. Graham:** Mr. Speaker, as I said, we have not made any recommendations at all to the Cabinet, and when I do I expect everyone will hear about it at that time.

#### Question re: Arctic Winter Games Fund Surplus

**Mr. Byblow:** I have a question for the Minister of Education, in his responsibility for recreation. My question, Mr. Speaker, relates to the Arctic Winter Games Host Society. I am very unclear as to whether this society exists outside the purview of this government; that is in relation to its activities and financing. Can the Minister clarify the relationship?

**Hon. Mr. Graham:** Mr. Speaker, the Arctic Winter Games Host Society acted as an agent of the City of Whitehorse and the Yukon Government to stage the 1980 Arctic Winter Games. We have one director on the Board of Directors of the Arctic Winter Games Host Society, as does the City. We also provided that Host Society with some \$125,000 in funding to host the 1980 Arctic Winter Games.

**Mr. Byblow:** My supplementary relates to that very \$125,000

that was given to the Society for their activities and costs of operations.

Can the Minister say whether the result of having given that money now puts his Government in any position of control over these surpluses of that Society that have been created?

**Hon. Mr. Graham:** No, Mr. Speaker, the fact that we gave \$125,000 to the Host Society does not give us any control over the surplus that they may enjoy at this time.

**Mr. Byblow:** With respect to the surplus, Mr. Speaker, it is my understanding that there is a \$150,000 surplus that was designated to be disbursed to outlying communities. Very recently it appears that only \$50,000 of that will be disbursed to the outlying communities, and \$100,000 of it will be given to the Whitehorse swimming pool. Can the Minister confirm whether this is correct, and whether he feels any need to intervene in the disbursement of that money?

**Hon. Mr. Graham:** Mr. Speaker, it was never my understanding that \$150,000 would be distributed to communities outside of Whitehorse. At the time it became apparent to all those concerned that there would be a surplus from the Arctic Winter Games, I attended a meeting of the Board of Directors of the Host Society, and at that meeting expressed my heart-felt opinion and the opinion of this Government that the money could not be spent in total in the City of Whitehorse.

The Arctic Winter Games Host Society agreed with my point of view, and assured me that they would disburse the money throughout the Yukon Territory.

I have no idea at this time if they expect to be donating \$100,000 to the City of Whitehorse swimming pool or not. However, it has come to my attention that they have requested the members of the Yukon Recreation Advisory Committee to submit proposals for the disbursement of some \$50,000 in communities outside the City of Whitehorse.

**Question re: Meeting with Manitoba Premier**

**Mr. MacKay:** Mr. Speaker, my question is to the Government Leader. Earlier, in Question Period, he indicated that he had expected to be on an airplane today. I understand, from sources within the Government, that he was planning to go to Winnipeg to meet with Sterling Lyon, the Premier of Manitoba. Can he tell us what was on the agenda for that meeting?

**Mr. Speaker:** Order, please. I am not too sure I would permit the question. I do not believe that is a proper question to ask in the Question Period. However, if the Honourable Government Leader chooses to answer the question, I will permit it. But questions of such a nature are not to be asked.

**Hon. Mr. Pearson:** Mr. Speaker, as everyone, I am sure, is well aware, Premier Lyon is the Chairman of the First Ministers this year. This Government has been in correspondence with that group a number of times over the course of the summer, seeking some sort of representation at their meetings. I am confident that that would have been one of the topics of discussion.

I do not know whether there has been any change in their view. Mr. Speaker, the Premier of Manitoba has also been quite emphatic about some of his views with respect to the Constitution, and I wanted to talk to him about some of those things as well. This Government has a good working relationship, a good liaison, with the Government of Manitoba, as can be evidenced by the number of ex-Manitobans that we are hiring in this Government. If we keep hiring Manitobans, I am telling you, I do not know what is going to happen here; but the liaison is there, and we want to make sure that that is continued. The Constitution was the main issue, Mr. Speaker.

**Mr. MacKay:** I understand there are many out-of-work civil servants in Manitoba and I am sure they are welcome here too. With respect to the Government's position on attendance at constitutional talks, am I to take it from the Government Leader that they would like to have some sort of permanent representation at any future First Ministers' Conferences?

**Hon. Mr. Pearson:** By all means, Mr. Speaker.

**Mr. MacKay:** Is it the Government Leader's position then, that he must first obtain the approval of the provincial premiers, before being able to work at the next level of getting final approval with the Federal Government, or is it a two-pronged approach?

**Hon. Mr. Pearson:** No, Mr. Speaker, not at all.

**Question re: Food Prices**

**Mr. Penikett:** I would love to ask a question about the Manitoba

hire-policy but instead I will direct a question to the Minister of Consumer and Corporate Affairs. Earlier this Session, the Minister was New Democratic enough to announce an investigation into food prices in the Yukon, for which we are grateful. I wonder if the Minister could at this time report progress on this study, and indicate whether he is going to be in position, by the end of this Session, as he mentioned, to indicate whether the responsibility for these high prices lies in the area of freight, energy, wages, profits or whatever.

**Hon. Mr. Graham:** Mr. Speaker, it has proven to be an extremely complex situation and I do not believe at this time that I will have an answer before this Session ends, unless the Session goes on much, much longer than I expect that it will.

**Mr. Penikett:** I would be pleased to do what I can in that regard.

I wonder if I could ask the Minister if he can indicate to the House in any general way the terms of reference of the study which he has commissioned?

**Hon. Mr. Graham:** No, Mr. Speaker, I do not think at this time that that would be appropriate.

**Question re: Haines Junction Sewage Lagoon**

**Mrs. McGuire:** I have a question for the Minister of Municipal and Community Affairs, concerning the proposed Haines Junction sewage lagoon, on which the community taxpayers have voiced concern over expected high costs of O&M charges. I will ask the Minister, Mr. Speaker: have the Minister and this Government negotiated with Parks Canada on a cost-sharing plan for O&M charges of the lagoon, and have this Government and Parks Canada reached an agreement?

**Hon. Mr. Lattin:** Mr. Speaker, I would like to take that particular question under advisement.

Mr. Speaker, while I am on my feet, the Member also asked me about the road in Haines Junction and her question was: "Do you intend to commence with a bypass design or will you withdraw it as requested?"

My answer is that it is a current DPW intent to reconstruct the Alaska Highway and the Haines Road on the existing location within the Haines Junction L.I.D.

Another question, Mr. Speaker, from the same Member about the same thing — her question was: "Do you intend to commence with the bypass design or will you withdraw it as requested?" My answer to that, Mr. Speaker, is that some years ago the federal Department of Public Works had contemplated reserving lands for the purpose of constructing a bypass in Haines Junction some time in the future. The community and this Government resisted such a project's proceeding at that time, and as a result the project, to the best of our knowledge, will not be undertaken in the foreseeable future.

I also had a question, Mr. Speaker, from Mr. Fleming, which was about the cost of TV contract for the last three years and also the costs of the new contract just negotiated.

Mr. Speaker, this is rather a lengthy reply, but I will ask your indulgence.

**Mr. Speaker:** Order, please. Perhaps if the reply is lengthy, it ought to be tabled. The replies should be as brief as possible, unless the Minister could capsule his reply.

**Hon. Mr. Lattin:** Mr. Speaker, I will table it.

**Question re: French Immersion Program**

**Mr. Byblow:** I was sure the Minister was telling me some very good news about Faro when he began. However, my question is directed to the Minister of Education. I have been asked to attend a meeting tonight in Faro with the people involved in the presently very active French Immersion Program. I anticipate being drilled on whether there is any available funding to offset this year's cost of the program, which, to my understanding, is being given to approximately 17 kindergarten and pre-kindergarten students. Can the Minister advise me whether his department has located any surplus funding?

**Hon. Mr. Graham:** Mr. Speaker, as I indicated previously in my Ministerial Statement about French language immersion, the Department of Education does not have any surplus funding at this time for French immersion in the Territory.

**Mr. Byblow:** As a supplementary to that, Mr. Speaker, and with respect to next year: can the Minister advise me whether his department is prepared to incorporate a French immersion program into Grade 1, since the students in this year's program will be

ready to move into a similar but more advanced program next year?

**Hon. Mr. Graham:** Mr. Speaker, we are only too happy to look at a French immersion program next year, in Faro, in Grade 1 — provided that the people in Faro have sufficient children in that French immersion class to warrant one full-time teacher. Our situation is such that, if we have enough Grade 1 children in that first year French immersion program, then we would be in a position to fill one of the existing man-years with a French immersion teacher; therefore, it would not have any direct effect on the Department of Education budget. I am sure that the Department of Education would be only too happy to work together with the Faro School Committee to bring this about.

**Question re: Land/Squatter Policy**

**Mr. Penikett:** Some time ago, I had occasion to write to the Minister of Municipal Affairs concerning the Kyle family application for titled land. In his reply the Minister was kind enough to indicate to me that he was in the process of developing a squatter policy in the Territory. I wonder if the Minister could say now whether that policy would be forthcoming in this Session? And, if it is nearly ready, if he could indicate some of the main points in it?

**Hon. Mr. Lattin:** Mr. Speaker, right at the present time, we are reviewing it very carefully. I am not sure whether it will be available for this particular Session. I assure the Member, though, it has our deepest concern and is one of our priorities, and I am sure that when we do come up with the report I will be only too glad to let him see it.

**Mr. Penikett:** The Minister has had a special representation concerning the Kyle family, who live at Block 591, Group 804 in McCrae, and I wonder if the Minister is yet prepared to announce a decision on that particular matter?

**Hon. Mr. Lattin:** Mr. Speaker, that particular question is under consideration. At this particular time I would not like to make a decision.

**Mr. Speaker:** Order, please. I must advise the House that the time allotted for Question Period has now expired.

We will proceed to Orders of the Day.

**ORDERS OF THE DAY**

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

**Mr. Speaker:** It has been moved by the Honourable Minister of Justice, seconded by the Honourable Member for Mayo, 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:** Before I declare a very short break, I would like to inform the Members of Committee that the Committee will consider Bill Number 52. I declare a short recess at this time.

*Recess*

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

*On Clause 44(1)*

**Mr. Penikett:** Not in this Clause, Mr. Chairman, but I am wondering: yesterday I asked a question which the Minister took as notice, concerning the rights of employees in the case of bankrupted operation; particularly the rights of those employees relative to the rights of the secured creditors.

**Mr. Almstrom:** The question, as I recall it, was whether or not an employee who had not been paid his wages would be entitled to priority over the interest of a secured party. The laws that exist right now, which this bill will not change, are that the unpaid wages are a charge against the owner's equity in the business, but do not extend to the interest of anyone else in the business. In other words, the wages would not take priority over the security interest.

**Mr. Penikett:** The particular concern, of course, Mr. Chairman, is whether the remaining equity is insufficient to discharge the obligation in wages. It is quite clear that the employees in this case have less security than the secured lender.

**Mr. Almstrom:** Yes, that is a correct analysis of the situation. Under the existing law, what the secured party does very often is retain part of the title for the property. In that circumstance, of course, it would not be appropriate to have other people coming along and interfering with his independent title.

*On Clause 44*

*Clause 44 agreed to*

*On Clause 45*

*Clause 45 agreed to*

*On Clause 46*

*Clause 46 agreed to*

*On Clause 47*

*Clause 47 agreed to*

*On Clause 48*

*Clause 48 agreed to*

*On Clause 49*

**Mr. MacKay:** Perhaps I could ask the Minister of Justice whether the financing agreement will be available for inspection? There seems to be some details available through the computer records, but is there a way in which an inquirer could actually get hold of the financing statement to review everything in it?

**Mr. Almstrom:** All of the information on the financing statement will go into the computer record.

**Mr. MacKay:** So, for example, if there were other restrictions, perhaps, attached to the financing — I am thinking, for example, of the restriction on the amount of dividends that a company could pay, or payment out of shareholders' loans — that would be readily available, too?

**Mr. Almstrom:** None of that information would appear on the financing statement. All the statement is is a notice that there is a security agreement. The security agreement itself would contain those terms. The security agreement would remain in the possession of the parties, and the financing statement is simply notice that the agreement exists; it would not contain any details of what was in that agreement, except a description of the parties and the collateral.

*Clause 49 agreed to*

*On Clause 50*

*Clause 50 agreed to*

*On Clause 51*

**Mr. Chairman:** The Chair would like to indicate to Committee that there is a typo in the second line of section (2), "debteor". Delete the letter "e".

Do we have unanimous consent?

**Some Members:** Agreed.

*Clause 51 agreed to*

*On Clause 52(1)*

*Clause 52(1) agreed to*

*On Clause 52(3)*

*Clause 52(3) agreed to*

*On Clause 52(4)*

**Mr. MacKay:** In view of the witness' previous mention of time constraints being amended in the previous section, from those which were more common, do the time constraints indicated in this section differ materially from the uniform law outside of Yukon?

**Mr. Almstrom:** Mr. Chairman, as I recall, in this particular section, the most common time period for the delivery of the financing statements, outside, is ten days. The 40-day period for the registrar's notice is the same.

*Clause 52(4) agreed to*

*On Clause 52(5)*

*Clause 52(5) agreed to*

*On Clause 52(6)*

*Clause 52(6) agreed to*

*On Clause 52(7)*

*Clause 52(7) agreed to*

*On Clause 52(8)*

*Clause 52(8) agreed to*

*Clause 52 agreed to*

*On Clause 53*

**Mr. MacKay:** Yes, Mr. Chairman, could we have some indication of what the prescribed limit would be, as to the amount of damages that any single claimant may claim, in the event of an error by the Commissioner or his agents?

**Hon. Mr. Graham:** Mr. Chairman, we have not set a prescribed amount as yet; we are still doing a little more investigation. I am not willing to comment yet. Perhaps if Mr. Almstrom has an idea of the range, I would be willing to hear that.

**Mr. Almstrom:** This particular section is a new contribution to the field of Personal Property Security Law by the Province of Saskatchewan. In the United States they operate with no provisions such as this at all. The other Canadian jurisdictions have established an assurance fund which is built up out of the registration fees. Because we are such a small jurisdiction, we would never be able to build up a large enough assurance fund to be of much use to anyone.

I presume Saskatchewan was in the same position. We have as yet received no indication from Saskatchewan as to what their prescribed amount will be. We expect that our prescribed amount will be something similar to theirs.

**Mr. MacKay:** I think this is a very good section. It seems to me that normally you cannot sue the Government unless you are given permission, so this in fact allows that without difficulty if there is a mistake.

*Clause 53 agreed to*

*On Clause 54*

**Mr. MacKay:** This is just an extra wrinkle in the registration process. How long would it normally take to obtain a number, a registration number; would it be instantaneous?

**Mr. Almstrom:** Mr. Chairman, the assigning of a number would be almost instantaneous, depending on the volume of work received at any particular minute of the day.

*Clause 54 agreed to*

*On Clause 55(1)*

*Clause 55(1) agreed to*

*On Clause 55(2)*

*Clause 55(2) agreed to*

*On Clause 55(3)*

*Clause 55(3) agreed to*

*On Clause 55(4)*

*Clause 55(4) agreed to*

*On Clause 55(5)*

**Mr. MacKay:** I am wondering why this section is necessary. It says, "...by any method available in or permitted by law,..." Is it just to clarify, or does it actually add some extra power to the creditor in enforcing his rights?

**Mr. Almstrom:** Mr. Chairman, this section only clarifies. The ordinance does not supersede the law, in general, in that particular respect.

*Clause 55(5) agreed to*

*On Clause 55(6)*

*Clause 55(6) agreed to*

*On Clause 55(7)*

*Clause 55(7) agreed to*

*On Clause 55(8)*

*Clause 55(8) agreed to*

*On Clause 55(9)*

**Mr. MacKay:** I am not sure what the term "merge" means in this instance. Perhaps the witness could explain it?

**Mr. Almstrom:** The term refers to this situation: If a security agreement provides that a certain sum of money is to be paid, and the money is not paid, then when the secured party sues the person, and obtains judgment for that sum of money, by the ordinary operation of law, that extinguishes all the rights and remedies under the security agreement.

In other words the secured party then could not go and repossess the vehicle except on execution. Execution, of course, is also available to all the other judgment creditors, and has the effect of splitting the pot.

What this does is prevent that from happening.

*Clause 55(9) agreed to*

*Clause 55 agreed to*

*On Clause 56*

*Clause 56 agreed to*

*On Clause 57*

*Clause 57 agreed to*

*On Clause 58*

*Clause 58 agreed to*

*On Clause 59(1)*

*Clause 59(1) agreed to*

*On Clause 59(2)*

*Clause 59(2) agreed to*

*On Clause 59(3)*

*Clause 59(3) agreed to*

*On Clause 59(4)*

*Clause 59(4) agreed to*

*On Clause 59(5)*

**Mr. Tracey:** Mr. Chairman, in (5)(f), the word "arrear"—should it not be "arrears"?

**Mr. Almstrom:** Yes, Mr. Chairman, the word should be "arrears".

**Mr. Chairman:** Unanimous consent?

**Some Members:** Agreed.

*Clause 59(5) agreed to*

*On Clause 59(6)*

*Clause 59(6) agreed to*

*On Clause 59(7)*

*Clause 59(7) agreed to*

*On Clause 59(8)*

**Mr. MacKay:** I think we touched on this briefly yesterday, Mr. Chairman, with respect to deficiencies and surpluses that might arise in the sale of collateral. I cannot see it and maybe I missed it; I wonder if there is any requirement in the ordinance to ensure that the best possible price is obtained on the sale.

**Mr. Almstrom:** The answer to that is that all the rights and duties under this ordinance have to be exercised in a commercially reasonable manner. That would be the immediate implication of that requirement — that a commercially reasonable price be obtained.

**Mr. MacKay:** I notice that we use the words "commercially reasonable" in other sections and I would be curious to know why it is merely just implied in this part, whereas you have spelled it out in other areas? It seems to me that it might be a useful guide to anybody trying to read this ordinance, if they can go to the creditor and say, now that you have seized it, "Look here, it says you have got to make sure that you get the best price." It just gives a little protection, it seems.

**Mr. Chairman:** Are you asking a question or just making a statement?

**Mr. MacKay:** I was suggesting that that might be something we should consider making an amendment to.

**Hon. Mr. Graham:** Mr. Chairman, I believe, though, that a person who has had a piece of property seized or repossessed, has the capability, if he feels the price received for that piece of security was too low, of applying to the courts for a retribution of any wrong that he feels has been done.

Is that not correct?

**Mr. Almstrom:** That statement is entirely correct. The other thing that we would like to emphasize here, is that the requirement that the best possible price be obtained for collateral is recognized elsewhere in consumer protection legislation. But inasmuch as this applies to large commercial transactions as well, the policy there is that they do not need that same type of protection.

*Clause 59(8) agreed to*

*On Clause 59(9)*

*Clause 59(9) agreed to*

*On Clause 59(10)*

*Clause 59(10) agreed to*

*On Clause 59(11)*

*Clause 59(11) agreed to*

*On Clause 59(12)*

*Clause 59(12) agreed to*

*On Clause 59(13)*



Clause 59(13) agreed to

On Clause 59(14)

Clause 59(14) agreed to

Clause 59 agreed to

On Clause 60

Clause 60 agreed to

On Clause 61

Clause 61 agreed to

On Clause 62

Clause 62 agreed to

On Clause 63

Clause 63 agreed to

On Clause 64

Clause 64 agreed to

On Clause 65

Clause 65 agreed to

On Clause 66

Clause 66 agreed to

On Clause 67

Clause 67 agreed to

On Clause 68

Clause 68 agreed to

On Clause 69

Clause 69 agreed to

On Clause 70

Clause 70 agreed to

On Clause 71(1)

**Mr. MacKay:** This is an area we talked a bit about yesterday and I had a fairly good assurance in principle as to how this was going to work. I see that certain sections are planned to be brought in, or seem to be anyway, when this section comes into force. Is it the idea that they will come in all at once in this area, or will it be introduced as each area gets cleaned up?

**Mr. Almstrom:** The reference to the term "section" was only to preserve the flexibility that we might discover we may need in order to bring the ordinance into force. It is possible that different sections will be brought in at different times.

Clause 71(1) agreed to

On Clause 71(2)

**Hon. Mr. Graham:** Mr. Chairman, I think I should alert Members to the possibility of some change in the future here. Five lines from the bottom we have "and three years from the date on which this section comes into force..." So, in other words, what we intended to do was to keep the old Registry going for only a three year period; however, it has just recently come to our attention that Saskatchewan is experiencing some difficulty in this area, especially with long-term security interests and undefined security interests for undefined periods of time.

So, we are kind of holding our options open on this one. We have three years to change the laws, so, at the present time, we are going to leave it as it is and see what other jurisdictions are saying in this area. So, I just thought I would alert you to that possibility.

Clause 71(2) agreed to

On Clause 71(3)

Clause 71(3) agreed to

On Clause 72(4)

Clause 72(4) agreed to

On Clause 72(5)

Clause 72(5) agreed to

On Clause 72(6)

**Mr. MacKay:** I think we should be thinking about renaming this ordinance to the *Lawyers' Welfare and Relief Act*. It seems to me that it is going to create a number of legal suits. Once again I think it is probably incumbent on the Government to really publicize that this is going on, or at least take all the lawyers in town and put them in a room and drill them for about an hour or two on what is going to happen, because I can just see incredible messes five years down the road.

**Hon. Mr. Graham:** I would like to point out as I said in my second reading speech, that the intent of this law, although different in structure, is very, very similar to all others of this type of

law in place in Canada today, and there have been a number of textbooks published on the subject. We expect that lawyers and bankers, and these types of people, in the Yukon, should take advantage of those textbooks; read them, and they themselves will be able to understand the ordinance a whole lot more than perhaps they would normally.

Clause 71(6) agreed to

On Clause 71(7)

Clause 71(7) agreed to

On Clause 71(8)

Clause 71(8) agreed to

On Clause 71(9)

Clause 71(9) agreed to

On Clause 71(10)

Clause 71(10) agreed to

Clause 71 agreed to

On Clause 72

**Mr. MacKay:** I think perhaps to understand the kinds of conflicts between these two ordinances, I would perhaps need to have some examples: in where we are protecting the consumer more as a result of this section.

**Mr. Almstrom:** The provisions relating, particularly to the seizure of property and the disposition of seized property, tend to be much more stringent in relation to consumers as a whole, than in relation to the other body of persons who might be granting security interests.

In the *Consumer Protection Ordinance*, you will see also from 72(1), it is worded in such a way that it extends to transactions that are not ordinarily thought of as consumer transactions. This is a matter of some concern, and it is hoped that this subsection will apply in case any future amendments are made to the *Consumer Protection Ordinance*.

**Mr. Penikett:** Yes, Mr. Chairman, I would like to say a couple of things here. While we have some consumer protection legislation right now in the Territory, I hope some of it is going to be changed in the next little while; we have had some indication of that. A lot of what we have, the previous Government, I think, decided by policy, not to enforce or to inspect very rigorously. I think they may have done that as an economy measure or because of the philosophy that these things should be more self-policing.

I guess I agree with what this clause says. I am always concerned that we might do something without really knowing what may be happening in the other field, in terms of consumer protection. I guess that, for a long time in history, it was a perfectly proper concern that consumers be protected from the usurers and the money-lenders and so forth, and that was a good christian concern. But I think we have been moving, in more recent times, to a concern of protecting consumers from themselves. I would guess that that is something that probably is necessary in this day and age, because I have seen quite a few people, particularly low income people in real financial problems, simply because the solution that they had adopted ended up being much worse than their original problem, and it seems that the kind of hot water that they were getting themselves into was something that they could look at very clearly before they dived in.

I think it is a good, commendable thing that the consumer protection takes precedence; I just hope that we think about this ordinance very carefully when we revise the *Consumer Protection Ordinances* in the future.

**Hon. Mr. Graham:** Mr. Chairman, I think that I might add, whereas we are looking at the *Consumer Protection Ordinance*, it is our contention that one protection that we can provide to the consumer is a good education, which is why we in the Department of Consumer and Corporate Affairs are strongly emphasizing the education aspect of consumer protection, more than anything else. We believe strongly in it, however, that does not mean that we are ignoring the *Consumer Protection Ordinances*; it is a question of how far you protect a consumer, and that is a very delicate balance. It is something that we are looking at very closely and I hope that we come up with some solutions. I do not pretend to know them all but it is an interesting field.

**Mr. Penikett:** Consumer protection is a good idea. I was joking with Mr. Spray yesterday after he had told us that all Members of this House would have a responsibility for explaining this ordinance to our constituents. I can tell you, with the greatest respect to Mr. Almstrom, that if I had to write an exam on this ordinance

after we finished Committee stage, I would guarantee you that I would flunk it.

The thought of doing 30-second radio commercials to explain something like this is quite titillating. I think it would probably come down to "you borrow money to pay your bills". I do not know how much more you are going to be able to do in education. If the Government tries to do much more, they are going to get into trouble with the Opposition for doing ads, because they are advertising, and that will generate you a whole new set of problems.

I look forward to the educational program and I look forward to being educated myself by the Minister. Thank you, Mr. Chairman.

*Clause 72 agreed to*

*On Clause 73*

*Clause 73 agreed to*

*On Clause 74*

**Mr. MacKay:** It seems pretty instantaneous. Is this one of these sections that will be declared after some preparation?

**Hon. Mr. Graham:** Yes, Mr. Chairman, that is the intention. I think, basically, a lot of this depends upon when the Registry system is in place and ready to go.

*Clause 74 agreed to*

*On Clause 75*

*Clause 75 agreed to*

*On Clause 76*

*Clause 76 agreed to*

*On Clause 77*

*Clause 77 agreed to*

*On Clause 78*

*Clause 78 agreed to*

*On Clause 79*

*Clause 79 agreed to*

*On Clause 80*

*Clause 80 agreed to*

*On Clause 81*

*Clause 81 agreed to*

*On Clause 82*

*Clause 82 agreed to*

*On Clause 83*

**Mr. MacKay:** I take it that this means that a partnership will not need to be registered for a particular district, in order to be able to abuse this act, or to be abused by it?

**Mr. Almstrom:** Mr. Chairman, I do not think I understand the question.

**Mr. MacKay:** This talks about striking out the registration district. I am wondering what is the particular significance of the registration district insofar as partnerships are concerned?

At one time a number of different Registries were maintained in the Territory for the registration of partnerships. This was to take into account, I suppose, the difficulty of communication that we had before the development of the highways. Now we have only one Registry, and accordingly we do not have registration districts any longer. So it is just an administrative clean-up.

*Clause 83 agreed to*

*On Clause 84*

*Clause 84 agreed to*

*On Clause 85*

*Clause 85 agreed to*

*On Clause 86*

**Mr. MacKay:** Just before we pass through the rest of these sections: what precautions did the Government take, to ensure that we were not crossing any other boundaries of any other ordinances that are not specifically repealed here? Is there some methodology involved in that?

**Mr. Almstrom:** We have the earlier section, Clause 72, which provides that this ordinance prevails over all other ordinances except the ones that are named; the *Landlord and Tenant Ordinance*, the *Consumer Protection Ordinance*, and that sort of thing. So that general rule would apply. If we come across any others — we have read through the ordinances once or twice — and if we come across any others, we will attend to them when we find them.

**Mr. MacKay:** Is the witness seriously suggesting that he has not read every single ordinance of this Government, to ensure that

there are no such errors?

**Mr. Almstrom:** Mr. Chairman, that is correct.

*Clause 86 agreed to*

*On Clause 87*

**Mr. Penikett:** I am fascinated by this clause. "The Ordinance, or any provision of it, comes into force on a day or days to be fixed by the Commissioner."

**Mr. Chairman:** The Commissioner is bound by this ordinance.

**Mr. MacKay:** Yes, Mr. Chairman, we have an additional clause here which has been inserted, to say that the Commissioner is bound by this ordinance. That means that, in order for the Government to have a proper security, it has to apply. Is this the only place this applies, or does it mean that unless this clause is in every other ordinance, there is no commitment for the Commissioner to be bound by it?

**Mr. Almstrom:** Yes, it is a general rule of law that Her Majesty is not bound by any law unless it is specifically named. Of course, reference to Commissioner is reference to Her Majesty, for legal purposes in the Yukon Territory.

**Mr. Penikett:** Mr. Chairman, I seem to have a different Clause 87 from everybody else. I do not know if it is discrimination or what.

**Hon. Mr. Graham:** Mr. Chairman, I think they may have an earlier draft. It was at a later period in time that we put in the new Clause 87(1), which states "The Commissioner is bound by this ordinance. Clause 88(1) is the one that is your 87(1). You have just got the wrong page. Discrimination, yes."

**Mr. Chairman:** I would like to inform the Committee that the Chairman has the proper papers here.

**Mr. MacKay:** It has come to my attention that the Member has not been looking at the right bill at all.

**Mr. Penikett:** Mr. Chairman, on a question of personal privilege, sir, the bill has the same name and the same numbers as all the other Members, but I seem to have a censored copy. I do not know whether it is because I am regarded to be a delicate soul, or whether there is something in here that they did not want me to see.

**Mr. Tracey:** Mr. Chairman, I have to join with the Member across the floor there. I do not have it either.

*Clause 87 agreed to*

*On Clause 88*

**Mr. Penikett:** I believe Clause 88 in everybody else's bill reads the same as Clause 87 in mine. I would like someone to explain to me about why the Commissioner is going to have this thing come into force on a day or days to be fixed by the Commissioner.

**Hon. Mr. Graham:** Mr. Chairman, we anticipate that there will be some sections come into force at various times over the next three year period, hence the "day or days". I think this is a standard clause in most ordinances of this type. Not all of the ordinance will be proclaimed at any one time.

**Mr. Penikett:** I just want to understand something about that. Presumably lawyers generally are reputed to be a fairly swift lot, but judging from some correspondence I have seen recently, I have my doubts about a couple of them. Let me ask what is the normal rule when a section of the bill is proclaimed: is there some standard means of communicating this to the legal fraternity, or are they just expected to keep their eye on these things?

**Hon. Mr. Graham:** Mr. Chairman, generally this is a gazetted notice; as we are in the stage of establishing the Yukon, I am sure you would be interested in obtaining a copy of the *Yukon Gazette*, which is soon to be published by this Government.

**Mr. Penikett:** I would love to obtain a copy of the *Yukon Gazette*. I always felt this Territory could use another newspaper.

*Clause 88 agreed*

**Mr. Chairman:** I refer the Committee to the title of the bill and the preamble. *Personal Property Security Ordinance*, shall the title carry?

**All Members:** Agreed.

**Mr. Chairman:** I declare the title carried.

**Hon. Mr. Graham:** Mr. Chairman, I move, that you report Bill Number 52, *Personal Property Security Ordinance* without amendment to the Assembly.

**Mr. Chairman:** It has been moved by the Honourable Mr. Graham that the Chairman do now report Bill Number 52, *Personal Property Security Ordinance* without amendment to the Assembly. Shall the motion carry?

*Motion agreed to*

**Mr. Chairman:** Before we go on to Bill Number 57 the Chair will declare a short recess.

*Recess*

**Mr. Chairman:** I call the Committee of the Whole to order at this time, and refer the Committee to Bill Number 57, *Municipal Ordinance*. We will deal with clause 263, which starts on page 121.

*On Clause 263*

**Mr. Fleming:** Mr. Chairman, I have just one question for the Minister, or it might be answered by the witnesses. The Alaska Highway is, I think, a federal responsibility, when going through a town or municipality. Would this then come under the regulations and rules of the municipality, through this ordinance?

**Mr. McWilliam:** That would be exempt if it was made exempt by order under Clause 261. That is the case at the present time: the Commissioner may exempt special roads.

*Clause 263 agreed to**On Clause 264**Clause 264 agreed to**On Clause 265*

**Mr. Penikett:** I would like to ask the Minister, or perhaps he may want to refer to the witness: is there an accepted reason for "reasonable repair"? Is there a convention in the Municipal Affairs Minister's clubs?

**Mr. McWilliam:** "Reasonable repair" would have an accepted meaning in law, and that is where such issues would be decided.

*Clause 265 agreed to**On Clause 266*

**Mr. Penikett:** Well I am still not quite sure what "reasonable repair" means, but presumably if you have a great big pot-hole in the middle of Second Avenue and someone loses their truck in it, then they can sue the municipality for the damages.

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

**Mr. Penikett:** A lot of people will be pleased to hear that.

*Clause 266 agreed to**On Clause 267*

**Mr. MacKay:** I think it must have been a Scottish draftsman; I know I say "fourty-eight" but it is forty-eight, it is a typo. It should be f-o-r-t-y.

**Mr. Chairman:** Unanimous consent. Delete the 'u' in 'fourty'.

*Clause 267 agreed to*

**Mr. Fleming:** If I may, are we on 267 already?

**Mr. Chairman:** Yes, we are on 267. Do you seek unanimous consent to re-open 267?

**Mr. Fleming:** I had a question.

**Some Members:** Agreed.

*On Clause 267*

**Mr. Fleming:** This is in the case of a municipality the size of Whitehorse or such, and the streets are all there and the sidewalks are right in front of the business places. I am just wondering: in a small town where there is just a board sidewalk, and it goes through a portion of the town that may be partially residential and partially commercial all mixed up together — such as the police and a private home and then a little store and so forth — it is not actually on government land; I am wondering if they can order a resident to clear off that area in front of his place?

**Mr. McWilliam:** Yes, Mr. Chairman, it is immaterial who owns the land; the charge is against the land itself, so whether it is residential or not it is immaterial. This is one of the things they would have to consider when they were installing sidewalks, is the maintenance of them, and they could require the adjacent people to keep those sidewalks in proper condition.

*Clause 267 agreed to**On Clause 268*

**Mr. MacKay:** I do not really care for this section very much at all, Mr. Chairman. I guess it smacks of socialism.

What it appears to do is to lower the coinage of the realm to the laziest store-keeper or householder, inasmuch as if there are only a few people who take care of their property in the normal way, the town council can then turn around and start levying a local improvement tax upon everybody in that area to clean up. I think that kind of section takes away individual initiative and it adds more to

the tax bills of those people who might otherwise do something for themselves.

**Mr. Penikett:** Mr. Chairman, I am going to surprise the kilt off Mr. MacKay.

This section was borrowed from the most conservative constituency in the whole of Canada, namely Oak Bay, which is a separate municipality within the boundaries of Victoria, where some of Mr. MacKay's soon-to-be friends, the wealthiest people in British Columbia live, and it is among the most prestigious of communities; some people there, from his party, allege that the practice in that municipality is not socialism — I think they call it friendly fascism.

It extends so far that, if you do not cut your lawn or if you do not plant the flowers to suit the other neighbours, they will come along and do it for you, so that your garden is immaculate, and then send you the bill. I do not know of any progressive social democratic or socialist community which has such a provision. The only place where I know it operates is Oak Bay. I believe I would be fair in saying that you could count the socialists in Oak Bay on one hand, Mr. Chairman.

**Hon. Mr. Lattin:** Mr. Chairman, this particular section is quite important. I think it gives the local improvement district the ability to charge the people. It would be quite foolish to make quite a large capital expenditure and then have it deteriorate. This gives them the capability of protecting that investment. In some cases, I believe this is necessary.

**Mr. Fleming:** Mr. Chairman, I have to agree with the Minister. It certainly would. I see nothing wrong with this section, as time goes on, in the Yukon Territory, or anywhere else for that matter, and particularly in a large municipality such as this. But, again, I see problems in a small municipality, where there are a few taxpayers and a few people who get on a board, and those people are still not educated to the facts of life in many cases. I can see some dandies coming up here, so I will be very interested in what happens in the next few years.

**Mr. MacKay:** Mr. Chairman, I would like to say that some of my best friends live in Oak Bay. I would also like to point out that it is not such an elitist area as the Member has made out, because most of my friends are Liberals and well known to be of the moderate income class. I would further add that an unemployed dishwasher ran as an NDP candidate there last time and got more than 200 votes.

**Mr. Chairman:** Order, please. Order. We are dealing with clause 268 at this time and I do not see anything about dishwashing in there.

**Mr. MacKay:** I am surprised there is not dishwashing in here, Mr. Chairman, because that is exactly what I was —

**Mr. Chairman:** Proceed, Mr. MacKay.

**Mr. MacKay:** There is just about everything else but dishwashing in here, Mr. Chairman. That is my objection. I think that perhaps I dragged a red herring across the nose of my friend here. We should not be talking about fascists and socialists, because the two extremes meet anyway. But the problem that I have at the practical level is, how is this local improvement tax going to be levied?

Is it going to be levied against those who do not actually do the work, or against everybody, regardless of whether they are neat and tidy with their property while their neighbour is untidy.

**Mr. McWilliam:** I believe the key here is that we are dealing with a local improvement, which means you would need a majority of the residents in that area to approve it. The reference to trees, et cetera, as you note, refers to on any portion of highway, sidewalk or boulevard; this is to provide additional maintenance to those neighbourhoods that are willing to pay that share.

**Mr. Penikett:** I would like to talk seriously for a minute. What are the implications of this section for those scrawny looking trees on Main Street?

**Mr. McWilliam:** I would suggest that when you refer to Main Street, there are perhaps more pertinent sections in here dealing with business improvement areas. An example, perhaps, could be a boulevard in a residential neighbourhood, such as over in Riverdale, where, once you have actually made an investment to put the trees in, this would provide a method of providing some maintenance.

**Mr. Fleming:** It does say that the improvement tax shall be levied on the parcels of land which abut on the portion of the highway, sidewalk or boulevard, as the case may be, in other

words where the work is done. Therefore, that tax is levied there; the person who is really benefitting from that will be the person that is charged. I think that that is the only protection the rest of the people of the community will have to not all get charged with something they do not even use. I have to agree to that; it will help a little.

I dare say that there are some of us going to object very strongly to some of the things that may happen in front of our homes. However, if that is the case, I agree to this section.

**Mr. MacKay:** Does it contemplate actually going onto private property and doing all this stuff, or are we talking about the property adjacent to private property?

**Mr. McWilliam:** We are talking here about public property that is adjacent to private property.

*Clause 268 agreed to*

*On Clause 269*

**Mr. MacKay:** Under 269(3)(b), the requirement to "require owners of real property to connect ... to the appropriate sewer or drain...", is this a new requirement?

**Mr. McWilliam:** No, Mr. Chairman, every municipality, in their sewage by-law, provides for this sort of function.

*Clause 269 agreed to*

*On Clause 270*

**Mr. Fleming:** The first one will be "Subject to the *Public Health Ordinance*, council may by by-law (a) impose a connection charge upon the owners of real property to defray the cost of laying connecting pipes (i) from sewers to land on which buildings or structures are situate,..."

Now, I think the wording is a little wrong. "...From sewers to land..." I would like to get the interpretation of "from sewers to land": whether it is from the mains to the land that belongs to the person, or whether they mean from the outlets, which, actually, is what I feel they might mean — from the outlets to the sewer main. I would like that cleared up.

**Mr. McWilliam:** What this says is that you have a connection from the sewer main to the property line. If the municipality were connecting to the home, there would be an additional charge for that. The property owner can also provide for his own connection on his property.

**Mr. Fleming:** I wonder why they do not say "from sewer mains to the land" instead of saying "from sewers to the land"; to an ordinary person who is just wondering where is the sewer?

**Mr. McWilliam:** In this ordinance, "sewer" means "sewer main". We refer specifically to connection where we are not referring to a sewer main.

*Clause 270 agreed to*

*On Clause 271*

**Mr. MacKay:** There is a typo in section (e) second line, "established"

**Mr. Chairman:** Unanimous consent.

**All Members:** Agreed.

*On Clause 272*

*Clause 272 agreed to*

*On Clause 273*

*Clause 273 agreed to*

*On Clause 274*

*Clause 274 agreed to*

*On Clause 275*

**Mr. MacKay:** I am just wondering what is contemplated by "granting a franchise". Are we talking about the trucking of water, or are we talking about some private or other body actually building an underground system, and operating it and having a water-works?

**Mr. McWilliam:** Mr. Chairman, I believe that in Yukon probably the most likely occurrence would be a truck water system; however, there is provision here that you could have a water siphon with a system of mains.

**Mr. Penikett:** I hope not, Mr. Chairman. If I may express a personal view, I think that would be free enterprise gone crazy. Competing privately owned source systems and water systems, I think,— well, I do not even think the Yukon Conservatives would vote for that.

*Clause 275 agreed to*

*On Clause 276*

**Mr. MacKay:** I know this is not really anything new, but I am wondering what the rationale is for a city council to be able to own and operate a trailer park or a mobile home park?

**Mr. McWilliam:** In a number of smaller communities where there is not the interest, in private development, of such a facility, the municipality could recognize the need and provide for it.

**Mr. Penikett:** Mr. Chairman, it is also a possibility, it seems to me, that an operator of a trailer park could default on their taxes, and the city could end up owning one; it may not be able to get rid of it very quickly, and you would want to continue being able to receive the revenue from it.

**Mr. Lang:** Mr. Chairman, a very real example is Dawson City. It is a very real example in many ways, but there is another aspect, and that has to do with the situation that is there now. The land, I understand, and the witness will have to correct me if I am wrong, is owned by the City of Dawson, and they, in turn, lease it out to a private operator; if the time ever comes that the private operator does not want to run that tourist-type facility, which is so necessary for the community, they may well have to do it themselves.

**Hon. Mr. Pearson:** Mr. Chairman, there is a typo in 276(1)(c) and (1)(d). The "and" at the end of (c) should be dropped down to (d), Mr. Chairman.

**Mr. Chairman:** Do I have unanimous consent?

**Some Members:** Agreed.

**Mr. Chairman:** Would you read it as it now would read, Mr. Pearson?

**Hon. Mr. Pearson:** Yes, Mr. Chairman. 276(1)(c) will read "trailer park," (d) will read "mobile home park, and..."

**Mr. Chairman:** Is there unanimous consent for the change in the order of the words here?

**Some Members:** Agreed.

**Mr. MacKay:** This is the first time, I think, that we have come across the expression "business improvement area". It is so long ago since we passed the definitions that I do not even remember. Perhaps it would be in order at this time to have a brief description of what this is going to be. Obviously we are considering the municipality buying land and holding it, in such an area. It seems to be a fairly well thought-out and extensive program. Would it have anything to do, for example, with the \$100,000 we passed in the capital budget? If we are into very specific buying, perhaps we could have some idea. I think we are talking about downtown Whitehorse at this point, but perhaps the Minister could give us some explanation of where we are going in this area.

**Mr. McWilliam:** That is correct. The details regarding the business improvement area are contained in section 370 on page 195. Rather than repeat everything that is in there; to confirm what Mr. MacKay has said, this would be very applicable, I would suggest, to downtown Whitehorse. There are other examples, however, where it could be used. For example, Dawson as an historic centre.

**Mr. Penikett:** Mr. Chairman, correct me if I am wrong, but I think that under the provisions of this section and Clause 370 it would be possible — even though no one has mentioned this — to create a Territorial Capital Commission if the governments involved so chose.

**Mr. McWilliam:** Basically that is correct, Mr. Chairman. That would be a political decision, I would suggest though.

**Mr. Fleming:** I have just a comment on 276. I would change it to "...the council shall..." instead of "may". If it was not that I have a conflict of interest, I would really appreciate it if they would come down and purchase my business, and I could go on about my other business.

*Clause 276 agreed to*

*On Clause 277(1)*

*Clause 277(1) agreed to*

*On Clause 277(2)*

**Mr. MacKay:** Subsection (b) talks about "fire districts" and precautions against the danger of fire, and discriminates and differentiates between the districts, as to the character of buildings. How realistic is this section? I mean, are we going to be controlling putting up a wooden structure here and a concrete one there? Is that what is in mind here?

**Mr. McWilliam:** I preface my remarks by pointing out that this has been taken from the existing legislation. You are not looking so

much at a specific building, really, as establishing different areas and setting standards for them. For example, in a small community, 'fire districts' may conform very closely to what your zoning regions are, and you very conceivably could have higher standards for development in a commercial core of a community. I think it is very realistic.

**Hon. Mr. Lang:** Mr. Chairman, it is similar to the idea, when you get down to the commercial or industrial areas, where the buildings may have to be much closer together due to the land and the availability of land and various other things; and your building standards, as the Member well knows, have to be quite a bit higher, especially in the area of fire. This particular section helps to recognize the fact that in the municipality of Whitehorse you are almost getting to the point that you have to have district responsibility for the various fire departments. We have two in the Whitehorse area now.

**Mr. MacKay:** I do not know why this section reminds me of it, but I had an occasion to apply for a building permit in my home in Riverdale a year and a half ago, I guess, two years ago; while at City Hall getting this, I find out that my house was built five feet from the property line and, as such, no longer conforms to the fire regulations. I asked them, "Well, what could I do about this?" They said, "Well, we will try to phase these kinds of houses out."

I take it that this section is not one of these where we are going to start phasing out existing buildings, but, in fact, this is going to be a planning device as much as anything else.

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

*Clause 277(2) agreed to*

*On Clause 277(3)*

*Clause 277(3) agreed to*

*Clause 277 agreed to*

*On Clause 278*

**Mr. Fleming:** I read it all and did not notice anything else in it. "Subject to any Ordinance and any regulations made thereunder, the council shall by by-law, establish an emergency plan and pursuant to section 385 provide for a civil emergency measures commission and such officers as are deemed necessary..." What does the Minister envision as to numbers of officers needed in this case, in a small municipality?

**Mr. McWilliam:** In most cases, these officers are existing employees or volunteers from the community. For example, the town foreman would undoubtedly be part of this committee.

**Mr. MacKay:** I think this is one of the newer sections where we are actually requiring what are presently L.I.D.s but will in future be municipalities, to have an Emergency Measures Organization. What kind of assistance will be given to these places to develop this? How elaborate are we talking? Are we talking about, perhaps Carmacks, making provision for flooding? Is that the kind of thing we are talking about, and if so, will we have supplies of sandbags? How elaborate is this thing going to be?

**Mr. McWilliam:** I believe Mr. Lang probably knows the answer much better than I do. There are already, under the *Civil Emergency Measures Ordinance*, provisions for assistance from the Territorial level. I believe there are also funds voted for it. Sand bags, et cetera, are provided to communities now that have an emergency measures plan and some means of storing them.

**Hon. Mr. Pearson:** Mr. Chairman, the Emergency Measures Organization falls under my jurisdiction in the Territory, and at the present time the Federal Civil Emergency Measures Ministry is looking at a new agreement for all of Canada; we are included in this.

This is one of the times, I am happy to say, that we are recognized as part of Canada.

I have attended a ministerial meeting of the ministers responsible for emergency measures in the provinces, along with the federal minister responsible. They are putting together a plan that is going to be a blanket, overall, plan for all of Canada. It is going to be, I think, beneficial to Yukon particularly on the cost-sharing aspects, the responsibilities. It will clearly outline the responsibilities of the Federal Government, the responsibilities of the provincial or territorial government, and the responsibilities of the municipalities.

The whole thing will be predicated on there being a civil emergency measures function in each municipality.

**Mr. MacKay:** This is a whole area of fascination that we hardly ever hear about, except when a disaster occurs. Does this include

measures other than just civil emergencies; are we talking about civil defence being involved here, as well?

**Hon. Mr. Pearson:** Mr. Chairman, I found it very fascinating, at this meeting I attended, that one of the major topics, which I frankly had never thought about very much at all, was bomb shelters. I guess, in that way, we really are isolated in Canada, because I never hear very much talk of bomb shelters in Yukon. Yet there are communities in southern Canada where it is a concern, and a major concern, that there be bomb shelters, and that they be built to certain standards and so on.

The civil emergency measures are set up and organized to handle virtually any kind of emergency that is imaginable: from flood to fire or whatever. But it really is designed to be just that. It can be an emergency, a declared emergency for just about any purpose.

*Clause 278 agreed to*

*On Clause 279*

*Clause 279 agreed to*

*On Clause 280*

**Mr. Fleming:** I am quite interested in this section, Mr. Chairman. The municipality can adopt by-laws for the acquisition and equipment of a motor vehicle or vehicles, for the purposes of providing ambulance service in the municipality, and for entering into an agreement — I would presume, of course, with anybody who is prepared to do that. Where that is done, I have some problem with, "...and may annually by by-law authorize payment to the owner of such ambulance of a grant." I am wondering just how they could foresee what it is going to do. If the contract was made, you could not wait until the end of that year, I would think, to authorize payment. If you authorized it before, would it be a lump sum situation, or would it be done on the basis of so much for each trip, or so much for wages, and so forth and so on?

**Mr. McWilliam:** Basically, the agreement that is anticipated here is with the Territorial Government, since all municipalities at the present time are receiving the service through the Territorial Government. The agreement that is referred to could provide in there, if it is a private contractor, that he sets rates which are agreed upon by the municipality, and recovers those, and then the grant which is referred to could be in the form of a deficit grant, to cover the balance between the rates and his operating costs.

*Clause 280 agreed to*

*On Clause 281*

*Clause 281 agreed to*

*On Clause 282*

*Clause 282 agreed to*

*On Clause 283*

**Mr. MacKay:** Under (d), there is a typo: "regulating or prohibiting"; "prohibiting" is misspelled.

**Mr. Chairman:** Unanimous consent to exclude one "i"?

**Some Members:** Agreed.

**Mr. MacKay:** Under (e), I do not mind the regulating of the continued operation of slaughterhouses, gasworks, tanneries, but I have problems when you get down to the thing that says "that may prove to be a nuisance generally".

I feel that is a rather general latitude being given to the council. We can all recall the problems this spring, of a certain contractor up in Porter Creek, who seemed to feel he was hard-done-by. I personally do not necessarily think he was, but I wonder about giving this kind of thing "may prove to be a nuisance generally", unless there is a convention in law where it can only really refer to things of the very nature that have been previously described.

**Hon. Mr. Pearson:** Mr. Chairman, with respect, I would like to point out to the Honourable Member that this can only be done subject to the *Public Health Ordinance and regulations*.

*Clause 283 agreed to*

*On Clause 284*

**Mrs. McGuire:** I just want to point out a typo on Page 136 on the top line, "form" to "from".

**Mr. Chairman:** Unanimous consent?

**All Members:** Agreed.

**Mrs. McGuire:** Also, I would like this section explained, as to "...payment of sums as the Commissioner may from time to time, fix..."; what kind of costs are they talking about, what "sums" is related to? Is it overall accumulated expenses, or portions of?

**Mr. McWilliam:** Under the existing system, the Territorial

Government provides inspection services, et cetera in the field of public health. Within municipalities, that is normally a municipal responsibility. What this provides is that the Territorial Government could continue to offer that service, and be reimbursed for it by the municipality.

*Clause 284 agreed to*

*On Clause 285*

*Clause 285 agreed to*

*On Clause 286(1)*

**Mr. Penikett:** Mr. Chairman, I just want to ask a general question at the beginning of this section. From time to time one hears complaints from the constituents about our use of the National Building Code, or our sort of adoption of regulations which were designed in the south. Now some of our constituents are predisposed to be suspicious, even about the accuracy of the calendar, since it was printed in southern Canada. But I am impressed from time to time as well, with what seems to me, as an amateur, perfectly legitimate criticisms about building standards which are not relevant or necessary in this part of the world.

I am particularly conscious of the number of occasions in recent years where I knew people who wanted to build log buildings, which seemed to be sound, solid, environmentally sensible, economically functional structures, but which, on some technical ground or another, fell afoul of these regulations. There was a time, not so long ago when CMHC itself had, I thought, some particularly silly rules and regulations concerning log buildings, and I was concerned about it because, in this day and age, with interest rates being what they are, and the cost of money being what it is, and the difficulty in obtaining down payments, people who were building homes themselves, harvesting a Yukon resource, converting it into capital for themselves and their families, was something that we should encourage as much as possible; seeing people feeling, not quite harassed, but constrained or restricted or regulated or hassled by various regulations, the sense of which did not always appeal to them.

Now, I know there are obvious and myriad advantages to our using the National Building Code and national standards on many things. I think we have got electrical wiring and plumbing and so forth; that is very sensible. I am wondering, since the Minister is really responsible, how far we are away from either developing some Yukon standards in some areas of construction, or, perhaps more realistically, some northern Canadian standards which may be, in some respects, distinct from those standards which are pertinent and relevant to southern Ontario, for whom most of these regulations are designed?

**Hon. Mr. Lattin:** Mr. Chairman, this particular section gives the municipality a certain amount of flexibility to recognize local circumstances, but there is a responsibility also to keep in mind the adequate protection of the public, and this is what we are doing.

The Honourable Member mentioned something about log buildings. I believe that the policy has changed on log houses, and I think it is now accepted. I will ask the witness, when I sit down, to make sure I am right on this.

As far as the long-range program, we are always looking at things, but, at this particular time, we have not advanced any northern building policy, as such.

**Mr. McWilliam:** I am not in the field of housing and therefore I could not give a definite answer on log structures. I would, though, point out that there are two significant changes here that relate to the concerns which Mr. Penikett has raised.

First of all, the legislation has been changed to provide for a municipality to have exemptions from the National Building Code, where they have local conditions that make it necessary. Secondly, the definition of the National Building Code has been prepared with some consideration of the eventuality of having some Yukon standards. It is the code which is adopted under the *Building Standards Ordinance*. Now, there is the potential there, as the Yukon gains more expertise locally, that there could well be a local code.

**Mr. Fleming:** Mr. Chairman, I see the section as being something very much needed in the Territory. But I do have a concern in this one section: CMHC have approved houses, for instance in the government buy-back plan. A person now building, with the municipality now being relieved of some of these National Building Code standards, might face CMHC's not approving that. Is there something in this ordinance that covers that situation, so that if such a thing happens in a municipality, these people would be protected?

**Mr. McWilliam:** We cannot dictate to CMHC under this Ordinance, which, unfortunately, would be necessary in that case. What this section provides, to give you an example, is, in a situation such as Dawson where you have permafrost problems, it is impractical to require rigid masonry fire walls and such things. That is the sort of exemption that could be made. I believe that, in that case, CMHC might recognize the merit of it.

**Mr. Fleming:** Then, Mr. Chairman, I might just add that I think it would behoove the Government to make sure that, in that buy-back plan, it is understood that if some municipality does change things, and a building is constructed according to the changes, that it still may not be approved by CMHC, even though the National Building Code is used, and the builder is more or less protected in building it. Otherwise it could happen that many people will get into problems.

**Mr. MacKay:** Looking at the previous ordinance, there is a reference to a thing called "building code of the north" which could have been adopted by any municipality in all or in part, as with the National Building Code. Is there such a thing as a "building code of the north" that is in existence now?

**Mr. McWilliam:** I believe it has expired, Mr. Chairman.

**Mr. MacKay:** Since it seems to touch upon the questions that the Member from Whitehorse West was asking, did it expire a natural death, or was it pounded out of existence by the National Building Code? Let me ask a direct question: what was wrong with the building code of the north, that it expired?

**Mr. McWilliam:** I could obtain specific information from our building standards' people if the Member wants more information, but my understanding was that it really was not prepared in any great detail, because they had been working on updating the building code itself. That is where the emphasis has been.

**Mr. Tracey:** I believe that the building code for the north expired about two years ago, when they brought in the new building code. I think that most of what was covered in the building code of the north is covered under the new National Building Code, so it expired with the New Building Code.

*Clause 286(1) agreed to*

*On Clause 286(2)*

**Mr. MacKay:** This seems to provide a fair bit of flexibility. I wonder if the Minister or perhaps the witness could address the question of those buildings which have been built in the past, which do not conform to the National Building Code. The existing proposition seems to be that you can buy one of these buildings without having to upgrade it; you can actually do some work inside the building without changing the basic supports of it; but if you touch the supports, or you start to extend it, then your whole building comes under the new code. If that is an accurate description of the present system, my question would be: will the present system still be allowed to continue, under these new provisions?

**Mr. McWilliam:** That, I believe, is a fairly good summary of what would happen, in a building that does not meet the standards. That would be the intent of the new provisions, as well; however, in a community like Dawson, where there are practical local conditions to take into consideration, you could have an exemption.

*Clause 286(2) agreed to*

*On Clause 286(3)*

**Mrs. McGuire:** I was just wondering why this one item was included: "tents", in subsection (d), where it requires contractors, owners, or other persons to obtain and hold a valid permit to, I guess in this case, erect a tent.

**Mr. McWilliam:** As amusing as that may seem, Mr. Chairman, there was an example in Dawson this year of a tent structure that was put up for a business.

**Mrs. McGuire:** Are there any provisions in here then that exempt certain tents, like a pup tent in the yard, and that sort of thing?

**Mr. McWilliam:** The by-law that the municipality would prepare, if they wanted to exercise that power, would describe exactly what type of tent they were looking at.

I would point out that subsection (3) here says that they "may" regulate these things.

**Mr. MacKay:** Turning to section (h), I am wondering about the transitional problems that may arise out of this, where a city may, by by-law "provide that no trailer or mobile home may be occupied as a residence or office, unless its construction and facilities meet the standards specified in the by-law...."

Would this be an exception to what I was mentioning before, where there is an existing use and it does not comply, that it is allowed to continue? Are we now talking of a more stringent law being put into place?

**Mr. McWilliam:** No, Mr. Chairman, this is carrying on from the previous two sections and it would be dealt with in the same way. There would be no more stringent requirement there.

**Mr. MacKay:** I guess that was a general question; I got a general answer so maybe I could be a little more specific. Nobody is going to be thrown out of their trailer or mobile home, as it stands today, by virtue of this subsection?

**Mr. McWilliam:** No, Mr. Chairman.

*Clause 286(3) agreed to*

*Clause 286 agreed to*

*On Clause 287*

**Mr. MacKay:** Perhaps I could have a bit of an explanation as to how it is envisioned this section would work. It seems to me what we just talked about is that where a building is in contravention of a by-law, it is not necessarily going to be subject to this clause, but when I read the clause there does not seem to be anything built into it to allow some discretion.

It says "the council may by by-law", but once it has passed the by-law, we now have a by-law where we require the demolition, or bringing up to standard, of a building that is contravening any by-law, and I am wondering where the discretion lies in that kind of clause?

**Hon. Mr. Lattin:** Mr. Chairman, the key to that, I would submit, is if it is a threat to public safety.

**Mr. Penikett:** Mr. Chairman, with respect, I see some real problems here. As the Minister of Human Resources knows, some time ago she was petitioned by some people in the shipyard area in the city, as was this Member, and they were caught in a peculiar position. They were not Indians on public land, but they were non-status Indian people on, I am not sure of the status of the land, but I guess it would have been within a hundred feet of the water front, so it would have been public land in any case. These were people who had lived there for a long time, and who did not, for financial and aesthetic reasons, regard any of the available housing stock in the city as appealing options to them.

They were arguing that there was an established community in the area, a network of family and friends, which continued on into the Indian village and which they wanted to maintain. Some of them had growing families and they wanted to expand their homes, but, of course, as residents in a non-conforming zone, the houses were non-conforming already to the zoning law; it permitted them to remain, but did not permit them to upgrade the house at all.

Now, in this same area of town, as all Members in Whitehorse certainly know, we have had a problem on this score before. I just want to make sure we understand perfectly clearly what is ahead here. I would hate to see,— certainly prior to land claims settlement or some other resolution of these issues, because it is complicated considerably by a number of factors — the city, under a territorial ordinance, proceeding to put up notices on these buildings requiring the demolition, when the other option here, which is to raise the standard or the upgrading of the building, is not possible because it would fall afoul of another zoning by-law.

Now, I know when the people involved came to see those of us who were interested in this question, as well as seeing the city officials, there seemed to be, because of the on-going land claims negotiations, some uncertainty about the squatter policy of this Government and a number of other things; a lack of clarity, or some real uncertainty on everybody's part on how to move and how to proceed. There was, I think, some kind of informal consent, for the time being, to leave the situation as it was, without aggravating it.

What I want to be sure of, Mr. Chairman, and perhaps the Minister would comment, because he has some experience as the area is in his constituency, that nothing will be done with this new authority in this ordinance to aggravate that situation or to deteriorate it. As I think the Government Leader knows, that is not the only area in the Territory that could fall under this, could have a problem with this.

**Mr. McWilliam:** I would first point out that this is not a new provision; it is in the existing legislation. I think that there are some safeguards built into the system, by providing the only way it

may be done: by by-law, rather than a resolution, and also providing an appeal mechanism.

Over and above that, I would suggest that this is the type of area where a council who are elected by the people of that municipality are going to have some political sensitivity, and it is one of those areas where the council is being given some responsibility for its actions.

**Mr. Penikett:** Mr. Chairman, I recognize that it is an unfair political question to put to Mr. McWilliam. What I would ask the Minister — and I am not trying to put him in too much of a spot — is if he might, just on this section, give a statement of his intentions in the particular area I have mentioned.

**Hon. Mr. Lattin:** No, Mr. Chairman, it has never been my intention to put a hardship on anybody.

**Mr. MacKay:** The timing again: under subsection (2) it talks about 30 days' notice being given. It seems very short. What we are presumably talking about here is people living in the house that you are about to bulldoze over. That seems to me to be too short a notice to give people to move, because you could be in the middle of winter or whatever.

I notice further on in this section, there is provision, where we are talking about imminent danger of public injury, to move faster. So, I think with that section in mind, providing that it does not fall under that section, that some more time should be given to individuals who may fall afoul of this particular section.

**Hon. Mr. Pearson:** Well, Mr. Chairman, you know, what time? Forty-five days? Ninety days? Mr. Chairman, the building has to be in an unsafe condition. That person has an appeal to a judge, and he has 30 days. I do not think there could really be a satisfactory time. There just has to be an arbitrary figure and we have picked 30 days. It is the one that exists now. I am not aware of any undue hardship as a result of that.

**Mr. Fleming:** Yes, I appreciate the Government Leader's answer. However, he says it must be in an unsafe condition. I disagree to the extent of (i) in 287(1)(a) which reads "...in contravention of any by-law". I would say that without that sentence, this whole section is, as near as I can read it, not too bad. There is provision for appeal; there is the 30-day notice and so forth. That is okay. But that one sentence makes this section cover just about anything. If the toilet was running over and they told you to move it; if you did not get it out, it is gone. That is the effect of (i).

**Mr. MacKay:** Yes, I think that is the point I was going to dwell on too. Where section 287(1)(a)(i) says, "in contravention of any by-law, or in the opinion of council, in an unsafe condition,..." The Government Leader's answer to me was predicated on all of these things being in an unsafe condition. If that were the case, I do not think I would argue too much, but it seems to cover a multitude of other sins as well.

**Mr. MacKay:** Mr. Chairman, I think I have made a point. I would like to hear some response.

**Mr. McWilliam:** I would suggest that any by-law which would require demolition or removal, or bringing up to standards of a building, may not necessarily be totally covered where there is imminent danger of public injury. You may, for example, have a building which is a fire hazard. It is a little hard to argue that there is imminent danger of public injury there.

You may have a by-law which is in total violation of some public health standard, and the municipality has to be able to address the issue. I would suggest that since there is a 30-day period to initiate an appeal action that that should be sufficient time.

**Hon. Mr. Pearson:** Mr. Chairman, I think we should also not lose sight of one fact. We are dealing in this legislation with giving authority to an elected body to act. We are not giving authority to a bureaucracy. The questioning sometimes, I think, has a tendency to tend to be that way because we so often do that. But in this case, I think we have to recognize the fact that what we are talking about is giving authority to another elected body to act. If they deem that it is desirable or necessary that they act, surely we should be giving them that authority.

**Mr. MacKay:** Yes, no question about it. We should be giving as much authority as we can. Although I do not have the same fond hopes that the city council of, say, Whitehorse, would, having passed this by-law, then be monitoring every single thing under it. What we are talking about is dealing with bureaucracy, in any case. The witness, in answering the point I made, referred to the imminent danger of public injury. I am not concerned about that section. I think that is a good section and we should be able to go

through it fast. The only thing that I am concerned about is that you are saying that contravention to any by-laws is one of the reasons for which you can cause the demolition or removal. Let me give you a real example of a highway lodge, which was required under a certain section to put in a new septic tank system. The owners frankly could not afford to do it. As a result, that place was closed and remains closed to this day.

That would fall under this definition. That being the case, what defense has the owner got if he has only got 30 days to come up and say, "Well, we do not disagree that we need the septic tank, but we just need time"?

I think that it is such a broad net when you are talking about in contravention of any by-law that I am just a little afraid that some zealous official might overstep on the basis of this.

**Hon. Mr. Pearson:** Mr. Chairman, the order is for the demolition, the removal, or the bringing up to standard. Mr. Chairman, the legislation does not say that it has to be brought up to standard in 30 days. That is not what the legislation says.

**Mrs. McGuire:** I was thinking, perhaps, there could be something in here that would allow them to ask for an additional 30 days, an extension of time.

**Hon. Mr. Pearson:** Mr. Chairman, what this notice is is that not less than 30 days after the city council, or the municipal council, makes its decision, it must notify the owner of that property that it has made that decision. That is all the 30 days applies to.

**Mr. Fleming:** "In contravention of any by-law" and, of course, that is fine and dandy, and we are giving a lot of powers to the communities and I will agree that this is a pretty wonderful thing; however, when you sit right down to realities of what can happen in little communities, where people are not always so friendly as they might be. It might be myself and my neighbour who might be on there. As I said before, I would hate to be up in front of the hanging judge sometime. When they get wording in a thing like this that says "by any by-law" then they can make that decision afterwards, as to whether it is dangerous or not, but that is very simple. If it is decided that that is a problem and if they cannot find the proper by-law which would amount to the building be unsafe somewhere, they can use any by-law and still, in their opinion, make it unsafe.

I do not see why that cannot be worded a little bit neater than that if it makes it a little bit harder for them to just do what they like to people.

**Hon. Mr. Pearson:** We just cannot make legislation that tight that it will protect against one — I cannot comprehend that kind of a problem arising in any community in the Yukon Territory. I just think I know people in Yukon better than that. I cannot comprehend an elected council going out, deliberately, because a toilet is overflowing, and ordering the demolition of a building. I just cannot accept that. I do not think we should be making laws like that.

**Mr. MacKay:** We are obviously not going to change the Government Leader's mind, but I can see that my house in good old Riverdale there is in contravention with the by-law, by being five feet from the property line. I can see them coming with bulldozers in 30 days.

**Hon. Mr. Pearson:** It cannot happen.

*Clause 287 agreed to*

*On Clause 288*

**Hon. Mr. Lattin:** Mr. Chairman, I have an amendment for this particular section. Also, Mr. Chairman, before I read the amendment out, I have an amendment for several sections that we are going to amend; some we have passed, some we have not; I would like to table them so the Members can have a look at them. At this particular time you have your copies in front of you. While they are getting them out, Mr. Chairman, I will read the amendment that I propose on this particular section.

I move, that Bill Number 57, *Municipal Ordinance* be amended as follows: In Clause 288 on Page 140, by deleting in subsection (1) the words "the council may control and regulate" and substituting the words "the council may by by-law control and regulate":

And by inserting: "(2) the council may, in a by-law under this section

(a) provide for the classification of business for the purpose of the by-law,

(b) prescribe different licence fees for different classes of business, and

(c) make any provision of the by-law applicable to one or more

businesses or one or more classes thereof."

**Mr. Chairman:** The Chair is just going to give a couple of minutes for the Members to look over the amendment, and then the question will be put to the motion.

**Mr. Fleming:** I might just ask the Minister where you find that one that he just read.

**Hon. Mr. Lattin:** That, Mr. Chairman, is on page 140. We are talking about Clause 288. The first one is in section (1). As you will see, later on, appearing in section (2).

**Mr. Fleming:** I think I was misunderstood. I am looking for the amendment, and where I find it.

**Mr. MacKay:** I will be happy to support these amendments, very happy, delighted, actually, particularly the ones which will follow. We certainly have saved ourselves about two hours of debate, I think, on that one.

*Motion agreed to*

*Clause 288 as amended agreed to*

*On Clause 289*

**Hon. Mr. Lattin:** Mr. Chairman, again, we have some amendments. Do you want me to read the amendments or, because everyone has one, is that necessary?

**Mr. Chairman:** Proceed to read it.

**Hon. Mr. Lattin:** Thank you, Mr. Chairman.

Moved by myself that Bill Number 57, *Municipal Ordinance*, be amended as follows: in Clause 289, on page 140, by deleting subsections (1), (2), (3), (4), (5) and (6), and substituting the following sections "(1) The council may, by by-law, prohibit the carrying on of any business without a licence."

**Mr. MacKay:** I don't want to get into a big discussion. I take it that means that the council cannot refuse a business licence at this point, as a result of this amendment? If somebody wants to get into business, he can now buy a business licence without let or hindrance.

**Mr. McWilliam:** That would not be my understanding of section 288, Mr. Chairman.

**Mr. MacKay:** I was referring to section 289, Mr. Chairman. All the reasons that they used to have for making it difficult to buy a business licence seem to have been deleted. Really, all we are talking about is classification now. It seems to me that there is no provision in here for a discriminatory type of issuance of business licences, which seemed to be in the previous ordinance.

**Hon. Mr. Pearson:** Mr. Chairman, what this is saying is that if a council wants to refuse a business licence, it must pass a by-law prohibiting that business to function.

*Amendment to Clause 289 agreed to*

*On Clause 290*

*Clause 290 agreed to*

*On Clause 291*

**Hon. Mr. Lattin:** Mr. Chairman, I want to draw to your attention that I have an amendment for this one, moved by myself, that bill number 57, *Municipal Ordinance*, be amended as follows: follow clause 291(4) with inserting new clauses 291(5) and 291(6). In 291(5), "Where a licence is suspended or revoked under subsection (1), a council or the municipal office, as the case may be, shall declare at the time of the suspension or revocation, whether or not the suspension or revocation is necessary in order to prevent injury to the public."

"291(6) Where no declaration is made under subsection (5), an appeal to the council from the suspension or relocation has been commenced, the suspension or relocation does not take effect until the appeal has been heard and determined."

*Amendment agreed to*

*Clause 291 agreed to*

*On Clause 292*

*Clause 292 agreed to*

*On Clause 293*

**Mr. MacKay:** I have often wondered about why municipal councils get involved in taxis the way they do. It seems to me that this is what this is about.

Why does the municipal law get so heavily involved? We seem to be getting to a number of sections now with the laws governing taxi cabs. It seems like they do not get so involved with buses or with trucks driving through town, but they have innumerable rules and regulations for taxis. They create little monopolies, they create



anomalies as to service and I am wondering why we have to legislate this area so closely?

**Hon. Mr. Lattin:** The special provision for licencing taxis and other public carriers are required, basically, for the protection of the public. These provisions have been clarified but the policy has not changed from the existing ordinance and deals with livery by-laws.

The detail is necessary in order to obtain RCMP compliance in doing the necessary inspections. So, basically why we are concerned with taxis is for the protection of the public and the screening of the people driving them in cooperation with the RCMP.

**Mr. MacKay:** I appreciate that answer. That has answered a mystery that that I have never probed before. I guess the question then is: is it necessary to include all this detail in this law rather than just giving the municipal councils general authority to pass such by-laws.

**Mr. McWilliam:** It is necessary to have this detail in here. This was put in here in 1977 because the general sections that were there before were not sufficient to obtain the RCMP assistance in doing the checks.

*Clause 293 agreed to*

*On Clause 294*

**Mr. MacKay:** I appreciate that this is the kind of information the RCMP wants. I am wondering why is it necessary for the individual to be denied employment as a taxidriver if he has a criminal record.

**Mr. McWilliam:** You will notice that it says "council may refuse to issue or to remove a permit to drive". There is some discretion there. I would suggest it would depend on what his criminal record was for.

**Hon. Mr. Pearson:** Mr. Chairman, I can recall when the section was introduced into Yukon legislation and it was put in as a result of a series of very untoward happenstances in this Territory. The section was put into legislation because it was felt at that time and I would submit that probably it is still the case, that they have to have that discretion; that ability to refuse a taxidriver's licence has to be there.

**Mr. Penikett:** As the Government Leader will know, I have been through this debate before a couple of years ago.

It seems to me that it was a pity that the city council that I was on, had to not only decide the question that this person had a criminal record, but what crimes the person had been convicted for which would suddenly make him unsuitable for driving a cab. There were all sorts of discussions about whether dope peddlars were more dangerous than sex offenders, and they were not very edifying. I am sure the poor cab drivers in the town came away with their collective reputations totally sullied. But I was quite surprised by the public response to it. It was one of those issues that seems to divide the community very quickly and very suddenly. There were, on the one hand, those people who wanted taxi licences issued only to people with spotless personal reputations — crew-cuts, attended church every Sunday, had no bad debts, and promised to dress in a certain prescribed manner, and bathe regularly. There were others who felt that taxi drivers were no different from people in any other occupation: politicians, policemen, whatever, and the fact that they had been convicted of some criminal offence at some point, had served their punishment, paid their debt to society, as the cliché goes, had removed their obligation to society, in the sense of paying the debt, and therefore, as a simple matter of civil rights, no section of society, whether it was municipality or territory, could then deem them to be second class citizens and limit the number of occupations for which they could apply.

It is an extremely difficult question because there are a lot of difficult questions about your own personal ideas of morality and justice. It is one that I do not think was a very easy question for the city council I was on to deal with. It seems to me that, in the end, we severely restricted the number of sections in the Criminal Code, or convictions which, within a certain period of time, would have prohibited one from driving a taxi. I must say, for myself, that I participated in that process with some apprehension. Let me make this point. There are a great number of other occupations in which citizens are required to place the operator, or the person performing an occupation, in a position of trust, whether you are talking about politicians, policemen, doctors, or whatever.

It seems to me that in some cases the rules were tougher for cab drivers than they were, perhaps, for lawyers or chartered accountants, or some things like that. That does not seem to me a terribly reasonable proposition.

I have heard that it is possible for someone in the medical profession, for example, who had been convicted at some point in the past of some offense totally unrelated to their practise, might be denied a license to practise in some parts of the country. I certainly hope that would never happen here. If I knew that the driver of the cab I was getting into, had been convicted of something 15 years ago, shoplifting or something, I do not think that would really make me worry that much about getting in his cab.

If I thought he were an extremely aggressive homosexual rapist, or if he were some other kind of drug dealing monster, or something, I might be nervous about him driving around town, and I would guess most citizens probably would be. I am not completely convinced, I must say, that to say that you provide adequate protection to the public simply by saying that anyone who has previously been convicted of such an offense can not drive a cab. It seems to me that you may well find those people who have been convicted of that in all sorts of occupations, which are just as important in terms of public safety.

What I am saying, I guess, Mr. Chairman, is it is really a no-win situation. I think the further down you pass the buck, the lower the level of council, you make it more difficult. It seems to me that if this thing is going to be a fairly tight regulation, we have to take the responsibility for deciding it.

I think it is too tough, and too devisive an issue for municipal bodies to have to decide.

Let me make this point. In Whitehorse you are dealing with one category. If you decided in a place like Dawson City or Watson Lake, or Mayo, you are going to be talking always about individuals. It is not going to be some anonymous potential cab driver who might be doing such and such. It is going to be some real guy who has the one cab licence, or has the one cab, who might some time ago fallen afoul of the law. That seems to me to make it that much harder for a community to decide the issue, because they are not going to be deciding a question in abstract, they are going to be deciding the future livelihood of an individual.

*Clause 294 agreed to*

*On Clause 295*

*Clause 295 agreed to*

*On Clause 296*

*Clause 296 agreed to*

*On Clause 297*

**Mr. MacKay:** I must confess some ignorance as to what the existing law is on this. Perhaps the Minister could enlighten me on that, as to whether this is a new power that we are granting to municipalities?

**Hon. Mr. Lattin:** Yes, Mr. Chairman, I would be glad to. This is a new provision to permit municipalities to regulate shop hours, subject to Territorial requirements.

This is a local matter, Mr. Chairman, and any decision to restrict business hours should be made at the local level. It is not going to present any problems that occur in the south, since there is no problem for the municipalities abutting one another. The distance between municipalities is quite great, so between what we do and what a municipality 100 miles down the road does, there will be no confliction in our different businesses.

**Mr. Penikett:** Mr. Chairman, having had a sneak preview at an ordinance or a section on this subject, drafted by a gentleman, I believe by the name of Smith in British Columbia, I must say that this is considerable improvement. I think if we were to end up in a situation such as they have in British Columbia, where there is in fact a real jurisdictional battle over this thing, it would just be a dog's breakfast.

Let me warn the Minister; it is not a simple matter. One of the fiercest debates that has gone on in the Ontario legislature in the last few years is on this question of Sunday-closing law, simply because you may have a municipal decide it is simply a matter of some sensible regulations for them, but some other people in the community may decide that there is a question of religious freedom at stake, the *Lord's Day Observance Act* at stake, and a number of other things.

I hope this section is adequate, but I would not want to make any bets, because judging from what has happened elsewhere, it is, I think, probably potentially a real can of worms.

**Mr. Fleming:** I only have one thing to say about this section and I have said it about a few other things. One good thing to do with it would be to burn it, because it is going to create problems.

Anytime you drop it right down to the local level in such things, especially in liquor in small areas, how many employees shall be in the shop premises at a certain time, times are specified and all that. I am afraid that in many cases, like my own business, where we do have a problem to even get employees, I am just going to see not a can of worms but much worse than that.

If you go to where it is going to start closing or letting shops remain open in a little town by a few people who decide they wish to do this, it will work, there is no doubt it will work because they will have all their little tiffs and problems and then you will be that way, but it is going to create more than just a can of worms, I will tell you.

**Hon. Mr. Pearson:** Mr. Chairman, I would like to point out to the Honourable Member that this cannot apply to cocktail lounges and this kind of thing. This section is subject to any other ordinance and, Mr. Chairman, the *Liquor Ordinance* regulates the hours, not this legislation, nor would the city council.

**Mr. Fleming:** But I am right when I say it does not, and there are no ordinances, really, that cause service stations, cafes, tobacco shops and so forth to stay open or to stay closed or to have so many people in them. This ordinance does that, does it not?

**Hon. Mr. Pearson:** No, Mr. Chairman, this ordinance does not, but the municipality's by-laws may.

*Clause 297 agreed to*

*On Clause 298*

*Clause 298 agreed to*

**Hon. Mr. Lattin:** Mr. Chairman, I move that you report progress on Bill Number 57 and beg leave to sit again.

**Mr. Chairman:** It has been moved by the Honourable Mr. Lattin that the Chairman do now report progress on Bill Number 57 and beg leave to sit again.

*Motion agreed to*

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

**Mr. Chairman:** It has been moved by the Honourable Member for Whitehorse North Centre that Mr. Speaker do now resume the Chair.

*Motion agreed to*

*Mr. Speaker resumes the Chair*

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

May I have a report from the Chairman of Committees?

**Mr. Chairman:** Yes, Mr. Speaker, the Committee of the Whole has considered Bill Number 52, *Personal Property Security Ordinance*, and has directed me to report the same without amendment.

Further the House considered Bill Number 57, *Municipal Ordinance*, and directed me to report progress on same and beg leave to sit again.

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

May I have your further pleasure?

**Hon. Mr. Pearson:** Mr. Speaker, I move, seconded by the Honourable Minister of Tourism and Economic Development, that the Legislative Assembly sit on Friday, November 7, 1980 during the hours of 10:00 a.m. to 12 noon and 1:30 p.m. to 5:30 p.m. and that at its rising on Friday, November 7, 1980, the Legislative Assembly stand adjourned until Wednesday, November 12, 1980 at 1:30 p.m.

**Mr. Speaker:** It has been moved by the Honourable Government Leader, seconded by the Honourable Minister of Economic Development, that the Legislative Assembly sit on Friday, November 7, 1980 during the hours of 10:00 a.m. to 12 noon and 1:30 p.m. to 5:30 p.m. and that at its rising on Friday, November 7, 1980, the Legislative Assembly stand adjourned until Wednesday, November 12, 1980 at 1:30 p.m.

*Motion agreed to*

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

**Mr. Speaker:** It has been moved by the Honourable Minister of Justice, seconded by the Honourable Member for Mayo, that we do now adjourn.

*Motion agreed to*

*The House adjourned at 5:30 o'clock p.m.*

**The following Sessional Papers were tabled Thursday, November 6, 1980:**

80-3-33

Yukon Annual Report for the year ended March 31, 1980

80-3-34

Auditor General's Report on "any other matter" arising from the Accounts and Financial Statements of the Government of Yukon for the year ended March 31, 1980