



The Yukon Legislative Assembly

Number 38

2nd Session

24th Legislature

HANSARD

Tuesday, November 13, 1979 — 1:30 p.m.

Speaker: The Honourable Donald Taylor

Yukon Legislative Assembly

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

CABINET MINISTERS

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

Government Members

(Progressive Conservative)

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

Opposition Members

(Liberal)

Iain MacKay	Whitehorse Riverdale South
Alice P. McGuire	Kluane

(New Democratic Party)

Tony Penikett	Whitehorse West
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(Independent)

Maurice J. Byblow	Faro
Robert Fleming	Campbell

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

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

Whitehorse, Yukon**Tuesday, November 13, 1979****Mr. Speaker:** I will now call the House to order.

We will proceed at this time with Prayers.

Prayers

Mr. Speaker: We will proceed at this time with the Order Paper. Are there any Returns or Documents for Tabling?**DAILY ROUTINE****TABLING OF DOCUMENTS****Hon. Mr. Lang:** Mr. Speaker, pursuant to Section 13 of the Liquor Ordinance, I have for tabling the Second Annual Report of the Yukon Liquor Corporation.**Hon. Mr. Graham:** Mr. Speaker, pursuant to Section 56 (1), of the Workers' Compensation Ordinance, I have for tabling the Sixth Annual Report of the Yukon Workers' Compensation Board, for the year ended December 31st, 1978.

I also have for tabling, Mr. Speaker, pursuant to Section 16(1)(d)(ii), of the Schools Ordinance, the Department of Education's Annual Report for 1978-79.

Mr. Speaker: Are there any Reports of Standing or Special Committees?

Presentation of Petitions?

Reading or Receiving of Petitions?

Introduction of Bills?

INTRODUCTION OF BILLS**Hon. Mr. Lang:** Mr. Speaker, I move, seconded by the Honourable Member for Old Crow, that a Bill entitled An Ordinance to Amend the Liquor Ordinance, be now introduced and read a first time.**Mr. Speaker:** It has been moved by the Honourable Minister of Municipal and Community Affairs, seconded by the Honourable Member for Old Crow, that a bill entitled An Ordinance to Amend the Liquor Ordinance, be now introduced and read a first time.

Motion agreed to

Hon. Mr. Hanson: Mr. Speaker, I move, seconded by the Honourable Member from Tatchun, that a bill entitled An Ordinance to Amend the Electrical Public Utilities Ordinance, 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 Electrical Public Utilities Ordinance, be now introduced and read a first time.

Motion agreed to

Hon. Mr. Lang: Mr. Speaker, I move, seconded by the Minister of Education, that a bill entitled First Appropriation Ordinance 1980-81 be now introduced and read a first time.**Mr. Speaker:** It has been moved by the Honourable Minister of Municipal and Community Affairs, seconded by the Honourable Minister of Education, that a bill entitled First Appropriation Ordinance 1980-81 be now introduced and read a first time.

Motion agreed to

Hon. Mr. Graham: Mr. Speaker, I move, seconded by the Honourable Member for Hootalinqua, that the following bill be introduced and read a first time, An Ordinance To Change the Name of the Magistrate's Court and to Amend the Magistrate's Court Ordinance.**Mr. Speaker:** It has been moved by the Honourable Minister of Education, seconded by the Honourable Member from Hootalinqua, that a bill entitled An Ordinance to Change the Name of the Magistrate's Court and to Amend the Magistrate's Court Ordinance be now introduced and read a first time.

Motion agreed to

Hon. Mr. Graham: Mr. Speaker, I move, seconded by the Honourable Member from Hootalinqua, that an Ordinance entitled Justice of the Peace Court Ordinance be now introduced and read a first time.**Mr. Speaker:** It has been moved by the Honourable Minister of Education, seconded by the Honourable Member from Hootalinqua, that an Ordinance entitled The Justice of the Peace Court Ordinance be now introduced and read a first time.

Motion agreed to

Mr. Speaker: Are there any further Ordinances for introduction at this time?

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

Are there any Statements by Ministers?

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

QUESTION PERIOD**Question re: Carmacks L.I.D.****Mr. MacKay:** Thank you, Mr. Speaker. My question is to the Minister of Municipal and Community Affairs with respect to the formation of the Carmacks L.I.D. which he announced last week. Can the Minister tell us if his Department had had any direct consultations with the Carmacks Indian Band prior to this announcement?**Hon. Mr. Lang:** Mr. Speaker, the consultation that took place was during the hearing process. The decision was left to the political arm of Government.**Mr. MacKay:** In his announcement of the L.I.D., the Minister indicated that further consultations would proceed with the Band to try and persuade them of the benefits of joining the L.I.D. Can he tell the House if these consultations have been initiated or at what point they will be?**Hon. Mr. Lang:** Not yet, Mr. Speaker. It would be my intention, over the period of the winter, to go through those consultations with the aid and help of the Member from Tatchun.**Mr. MacKay:** Would the Minister, himself, be prepared to show his concern in this matter by going to Carmacks to meet with the Band if that met their approval?**Mr. Speaker:** The question sounds somewhat hypothetical, however—**Hon. Mr. Lang:** Mr. Speaker, this is something that I will determine in consultation with my colleague from Tatchun.**Question re: Energy Development Funding****Mr. Penikett:** Thank you, Mr. Speaker, I have a question for the Minister of Economic Development.

There is up to 2.5 million dollars of federal money available to the Yukon Government in Conservation and Renewable Energy Development and Demonstration Programs, but I have learned that we may lose the whole bundle due to the negotiating position of this Government. Could the Minister please explain why YTG is negotiating that half the money be allocated on an incentive grant when the provinces have tried this position to no avail?

Hon. Mr. Hanson: I have been aware that some negotiations have been going on with my Deputy, but he arrived back here and has left again so I have nothing further to say at this time.**Mr. Penikett:** Thank you, Mr. Speaker. I wonder if the Minister would take under advisement the following question: since the Yukon position is that it wants half the funds for incentive grants to individuals, businesses and industry, can the Minister please explain why, when the Treasury Board has refused similar applications over the past four years from EMR and in the past year and half from the provinces, it is so intent on getting these grants at the risk of getting only half of the approved amount of the submission to the Treasury Board, the demonstration half of the project?**Hon. Mr. Hanson:** I will take that under advisement, Mr. Speaker.**Question re: Cultural Group Funding****Mr. Byblow:** I have a question for the Minister responsible for Recreation.

There has been an increasing demand by cultural groups over the past couple of years to receive more recognition in the form of more funding that has been, by tradition, channeled more towards sports. It is my understanding that the Minister has either created or is planning to create, a cultural coordinating position within his

Department. Can he confirm his Department's activities in this regard?

Hon. Mr. Graham: Yes, Mr. Speaker, I can. We have not only hired a person on a full time basis to coordinate cultural affairs in Yukon, a position that will become permanent, we have also established the Yukon Lotteries Commission, which we hope will channel funds to various cultural and recreational organizations throughout the Territory.

We also have attempted, through the Library Branch, to coordinate cultural activities in areas where there are no formalized cultural bodies.

Mr. Byblow: Mr. Speaker, could the Minister indicate how much money it appears we will be recovering from the lotteries?

Hon. Mr. Graham: Mr. Speaker, if past lottery ticket sales hold true, we could accumulate in the area of \$60-\$65,000 per year.

I believe, at the present time, the Yukon Lottery Commission does have funds in the bank and, in fact, they are meeting on November 18th, Mr. Speaker, to hear from interested groups, recreational, cultural organizations, and interested persons throughout the Territory as to exactly how these funds should be spent.

I believe after that meeting, when they determine the terms of reference under which the Lottery Commission will operate, I will make a statement as to the effect of their decision.

Mr. Byblow: Can the Minister indicate whether, at this time, he is considering increasing the per capita formula to recreation boards across the Territory, as perhaps part of the increased revenue from lotteries?

Hon. Mr. Graham: Mr. Speaker, the revenues from lotteries will form no part of the per capita grant or the grants given to recreational boards across the Territory.

The proceeds from the lottery will be dispersed by the Lottery Commission, with no, shall we say, formal input from this Government. They will be dispersed on an as-needed or as-required priority basis and the priorities will be set by the Yukon Lottery Commission, of which, I might add, every Member in this House has a representative on that Board.

Question re: Yukon Housing Corporation

Mr. Fleming: Thank you, Mr. Speaker. I have a question this afternoon for the Honourable Minister of Community Affairs, in the area of administration of the Yukon Housing Corporation, a written question.

Have there been any minor or major repairs to houses of the Swift River Maintenance Camp in the last three years? If so, when?

Do tenants of this camp pay for their own stove oil through the Yukon Housing Corporation? If so, will this Government assure this House that the tenants have the opportunity to sign for fuel upon delivery?

Also, if it is the policy of the Yukon Housing Corporation to invoice tenants for this fuel and that the gallonage, as well as the price per gallon and the total cost be on that invoice?

Question re: Land Use Planning

Mrs. McGuire: Thank you, Mr. Speaker. I have a question for the Honourable Minister of Municipal and Community Affairs. Is community land use planning conducted publicly with public input or within a select group?

Hon. Mr. Lang: Mr. Speaker, my understanding is that there is a fair amount of public input. Of course a lot of the planning must go hand in hand with those established communities with Local Improvement Districts who are the spokesmen for those areas. In other areas, it is a case of meeting with the community clubs, in other areas, it is a case of holding public meetings.

Mrs. McGuire: It has been brought to my attention that the new community dump area in Haines Junction now occupies several acres of the best land for town expansion. Could you tell me if this gross mistake was planned by the Haines Junction L.I.D. or by the Local Government Department here in Whitehorse?

Hon. Mr. Lang: Mr. Speaker, I do not know where every garbage dump in the Yukon is so I will have to take that question under advisement.

Question re: Energy Needs in Yukon

Mr. MacKay: Thank you, Mr. Speaker. My question is to the Minister of Tourism and Economic Development. I want to check up and see if he is doing his homework. Have you read, Mr. Minis-

ter, the Foster Research Report and forecasted energy needs for the Yukon?

Hon. Mr. Hanson: I received my copy about 11:30 this morning.

Mr. MacKay: I could recommend to the Minister that a good researcher would get it about a week earlier. When he reads the report, Mr. Speaker, he will find that the likelihood of the need for a major hydro project is forecasted as being very low. In view of the fact that this Government has forecasted in the 1980's five major projects among them major hydro project—

Mr. Speaker: Order please, I believe the Honourable Member is now making a speech.

Mr. MacKay: The question is: in view of these five major projects which the Government Leader has frequently alluded to, two of which are now wiped off, can he now confirm then that this forecast was very unrealistic?

Hon. Mr. Hanson: Mr. Speaker, I am not aware, as yet, of any that are wiped off. I have not read the report, as I said. I do not know where the Member opposite gets his information, but it has not reached my desk yet where anybody has stated that they are not going to be participating.

Question re: Land Claims Negotiator

Mr. Penikett: Thank you, Mr. Speaker. I have a question to the Acting Government Leader. Last Thursday the Government Leader told the House that a new Land Claims negotiator for the Territorial Government had been appointed. Can the Acting Government Leader please explain why the House was not informed of this development as a matter of routine, and who the new negotiator is?

Hon. Mr. Lang: Mr. Speaker, since this Government took office, Mr. Phelps was appointed the Chief Negotiator for the Yukon Government.

I think the way the Honourable Member worded his question during Question Period on Thursday, I think it was taken in a different manner than what the Honourable Member is putting it this morning.

Mr. Penikett: Thank you, Mr. Speaker. I thank the Minister for that clarification.

I would like to ask him if he could tell the House now if that negotiator received any instructions from this Government, other than beyond what the Government Leader said last week, that the Government was "very anxious to see that a fair and equitable settlement of Land Claims at the earliest possible date"?

Hon. Mr. Lang: Mr. Speaker, there are always discussions under way with the negotiator in respect to the Indian Land Claims.

As the Member well knows, in respect to the present negotiating format that is set up, it is done on a confidential basis at the present time and we would not be at liberty to be able to discuss variables with the Land Claims until we come to some resolution of the subject.

Mr. Penikett: Thank you, Mr. Speaker.

In the absence of a Government policy statement on Land Claims, a practice observed by previous governments, can the House then conclude that this Government has no policy on this most vital question, because the Government Caucus has not yet agreed upon one?

Hon. Mr. Lang: Mr. Speaker, the Honourable Member can make whatever assumptions he wishes. I am sure that, from this side of the House, we are taking a position in respect to the Indian Land Claims, that we see a Land Claim being settled that is going to be to the benefit of the native people and, also just as important, a benefit to Yukon and to the people who would non-beneficiaries of an Indian Land Claim.

Question re: Recreation Roads/Year-round Maintenance

Mr. Byblow: I have a question for the Minister of Municipal and Community Affairs.

I believe the House passed a motion in the Spring Session, calling for a review of regulations as affecting year-round maintenance of recreation roads.

I would simply ask of the Minister if this review is in progress?

Hon. Mr. Lang: Yes, Mr. Speaker.

Mr. Byblow: I am particularly curious, Mr. Speaker, about the criteria used for year-round maintenance of rural roads. In my review of the Ordinance and the regulations, I could not find what procedures or guidelines are used in determining the degree of maintenance that should be done by the Highways Department.

Could the Minister either elaborate or provide me with this information later?

Hon. Mr. Lang: Yes, Mr. Speaker, and I should stress with respect to the review of recreational roads, that it is of concern, but at the same time, I think it is fair to say that any changes would have to be reflected in the forthcoming budget. At the same time, I think it is fair to say that the budget that we are looking at, for the 1980-81 year on the Operations and Maintenance side, is going to be very tight. We are attempting to control Government expenditures so that we do not have to come before this House with a tax bill.

Question re: Busing of Students

Mr. Byblow: Mr. Speaker, I will direct my supplementary to the Minister of Education on the same general topic.

Could I be provided with the Department policy respecting busing of students from rural areas? I am familiar with the Ordinance and the regulations covering assistance, but there is considerable flexibility permitted to the Department under the regulations.

Mr. Speaker: Perhaps that would form better the part of a written question, however—

Hon. Mr. Graham: Mr. Speaker, I will, in fact, give a written answer to that question but I must inform the Honourable Member opposite that usually we look at these things on an individual basis where people are requesting assistance for travel. The Ordinance, as the Honourable Member realizes, states that we must have ten people in order to give a bus service to that area. I have discussed the instance in question with the Member opposite and he will provide me with the information, I am certain. We will deal with it at that time.

Question re: Tourism Advisory Board Statement

Mr. Penikett: Thank you, Mr. Speaker. I have a question to the Minister of Tourism concerning the press release from Tourism Advisory Board meeting.

In the statement the Chairman of the Board was quoted as saying: "The Board is concerned that Yukon politicians treat Tourism as lightweight economic activity" and further quotes "Now we have an elected Minister, progress is slow."

In spite of this criticism of the Government by the Tourism Advisory Board, can I ask the Minister for his assurance that the Chairman of the Board will not be replaced?

Hon. Mr. Hanson: I assure the Honourable Member that that will not happen. She will still be there.

Mr. Penikett: Thank you, Mr. Speaker. The release also says, "We need something to sell visitors that will keep them here rather than having Yukon considered a one night stand." I wonder if the Minister could explain what he had in mind in that statement.

Mr. Speaker: Order please. The question is out of order in that you are seeking an opinion.

Question re: Tourism/DREE

Mr. MacKay: Yes, Mr. Speaker, my question is to the Minister of Tourism. It is his day today. Is his department now negotiating a subagreement under Tourism with DREE?

Hon. Mr. Hanson: As I said a little earlier, my Deputy Head is back in Whitehorse and leaving for elsewhere today. So, currently, we are not negotiating.

Mr. MacKay: I would like to have a clarification of that. You are not negotiating. Does that mean you have not completed the negotiation for this agreement, or that you have already completed it and therefore you are no longer negotiating?

Mr. Speaker: Order, please. I am wondering if Honourable Members would address their questions through the Chair rather than directly across the floor?

Hon. Mr. Hanson: Mr. Speaker, we had not completed negotiations. They are not going on right at the present time. I do not imagine they will be going on again while I am sitting in this House.

But, I am sure the Member will be aware of it when we do come to an agreement, if we do, with the Federal Government.

Mr. MacKay: Yes, Mr. Speaker. I am sure that the Minister has put some thought into this agreement and I would like him to tell the House if there is any consideration within the proposed agreement that his Department is preparing to offset the new conditions that presently exist, with respect to energy shortage and price that is causing a decline in the highway traffic?

Hon. Mr. Hanson: Mr. Speaker, as I think everybody in the House knows quite well, I cannot be responsible for highway traffic. If there is no gas, they cannot come up the Highway.

So, I cannot encourage that. We encourage them to come here, no matter which way they come. Outside of selling them bicycles, I cannot be responsible for a gas shortage. I do not know how they are going to get here if there is a gas shortage.

But, we will encourage them to come up. No matter which way they come, their money is good and we will accept it.

Question re: Dental Hygienists

Mr. Penikett: Thank you, Mr. Speaker. I have a question for the Minister of Economic Development, in his responsibility for the Department of Consumer and Corporate Affairs.

Last week, I advised the Minister of a complaint, under the Dental Profession Ordinance. Can the Minister now tell this House if, according to that complaint, an investigation is now underway?

Hon. Mr. Hanson: Yes, Mr. Speaker, it is underway. It is going to be quite a slow process, but I am very much interested in seeing the results.

Mr. Penikett: Thank you, Mr. Speaker.

Part of my question on that complaint concerned the question of prices for the professional services in Yukon. Can the Minister say if that will also be a subject of the investigation by his Department?

Hon. Mr. Hanson: Mr. Speaker, unfortunately, in my position, I cannot go around negotiating prices. At this time there is no legislation that allows me to tell people what they can charge for their services. I will take it under consideration.

Question re: Wolf Control

Mr. Fleming: Thank you, Mr. Speaker. I must say, the Honourable Minister of Economic Development is very popular this afternoon. I have a question also for him.

Especially in my area I have had some complaints from the outfitters that they are having quite some problem with wolves back off the area of the highway when they get back out on their hunting areas. I am wonder if the Minister is aware of the problem, or if it has been brought to his attention?

Hon. Mr. Hanson: Quite a few areas in the Yukon are having the same problem, Mr. Speaker. I suggest that they trap them, or snare them, or shoot them, whatever. Get rid of them.

Mr. Fleming: Mr. Speaker, as the Minister seems to be actually interested in helping the cause of ridding the predator, I wonder if he is contemplating any regulations or laws which may allow for a bounty or such way of equalizing the problem?

Hon. Mr. Hanson: Mr. Speaker, at the price of a wolf hide today, I do not think they should be given a bounty. I think they should give us some money.

Mr. Speaker: This then brings to a close the Question Period. We will now proceed under Orders of the Day to Government Motions.

ORDERS OF THE DAY

GOVERNMENT MOTIONS

Motion Number 38

Mr. Clerk: Item No. 2, standing in the name of the Honourable Mr. Graham.

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

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

Mr. Speaker: It has been moved by the Honourable Minister of Education, seconded by the Honourable Member from Whitehorse West, THAT the Standing Committee on Public Accounts be empowered to sit while the House is prorogued.

Hon. Mr. Graham: Mr. Speaker, I bring forth this Motion on behalf of the Standing Committee because of the fact that in my original motion this was left out. I wish to apologize for the inconvenience caused by bringing this forth at this time. However, the Members of the Public Accounts Committee feel that we should sit while the House is prorogued. We therefore have more time in deliberation and I am sure that all Members will be more available during the time that the House is prorogued.

Motion agreed to

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

GOVERNMENT BILLS AND ORDERS

Bill Number 33: Third Reading

Mr. Clerk: Third Reading, Bill Number 33, standing in the name of the Honourable Mr. Pearson.

Hon. Mr. Graham: Mr. Speaker, I move seconded by the Honourable Member from Tatchun, that Bill Number 33, An Ordinance to Amend the Yukon Council Ordinance be now read a third time.

Mr. Speaker: It has been moved by the Honourable Minister of Education, seconded by the Honourable Member from Tatchun, that Bill Number 33 be now read a third time.

Motion agreed to

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

Hon. Mr. Graham: Mr. Speaker, I move, seconded by the Honourable Member for Tatchun, that Bill Number 33 do now pass and that the title be as on the Order Paper.

Mr. Speaker: It has been moved by the Honourable Minister of Education, seconded by the Honourable Member from Tatchun, that Bill Number 33 do now pass and that the title be as on the Order Paper.

Motion agreed to

Mr. Speaker: I shall declare that Bill Number 33 has passed this House.

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

Motion agreed to

Mr. Speaker leaves the Chair

COMMITTEE OF THE WHOLE

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

At this time, we will take a short recess.

Recess

Mr. Chairman: I shall call the Committee of the Whole to order. This afternoon, the first thing we will attend to is Bill Number 13, Boiler and Pressure Vessels Ordinance.

There were several sections stood over. We will deal with those now. I have some resolutions before me.

On Clause 3(2)

Mr. Chairman: The first resolution I have is Bill Number 13, Paragraph 3 subsection 2(1), be amended at Page 4 by adding a paragraph immediately after paragraph (h) as follows: 3(2)(i) the inspection and registration of an air receiver, air/oil receiver, cushion tank, hydropneumatic tank, hydropneumatic or pneumatic valve operating cylinder, and its pressure piping system, not exceeding 0.15 cubic metres in capacity and 1725 kilopascals design pressure.

Hon. Mr. Lang: Mr. Chairman, this is to take into account the concerns raised from both sides of the House in respect to the size of air compressors as well as the piping system, to exclude them under the section from the provisions of the Ordinance.

The only aspect that is taken into account later on in the amendments is where it can be, under regulations, in circumstances that dictate that it is an integral part of a major a pipeline compressor station. Subsequently that would be under the scrutiny of the Inspector.

Overall, it would take into consideration the concerns raised by the Member from Hootalinqua as well as from Tatchun, and I believe the Member from Campbell as well in respect to the small air compressors, and the piping systems that it really was unnecessary for them to come under the Ordinance.

Mr. Chairman: It has been moved by Mr. Lang, that Section 3, on page 4, be amended by adding to Section 3 the following new subsection: 3(4) This Ordinance to applies to boilers, pressure vessels, pressure plants, power plants and heating plants which are connected to a pipeline, but does not apply to any other part of a pipeline.

Hon. Mr. Lang: Mr. Chairman, this is to bring into account the situation that the Honourable Member from Whitehorse West raised, upon Second Reading, where he gave the inferences that I had aspirations of becoming the pipeline czar of Yukon, along with my other portfolio responsibilities.

It definitely states the only area that we are really involved in is

the compressor area.

The other point I should raise, Mr. Chairman, to also convince the Honourable Member to recognize what our aspirations are, is the fact that we really do not have the jurisdictions, in respect to the pipeline. That is clearly outlined with the National Energy Board, as well as the present pipeline legislation that is in place.

So, I am sure that this will calm the Member's fears and rest assured that my aspirations are not quite as high as he would like to think they are.

Mr. Penikett: Mr. Chairman, I thank the Minister for his assurances. Obviously, the Member has high aspirations. He has a lot further to go than some of us.

I am sure that Mr. McKinnon and Mr. Sharp and Mr. Baker and Mr. Jimmy Carter are probably all breathing a sigh of relief now that we have this amendment and I thank the Minister for it.

Hon. Mr. Lang: Well, Mr. Chairman, this was done in full consultation with Jimmy, when he had a few free moments.

Mr. Chairman: Mr. Lang, the Chair is a little bit confused, that you have this as subsection (4). I do not see where we have any subsection (3). Perhaps this can be considered subsection (3) of Clause 3.

Mr. Penikett: Mr. Chairman, I would be quite willing to add a subsection 3 if the Minister would like one just to keep it tidy.

Hon. Mr. Lang: Mr. Chairman, that was the idea of the designation. You have (1), (2), (3), and then 3(4).

Mr. Chairman: I do not have any subsection 3. At least I cannot see any subsection 3 of Clause 3.

Hon. Mr. Lang: Yes, because it has already been discussed, Mr. Chairman. Has it not?

Mr. Chairman: I am sorry. Any further discussion on the amendment?

Clause 3 agreed to

On Clause 9

Hon. Mr. Lang: Yes, Mr. Chairman, we received this and we came to the conclusion that it was not necessary to amend the section in question. In discussions with the technical expertise which is available to us, they feel that the way it is written at the present time is the way it should go through with the Ordinance. It brings in line with all the other interprovincial counterparts,

Clause 9 agreed to

On Clause 17(1)

Mr. Chairman: The next amendment by Mr. Lang is on page 9. The amendment reads:

Subsection 17(1)(a) and (b) at page 9 be amended by striking out Subsection 17(1)(a) and (b) and substituting the following therefor:

17(1) Where a person sells, exchanges or otherwise disposes of a used boiler or pressure vessel previously installed in the Yukon that is intended to be used or operated in the Yukon, he shall, upon request, notify the Chief Inspector of:

(a) the new owner and location of the boiler and pressure vessel, if any, and

(b) the Yukon identification number thereon.

Hon. Mr. Lang: Mr. Chairman, if you will recall, I asked to have this one set aside on our first go through clause by clause of the Ordinance. The reason was that we were putting the onus on the private individual. I think the Member opposite is planning a coup d'etat, is that the terminology?

At any rate, Mr. Chairman, the reason that we are amending it is to put the onus on the Inspector because the Ordinance does call for an annual review or an annual inspection and subsequently they will be in contact with the individual once they have been registered. If it has been sold or whatever, the individual has to give the necessary information to the Inspector in order to be followed up to ensure that the proper safety procedures are followed.

Amendment agreed to

Clause 17(1) agreed to

On Clause 39(1)

Mr. Chairman: The next amendment I have is on Page 22. Moved by Mr. Lang that subsection 39(1)(d) be deleted.

Hon. Mr. Lang: Mr. Chairman, it is follow-through on the next three amendments to the regulation side of the Ordinance, all four of them. The idea is to renumber, at the same time taking into account (d) which was discussed during the clause by clause read-

ing, in respect to the fact that we had taken one section aside, the one we just passed as amended, "less than 5 cubic feet", so that they would not necessarily be under an inspection. This just clarifies the situation.

Mr. Chairman: The Chair will not read these amendments. I am sure you all have them, unless somebody requests. They are all on Clause 39.

Mr. Penikett: Yes, Mr. Chairman. It is not necessary for anybody on this side to read them, but it may be necessary over there.

Mr. Chairman: Is there any discussion on these amendments to Clause 39?

Amendments agreed to

Mr. Chairman: The last one, so that there is no confusion, I will read: by renumbering from (d) to (j) the paragraphs of subsection 39(1) presently numbered as (e), (f), (g), (h), (i), (j) and (j).

Amendment agreed to.

Clause 39(1) agreed to

On Clause 12

Hon. Mr. Lang: Mr. Chairman, this had to do with manufacturing and construction of fittings and this type of thing in Yukon, if they were ever to come to pass. It is taken from the legislation that is in place in our provincial counterparts.

Subsequently, we reviewed it and we felt that it should stay in the way it is because it is no inconvenience, really, to anyone and it is in conjunction with our provincial counterparts.

Clause 12 agreed to

On Clause 13

Hon. Mr. Lang: Mr. Chairman, this had to do with Section 13(2), of that particular section, had to do with respect for a manufacturer to notify people that he had under contract making fittings or whatever, on his behalf. We felt that responsibility should stay with him because it would be a case of contacting people that he was involved with, outside of, say, Yukon, for an example, rather than the Government getting into that much more bureaucracy.

So, subsequently, we felt that responsibility, if it were ever to come to pass, where we had a manufacturing industry, that they know who they are dealing with and, subsequently, they should be contacting them if something is not right, so that it can be altered accordingly, because they would have to get hold of them in any case for any changes that would have to take place.

Mr. Tracey: Mr. Chairman, it seems to me that on this subsection here, I can remember making the point that perhaps the person who was manufacturing the fitting would not know who was using the fitting and to put the onus on him to notify everyone who was using the fitting would perhaps make him in contravention of the law without even knowing it.

Hon. Mr. Lang: Mr. Chairman, in respect to the expertise that we had available, it is strictly along the lines of what they have in the provinces. It has to do with the manufacturing end of things as opposed to the individual who is actually utilizing, for example, a compressor station.

It is really directed towards the major construction and this type of thing. From the advice that I received, it was felt that the responsibility should lie there as opposed to with the Government.

Mr. Fleming: Mr. Chairman, I think I can understand the point all right, because a chief inspector, in this case, would have already notified the supplier or the manufacturer of such a device.

My only problem is cleared up possibly when they say "...to every person who is constructing or using a fitting referred to in the notice."

Now, I kind of think that is not very clear in there, "every person who is using the fitting referred to in the notice". For instance, the inspector finds that there is a fitting, say, a valve, that is not fit to be used and that the manufacturer has been selling for so many years. He notifies the manufacturer that the valve is not to be used. But how does the manufacturer notify a person who has that valve?

You know, there could be hundreds of those valves bought in the Territory. I am wondering just if maybe in the wording, that they do not have to notify every person who has that valve, that they notify every person who is constructing or using the fitting.

It sounds as if they do have to notify every person. They could not possibly do it, if that is the way it actually reads.

Hon. Mr. Lang: Mr. Chairman, the effort is to attempt to, if there is a faulty fitting that has been distributed, for example, through one of the major distributors, to put some responsibility on them to contact them from a safety point of view, because we just do not

have the wherewithall within the Government.

Really, it is directed to those people from outside of Yukon, in respect to their manufacturing and the product that they are selling. They definitely know where they are selling them. Once again, it is that fine line one draws between the smaller operators, as opposed to the major operators and that is really where it is directed.

Mr. Tracey: Mr. Chairman, I still do not go along with it. It says where the fitting has been approved and registered by the inspector and then the inspector finds later on, this is in Section 1, that the construction or use of the fitting no longer meets a requirement, he sends a notice to the manufacturer.

Then, as soon as he sends that notice to the manufacturer, it is incumbent upon the manufacturer to notify everybody that is using that fitting and the manufacturer quite possibly does not know who is using that fitting.

The Government is much more liable to know than the manufacturer would be.

Hon. Mr. Lang: Mr. Chairman, we are attempting to put the responsibilities on both parties, the Government and the manufacturer, to attempt to track them down.

I mean, we could haggle over semantics here for hours, but I think the point is that, as I made on Second Reading, the idea of the Inspection Branch is that they are going to help, not hinder and to attempt to accommodate private enterprise wherever they can from a safety point of view, as well as an expertise point of view.

Clause 13 agreed to

On Clause 25

Hon. Mr. Lang: Mr. Chairman, I think this was the debate that we had over temperature versus pressure. I have been assured by the expertise that we have available once again that it is pressure that we are worried about, not the temperature. They can get into the physics part and everything else, but this is their major concern with respect to the boilers that they are inspecting. That is the area that they want to have the ability to really closely police.

Mr. Penikett: Mr. Chairman, I respect the professional advice that the Minister has available to him, but I am still concerned that in the Ordinance on which this was modelled almost word for word, the Alberta Ordinance does contain reference to temperatures and pressures. So do some of the others, and I still think, even with my limited knowledge of physics, there is a problem still with that pressure vessel that may be empty but because of the heating system that may be working, it may heat to a dangerous temperature. I guess that is really a problem under the Fire Regulations and so forth.

I would submit that it is not a big point. It seems to me though that on larger units it probably would be an extra safety factor to have both temperature and pressure monitored at all times, which I assume it is.

Hon. Mr. Lang: Mr. Chairman, the Honourable Member is quite correct to point out that there are other pieces of legislation in place and everything else in respect to what he speaks of, but I have been assured that the major concern is the pressure aspect and the key to this particular section.

Clause 25 agreed to

On Clause 35

Hon. Mr. Lang: Mr. Chairman, this had to do with the offence section that I took back, and I said that I would look at it. We have reviewed it, and this is from the Legal Department. They feel that the section that is in place does give the freedom of the individual to put his case forth. At the same time the necessary offence section is essential for the Ordinance.

At the same time, Mr. Chairman, there are safeguards in the Ordinance where if something happens, from an emergency point of view or this type of thing, work can be done and subsequently the Inspector can be notified if high pressure welding or something has taken place and keep track of it.

I have been advised, as I stated earlier, the Legal Department feels this is a proper offence section. It gives the freedom to the individual to defend himself and the natural laws of justice prevail.

Mr. Fleming: Yes, Mr. Chairman, if I might ask the Minister a question, I do not know if it really pertains to this section; I think it does, however, in some ways. Is there anything in this Ordinance that allows for an apprenticeship anywhere, or does that come under some other Ordinance?

Hon. Mr. Lang: The apprenticeship is under the Vocational School with the agreement that we have with the Federal Government.

Mr. Chairman, could we set this Section 35 aside? I think that we have another amendment but I do not have it with me. I was thinking we were on the offence section and we are not. It has to do with performing any welding and I do have an amendment for it so if we could set it aside, I would appreciate it.

Clause 35 stood over

On Clause 40

Hon. Mr. Lang: Yes, Mr. Chairman, I think I gave my dissertation on the wrong section. If the Members opposite will take that it holds true for Section 40, I would appreciate it.

Clause 40 agreed to

Mr. Chairman: At this time we will continue on to Bill Number 32, Matrimonial Property Ordinance

Mr. Fleming: Mr. Chairman, if I may, I have a comment before you do carry on.

I have had some contact with some people who are very knowledgeable and they say that the figures in your interpretation in the front of the Bill, and I am not going to state any certain clause, just a comment where there is a 103 kilopascals, or whatever it is that just came into effect, the conversion is not right according to them, and working in the atmospheric pressure and so forth and so on and when you get going into metric, it just does things that I do not understand. However, they have said this and, maybe the Minister might want to check it out and make sure that it does have the right conversion and that there has not been a mistake made in that area. Thank you, Mr. Chairman.

Mr. Chairman: I now direct you to Bill Number 32, Matrimonial Property Ordinance.

On Clause 4

Hon. Mr. Graham: Mr. Chairman, this section was one in which I thought that the two words in (c) "or adjudicated" should have been eliminated and I was, in fact, wrong. They should not because there is a case where, after a divorce has been granted, it is finished, there is a case in which a judge may go back and review the terms of the settlement. If I am proceeding too quickly, I will wait.

In that case, Mr. Chairman, if, where custody of children has been changed after the divorce has been granted, the judge should have the ability to go back and review the settlement of family assets depending on which of the spouses received custody of the children.

Clause 4 agreed to

On Clause 6

Hon. Mr. Graham: Mr. Chairman, I think this Section was basically set aside because it refers to Sections 14 and 15, which we had also set aside.

This was strictly a policy section, Mr. Chairman, and I do not have anything further to say on that.

Clause 6 agreed to

On Clause 14

Hon. Mr. Graham: Mr. Chairman, I believe we were speaking of 14(1)(d) and I distributed to all Members of the House, I believe, an information sheet prepared by the Department of Justice on this specific subject.

It was the opinion of the Justice Department, after much discussion with myself, that this section be left as is.

Mr. Chairman, I do not believe I have tabled a copy of these notes, so perhaps I will table a copy of an explanation at this time.

The consensus that we reached, when discussing this section, Mr. Chairman, was that it should remain as is to give the court the power to give one spouse more family assets than the other, after allowing the court to take into consideration the various sections set out here, (a) through (f).

Mr. MacKay: I was fortunate enough to receive a copy of the comments before and, while I expected the Minister to rely on his professional advice, and I am really not in the position to question it myself, I do still have some reservations about the breadth of the meaning of the date when property was acquired.

I will express these reservations now, saying that I am not sure that it actually means everything that your Department goes on to say it does mean in the four following paragraphs. But, if that is the opinion you have, I will accept it, because that is what I hope it means.

Hon. Mr. Graham: Mr. Chairman, that is definitely the intent, to give the judge the ability to determine that a family asset acquired

some time before the marriage may be held by the spouse that acquired it before marriage, but that spouse must, in fact, then give up something in addition to the normal family assets to compensate the other spouse for the assets that they would not ordinarily receive.

Clause 14 agreed to

On Clause 15

Hon. Mr. Graham: Mr. Chairman, again this has been explained to a certain extent in the information package that I did hand out.

I think before we go on any further, I should point out that when Mr. MacKay inquired whether or not a spouse that owned a small one-person business should be required to divide that business on the breakdown of marriage and therefore possibly lose his source of income, that was not the intent of this Bill.

In fact, the intent of this Bill was just the exact opposite, which is one of the reasons why we decided to allow judicial discretion in the disposition of non-family assets. We hope to avoid that situation by allowing the judge to take into consideration the fact that the business may be the sole source of income and by dividing the business 50/50 we may take away that source of income.

That was the policy decision made by this Government. I am still not certain in my own mind because of the fact that I am not a legal draftsman that that is exactly what this says. But that was definitely the intent and the legal draftsman did know that that was the intent when it was drafted.

Mr. Penikett: Mr. Chairman, I would like to thank the Minister for his suggestions and also thank him for his quotes from Shakespeare. It is interesting to speculate on the source of his quotes since a number of us have observed extracts from Portia's defence of Shylock in the Merchant of Venice on a number of occasions before. I would warn the Minister, though, there are a couple of people here who have read Shakespeare, and Shakespeare is like the Bible, and for every quote on one side of an equation or an issue, you can find there is at least one or two quotes to be found on the other side. Much as I find them entertaining and I am sure that the House all finds them very edifying, I think it is a practice that we could probably carry into an extreme because we would all look pretty comical after awhile throwing Shakespeare or the Bible back and forth to each other.

Hon. Mr. Graham: Mr. Chairman, I must point out to the Member opposite that this dissertation was prepared for myself and I gave it to Members of the House strictly as a means of explanation for the sections here. Not being a fan of Shakespeare or an avid reader, I know I do not have any further comments about this.

Mr. Byblow: I believe we are making much ado about nothing.

Mr. MacKay: I think that in view of the particular quote that we should give the Minister the opportunity to withdraw the paper at this time.

Clause 15 agreed to

On Clause 19

Hon. Mr. Graham: Mr. Chairman, I did not have this section marked off as one of the ones that we had withheld. I am afraid that I do not have any further explanation for Clause 19.

Mr. MacKay: I recall a question that arose; it was merely a question of whether or not this particular section would take precedence over what would be the natural laws of inheritance and so forth.

Hon. Mr. Graham: Mr. Chairman, I do recall now the discussion that was held and I was assured that it would not. This would not take precedence over the natural laws of inheritance or wills.

Clause 19 agreed to

Mr. Chairman: I do not think there were any further clauses that were stood over.

Preamble and Title agreed to

Hon. Mr. Graham: Mr. Chairman, I move that you do now report Bill Number 32, Matrimonial Property Ordinance, out of Committee of the Whole.

Mr. Chairman: It has been moved by Mr. Graham that I do now report Bill Number 32, Matrimonial Property Ordinance, out of Committee of the Whole.

Motion agreed to

Mr. Chairman: The next Bill we will consider is Bill Number 12, Medical Profession Ordinance.

Perhaps before we start that we could have a short break.

Some Honourable Members: Oh, no, Mr. Chairman.

Mr. Chairman: I have to get a witness in.

I can call a recess, but if you want to call one you have to ask me first.

Recess

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

This afternoon we are considering Bill Number 12. I have a Motion before me that we have Mr. Doug Spray as a witness.

Any discussion?

Shall the Motion carry?

Mr. Penikett: Mr. Chairman, I think we agreed the other day that we were going to begin our practice of a Motion to bring the witness forward, and I just wanted clear another point that, in fact, in speaking to that Motion that the person who is presenting the witness would also describe and defend their credentials as an expert before this House.

Hon. Mr. Graham: Mr. Chairman, in requesting that Mr. Spray be made to appear as a witness, I am asking him to appear as a witness, not as an expert in the field of the medical profession but as the person who carried out the vast majority of negotiations with the medical profession as well other interested parties and as a person who can explain the meaning behind many of these clauses which I do not feel that I am qualified to do in all cases.

I am not asking him to make any policy decisions or any statements of policy, merely as a person who will explain sections as we go through if further explanations are required by Members of the Opposition.

Motion agreed to

Mr. Chairman: Mr. Spray is now a witness.

The other day we had finished all our general discussion on this Bill. Today we will start a Clause by Clause discussion.

I would like to welcome Mr. Spray as our witness this afternoon. Are you all set up, Mr. Spray?

Mr. Spray: Yes, Mr. Chairman.

On Clause 1(1)

Clause 1(1) agreed to

On Clause 2(1)

Mr. MacKay: On "professional corporation", I would like to discuss that for a moment, if I may.

Does this mean that the words "professional corporation" are going to be exclusive to the medical profession?

Hon. Mr. Graham: Mr. Chairman, the term "professional corporation", as defined in the Companies Ordinance, may be applicable to persons in the medical profession. It is not restricted to persons in the medical profession.

Clause 2(1) agreed to

On Clause 2(2)

Clause 2(2) agreed to

On Clause 2(3)

Clause 2(3) agreed to

On Clause 3(1)

Mr. MacKay: Disagree, and I would like division.

Hon. Mr. Lang: Mr. Chairman, on a Point of Order. It is my understanding that you do not have division in the Committee.

Mr. Chairman: Yes, we do, Mr. Lang.

Clause 3(1), division has been called.

It is a tie vote and, in that case, the Chair will have to break the tie.

Before I give you my decision, I will say, Deciding Votes are guided by Debates, April 15, 1920, page 1265, and March 26th, 1928, page 1681.

They are also by Sir Erskine May, Treatise on the Law Privileges - Proceedings and Uses of Parliament, 19th Edition, 1976, page 406.

The essence of these are that we consider this at a further date, so it is up to the Chair to keep the Bill going, so I have to vote that the subsection will carry.

Clause 3(1) agreed to

On Clause 3(2)

Hon. Mr. Graham: I would like 3(2) stood over, if I may, please.

Mr. MacKay: I have some points I would like to make and, if the clause is being stood over, perhaps I could make the points now so that if there are any changes that are contemplated in this clause, that my points could be considered at that time, if that is agreeable?

Some Members: Agreed.

Mr. MacKay: I think that we have discussed at great length the problem that the Opposition has in the principle of the Bill with respect to the size of the medical community and its ability to be objective in disciplining itself.

Since it appears that we are not making a lot of headway with the Government on that particular point in principle and they have, I think, settled into a policy decision to continue with the Bill in its present form, I think this section, then, could well stand some further scrutiny.

The reason for that is that the Yukon Medical Council will become an extremely powerful body insofar as it governs its own profession. I think that some of the Members opposite recognize that and I would like to put in a few suggestions that the composition of this Council should be very carefully considered and that, because of the inherent smallness of the medical population here, that the Commissioner should be looking at various criteria in the appointments.

I think it should be important that at least one doctor, who is to sit on this board from the Territory, should be from the rural area. I think that they have particular problems in the rural areas that are not the same as those in the City. I would like to see that section at least specify that one member should be from outside Whitehorse.

I think that the overall number of members perhaps could be changed by reducing it to five to avoid tie votes and that, if that was the case, one of the laymen could be eliminated.

I think that partners in the same medical clinic, people who earn their living by sharing costs and who are dependent upon each other to some extent for their livelihood should be prohibited from sitting together on this Board.

I think that they could not deal with any disciplinary problem or perhaps a registration problem that arose, as they would probably have identical views from a financial standpoint on it. It would not necessarily give the views of the overall community. I think that there should be some blocking mechanism for that.

I think that I have made the point before, and I will make it again, that I think that the Medical Council has much, much too much power; that is too many "muches". We, on this side of the House, would definitely like to see the major disciplinary function being subcontracted, for lack of a better word, to a larger body. I will make the point again, not with any hope of getting any receptiveness over there but merely to reiterate, that a basic objection in principle which you will hear, as we go through the Bill when we say, "Disagree", is the reason that we are disagreeing.

Failing to win that point, I think that the other suggestion I made with respect to rural membership and with respect to blocking any one particular group dominating the council should be seriously considered by the Government.

Hon. Mr. Graham: Mr. Chairman, I would like to move that Bill Number 12 be amended in section 3(2). Do you want to read the amendment first?

Mr. Chairman: It has been moved by Mr. Graham that Bill Number 12 entitled Medical Professional Ordinance be amended by striking out subsection 3(2) and substituting the following therefor:

3(2). The Commissioner may appoint:

(a) three members of the Medical profession who are

(i) nominated by the Yukon Medical Association,

(ii) resident in the Yukon Territory, and,

(iii) registered pursuant to this Ordinance to serve as members and hold office during pleasure in the first instance for a term of one, two and three years respectively, and thereafter for a term of three years;

(b) in consultation with the Yukon Medical Association, one member of the medical profession who may be resident outside the Yukon Territory and who may or may not be registered pursuant to this Ordinance to serve as a member and hold office during pleasure in the first instance for a term of two years and thereafter for a term of three years; and

(c) two lay persons who are resident in the Yukon Territory to serve as members and hold office during pleasure for a term of three years.

Hon. Mr. Graham: Mr. Chairman, this amendment adds two words in each of (a), (b) and (c): "during pleasure". I think that those two words will alleviate some of the problems expressed by Members opposite.

It is our intention to ensure that the Medical Council be not dominated by any single medical organization in Yukon or any single group of doctors. I do not believe that the Yukon Medical Association would have taken that route, Mr. Chairman, I have great faith in these gentlemen and ladies.

I also think that the Honourable Member's concern about a tie vote, if he would have read the Ordinance further on, it says: "All votes of the Yukon Medical Council must be by a majority" and a majority does not mean three to three, a majority means four to two, to my way of thinking, so therefore, I do not think that that is a reasonable concern of having six members as opposed to five. I think the more input that is received by this Medical Council, the better off they are going to be.

The major disciplinary action that the Leader of the Opposition is speaking of is handled, again further on in this Ordinance by a Discipline Committee, an Inquiry Board set up by the Yukon Medical Council, and only one of those three members on that Inquiry Board is a member of the Yukon Council.

In the case of a recent inquiry that has been held in Yukon, the other two members came from outside the Territory and I am sure that is what is going to happen in the future. We have the ability, with this change, saying "during pleasure", that we can, in effect, ensure that this happens, albeit by an indirect route.

I think, Mr. Chairman, that the other worry about the power of the Yukon Medical Council, I do not think that is a reasonable concern because I think that the Yukon Medical Council will use their powers very judiciously and avoid the type of situation that I am sure the Honourable Member is worried about, where you are going to have the Members of one medical organization in Whitehorse, or in the Yukon, ganging up on another group. I cannot see that happening, and, again, I think this change, "during pleasure", will affect that because we do not intend to let it happen.

As for the concern of the outside doctors, I believe that there are presently 25 doctors resident in the Yukon of which four, or possibly five, live outside of the City of Whitehorse. I do not think it is reasonable for us to ask that we force the Yukon Medical Association to, in fact, appoint one of those four or five doctors outside the City of Whitehorse, to be appointed to this Board. I just do not think that is reasonable. We will allow them to make that decision.

I think that the amendments reflect our concern and I think they should be accepted.

Mr. Penikett: Mr. Chairman, I thank the Minister for his statement. I would like to ask him in that light, in connection with Boards of Inquiry, he just made reference to serious situations or serious inquiries that may affect someone's right or privilege to continue to practice medicine and suggested that, in that case, only one member would come from the Council and two others from the Outside.

I would like to ask the Minister if he would be prepared to give that assurance. The assurance I am looking for is in cases that would affect or decide the right of a physician to continue to practice in this Territory on a disciplinary matter, that a Board of Inquiry would, as a matter of course, have at least two members on the Board of Inquiry who were not partners or business rivals, who were in fact, his professional peers from outside the Territory.

Hon. Mr. Graham: Mr. Chairman, I am not certain. I think it is after Section 19 that we get into the board of inquiry. I know we do not have the authority to say right here, at this time, that that is the way it will be.

It seems to me in all cases in the past, that is the way it has been and I cannot see major problems or major inquiries happening on a day to day basis. I just do not see it.

Again, I have a great deal of faith in the people that we will appoint to the Medical Council and I feel that they will take that advice. We can give it as a guideline or whatever, but I do not think that we should be writing it into legislation.

Mr. Penikett: Mr. Chairman, the Minister has just said that he did not see writing it into legislation and, in fact, that was exactly the assurance that I was hoping to get.

I know that we are not debating that clause at that particular point, but the Minister raised it in this connection.

I would like to raise it now as a question of notice because I want to say to him, quite frankly, that issue is the one which will decide how I will finally vote on this legislation.

Mr. MacKay: I think I would like to clarify, or have some clarifi-

cation from the Minister, when he has finished discussing the matter with his colleague, that it is the wish of the Government, or the expressed hope of the Government, that any major medical inquiry that did take place, that did involve the continued practice and the livelihood of a doctor would contain two members from outside Yukon on such an inquiry.

I appreciate that you are not putting it in legislation, but if you are making a statement of policy, if this is what you would expect to happen, I think it should be clearly understood as that and I would really appreciate hearing it.

Hon. Mr. Graham: Mr. Chairman, I do not see, again, us putting it in legislation because I think then you are tying us into something.

I would hope that this Ordinance will stand for a number of years, therefore, possibly in five years or ten years from now, we will have 50 doctors in Yukon, spread all over and therefore we will be in a position to have an inquiry committee in Yukon.

But I am willing to say that that is definitely our policy, that we would like to see two members of any inquiry committee come in from outside of the Territory and that we will, in fact, put that into regulations.

Amendment agreed to

Clause 3(2) agreed to

On Clause 3(3)

Clause 3(3) agreed to

On Clause 3(4)

Clause 3(4) agreed to

On Clause 3(5)

Clause 3(5) agreed to

On Clause 3(6)

Mr. MacKay: I feel humbled.

Section (6) contains the words "conflict of interest". Can the Minister perhaps explain what kind of things were intended to be meant by "conflict of interest"?

Hon. Mr. Graham: Mr. Chairman, I think it is up to the Council to determine what is conflict of interest in any particular case, but I can see conflicts of interest such as if your partner is the subject of the inquiry or if, in fact, you assisted on the operation or something to that effect.

Mr. Penikett: Mr. Chairman, it begs the obvious question, if you have a conflict by virtue of your partner being subject of an inquiry, might you not also have the conflict if your business rival was the subject of an inquiry?

Hon. Mr. Graham: I leave that up to the council, which "...by unanimous decision, may determine".

Mr. MacKay: There is an interesting point here because that means the member himself has to agree that he has a conflict of interest and if that member disagrees, you cannot have a unanimous decision.

Was it intended to give that right of veto to any member?

Hon. Mr. Graham: Mr. Chairman, I think that it might be in order that we bring in an amendment to say "by majority decision", instead of "unanimous".

Clause 3(6) stood over

On Clause 3(7)

Mr. MacKay: I would like to point out to the Government the very great danger they are running in agreeing to any changes in this Bill, that they could be subject to disaster and discredit if they change too many more sections. I use the words, quoting from the letter sent by the President of the Yukon Medical Association some time ago, to the Government.

Hon. Mr. Graham: I think, Mr. Chairman, he is talking about the past president.

Mr. MacKay: Yes, pardon me, the past president of the Yukon Medical Association.

Clause 3(7) agreed to

On Clause 3(8)

Clause 3(8) agreed to

On Clause 4(1)

Clause 4(1) agreed to

Mr. MacKay: Mr. Chairman, the words "at pleasure" appear again. Is that at the pleasure of the Council or of the Commissioner?

Mr. Chairman: I have already cleared subsection (1).

On Clause 4(2)
 Clause 4(2) agreed to
 On Clause 4(3)
 Clause 4(3) agreed to
 On Clause 4(4)
 Clause 4(4) agreed to
 On Clause 4(5)
 Clause 4(5) agreed to
 On Clause 4(6)
 Clause 4(6) agreed to
 On Clause 4(7)
 Clause 4(7) agreed to
 On Clause 5(1)

Hon. Mr. Graham: Mr. Chairman, this section, in essence, what it says, there is a "no" vote. A majority of the Members must vote "yes" or "no".

Mr. MacKay: I think then it should be clearly understood that because of that, it effectively means that the three resident medical petitioners have really a right of veto. If they do not agree to anything, then nothing can happen. They must have one other person on their side of the issue to make it pass. It is probably not a bad section because of it.

Hon. Mr. Graham: They can veto it, but they also cannot force anything through without the approval of other members. I think that was the object.

Mr. Byblow: Would Clause 5(1), Mr. Chairman, apply if there were a vacancy on the Council?

Hon. Mr. Graham: Mr. Chairman, it clearly states that it shall be a resolution passed by a majority vote cast at a regularly convened meeting of the Council. If there were only five members there, yes, it would mean that three of the five would carry the vote.

Clause 5(1) agreed to
 On Clause 5(2)
 Clause 5(2) agreed to
 On Clause 5(3)
 Clause 5(3) agreed to
 On Clause 5(4)
 Clause 5(4) agreed to
 On Clause 6(1)
 Clause 6(1) agreed to
 On Clause 6(2)
 Clause 6(2) agreed to
 On Clause 7(1)

Mr. MacKay: I am just wondering about the implications of the Government paying members of the medical profession to sit on the Council. It brings up the whole question of the Council and of the self-governing aspect of the profession.

Perhaps the witness can clarify this. Is there any other professional body in the Yukon to whom the Government pays a fee for being a part of their governing group?

Hon. Mr. Graham: Mr. Chairman, as Mr. Spray is Registrar of Companies, maybe he could answer.

Mr. Spray: Mr. Chairman, not to the best of my knowledge.

Mr. MacKay: It would seem to me then that at least the members of the medical profession should be serving there as part of their duties towards the profession and self-government. If that is the idea that this profession is to be self-governing, I do not see any reason then why the Government should be paying any member who is a member of the medical profession to be a member of that board.

Hon. Mr. Graham: Mr. Chairman, I remember when we went through this section discussing it and I think our basic argument was that these people are giving up fees while they are attending meetings of the profession because if they are not there doing their work then they are not making any money. This is one of the things that we decided. The other was that when we are going to appoint someone from outside the Territory and he is going to need his expenses and probably a per diem fee fixed because of the fact that it will take some time to get up here and spend some time in the Yukon for these meetings.

Mr. Penikett: Yes, Mr. Chairman, that is good, but that is not the point. Surely if a member of the profession is losing fees for sitting on the body, perhaps he should be recompensed, but with any other

profession, as I understand it, he would be recompensed by the profession as a whole; that the paternal order that is the profession would say that for the sake of this person carrying out certain duties on our behalf for the protection and administration of our profession, we agree collectively to pay a certain amount in order for him to be able to do this.

Hon. Mr. Graham: In case of advisory boards, I can see that. But these are more than an advisory board, this Yukon Medical Council. They are, in fact, making the decisions in the majority of cases, and we do not have another board in the Territory at the present time, anyway, to the best of my knowledge, doing just that.

Mr. MacKay: I think this is a fairly important point of principle here because it seems to me that if the profession is going to be self regulating that they have an obligation unto themselves to perform duties, such as sitting on this kind of committee. Every other profession that I am aware of, the members of that profession volunteer, they do not get paid by their fellows. They serve their time as volunteers on such committees as this, and such institutes or boards or directors, or whatever.

That is part of their commitment to self government and to self discipline; therefore, the thought of somehow or other, the Government paying a professional to do his own self governing, there is a principle in there that I think is being crossed over.

I agree with the doctor coming from Outside because he is rendering a service to the Yukon and is not directly benefiting by virtue of being able to practise medicine in the Yukon.

The three doctors who are sitting on there, who are actually earning a living in the Yukon and have this duty and obligation to fulfil towards their profession, I would suggest, not towards the Yukon Territorial Government but towards their profession and towards the maintenance of self government. We are not talking about a lot of dollars, it is a question of principle though.

Dr. Hibberd: Mr. Chairman, I think that the Member opposite is misconstruing what this Board is actually doing. The YMA, Yukon Medical Association, as any other professional organization, does function and will continue to function as an advisory body to Government in many, many areas. But the role that is being fulfilled here is an entirely different one, Mr. Chairman. This is a Government body which is responsible for the licensing of practitioners to practise medicine in the Territory. They are an official licensing body which is quite different than an advisory body. They are acting on behalf of the Government to license people to practise, which is quite different than functioning as an advisor to Government.

Mr. Penikett: Well, perhaps we could just settle this, Mr. Chairman, by asking what kind of fees for attendance at meetings we are talking about. I know a lot of us attend committee meetings we do not get any fees for.

"...such necessary expenses", I hope we are not contemplating giving expenses to, say, physicians who live in Whitehorse to attend meetings in Whitehorse.

Hon. Mr. Graham: Mr. Chairman, I can see the fees being established the same as other boards in the Territory and the necessary expenses are for people who are outside of the Whitehorse area coming into town.

I am not sure. Mr. Spray, maybe you can give us an idea of what fees we are paying for this type of board?

Mr. Spray: Mr. Chairman, our fees vary depending on the type of function that the various boards perform. They vary from \$60 per diem, \$100 per diem; \$100 is the maximum per diem allowance.

Mr. MacKay: I guess we can debate it all night but I just want to make a final pitch for the thought of not including the local members of the profession in this clause.

Let me say again that I think that every professional body has an elected group who administers their own discipline under the terms of an ordinance or a bill. If you go out to the provinces, you have that situation.

In all cases that I am aware of, the individual members of that profession serve on there as volunteers and that it is only when you have a doctor coming from Outside, for example, that you would wind up having any payments in lieu of fees.

I think you should be compensating somebody for loss of fees for being there, because, in fact, it is by the very existence of this Council and his participation in it, he is going to make sure that the medical profession continues to function well and to enable him to continue to earn fees in the future. So, it is part of his contribution towards his own livelihood.

Mr. Penikett: Mr. Chairman, just let me make one other point in principle, which I do not expect to win at this point in this debate, but it is one I will certainly be bringing up in terms of the absolutely

infamous Pub Bill, which had first reading today.

One of the things that we are often reminded of in this House is that we do not have the power to increase government expenditures or to vote to increase budgets. So, we have very limited powers in this sense.

One of the things that concerns me about the development of boards and committees, that, in effect, there is, in one respect, a way in which they have a power that we do not have because they can expend money without ever coming to the House. They can expend money in the forms of their fees and whatever for attendance at meetings simply by having frequent meetings.

They can have meetings as often as they want. Presumably, if there were some particularly impoverished members of some boards in the Territory, they might decide to have very frequent meetings and, if the fee scale were high enough, they could meet quite often.

I am not suggesting that that is the usual practice, but I am suggesting that it is a power that is not even enjoyed by this House.

So, I just have that concern and I just want to leave it at that now, but it is something I am going to be raising again in connection with other boards.

Hon. Mr. Graham: Mr. Chairman, I think there is just one other point that you should realize before we go on. That is that not all of these members are in current practice in the Territory. Just because they are not practicing in the Territory does not mean that they cannot be a member of the Medical Council if they are still registered under the Ordinance.

So, therefore, we may be pulling a practitioner away from a steady job to ask him to come to these meetings. I think that we just should leave us that flexibility to pay members for attending meetings.

I know in one case for sure we are going to have to pay and that is the practitioner who comes from outside the Territory. I cannot see lay people sitting on that board without being paid. The day of volunteerism is gone.

Mr. Fleming: If they do not need the Ordinance, then we will not be paying that member from outside the Territory.

Clause 7(1) agreed to

On Clause 8(1)

Mr. MacKay: Yes, I am interested in the words "...shall from time to time recommend to the Commissioner..."

Could I have some clarification on that? That does not preclude the Commissioner from making his own regulations, in addition to any that may be recommended from the Council.

Hon. Mr. Graham: That is correct, Mr. Chairman. This just says that they shall make recommendations.

Clause 8(1) agreed to

On Clause 8(2)

Clause 8(2) agreed to

On Clause 9(1)

Mr. MacKay: I am interested that the Government is going to take responsibility for the maintenance of the register, which, presumably will be at some cost to the Government. Are the costs involved in administering this Ordinance, in this kind of area, going to be recoverable through licensing fees to the doctors? Under what way are you planning to recover these costs?

Hon. Mr. Graham: Mr. Chairman, maybe I will ask the witness to answer that question.

Mr. Spray: Mr. Chairman, I would suspect that the costs of maintaining the register would be recovered through fees, registration fees and annual licence fees.

It is very difficult to say, because it is dependent upon the fees from time to time that are being charged, and the number of doctors that are being registered. But, I would expect that they would be covered.

Clause 9(1) agreed to

On Clause 9(2)

Mr. MacKay: Is there any provision for the Registrar to be given notice of a Council meeting?

Hon. Mr. Graham: Not that I know of, Mr. Chairman. I think it would be just normal practice though for him to be sending out the notices. It would seem to me that that would be the way the normal Council meetings would go. They would be held at the call of the Chair, and the Registrar, in this case, Mr. Spray, would be sending out the notices to other members of the Council.

Mr. Penikett: So what is contemplated is that the Registrar, in

effect, acts as secretary to the Council?

Hon. Mr. Graham: That is correct, Mr. Chairman.

Mr. MacKay: Was there any reason for not stating that in the Ordinance, that the Registrar will be the secretary?

Hon. Mr. Graham: Well, Mr. Chairman, it says here that the Registrar keeps the register and "in addition to any powers or duties given or imposed by this Ordinance may perform such duties and have such powers are from time to time delegated to him by the Council". We would expect that they would certainly delegate to him the secretarial duties.

Mr. Penikett: Mr. Chairman, Mr. Graham has raised Clause 3 in connection with discussion of Clause 2. We may as well discuss it now because I am particularly concerned about those powers.

It is not unknown for Registrars to get carried away with themselves sometimes and to become the consummate bureaucrat and to start making rules and regulations. I am a little concerned that powers that we really have not contemplated in this House, giving to the Council, might then be transferred back to the Registrar. In fact, the Council can cop out, and I would hate to see the Registrar carrying, in his person, whoever holds the office, all the powers of the Council.

Let me give you a case in point. Last year in one of the provinces of this country, there was a Registrar who went crazy, or at least seemed to go crazy according to members of his profession. He somehow persuaded his parent body that he could make some new rules and regulations. I remind you that this Council has the power to make recommendations about regulations. If the Registrar gets the power from the Council, he could start making regulations and then get them in the books and God knows what will happen.

One of his new regulations was that every doctor, when applying for re-admission every year, had to supply his social insurance number. The members of the medical profession who happened to be self-respecting thought this was a load of nonsense and decided that this silly person had absolutely no right to ask for this information. They refused to give it. He then proceeded to strike them off the register. It was not until they went to court and threatened to sue this silly person, I was going to use a stronger word, Mr. Chairman, but I will restrain myself, that he cease and desist.

What had happened was that, through neglect of the parent body in this case in this province, the Registrar had gotten a little carried away with himself, and even though he was a physician, not a practising physician, but a trained physician, he had now become not a physician but simply another, let me say not a good public servant, but had become a bad bureaucrat. He was starting to make rules and regulations which were administrative regulations, if you like, and that he had slipped by the Council and Council had then slipped them by the Commissioner. It could have become a real monster under this kind of thing.

I would like to really hear from the Minister, beyond being secretary and keeping minutes, what is "may perform such duties and have such powers are from time to time delegated by the Council".

Hon. Mr. Graham: Mr. Chairman, I think that this Ordinance does limit the abilities of the Registrar. He may perform such duties and have such powers that are from time to time delegated to him by the Council, but I cannot see the Council abdicating their total responsibility and, by the same token, the Registrar is, in fact, a public servant serving at pleasure. Whereas I can appreciate the concerns of the Member opposite, I really do not think that this Ordinance will give the Registrar undue amount of authority or power.

Mr. Penikett: Well, this Minister does not think it and maybe this Registrar will not do it and maybe the first Council will not. But what you really could have here is quite simply a situation where this House is giving the Council a number of powers, some of which are causing us some concern in terms of discipline.

If you have a sloppy or lazy council, they could delegate all their powers, simply by a majority decision, to the Registrar, who may perform any such duties and have any such powers as are from time to time designated to him by the Council. The Council could designate all their powers to him under this by a simple majority and then you could have this monster bureaucrat running around slapping their wrists and making rules for doctors.

I know the people on the other side of this House are fanatical fans of big Government but I do not think this is the kind of thing that they really want to have in here without tidying it up a little bit.

Hon. Mr. Graham: First of all, Mr. Chairman, I think he owes an apology to this side of the House for his comment. But, in his other comments, there are enough checks and balances to the system. Any Registrar who comes up with regulations of his own, first of all must get them approved by the Medical Council. Even if they have

abdicated their responsibility, they still must approve those regulations before they come before the Cabinet. The Cabinet would have to approve them and then we have another check in that the Statutory Instruments Committee gets to review all regulations made by this Government. So I think that we have enough steps that this sort of situation should not develop.

Clause 9(2) agreed to

On Clause 9(3)

Clause 9(3) agreed to

On Clause 10(1)

Clause 10(1) agreed to

On Clause 10(2)

Mr. MacKay: Fondly known as the "grandfather clause", I would like to know just specifically what effect this clause will have upon existing practitioners? Are there any practitioners presently in Yukon who will not fall under this clause?

Hon. Mr. Graham: I believe, Mr. Chairman, that there is one, at the present time, who does not have his LMCC, but he is, in fact, a specialist, I believe and would be qualified under the specialist clause. Is that not correct, Mr. Spray?

Mr. Spray: Mr. Chairman, all of the medical practitioners who are registered would fall within the meaning of this clause. There are practitioners practising in the Territory on temporary permits, perhaps, and when their temporary permit runs out, they would not be grandfathered in on this basis.

But I believe that the Member, if he is concerned that any doctor now practising in the Yukon Territory would fall within this clause and will be grandfathered in.

Mr. MacKay: I just want to get that straight. Any doctor now practising in Yukon will fall under this clause and will be grandfathered in, except any doctor who has a temporary registration. Is that the correct wording, a temporary registration?

Mr. Spray: Yes, Mr. Chairman. This clause is referring to registered doctors, and any doctor registered would be automatically put on to the new register. Any doctor who is operating under a temporary permit or temporary licence would not, because they are licensed, other than being registered.

Mr. MacKay: How many doctors are there in Yukon now who are licensed, but not registered?

Mr. Spray: I am sorry, Mr. Chairman, as of today, at this moment I cannot give you that information without checking the register.

Mr. MacKay: Perhaps I could rephrase that. Is the witness aware of any doctors?

Mr. Spray: I believe there may very well be, Mr. Chairman.

Mr. MacKay: Perhaps we could ask to have it stood over until we just clarify to see that this clause does not, in fact, put somebody out of business or make it so difficult for him to get back into business that it is going to impose a hardship.

Hon. Mr. Graham: No, Mr. Chairman, quite the contrary. I think it will do just the exact opposite, because anyone registered will be, in fact, grandfathered in and I cannot see any areas in Yukon where we presently have a doctor who is resident in Yukon, working in Yukon, who would not be registered under the new Ordinance.

Mr. MacKay: If I have that assurance that all resident doctors are going to be grandfathered in on this clause, then I am quite satisfied.

Dr. Hibberd: Mr. Chairman, any doctor who is permanently registered in the Yukon Territory would be grandfathered in by this clause.

Mr. MacKay: Perhaps I could address the question to Dr. Hibberd, if that is allowed.

Are there any doctors presently registered in Yukon who would not be grandfathered in under this clause?

Dr. Hibberd: I am not sure of our temporary register at this time. I think it is pretty well extinct. As for our amendments from one year ago, there would be no further people who would be requiring temporary permits.

If there is no one on temporary permit, then, indeed, anyone working in the Territory would be fully licensed.

Mr. MacKay: I am not quite getting the answer I am looking for. Is there any doctor on a temporary permit? We do not know the answer to that question, I think that is what we concluded the last time.

What I am concerned about is somebody who is operating here, perhaps on a temporary permit, and that, based upon the conditions that subsist today, if we put through this Ordinance, we so

change radically the ground rules, perhaps, in the terms of qualifications, because I am not an expert in that field, that we eliminate a doctor who has set up practice and has got some investment in the place.

I am just concerned that that clause does not eliminate anybody.

Dr. Hibberd: Mr. Chairman, someone who is not registered in the Territory would not become registered by this new Ordinance. In other words, if they are only holding a permit, they will not be grandfathered in.

It only applies to those who are permanently registered now who would be grandfathered in for permanent registration.

Mr. MacKay: I do not think that we are going to finish this Ordinance tonight, but perhaps the witness could have the answer by tomorrow, if there are any practitioners in Yukon today who are not registered under the existing Ordinance and who would, therefore, not be grandfathered in, even though they are in practice right now.

So, that is the essence of my questioning.

Hon. Mr. Graham: Well, Mr. Chairman, anybody who is currently practising has got to be registered under either a temporary register or a full register, or something like that. If he is on a temporary registration, then he has the ability to be registered on a temporary registration under this Ordinance, too.

That has not changed. We are still allowing people to come in under a temporary register. Yes, we will get the information requested.

Mr. MacKay: I will be happy to let the clause go on, on the basis that nobody is going to be hurt by it. That is essentially what I am looking for.

Hon. Mr. Graham: Mr. Chairman, I am perfectly willing to give that assurance, that no one who is presently operating in Yukon will be put out of work because of this Ordinance.

Clause 10(2) agreed to

On Clause 10(3)

Hon. Mr. Graham: Mr. Chairman, there is an amendment to Clause 10(3).

Mr. Chairman: I have an amendment before me. It has been moved by Mr. Graham that Bill Number 12 entitled Medical Profession Ordinance be amended by deleting the word "may" in subsection 10(3) in the first line thereof and substituting the word "shall" therefor.

Amendment agreed to

Mr. MacKay: In (b), will this area be covered by regulation, is that the intention? Can Council change the qualifications at their own will or will the qualifications become imbedded in regulations and then if there is a change it will have to go through the process of regulations?

Hon. Mr. Graham: Mr. Chairman, the qualifications of any doctor to apply for registration in this Territory are in this Ordinance. We will not be depending upon regulations to qualify doctors to be registered.

Mr. MacKay: This section is a little vague then.

Hon. Mr. Graham: Mr. Chairman, he is concerned that the Council may approve a university or medical college and that is true. The Council may approve certain colleges or medical schools around Canada, and if a person produces a diploma of qualification issued to him by that university then they would automatically ask the Commissioner to register that person.

Mr. MacKay: I think perhaps that it is in order to get a little clarification either from the witness or from Dr. Hibberd. The basic qualification is going to be an LMCC. Every doctor must have that and my ignorance on this subject is fairly profound. That is the basic medical degree, and a doctor could in fact have that single degree with perhaps a BA somewhere behind him.

Dr. Hibberd: Mr. Chairman, there are several criteria which someone has to have before they are registered in the Territory. One, they have to have graduated from a recognized medical school. And, two, they have to have passed the LMCC examinations. And, three, they must have completed a satisfactory internship. Those are the three criteria that Council will be looking at.

Mr. Fleming: I realize that, but the fact that the Council in this case "may", they shall not necessarily register anybody just because of his qualifications. I wonder about that area when the qualifications are good enough, the Council still only may do it. I cannot quite see them having quite that much power to say no to somebody who is qualified.

Mr. Chairman: Mr. Fleming, I might point out that we have just amended the word "may" to the word "shall". Does that answer

your question?

Mr. Fleming: Thank you, Mr. Chairman, I appreciate it.

Hon. Mr. Graham: Mr. Chairman, I can attempt one more time to explain Section (b).

This section, if we had the facilities here, we could technically accept a graduate of a recognized medical school or university here in the Yukon, to do his internship, therefore qualifying him for an LMCC. At the present time, I believe, we are not equipped to allow people to do their internship in the Yukon. But that section would, in fact, give us the flexibility, once he graduated from a medical school, to do his internship in Yukon.

Is that not correct, Mr. Spray?

Mr. Spray: Mr. Chairman, yes, that is, and, if I may add a little bit more clarification, we, in the Yukon, as do some of the provinces, use a list of medical schools put out by the World Health Organization. That list changes from time to time. That is why there is not a specific list put into the Ordinance.

It is, on the recommendation of the Council, the decision of the Commissioner as to the acceptance of what medical schools and the Council could not necessarily block a registration by saying a medical school is not acceptable. The final decision is up to the Government and they do go by the book put out by the World Health Organization.

Mr. MacKay: My original question was: would that appear anywhere in the regulations, that the list of approved schools will be that put out by the World Health Organization. The reason I ask is that I think that any doctor who wishes to move to the Territory should have some indication somewhere of what the criteria are apart from the Ordinance here as to which schools are approved and which are not. It seems reasonable to me that if there is such a list that is being updated continually that it would be included in regulations and that would be the basic list of schools.

Hon. Mr. Graham: Mr. Chairman, it is still the Council who must make the decision and recommend to the Commissioner perhaps there is a good medical school that comes into being or is not recognized on that list and the Council wishes to recognize that medical school, they can make that recommendation to the Commissioner, but yes, as a basis for a list, that is perfectly acceptable.

Mr. Byblow: Just a point of information, is it not a requirement to write the LMCC to have graduated from one of these recognized medical schools.

Hon. Mr. Graham: Mr. Chairman, I did not quite catch the whole question but the process is, as my colleague here has indicated, that you must first of all graduate from a registered school, you must write your LMCC exams which are separate from the college exams and then you must serve your one year internship. That is what is required. The Licentiate of the Medical Council of Canada is a separate set of exams from the university of medical school exams.

Clause 10(3)(d) has an amendment, Mr. Chairman.

Mr. Chairman: I have an amendment from Mr. Graham that Bill Number 12 entitled Medical Profession Ordinance be amended by deleting the paragraph 10(3)(d) and substituting the following therefor: 10(3)(d) has successfully completed a minimum of twelve months of internship consisting of training in medicine, surgery, obstetrics, gynaecology, and paediatrics in a hospital recognized by and acceptable to the Commissioner acting on the recommendation of the Council.

Mr. MacKay: I am curious as to the elimination of all the previous subsection. Was this going to be unduly restrictive? Is that why the Government is changing it?

Hon. Mr. Graham: I think, Mr. Chairman, that the first thing is the only medical schools formerly recognized were those in Canada, United States and other Commonwealth countries. We have decided to do away with those particular recognitions. I will ask Dr. Hibberd to maybe explain it a little more.

Dr. Hibberd: Mr. Chairman, the idea is that everyone is required to serve an internship of at least one year. We have control over those that are in Canada. The regulations are controlled by the licensing bodies in Canada. Outside of Canada, of course, they are not. What you want to do is to guarantee is that the person has at least that year of internship and if you are concerned that the internship that he has undergone might not be satisfactory, then the Medical Council is empowered to force him to take another year of internship, in other words, ensuring that he has one year of qualified internship.

Mr. MacKay: Is there a list similar to the one referred to on schools, is there a list anywhere from the World Health Organization of what hospitals are acceptable, or is this going to be a case by case situation?

Dr. Hibberd: Mr. Chairman, it can be a difficult thing. Generally speaking the hospitals involved are easily recognized and there is no problem.

If in the instance that we do get into trouble, that is when we would like to rely on the expertise of another governing jurisdiction such as BC.

Mr. Penikett: Mr. Chairman, I was sort of floored by the remarks by the Minister just now who suggested that someone who comes and applies to be registered who may be some young person just out of internship, about to set up a practice, deeply in debt to one of our chartered banks for the purposes of financing his education, has just finished his internship or whatever the qualifications, and that the Council, after the person has arrived here and applied for registration, may require them to do another year of internship? That sounds rather incredible.

Hon. Mr. Graham: Mr. Chairman, the normal course of events is that you apply for registration before you come here. Anybody in his right mind would not come here and then ask if he could practice. That just does not make sense. It is sort of like you asking to come here and be a representative without being elected. How do you like that?

Dr. Hibberd: Mr. Chairman, I think it is very interesting that we find that the Member of the Opposition is concerned about the livelihood of a doctor, whereas we, on this side, are concerned that there is a certain standard involved in the practice of medicine in the Territory.

Mr. Penikett: Mr. Chairman, I knew that the good doctor was going to get around to making that crack sooner or later. It is a pity that so many things that the Conservative Government has done are done in the name of benefiting the majority of people even though this is almost never the case. We have been raising concerns about this Ordinance based on the potential infamies of medical cartels in the local community, and that is what we have been attempting to protect the public against.

I would say, Mr. Chairman, that all of our remarks are prejudiced on a deep found love for the ordinary non-professional citizen of the community who is going to be visited upon by these physicians. Our remarks, if we tend to be a little more concerned than the Members opposite about civil liberties, I think that is because of traditional political inclination of us in that direction.

However, Mr. Chairman, I am sure that the good doctor would not want to be straying too far from the particular clause in question at this particular point. If he wants to have a lively third reading debate, when and if we get that far, I am sure that we would be pleased to engage him.

Dr. Hibberd: Mr. Chairman, I can readily appreciate the Member's concern for the civil liberties of each and every citizen of the Yukon, but I must admit my concern comes first for his health. It is a question of whether he is alive or dead, not whether he has civil liberties or not. I think that is the primary consideration.

Mr. MacKay: Perhaps the doctor could tell us who he is addressing us as: Doctor Hibberd, or as Mr. Hibberd, MLA for South Centre?

Mr. Penikett: Yes, Mr. Chairman, perhaps I could just cover a brief response to the doctor's remarks by relating a story about a new Tory doctor who recently came to Whitehorse and was seeing his first patient. The doctor asked the patient, "Before you came to me, who was treating you?"

The patient said, "The guy down at the drugstore."

The Tory doctor, unable to conceal his annoyance at this unqualified person dispensing medical advice, blurted out, "And just what kind of stupid advice did this drugstore guy give you?"

The patient said, "He told me to come and see you, sir."

Amendment agreed to

Mr. MacKay: I would like any one of the three people who are carrying this Bill through the House to define for me what "good character" means in (e), because that is what is contemplated, under Section 14, and I would perhaps like to ask the witness, does that have a legal foundation somewhere on what "good character" means, or is there some other precedence elsewhere for this particular reference?

Hon. Mr. Graham: Mr. Chairman, it states here "if he is of good character and in good standing with the medical profession of any jurisdiction where he has previously practised". I can see it just as a checking out with the previous jurisdiction.

Dr. Hibberd: Mr. Chairman, I think really what the concern here is that the words "good character" are used so that it is, indeed, considered in granting a licence. If the phrase were not in here, we would not be paying attention to that one facet of the registration. That is why it is in here at all.

Mr. Penikett: Mr. Chairman, with respect, that is a load of poppycock. I think someone could be an excellent physician, a devoted practitioner of the medical arts, but, by any standard of certain respectable members of the community, could have a thoroughly bad character.

I mean, far be it for me to suggest it, but there may be people in this room who confess that there is evidence of it somewhere in this country, I do not know.

What this means is that someone who might have been a very innovative, imaginative, creative, dedicated, hard-working medical practitioner, such as one Norman Bethune, a very famous Canadian physician, probably better known than almost any other occidental in the world, would not have been allowed to practise in Yukon, because I am sure he would not have been considered of good character by virtue of certain eccentric opinions he had about the economic and social structure of our country.

Dr. Hibberd: The Government would be willing to consider taking this out so that the medical profession would not have to be of good character.

Mr. MacKay: I can appreciate why the existing doctors require a grandfather clause.

Mr. Penikett: Mr. Chairman, the second in command to the Minister, the Government Member just speaking offered to take this out. I would be quite willing to accept that offer, or honour his offer.

Hon. Mr. Graham: Mr. Chairman, I think we will wait until we get to that section, but, no, I do not think we are going to take it out.

Mr. Chairman: I have an amendment to subsection (f). I will read the amendment.

It is moved by Mr. Graham, that Bill Number 12, entitled Medical Profession Ordinance, be amended by deleting paragraph 10, subsection 3(f), and substituting the following therefor:

10(3)(f) is examined by the council and satisfies the members as to his general fitness and capacity to engage in the practice of medicine; and

Mr. MacKay: We just heard the Minister express his opinions quite forcibly that nobody in his right mind would ever apply for the job, or apply for registration before coming here. Presumably this change is to allow this now to occur.

Hon. Mr. Graham: That is right, Mr. Chairman.

Amendment agreed to

Mr. MacKay: It does not say anywhere in here, but is there any appeal? Presumably, any doctor who is not satisfied that he has been properly treated by the Council can then take the whole thing to court. There is still that option?

Hon. Mr. Graham: That is correct, Mr. Chairman. I think any law is subject to that.

Clause 10(3) agreed to

On Clause 10(4)

Clause 10(4) agreed to

Mr. Chairman: It has been moved by the Honourable Mr. Graham, that Bill Number 12 entitled Medical Profession Ordinance be Amended by adding to Section 10 the following new subsection:

"10.(5) In the case of a graduate in Medicine from a medical school of a country other than Canada, the Council may require as a qualification, in addition to those set out in Subsection (3) of this Section, that the applicant successfully complete not more than one year of post graduate training comprised of such period of training in medicine, surgery, obstetrics, gynaecology or paediatrics as the Council may direct."

Mr. Penikett: I just want to find out what it means, Mr. Chairman. Does this mean that if the head of the Mayo Clinic decides that he likes moose hunting a whole bunch and would therefore like to reside in the Yukon and wants to come here and practise, that the Council may require him to go back to medical school for one year, say he is a surgeon, to do work in these other fields, obstetrics, gynaecology and paediatrics. Is that what it means?

Hon. Mr. Graham: Mr. Chairman, this is simply to ensure that graduates of medical schools from outside of Canada have a rotating internship. If he is a surgeon, and that is his speciality, then he does not need the rotating internship. It is just to ensure that doctors from outside of Canada do have the rotating internship to qualify as a general practitioner.

Mr. Penikett: Mr. Chairman, I do not know much about how they practice medicine or train for medicine in other parts of the world. In fact, I do not know very much about how they do it here. Is it possible that in some other countries they might cover the same

ground but not divide up the specialties the same way in their training. Perhaps, Mr. Chairman, through you I direct the question to Dr. Hibberd that obstetrics, gynaecology, surgery and paediatrics, they might have different disciplinary divisions in them in other countries that may confuse the issue.

Dr. Hibberd: These are standard divisions of medicine, Mr. Chairman. There might be some confusion as to how it is delineated but they would, in essence, come down to these four major subdivisions.

Mr. MacKay: In view of the change to (3), which I thought was saying virtually the same thing now that (5) is saying, I thought that (3) gave the Council the right to reject or to accept the training that that applicant has. I am wondering why it is necessary to have a (5) as well as (3), because I thought that (3) did the same thing.

Mr. Spray: Mr. Chairman, the clause, as it stood before, gave two different criteria for Commonwealth countries and other countries. Canada is the only country over which we really have any direct knowledge of their training. We have amended it to just talk of Canada. But Clause 10(3)(d) talks in terms of twelve months of internship consisting of training in the four major disciplines. There is no specified time limit, whether it be eleven months in medicine and one week in each of the other three disciplines.

In the case of doctor who graduated in another country, having done his internship in another country, and the Council examines his documentation, they may feel that he should actually have had further internship or a more detailed internship in one or more of the disciplines.

That is, 10(5) is therefore not to keep the doctor out, but to tell him exactly what further studies he must take in order to qualify for Yukon.

Amendment agreed to

On Clause 3(6)

Hon. Mr. Graham: Mr. Chairman, now that we have got to the end of a section, possibly I could bring to attention the amendment to Clause 3(6)(b) that is being passed out to all Members. May we could go back to that?

Mr. Chairman: I now direct you back to page 5.

I have an amendment by Mr. Graham, that Bill Number 12, Medical Profession Ordinance, be amended in Clause 3(6)(b), at page 5, by deleting the word "unanimous" and substituting the word "majority".

Clause 3(6) agreed to

On Clause 11(1)

Mr. MacKay: We had a discussion earlier about the possibility of some doctors practising under a temporary registration. There are really only two ways in which he can be temporary, one being that he is a member of the Forces and the other that he is presently studying elsewhere, presumably on a part-time basis.

Are those the only two conditions under which he can have a temporary licence?

Mr. Spray: Yes, Mr. Chairman, Clause 11(2)(a) and (b) are the criteria for a temporary registration.

Mr. MacKay: I am just wondering about the doctor who comes to town with all the necessary requirements, except for, perhaps, two months or three months' internship in obstetrics, say. Is there any latitude anywhere which would permit that doctor to obtain a temporary licence to practise until a course came up, or a place was found where he could actually pick up the missing requirements?

Doctors are hard to come by in rural areas and if you lose one for the sake of a small thing, you may have difficulty filling the post. So, is there any flexibility built into the Ordinance to allow for the issuance of a temporary thing, on the basis that the doctor will then go, within a period of a year or two, to pick up this deficiency?

Mr. Spray: No, Mr. Chairman, there is not?

Dr. Hibberd: This has been a source of considerable difficulty in the past with temporary registration. A person who has some qualification that he has not entirely fulfilled is granted a temporary registration. He gets settled in, he practises in the Territory and he has got everything running. He has spent a lot of money on office stuff and what not, and then he never does fulfil that last qualification.

Then you are in a real dilemma, because you are going to revoke his ability to practise medicine because he has failed to do so and, because of this kind of difficulty that results, it is thought better for him to have all of his qualifications before he is allowed to practise medicine in the Territory.

This is in keeping with what has happened in the provinces in the

Mr. MacKay: So clearly, there is a bit of a change of direction there, from the existing situation here, that we are all aware of. That, in fact, this is a change of direction from what exists in practice here in Yukon now, that there is a tightening and that it will be, in future, that every doctor, before he can practise in Yukon, must have fulfilled all of the registration requirements.

It is presumably to be quite clear that that is what is being done.

Dr. Hibberd: No, Mr. Chairman, that was done by a previous Council. It is not this Ordinance that is doing it, it was the amendment to the previous Ordinance that did it. There is no temporary register at the present time.

Mr. Spray: Mr. Chairman, these registers are new. There is only one register, as Dr. Hibberd has stated.

Temporary registration means an application of a person who is applying to be licensed to practise in the Territory for a very specific period of time in order to do a locum to replace an existing doctor, perhaps.

But, the Ordinance was amended and there is no provision now in the existing legislation for a doctor to receive a temporary permit pending completion of certain requirements for permanent registration. That was the case at one point and it has been removed.

Now, for a temporary or interim permit or licence, you must have all of the qualifications that are required for full registration.

Mr. Fleming: Mr. Chairman, the witness may go just a little further, that doctor would be allowed, though, under this Ordinance now, to have that temporary registration, would he not?

Dr. Hibberd: Mr. Chairman, he must fulfill all of the qualifications of licensure before he is allowed to practise. So, he must have full registration.

It has been brought to my attention, Mr. Chairman, that we did not mention that the temporary register is also to fulfil the need for locums who come up here for a doctor going on holidays, or something of that nature and they come on a temporary basis. They are here and gone.

So, they might be granted a licence to practise for several months and not have to pay the whole fee for the full year. He still has to have all of the qualifications before he can be on that register.

Mr. MacKay: So there is no such thing as a temporary register right now, so there are, in fact, no temporary doctors right now in the Territory. Is that correct?

We are going back over some old ground, but I think maybe we have answered the question.

Hon. Mr. Graham: Yes, Mr. Chairman, as I understand it, that is correct.

Mr. Spray: Mr. Chairman, the existing legislation does not speak in terms of full register, temporary register, limited register; it simply talks in terms of a register of doctors.

When we issue a temporary permit to the doctor, that doctor is entered into the main register for that limited period of time. The term means something different in this legislation than what we refer to it commonly now.

Mr. MacKay: So the question I asked earlier still stands now. I hope to hear from you tomorrow.

Mr. Byblow: If I understand the existing legislation correctly, there was a problem with creating the interim licence, or the temporary licence for, say, a locum twice in the same year, simply because of a timeframe restriction in the existing legislation. Is that correct?

Mr. Spray: Mr. Chairman, a medical practitioner may now, under the present legislation only, obtain one temporary permit to operate in the Yukon Territory. Once he has used that temporary permit, he must then revert and go to full registration.

Clause 11(1) agreed to

On Clause 11(2)

Clause 11(2) agreed to

On Clause 11(3)

Clause 11(3) agreed to

On Clause 11(4)

Clause 11(4) agreed to

On Clause 11(5)

Clause 11(5) agreed to

On Clause 11(6)

Mr. Byblow: Mr. Chairman, just for clarification before we clear

this entire section, under provisions of this section will the problems be eliminated as per the issuance of only one temporary permit in a year?

Dr. Hibberd: Yes.

Clause 11(6) agreed to

Hon. Mr. Graham: Mr. Chairman, I see that it is getting kind of late, but I would like to carry on as far as possible, if it is acceptable to all Members, before 5:30.

Some Members: Agreed.

On Clause 12(1)

Clause 12(1) agreed to

On Clause 12(2)

Mr. Chairman: I have an amendment here on subsection (2) from Mr. Graham.

It has been moved by Mr. Graham, that Bill Number 12 entitled Medical Profession Ordinance be amended by deleting the subsection 12(2) and substituting the following therefor:

12(2) The Council may cause the Registrar to enter upon the limited Register the name, address, qualifications, terms and conditions of limited registration and such other particulars as may be prescribed of any person who, upon application to the Council for such entry upon the limited Register and following payment of the prescribed fee or fees fixed in respect of such registration, is in possession of a fellowship or certificate granted by the Royal College of Physicians and Surgeons of Canada and is in good standing with such college.

Mr. MacKay: Just to improve my education, we have dropped off Licentiate. Is it possible then for a doctor to have all the other qualifications and not have an LMCC, is that correct?

Hon. Mr. Graham: A specialist, Mr. Chairman, that is what we are talking about in this section. People who have specialties in surgery or paediatrics do not have to have an LMCC in order to practise in their specialty.

Amendment agreed to

Clause 12(2) agreed to

On Clause 12(3)

Clause 12(3) agreed to

On Clause 12(4)

Hon. Mr. Graham: Mr. Chairman, did we pass subsection (2) as amended?

Mr. Chairman: Yes.

Hon. Mr. Graham: All right.

Clause 12(4) agreed to

On Clause 12(5)

Clause 12(5) agreed to

On Clause 12(6)

Mr. MacKay: We amended previously a section that was similarly worded to this eliminating the word "may" and replacing it with the word "shall", essentially saying that if an applicant meets all the requirements of this section then he shall be registered. There was no element of doubt left. I am wondering if, under 12(2), the word "may" should not be replaced by the word "shall" on the same basis.

Hon. Mr. Graham: Yes, Mr. Chairman, I think it should and I will bring in an amendment to that effect.

Mr. Chairman: That being the case I cannot clear Clause 12 at this time.

Clause 12 stood over

On Clause 13(1)

Clause 13(1) agreed to

On Clause 13(2)

Clause 13(2) agreed to

Hon. Mr. Graham: Mr. Chairman, I move that you do now report progress on Bill Number 13.

Mr. Chairman: It has been moved by Mr. Graham that I do now report progress on Bill Number 13.

Motion agreed to

Hon. Mr. Graham: Mr. Chairman, I move that you do now report progress on Bill Number 12 and beg leave to sit again.

Mr. Chairman: It has been moved by Mr. Graham that I do report progress on Bill Number 12 and beg leave to sit again.

Motion agreed to

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

Mr. Chairman: It has been moved by Mr. Graham that Mr. Speaker do now resume the Chair.

Motion agreed to

Mr. Chairman: Mr. Spray, at this time I thank you for being with us this afternoon. You may be excused.

Mr. Speaker resumes the Chair

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

May we have a report from Chairman of Committees.

Mr. Lattin: Mr. Speaker, the Committee of the Whole has considered Bill Number 13, Boiler and Pressure Vessels Ordinance and Bill Number 12, a Medical Profession Ordinance and directed me to report progress on the same.

Further, the Committee considered Bill Number 32, a Matrimonial Property Ordinance and has directed me to report the same without amendment and beg leave to sit again.

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

Some Members: Agreed.

Mr. Speaker: Leave is so granted.

May I have your further pleasure?

Hon. Mr. Graham: Mr. Speaker, I move, seconded by the Honourable Member from Hootalinqua, that we do now call it 5:30.

Mr. Speaker: It has been moved by the Honourable Minister of Education, seconded by the Honourable Member from Hootalinqua, that we do now call it 5:30.

Motion agreed to

Mr. Speaker: This House now stands adjourned until 1:30 p.m. tomorrow.

The House adjourned at 5:26 o'clock p.m.

The following Sessional Papers were tabled November 13, 1979:

79-2-44

Second Annual Report, The Yukon Liquor Corporation, for the Fiscal Year Ending March 31, 1979

79-2-45

Sixth Annual Report, Yukon Workers' Compensation Board, For The Year Ended December 31, 1978

79-2-46

The Annual Report, Department of Education, 1978-1979

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The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that every entry, no matter how small, should be recorded to ensure the integrity of the financial data. This includes not only sales and purchases but also expenses and income.

The second part of the document provides a detailed breakdown of the accounting process. It starts with the identification of the accounting cycle, which consists of eight steps: identifying the accounting cycle, analyzing and journalizing the transactions, posting to the ledger, preparing a trial balance, adjusting entries, preparing financial statements, and closing the books.

The third part of the document focuses on the preparation of financial statements. It explains how to use the trial balance to identify any errors and how to adjust the accounts to reflect the true financial position of the company. The financial statements prepared include the balance sheet, income statement, and statement of owner's equity.

The fourth part of the document discusses the importance of internal controls. It outlines various methods to prevent and detect errors, such as the separation of duties, the use of checks, and the implementation of a system of approvals.

The fifth part of the document provides a summary of the key concepts covered in the document. It reiterates the importance of accuracy, the systematic nature of the accounting process, and the role of internal controls in ensuring the reliability of the financial information.

In conclusion, the document highlights that accounting is a vital function for any business. It provides a clear and concise overview of the accounting process, from the initial recording of transactions to the final preparation of financial statements. By following the principles and procedures outlined in this document, businesses can ensure that their financial records are accurate and reliable.

The document also emphasizes the importance of internal controls in maintaining the integrity of the accounting system. By implementing effective internal controls, businesses can minimize the risk of errors and fraud, thereby protecting their financial assets.

Finally, the document stresses the need for continuous learning and improvement in the field of accounting. As the business environment evolves, accountants must stay up-to-date on the latest developments and techniques to ensure that they are providing the most accurate and relevant financial information to their stakeholders.