



# The Yukon Legislative Assembly

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Number 17

2nd Session

25th Legislature

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## **HANSARD**

Tuesday, November 30, 1982 — 1:30 p.m.

Speaker: The Honourable Donald Taylor

# Yukon Legislative Assembly

SPEAKER — Honourable Donald Taylor, MLA, Watson Lake

DEPUTY SPEAKER — Andy Philipsen, MLA, Whitehorse Porter Creek West

## CABINET MINISTERS

| NAME               | CONSTITUENCY                 | PORTFOLIO   |
|--------------------|------------------------------|---|
| Hon. Chris Pearson | Whitehorse Riverdale North   | Government Leader — responsible for Executive Council Office, Finance, Public Service Commission, and Economic Development and Intergovernmental Relations. |
| Hon. Dan Lang      | Whitehorse Porter Creek East | Minister responsible for Municipal and Community Affairs, Highways, Yukon Housing Corporation, and Yukon Liquor Corporation.                                |
| Hon. Howard Tracey | Tatchun                      | Minister responsible for Health and Human Resources, Renewable Resources, Government Services.  |
| Hon. Clarke Ashley | Klondike                     | Minister responsible for Justice, Consumer and Corporate Affairs, and Workers' Compensation.  |
| Hon. Bea Firth     | Whitehorse Riverdale South   | Minister responsible for Education, Tourism, and Heritage and Cultural Resources.   |

## GOVERNMENT MEMBERS

### (Progressive Conservative)

|                 |                              |
|-----------------|------------------------------|
| Bill Brewster   | Kluane                       |
| Al Falle        | Hootalinqua                  |
| Kathie Nukon    | Old Crow                     |
| Andy Phillipsen | Whitehorse Porter Creek West |

## OPPOSITION MEMBERS

### (New Democratic Party)

|                |  |
|----------------|--|
| Tony Penikett  | Whitehorse West<br>Leader of the Official Opposition |
| Maurice Byblow | Faro   |
| Margaret Joe   | Whitehorse North Centre                              |
| Roger Kimmerly | Whitehorse South Centre                              |
| Piers McDonald | Mayo   |
| Dave Porter    | Campbell   |

### (Independent)

|            |             |
|------------|-------------|
| Don Taylor | Watson Lake |
|------------|-------------|

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

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

**Whitehorse, Yukon**  
Tuesday, November 30, 1982

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

*Prayers*

#### DAILY ROUTINE

**Mr. Speaker:** Are there any returns or documents for tabling?  
Are there any reports of committees?  
Petitions?  
Reading or receiving of petitions?  
Introduction of bills?

#### INTRODUCTION OF BILLS

**Hon. Mr. Lang:** I move, seconded by the member for Klwane, that Bill No. 16, *An Act to Amend the Municipal Finance Act*, be now introduced and read a first time.

**Mr. Speaker:** It has been moved by the hon. Minister of Municipal and Community Affairs, seconded by the hon. member for Klwane, that a bill entitled *An Act to Amend the Municipal Finance Act*, be now introduced and read a first time.

*Motion agreed to*

**Mr. Speaker:** Are there any further bills for introduction?  
Notices of motion for the production of papers?  
Notices of motion?  
Are there any statements by ministers?

#### MINISTERIAL STATEMENTS

**Hon. Mrs. Firth:** I am pleased to announce that this government is now in a position to implement phase two of our Employment Development Program, which is the job retention program for small businesses which are operating within the geographical boundaries of Yukon and are licensed to do so by this government or a municipal government.

<sup>02</sup> The objective of job retention program is to assist small businesses in preventing lay-offs of their permanent employees and to encourage them to maintain a stable work-force. In order to accomplish this objective the government will provide wage subsidies for those employees who meet the program criteria. We have set aside \$125,000 for this program, which will operate from December 1st, 1982 to March 31st, 1983. The program is designed to cover those employees and employers who cannot implement or qualify under the Canadian Employment and Immigration Commission work-sharing program. The onus will be on the employer to demonstrate that the work-sharing program cannot be applied to the employee's situation. The program will provide a wage subsidy of 40 percent of regular earnings to a maximum subsidy of \$3.20 an hour for up to three employees. The subsidy will be payable on behalf of employees resident in Yukon and priority will be given to those employees who have resided in Yukon on a continuous basis since December 31st, 1981. The program does not apply to employees hired after October 1st, 1982. The type of work being undertaken by the employees will be taken into consideration. The wage subsidy will apply up to 40 hours a week. Application will be reviewed on a first-come, first-serve basis, however provisions will be made to ensure that small businesses in all Yukon communities are given fair access to this program.

<sup>03</sup> A review committee which would include representation from the business community will be established, and will meet on a regular basis to consider applications and process them as expeditiously as possible.

This program is geared to assist up to 20 businesses in retaining 61. The program indicates this government's concern not only for individuals who are having difficulties during the current economic condition, but also for small businesses that are having problems retaining their permanent work-force. The program also indicates

that this government is also interested in promoting job retention as well as job creation.

**Mr. Byblow:** I had almost expected the minister to say that this government is interested in people too. I would say, firstly, that I am pleased to hear of this government's efforts in the area of assistance for small business, albeit very minimal and very limited. I think we have well over one thousand businesses in Yukon, and probably 80 to 90 percent of them are hurting very badly at this time. To offer aid to 20 individual business, while not to be criticized for intent, is really not the answer to government support of small businesses, when many businesses have already done the necessary bone-cutting for the winter.

I have, in the past, made our position on the subject of support for small business very clear. I think small business would like much sooner to have something much more comprehensive in the form of assistance, something in the order of low interest, or, in the case of the present hard times, a no-interest type of loan structure.

<sup>04</sup> In addition, they would like to see grants provided in areas of economic initiative and development. Probably equally as important, they would like to see from government supportive legislation for their survival in the economic framework in the territory; certainly, an emphasis in principle to be observed where financial decision-making rests with the business and not with government.

I think this program may lend itself very easily to discretionary and selective assistance in an exclusive area; that of wages. While that, in itself, is not necessarily harmful — and certainly it is very good when you are dealing with seasonally available students who are breaking into the work-force — I do not believe it is the best utilization of funding for a business that is struggling through economic hard times, especially when it is limited to a handful.

I will have a number of questions about details of the program, in such areas as the guarantees the minister is talking about, to all communities having equal access to the program. I certainly will want to question the types of work that will be excluded from the program, as indicated and, certainly, I will have some questions on the review committee process. I will want to know how the minister is circulating the information to businesses in the territory.

<sup>05</sup> In closing, the amount being put forth by the government in this program is barely over half the amount of the student aid program this summer and, certainly, I would have preferred so see something much more comprehensive; something more like a small business loans program, available to all businesses and certainly, as such, to be available in a more equitable and universal fashion.

**Hon. Mrs. Firth:** I do not think that this government will ever be able to satisfy all the wishes of the members opposite when it comes to money. Comprehensive planned grants: constantly we hear this coming from the other side, however, we never hear any constructive ideas. I never have them come to visit me to say I have some ideas; we could give you some assistance. This government has identified this as a necessity. We are identifying the necessity of encouraging small business. This is just a projected number; this does not mean to say that there will be only 20 businesses that will get assistance. We have identified that we need a job retention program to assist small business in preventing lay-offs. I think that this program is going to be received very favourably by the small business people.

**Mr. Speaker:** Are there any further statements by ministers?  
This then brings us to the question period.

#### QUESTION PERIOD

##### Question re: Land claims

**Mr. Penikett:** Yesterday the Council for Yukon Indians negotiator, Mr. David Joe, expressed fears for the future of land claims talks as a result of the dispute between Ottawa and Whitehorse concerning Yukon Crown land following a land claims settlement. May I ask the government leader what steps has he taken, either to resolve this dispute or to calm the fears of the CYI negotiator?

**Hon. Mr. Pearson:** There are meetings going on at the present time in Ottawa at the land claims table. We are still there and we are as objective as we have always been. I hope, over the next few

days, we can come to an understanding in respect to what I perceive to be a misunderstanding that occurred on Saturday as a result of the minister's speech. It will take some time and it will take some discussion. We intend to have those discussions.

**Mr. Penikett:** For the record, I understand the claims talks are not supposed to proceed again until next week.

I would like to ask the government leader: since the chairman of the Council for Yukon Indians, Mr. Harry Allen, has also voiced concern that a land claims settlement may be sabotaged by this disagreement, let me ask the government leader directly, in view of his previous statements, if he is prepared to sacrifice a land claims settlement on this principle of the bulk transfer following the settlement?

**Hon. Mr. Pearson:** It is strictly a hypothetical question and it is impossible for me to answer.

**Mr. Penikett:** It was a very simple question and he could have answered it. I asked him what his policy was in this question. Once again, we get no answers in this area.

I would like to ask the government leader, again, the question I pursued yesterday and did not get an answer: how is it, since this government has been at the negotiating table quite a few years now, that the Conservative negotiator at these talks has, so far, failed to make clear the position of this government to the federal party at these talks?

**Hon. Mr. Pearson:** No, he is not a Conservative negotiator, he is the negotiator for this government. The issue has always been one that has been very clear to the office of native claims, to the Council for Yukon Indians and to us.

#### Question re: Resource revenue sharing

**Mr. Byblow:** I, too, have a question for the government leader. The federal minister made reference last weekend about discretionary revenues to Yukon, in that some method of resource revenue-sharing will be put in place to offset the social and economic costs of resource development. Can the government leader advise what support his government is advancing in consideration of this concept?

**Hon. Mr. Pearson:** I thought I made it clear in my reply to him, that after very carefully reading what he said, I honestly do not know what he was implying and that I am most anxious to know what exactly it was that he was implying.

I suggested that it might be a form of resource revenue-sharing and it may be a form of a Yukon heritage fund, both, or either, of which I would very much welcome.

**Mr. Byblow:** I am glad to hear that and I understand the government participated last week in a Yukon resource policy workshop in Vancouver, at which CYI, industry and government examined the Nova Scotia hydrocarbon agreement that was reached last March. I would like to ask the government leader: does his government support the principles of that resource revenue-sharing agreement and does it consider the agreement a potential model for Yukon?

**Hon. Mr. Pearson:** We were represented by officers of this government at that workshop; it was conducted by the Department of Indian Affairs and Northern Development. I was very pleased that we were invited to attend; we took advantage of that. My officers who did attend have not reported to me yet.

**Mr. Byblow:** In any discussions that the government leader has participated in, to date, can he report on the response of industry to the possibilities surrounding a resource revenue-sharing agreement with government in Yukon?

**Mr. Speaker:** I would ask the hon. member to be brief because this is one of the type of questions that would require a very lengthy reply.

**Hon. Mr. Pearson:** We are, I believe, hopefully close to sitting down with the Government of Canada to discuss resource revenue-sharing. At this time it is virtually impossible for me to speculate on what might or might not be the result of all of those discussions.

#### Question re: Social assistance

**Mr. Kimmerly:** I have a question for the minister responsible for social assistance. Approximately two weeks ago I asked about

the waiting period and the minister announced it was eight days. Is that eight calendar days or eight working days? What is the present waiting period?

**Hon. Mr. Tracey:** The eight days I was referring to was working days. I am not sure what the figure is today. I have not checked with my department in the last few days, but I do not believe it has extended any significant amount.

**Mr. Kimmerly:** The pay-roll department in the Department of Finance are not on a nine-day fortnight because of the pressure of work. Is the minister recommending the same policy with regard to the social assistance workers?

**Hon. Mr. Tracey:** Not at this time, but if it does increase any significant amount I am prepared to make that representation to have my department work the ten-day fortnight. The level has fairly well stabilized at the eight day. Unless it does increase significantly I will leave it as it is.

**Mr. Kimmerly:** Concerning emergency applications, I am told that in the past two weeks security services were called three times and the RCMP once about applicants waiting beyond office hours in order to be seen. Is that accurate?

**Hon. Mr. Tracey:** I could not answer that as I do not know.

**Mr. Speaker:** I do not think that question is really allowable. I do not think that the minister can say what is accurate and what is not accurate. Perhaps members could rephrase their questions.

#### Question re: COPE agreement

**Mr. Porter:** On another question of accuracy, this question is directed to the government leader. On November 10th, the legislature passed a unanimous motion dealing with the COPE agreement-in-principle. Among other things, the motion provided for a representative of the Old Crow people to be present at future negotiations. Has the government advised the Old Crow Band of the view of the legislature.

**Hon. Mr. Pearson:** I am very pleased to say that I will be going to Old Crow on Friday, at which time I anticipate that I will be talking to the people in Old Crow, and specifically about COPE.

**Mr. Porter:** Seeing as the government leader did not answer the question, maybe I can put it in a more pointed fashion. Can the government leader clearly state his government's position on having the Old Crow people's representative present at the future talks concerning the COPE claim?

**Hon. Mr. Pearson:** The Government of Yukon has been invited to attend future discussions in respect to the COPE agreement-in-principle between, and I must emphasize this, COPE and the Government of Canada. These are the two organizations that are negotiating this agreement-in-principle. We have been invited to attend in respect to those areas that touch upon the Yukon Territory. That is, two sections of the COPE agreement-in-principle, and we have a negotiator in Ottawa who will be attending those negotiations on behalf of all of the people of this territory.

**Mr. Porter:** Can the government leader give us the assurance that in his discussions in respect to the COPE claim, that he would bring to those negotiations the view as expressed by this legislature on a motion concerning the COPE claim.

**Hon. Mr. Pearson:** The people who are involved in the COPE negotiations are very well aware of the motion.

#### Question re: Long Lake Road

**Mrs. Joe:** I have a question for the Minister of Municipal and Community Affairs. Yesterday the minister informed me that his department was looking at the possibility of putting a new snow berm on the dangerous corner on Long lake road. Can the minister assure this House and the people who drive along that road that this will be done?

**Hon. Mr. Lang:** Unless I report back to the contrary, I am sure that we will do everything that is possible to see that it is done.

**Mrs. Joe:** Since the people who drive this road are concerned about their safety, will his department continue to monitor the situation and take any other preventative measures if they become necessary?

**Hon. Mr. Lang:** I guess we would have to deal with the issues as they arise.

**Mrs. Joe:** Can the minister tell us what his department's plan are for the spring when the snow berm melts?

**Hon. Mr. Lang:** We do not have any definite plans at the present time. If anything is going to take place, I will contact the member.

**Question re: Land use planning**

**Mr. McDonald:** I have a question for the Minister of Renewable Resources, the lord of land planning. Will the Government of Yukon be attending the co-operative land use planning process scheduled to begin this week in Whitehorse with the federal government and, if so, who will represent the Yukon government?

**Hon. Mr. Tracey:** The federal government has one person in Yukon right now. Two officials of my department did sit down with him today. I have not had a report from my officials so I am unable to report to the member across the floor.

**Mr. McDonald:** I will be sure to ask again tomorrow in that case. Will the minister undertake to make public the results of the co-operative planning process on an ongoing basis?

**Hon. Mr. Tracey:** No.

**Mr. McDonald:** Is it the government's intention to propose, in these discussions, that the Agricultural Development Council play a role in land use planning?

**Hon. Mr. Tracey:** Perhaps it would. If the member across the floor would read the *Land Use Planning Act* that was introduced yesterday he would see exactly where everyone would fit it. As I explained earlier in the House, there are boards and committees on that *Land Planning Act* and the Agricultural Development Council would have its opportunity for input as well as anyone else.

**Question re: Yukon representation**

**Mr. Penikett:** A question for the government leader. Yesterday, in question period, the government leader once again asserted his dubious claim that he represents everybody in the territory. Let me ask him now, for the record, a very serious constitutional question. Is it his position that the opposition in this House represents nobody and that the government members opposite represent everybody in the territory?

**Mr. Speaker:** Order, please. Is this question meant to be argumentive? Questions in question period should be to seek information of an urgent nature. Is this considered to be an urgent question?

**Mr. Penikett:** On a point of order. It is getting increasingly urgent trying to get information from the other side on one of the most fundamental matters affecting the people of this territory. If I could ask the questions without interruption, I might be able to get the answers. Unfortunately, I do not seem to be able to.

**Mr. Speaker:** I will allow the minister to answer if he wishes, but the question seems to me to be argumentive.

**Hon. Mr. Pearson:** I did not say that I represented all of the people of the territory, I said that this government represented all of the people of this territory. Once again, whether the leader of the opposition likes it or not, he is a member of this government, like every member of this legislature is a member of the government. I do not function or operate under some kind of system that says because I got "x" votes I represent that number of people in this territory. I do not think that any legislator should think that way. We were elected to govern and we were elected to represent all of the people of the territory.

**Mr. Penikett:** I am glad the government leader agrees that this House represents all the people of the territory.

I would like to ask him a question: from the point of view as a member of the government, why the members of the government represented on this side of the House have not been consulted prior to the government leader agreeing to get into bed with the federal Liberals under cover of land claims to secretly negotiate new constitutional arrangements for this territory?

**Hon. Mr. Pearson:** I really feel sorry for the honourable member sometimes. He has not realized yet that the land claims negotiations that are going on and are affecting some constitutional issues in respect to Indians in this territory are negotiations conducted between the Government of Canada and the Council for

Yukon Indians; they are the two organizations that are involved in these negotiations. The Government of Yukon happens to be a member, albeit reluctant, of the federal negotiating team.

**Mr. Penikett:** The government leader cannot seem to make up his mind whether he is reluctant or enthusiastic as a member, it depends on the day.

Let me ask him: since, in respect of this question, he has operated without reference to, or instructions from, this House, and since his party was clearly rejected by a majority of Yukoners at the last election, where did he obtain his mandate to negotiate these constitutional questions, which have never been discussed publicly or raised or debated in this House?

**Mr. Speaker:** Order, please. I will not permit the question; I will rule that question completely out of order as being argumentive and seeking an opinion. Perhaps hon. members could pose questions seeking information.

**Question re: Cyprus Anvil aid package**

**Mr. Byblow:** I have an information-seeking, non-provocative, non-controversial question for the government leader.

The Yukon Member of Parliament recently made some critical statements, saying that the federal aid package to Cyprus Anvil ought to be released before bargaining continues. I would like to ask the government leader if it is the position of his government that the labour union at Faro is being unfairly subjected to making concessions by not knowing how far the federal government is willing to go to help the mine?

**Hon. Mr. Pearson:** The fact of the matter is that there are two groups locked in a conciliation hearing at this point in time. The Minister of Indian Affairs and Northern Development has made it very, very clear that he has no intention of going to Cabinet without knowing that that conflict has been resolved. It is the minister's opinion, and one that I am inclined to agree with, that if he does go to his Cabinet colleagues with an aid package that does not guarantee some sort of labour peace up front, then, surely, it is going to fail.

The only chance that such a package would have is if the minister can go to his colleagues and say that there is labour peace, there is agreement between the company and the union, they will go to work and here is what we have to do to get them back to work. I perceive the minister is absolutely correct in his assessment of what his colleagues might do in that case.

**Mr. Byblow:** I appreciate the government leader's information respecting the federal government's position, though I did enquire of his government's position on that subject. I would like to then ask the government leader if it is his government's position that Dome is deliberately delaying contract settlements in order to apply greater pressure on the feds for greater quantities of aid to the mine?

**Mr. Speaker:** Once again, the hon. member is asking for an opinion. However, if the hon. minister feels he can answer the question perhaps I will permit it.

**Hon. Mr. Pearson:** There is not a question to answer. We do not have a position. It is completely irrelevant what we think in this matter. We have said that if Cyprus Anvil mine will go back to work under whatever conditions, we are prepared to do some certain things. We put that on the table. We said that is as far as we can go. There are no other conditions to our aid.

**Mr. Byblow:** Again, it is correct to assume that the question was not answered. Can the government leader report if he has any further knowledge of the federal taxation regime, and perhaps when we may expect it to be made public or released to the bargaining table?

**Hon. Mr. Pearson:** I want to assure the hon. member that if I did have that knowledge I would relay it to the House at the earliest possible moment. I am sorry I just do not have anything further I can tell the House.

**Question re: Yukon Housing Corporation**

**Mr. Kimmerly:** I have a question for the minister responsible for Yukon Housing Corporation. Will the minister assure us that next year the statement of objective in the budget will be exactly similar to the statement of objective in the annual report of the

department?

**Hon. Mr. Lang:** As the member well knows, everything is always changing. In view of his comments yesterday, I will be scrutinizing them very closely.

**Mr. Kimmerly:** Will the minister assure us that in his scrutiny he will look at the objective of promoting an adequate level of accommodation for all Yukoners?

**Hon. Mr. Lang:** I think that if the member recalls our discussion yesterday, he will find that we are doing the best we can within the financial limitations that we are presented with. And as I indicated to him, in view of my responsibilities as Minister of Municipal and Community Affairs, I thought that it was a very good combination for promoting home ownership in the territory.

**Mr. Kimmerly:** A question about the waiting list for accommodation for senior citizens. Is there a projection for what the waiting list will probably be one or two years hence?

**Hon. Mr. Lang:** I think that is a very difficult question to answer. As I indicated to him, there are 15 applications in at the present time for accommodation and they are presently under review. As far as a year or two down the road, I think that I could probably take as wild a guess as the member opposite could do about projections. I think it is safe to say that as far as this side of the House is concerned, we are doing everything we can to encourage our senior citizens, our pioneers of the territory, to stay in private accommodation, which I think is to their benefit as well as, overall, the taxpayers' benefit. It serves both purposes.

**Question re: Dead animals at Kluane Lake**

**Mr. Porter:** My question is for the minister responsible for Renewable Resources. A week ago, a wolf, a wolverine and an owl were found dead on Kluane lake. Can the minister bring us up to date as to the progress of the investigation? Has poison been found to be the cause of death of the animals. If so, what kind of poisons were used?

**Mr. Speaker:** Again I will ask the minister to be brief. This is the type of question that could require a very lengthy reply.

**Hon. Mr. Tracey:** I have not had a report from my department.

**Question re: North Highway bus service**

**Mrs. Joe:** I have a question for the Minister of Consumer and Corporate Affairs. Many residents of the North highway will be cut off from access to Whitehorse if Canadian Coachways terminates its winter bus service between Fairbanks and Whitehorse as planned. What is the minister prepared to do to ensure that the bus service continues?

**Hon. Mr. Ashley:** I have not been made aware of this by my department yet, but I will certainly be looking into it.

**Mrs. Joe:** When the Transport Public Utilities Board grants a licence to operate an essential service like a highway bus, do they not make any requirements for continued levels of service?

**Hon. Mr. Ashley:** When they look at a licence application they look at all the facts.

**Question re: Land Planning Act**

**Mr. McDonald:** I have a question for the Minister of Renewable Resources in his capacity as lord of land planning. Again, the minister said yesterday that he was interested in a corporate planning process. Can the minister tell the House whether the *Land Planning Act* is a result of this corporate process with the federal government?

**Hon. Mr. Tracey:** The *Land Planning Act* that was tabled in this House yesterday was our position of how land should be planned in the territory on a co-operative basis, with the input of not only the federal government but also the input of the native people in the territory. I think that is going a long ways towards co-operation in this territory. For example, we could have brought a land planning act in here that did not have any co-operation from any government or the CYI. We are quite within our legislative capability of planning the act totally within the government.

**Mr. McDonald:** Again, to the same minister. If the development of this *Land Planning Act* is not a co-operative effort with the federal government, what guarantees or assurances can the minister

give to the House that this act will not be as ineffectual in wresting land from the federal government as was their agricultural policy?

**Hon. Mr. Tracey:** We have no assurance whatsoever that any act that we bring in will get the co-operation of the federal government. The federal government, under the agricultural development policy, could give the land, or they could not give the land. There is no guarantee from them that we are ever going to get land as, on Saturday, the minister made quite plain.

**Mr. McDonald:** Will the principles outlined in the *Land Planning Act* be those which will be introduced at the co-operative planning process with the federal government or will the policy of individual land selection enunciated by various ministers be the policy which is introduced?

**Hon. Mr. Tracey:** First of all, I would like to say that we have a land planning bill tabled and we will be dealing with it. Most of these questions could have come up during that time. The *Land Planning Act* that we introduced is our position of how land should be planned in the territory. It should be planned by Yukoners for Yukoners and it should be Yukon land.

**Question re: Escarpment erosion**

**Mr. Penikett:** With your kind permission, Mr. Speaker, I would like to put a question to the Minister of Municipal Affairs. Is the minister aware of the erosion problem on the escarpment in the Takhini area of this city and, if so, what action has his department taken on the problem?

**Hon. Mr. Lang:** In view of the question, I did not really think that it was necessary for the member to use such a threatening tone. It would seem to me that there have been some problems. My understanding is that it is not that major a problem. Perhaps the member opposite can enlighten me a little further?

**Mr. Penikett:** I guess major problem depends on the question of scale. The last legislature was told that a watching brief would be kept by federal and territorial authorities in the area below Dieppe Drive, the site of the worst erosion. Has the minister any progress to report on this activity?

**Mr. Speaker:** If so, I would ask the hon. member to be brief, as that would require a lengthy reply.

**Hon. Mr. Lang:** Not in this case, Mr. Speaker, I do not have a technical report to give to the member opposite; I will take notice on the question and see just exactly what has taken place.

**Mr. Penikett:** Some local residents are fearful that the construction of the Porter Creek alternate access road may have accelerated the escarpment erosion problem. When the minister is taking this question under notice, could he also have his officials examine this possibility?

**Hon. Mr. Lang:** To my knowledge, that is not the case. If the member opposite is indicating to me that perhaps we should have another engineering study, the answer to his question would be no. I will pose the question to the officials within the department to see whether or not there is any foundation to that. I would be very surprised if there was.

**Question re: Tourism marketing program**

**Mr. Byblow:** I will speak in a very pleasant tone to the Minister of Tourism. There is some concern, within tourism circles, that this government, in its restraint effort, is jeopardizing the marketing program for next year's tourist season. Can the minister assure me that her government will not be doing any further cutting back of its fiscal commitment that is in place presently, to the marketing plans of the Yukon Co-operative Tourism Marketing Committee?

**Hon. Mrs. Firth:** We are not, due to fiscal restraints, cutting the marketing program in tourism, and we will not be cutting it any further.

**Mr. Byblow:** I appreciate that assurance, but it is my understanding that this government, which has a voting delegate on the Alaska Marketing Council, as well as other initiatives in tourism within that state, declined to send a representative to the Alaska Marketing Council conference earlier this month. Can the minister confirm this and explain the reason for no one being sent?

**Hon. Mrs. Firth:** I believe the member is incorrect; the Deputy Minister of Tourism went to that meeting.

**Mr. Byblow:** The minister is confusing the Alaska Marketing Council conference with the Alaska Visitors Association conference, to which, in fact, a member did go.

I understand further that, with regard to the minister's reference to the Alaska Visitors Association conference earlier in September, that it was upon the Yukon Visitors Association's insistence and intervention that a representative was sent from this government. I would like to ask the minister: is there an initiative or a policy by this government to curtail the travelling budgets in the marketing commitments?

**Hon. Mrs. Firth:** The member is incorrect, because we had representatives go to both of these meetings: the deputy minister went to the first meeting and the executive director of the Yukon Visitors Association went to the Alaska Visitors Association meeting.

#### Question re: Food Prices Report

**Mr. Kimmerly:** I have a question for the Minister of Consumer and Corporate Affairs. I do not wish to be argumentative or facetious when I ask the minister if he has read the Food Prices Report, but is he in a position to answer questions about the report now?

**Hon. Mr. Ashley:** I am not in a full position to answer questions on it at the moment. I have not read it in full yet.

**Mr. Kimmerly:** I would advise the minister that on page 82 there is an excellent summary. On page 82 there is a recommendation that the Yukon government publish a quarterly competitive food basket: prices of the various supermarkets. Is this recommendation being worked on or put into effect and what is the target date?

**Hon. Mr. Ashley:** I am not sure on that, so I will have to get back to the member.

**Mr. Kimmerly:** Recommendation number five is about the development of legislation around unfair competitive practices, an extremely topical recommendation, presently, in Whitehorse. Is the department ready to take any action on that recommendation now?

**Hon. Mr. Ashley:** I have not discussed this with the department yet so I am not sure.

#### Question re: Agricultural Development Council

**Mr. McDonald:** I have a question for the minister of Municipal and Community Affairs. Yesterday the minister stated that the Agricultural Development Council had received and solicited the requests for agricultural plots in federal jurisdictions. Can the minister say how many applications have been made for federal lands and how much federal land do these applications represent?

**Hon. Mr. Lang:** I do not have the specifics on that particular question. I will make a point of addressing that in my second reading speech on the bill that is before the House.

**Mr. McDonald:** Can the minister also state, or refuse to state, whether or not it is the policy of this government that the Agricultural Development Council should continue to take receipt of federal land applications and if so, what justification is the government providing, considering the recent federal insistence that there should be a land use plan in place first?

**Hon. Mr. Lang:** I can see that there is some misunderstanding in respect to what the position of the Government of Canada is concerning the transfer of land and how procedures will be put into place for such a disposition to take place. I am going on the verbal commitment that the Minister of Indian Affairs and Northern Development gave me, I believe, last spring; that if we got an agricultural policy into place he would do everything he possibly could to accommodate the implementation of such a policy. With that commitment, it is safe to say that if the land in question has the agricultural potential and it has been applied for by an individual or groups of individuals then I cannot see any reason why the Government of Canada would not be prepared to abide by the recommendations that the Agricultural Development Council would make.

**Mr. Speaker:** There being no further questions we will proceed to orders of the day.

## ORDERS OF THE DAY

### GOVERNMENT BILLS AND ORDERS

#### Bill No. 3: Third Reading

**Mr. Clerk:** Third reading, Bill No. 3, standing in the name of the hon. Mr. Pearson.

**Hon. Mr. Pearson:** I move, seconded by the Minister of Municipal and Community Affairs, that Bill No. 3, *Second Appropriation Act, 1982-83*, be now read a third time.

**Mr. Speaker:** It has been moved by the hon. government leader, seconded by the hon. Minister of Municipal and Community Affairs, that Bill No. 3 be now read a third time.

**Mr. Kimmerly:** Just a simple comment. I realize it is the end of the month and there may be a requirement to actually get assent for the bill today. I would like to put a comment on the record, though, very briefly, that a number of our questions are not yet answered and there were undertakings to bring information back. I simply want to point out that, even though the bill goes through third reading and assent, we are still extremely anxious to receive the information promised.

**Hon. Mr. Pearson:** I would like to reply, if I may, to the hon. member and assure him that any undertakings made by any of my Cabinet colleagues, or myself, in respect to answers in respect to the budget will be forthcoming. Whether we are in session or not, we will ensure that those answers will be forthcoming.

*Motion agreed to*

**Hon. Mr. Pearson:** I move, seconded by the Minister of Municipal and Community Affairs, that Bill No. 3 do now pass and that the title be as on the order paper.

**Mr. Speaker:** It has been moved by the hon. government leader, seconded by the hon. Minister of Municipal and Community Affairs, that Bill No. 3 do now pass and that the title be as on the order paper.

*Motion agreed to*

**Mr. Speaker:** I believe, at this time, it is the decision of the House to request assent to this bill. At this time we will receive Mr. Commissioner in his role as Lieutenant-Governor to give assent to this bill.

*Mr. Commissioner enters the Chambers*

**Mr. Speaker:** May it please your honor, the Assembly has at its present session, passed a bill to which, in the name, and on behalf, of the Assembly, I will respectfully request your assent.

**Mr. Clerk:** *Second Appropriation Act, 1982/83.*

**Mr. Commissioner:** I hereby assent to the bill as enumerated by the clerk.

*Mr. Commissioner leaves the Chambers*

**Mr. Speaker:** May I have your further pleasure?

**Hon. Mr. Lang:** I move, seconded by the Minister of Education, that Mr. Speaker do now leave the Chair and that the House do now resolve into the Committee of the Whole.

**Mr. Speaker:** It has been moved by the hon. Minister of Municipal and Community Affairs, seconded by the hon. Minister of Education, that Mr. Speaker do now leave the Chair and that the House do now resolve into the Committee of the Whole. Are you prepared for the question? Are you agreed?

*Motion agreed to*

## COMMITTEE OF THE WHOLE

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

*Recess*

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

order.

*Wildlife Act — continued*

We will continue with Bill Number 10, *An Act to Amend the Wildlife Act*. We were on general debate; is there any further general debate?

**Mr. Porter:** I just have a minor house-cleaning matter to discuss. During yesterday's debate on the question of trapline compensation, that was, from my point of view, erroneously misrepresented by the minister responsible and I would like to quote a section of the debate in which he stated that "the concept that the member across the floor is putting forward is that once we give an outfitter or a trapper a licence, we give him that as his right to have; that he owns all of the resources that are on the land, whether they be sheep, in the case of outfitters, or wolves or marten, in the case of a trapper".

If the member had taken the time to listen to the comments that I gave yesterday, he would agree that I did not state or imply in an implicit fashion that the trappers of Yukon enjoyed an inalienable right to the resources provided for under the concessions which they receive. I simply wanted to set the record straight on that matter before closing general debate. I might add that, in consideration of yesterday's general debate, if the trappers of Yukon read the minutes of that debate, that the minister may become the most sought after fur-bearing animal in Yukon — in other words, a lot of Yukon trappers will want a piece of his hide.

*On Clause 1*

*Clause 1 agreed to*

*On Clause 2*

**Mr. Porter:** I was wondering if the minister or his department officials had considered using the word "Inuit" as it is now being used by the federal government; they restructured the name Department of Indian and Eskimo Affairs to read "Inuit Affairs". It is a name that they would prefer.

**Hon. Mr. Tracey:** We are bound by the *Yukon Act*, which uses the word "Eskimo". It is not because we do not want to use the word "Inuit"; the legal word is "Eskimo" and, as this is a legal document, we have to use the word "Eskimo".

*Clause 2 agreed to*

*On Clause 3*

*Clause 3 agreed to*

*On Clause 4*

*Clause 4 agreed to*

*On Clause 5*

*Clause 5 agreed to*

*On Clause 6*

*Clause 6 agreed to*

*On Clause 7*

*Clause 7 agreed to*

*On Clause 8*

*Clause 8 agreed to*

*On Clause 9*

**Mr. Porter:** On Clause 9(1), I was wondering if the minister would be so kind as to give his view as to what this particular section means.

**Hon. Mr. Tracey:** The reason for this clause is to protect the people of the Yukon Territory. If an outfitter applies for a licence or an outfitting concession in the territory and wants to purchase one, he is required by this change in our act to give us, in writing, the amount of shares that he has with the company that he is involved with.

**Mr. Porter:** Yesterday in the debates the minister stated, and I

would like to quote this, "The other part of it, referring to the wildlife amendments, is to allow outfitters to lose their licence without losing their concession. If for some reason they are guilty of some breach of the *Wildlife Act*, so they can cover their investments or sell off their assets in a concession, would that fit under section 11:1?"

**Hon. Mr. Tracey:** It is not under section 9(1). I would have to check here now. I was not reading the head of the section that we are dealing with. What we have is a concession and a licence, and what we are doing is to make a change to allow the licence to be revoked without revoking the concession, which would mean that the outfitter would lose his licence but he would still have his concession and would be able to sell it to recoup his loss. I would have to go through here and give you the right section, but it is not section 9(1).

**Mr. Porter:** I was just wondering if that section, which specifically deals with outfitters, deals with trappers as well?

**Hon. Mr. Tracey:** No, what we are dealing with is an outfitter who may be a corporation. It could be possible, I suppose, if a trapping concession was run by a corporation, that we would include it in this, but the specific intent is for it to cover outfitting areas because of the fact that many of our outfitting areas were being bought up by aliens, in fact, people from West Germany and places like that, or the United States, rather than Yukoners or Canadians.

**Mr. Porter:** If I am to understand the particular clause dealing with the revocation of the concession, does that mean that if an outfitter or a corporation that owns an outfit commits an indictable offense that they would lose their licence but not the concession and therefore would have the right to sell off assets that are contained within the concession? That begs a question then. What if it is deemed by the courts that the offense is of such a serious nature that the assets of the individual or individuals involved should be confiscated by the court as compensation?

**Hon. Mr. Tracey:** That is something that can be handled by the courts. What we are saying is if we, as a government, are forced to revoke their licence, that does not revoke their concession. Many of them have major investments and if we were to revoke their concession they would have nothing to sell. All they would have is assets sitting on Crown land. We will not revoke their concession; we will only revoke their business licence. However, they cannot operate their concession so they have to make some other arrangements.

**Mr. Porter:** So an outfitter can go ahead and commit an indictable offense with the knowledge that in the commission of that offense, he or she will not realize any loss of assets?

**Hon. Mr. Tracey:** That is not true. Anyone in business should full well know that if you lose your business licence your business is thereby reduced in value. If you cannot operate it, anyone who is interested in purchasing your business knows he has you over the barrel. You have to get rid of it because you cannot operate it. Automatically, the price goes down so there is a major financial penalty against the owner.

*Clause 9(1) agreed to*

*On Clause 9(2)*

*Clause 9(2) agreed to*

*Clause 9 agreed to*

*On Clause 10*

**Hon. Mr. Tracey:** For the members' benefit it is 109(2)(c) that was the section that would deal with the outfitter losing his licence.

*Clause 10 agreed to*

*On Clause 11*

*Clause 11 agreed to*

*On Clause 12*

*Clause 12 agreed to*

**Mr. Chairman:** On Clause 13(1)(a) on the second line there is a typographical error in the word "security".

*On Clause 13*



Clause 13 agreed to

<sup>21</sup> On title

Title agreed to

**Hon. Mr. Tracey:** I move, that you report Bill No. 10, *An Act to Amend the Wildlife Act* without amendment.

Motion agreed to

#### Bill No. 12

**Mr. Kimmerly:** I rise in general debate simply to inform the minister and to put it on the record that, although at second reading I stated that the bill was uncontroversial I was subsequently pointed to a controversial section, and that is section 4 which enables optometrists to be called doctors.

I phoned the Medical Association about this and received a lobbying effort from the Medical Association, and I informed the minister of that immediately. That was two weeks or so ago. Subsequently, a letter was sent to the minister, with a copy to me, concerning the position of the Medical Association, and I am prepared to move an amendment at clause 4, deleting clause 4. When we come to it I will make the motion. Aside from that I have absolutely no comment on any of the other sections.

**Hon. Mr. Ashley:** I received the correspondence as the member opposite has stated. I disagree with the doctors on this. Because these optometrists have received doctorate degrees in optometry, I see no reason, as all the schools across both Canada and the States give doctorate degrees in optometry, why they cannot use that doctorate as part of their title.

<sup>22</sup> **Hon. Mr. Tracey:** I also disagree with the member across the floor. I think that there is a bit of a mistake being taken by the member as there are many doctorate degrees. What he would also suggest to me is that a doctor of chemistry or a doctor of mathematics or a doctor of whatever should not use the word "doctor". He is a doctor of optometry and he should be able to use the word "doctor".

**Mr. Chairman:** If you are going to change this specific line, should we leave it until clause 4 and just carry this on under general debate?

**Mr. Penikett:** I can wait until clause 4. I would like to say something because the minister who just spoke just talked utter nonsense. The fact of the matter is that there are some people who, by convention in this society, are called doctors by having earned that title: people who have PhDs are acknowledged as doctors and nobody challenges their right to that.

We have a problem in this country in that there are some degrees granted in our institutions, particularly in the United States and in other countries, that allow people to call themselves doctors, who would have trouble passing high school in Yukon. Since we are dealing with a health field, and a fairly critical health field, I would call the minister's attention to a recent program on the *Fifth Estate*, which pointed out a serious problem in the Vancouver area with people having bad or poor prescriptions from cut-rate operators, some of whom call themselves doctors but who would not, by any member of the medical profession or any qualified person in the medical field, be recognized as such. I think, as an important principle of public protection, it is very important not to have any allusions in the public's mind about the qualifications of individuals who are practicing a form of medicine or practicing their arts in the health care field.

I have no problem with paying proper respect to people who are graduates of *bona fide* institutions practicing in a certain field; I must say I share some of the concerns of the local medical profession about the numbers and proliferation of degrees of dubious standards that may be around, which entitle people whose education may not be as good as mine — in fact, doubt if they are — to call themselves doctors.

It is not a question of the snob value of being able to call yourself a doctor, it is not question of social prestige; it is the question of the faith which ordinary people will put — people who have expectations and needs from health care professionals — in someone who calls himself doctor. These people may not be qualified to meet the expectations of the citizens and I would

caution the members opposite that think they should take very seriously the representation on this question by the medical profession.

<sup>23</sup> **Hon. Mr. Lang:** I am very concerned in respect to general debate of the bill and the qualifications that are required for somebody to practise in the field of optometry, and it is boiling down to the question of whether or not he/she could be called a doctor. I think that the specific point that has to be made is that there is a section of the bill that ensures that a person who is wishing to practise optometry has to have had certain qualifications, or the equivalent thereof. I think it is safe to say, at least from this side of the House, and I think I can state this categorically for all members of the House, that if anybody was applying their qualifications are going to be scrutinized very, very closely. We are all forgetting what the purpose of the bill is. The reason for the bill being here is because in Canada there is a shortage of people who are going into the field of optometry and there is a possibility that somebody, for example, from the United States, may well be prepared to come here under this particular act, as far as the request for qualifications is concerned.

I do not think it should be misunderstood by anybody that this legislation is designed so that anybody can apply and be automatically granted the necessary licensing for the purposes of practising in this field. If they do not have the equivalent of the United States national examination, or have graduated from a recognized school of optometry in Canada, there is a clause that will allow for some discretion. It definitely has to be the equivalent, if not higher, standard of requirement prior to coming into practice in Canada, or in Yukon in this particular case. I think it is an argument of semantics from where I sit. I have no problem with anybody using the term "doctor" as long as they have the necessary qualifications, which the leader of the official opposition was raising, and I think that is adequately covered.

**Mr. Penikett:** On exactly that point, that is the point that is not covered. Let me make this point quite clear and read the bill. We are not disputing that the government proposes to license and register anybody who is qualified to practise as an optometrist. What this bill provides for, quite clearly, is that anyone may come out of a recognized school with a bachelor's degree as an optometrist or they may come out of a school with a master's degree as an optometrist, but this bill says quite clearly that any person who is registered, whether they have a bachelor's degree or master's degree, is entitled to call himself "doctor". That is the point and I would ask, respectfully — not as a partisan, combative issue — of the minister opposite, that before we get to detailed clause-by-clause, take that back and have a specific look at that section. This clause means quite clearly that anyone, no better qualified than many members in this House, is going to be able to call himself "doctor" when they have not earned that qualification.

<sup>24</sup> **Hon. Mr. Ashley:** I do have an amendment to deal with this issue when we get to it. I cannot put it forward yet, I do not believe. So if we go clause by clause I will have an amendment that I think will make a difference.

**Mr. Falle:** Mr. Penikett, I think this side of the House has brought this into consideration. Basically if you consider that I have a doctor's degree in drill doctoring; and I am a drill doctor. You would think this would be funny, but I have a degree in doctoring drills. Nevertheless, it is a doctor's degree so we are quite careful with our doctors.

**Mr. Penikett:** We will be quite happy to call the member Dr. Falle as long as he does not practise dentistry around here.

On Clause 1

Clause 1 agreed to

On Clause 2

Clause 2 agreed to

On Clause 3(1)

Clause 3(1) agreed to

On Clause 3(2)

Clause 3(2) agreed to

On Clause 3(3)

Clause 3(3) agreed to

On Clause 3(4)

Clause 3(4) agreed to

Clause 3 agreed to

On Clause 4

Amendment proposed

**Hon. Mr. Ashley:** I have an amendment that Bill No. 12 entitled, *An Act to Amend the Optometry Act* be amended on Clause 4, page 2 by substituting in proposed section 8(1) "a person on whom a degree of doctor of optometry, or degree of similar status, has been lawfully conferred and who is registered in the Register" is substituted for "a person who is registered in the Register".

I would also like to tell the members opposite that the University of Waterloo issues a doctor of optometry degree upon successful completion of a four-year program. Students must have obtained a bachelor's degree, which is a four-year program prior to entering the optometry course. This is how the schools are through Canada and in the States.

**Mr. Kimmerly:** Is the minister able to tell us if any of the present optometrists in the Yukon are doctors of optometry or if it is a matter of immediate practical concern or not?

<sup>25</sup> **Hon. Mr. Ashley:** I missed the first part of the question.

**Mr. Kimmerly:** Is the minister able to tell us if any of the present Yukon optometrists are doctors of optometry, recognized by a university?

**Hon. Mr. Ashley:** Yes, we have one optometrist in Yukon; he has a doctorate of optometry.

Amendment agreed to

**Mr. Kimmerly:** I simply wish to put on record the position of both the Medical Association and the Medical Council, a council established by the government, about the possible public confusion in the area and to state that the Medical Association and the Medical Council both made objections known, in January of 1981, to the use of the term "doctor" by optometrists.

The possibility of a conflict in this act and the *Medical Profession Act* continues to exist, in that section 39 and section 40 of the *Medical Profession Act* are extremely clear as to the use of the title "doctor" in these kinds of circumstances. The position of the doctors is not one of snobbery; it is entirely about public confusion. There are ophthalmologists, or eye doctors, who are, in fact physicians and surgeons, and so licensed, who deal with many more things than optometrists. Optometrists basically deal with glasses, as we all know.

I would ask the minister if the Medical Association is aware of the amendment that he has made and are they in agreement with the new amendment?

<sup>26</sup> **Hon. Mr. Ashley:** I have not personally conferred with the doctors on this, so I do not know if they are in agreement with it or not. This is the way I feel about it. It has tightened up. It could possibly have been misread before.

One thing I will tell you is that B.C. is the only province in Canada that does not allow the optometrists to be called doctors. That is the only province in Canada. As I said before, optometrists do get doctorates of optometry; they are doctors. I see no reason, after eight years of schooling, why they cannot call themselves a doctor.

**Mr. Kimmerly:** As I announced, I had prepared an amendment deleting the section. I will not present it as it obviously will not be passed in any event. I do wish to comment that the committee stage of the bill is where exactly these kinds of details ought to be studied and the Medical Association is under a disability in that the amendment has been presented today. It was passed today, there are no doctors in the House — except for Dr. Falle — they have no knowledge of it and it is obvious that the input of the doctors, the position of the doctors and the optometrists, ought to be listened to and considered. I am extremely critical of the procedure used. It would be extremely easy to inform either me or any member of the opposition, or the Medical Association, of the proposed amendment and get the opinion of the doctors. I am sorry it was not done.

**Hon. Mr. Tracey:** I find it hard to believe that a member across the floor would stand up and tell us that when a doctor has a legitimate doctor's degree that he should not call himself a doctor. That is what he is suggesting to us. That man, when he has obtained

that doctorate, has as much right to call himself a doctor as any medical doctors have. For the member across the floor to suggest that he should not be allowed to be called doctor, I find incredible. He has gone through, in this case, the University of Waterloo, for eight years in order to get that doctor's degree, and he should certainly be able to use the title "doctor". In most states of the United States they also go to university and are bestowed a doctorate degree and they are allowed to be called doctor, as in all provinces in Canada, except in B.C. I find the argument that is coming across the floor totally irrelevant.

<sup>27</sup> **Mr. Penikett:** I am curious as to the minister's ability to describe his arousal when he did not even respond to the point raised by my friend, which was about the procedure and the process with which we deal with a matter like this without witnesses or intervention of record from interested parties; that is what he was talking about, but the minister was obviously not listening.

There are T.V. preachers in the United States that call themselves "doctors" and get away with it. In fact, you can buy degrees and call yourself a doctor. Anyway, the point made by my friend, I think, is well taken, and I wish the minister would respond to that, not to some argument.

**Hon. Mr. Tracey:** I would gladly respond to that as well. The decision of the doctors has been made quite clear to us previous to this, and we were well aware of what the doctors' positions were. Unfortunately, we disagree, so we have brought in the bill that gives the doctor who has a legitimate doctor's degree the right to call himself a doctor, and we are in no disagreement on that in any circumstances.

Clause 4 agreed to as amended

On Clause 5

Clause 5 agreed to

On Clause 6

Clause 6 agreed to

On Clause 7

Clause 7 agreed to

On Clause 8

Clause 8 agreed to

On Title

Title agreed to

**Hon. Mr. Ashley:** I move you report Bill Number 12 with amendment.

Motion agreed to

#### Bill No. 11

**Mr. Chairman:** We will carry on with Bill Number 11, *An Act to Amend the Insurance Act*. Is there any general debate?

On Clause 1

Clause 1 agreed to

<sup>28</sup> On Clause 2

Clause 2 agreed to

On Clause 3

Clause 3 agreed to

On Clause 4

Clause 4 agreed to

On Clause 5

Clause 5 agreed to

On Clause 6

Clause 6 agreed to

On Clause 7

Clause 7 agreed to

On Title

Title agreed to

**Hon. Mr. Ashley:** I move report Bill Number 11 without amendment.

Motion agreed to

#### Bill No. 7

**Mr. Chairman:** We will now move on to Bill Number 7, *An Act to Amend the Personal Property Security Act*.

<sup>29</sup> On Clause 1

Clause 1 agreed to

On Clause 2  
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 Clause 5 agreed to  
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 Clause 48 agreed to

**Hon. Mr. Ashley:** I move that Bill No. 7 entitled, *An Act to Amend the Personal Property Security Act*, be amended in Clause 49 on page 19 by substituting the following for subsections (1): "Subsections 2(11), 2(13), 17(2), 24(1), 27(1), 28(1), 35(3), 35(4), 35(6), 37(1), 44(1) and 48(1) come into force on the date of assent."

**Mr. Kimmerly:** If the minister gave advance notice, I would have checked into all of the sections. I, indeed, have looked very closely at the sections. It is a uniform bill and is obviously carefully drafted. I am sorry to keep things delayed at this point, but I would ask what is the meaning of the amendment or the reason for it? I have not gone through each of the amended sections because I have not had time. If the minister would explain it, I will probably be in a position to simply agree.

**Hon. Mr. Ashley:** I am sorry, I should have read this out first. I have not had time to go through my notes yet. The purpose of section 49 is to make most of Bill No. 7, when it comes into force, retroactive to last June.

It is necessary to do this to ensure that all registrations under the act are established on an equal, legal footing. The necessity for doing this was announced during seminars held with members of the banking and legal professions prior to the proclamation of the *Personal Property Security Act* last June. An agreement-in-principle with this approach has been received. However, some provisions ought not to be made retroactively; in the provisions affecting actions already taken by secured parties or other persons in the interim.

Among the provisions that should be exempted from retroactivity are collateral description requirements for financing statements and other notices, the receiver registration sections, the consumer goods registration discharge section and some of the notice requirements relating to the serial number registry. For the information of members, the corrections to be made by the amendment are as follows:

2(11) is substituted for 2(10); 2(13) is substituted for 2(12) and 24(1) is substituted for 25(1); and 48(1) is added. The amendments are necessary to correct a clerical error in the drafting of the bill.

*Amendment agreed to*  
*Clause 49 agreed to as amended*

*On title*  
*Title agreed to*

**Hon. Mr. Ashley:** I move you report Bill No. 7 with amendment.

*Motion agreed to*

#### Bill No. 8

**Mr. Chairman:** Before we have general debate, I would suggest that we have a short break.

**Mr. Kimmerly:** Before the break, perhaps I could give notice to facilitate the debate after the break. I essentially have extremely

little to say. I have said it on second reading. This is not the most important amendment necessary to the *Liquor Act*, but as it is, and as to the detail of it on the question of area enforcement and the municipal requests, it is an excellent bill, and I have no amendments or even questions. On some of the other sections, I believe Mr. Byblow has a question or two.

#### Recess

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

*On Clause 1*

*Clause 1 agreed to*

*On Clause 2*

*Clause 2 agreed to*

*On Clause 3*

*Clause 3 agreed to*

*On Clause 4*

**Mr. Byblow:** I am just curious why a date was deleted in this amendment. The old clause, I believe, said that on "July 1st" an annual report would have to be prepared and submitted. I realize, in the subsequent clause of the bill, it makes reference to the "ensuing Session of the Legislative Assembly" as to when it would have to be tabled, and I will have a question about that. But, simply put, why is a specific date now deleted as for a time to table it.

**Hon. Mr. Lang:** To make it consistent with other legislation. Secondly, it was very difficult for the July 1st deadline to be met by the Auditor-General, in view of the other work that the auditors were doing within the total gamit of government in the territory; subsequently, they found it very difficult, if not impossible, to meet that July 1st deadline.

*Clause 4 agreed to*

*On Clause 5*

**Mr. Byblow:** Is the interpretation of that clause to mean that the ensuing session of council would be the fall session, after the fiscal year-end in March?

**Hon. Mr. Lang:** Not necessarily; there could well not be a fall session. That has happened before. It is the next sitting of the legislature after the report has been brought forward to the Executive Council members.

*Clause 5 agreed to*

*On Clause 6*

**Mr. Byblow:** I am curious, from a historical standpoint, why draft beer was not permitted in the same area of licensed premises in the past?

33 **Hon. Mr. Lang:** There has always been a prohibition in view of the fact there were two types of establishments; primarily a cocktail lounge as well as a beer parlour. In 1982, at any rate, the members of beer parlours have fast diminished, and in some respect have vanished, as far as that particular type of establishment. And, that is the only reason that I can give for that, because I felt at the time, and I am going on memory, that perhaps there is less of a requirement for certain facilities of this type of thing, as what would be tied to the licence.

*Clause 6 agreed to*

*On Clause 7*

*Clause 7 agreed to*

*On Clause 8*

**Mr. Byblow:** On clause 8(1), amending section 47(1.1) I notice the only change in this is under subsection (b). Previously there was a specific number of people who were required as a membership of a club that was applying for a licence. Now, there seems to be a discussionary mandate given to the liquor corporation, and I am just wondering about the full intent of this.

**Hon. Mr. Lang:** I will be very frank; this was brought to my attention by the member from Kluane. It is much different as to membership in a club in Destruction Bay, as far as numbers are concerned, as opposed to Faro or Whitehorse. To some extent, it could negate a very small community applying for a licence. If the numbers were 25 or 38, with that requirement you would not be eligible for a licence unless you had 25 or 30 members. The community might only consist of 25 adults, and that is the reason for the change.

*Clause 8 agreed to*

34 *On Clause 9*

*Clause 9 agreed to*

*On Clause 10*

**Mr. Byblow:** This clause, I believe, was inserted to accommodate the tourism-oriented purposes. I have a question regarding the authority to sell liquor during that alternate use. It is unclear to me from those two subsections as to whether or not the sale of liquor is permitted during the event outside the normal hours of the lounge facility.

**Hon. Mr. Lang:** If the member reads subsection (4) it states very specifically: "The licensee shall not sell liquor in or for consumption outside the licensed premises during the time he uses the premises for a purpose authorized pursuant to subsection (3)." In other words, he has to confine himself within the terms of his licence, and if it is outside — and these are the hours we are really talking about — the time period he is allowed to be open, he can utilize the facilities for the purpose of serving meals to tourists, as an example, but he cannot sell liquor. It is very clear.

**Mr. Byblow:** What I was leading to was the situation where an operator chose to use the facility for an alternate purpose during his normal hours; in other words, changing his normal hours of operation that day. In other words, he is licensed normally to sell liquor during that period, however, he has excluded the public and he is using it for a tourism-related purpose. Would he then be allowed to sell liquor if it is within the hours of his licence, but under this special arrangement?

**Hon. Mr. Lang:** There is no question. As long as he was abiding by his licence and he was working within the time frame permitting him under that licence for the purpose of selling liquor, he could sell liquor. It is with the area that when he is closed for the purpose of selling liquor, he can still maintain it open for some other purpose. If you look at subsection (3) it states: "when his premises are closed to the sale of liquor". So, if he has the ability to change his hours under his licence, or whatever his franchise is as granted by the liquor board, that is his or her decision to make. I am talking about that time period specifically when he cannot sell liquor but he can utilize it for some other purpose.

**Mr. Byblow:** Summarizing the intent, it is really to permit the use of a standard lounge facility during those hours that they are not normally open for business for non-alcoholic consumption purposes?

**Hon. Mr. Lang:** That is correct. I do not think I could have said it much better myself.

*Clause 10 agreed to*

*On Clause 11*

35 *Clause 11 agreed to*

*On Clause 12*

*Clause 12 agreed to*

*On Clause 13*

*Clause 13 agreed to*

*On Clause 14*

**Hon. Mr. Lang:** I move that Bill No. 8, entitled *An Act to Amend the Liquor Act* be amended in Clause 14, page 4, by substituting paragraph 103(2)(b) for paragraph 103(1)(b) in subclause (2).

*Amendment agreed to*

**Mr. Kimmerly:** As the entire clause is being done, the question is about 14(3)(3) and 14(3)(4) and I would ask if the minister would explain, for the record, why there is a difference between subclause (3) and (4): if a municipality makes a request the minister "shall" act; if an advisory council makes a request the minister "may" act. I would ask for an explanation, for the record, of the difference.

**Hon. Mr. Lang:** Mostly because of the fact, and I am going on memory now, but I believe an advisory council can either be elected or appointed. With that in mind, then there has to be some discretion by the government in respect to where they are getting their advice. That is why there is a difference, and it really is reflected in the legislation to bring it into co-ordination with the new *Municipal Act*, when it comes into effect, so that all various types of municipalities are taken in account with respect to this particular authority that we are granting to the hamlet or the municipality.

*36 Clause 14 agreed to as amended*

*On Clause 15*

*Clause 15 agreed to*

*On Clause 16*

*Clause 16 agreed to*

*On Title*

*Title agreed to*

**Hon. Mr. Lang:** I would move that Bill Number 7, *An Act to Amend the Liquor Act*, be reported out of Committee with amendment.

*Motion agreed to*

**Hon. Mr. Lang:** I move that Mr. Speaker do now resume the Chair.

*Motion agreed to*

*Mr. Speaker resumes the Chair*

**Mr. Speaker:** May we have a report from the Chairman of Committees?

**Mr. Philipson:** Mr. Speaker, the Committee of the Whole has considered Bill Number 10, *An Act to Amend the Wildlife Act* and Bill Number 11, *An Act to Amend the Insurance Act*, and directed me to report the same without amendment.

Further, the Committee has considered Bill Number 12, *An Act to Amend the Optometry Act*, and Bill Number 7, *An Act to Amend the Personal Property Security Act*, and Bill Number 8, *An Act to Amend the Liquor Act*, and directed me to report the same with amendment.

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

**Some Members:** Agreed.

**Mr. Speaker:** May I have your further pleasure?

**Hon. Mr. Lang:** I move, seconded by the member for Kluane, that we do now adjourn.

**Mr. Speaker:** It has been moved by the hon. Minister of Municipal and Community Affairs, seconded by the hon. member for Kluane, that we do now adjourn.

*Motion agreed to*

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

*The House adjourned at 4:19 p.m.*

