



# The Yukon Legislative Assembly

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## **HANSARD**

**Tuesday, March 31, 1987 — 1:30 p.m.**

Speaker: The Honourable Sam Johnston

# Yukon Legislative Assembly

SPEAKER — Honourable Sam Johnston, MLA, Campbell

DEPUTY SPEAKER — Art Webster, MLA, Klondike

## CABINET MINISTERS

NAME	CONSTITUENCY	PORTFOLIO
Hon. Tony Penikett	Whitehorse West	Government Leader. Minister responsible for: Executive Council Office; Finance; Economic Development; Mines and Small Business; Public Service Commission.
Hon. Dave Porter	Watson Lake	Government House Leader. Minister responsible for: Tourism; Renewable Resources.
Hon. Roger Kimmerly	Whitehorse South Centre	Minister responsible for: Justice; Government Services.
Hon. Piers McDonald	Mayo	Minister responsible for: Education; Community and Transportation Services.
Hon. Margaret Joe	Whitehorse North Centre	Minister responsible for: Health and Human Resources; Women's Directorate.

## GOVERNMENT PRIVATE MEMBERS

### New Democratic Party

Danny Joe	Tatchun
Sam Johnston	Campbell
Norma Kassi	Old Crow
Art Webster	Klondike

## OPPOSITION MEMBERS

### Progressive Conservative

Willard Phelps	Leader of the Official Opposition
Bill Brewster	Hootalinqua
Bea Firth	Kluane
Dan Lang	Whitehorse Riverdale South
Alan Nordling	Whitehorse Porter Creek East
Doug Phillips	Whitehorse Porter Creek West
	Whitehorse Riverdale North

### Liberal

James McLachlan Faro

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Clerk Assistant (Legislative)	Missy Follwell
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**01 Whitehorse, Yukon**

Tuesday, March 31, 1987 — 1:30 p.m.

**Speaker:** I will now call the House to order. At this time, we will proceed with Prayers.

*Prayers***DAILY ROUTINE**

**Speaker:** We will proceed at this time with the Order Paper. Introduction of Visitors?

**Retirement of C.B.H. Murphy**

**Mr. Phelps:** On a point of order. I rise to comment on the retirement of a dedicated civil servant, who has worked 35 years as a civil servant in the Yukon. I am speaking about today's retirement of C.B.H. Murphy from the service.

When Harry started, 35 years ago, the Yukon government was still in its infancy. There were very few employees, not much equipment and very little infrastructure to speak of. It is people like Harry Murphy who helped Yukon come of age, to mature and to grow. A dedicated public servant, and service, is an essential ingredient in our democratic system of government. Politicians and political parties come and go and, therefore, there is a critical need for someone to provide continuity. That function is performed by the public service.

Harry Murphy has served in many different areas of government: in Health and Social Welfare; in Intergovernmental Relations and, for the past several years, in Ottawa as Yukon's Ambassador-at-Large.

He has served Yukoners well, and we all owe him a debt of gratitude.

Therefore, on behalf of all Yukoners, I would like to thank Harry Murphy and wish him well in his future endeavours. I hope one of those endeavours will be to record the history of the Yukon government, as he saw it develop and grow. It would make very interesting reading.

*Applause*

**02 Hon. Mr. Penikett:** I am pleased to join the sentiments expressed by the Leader of the Official Opposition on the retirement of Harry Murphy. The Leader of the Official Opposition comments that politicians come and go, and I do not doubt that in his many years in the Yukon government, perhaps a generation of them, Harry Murphy will have seen dozens, perhaps even hundreds, of politicians come and go, and hundreds, perhaps even thousands, of public servants enter and leave the Yukon and its service.

I would mention to Members of the House that Mr. and Mrs. Murphy are being transported at government expense to Yukon so that a proper tribute by their colleagues in the Public Service can be made to them in recognition of the unusual tenure and length of service of this public servant.

**Mr. McLachlan:** I would like to join with my other colleagues in expressing our deep appreciation to Mr. Murphy on the honour of his occasion of his retirement today. Thirty-five years of service with any one employer is, indeed, a feat that is worthy of recognition, especially in the case with Mr. Murphy where he was somewhat removed from the employer for which he worked for so many years. I am looking forward to congratulating Mr. Murphy and shaking his hand when he comes to Whitehorse on the occasion of his formal retirement.

**Speaker:** Are there any Returns or Documents for Tabling?

**TABLING RETURNS AND DOCUMENTS**

**Hon. Mr. Penikett:** I have for tabling some returns to questions asked in the last sitting. I believe on this occasion they are all returns to questions asked by the Leader of the Official Opposition

on a related topic.

**03 Speaker:** Are there any Reports of Committees? Are there any Petitions?

**PETITIONS**

**Mr. McLachlan:** I rise to present a petition today that is signed by 200 residents of Faro, and directed towards the Department of Community and Transportation Services whose mandate it is to provide an orderly and efficient and safe mode of transportation for community services and people on the Yukon's highways. The substance of the problem, simply put, is the excessive amount of flying rock that is encountered by anyone passing or meeting a Yukon-Alaska transport truck on the portion of the Campbell Highway between Carmacks and Faro. There is something, Mr. Speaker, about the design of the trucks, axles, wheel size and the air turbulence that is causing more, much more, than the normal amount of thrown rock by the vehicles. It is causing excessive damage to windshields, side windows, radiators, headlights, and the finished paint-jobs of private vehicles. The condition of the road surface on the Robert Campbell Highway is doing nothing to alleviate that problem. The introductory paragraph of the petition says it all: We, the undersigned citizens of Faro, Yukon, and frequent travelers on the highway between Faro and Whitehorse, wish to bring the following matter to your attention, and request that immediate and decisive action be taken to ensure that these hazards are eliminated.

**INTRODUCTION OF BILLS****Bill No. 42: Introduction and First Reading**

**Hon. Mr. Kimmerly:** I move that Bill No. 42, entitled *International Commercial Arbitration Act*, be now introduced and read a first time.

**Speaker:** It has been moved by the Minister of Justice that Bill No. 42, entitled *International Commercial Arbitration Act*, be now introduced and read a first time.

*Motion agreed to*

**Bill No. 83: Introduction and First Reading**

**Hon. Mr. Kimmerly:** I move that Bill No. 83, entitled *An Act to Amend the Insurance Act*, be now introduced and read a first time.

**Speaker:** It has been moved by the Minister of Justice that Bill No. 83, entitled *An Act to Amend the Insurance Act*, be now introduced and read a first time.

*Motion agreed to*

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

**04 Speaker:** Notices of Motion for the Production of Papers? Notices of Motion?

**NOTICES OF MOTION**

**Hon. Mr. Penikett:** I would give notice of a motion: namely THAT it is the opinion of this House that the slowness of Alaska-Yukon postal service, which is now routed through Vancouver and Seattle, has a negative impact on the development of business links and general communications between these two jurisdictions, and

THAT this House urges the Canada Post Corporation to initiate discussions with the United States Postal Service for the purpose of establishing direct postal service between Alaska and Yukon.

**Speaker:** Are there any Statements by Ministers?

**MINISTERIAL STATEMENTS**

### Special ARDA, Two-Year Extension

**Hon. Mr. Penikett:** It is my pleasure to announce today that the Governments of Canada and the Yukon have jointly renewed funding under the Special Agricultural and Rural Development Agreement until March 31, 1989.

This cost-shared agreement, widely known by its acronym "Special ARDA", was first signed between the federal and territorial governments in June, 1978. Since that time, it has been renewed twice: first in 1982 and, again, in 1984.

As its name suggests, Special ARDA plays a special role in the Yukon: that of making economic development and training funds accessible to aboriginal Yukoners. Furthermore, these funds are delivered in a manner that is consistent with the priorities and with the traditional and present-day economic activities of the territory's aboriginal peoples.

This third extension of the agreement has been negotiated on the strength of two factors. First, both governments remain steadfastly committed to the goals of Special ARDA, which was destined to expire this very day and, second, the Yukon aboriginal community, through its rising levels of participation, has given Special ARDA programs a clear vote of confidence.

It is anticipated that, after today's meeting of the Special ARDA Advisory Committee, successful project applications for the year 1986-87 will total 45 and represent a cost-shared financial commitment of more than \$1,040,000. Based on this level of program uptake, this Legislature has already voted \$1,045,000 in the Capital Estimates for economic development to reflect the Yukon government's enhanced financial commitment to this important agreement.

<sup>05</sup> **Speaker:** This then brings us to the Question Period. Are there any questions?

### QUESTION PERIOD

#### Question re: Porcupine Caribou Agreement

**Mr. Phelps:** I have some questions regarding the International Porcupine Caribou Agreement, which was negotiated and initialed between representatives of the United States and Canada on December 3 of last year in Seattle. The CBC obtained a copy several weeks ago from Ottawa. I would like to know why the Minister tried to keep it quiet for so long and why this was not made public and brought to the attention of Yukoners long before mid-March.

**Hon. Mr. Porter:** Although the agreement was initialed in Seattle in December, the negotiators did not move, and have not moved, toward finalization of the agreement. It was felt by myself that the contents of the agreement could possibly be enhanced. I have embarked on a rather rigorous attempt on my part and the part of the government to try to convince the Canadian government that they should endorse a similar position.

Although the agreement was initialed, there were still active negotiations ongoing with respect to the matter.

**Mr. Phelps:** The agreement was initialed on December 3 of last year. We now know that copies were available to the public and organizations in Ottawa and in Alaska. If they were available there, why was it kept a dark hidden secret here for all that time?

**Hon. Mr. Porter:** It was more largely a question of timing with respect to seeking Cabinet approval to release documents of this nature. The day-to-day climate with respect to the agreement was changing. It was directly, in my mind, related to a lot of the developments that are being proposed for the north slope of Alaska. For the most part, we felt that we could enhance the negotiated position that was arrived at through the negotiators, and we attempted to do that.

The decision to make the document available was a decision that that government and the Department of the External Affairs made on their own. It was my intention to make the agreement public in the Yukon. In anticipation of that, I planned to seek the opinion of certain groups, which includes the Porcupine Caribou Management Board. Letters to that effect went out to them. As a matter of fact,

they are meeting in Old Crow at this very moment discussing the very issue that we are discussing here.

<sup>06</sup> **Mr. Phelps:** Almost four months has gone by since this was initialed. It is true that, once the Minister was caught out about there being an agreement in existence, he did suddenly decide to consult with various people, including MLAs and myself. I have a letter that is dated March 16. If this consultation process was in the Minister's mind, why did he not start four months ago? Why did he have to keep it buried all this time? Time is awasting. Why the delay?

**Hon. Mr. Porter:** I would agree with the contention of the Member opposite had the parties tried to move the agreement to the finalization stage, but that was not necessarily the case. In my judgement, there appeared to be the possibility of enhancing the negotiations in terms of what was in the agreement. That was a decision of my own; to try to make some changes, to try to get the agreement changed so that the resources of the people of the Yukon, and other peoples', were better protected. Largely that was a decision that had impact on the release date, as well.

#### Question re: Porcupine Caribou Agreement

**Mr. Phelps:** I am concerned about this issue, extremely concerned. We have been trying for an awfully long time as Yukoners to protect this herd through an international agreement with the United States. The Minister appears to be trying to have it both ways. I refer to an interview with him, published in the *Whitehorse Star* Friday, March 13, 1987, where on the one hand he says that he thinks he can get a stronger deal than our negotiators from External Affairs and the United States and, on the other hand, he seems to be saying that the caribou agreement, when approved, would give us some security and a strong voice with regard to oil development on the North Slope.

I personally feel that we are ill-served by waiting for pie-in-the-sky. I feel that if we could possibly have had that board in place, or have it in place in the very short future, we would have a whole bunch more protection than we have now with regard to that important herd. My question of the Minister is: does he honestly believe that this government can change and get a better deal than the agreement that I have read very carefully and seems pretty good to me? Is that his contention now?

**Hon. Mr. Porter:** Obviously, that is the opinion of the Member opposite: that the agreement is good enough to sign. I had a different opinion, obviously. I thought that we could enhance particularly the habitat sections of the agreement, and I have gone about trying to seek the assistance of the Canadian government. The Government Leader and I sat down with the Minister of External Affairs, Joe Clark, in Toronto, and made our case. The Canadian government at that time did not respond favorably. I have followed that up since with a meeting last week in Ottawa with the Minister responsible for the Department of Environment, Mr. McMillan, and tried to impress upon him the need for Canada to go back to the table to try to enhance the agreement.

I regretfully report that that meeting did not result in a change in Canada's attitude with respect to the agreement. But that does not mean that we should not try to enhance agreements that affect the resources of the Yukon. I think that the position I took was responsible: to try to get a better deal. If the situation proves otherwise, that Canada is not of assistance in that nature, then I would suggest that at that point we would have to reassess our position. That is exactly what we are doing.

<sup>07</sup> **Mr. Phelps:** There are a whole bunch of concerned groups. This resource does not belong to the Government of Yukon. This resource belongs to the people of two nations and, indeed, to the world. There are a lot of concerned people. Many of those people are very concerned that if we try to push this any harder the United States may back out of this agreement. That concerns me greatly.

In fact, one group — the Canadian Wildlife Federation and the Wildlife Federation of Alaska — passed a motion urging the two governments to sign the agreement.

**Speaker:** Order, please. Would the Member please get to the supplementary question.

**Mr. Phelps:** Does the Minister have any concern that, if we

keep dilly-dallying around, we might lose this agreement entirely?

**Hon. Mr. Porter:** I, as well, would like to acknowledge the efforts to the Canadian Wildlife Federation. I think that the organization has been helpful on this particular issue. The joint resolution, courtesy of the Member for Riverdale South, more or less has been implemented through the joint meeting of the Canadian and US Wildlife organizations on this question. I thank them for their support.

With respect to the question as to whether or not delay, at this point, would affect the outcome of the agreement, my information is: no. I have checked this. I did ask the Minister responsible for the Department of the Environment if he had been given any signals to that effect. The answer is negative. We have received no signals from the United States that they were not prepared to endorse and uphold the agreement that they initialed.

At this point, the agreement as initialed, as far as I am concerned, is still on the table.

**Mr. Phelps:** That concern has also been expressed by Ottawa from External Affairs. Would the Minister agree with me that, were this board in place and implemented, it would be a very strong measure of protection against a decision to have oil development on the Alaska North Slope and in the calving grounds of the herd in question? Surely, the Minister will agree that this board is a fairly powerful board, although advisory, because it is empowered to make recommendations to each government. The government has to give reasons in writing for not going along with its advice.

**Speaker:** Order, please. Would the Member please get to the supplementary question.

**Mr. Phelps:** That is the question. I would like an answer.

**Hon. Mr. Porter:** I would confirm the Member's observation that the board is advisory in nature. With respect to the question as to whether or not they would have the ability to make a decision as to standards that have to be met with respect to development decisions in the area under question — largely the North Slope of Alaska — the answer is obviously that they would not have any direct powers with respect to decisions that would affect it. He is correct: advice is what they would be able to give.

I would agree with him, inasmuch as when the board is set up, it could be a very useful tool and useful voice with respect to decisions that are made by the respective jurisdictions regarding development. Nothing has changed with respect to the powers and jurisdictions. They remain the same in the respective countries.

<sup>08</sup>  
**Question re: Cabinet document, budget leak**

**Mr. McLachlan:** The Minister of Justice has dismissed, out-of-hand, an RCMP report into an alleged leak of confidential budget information as inconclusive. Can the Minister advise this Legislature if anything, after one year of investigation, was shown to be useful in that investigation to this government.

**Hon. Mr. Kimmerly:** It is totally inaccurate to say that I have dismissed, out-of-hand, the report of the RCMP. The RCMP investigated a complaint made by the government into alleged wrongdoing. They have determined that a crime was committed, but there is insufficient evidence to lay a charge against any individual. In that context, the investigation is inconclusive.

On receiving that information, the government has done the only course that is available to it, and that is to consider the matter ended, unless further evidence comes to light in the future, which is extremely unlikely.

**Mr. McLachlan:** Offices were raided under a search warrant issued by a justice of the peace; personal property was seized in the investigation. Can the Minister at least advise if the investigation has cleared anyone?

**Hon. Mr. Kimmerly:** It is the duty of the RCMP and myself to not, in any way, draw any attention to any individual where there is a potential or a probable crime. The only responsible comment is to either lay a charge or not to lay a charge. There are no charges laid; the evidence is inconclusive; there is not evidence sufficient to lay a charge against any individual. That is the beginning and the end of it. I will not name any individuals in any context, as it would only improperly draw attention to them.

**Mr. McLachlan:** That sounds very much like a "professional

legal opinion". If we are to accept the answer of the Minister that the silence, at least on his part, is golden — because you were not charged, you seem to be okay, but you might still be under suspicion, because we are not going to proceed any further at this time. Is the Minister giving his assurance to this Legislature that the investigation will not be pursued any further at this time and that no further Members of the Legislative Assembly, or of the civil service, are under any further investigation?

**Hon. Mr. Kimmerly:** Yes.

<sup>09</sup>  
**Question re: Budget lockup**

**Mr. Lang:** Talk about investigations, et cetera.

I would like to address a question to the Government Leader. As he knows, there have been concerns expressed by our side as well as some members of the media with respect to the requirement now to sign an agreement prior to participating in the lockup for the details of the budget, which has been a tradition for quite some period of time. This morning I woke up listening to CHON-FM, and I heard the following quote by the Government Leader: "The reason we went to a signed document was because Mr. Lang, in the previous lockup, walked out after a few minutes. That makes nonsense out of lockup arrangements, and we made it clear that we were not going to continue that again."

Could the Government Leader inform this House whether or not this is an accurate quote?

**Hon. Mr. Penikett:** I cannot vouch for it as an accurate quote or not. As the Member knows, to ask me to comment on press reports in Question Period I think is out of order. The precise information that I was given was that on a previous occasion in a lockup, the Member who just spoke left before the allowed time, which precipitated some complaints from others in the lockup that they ought to be allowed the same privilege. That was one of the many concerns that we have had about the conduct of the procedure. The undertaking I gave yesterday was that we are going to review the usefulness of the existing arrangements and consult with both the media and Members of the House. That applies to not only Opposition Members but also to private Members on this side of the House. I will, of course, do — as was intended by that original lockup — offer a briefing on the budget by officials to Members of this House, from whatever side. I am sorry that the arrangements for yesterday were not satisfactory to the Members opposite.

**Question re: Budget Lockup**

**Mr. Phelps:** I would like to ask a question in order to clear the air about the same sensitive matter. The first point I would make is that Mr. Lang was not at a budget lockup the previous time, or the time before that. He was at one in 1985. After that, and because of a question attributing comments to an official, the government set forward some rules. Because I have attended two lockups since with Members of my Party — and Mr. Lang has not been there — to my knowledge there has never been a broken promise with regard to the rules which were typed out and given to us before we went in. I would like to ask the Government Leader whether, in that last year-and-a-half period, there have been any such breaches by the media or anybody else?

**Hon. Mr. Penikett:** I cannot speak with authority as to whether there have been any breaches in the last year-and-a-half. I think we should be clear about what the purpose of the lockup is. There were some rather unwise suggestions yesterday that there were some questions of privilege and so forth involved. I am under two obligations: one is to protect the confidentiality of budget information until such time as I rise in the House. Obviously I must seek, in connection with advance briefings, proper assurances from anybody who is informed or given any advance notice. A lock-up is an instrument that is a courtesy extended, in some jurisdictions to the media, in other jurisdictions to opposition parties and private members, as well as the media; in other jurisdictions to nobody at all.

<sup>10</sup> At the outset, we tried to establish rules here that were consistent with those that operate in Ottawa. That has not been an entirely satisfactory experience, because we are an entirely different size of

jurisdiction. The rules in Ottawa are much tighter in practice than they are here. As I have said before, I am happy to review the experience of the lockup and happy to consult with Members, both from the Opposition, and private Members from this side, as well as the media, as to whatever rules and arrangements are satisfactory to facilitate the briefing of Members on the Budget on the day that is it announced.

**Mr. Phelps:** I thank the Government Leader for his answer. We have rules. They are in writing. They were obeyed by everyone. I just cannot understand why they would change. Was there some specific reason for changing them because of some imagined or alleged security breach?

**Hon. Mr. Penikett:** I cannot speak to any specific or imagined breach in security. The signed document is a practice that, I understand, is observed in a number of jurisdictions as a requirement to the media. The logic of our arrangement was that we should not opt to require it of one group of people and not another. It is quite possible that that decision was not suitable for this place. I have already said that I am quite happy to review the arrangements with the Opposition Leaders or with other people prior to the next briefing.

I would repeat again, because the Members did not take the opportunity to have a special briefing yesterday, that should they wish one, I am prepared to sit down with the Leader of the Official Opposition, or with others, and discuss the arrangements by which that might be achieved today or at some future date this week.

#### Question re: CBC, Stanley Cup

**Mr. Brewster:** Last December, I asked the Minister of Community and Transportation Services if he would contact CBC to ensure that rural Yukoners would be able to see the Stanley Cup playoffs this spring. Can the Minister now meet this commitment?

**Hon. Mr. McDonald:** I made the commitment that I would contact CBC this spring. That contact has been made through the department. CBC assures the government and the Legislature that rural communities will have access to all NHL playoffs this year.

**Mr. Brewster:** I would like to thank the Minister on behalf of all rural Yukoners. At last we have been able to move to CBC of its unfairness toward rural communities. I would like to thank him very much.

#### Question re: Budget lockup

**Mr. Nordling:** In what other jurisdictions do the MLAs sign a declaration before they attend Budget lockup?

**Hon. Mr. Penikett:** I am sorry. I do not have that information at my fingertips. Given the amount of inaccurate information that has already been attributed to me or to other people on this subject, I would hesitate to speak entirely from memory. I do know that there was a public statement made in the last few hours to the effect that Saskatchewan MLA's are given a lockup for a briefing, which is not the case.

In that case, only the media is given an advance copy, and they sign a document not to release it, or at least, so I am advised. There are other jurisdictions where there is no briefing at all. The main point remains that I am quite happy to facilitate whatever embargo or briefing would be useful for Members of this House. I remain committed to that. I would invite the leadership of the parties opposite to communicate with me about what their requirements would be on that score.

#### Question re: Justice of the Peace training

**Mr. Phillips:** I have a question for the Minister of Justice. There were many concerns raised at the recent Northern Justice Conference, and one of the largest concerns was the lack of funding for JP training. Since the JP system really is a cornerstone of the Yukon Justice system, is the government prepared to expand the training for this program?

**Hon. Mr. Kimmerly:** I would dearly love to do that, and I would invite a specific debate about that in the Justice estimates, which will occur, I would imagine, in the next two weeks or so. The funding identified in the budget now is approximately the same, with a very slight increase, I believe, as with previous years.

I am extremely interested in debating exactly that and finding the ways to enhance the very, very worthwhile program of training of rural JPs.

**Mr. Phillips:** I guess the answer is no. The Minister's department prepares the budget, and he has the opportunity, as he recognizes it is a very important program, to allocate more funds to that program. If he feels it is so important, why is he going to wait another year to allocate the appropriate funds to the program?

**Hon. Mr. Kimmerly:** I did not say that I was going to wait another year. The funding for JP training is increased over past years.

#### Question re: Deputy Minister of Education

**Mrs. Firth:** My question is for the Government Leader regarding the Deputy Minister of Education. It has been some seven months now since the former Deputy Minister of Education was fired; can the Government Leader tell us why he has not appointed a new Deputy Minister yet?

**Hon. Mr. Penikett:** I believe I have already answered the question on a previous occasion, but I can update my answer. The search for a Deputy Minister continues. We were not able to come to a totally satisfactory selection among the candidates in the competition. As a result we have decided to re-advertise and open the competition again.

**Mrs. Firth:** The Minister received some 48 applications and, out of that 48, I believe six were short-listed and interviewed. I would like to ask the Government Leader if the individuals who were short-listed and interviewed were notified that the job was going to be re-advertised in the newspaper, or did they just have to read it in the newspaper?

**Hon. Mr. Penikett:** I will take that question as notice. It is not in the normal course of things, of course. I will establish from the Public Service Commission whether the normal courtesies and the proper courtesies were observed in this case.

**Mrs. Firth:** The Government Leader is also the Minister responsible for the Public Service Commission and should be familiar with the procedures, particularly in a delicate situation such as this. I would submit to the Government Leader and the Minister of the Public Service Commission that the proper procedures were not followed, and I would like to get a commitment from him to see that, if there is no policy to take care of that, one is established.

**Hon. Mr. Penikett:** I do not accept at all the assumption behind the member's representation, but I will, however, take the representation as notice because I do think it is important, whatever the regulations require, that we conduct ourselves in a civil way in personnel matters.

#### Question re: Trails and back country roads

**Mr. Brewster:** I noticed a contract being put out for the inventory of trails and back country roads by the Department of Tourism, yet Renewable Resources spent \$150,000 last year studying trails. Are any of the trails being catalogued those belonging to outfitters in their hunting concessions?

**Hon. Mr. Porter:** That is a very specific question in nature and what I will do is seek a response for that question and bring the answer back to the Member.

**Mr. Brewster:** I would like to thank the Minister for that.

Is this tourism inventory the same program as the renewable resources program that was passed in the 1986/87 Estimates? Are these programs being duplicated?

**Hon. Mr. Porter:** We are not in a position of duplication. As actual fact, renewable resources and tourism are working together on trail development in the Yukon.

**Mr. Brewster:** Will the Minister ensure me that there will not be any interference with people being in the outfitters' areas cataloguing trails during the outfitters' busy seasons?

**Hon. Mr. Porter:** I will give that assurance to the Member. The people who will be responsible for doing the work will also be given the instruction.

#### Question re: Staff Housing Program eligibility

**Mr. McLachlan:** My question is for the Minister responsible

for the Yukon Housing Corporation. Can the Minister advise why employees of the government staff housing in rural Yukon are being told that they are not eligible for government programs, such as power and fuel oil rebates?

**Hon. Mr. McDonald:** I do not have an answer to this specific question, but I will take the question as notice and respond to the Member.

**Mr. McLachlan:** I believe, if the Minister is interested, the officials of the department have tried to simplify this situation by offering to purchase the first tank of fuel oil from the employees and then deducting it back over four equal pay-periods, or something, and then, of course, it becomes a confusion as to who is responsible at the end of the school year on June 30th. I wanted to ask the Minister if he could perhaps look into a better way of handling the initial expenses for employees moving into those houses than this type of approach, which is obviously causing some confusion to the employees.

**Hon. Mr. McDonald:** I thank the Member for elaborating on the question. That will be very helpful in coming up with an answer for him. I will provide that answer as soon as possible.

**Mr. McLachlan:** Could the Minister also undertake to inform these employees once he has looked into the matter and cleared it up? Could he please undertake, within the Housing Corporation, to tell the employees in rural Yukon that they are eligible for the programs if his investigation deems that they are?

**Hon. Mr. McDonald:** Of course I do not want to pre-judge or predict what an investigation will say, but certainly I will, with some alacrity, look into the situation. If remedial action is required, then it will be taken.

#### Question re: Joint Commission on Indian Education and Training

**Mrs. Firth:** I have a question for the Minister of Education regarding the Joint Commission on Indian Education and Training. When we were last sitting in the Legislature, I asked some questions of the Minister and was provided with some detailed information by his executive assistant. At that time, I was told that a Management Board decision had been made authorizing the Minister some new spending privileges. I asked for a copy of the Management Board record and was denied that. Can the Minister tell me why we would be denied a copy of the Management Board decision?

**Hon. Mr. McDonald:** As I am sure the Member is aware, the Management Board is a subcommittee of Cabinet. Minutes of Management Board are not considered to be public information. I attempted, through an intermediary, to provide the Member with some information, and I can provide more information to the House tomorrow. It is as complete an analysis of the situation that could possibly be expected by anyone.

**Mrs. Firth:** I am talking about something very important here. It involves expenditure of public funds. I recall, on January 27, the Government Leader was asked a question about the Yukon Development Corporation and Management Board, he very specifically said that he would be quite happy to provide the House with a report on the decisions made by Management Board with respect to the Corporation. I see the Government Leader giving instruction. He is saying that we are not providing the actual record, and I appreciate that.

The details of the Management Board decision, or the report on the decisions made by Management Board, were not provided to the Members opposite and therefore would not be provided to the public. In dealing with the expenditure of public funds, and the new authority that has been designated to the Minister for that expenditure of funds, can the Minister then tell us how we are to find out that new authorities have been given and whether or not the Minister has complied with those new authorities if we are not given copies of the Management Board report?

**Hon. Mr. McDonald:** The Member is conveniently fudging the differences between Management Board minutes and Management Board reports. I am not aware of any Management Board report coming forward as a result of the matter before us. I did indicate in the briefing notes then, and I will certainly enhance upon that in a

Legislative Return that will incorporate answers to other questions that I could table tomorrow, and when certain decisions were made. If the Member finds that particular information useful, the timing of those decisions are catalogued in the Legislative Return.

**Mrs. Firth:** I would submit that it is not I who is fudging, it is the Minister. We are talking about something very serious here. We are talking about bypassing existing tendering and bidding procedures. Management Board has authorized the Minister some new authority when it comes to tendering and the bidding process. We would like to know what those authorities are. Perhaps the Minister could tell us how many other contracts in his department have had this special Management Board authorization to bypass the normal procedure. Otherwise, the public has no way of knowing this.

**Hon. Mr. McDonald:** An explanation of what has happened has been provided to the Member once before and will be enhanced upon in the Legislative Return that I will table tomorrow. The real issue that the Member is failing to suggest is that she simply did not believe me when I state Management Board has given approval for something, and she has requested the minutes to prove that such a thing has taken place.

The information that I have given the Member is, to the best of my knowledge, completely accurate. There has been absolutely no attempt to fudge, whatsoever, any of the information that has been provided to the Legislature or to the Member with respect to the Indian Education Commission. There has been every attempt to be as forthcoming as possible and to provide as much information as possible to the Member Opposite.

**Speaker:** Order, please. Would the Member please conclude his answer.

**Hon. Mr. McDonald:** That is what has been done, and that is what will be done.

**Speaker:** The time for Question Period has now elapsed. We will now proceed with the Orders of the Day.

## ORDERS OF THE DAY

### GOVERNMENT BILLS

#### Bill No. 31: Second Reading

**Clerk:** Second reading, Bill No. 31, standing in the name of the hon. Mr. Penikett.

**Hon. Mr. Penikett:** I move that Bill No. 31, entitled *Interim Supply Appropriation, 1987-88*, be now read a second time.

**Speaker:** It has been moved by the hon. Government Leader that Bill No. 31, entitled *Interim Supply Appropriation Act, 1987-88*, be now read a second time.

**Hon. Mr. Penikett:** I shall be brief, as is the custom in connection with Interim Supply measures. Suffice to say that the purpose of this Bill is to vote the estimated Operation and Maintenance funds that will be required by the government for the months of April and May, 1987. This Bill is necessary because the debate and passage of the 1987-88 Operation and Maintenance Estimates will not be completed by March 31 of the current year. That is, of course, to state the obvious.

Upon passage of the 1987-88 O&M Mains, this Bill will be subsumed in the sums voted in the Mains. As is always important to point out, as my predecessor, Mr. Pearson, used to point out, the amounts to be voted are not necessarily equal to one-sixth of the total of the 1987-88 O&M Mains, because departmental expenditures do not occur in an even pattern over the course of the fiscal year.

The costs associated with initiating programs at the beginning of each fiscal year, together with the payment schedules for grants and contributions, result in this uneven disbursement pattern.

I would recommend the Bill to the House, and I look forward to this measure passing in that it will facilitate the debate on the Main Estimates when we get to that.

*Motion agreed to*

#### Bill No. 56: Second Reading

**Clerk:** Second reading, Bill No. 56, standing in the name of the

hon. Mr. Penikett.

**Hon. Mr. Penikett:** I move that Bill No. 56, entitled *Fifth Appropriation Act, 1986-87*, be now read a second time.

**Speaker:** It has been moved by the hon. Government Leader that Bill No. 56, entitled *Fifth Appropriation Act, 1986-87*, be now read a second time.

**Hon. Mr. Penikett:** The purpose of this Bill is to vote anticipated operational and maintenance or capital requirements for 1986-87 in excess of those previously voted. That additional funding requirement is \$234,000. This is made up of an increased O&M requirement of \$2,139,000 and a reduced capital requirement of \$1,905,000. Of that, \$234,000 will be funded from the accumulated surplus.

Included in the O&M requirement of \$2,139,000 are two non-cash items that provide a framework for year-end accounting adjustments. The budget amounts for these items are Bad Debts, \$126,000, and Employee Leave Accruals, \$365,000. The Departments of Education and Government Services require adjustments of \$301,000 and \$918,000, respectively, exclusive of contingency amounts to support program requirements. The Department of Education has identified funding primarily for the public school program. The Department of Government Services has identified funding primarily for Supply and Services.

Also included in the O&M requests are contingencies in the amount of \$860,000 that are spread among a number of departments.

On the Capital side, the current projection is that the requirements will be \$1,905,000 lower than the estimates included in the 1986-87 Supplementary No. 2. A few projects in both the Department of Community and Transportation Services and the Department of Education require scheduling adjustments. The related funds, \$1,635,000 and \$940,000, exclusive of contingencies, have been returned to the Consolidated Revenue Fund.

Included in the projected 1986-87 Capital expenditures are \$525,000 in contingencies.

In summary, a total of \$1,385,000 has been included in this appropriation Act for the purpose of contingencies, in order to provide a buffer for compliance with the *Financial Administration Act*, which does not permit overspending. If contingencies were excluded from the net requirements of this appropriation Act, we would be reducing the level of funding requested by \$1,151,000.

I would recommend second reading of this Bill to all Members of the House.

<sup>16</sup> *Motion agreed to*

**Hon. Mr. Porter:** I move that the Speaker do now leave the Chair and the House resolve into Committee of the Whole.

**Speaker:** It has been moved by the hon. Government House Leader that the Speaker do now leave the Chair and that the House resolve into Committee of the Whole.

*Motion agreed to*

## COMMITTEE OF THE WHOLE

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

Before we begin, there will be a 15 minute recess.

*Recess*

**Chairman:** I will call Committee of the Whole back to order. We will proceed with Bill No. 31.

**Bill No. 31 — Interim Supply Appropriation Act, 1987-88**  
*On Clause 1*

**Hon. Mr. Penikett:** I would be pleased to answer questions about the Interim Supply measures. I do not think there is an awful lot I could add to the statement I made at Second Reading, but I would be pleased to answer questions.

*On Schedule A*

*On Yukon Legislative Assembly*

**Mr. Lang:** I have a general question, just to get it clarified for

the record. Are the same principles that were utilized for the purposes of the Interim Supply Bill of last year utilized for putting this bill together? As there are various hidden costs, not just strictly salary, and that type of thing?

**Hon. Mr. Penikett:** Yes, being of course mindful of the previous budget debate, this is an interim supply bill for two months as opposed to one, but the amounts contained in here are based on cash flows. They are not precise one-sixth fractions for one-sixth of the year. It is based on the experience of cash flows.

**Mr. Lang:** Because it is all hidden, we really cannot tell from the Bill. What I just wanted to know is: do the same principles that apply to all the other interim Acts that we have had before us apply to this one? That is the question. If it has deviated, I would like to know why.

<sup>17</sup> **Hon. Mr. Penikett:** There is no deviation from past principles here. The numbers are those developed entirely by the Department of Finance.

*Yukon Legislative Assembly in the amount of \$319,000 agreed to*  
*On Executive Council Office*

*Executive Council Office in the amount of \$775,000 agreed to*  
*On Community and Transportation Services*

*Community and Transportation Services in the amount of \$9,000,000 agreed to*

*On Economic Development: Mines and Small Business*  
*Economic Development: Mines and Small Business in the amount of \$410,000 agreed to*

*On Education*  
*Education in the amount of \$7,000,000 agreed to*

*On Finance*  
*Finance in the amount of \$487,000 agreed to*

*On Government Services*  
*Government Services in the amount of \$2,110,000 agreed to*

*On Health and Human Resources*  
*Health and Human Resources in the amount of \$7,295,000 agreed to*

*On Justice*  
*Justice in the amount of \$3,128,000 agreed to*

*On Public Service Commission*  
*Public Service Commission in the amount of \$628,000 agreed to*

*On Renewable Resources*  
*Renewable Resources in the amount of \$1,206,000 agreed to*

*On Tourism*  
*Tourism in the amount of \$550,000 agreed to*

*On Women's Directorate*  
*Women's Directorate in the amount of \$40,000 agreed to*

*On Yukon Housing Corporation*  
*Yukon Housing Corporation in the amount of \$218,000 agreed to*

*On Total*  
*Total in the amount of \$33,166,000 agreed to*

*On Clause 2*  
*Clause 2 agreed to*

*On Clause 3*  
*Clause 3 agreed to*

*Clause 1 agreed to*  
*On Title*

*Title agreed to*

**Hon. Mr. Penikett:** I move that you report Bill No. 31, entitled *Interim Supply Appropriation Act, 1987-88*, out of Committee without amendment.

*Motion agreed to*

## Bill No. 40 — Gas Burning Devices Act

**Chairman:** As I recall, we have already dealt with Clause 1, Interpretation. We will start with Clause 2.

*On Clause 2*

**Mr. Lang:** There were a number of outstanding questions put to the Minister. He was going to indicate to us what his intentions were. Perhaps this would be the appropriate time to share with us whether he is going to bring amendments forward and what those



amendments are. Perhaps he could pass them around so we all get a chance to see them.

**Mr. McDonald:** The amendments were both transmitted to the Member for Porter Creek East better than a month ago. I do have them with me. I was planning to table them once again at the appropriate time, when the opportunity arose in the Act. Clause 5 and Clause 9, at the request of Members opposite, were to be amended and appropriate wording was created by officials from my Department, which would, I think, meet the concerns expressed by the Members opposite with respect to, firstly, the need for persons who would require gasfitting work, to do work at some considerable distance from Whitehorse, and a desire that they receive the permit from the inspector if the expense of doing the work by a licenced gasfitter is unreasonable, or if the closest licenced gasfitter is at a good distance from the person.

The other amendment essentially was an amendment that, at the request of the Member from Porter Creek East, was to provide for identical wording that exists in the *Electrical Protections Act* with respect to the search and seizure procedures and the ability to get a search warrant from a Justice of the Peace.

I do have those amendments, and I can provide them once again. I can provide them right now, as a matter of fact, but I do not have further copies to provide at the time that the amendment should be tabled. I did try, at the last sitting, to answer a whole series of questions that were put by Members opposite. I had believed that I had answered those questions. If the Members would like to put some of them again, or if they feel that they do not remember the answers, or if I am incorrect in stating the answers of the questions, then I will be happy to do that now.

**Mr. Lang:** Obviously the mail is not working or something has happened. I do not recall the document that the Minister is referring to, and I am taking his word that his intentions were to send it. That being what it may, we may, depending on the amendment, ask for some time over the course of committee to consider the amendment because this is the first time that we have had an opportunity to read it. I do not want to get into an argument about who put what where, or whatever the case may be, but maybe there is a misunderstanding here. I want to get on with business, and there are a number of outstanding questions that were left, with the limited debate that we had on the Bill.

There are specific questions in a general sense, and I recognize the problem with the Chair, but you can recognize our problem: they were supposed to come back with answers. Maybe I can go through it very quickly.

<sup>19</sup> I wanted to ask the Minister if the inspections of devices such as these was required, prior to this piece of legislation, under the National Building Code? Are those inspections done by the plumbing inspector who is on staff now?

**Hon. Mr. McDonald:** I believe that inspections are done by the plumbing inspector. They are not done under the Building Code; they are done under the *Fire Prevention Act*. As I mentioned before, the regulations under the *Fire Prevention Act* are outdated.

The major change in this Act is the licencing of gasfitters, which hopefully will reduce the numbers of inspections required. I believe that for every permit that has been issued in the past, there has been an average of seven inspections per permit issued, because there was no stipulation that qualified persons should do the work. Hopefully the number of inspections will be reduced as a result of the requirement for commercial activities to be done by licenced gasfitters.

**Mr. Lang:** One of the questions we had was the question of exemptions in respect to the Act. For example, it had to do with the installation of propane bottles. In some eyes, this may seem to be minor and others, I guess, would see it as dangerous. I am thinking, primarily, of individuals in mobile homes and that kind of thing.

The Minister agreed that he would check to see what exemptions British Columbia and Alberta had made to their legislation so that we would not have a situation where installations of the kind I have cited would not be required to be monitored by this legislation. Could he report his finding to the House?

**Hon. Mr. McDonald:** We have anticipated two: the need for exemptions to be placed on the gasfittings that would be done for

private dwellings. As I have indicated, the exemptions for residences will be in place, and that would include everything from a trapper's cabin to a person's own home in Porter Creek or a cabin on the lake. Exceptions will be provided for those home owners who do work on their own system.

The sheet that I provided last time around with respect to the provisions to be encompassed in those regulations does make mention of the exemptions for home owners. That would be what we would anticipate being in the regulations themselves.

**Mr. Lang:** Specifically, I asked that exemptions that British Columbia and Alberta had in place be checked. Is that all they have in place, or are there other exemptions? What did he find when he reviewed the BC regulations and the Alberta regulations? What exemptions were contained in those pieces of legislation?

<sup>20</sup> **Hon. Mr. McDonald:** I am sorry. I did not check the Alberta regulations and the BC regulations. In any case, I have indicated to Members what we are planning to do. There is also a provision in the Act that says that other exemptions can be made in Section 2(c), which speaks to the need for exemptions if it is considered impractical to ensure that the Act applies in every provision for all purposes.

There is the understanding that as technology changes it may be necessary to respond in a practical manner. That was what we intend to do.

**Mr. Lang:** I am not trying to be difficult, but there was a commitment made that, because our legislation was similar to that of BC and Alberta, the government would be reporting back to us to say what was in the regulations for exemptions.

Do I take it the exemptions in this legislation — the one exemption, at least to start — will be the dwelling unit or a cabin or a trapper's cabin? Those are three exemptions that are intended at the present time?

**Hon. Mr. McDonald:** The exemption is for any dwelling, any building that counts as a person's residence, where the person is going to do the work themselves. That would be incorporated into the regulations as an exemption. That dwelling could be a trapper's cabin; it could be a cabin on a lake; or it could be your own home, your permanent primary dwelling. That is an exemption that we are intending to put in to the regulations.

**Mr. Brewster:** The Minister has not mentioned placer mining. We have placer mining people who are back sometimes 30 or 40 miles in the bush. Surely they will be exempt in hooking up their propane every time they move their camps.

**Hon. Mr. McDonald:** Yes. It is anticipated that situations occur like the placer mining camp, where a person sets up a mobile home, or something, and they move up and down the creek over the course of a season. They sometimes move their camp at the same time. There is no feeling that the person is going to be told to follow the strictures of the Act. Those persons would be exempted under the conditions I have stated.

<sup>21</sup> **Mr. Lang:** One of the concerns I think that could be expressed here is that, unless it is clearly enumerated and stated in legislation that they are exempt from the act, the possibility, insurance-wise, could come into question with respect to a fire, or that type of thing, if there is a cause associated with gas or propane. I think it is going to be incumbent upon the government — and I recognize the problem we are in — to put certainty into the regulations that these particular situations are exempt.

**Hon. Mr. McDonald:** With respect to personal liability, the exemptions provided would have to be stipulated clearly in the regulations so that people know where they stand. The regulations, it is understood, may change if new classes of persons might be considered to be appropriate for incorporation into the regulations as exemptions, or changing technology makes it obvious that changes have to be made. Clearly, it is desired to be practical about the enforcement of this Act, as it is with any other act of like kind, like the *Electrical Protection Act* or the *Building Standards Act* or the *Boiler Pressure Vessels Act*. The Member can rest assured that we will do our utmost to ensure that the regulations speak with some clarity as to what the character of the exception will be.

**Mr. Lang:** That leads me to another general question. As you know, we have been dealing with this piece of legislation since it

was tabled — in November, was it not? We were dealing with it four or five months ago, any rate, and I am just wondering if the Minister now has draft regulations that show what the intentions of the government are — not that we have the ability to pass them, but it would maybe clarify for us some of the questions that are obviously emanating from this side.

**Hon. Mr. McDonald:** I am trying to be frank with respect to what the character of the regulations would be with respect to home owners' exemptions for residences. The regulations are, I am sure, being drafted; they have not come across my desk yet and I certainly think they have not been passed by Cabinet yet.

**Mr. Lang:** Just pursuing that a little further, when do you expect the draft regulations to be on your desk?

**Hon. Mr. McDonald:** I would hope within the next month or two. I think it is important, obviously, before this Act is proclaimed or enacted, that the regulations be in place.

**Mr. Brewster:** I think I have the answer, but I would just like to ensure that this is on the record. We keep speaking about placer miners and their homes. There are also placer mines that will have eight or ten people working there that will have bunkhouses. Now, is this whole operation going to be in a position where it can go ahead and have an exemption or is it just going to be the homes?

I would like to point out the other thing the Member for Porter Creek found out: unless something is stated in the regulations, soon a fire or something starts up there and they have insurance, possibly the insurance company is going to come back and say, "You did not have a certified inspector put that in for you and you're not qualified."

**Hon. Mr. McDonald:** There might be a little bit of a misunderstanding here in the sense that there are going to be some requests for a permitting that does not currently exist. Under the *Fire Prevention Act*, permitting is a requirement for gas burning licences of the kind that are anticipated in this legislation. We are primarily talking about the requirement of using qualified persons and updating the regulations under this particular Act.

With respect to a large placer mining camp with bunkhouses, et cetera, currently the camp does require a permit. The camp owner does require a permit in order to install a gas burning device. With respect to the issuance of qualified personnel, there are people who are currently taking the course. I think some have completed the course. They would be anybody who is qualified to take the course. That would be anybody who has been in the industry for a while. Plumbers, steam pipefitters, oilburner mechanics, and sheet metal workers, who would be able to take the test and become certified gas fitters. If they were going to be doing it for a fee, it would be a requirement for a qualified person to perform the work. That is what the legislation anticipates.

There is no attempt to try to be hard-headed about it with respect to people's private homes. When we are talking about protection of the public, and we are talking about the transmission of a service for a fee, then we are talking about wanting to protect the public through ensuring that the persons doing the work are qualified. That is what the legislation is doing.

**Mr. Lang:** That was the other question we had, with respect to the number of people estimated who would be eligible and would be taking the course, so that we did not have a situation where there were eight or 10 people who met the qualifications. The Minister made the commitment that he was going to check into the question and be in a position to estimate the number of people who would be taking the course to give us an idea of what we are dealing with.

**Hon. Mr. McDonald:** I do not know the specific number of people who have taken the course already, but there was a feeling that 30 to 40 people in the Yukon would be certified immediately. As I understood it, there were 10 or so persons registered in the first course. That course will have been completed by now. If the Member would like to know what the success rate of that course was, I can provide that information.

**Mr. Lang:** There we go again. This is the importance of what we are talking about now. Is there anyone outside of Whitehorse, in the other communities, taking the course? Does he have any estimates of how many people outside of Whitehorse meet the qualifications and will be taking the course, i.e., from Dawson

City, Mayo, Watson Lake or Haines Junction?

**Hon. Mr. McDonald:** No, I do not have a breakdown by community of the persons who have taken the course. I can provide the information for the Member.

**Mr. Lang:** We kind of find ourselves in a dilemma here. We are not trying to be difficult, but I am trying to look at legislation and say it is workable. It is one thing to talk in theory, but it is another to be pragmatic and ask if it is going to be realistic, and, logistically, are we going to be able to provide the necessary service required by the law at a price that is acceptable?

I want to express a concern here, and I guess, perhaps, maybe I should not because I am a Member from Whitehorse so why I should worry about Dawson City or Watson Lake at the expense of someone travelling for two days from Whitehorse to Watson Lake for the purpose of doing a major hookup. My concern is the cost of doing business, in part, at any rate, along with the requirements here. How long would it take to get the information that we have asked for? We asked similar questions in the general debate that we had last time on the Bill, if the Minister will recall.

**Hon. Mr. McDonald:** In all honesty, I do not remember a request for a breakdown of all the persons registered in the course as by the community. The Member did make representation that perhaps a clause in the Act should be inserted that conceivably reads as follows: "whereby a reason of distance of the premises from a place where there is a licenced gasfitter, the expense of doing the work may be unreasonable; an inspector may, subject to any conditions necessary, issue a permit to do gasfitting and emergency repairs or service on equipment."

There might be two gasfitters in Mayo today. There might be two persons in Mayo who are certified to do the work. Those two people conceivably could leave, which could be a hundred percent drop in the persons available to do the work, but whereby reason of the distance of the premises from a place where there is a licensed gasfitter, the inspector may issue a permit to do gasfitting and emergency repairs or service on equipment. That is meant to anticipate that even though there may not be a gasfitter in a community that the gasfitting work can still be done, and the people will still be reasonable, keeping in mind the basic public safety requirements that I am sure we all endorse.

It would be unreasonable, I would think, to simply try to ensure that there is always some gasfitter in a community, otherwise the legislation does not stand. I think there are other ways of dealing with that matter. I think probably this amendment that we are tabling today, which I had thought that I had provided to Members opposite, will be able to deal with the kind of concerns that the Member mentioned.

**Mr. Lang:** The questions were raised the last time that we discussed this — perhaps not to the extent of breaking it down to community-by-community. I want to express our concern. Albeit you have your amendment here, and I appreciate that because it was a request made by this side. I think it is fairly well written. Our concern is the basic concern of logistics of how you service someone who is way off one of the highways. The requirements to be there are there and the liabilities to the individuals are there if it is not done under the law. That is basically our concern: the logistics of what we are attempting to service.

**24** One of the questions that was put to the Minister was the question of dealerships, and it was whether or not they are required to have a licence. Basically, if one is dealing in these types of devices, is it a requirement in selling them to have licensing in the way the Act is written, at the present time? If I recall correctly, the Minister was going to check back with us on that.

**Hon. Mr. McDonald:** I do not recall the question. I thought the Member asked a question about contractors on that subject. I know that the dealer requires some sort of recognition, whether it is a licence or permit or whatever the phraseology is. I will have to check for the Member. I would ask officials to let me know what the answer is. Perhaps we can get the information to the Member as we go.

**Mr. Lang:** Along with the dealer question, there was the question about contractors. Is it a requirement for them, if they were bidding on YTG contracts, or anything else like that, to have

the necessary licenses in order to be able to submit a tender?

**Hon. Mr. McDonald:** A contractor will require a licence. In receiving that licence, the contractor must have a gasfitter, or employ a gasfitter, to do this sort of work.

**Mr. Lang:** That is my question. If that is the case, then it would not be required for him to have the licence. All he has to do is ensure that he has or will have a licensed gasfitter to do the required work. Is that not correct? I am just concerned about the paperwork that emanates through government if these things are not looked at.

**Hon. Mr. McDonald:** It is my understanding that the licence for a general heating contractor, for example, would be provided to the contractor who applies for the licence. The licence would be perceived to an ongoing qualification and make the permitting procedure much easier for the contractor when the contractor came in to seek a routine permit on a particular job.

<sup>25</sup> **Mr. Lang:** Maybe I have not made myself clear. I am a general contractor; I am not required to have a journeyman's carpenter ticket; I am not required to have an electrical ticket, nor any other ticket. All I have to do is have the financial capabilities and whatever the other criteria are to be able to tender on a job. My question is regarding the requirement of licencing. It is not a requirement that I, as the contractor, have this type of a licence. It is just a requirement that I hire people with that kind of licence if I get the job. Is that correct? Therefore, I would not need the gasburning device permit or licence.

**Hon. Mr. McDonald:** The Member is correct in the sense that he would not require a licence himself to work as a general contractor. Like the *Electrical Protections Act*, he would not require a journeyman's ticket as an electrician, but when it came time to do electrical work, he would be required to have a journeyman electrician do the work.

**Mr. Lang:** The Minister made a commitment on page 372 of *Hansard* on January 6, 1987. He was going to check to see if the gasfitter's program that we are going to have here would have an interprovincial seal? Perhaps he could report back to the House.

**Hon. Mr. McDonald:** I remember that I did ask the Department of Education for that answer as to whether or not an interprovincial seal was possible for this trade. I did receive an answer, but I do not have it with me. I will get the answer for the Members.

I must make it clear that there is not a requirement for an interprovincial seal in order to do the work. It is a benefit that is had through negotiation with other jurisdictions Canada-wide. Essentially, there is a process by which the various jurisdictions, registered branches, get together to share the courses and share information so that they come up with common testing procedures for a particular trade. The interprovincial seal simply allows a person to have some portability with respect to that ticket. A person could become certified in the Yukon quite easily, but it would not necessarily be transferrable.

I will find out whether there is an interprovincial seal for this. If my memory serves me correctly, I doubt it. I do not believe there is an interprovincial seal for this particular trade, but certainly if there are discussions in the future with respect to an interprovincial accreditation for any trade, including this one, we would wholeheartedly attempt to participate with the understanding that, throughout all these discussions, we have been trying to ensure that jurisdictions as small as ours get special treatment in the sense that we attempt to get our journeyman to apprentice ratios as low as possible.

<sup>26</sup> We have the lowest journeyman-to-apprentice ratio in the country at one to one. There are other jurisdictions, like Alberta, where the apprenticeship is three journeymen to one apprentice. But if we can possibly get the interprovincial seal designation for a trade, we will do so.

**Mr. Lang:** I did ask the question here January 6th, and I would like to ask a further question on this. I recognize this is not the most interesting legislation this House has seen, nor the most controversial, but it is law, and I think it does warrant some explanation. I would ask the Minister this: if you will recall, there was some debate at that time with respect to the qualifications of a gasfitter coming in from Alberta or British Columbia, and the question was,

would those particular qualifications be recognized in order that he or she could work here in the Yukon?

**Hon. Mr. McDonald:** With respect to every trade, the procedure is as follows. If there is not an interprovincial designation for that particular trade, or interprovincial accreditation, what the government has done in the past, and will continue to do, is to ask a person with a journeyman ticket from another jurisdiction to simply, if they are in fact qualified, in the interests of protecting the public as to the designation itself, to write a test. I do not believe it is longer than a couple of hours, and if the person is qualified, then he will get journeyman status here as well.

The department informs me that dealers are not required to obtain permits or a licence unless they are actually doing gasfitting work. They can carry out repairs to appliances brought into a shop, and a gasfitter will reconnect the appliance at the site. The permit, as required, will be for the reconnection, but they would not have to obtain permits or a licence unless they were actually doing gasfitting work.

**Mr. Lang:** I just want to follow this up further because it is a question again on logistics, a question of cost of doing business, a question of the government's responsibilities. Is there an interprovincial ticket between Alberta and British Columbia with respect to gasfitters?

**Hon. Mr. McDonald:** There is no such thing as bilateral interprovincial tickets. They are either nationwide or they are not. I did have a list of all trades in our schedule and whether or not those trades have interprovincial accreditation, which means that a person can also write a test for the interprovincial red seal. I will provide that list for the Members. But there is no bilateral agreements between provinces that I am aware of to have their own interprovincial red seal or blue seal or any seal. It is only nationwide.

<sup>27</sup> **Mr. Lang:** Perhaps I did not hear the response. Is there an interprovincial ticket for gasfitters across the nation, except for Yukon?

**Hon. Mr. McDonald:** Let me put it this way: if the Yukon were going to designate this trade, and they have; if there was already in the country for all jurisdictions who had designated gasfitters and who had, through agreement, provided for an interprovincial accreditation for gasfitters, we would then do our best to opt in.

**Mr. Lang:** That was not my question. Is there presently in force, across the nation, a recognition of gasfitters as a designated profession or career, as far as a ticket is concerned?

**Hon. Mr. McDonald:** I have already indicated to the Member that that is something that I am checking. I have already indicated to the Member that that is something that I doubt. I will check with the department to ensure that I am correct and that there is no interprovincial designations for gasfitters currently existing in this country.

**Mr. Lang:** I am at a little bit of a loss on how to handle this. It does have a bearing on the legislation we are dealing with, with respect to the qualifications and requirements that you are asking us to give our approbation to. What I do not understand is, if the government is going ahead with this course, why we would not know whether or not there was an interprovincial seal, especially in view of the discussion we had three months ago, and the concern that was expressed from this side, vis-a-vis the recognition of somebody coming in and doing work, either in Watson Lake or in Faro, and not having to wait for two days if somebody goes and writes an exam.

I think I may have jogged the Minister's memory there. That was the reason, in part, that the question was put. For the legislation that we have here, what is the intention of the government, if, in Faro they have a major installation; a contractor comes in, there is no one around here who is available to do the work. They say they are prepared to bring in two people from Alberta with a gasfitter's ticket. Are they going to be able to go to work, or are we going to be in a situation where they have to come and talk to you and get a permit prior to going to work?

**Hon. Mr. McDonald:** Nobody has to come and talk to me prior to getting a permit. I would be more than happy to speak to them.

The bottom line is whether or not we are prepared to go the distance to ensure that work that is done in Yukon is done safely by certified people.

The test is very simple, as are journeyman tests. It is simple for the people who are experienced in the trade. At the present time, as there are with electricians, there will be some incentive for outside contractors to come in to do some work to hire local qualified electricians.

With respect to the electricians with an interprovincial seal, I am aware of that. The bottom line is, if there is no interprovincial red seal or accreditation for the gasfitter trade, there is not. We can push strongly for there to be one, but if there is not, there is not. We could try to make the certification of gasfitters as easy as possible, while still maintaining some kind of standard. If we do not maintain a standard, we might as well throw the Act out the window and express clearly that standards are not important to us. The safety implications of that are not significant to us.

We have tried to make the training schedule for gasfitters as easily understood as possible. Tests for anybody who is already a qualified journeyman gasfitter for any other jurisdiction should be the easiest thing to write.

<sup>28</sup> We have already provided for a stipulation that people who are currently in the industry but are not certified can get permits up to two years so that they can become certified. Anybody who has been in the industry for some time and who is in one of the trades that I have mentioned already — the plumbers, the steam pipe fitters, et cetera, of which there are many in the Yukon — can take the test immediately without having to go through the apprenticeship requirements. We have made it as easy as possible. I have gone through this with department officials in the past. I cannot conceive of any way to make it easier.

**Mr. Lang:** When you went through it with department officials, I have to express my disappointment because the questions that I have asked are questions that I asked three months ago and I have not got straight answers for them. The question I am asking, basically, is this: if a contractor is working in Faro and he or she cannot get qualified gasfitters in the Yukon, or in Faro, so he brings in somebody, another Canadian, albeit from Lower Post — as opposed to Watson Lake — who has a gas fitting ticket to do work on the project. My question is: is the government prepared to recognize the fact that they have the qualifications or will the contractor and the employee have to wait a couple of days in order to have him write an exam? That is the question. I did not get into the question of safety. My question is a logistic one. I am kind of a little bit behind the eight ball here in that I do not have an answer to whether the gas fitter's category is an interprovincial ticket. If it is, obviously it would be very easy just to recognize it, and then you are finished and done with it, as long as they have the necessary qualifications.

So my question is that if somebody comes into the territory who has a recognized ticket — and I would say primarily British Columbia and Alberta — is the government going to recognize it for a period of time while they are employed, until such time that they can gear up to write an exam, or will they not be able to work until they have written an exam? That is the question.

**Hon. Mr. McDonald:** That is the question as repeated by the Member. The Member keeps referring to the fact that the questions have been asked before. There has been at least a couple of months where some of these questions could have been put quite easily with a phone call; the Member could have done his own research. There was an interim of a period of a month between the last time we were actually sitting in this legislature in which certain research could have been done.

**Mr. Lang:** Point of order.

**Chairman:** Mr. Lang, point of order.

**Mr. Lang:** It is his Bill and it is his responsibility to answer to the House the implications of the Bill. To foist it onto the Member for Faro or the Member from Porter Creek East, to be doing his research for him so that I can stand up and defend the Bill is hogwash. I asked those questions last January. He committed himself, in *Hansard*, to coming back to the House with them. I thought there was going to be a ten minute debate here.

**Chairman:** You announced a point of order?

**Hon. Mr. McDonald:** I would really, really, really wish that, when frivolous points of order, things that are simply debating points are put forward as points of order, that they be ruled out of order immediately, because that way we will not make a mockery of the rules of this Committee.

<sup>29</sup> **Mrs. Firth:** On the point of order, the Minister is out of order with that kind of accusation.

The Member for Porter Creek East is absolutely right. He did ask these questions. I remember this same debate going on when we last debated this Bill. Just to prove the point, the Member has said that we received the copies of the amendments. Well, I did not receive any copies of any amendments, nor did the critic for the Bill, and so I think that it is very obvious to see that it is not this side of the House that is at fault for not doing its homework. Perhaps it is the Minister who has not done his homework. Therefore the point of order is valid.

**Mr. Brewster:** I would just like to point out one thing. I have tried doing the so-called homework and phoning to different civil servants. I find that most of them are very uncomfortable talking to us — whether they have been told not to or not, I do not know — and I think that anything that has been said should be said in this Legislature and in *Hansard*. And we should not be going around making phone calls when we are passing Bills like this.

**Chairman:** There is no Point of Order.

**Mr. Lang:** Just getting back to my question, I asked a question in January, and I would like to ask it now: what is the intent of the Government? If a certified gasfitter comes into Faro to go to work, will he or she be required to write this exam prior to going to work, or will there be some latitude and a permit granted so that he can immediately start work if he is certified in another provincial jurisdiction?

**Mr. McDonald:** As I have indicated to the Members, I will find out whether or not there is an interprovincial red seal. If there is not then there will have to be some recognition independently by this government that this is an independent jurisdiction. This jurisdiction makes its own rules, and there ought to be some recognition by this jurisdiction of the qualifications of tradesmen from other jurisdictions, until such time as there is an interprovincial red seal, if there is not one currently. There is a clause being inserted in this Act that says that by reason of distance from a place where there is a licensed gasfitter or the expense of doing the work may be unreasonable, the inspector may, subject to conditions necessary, issue a permit to do the gasfitting or emergency work.

If there is no gasfitter available in Old Crow, or even in Whitehorse, for that matter, to do a particular piece of work, and if the contractor has not anticipated the need — and I do not know why they would not, because they are in the business to know — for the work, and they can prove that there is no licenced gasfitter around, I would suggest that the most reasonable course of action, rather than divest ourselves of our own responsibility of passing laws for our own jurisdiction, would be for that person to see the inspector and to get a permit to do the work under the exemption.

**Chairman:** There seems to be an impasse over this question, so I suggest that we will recess for 15 minutes during which time the Minister will get the appropriate answer.

#### Recess

<sup>30</sup> **Chairman:** Committee of the Whole will come to order.

**Hon. Mr. McDonald:** There is no interprovincial red seal for gasfitters. The gas inspector can recognize an out-of-territory licence for a particular job of work. He cannot certify an out-of-territory tradesman, but, if in his or her opinion, the person requesting to do the work is sufficiently qualified for this particular job, the inspector can issue a permit.

**Mr. Lang:** That is all I wanted to know.

I have just one further question before we get into the Bill. Are we going to perceive an increase in the civil service for the purposes of enforcement?

**Hon. Mr. McDonald:** No.

On Clause 2

Clause 2 agreed to

On Clause 3

Clause 3 agreed to

On Clause 4

Clause 4 agreed to

On Clause 5

Amendment proposed

**Hon. Mr. McDonald:** In Clause 5(4), I move that Bill No. 40, entitled *Gas Burning Devices Act*, be amended in clause 5 by adding in the following subclause: "5(5) Where by reason of the distance of the premises from a place where there is a licensed gasfitter the expense of doing the work may be unreasonable an inspector may, subject to any conditions necessary, issue a permit to do gasfitting and emergency repairs or service on equipment."

**Mr. Lang:** This meets what we had asked for. It will be a benefit to the outside communities.

<sup>31</sup> Amendment agreed to

Clause 5 agreed to as amended

On Clause 6

**Mr. Lang:** What are you going to be charging for permits?

**Hon. Mr. McDonald:** The normal permit fee would be approximately ten dollars. That still has to receive Cabinet approval, of course.

Clause 6 agreed to

On Clause 7

Clause 7 agreed to

On Clause 8

Clause 8 agreed to

On Clause 9

Amendment proposed

**Hon. Mr. McDonald:** I move that Bill No. 40, entitled *Gas Burning Devices Act*, be amended in clause 9 by deleting subclause 9(2) and substituting for it the following:

"9(2) Subject to this section where an inspector has reasonable and probable grounds to believe and does believe that there is in any place an appliance, house piping, vent or gas installation that is a hazard to the occupants or the public generally, or that an offence contrary to this Act has been committed, the inspector may request a Justice of the Peace to issue a search warrant authorizing the inspector to enter and examine the place at such time or times as may be stated in the warrant."

After discussing this with the opposition critic, who requested that wording identical to the wording contained in the *Electrical Protections Act* be adopted in this Act, we had some discussions about that; I did indicate that I felt the concerns were sufficiently covered within the Act, but I am certainly well prepared to accommodate the Opposition in providing for wording they feel more comfortable with, as we have a shared intent with respect to this clause. I believe this wording will be acceptable to the Members opposite.

**Mr. Lang:** Once again, I would be pleased to see the amendment similar to what was in the *Electrical Protections Act*. I think it is consistent, and I think it does. We wanted to make sure that the rights of the individual are paramount and are protected.

<sup>32</sup> Amendment agreed to

Clause 9 agreed to as amended

On Clause 10

Clause 10 agreed to

On Clause 11

**Mr. Lang:** Could you explain why that reason is there, "an order of an inspector under this Act is not a regulation within the meaning of the *Regulations Act*"?

**Hon. Mr. McDonald:** The idea is that the order that the inspector might issue is not considered to be a regulation in and of itself, and it can therefore be appealed to the courts. The order itself must be issued as stipulated in the regulations.

Clause 11 agreed to

On Clause 12

**Mr. Lang:** In view of our amendment in respect to where the

authorization can be given, should there not be a clause written into the prohibition section, except as provided under Clause 5(5), just to further clarify the legislation?

**Hon. Mr. McDonald:** I do not believe so. I am not a legal draftsman, but I do not believe that this is necessary. There is also authority under Clause 19, under the regulation-making powers, which certainly limit the effect of this Act. The exemptions such as for home owners carrying out their own gasfitting, et cetera, would be incorporated under the regulations, and that would limit the effect of this provision as well.

**Mr. Phelps:** I am not clear. I would like further debate, because it seems that Clause 12 contradicts the amendment to Clause 5. It should be "subject to Clause 5" or some words to that effect should be written in.

<sup>33</sup> **Hon. Mr. McDonald:** We have a difference of opinion amongst lawyers, obviously. There is a regulation-making section here, as well, and we will certainly anticipate limiting the effect of this clause. Section 5 that we just passed will limit the effect of this clause. I have not been given any indication from Justice lawyers that this limiting factor is a contradiction, which would be misinterpreted by the courts. My understanding is that the courts, upon the reading of the whole Act, would understand the limiting factors. They will then understand the prohibition clause and they will understand the limiting clauses.

**Mr. Lang:** In legislation for their exemptions, if you have a flat statement, you refer back to those particular sections to make it very clear to any layman or anyone reading the Act that there are exceptions to the statement or principle in the legislation. I would ask that it be looked at to ensure that we are not in a situation in the interpretation of law that the intent of the Legislature comes into question, when the intent is very clearly that there should be an exemption of 5(5) and the regulations in Section 19. That is all we are asking.

**Hon. Mr. McDonald:** Is the Member asking that we delay this another day so that I go back and get confirmation from Justice lawyers that what they told us in the first place is correct? Is that what they are asking?

**Mr. Phelps:** I do not understand the argument that the Minister was making with respect to Section 19, Regulations. Could he just enlarge on that? He was saying, as I understood it, that Clause 19 stood in the same stead to Section 12, as does the new amendment. I would like the rationale for that statement.

**Hon. Mr. McDonald:** As I stated before, what was anticipated with this Act is that special exemptions will be placed in the regulations under the authority of Section 19 for people like homeowners to carry out their own gasfitting, and for non-licensed gasfitters to perform emergency repairs, for example, where no gasfitter exists.

That is anticipated under the regulation-making section of this Act. We have been given no indication from Justice lawyers that there is anything improper in the drafting of these provisions.

**Mr. Phelps:** All I am asking is where under Section 19 does he make his case? I do not see where it states here that there will be regulations that provide for the exemption of homeowners. Maybe I am not reading it properly.

**Hon. Mr. McDonald:** The Department of Justice feels that we do have authority under Section 19(1)(e) to provide for the exemptions that we have been talking about all day.

<sup>34</sup> **Mr. Lang:** Just to follow it through further, he says the Commissioner may make regulations providing for the granting, renewal, cancellation, or suspension of any licence or permit. I submit that would have nothing to do with the question of a home or dwelling being exempt unless the English language has gone a long way since we sat down discussing Acts here a month ago.

**Hon. Mr. McDonald:** Again, I am not a lawyer, but we have been given an indication from Justice that this particular section could be used in the regulation to provide a homeowner with a permit to do gasfitting work.

**Mr. Lang:** I guess the intent of the legislation has gone a little further than what we initially discussed. I thought it was just a blanket exemption for the purpose of a home, trapper's cabin or outfitter's cabin, so that one would not have to have any

involvement with government to hook up a couple of bottles of propane. Now I am told, after debating this for awhile, we are going to have to have a permit.

**Hon. Mr. McDonald:** Under the *Fire Prevention Act* currently, if you are going to do these works, you have to get a permit. What this essentially says is that for your own purposes for your own home, you can come in, you can get an exemption from having a gasfitter perform the work or you can do that work yourself.

**Mr. Brewster:** I would just like to ask the Minister one question, and he should be able to talk about this as the MLA for Mayo. Do you really think the little placer miners and the trappers have permits for these things they are putting up?

**Hon. Mr. McDonald:** I would not hazard a guess as to whether or not, under the current legislation that exists today in this territory, which requires that permits be had, they all have permits for the work they have done. Under the *Fire Prevention Act* there is a requirement that you have a permit for doing gasfitting work. This is not suggesting a change; this is only suggesting that when you are doing work in your own home, you can get an exemption from having a licenced gasfitter do the work.

**Mr. Lang:** If it is under the present Act, does the Minister honestly believe that people with holiday trailers, with mobile homes, in Mayo or in Watson Lake, are honestly coming in and getting permits?

If they are, it is news to me. I know a lot of people who are obviously breaking the law. How many permits do we give in a year for the purposes of home residences, holiday trailers, campers and cabins? This is crazy.

**Hon. Mr. McDonald:** I do not know how many. If it is important, I will find out how many permits were requested under the existing legislation.

The Member seems to suggest that the requirements under this Act are going to be any different from that which exists for the home owner — that which exists today in exempt for existing legislation which we have been living with all along. I would hazard a guess; there have probably been many cases where the individuals have not come in and sought permits as required under the *Fire Prevention Act*. I guess that is the way things are. This is not suggesting any change to the Act that would require that people not require a permit. It simply states that where home owners are doing work, they still have to do what they would normally have to do under the existing legislation, but they would not require a licenced gasfitter to do the work.

**Mr. Brewster:** I am going to try once more. My understanding was that the trappers and people who lived way out in the bush would be exempt. I did not know they would have to get permits. Are you trying to tell me that the people in campers, the people in trailers, the people in mobile homes who pull into a garage or service station to change their propane tanks have to run around and get a permit to do this?

**Hon. Mr. McDonald:** The regulations we are talking about here are not for trailers, et cetera. These are for buildings. This is the regulation of buildings.

With respect to what has happened in the past, and what is happening now, there is no change being proposed. The Members will know that since the early 1970s when the *Fire Prevention Act* was passed that the situation has been that, for the installation of gas devices in homes and buildings, a permit is required. I would not be able to declare with any degree of accuracy who has sought those permits.

The Members shake their heads, that somehow there is something requested here that is more than what has happened in the past. We are suggesting that home owners not be required to use a licenced gasfitter when they are going to do their own work in their homes.

The permitting process has not changed, and we are not anticipating that it do change. If Members are recommending that it be changed, they can make their own case. If they can make a decent enough case, perhaps there might be amendments to future legislation or to other pieces of legislation.

**Mr. Phelps:** The difficulty, the real issue, with the greatest respect to the Member, is that we have flat out prohibition in Clause 12. We are being told that Clause 19(1)(e) makes provision for the

homeowner to perform the prescribed work on his own house. That is the position that is taken. I am simply pointing out that I always understood that regulations were subordinate to legislation. There is absolutely nothing in Clauses 12 or 19. In the policy that we are completely in agreement with, that ought to be the case. You ought to be able to do work and get a permit and not have a gasfitter do it. But that is not what the Act says. Clause 19(1)(e) does not support the Minister's own policy. It is our submission that it ought to be clarified before we move along.

Before I take my seat, the same point is of concern to us with regard to the amendment on Clause 5(5).

**Hon. Mr. McDonald:** What can I say? We took the advice from lawyers in the Department of Justice. It has taken months and months and months to pass this bill. for a variety of reasons; I suppose another day could hardly hurt. I am not going to take this as a test of confidence in the legislation. If the Members would like to wait for another day, I will ask Justice lawyers again, but I can say that if it is simply a matter of interpretation and the case that the Members made is not supportable, then I will be coming back to the House without an amendment. But if the case the Members have made is supportable and clarification is required, then I will take it upon myself to come back to the House with an amendment.

**Mr. Phelps:** That is only natural, and we are prepared to stand aside section 12.

*Clause 12 stood over*

*On Clause 13*

*Clause 13 agreed to*

*On Clause 14*

**Mr. Lang:** This goes back to my question before. My understanding was that I needed a business licence to be a contractor. The only requirement I had to have if I was doing work in this area would be to hire or have myself qualified or my help qualified under the gasfitters' certification. I do not understand why I, as a contractor, have to get another licence over and above my business licence.

**Hon. Mr. McDonald:** As I explained, a contractor with a licence can take out permits on the promise that they are going to get a gasfitter to do the work. Otherwise, the person doing the work will have to be a gasfitter themselves, or have in their employ a gasfitter to do the work. This way, the contractor could take out permits on the promise that he will get the gasfitter to do the work. A licence will allow them to do that.

**Mr. Lang:** I do not understand why I would have to get a gasfitter's certification contractors licence. I fully understand the commitment to do the work, and it will be inspected. The government is covered. I do not understand the requirement for a contractor's licence. I do not see how this helps the process.

**Hon. Mr. McDonald:** This is meant to help the contractor. It is meant to facilitate the contractor who is doing the contracting business. If you want to obtain a permit to do a particular piece of work, as anybody wanting to do any particular job, you are either required to be a certified gasfitter, or you have to have a certified gasfitter in your employ who will do the work.

The contractor does not have to have the certified person in his employ. All it requires is that, as a licenced contractor, he can pick up a permit to do the work without having the certified gasfitter in his employ at the time, only the promise that he would have the gasfitter do the particular work. It is not the gasfitter in his employ who is sanctioning the work or is in some way responsible for the work to be done. It is the contractor. The contractor can then apply for permits without actually having the person in their employ, or without being beholden in any way to the persons in their employ to do the work. What they have to promise is that a gasfitter would be the one to do the work.

**Mr. Phelps:** I am having difficulty with the wording of the Act. I hope the Minister will bear with me. Clause 13 talks about a gasfitter's licence to a person who has prescribed qualifications. Clause 14 states, "Subject to subsection (2), an inspector may issue a contractor's licence to a person to engage in business as a contractor." Subsection (2) reads, "A licence shall not be issued under subsection (1) unless that person is a gasfitter or has the prescribed qualifications."

Once again, I have every sympathy with the principle espoused by the Minister and agree, as a matter of public policy that it is desirable to have that in legislation, but this does not do it. It does not do what the Minister has been told it does.

**Hon. Mr. McDonald:** I guess it depends on how one interprets the words "prescribed qualifications". The prescribed qualifications, ultimately, I am sure would be prescribed in the regulations. Those prescribed qualifications would include such things as are deemed necessary for a person to have credibility as a contracting agent to do work in the spirit of this Act. Again, the Member feels that the wording is not clear enough. We are told that the wording is very clear, that it does fulfill the policy that I have enunciated. I do not know what more I can say to that.

**Chairman:** Anything further on Clause 14(1)?

**Mr. Phelps:** May we stand it aside?

*Clause 14(1) and (2) stood over.*

*On Clause 15*

*Clause 15 agreed to*

*On Clause 16*

*Clause 16 agreed to*

*On Clause 17*

**Mr. Lang:** In subclause (3), why are we saying "at least two of whom shall be representative of the gasfitting industry"? The reason I question this is, I can see one, but we have a board of three for purposes of an appeal. With so few people involved in the business, I do not understand why we are saying two. I can see a minimum of one — maybe somebody from the general public, or two from the general public, to hear the appeal.

**Hon. Mr. McDonald:** We know that the representatives of the gasfitting industry do not have to be the contractors themselves. There might only be one or two on contract to the employers, but any person involved in the industry, and that could be other gasfitters, could sit on this appeal board. That is to give the person in the industry the assurance that there are sufficient numbers of their peers on the appeal so that they will get a fair hearing.

*Clause 17 agreed to*

*On Clause 18*

*Clause 18 agreed to*

*On Clause 19*

**Mr. Phelps:** Could this be stood aside until we get the answer as it relates to Clause 12?

**Chairman:** We will leave all of Clause 19 stood over.

**Hon. Mr. McDonald:** With all due respect, I would not mind coming back and dealing with these items substantively tomorrow, but I would like to be able to focus the discussion. If there is no problem with Clause 19(2) and (3), I would appreciate those being cleared.

**Chairman:** Subclause (2) and (3) are cleared.

*Clause 19 stood over*

*On Clause 20*

*Clause 20 agreed to*

*On Clause 21*

*Clause 21 agreed to*

*On Clause 22*

*Clause 22 agreed to*

**Chairman:** In Bill No. 40, we have stood over Clauses 12, 14(1) and (2), and 19(1).

### Bill No. 58 — An Act to Amend the Motor Vehicles Act

**Chairman:** General debate.

**Mrs. Firth:** When we left off at second reading with this Bill on December 9, I had listed concerns about the regulations. Is the Minister prepared to tell us whether the regulations are available for us to look at at this time?

**Hon. Mr. McDonald:** No, the regulations have not been drafted. I believe I did issue a list of the kinds of regulations that would be incorporated into the Act. Did the Members receive that list?

Regulations will be required for prescribing types of child seating restraint systems, prescribing the weights and sizes of children for

different types of restraint systems and for exempting persons or motor vehicles from this seating restraint law.

The types of seating and restraint systems will include the design standards, the manufacturing specifications, harness and tether standards, infant seating and restraint systems, design standards, manufacturing specifications, booster cushion design standards and manufacturing specifications.

Essentially, those will be common for all jurisdictions in the country. They are ultimately the restrictions that were given to manufacturers of all CSA approved child restraint systems.

There will be regulations with respect to exemptions of motor vehicles with seating restraint systems, people for medical reasons, for vehicles manufactured prior to 1965 in the sense that they might not have seat belts that would hold in child restraint systems and also for the taxis, school buses, transit buses, motor coaches and emergency vehicles in the case where an emergency is taking place, and for vehicles not licensed in the Yukon — that is, tourist vehicles.

That is the plan of action with respect to the regulations. They are not as yet drafted and have not come to Cabinet for approval yet.

**Mrs. Firth:** I would not mind having a copy of what the Minister just read out so that I could at least make some comparisons with other jurisdictions. I have had an opportunity to phone some other jurisdictions, and I have just been waiting to see what initiatives this government was going to bring forward. Because I have not received that, it leaves me at somewhat of a disadvantage to have had an opportunity to make any comparison.

I went through the list of exemptions. I did not hear anything mentioned about rental vehicles, and I believe that was something that had been raised as a concern.

**Hon. Mr. McDonald:** There would be regulations exempting rental vehicles as well.

**Mr. McLachlan:** The Minister read a long list of exemptions, including school buses and transit buses. Did the Minister specify taxis?

**Hon. Mr. McDonald:** Yes.

**Mrs. Firth:** I have raised an issue with the Minister also about the concern that was expressed to me particularly by some of the nursing staff and medical staff at the Whitehorse General Hospital that, when the seat safety restraints are used, and infants are put in them, quite often they are not buckled in the vehicle and they are not in fact anchored and secured. I asked the Minister if there was going to be some identification in the regulations of that matter; he was to come back and perhaps give us some reassurances as to whether or not that was going to be included in the regulations.

I know the Minister has had a long day, but it does leave us at somewhat of a disadvantage when we do not have these regulations so we do not really know what the government is proposing, so the Act means very little to us without the regulations.

**Hon. Mr. McDonald:** The day has not been that long that I cannot answer questions. I may not always have a smile on my face, but I do intend to be helpful if I can. The installation specifications will be incorporated into regulations. The assembly systems and the anchorage of the systems would be incorporated into regulations. All matters associated with the design of the seats, the size of the children, the anchorage of the assemblages, will be incorporated into regulations; and they would be in accordance with essentially national standards.

**Mrs. Firth:** Could the Minister tell us up to what age children are going to be required to be in the seat restraints and when they would be allowed to use regular adult seatbelts?

**Hon. Mr. McDonald:** The child restraints, which could include a lap belt if the child was big enough, would be for children under six years of age and over 18 kilograms.

**Mrs. Firth:** My question was more specific than that, because the concern that I have had raised with me is: my child weighs so much and I think it is okay for him to go into a regular lap belt and I have been putting him in that. I am concerned that I am going to have to put him into some other kind of seat restraint and buy a seat restraint. Does the Minister not have that defined yet, because the regulations are not available, or what are we going to be basing it on? Are we going to be following what one of the other provinces is

doing? What can I tell parents who ask me that question?

**Hon. Mr. McDonald:** The Member can tell parents that the prescription for the types of restraint systems vary with the size of child, as would be common sense. Certain children of a certain size would be required to have a certain kind of seat. It is not the intention of the government, or this Bill, or anybody, to cram a large child into a tiny restraint system. It might be dangerous to try to cram some big kid into a tiny seat. There is every intention that for children who are under the age and are over 40 pounds would use a lap belt. The type of seat that would be required for children of certain sizes would be prescribed in the regulations.

**Mrs. Firth:** I am not trying to be frivolous. I have had a lot of parents raise that issue about this legislation. That is the thing that seems to be of most concern to parents. It is fine for the Minister to get up and talk about common sense, but I would submit that the public does not always feel that the government is full of common sense in some of the laws and some of the regulations that apply to the general public.

I want to be able to answer the question. Obviously, I am not going to be able to, from the comments that the Minister is making. I guess we have to wait for the regulations. Can the Minister tell us when we are going to have the regulations so that the public can be made fully aware of what the laws are that they are going to be abiding by? I did not anticipate any controversy with this legislation if I could answer the questions that the public is asking, and that I am asking. We have been asking them since December, three months ago. I do not think it is unreasonable to request that kind of information before the new law is imposed on the public.

**Hon. Mr. McDonald:** The Act does not go into force until September 1 of this year. The regulations are at the stage of development so they will be ready in approximately a month, as the details are expected to be. They are not ready to the satisfaction of the Member, who would like to see a very specific detail be incorporated into the regulations. I reassure the Member that national standards will be maintained as much as possible to ensure that CSA approved seats can be purchased in Yukon, and people could be comfortable that that seat would be covered under our regulations. We want to ensure the safety of children. We do not want to provide onerous restrictions.

It is important that we do show common sense in the issuance of laws as much as we possible can. There are certain things that we do to ensure public safety that we do because we feel responsible for public safety. It is necessary, as a common practice, to show as much common sense as we can.

The Act is not meant to be proclaimed until September. There is a desire to perform public education campaigns well before the enactment of the Act. There should be some understanding in the public as to what is expected, as a result of the passage of this Act. It should not be the Legislature's intention to spring a surprise on the public. I would anticipate the regulations would be detailing seat size, et cetera. It would pass Cabinet within the month, and that the education campaign would have time to run its full and useful course to inform the public as to what is expected out of this particular piece of legislation.

I reiterate once again that the national standards will be maintained as much as we can.

**Hon. Mr. Porter:** I move that you report progress on Bill No. 58.

*Motion agreed to*

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

*Motion agreed to*

*Speaker resumes Chair*

**Speaker:** I now call the House to order. May the House have a report from the Chairman of Committee of the Whole.

**Mr. Webster:** The Committee of the Whole has considered Bill No. 31, entitled *Interim Supply Appropriation Act, 1987-88*, and directed me to report same without amendment.

Also, the Committee has considered Bill No. 40, entitled *Gas Burning Devices Act*, and Bill No. 58, entitled *An Act to Amend the Motor Vehicles Act*, and directed me to report progress on same.

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

**Some Hon. Members:** Agreed.

**Speaker:** I declare the report carried.

**Hon. Mr. Porter:** I ask the unanimous consent of the House to waive the provision of Standing Order 55, allowing Bill No. 31 to be called for Third Reading at this time:

**Speaker:** Is there unanimous consent?

**All Hon. Members:** Agreed.

**Speaker:** There is unanimous consent.

#### **Bill No. 31: Third Reading**

**Clerk:** Third reading, Bill No. 31, standing in the name of the hon. Mr. Penikett.

**Hon. Mr. Penikett:** I move that Bill No. 31, entitled *Interim Supply Appropriation Act, 1987-88*, be now read a third time and do pass.

**Speaker:** It has been moved by the hon. Government Leader that Bill No. 31, entitled *Interim Supply Appropriation Act, 1987-88*, be now read a third time and do pass.

*Motion agreed to*

**Speaker:** I declare the motion carried and that Bill No. 31 has passed this House.

I wish to inform the Assembly that we will now receive the Commissioner to grant assent to the Bill that has passed this House.

*Mr. Commissioner enters the Chamber, announced by the Sergeant-at-Arms*

**Speaker:** Mr. Commissioner, the Assembly at its present Session passed a Bill to which in the name and on behalf of the Assembly I respectfully request your assent.

**Clerk:** *Interim Supply Appropriation Act, 1987-88.*

**Commissioner:** I hereby assent to the Bill as enumerated by the Clerk. Thank you.

*Mr. Commissioner leaves the Chamber, escorted by the Sergeant-at-Arms.*

**Speaker:** I call the House to order.

**Hon. Mr. Porter:** I move that the House do now adjourn.

**Speaker:** It has been moved by the hon. Government House Leader that the House do now adjourn. Are you agreed?

*Motion agreed to*

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

*The House adjourned at 5:10 p.m.*

**The following Legislative Return was tabled March 31, 1987:**

87-03-31

Overlapping native land claims (Penikett)

Oral, Hansard, Dec. 9 & Dec. 16, 1986