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Speaker: The Honourable Donald Taylor

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

Prayers

Mr. Speaker: We will proceed at this time with the Order Paper.

ROUTINE PROCEEDINGS

Mr. Speaker: Are there any documents for tabling? Reports of Committees? Petitions? Introduction of Bills? Notices of Motion for the Production of Papers? Notices of Motion or Resolution?

NOTICES OF MOTION

Hon. Mr. Lang: Mr. Speaker, I would like to give Notice of Motion pertaining to dissolution of the Assembly.

Mr. Berger: Mr. Speaker, I give Notice of Motion, moved by myself, seconded by the Honourable Member from Pelly River, THAT WHEREAS the imminent closure of Cassiar Asbestos Mine at Clinton Creek will adversely affect the economic stability of the City of Dawson and adjacent area:

AND WHEREAS the City of Dawson is in large part dependent upon the tourist industry, being of national as well as of territorial significance:

BE IT RESOLVED THAT IT IS THE OPINION OF THIS HOUSE THAT the Department of Tourism and Information Services whose central offices are presently located in Whitehorse be relocated in the City of Dawson as soon as may be practicable.

Mr. Lengerke: Mr. Speaker, Notice of Motion moved by myself, seconded by the Member from Kluane with respect to adjournment of the Assembly.

Mr. Speaker: Are there any further Notices of Motion or Resolution?

Mr. Lengerke: Notice of Motion, moved by myself, seconded by the Member from Kluane with respect to electrical distribution.

Mr. Speaker: Are there any further Notices of Motion or Resolution?

Statements by Ministers?

This then brings us to the Question Period.

QUESTION PERIOD

Hon. Mr. Lang: Mr. Speaker, I have for tabling an answer to a question by Mr. Berger concerning telephone operations in Yukon.

Mr. Speaker: Have you any questions?

Question re: Watson Lake and Haines Junction Schools

Mr. Lengerke: Mr. Speaker, I have a question for the Minister of Education this morning. It is dealing with the elementary school, or the proposed elementary school at Watson Lake, the extension, and also Haines Junction. I am wondering if the Minister could tell me when those particular projects will be going to tender?

Hon. Mr. Lang: Mr. Speaker, it is my understanding that the intention is to put them out to tender this spring, but I will bring back further information to give you a more accurate date in respect to the tendering of those projects.

Mr. Speaker: Supplementary from the Honourable Member from Whitehorse Riverdale.

Mr. Lengerke: Supplementary to that, I was wondering if the Minister could give me his assurance that he will do everything in his power to have those projects go to tender before the

end of May, so that in fact we do not have delays that we have experienced with a couple of other school projects.

Hon. Mr. Lang: Mr. Speaker, it is my understanding that the architectural work has been done for the projects that the Member has referred to, so, I cannot see any delay as was experienced for the construction of the gymnasium.

Mr. Speaker: Have you any further questions?

Question re: Stratton Inquiry Report

Mrs. Watson: Yes, Mr. Speaker, I have a question for the Administrator. Could the Administrator inform us whether the Commissioner has received the report from Mr. Stratton, on the Stratton Inquiry?

Mr. Deputy Commissioner: Mr. Speaker, not to my knowledge. It has not been received up until yesterday.

Mr. Speaker: Any further questions?

Question re: Railroad Extension From Alaska Convention

Mr. Berger: Yes, Mr. Speaker, to the Minister responsible for pipeline: the Governor of Alaska announced the forming of a committee, I believe, for studying the possibility of the extension of a railroad from Alaska to the southern United States and I was wondering if the Minister could tell this House now if he was personally invited to the conference like it was announced or if anybody else is going from this Government?

Hon. Mr. McKinnon: Mr. Speaker, I was not invited and I could certainly find out whether anyone from this Government has been invited.

Question re: Food Price Increases

Mrs. Watson: Mr. Speaker, I have a question for the Minister of Consumer and Corporate Affairs this morning. The President of the Consumers' Association in Yukon this morning in an interview indicated that the consumers were opposed to price control. My question to the Minister is is the Minister working closely with the Association in developing strategy how the Yukon Government should react to increased costs of food prices?

Hon. Mr. Hibberd: Mr. Speaker, as I have tried to indicate previously we were only at the information gathering stage. We are not, at the present time, engaged in any type of strategy formation or negotiation with any groups with regard to price controls. We are still at the stage of gathering information with which we can make decisions.

Question re: Government Insurance in Yukon

Mr. Berger: Mr. Speaker, a question of the Minister of Consumer and Corporate Affairs. Just about a year ago I put in a motion to study the feasibility of government insurance in Yukon. I was wondering if the Minister could tell me because I have asked the question a couple of times since then and I was always put off that it needed further studies. I was wondering if the Minister could tell me how the studies are coming along and when I can expect an answer on the motion?

Hon. Mr. Hibberd: Mr. Speaker, I have some information available on it, but I would like to review it before I bring it forward.

Mr. Speaker: We will now proceed on the Order Paper to Motions and Resolutions.

ORDERS OF THE DAY

MOTIONS

Madam Clerk: Item Number 1, standing in the name of the Honourable Member, Mr. Fleming.

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

Mr. Fleming: Yes, Mr. Speaker.

Mr. Speaker: It has been moved by the Honourable

Member from Hootalinqua, seconded by the Honourable Member from Pelly River, THAT the Sixth Report of the Standing Committee on Statutory Instruments, presented March 22, 1978, be concurred in.

Mr. Fleming: Mr. Speaker, I do not think I have to elaborate on the Sixth Report. It has been done for some time, and the Government has had, I would say, ample time to study it. I think the Committee did some hard work on this report and I feel that it has been very well done. I would hope that the House does accept the proposals and further to that, I would like to hear from the Minister of Consumer Affairs as to what he feels on the subject.

Hon. Mr. Hibberd: Mr. Speaker, I have problems in accepting this report, but I would not expect to amend or consolidate the existing regulations. All new regulations under the new Ordinance will be drafted to include the recommendations of your committee.

Mr. Speaker: Is there any further debate?

Motion agreed to

Mr. Speaker: We will now proceed to Public Bills.

PUBLIC BILLS

Madam Clerk: Second reading Bill 17, Mr. McKinnon.

Bill Number 17: Second Reading

Hon. Mr. McKinnon: Mr. Speaker, I move that Bill Number 17, *An Ordinance to Amend the Taxation Ordinance* be now read a second time.

Mr. Speaker: It has been moved by the Honourable Minister of Highways and Public Works that Bill Number 17 be now read a second time.

Hon. Mr. McKinnon: Mr. Speaker, speaking to the principle of the Bill, Mr. Speaker, the first principle in the first amendment to Bill Number 17, it is a concern, Mr. Speaker, that, particularly in downtown Whitehorse, the number of private residences located in an area which is zoned commercial, they are located in an area zoned commercial.

Mr. Speaker, during the ten years or so before this reassessment, it had been customary for the assessor to make an allowance to ease the burden of taxation and assessment on these houses to private houses in the area. This, Mr. Speaker, kept the assessments down.

Mr. Speaker, as I have stated to the House before, in strict law we are of the opinion that former assessors should have ignored the residential use and valued them by comparison to commercial property. This is because the owner, if making the best use of the property would use it or build upon it for commercial purposes. It is the highest and best use that governs the assessment value.

Mr. Speaker, in making the reassessment, the assessor could find no justification in the Ordinance and the present law for the former practice. He therefore applied the strict law, which, of course, I expect and I think all Members of this House expect them to do, our professional employees.

This greatly increased the assessed value on non-conforming properties. The position is made to appear unjust because in nearby areas which are zoned residential, similar houses have a much lower assessment. Many of the owners, Mr. Speaker, are quite understandably upset at this change.

In all of the assessment notices that were sent out, Mr. Speaker, notices that were issued to the people affected, a paragraph was included as follows:

"You may be entitled to a reduction in your land assessment if you are the owner/occupier of a residential property in a zone that is other than a residential use. Please contact the assessor to determine what reduction, if any, would apply to your assessment within thirty days from the mailing date on the Assessment Notice."

The purpose, of course, of that paragraph, Mr. Speaker, was to encourage these people affected to appeal against the assessments with a view to having them reduced. Our opinion, the opinion of the Department of Local Government, Mr. Speaker, was that while the assessor was bound by the strict terms of the Ordinance, he must consider also a value that he deems proper and under this promise, the Court of Revision would be able to change the assessments under complaint.

Mr. Speaker, we found that we came into a problem area because some very foolish people, and I consider it on the point of irresponsibility to some people who would not allow our institutions, including our Court of Revision to even have the chance to see if they could properly function, advised people not to complain, people so affected, to the Court of Revision because they stated publicly that the Court of Revision did not have the power to deal with such complaints.

Mr. Speaker, I am faced with people, old age pensioners, long time residents of the City of Whitehorse, who took that advice and did not appeal such complaints before the Court of Revision who are going to have to live with some very extreme hardships if the *Taxation Ordinance* is not amended at this time so that those affected properties, single family residences in the downtown area, cannot be considered to be residential properties before this current Court of Revision.

Mr. Speaker, the second principle of the Bill flows from the first principle. We have been around the wording on the first section about four or five times. I am not completely satisfied that it does everything I want it to do and I hope that in debate in Committee and in further examination that we may be even a little clearer and a little more explicit in the wording of the first change.

As I say, Mr. Speaker, the second principle of the Bill flows from the very first one in those properties downtown where it is single family residential and they are in a commercial zoned area and people have not appealed. We want to be extremely clear and explicit to the Court of Revision that this assessment authority, which is my responsibility, the taxing authority, which is the Government of the Yukon Territory, the taxing authority, which is the City of Whitehorse, and the Court of Revision are all in agreement that such people so affected should not face the burden of a commercial assessment when the property is being used for single family residences.

As it stands now under the terms of the Court of Revision, people so affected in such areas of downtown Whitehorse cannot have the cases heard before the Court of Revision because of advice which I think was bad advice that they took.

Mr. Speaker, the next subsection would allow where in any area where it has been deemed by the Court of Revision, and there has been a downward revision in relation to the value of other properties of the same class but not complained against, that the Court of Revision can instruct the assessors to reassess in the same terms and conditions as those properties that have been reduced, the other such properties within that area.

Mr. Speaker, this also takes care of another major complaint in areas concerning acreage properties where different people have complained, and though we think the law is broad enough, the Court of Revision would have the power to be able to reassess the other properties in the same group with the test cases that were before the Court of Revision, we once again want to make it absolutely clear and explicit for the Court of Revision, for the City of Whitehorse and for ourselves, that they do have these powers and provisions and make them clearly explicit.

The third principle of the Bill, Mr. Speaker, is that it shall be deemed to come into force on October 15th, 1977. The reason for that, Mr. Speaker, of course, is that we want it to apply to the current reassessment and want that to be perfectly clear and explicit. Also, that the assessment role is required to have been forwarded to each authority not later than the 15th day of

October, in the year preceding the year in which taxes are to be levied on the assessment.

Mr. Speaker, there is another principle, which I think is the greatest principle of all involved. Mr. Speaker, I have stood before this House on I do not know how many occasions and how many times, and I have stated as passionately as I can muster and I hope as eloquently as I can state the fact that the most important principle that we must never lose sight of to the people of the Yukon is that we have gone absolutely nowhere and I mean absolutely nowhere, in our move to more responsible institutions, until the financial and taxing authority of this Government is deposited squarely and responsibly in the hands of an elected Member.

Mr. Speaker, to this House's credit, we have made representation after representation to the Federal authority in this regard and it has all been to absolutely no avail at this point in time.

Mr. Speaker, I must say that I find it much easier to take some of the misinformation that has been presented and perhaps some of the abuse that has been directed, if I were presenting a case to you as your Minister of Finance, charged with the direct responsibility of the terms of the *Taxation Ordinance*.

Mr. Speaker, a total revision of the direction and the philosophy of the *Taxation Ordinance* is one of the most monumental challenges that this Government will ever face. Every provincial authority, Mr. Speaker, and I have been examining them to some extent, have recently gone through or are going through this trauma, and there is little doubt that Yukon will soon be likely going through theirs.

Mr. Speaker, it will be a difficult and an expensive and a time consuming project and one that this Government will have to consider, Mr. Speaker, very seriously.

Thank you.

Mrs. Watson: Yes, Mr. Speaker, I note one of the basic principles of this Bill is the fact that it is retroactive taxation legislation. I would say, in the past two years, we have had four pieces, at least four pieces of retroactive taxation legislation.

Mr. Speaker, that is not a very good record, when taxation is a very sensitive item that the Government has to deal with. It certainly should have been obvious to the Government, some time ago when they started bringing in this retroactive taxation legislation, that band-aiding is not going to help, because every time you band-aid one wound, you are opening another one.

The Honourable Member, the Minister of Local Government, has constantly stated in this House that I was a Member of the Government at the time the taxation legislation was brought in.

This is very true. The Honourable Member was also a Member of the House at that time. That is years ago, and as I stated yesterday, legislation has to keep alive and keep abreast of the times. The fact that the Minister this morning was referring to the need for a complete review, specifically, of our taxation structure is just a little late. This should have been undertaken at least two years ago when it was quite obvious that the new assessments for all of the Territory would be hitting the people of the Territory and that the method outlined in the *Taxation Ordinance* would certainly not provide an equitable method of either assessing or taxing.

I stood in this House and referred to the section that is being amended today. I am very pleased at the principle that is being clarified, and that is the role of the Court of Revision. In my criticism of this legislation, I have never criticized the staff in this Government who have been asked or who have been hired to carry out our legislation.

I do not think anyone in the public or anyone in this House has questioned the ability and the integrity of the assessors themselves. The grassroots of the problems that we are facing in this taxation rest here. Property taxation is a power that we

do have and it has been given to us by the *Yukon Act* and I am afraid that we have not used it as judiciously as we should have, and have not reviewed it as judiciously as we should have. Retroactive taxation legislation is a very unjust way of correcting an evil.

I will be supporting the Bill because I know that it is needed, and it will clarify some of the cases that are now before the Court of Revision and will certainly assist some of the people in Whitehorse to get a fair and more equitable assessment of their property value. Thank you, Mr. Speaker.

Mr. Lengerke: Mr. Speaker, retroactive legislation or not, I am certainly pleased to see it here before us today in Bill 17. I only hope that, or I am assuming, that maybe some of my representation that I made to the Minister did result in bringing this Bill forward. I did talk to the Whitehorse taxing authority and I did talk to people on the Court of Revision and I know that some of the concerns that were expressed were expressed loud and clear.

I am just very pleased that the Government did respond so that we do have some definite direction to give these people and we know that certain decisions can be made.

I am certain that, as the Minister said, that in the months to come and especially in view of Yukon's future, the expansion, the economic activity that is going to prevail, we all hope will prevail, that certainly there is going to have to be a complete look at taxation in this Territory and that the next Government, I would hope, are going to commit themselves to some very innovative revisions and ideas with respect to taxation.

That has to come forward in the form of some kind of a platform and a long-range commitment. That is the only way you are ever going to get good long-range and very definite type of revisions made, if in fact you are committed to some kind of a strategy and it fits in with future development.

Mr. Speaker: Is there any further debate?

Motion agreed to

Mr. Speaker: Shall the Bill be referred to Committee of the Whole?

Some Members: Agreed.

Mr. Speaker: So ordered.

Mr. McCall: Thank you, Mr. Speaker. I would move that Mr. Speaker do now leave the Chair and that the House resolve into Committee of the Whole.

Mr. Fleming: I second that.

Mr. Speaker: It has been moved by the Honourable Member from Pelly River, seconded by the Honourable Member from Hootalinqua, that Mr. Speaker do now leave the Chair and that the House resolve into Committee of the Whole.

Motion agreed to

Mr. Speaker leaves Chair

COMMITTEE OF THE WHOLE

Mr. Chairman: Committee please come to order.

After our morning recess, we will be considering the amendments to the *Medical Professions Ordinance* and the Private Member's Bill regarding the *Mining Safety Ordinance*.

I now declare a brief recess.

Recess

Mr. Chairman: I call this Committee to order.

Mr. Hibberd, these are three separate amendments?

Hon. Mr. Hibberd: Yes, Mr. Chairman.

Mr. Chairman: We have read the first Clause and had some debate on it, but it has not been approved. Now we have an amendment to the Bill, which says by inserting immediately after Clause 1 thereof, a new Clause as follows:

1.1 Section 8 of the said Ordinance is repealed and the following substituted therefor: 8.(1)—

Hon. Mr. Hibberd: Mr. Chairman, I think if we follow it in a little different order in introducing the amendments, the first amendment is the shortest one there. It refers to what we were discussing in Committee previously.

Mr. Chairman: Oh, I see, they do not come in the order they were handed to me.

Hon. Mr. Hibberd: Mr. Chairman, the first amendment applies to 4.(1), the second amendment applies to Section 4.(2), and the third amendment applies to Section 8.

Mr. Chairman: I see, I had them in the reverse order here. This will be an amendment to Clause 1 in Section 4.

Moved by Dr. Hibberd that Bill Number 12 entitled *An Ordinance to Amend the Medical Profession Ordinance* be amended as follows:

In Section 4 of clause 1 on page 1, by adding immediately after subsection (1) thereof, the following subsection: (1.1) For the purpose of this Section, the term "license" shall be deemed not to include a permit issued under Section 7 or a temporary permit issued under Section 8.

In the same Clause, moved by Dr. Hibberd—

Hon. Mr. Hibberd: Mr. Chairman, perhaps we could deal with this separately as it does deal with somewhat of a separate issue.

Mr. Chairman: Okay.

Hon. Mr. Hibberd: I would like to point out that as far as his is concerned, the discussion centred last time on the uneasiness about a permit holder being included as a permanent registrant. The purpose of this amendment is to make it abundantly clear that permit holders will not be on the permanent registry.

Mr. Lengerke: Mr. Chairman, am I permitted to ask a question on 4.(1)? No?

Hon. Mr. Hibberd: Mr. Chairman, I think it is pertinent to (1).

Mr. Chairman: Yes, Mr. Lengerke.

Mr. Lengerke: Yes, I was not here when we first had discussion on this particular Bill, the initial discussion. I am concerned, and maybe the Minister can tell me, what happens to the doctors that are practising in Yukon today, and have been or quite some time, are they going to update their qualifications or their standards to coincide with this particular Ordinance now? Are they required to do so?

Hon. Mr. Hibberd: Yes, Mr. Chairman, if they intend to practise in the Yukon Territory. The qualifications with regard to permit holders, which we will be getting into with another amendment, are certainly upgraded.

The purpose of this amendment is that Section 4 of our present Ordinance merely applies to those who are permanently registered. It is the intention to make that clear, that those are the criteria by which one obtains permanent registration. A permit holder is not eligible unless he meets those requirements in Section 4.

Mr. Lengerke: I am wondering about the permanently licensed doctors, Mr. Chairman, if they, in fact, are going to have to bring up their qualifications?

Hon. Mr. Hibberd: Mr. Chairman, it is the intent of this amendment that there will be certain criteria laid down and if they do not meet those criteria then they would indeed have to upgrade before they would be allowed to practise.

Mrs. Watson: Mr. Chairman, that is not what Section 4.(1) says. It says that every doctor who now is licensed in the Territory shall be deemed registered in the Medical Register and they will be eligible to be relicenced automatically from year to year.

The question was: is it the intent of this Government, when you are setting new standards, to require doctors who are presently licensed to meet those standards, over a period of time.

Hon. Mr. Hibberd: Mr. Chairman, those standards are being adhered to now.

Mrs. Watson: Mr. Chairman, is the Minister stating that every doctor that is now licensed in the Yukon Territory can qualify, under the standards that are going to become law if this legislation passes this House?

Hon. Mr. Hibberd: Yes, Mr. Chairman.

Mr. Lengerke: Mr. Chairman, I have to use an example and maybe the Minister could help me out here. I just want to understand this a little clearer. If you have a doctor practising in British Columbia who is qualified there now, let us say he had been practising and he has not been practising for two or three years. He has been retired and all of a sudden he would like to come and practise in Yukon, what is the difference between that doctor and a doctor that is practising in Yukon to date that has been qualified numbers of years ago?

In other words does the doctor from British Columbia now coming have to qualify under the new requirements, or do you consider him to be qualified as you do consider the doctors that are practising as in 4.(1) in Yukon now?

Hon. Mr. Hibberd: Mr. Chairman, anyone who is coming to the Yukon, to get a license to practise would have to fill the criteria. If this is passed, this is what they would have to fulfill whether they have recently been practising elsewhere or whatever.

Mrs. Watson: Mr. Chairman, under what authority, a licence or a permit, do the specialists that come into the Territory practise medicine in the Territory? We have quite a number of them. How are they handled at the present time?

Hon. Mr. Hibberd: Mr. Chairman, all the visiting specialists now have permanent registration in the Territory.

Mrs. Watson: Mr. Chairman, these specialists are then being grandfathered in in Clause 4.(1), is that correct?

Hon. Mr. Hibberd: It has to be sorted out on an individual basis. Some of them were going on a permit before, some of them had permanent registration, but it was decided that they would require permanent registration. Therefore, they have fulfilled the criteria to obtain permanent registration. It is difficult because of the different ways that they have come in. Generally speaking, they have all the criteria of permanent registration now and are permanently registered under the Ordinance as it now exists.

Mrs. Watson: Mr. Chairman, with the new standards that we are going to be imposing, would we be limiting the number of specialists that would be able to come into the Territory. Now we have, I think, some twenty specialists coming in now. As you indicated, most of them are permanently licensed, or have the qualifications, but is there a possibility that with these standards that we are imposing that some specialists, because of the fact they received their accreditation many years ago, and are recognized permanently say in BC and Alberta, and because that accreditation is not as modern as what we are putting in, would that limit us to the number of specialists we could call upon to work in Yukon?

Hon. Mr. Hibberd: Mr. Chairman, there are no instances where it would limit us from any specialists who are visiting here now. I should add that the qualifications in BC and Alberta do include the same criteria that we have before us now.

Mr. Lengerke: Mr. Chairman, that was going to be my question. How does this differ from the Alberta medical profession requirements? As I read it—pardon me, that gets into 4.(2), as I see it, a doctor would have to have (a), (b), (c) and (d) to qualify in Yukon, is that right? I understand in Alberta that is

not the case, that he could hold a degree in Medicine from a recognized medical university and that he could also hold registration in the Medical Council of Canada. One or the other would qualify him, is that correct? Am I wrong in that?

Hon. Mr. Hibberd: I am not sure that I understand the question, Mr. Chairman. If he is a holder of LMCC, he is required to be a holder of an LMCC to be registered in Yukon. That is the intent of the amendment.

Mrs. Watson: Mr. Chairman, I think that is why we are questioning. We are concerned about this LMCC.

This was not a requirement in the past. I think it is just fairly recent, is it not, that all jurisdictions in Canada have it as a requirement. We are now requiring it for anyone who comes into Yukon and many of the older, experienced doctors who have gone into a specialist area, do not in fact have that accreditation in the LMCC. This is why I am asking the question.

By putting this in, are we in fact cutting off the ability of these people to come in here. We want to set standards for the consumers of Yukon, but by the same token, we do not want to cut out the very well qualified people in a specialist area that we also require.

Hon. Mr. Hibberd: Mr. Chairman, it is not the intent to disqualify people of that nature and there are no instances of specialists who are visiting the Yukon who would fall into that picture.

I would also point out that, again, the full Ordinance that is being proposed for the Fall Session does include a specific provision for those who have a fellowship in a speciality, provided that is a Canadian fellowship that they have. That is covered in the new Ordinance.

Mr. Lengerke: Mr. Chairman, I found what I was looking for here and I think I can reword my question a little differently.

I would just like to have some clarification on this that, in Alberta, under Section 21 of their Ordinance, is says: "An applicant for registration who has not previously been registered in Part I of the Alberta Medical Registry is qualified for registration if:

a) he holds a degree in medicine from a university in Alberta and has satisfactorily served a period of post-doctoral training prescribed by the by-laws; or, (b) he holds a certificate of registration from the Medical Council of Canada and has served a period of training following qualification in medicine prescribed by the by-laws".

Now, I am just wondering how much difference there is in that particular qualification as there is in ours, where in (a) we say he has to be a graduate from a medical school recognized by and acceptable to the College of Physicians and Surgeons of British Columbia, then he is a licensee of the Medical Council of Canada. Could we not stop there, because (c), you ask him again to be acceptable to the College of Physicians and Surgeons of British Columbia for certain amounts of internship. But would that not already have happened in (a)? Where he is recognized from a medical school acceptable to the College of Physicians and Surgeons of B.C.?

Hon. Mr. Hibberd: No, Mr. Chairman. They each one of these stands on its own. He must have graduation from a medical school, obviously. He must have his LMCC, but neither of those things give him one aspect of the training which is considered essential to practise medicine and that is an internship that is satisfactory, that meets certain criteria. That is covered in (c).

That is the same as the bylaws they are referring to in Alberta, I am sure.

Mrs. Watson: Mr. Chairman, we do have people in the Yukon, doctors under a northern health program. They are hired by Northern Health, not by YTG, unfortunately. They come here licenced as doctors, I believe. Do they have to have

a Yukon license and will they have to fulfill the qualifications that we are now proposing for legislation? How many of them will we be grandfathering in?

Hon. Mr. Hibberd: Mr. Chairman, if I recall when this Bill was revamped in 1975, we had representation from the Government of Canada regarding whether these people should have some form of exception to the way they were licenced. The reply by this Assembly was that no, they had to fulfill the requirements as did any other doctor. To my knowledge, I only know of one person who would be affected by this. Indeed, he would not be affected, he fulfills the criteria, but you asked how many people would be in this category. There is only one that I am aware of.

Mrs. Watson: Then is it the intent of this legislation to require Northern Health doctors to meet our standards and to be licenced and to pay for a licence in the Yukon Territory?

Hon. Mr. Hibberd: Mr. Chairman, that was the intent of the previous legislation and that is not up for amendment at this time.

Mr. Chairman: Anything further? We are dealing with the first amendment in Section 4 of Clause 1 on page 1 by adding immediately after subsection (1) thereof, the following subsection:

(1.1) For the purpose of this section, the term licence shall be deemed not to include a permit issued under Section 7, or a temporary permit issued under Section 8.

Amendment agreed to

Mr. Chairman: The next amendment is to the same Clause, and it reads: Moved by Dr. Hibberd that Bill Number 12, entitled *An Ordinance to Amend the Medical Profession Ordinance* be amended as follows: by deleting paragraph 4(2)(c) of Clause 1 and substituting therefor the following paragraph:

(c) has successfully completed

(i) in the case of a graduate in medicine from a medical school in Canada, the United States of America, Great Britain, Eire, Australia, New Zealand, or South America, a minimum of twelve months of internship consisting of training in medicine, surgery, obstetrics and gynaecology and paediatrics in a hospital recognized by and acceptable to the College of Physicians and Surgeons of British Columbia, or

(ii) in the case of a graduate in medicine from a medical school of a country not listed in sub-paragraph (i) a minimum of twelve months of internship consisting of at least three months of training in medicine, three months training in surgery, three months training in obstetrics and gynaecology and three months training in paediatrics in a hospital recognized by and acceptable to the College of Physicians and Surgeons of British Columbia; and

Discussion?

Hon. Mr. Hibberd: Mr. Chairman, this was an oversight on my part in that when this was introduced I had forgotten the details of how internships often work in Canada. They go through a variety of services, but not necessarily include three-months in each of these major disciplines. For instance, they might spend two months in the emergency, they might spend a month in the cancer wards, which do not qualify directly for inclusion in these groups, although they are certainly considered good training.

Because that is a well standardized training, it is acceptable without going into further detail, but it is felt that the more extensive qualifications are necessary for schools outside of the Commonwealth countries, where we are not so sure that they have had the well-rounded training. They have different methods of training their doctors and they might be missing some links, which is difficult to control.

So, to assure there is no defect, it is required, or hopefully it will be required that a three-month minimum in each of the

major disciplines would be necessary, be included.

Mr. Berger: Yes, Mr. Chairman, I have a question on this amendment. The original legislation we had called for a graduate in medicine in an approved university or medical school in Canada, United States of America, Great Britain, Eire, Australia, New Zealand and South Africa.

Now we are travelling around the world and we are going to South America. Now what the heck is going on here? I mean, what is the reason behind going to South America? There is a language problem down there, the medical facilities in most countries are behind the times, what is the explanation for this type of thing?

Hon. Mr. Hibberd: Mr. Chairman, I have no explanation and I would like to thank the Member for spotting the error in the amendment. This should refer to South Africa.

Mr. Chairman: Consider that a typographical error. Probably the typical doctor's handwriting could not be read.

Mr. Chairman: Any discussion on the clause or the amendment?

Mrs. Watson: I think there was some concern by Members in the House to the fact that it stipulated the time period in the year of internship and I do not think this was the requirement some years ago. This would have affected some of the doctors who got their training quite a number of years ago and who are very capable people, that would not have been able to fulfill the internship requirements if they were coming to the Territory.

I would thank the Honourable Member from bringing in the amendment that he has.

Mr. Chairman: Anything further?

Amendment agreed to

I think that the next amendment deals with another Clause.

Clause 1 agreed to

Mr. Chairman: A further amendment, moved by Mr. Hibberd, that Bill Number 12 entitled *An Ordinance to Amend the Medical Profession Ordinance* be amended as follows: By inserting immediately after Clause 1 thereof a new Clause as follows:

1.1 Section 8 of the said Ordinance is repealed and the following substituted therefor:

8.(1) The Commissioner may, after consultation with the Yukon Medical Association, issue a temporary permit to practise medicine in the Territory for a term not to exceed twelve months from the date of issue to a person who meets the requirements respecting registration in the Medical Register pursuant to subsections 4.(2), (3) and (4), and the holder of a temporary permit issued under this Ordinance shall be deemed to be the holder of a licence.

(2) Every person who, on the thirtieth day of April, 1978, held a temporary permit or renewal thereof issued pursuant to this Ordinance, may continue to practise medicine under that permit for the term of the permit, not to exceed twelve months from the date of issue.

(3) No temporary permit may be renewed, nor shall a subsequent permit be issued to any person who has previously held a temporary permit issued under this Ordinance.

Hon. Mr. Hibberd: Mr. Chairman, the affect of amending Section 8 at this time is to bring the requirements for permit holders in line with those of permanent registration. It offers further standards to be obtained. The intent is also not to have any affect on any permits that are now in force and they would be permitted to go ahead under the terms that they were given in the first place and to run that course.

There is no provision for renewal of a permit. It is felt that if a person qualifies for a permit, then he should indeed, after one year, should go ahead and become a permanent registrant. The only significant difference between permanent registration and a temporary permit, in actuality, is the—there are two things

actually. One is that the actual fees that would be required are considerably lower for a temporary permit because he would not be here as long presumably. Also, it would give the opportunity to have some appraisal of an individual who is coming here before he is permitted for permanent registration.

These changes embody what changes would also be coming forward in the new Ordinance.

Mr. Berger: Mr. Chairman, just a question. Why was it not considered to establish a board, as I believe is undertaken in some of the provinces, instead of consulting with the Yukon Medical Association, which I consider a closed-shop union, under the same terms and conditions as any closed-shop union, you have a hard time getting into it, and I would say that the Yukon Medical Profession is exactly the same thing.

It may have a different name, it may be considered differently by different people, but the terms and conditions are exactly the same thing.

I would think that it would be much wiser and would create less hard feelings about new doctors applying for positions in Yukon to create a board and I would suggest on this board there should be a lay person on it, or two, because it is not only a matter of looking at qualification of a doctor. I think it is also a matter of looking at consumer interest of a doctor because it may be in the interest of his closed shop union to hold down the doctors in the Territory because then he could achieve higher fee structures and so on.

It is a hard accusation, but the thing is I have a feeling on those things and the closed shop unions are exactly the same thing.

My question is, Mr. Chairman, why was this not considered or will it be considered in the next amendment?

Hon. Mr. Hibberd: Mr. Chairman, I think we are losing what the spirit of these amendments are. I have already indicated to the House that the new Ordinance will be coming forward and that I have also indicated to the House that one of the primary considerations in that new Ordinance is there will be the creation of a council. I have already given that commitment.

I would point out, Mr. Chairman, that there is considerable difference between what the registration procedures are here and a union situation. In this situation, if a doctor comes forward and he has the proper qualifications to practise in the Territory, he cannot be refused. He must be licenced if he retains a, b, c, and d. If he fulfills those criteria, he cannot be refused licence, he cannot be barred from practising in the Territory, which I think is quite different from the situation that might exist in the union situation, Mr. Chairman.

Mr. Chairman: Anything further?

Mrs. Watson: Mr. Chairman, I appreciate the Honourable Member from Dawson City's comments on the amendments to the legislation. I also appreciate the position that the Minister found himself in when he had quite a short time in which to prepare the legislation that is actually required for the medical profession in the Territory.

The Minister has made the commitment that there is a new *Medical Professions Ordinance* being drafted or being considered by the Government. It is unfortunate that, because of the fact that we are going to have an election, that that commitment may not carry through to the next Government. Oh, I thought the Honourable Member was going to say the Minister is a shoe-in.

But I would argue. I know that people are very, very skeptical and I am very skeptical about the professions with their authority to police themselves—not police themselves, discipline themselves and I can certainly understand why there is a requirement for lay people to be on such a council.

By the same token, we are on pretty thin ice, too. Every time you add a new doctor to an area, you are increasing your costs,

because every new doctor is going to generate more business. If we have five more doctors come into the Territory, our Medicare costs are going to go up.

That has been a proven fact in other jurisdictions. I think we have to be careful in the Territory. It might be at some time, like they are doing in Canada, that they are limiting the number of doctors that they want to practise within the Territory. I just do not think the argument that the Yukon Medical Association is trying to keep all the money for themselves is completely true. Maybe the fact that the fewer doctors, the amounts might be greater when you divide it up. But if you have more doctors, your amounts for medicare are certainly going to increase.

I am going to be supporting the Bill, I am going to be supporting the amendments. I think the Minister has endeavored to try to, on an interim basis I hope, meet the situation as it exists today under this legislation. If you review the *Debates & Proceedings* of when this legislation was passed, it was chaotic. Eithers and ors were put in the wrong place when they were transcribed. The arguments were quite profound. There was no summation at that time by the Chairman of Committees, or specific approvals to amendments which were proposed, and I think this is what happened with the legislation that we are in now. The Government is taking one interpretation and the Courts are looking at different interpretations.

Really, in order to be fair to the existing doctors who are in the Territory and to any other doctors that may be applying, it is really incumbent upon us to at least correct the sections that the Member has brought forward to this House. I sincerely hope that we look at the whole thing in the future, regardless of whether it is the present Minister or someone else.

Mr. Chairman: Anything further?

Hon. Mr. Hibberd: Mr. Chairman, I might mention that in drawing up the new legislation, we have had the opportunity, or made the effort to review the registration and discipline situations that are used in all the other jurisdictions across the country. As much as possible, we are trying to use the concept of a council to administer those parts of the Ordinance.

I might mention that it is not applicable to this jurisdiction perhaps, but in every other jurisdiction it is entirely composed of doctors. You might require modification in this area considering our small population. As the Member from Kluane has pointed out, the primary thing I am trying to do with these amendments at the present time is to plug a loophole, particularly in the face of a possible influx of doctors because of pipeline, et cetera, to plug a loophole. When all the other jurisdictions have plugged them, they have nowhere else to go and they could come here. That specifically refers to LMCC and internship.

Amendment agreed to

Clause 1.1 agreed to

On Clause 2

Clause 2 agreed to

Mr. Chairman: The Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory, enacts as follows: *An Ordinance to Amend the Medical Profession Ordinance*. Shall the preamble and title carry?

Some Members: Agreed.

Mr. Chairman: Shall Bill Number 12 be reported with amendments?

Some Members: Agreed.

Bill Number 101, *An Ordinance to Amend the Mine Safety Ordinance*.

On Clause 1

Mr. McCall: Yes, Mr. Chairman, I would appreciate it if I could have the consent of Committee to allow Mr. Cosman to sit in while we go through this particular reading. Mr. Cosman

helped me substantially in preparing the drafting of this particular Bill.

Some Members: Agreed.

Mr. McCall: Thank you, Mr. Chairman. I am not going to say very much about this particular amendment, Mr. Chairman, but I would just like to point out a number of things that have taken place in the mining industry for the last couple of years.

It has turned out to be, to a degree, a tragedy when the previous Mines Inspector, who is now retired, refused to designate the areas according to the legislation, which subsequently meant that many individuals who worked for a mining company had no choice but to, shall we say, terminate their employment because, according to the interpretation of the previous Mines Inspector, he would designate the whole area of the operation as a "dust exposure occupation". That, from many legal points of mind, was contrary to the intent of the legislation.

So, by introducing this particular amendment, Mr. Chairman, without jeopardizing the principle of safety, I think it will help to define or assist the Mines Inspector to clearly define the areas which would not be considered as a "dust exposure occupation".

I am making reference to places just like administration buildings, warehousing and that sort of thing. "Dust exposure occupation", we all know just what is involved in that particular type of mining, but it does not mean it should include all the areas. Therefore, by introducing this particular amendment, it allows the or should I say it instructs the Mines Inspector to define the areas in a proper manner, instead of taking the lateral observation of an operation, which is a lazy way of taking an interpretation out of the *Mine Safety Ordinance*.

Mr. Chairman: Any other discussion?

Mr. Lengerke: A question of Mr. McCall, Mr. Chairman, if I might. I am interested in that, and I probably do not understand some of the mining industry problems as well as some others here, but is it not a fact then that what has happened really is that administrative areas and warehousing and garages have in the past or now are being designated as dust areas, and in fact that would mean that those employees that work in those areas would have to be certified to work in those areas? Is that what is happening to date?

Mr. McCall: Yes, Mr. Chairman. Under Section 15 of the *Mining Safety Ordinance* every individual that works at a mine has to have a miner's medical certificate. So every individual, it may be a secretary to the manager of a mine, has to have a miner's medical certificate in order to work in an office which has nothing to do with a dust exposure occupation. According to the last interpretation or ruling by the previous Mines Inspector, he ruled that the whole area including offices or individual stick man working with a surveying crew on the side of the mountain away from the operation has got to have a miner's medical certificate if he is on the property belonging to that company.

Hon. Mrs. Whyard: Mr. Chairman, could I ask then what areas will not be designated as dust exposure occupations under the new terms?

Mr. McCall: I cannot answer that question, Mr. Chairman, because that is left to the responsibility of the Mines Inspector. He will have to designate those areas after the investigations have been done. I cannot answer that question, that is why the amendment is being introduced to instruct the Mines Inspector to designate the particular areas that are not dust occupational areas.

Hon. Mrs. Whyard: Mr. Chairman, we have just been told that a previous official did not designate areas which he had the authority to designate. What assurance is there that there will be any change? What assurance is there that any official will now pick up on this one?

Mr. McCall: In the previous *Mine Safety Ordinance* under Section 3, any employee that serves in a mine that is designated by the Inspector as dust exposure occupation. All the previous Inspector did was just take a ruling from his office and say the whole operation is a dust exposure occupation. The present Mines Inspector is very receptive to the amendment that I have proposed because I have presented that to him, in confidence, and he has totally agreed that he will designate the areas in a proper manner as it is implied under the *Mining Safety Ordinance* and the amendment, if it should be adopted.

Hon. Mrs. Whyard: Mr. Chairman, do these designations apply to all mines in the Yukon or open pit operations, or just where specified as underground? We have an assortment of different types of mines in the Yukon. How do they apply?

Mr. McCall: Under the present Ordinance it is broken down. Any employment underground is an underground mine, it is a dust exposure occupation, and it will in all probability affect mostly the open pit mines in the Yukon, unless the Inspector designates areas at the surface of a mine where there is an underground operation.

But that will be left to the Mines Inspector and he would have the expertise to designate those areas where, as it is pointed out by the Minister, there is an underground operation.

My prime concern is to define the two areas, and to make the Inspector define the two areas.

Hon. Mrs. Whyard: Mr. Chairman, am I to understand from what the Honourable Member is saying that, in the case, for example, of an underground mine operating in Yukon the above ground areas have not been designated?

Am I to understand, Mr. Chairman, for example, at United Keno Hill, the underground which we can all understand means dust exposure except when washed, et cetera, et cetera, et cetera? Would there be no areas above ground which would be available for an employee to work, who is not permitted to work in a dust exposure area?

Mr. McCall: To answer the question, I am not going to answer it on behalf of the Inspector, I would say that there are areas, but these have to be defined by the Mines Inspector and not by a lay person like myself.

I believe, I have reason to believe there are areas above ground, where there is an underground operation, where it could be designated non-occupational dust, if that answers your question.

But at the present, all mines in Yukon are designated as "dust exposure occupation", right across.

Mrs. Watson: Mr. Chairman, the amendment looks so similar to the original and yet there is the 1.(c) where, in the past, the Mines Inspector had to designate occupations as "dust exposure occupations".

In (c) now, we are asking him to designate not the occupation as a "dust exposure occupation", but an area as a "dust exposure area".

In the past, has the Mine Inspector just designated all occupations in a mine as a "dust exposure occupation"?

Mr. McCall: Yes, Mr. Chairman.

Mrs. Watson: Mr. Chairman, why are you not asking him to designate the occupations which are not "dust exposure occupations", rather than designating the area? What benefits are there to doing it in the manner that you are proposing here?

Mr. McCall: Well, one point, Mr. Chairman, in answering this question, it would be a very lengthy amendment to this particular Bill if we should breakdown maybe approximately 500 different job classifications within a mine operation.

It is far simpler, it is far more logical to designate the areas, zone the areas occupational or non-occupational dust exposure, because if you are to go into the occupations, in the operation I work, for example, there are over 170 different

jobs, 170. If we are to draft legislation to cover off each one of those jobs, that is going to be an horrendous piece of legislation.

By allowing the inspector to designate the areas, it encompasses a number of job occupations within that zone which could be non-occupational or occupational dust exposure.

Hon. Mr. Hibberd: Mr. Chairman, I just received representation from the mine operators in the name of Cam Ogilvie to appear before Committee with regard to this Bill. Is it Committee's wish that we have Mr. Ogilvie appear before us now?

Mr. Chairman: Agreed. However, Mr. Ogilvie told me not long ago that he did not want to appear.

Hon. Mr. Hibberd: I just got it.

Mr. Chairman: I thought it was Mr. Ogilvie.

Agreed?

Some Members: Agreed.

Hon. Mr. Lang: While we are waiting for the witness, I would just like to have a question answered by the member in respect to medical certificates, how is this going to affect— Now, I understand an individual must get a medical certificate prior to going for employment on in a mining area. Does this affect the present system where one must have a medical certificate prior to going to work with a company?

Mr. McCall: No, Mr. Chairman, if you read Sections 13, 14 and 15 in the present Ordinance, there are two certificates. There is one, your normal medical certificate which is mandatory in this type of work, in an operation such as mining and the second rider is the miner's medical certificate in order to work in a dust exposure occupation. That will not be interrupted one bit.

Hon. Mrs. Whyard: Mr. Chairman, perhaps I misunderstood the Honourable Member but I thought he had previously told us that even to work in an office, you require a miner's medical.

Mr. McCall: As I said, it is not an interruption of the present Ordinance.

Mr. Chairman, I do not want to confuse anybody here but the present situation under the lateral interpretation made by the previous mine inspector means that an individual who is a secretary for any particular representative of a company has to have a miner's medical certificate according to the lateral definition enforced by the previous mines inspector which, to me, does not make any sense and is not logical because it is not a dust exposure occupation. A secretary is not working in a rock crushing plant or a concentrator. This is the illogical aspect of the ruling made in previous times.

As it is implied in Sections 13, 14 and 15, that is not being interrupted because, for example, if a manager of a mine, on his normal tours through his weekly inspections of the operation, goes in two areas, if it was clearly designated non-occupational or dust, he has to have a miner's medical certificate.

I think you will find in your investigation of all the mines in this Yukon Territory, there is not one manager that has got a miner's medical certificate.

Hon. Mrs. Whyard: Mr. Chairman, I do not wish to split hairs on this, but if I am understanding the Honourable Member, he is implying to me that there is sufficient authority there now for the Mining Inspector to interpret another way and not require a miner's certificate just for someone working in an office. I think that is what the Honourable Member is saying.

Therefore, do you require to change the Ordinance in order to achieve your objective?

Mr. McCall: Yes, Mr. Chairman, it has to be changed in order to clearly instruct the inspector to perform a certain responsibility. By leaving the language in its present form, we are going to continue to have problems, because it is not clearly

and when you have an individual that loses his job after years simply because he has nowhere else to work because the whole area is designated, under the present language in the legislation, that loses his job after two years of service, the company has no recourse but to terminate the individual because the law says so, not because they want to, but because the laws say so.

I have a number of cases on hand now which the Minister already knows one or two, if she casts her mind back, that it is a tragedy that we allow a Mines Inspector, simply because the ambiguity of the present language, it is not tight enough, to instruct that inspector to designate these areas in a proper manner, under the principle of safety for those individual employees and the company.

It is a tragedy that these people are losing their jobs because the company has no course but to terminate them under the law, because they cannot work anywhere else.

Hon. Mrs. Whyard: Mr. Chairman, I agree, it is a tragedy and this is why it puzzles me to hear the Honourable Member saying that there is now a mining inspector who is sympathetic with the objectives in the amendments before us, and I would have thought that was sufficient.

Mr. McCall: Mr. Chairman, in my experience dealing with documents in a grievance, a verbal commitment is not worth the paper it is written on and that is why, I believe, that this amendment would help to alleviate a problem for the mines inspector. He will be instructed to do it in a proper manner, as per law.

Hon. Mrs. Whyard: If that is the philosophy of the Honourable Member, I think I might as well subscribe to it and he has assured us that the mining inspector approves of the policy in these amendments, could we have something in writing to show?

Mr. McCall: From whom? Me or the mines inspector?

Actually, Mr. Chairman, the mines inspector would be here today, but he has got obligations in Vancouver and he is not back until the 27th, otherwise, I would have him in this House right now.

Hon. Mr. Hibberd: Mr. Chairman, because of the problem of how the mining inspector must feel, we thought it was necessary to get some indication of who he actually did feel about it and I have received a telex to the effect and I will quote: "The proposed changes by Private Bill give more specific authority to the Chief Mine Inspector to redesignate dust exposure occupations in the surface operations of a mine."

"At present, the mine inspection unit and mines are monitoring dust levels by the kanimetric and gravimetric methods. Based on the results of the dust survey, we are able to designate dust or non-dust exposure occupations."

"Therefore, I recommend introduction of the Bill. If, in the future, present unknown health hazards are found in the surface operations, the Ordinance provides for authority to redesignate the occupations accordingly."

That is part of what has been transmitted to the Mines Safety Inspector which obviously infers that he is in favour of this particular change in the Ordinance that is presented to us today.

Mr. Chairman: Thank you.

Mr. Fleming: Mr. Chairman, I do not want to hold it up, there is a witness here and I would like to get it from him. I wanted to support this to a certain extent myself in the very fact that the Inspector can, at this time, designate a dust employment for one person who is working in the same building, there are two people in the same building and one of them could be designated as such, and the other one as the other way. This way, the area is the area that all peoples work in and any areas that are under dust control, that is it. That is a simple matter to me.

Mr. Chairman: Perhaps Mr. Ogilvie, have you any comments on make on this Clause?

Mr. Ogilvy: Yes, thank you, Mr. Chairman. Mr. Chairman, I apologize for being a witness on behalf of the Yukon Mine Operator's Association. It seems to me that it would be a heck of a lot more appropriate to have the Mines Inspector as a witness here. I am quite concerned that this Bill can perhaps be passed without adequate representation from the officer charged within the Ordinance to advise the Commissioner of the Yukon Government on matters pertaining to this Ordinance. I think, in my humble view, it is a shame that the thing is going to come up for a vote without having that responsible officer present.

I realize that I am a witness and not really in a position to ask questions, I guess I am here to give answers. One matter that has just come up a few seconds ago gives me some concern. There was, I understand a telex sent from the Mines Inspector to the Government, part of it we heard read. I am curious whether the part that was read was to be applied to any particular section of the Ordinance?

What I heard was the proposed changes by the Private Bill gives more specific authority, et cetera. I just wondered what was in the telex before that.

Hon. Mr. Hibberd: Mr. Chairman, I will read the whole telex.

"On April 21st, 1978, Mr. Spray, Territorial Secretary requested my comments and recommendations re Private Member's Bill, Section 2 of the *Mining Safety Ordinance*."

"The proposed changes by Private Bill give more specific authority to the Chief Mine Inspector to designate dust exposure occupations in the surface operations of a mine."

"At present, the Mines Inspection unit and the mines are monitoring dust levels by the kanimetric and gravimetric methods. Based on the results of the dust survey we are able to designate dust or non-dust exposure occupations."

"Therefore, I recommend introduction of the Bill. If, in the future, presently unknown health hazards are found in the surface operations, the Ordinance provides for authority to redesignate the occupations accordingly. (For example: Health and Welfare Canada, at my request, will conduct a survey at Anvil Mines to determine the chemical and biological effect of the respirable dust in the surface operations. This will be done in about May or June depending on their workload. The results of this survey may precipitate redesignation of dust exposure occupations.)"

Mr. Chairman, the remainder of the telex refers to a further section of the amendment, which we are not dealing with at the present moment.

Mr. McCall: To clarify a point which the witness has brought up, the Mines Inspector received a copy, a confidential copy of this amendment that I proposed on March 21, 1978, at the same point in time as the legal draftsman, Mr. Cosman, and myself put this together. At the same time, I advised the Minister of Consumer and Corporate Affairs.

So, this is not a backdoor attempt and, as it has been pointed out, if the mines inspector was in town, he would be only too glad to be here to recognize the Bill that has been presented.

Mr. Berger: Yes, Mr. Chairman, kind of a curious way of starting out with a witness, but he is supposed to come here to either agree or disagree with a Bill and my question to the witness right out, what are your objections to this amendment to the Bill?

Mr. Ogilvy: Mr. Chairman, I am not clear whether I should only be commenting on Section 2 or...?

Mr. Chairman: We are dealing with subsection 2 right now.

Mr. Ogilvy: Subsection 2, right, because my point was that the comments that the Honourable Minister has read, did in

fact restrict themselves to Section 2 and we find, I believe, later on, the mining inspector took issue with the other parts of the Bill.

Okay, my general point then is that I feel that the responsibility for safety in the mines, which the mines subscribe to 100 per cent, and I think that is why I am here representing them on their behalf. They also subscribe to the idea of having a qualified professional mining inspector, which they have in fact. They subscribe to the view of giving that qualified mining inspector, professional mining inspector a great deal of latitude and discretionary authority on the supervision of health and safety in the mines.

I think in the view of the mine operators, and I believe it is unfortunate that the mining inspector is not here to speak on his own behalf, that certain provisions of this Bill would in fact restrict the discretionary authority that the inspector has and I think we regard that as regressive.

Now, I have a number of other points that would be of concern to the mine operators if this Bill were to pass in its present form. Would you like me to go into some of them, sir?

Mr. Chairman: Do they deal with subsection 2 or Clause 1?

Mr. Lengerke: On a point of order, point of order, Mr. Chairman, Mr. Chairman, normally when we have a witness, we have the witness present his entire case and then we hear that and then we usually get into debate. Am I not correct in that? Would this not prevail today in the witness—

Mr. Chairman: Well, I do not know whether he is submitting a brief of not.

Mr. Lengerke: Oh, well, could we determine that and if he has a brief on the entire Bill we could hear it and then we could get at it.

Mr. Ogilvy: I have a verbal brief.

Mr. Chairman: Okay, we will listen to it and then you can deal with the whole amendment.

Mr. Ogilvy: Okay, I think I have adequately made the first point, I think, that according to the Ordinance the Commissioner is the officer who is responsible for safety in the mines and I believe he is constrained in the Ordinance to take the advice of the mining inspector. I would think perhaps that the advice of the mining inspector could be presented perhaps in a more formal sort of way than everybody talking about the mining inspector in the third person.

Now to the specifics. We believe that Clause 1 of the Bill would change the definition partly, the first two parts of the definition are the dust exposure occupation would stand, so they should. The third one is the discretionary authority for the inspector to designate other areas would change, or other occupations I should say, presently allows the Inspector to designate other occupations would change it to other areas. We feel that classifying for this purpose on the basis of area, rather than occupation, tends towards depersonalization of the workers and it is regressive. It should be dealing with the worker and the occupation of that worker, rather than the area.

Hon. Mr. McKinnon: Mr. Chairman, could we ask questions please.

Mr. Chairman: Well, I think we will let him go through with what he is—

Mr. Ogilvy: I would be pleased to go whatever way.

Mr. Chairman: We started the other way first, Mr. McKinnon. Then we decided we would hear everything he had to say first. I think we should follow our second choice and hear everything he has to say first.

Mr. Ogilvy: Thank you, Mr. Chairman. Now, having decided in Clause 1 of the amendment, to classify on the basis of areas, rather than occupations, then references made in Clause 2.(b) of the amendment to make it mandatory upon the Inspec-

tor to in fact make these classifications, namely that he must, removing his discretionary authority, it seems to me that he must designate. In fact if you look at b-1 of it, the part that is missing, it is already in there, he shall, the Inspector shall designate, after making such examinations and appraisals and inspections as he deems necessary, the Inspector shall designate each area of employment of the surface of the mine, other than an area which is subject to dust exposures or as an area which is not subject to dust exposure.

I think it is evident that what we are talking about here is a gradational sort of a thing. I suppose an astronomer would say there is no part of this universe that has not got some dust in it. Okay, so to call upon this man to arbitrarily say this is a dust exposure area, this is not a dust exposure area is really asking the impossible of him.

A few things that come to mind is that right at a source of dust, the dust concentration would vary locally, right at the source, are you right at it, are you two or three feet away from it, or what? In other words, it would vary spacially right at the source. It would also vary hour by hour. It would depend on what the exact operation is and what the atmospheric conditions are at that particular time, how much dust would be in that area.

Three, it would vary seasonally. I would welcome any questions on that point if you like.

Fourthly, and perhaps the most important, there is the person, not the area, which is subject to dust exposure, and I refer you to the wording of clause (b), it is the person, in our view, not the area, which is subject to dust exposure. This in turn would depend on the nature of that person's exposure, the frequency of that person's exposure and the duration of that person's exposure. In other words, we would like to go back to clause 2.(b) and clause 1 and point out that it would be superior to define these things in terms of occupations rather than terms of areas.

Okay, the next point is that because conditions vary widely between and within various mining operations, it is customary in mining safety legislation to hire common professional inspectors and give him wide discretionary powers in matters of health and safety.

The proposed amendment is regressive in this respect by arbitrarily tying the inspector's hands. It is forcing them to say that there are areas which are dust-free, or whatever the terminology is, in areas which are not.

Okay now, the amendment could have the effect of causing immobility of the work force and duplication of the work force. For example, if a particular shop were designated as an area which is not subject to dust exposure, as called for in 2.(b), let us say the mechanic shop is immaculately clean and well away from the mine and there is no dust in it, okay, if that particular shop were designated as "an area which is not subject to dust exposure" and again I am quoting from 2.(b), "then a pressure would be created to staff it with non-certificable personnel". In other words, by law, there would be no reason at all why these people should be required to take a medical. There is no reason at all why their lungs should be different from anybody taken at random.

Okay, now these personnel, then may be disallowed from making excursions into dust exposure areas when required and I suppose that, if the amendment passed, they would in fact, because they are not tampering with Section 15 or perhaps it is 13, at all.

You must, according to Section 13 or 15, which ever, you must have this certificate, this demonstrated healthy set of lungs, to go into a dust exposure area at all.

Okay, now your normal work place, or the work where one is normally employed in is a shop which is designated as an area which is not a dust area. Okay, so there is no reason to

require you to have this. Okay, so you do not have the certificate. In fact, perhaps you could not even get the certificate.

Now, the man in that shop is required to go where a piece of machinery requires servicing. That may be a regular part of his job or it may be something that just comes up from time to time. He cannot go in there, even on an excursion basis, unless there are other amendments made to the thing.

So what are you going to do then? These personnel might be disallowed from excursions in a dust area when required, thus extra certificatable staff then would have to be hired. The operation would thus become more inefficient and the operation would become more costly.

It should be noted that the amendments, and do not forget, of course, that you would be making this distinction between those that require certificates and those that do not, on the basis of gradational sort of a situation.

Okay, now the next point, I suppose, would be, and I welcome questions when I am finished on any of these points, would be that the amendments I think would have a serious implication, vis-a-vis the *Worker's Compensation Ordinance*, and the present practice in it.

A tremendous squawk went up lately when office and storekeepers and employers and what not went up, the assessment went up from 25 cents a \$100 to 50 cents a \$100 and all the employees of a mine are assessed on the basis of \$7 per \$100, which is high, it is really high. Now, this rate of course is calculated on the basis of silicosis and related risks.

Now it can be expected that the mines would resist paying this high rate on behalf of employees whose occupations are designated as not subject to dust exposure.

If you got a person that is designated to not be exposed to dust, then surely his employer should not be required to pay \$7 per hundred for him. This would end up in two categories then. It would certainly have implications on the *Workers' Compensation* act, not only from the employers' point of view, but I would point out that it would have implications and unfair ones from the employee's point of view.

The distinction between—under the *Workers' Compensation* situation is the distinction between a worker who is designated as a dust hazard occupation and one who is not then, because occupation is designated as not subject to dust exposure and he suffered a dust related employment, presumably he would not be covered. The evidence would be that by law it would signify that however he got some sort of a lung impairment or a dust related impairment, the law would quite clearly say that the law does not not know how he came across that impairment, but he certain did not get it through his employment because he is not in a dust related employment. In our view, this would work against that employee.

Okay, those are some of the specifics I suppose that we have in mind, but it is not evident to us how the amendments would cure anything. They would certainly create difficulties without any demonstrated cure of them. The cure right now certainly lies within the power of the Mines Inspector to cure. I do not think that every time you find a — and here we have a situation where an inspector, a previous inspector has used the discretionary power in a way that some feel is not fair. If we were to believe the sort of circumstance or second hand evidence that we get from the present Mining Inspector who is not able to be present, I understand, I believe it is already part of the evidence that he has signified that he is quite willing to make a second ruling on what his predecessor made.

In other words, he is quite willing to exercise his authority under the existing sections of definition of dust exposure, sub iii under that definition. He can rule that any employment in the service of a mine that is designated by the inspector as a dust exposure occupation. He can reverse the ruling that his predecessor made and not be so firm about the whole thing. He

can, within that. He has the authority to allow areas to not be dust. Now, he has already, apparently, what we are told, we are told by the member proposing this Bill, that he has already undertaken to consider doing that. Now, is it necessary to amend the law to get this guy to do what he already has the discretionary authority to do, and has already apparently signified that he is going to do.

Mr. Chairman: In view of the time and the fact that some of the Members of this House have an important meeting at noon, I will declare a recess until 1:30.

Mr. Berger: Before you recess Mr. Chairman, I would like to read a letter to the Committee for their consideration over lunch time, if I have your permission, Mr. Chairman.

This letter was written on November 29th, 1977 and was written to Mr. Cam Ogilvy, Manager of the Yukon Chamber of Mines, Box 4427, Whitehorse, Yukon.

The letter reads: "Dear Mr. Ogilvy: I am seeking your co-operation on a matter I believe concerns not only the working person, but our number one industry in the Yukon, that is the mining.

"With a considerable amount of interest being given to the future pipeline project, I have some reservations with respect to our mining industry as to why we are being pushed to one side for the sake of the pipeline project.

"I read with great interest our annual report for year end October 31st, 1977, and I tend to agree with some of your concerns in the report, which brings me to my request for your assistance.

"As you know, the *Mining Safety Ordinance* covers two major areas of mining. One, underground and two, open pit mines, with a feasibility of several other projects coming on-stream in the not too distant future.

"This brings me to the question: does our mining legislation take into full account all aspects of mining in a reasonable manner? Is Government keeping pace with new mining technology with respect to mine safety legislation?

"Any comments, information or recommendation would be most helpful in the preparation of any changes to the *Mining Safety Ordinance*.

"Thank you.

"Yours truly, Stu McCall, M.L.A., Pelly River."

To this date, the Chamber of Mines has not found it worthwhile to reply.

That is all I have to say, Mr. Chairman.

Mr. Chairman: We will now recess until 1:30.

Recess

Mr. Chairman: Would Committee please come to order. We have this afternoon the Tourist Advisory Committee who were to be here at 1:30, but we left a witness in another matter in the witness' desk this morning. I think we should finish with the witness first before we go on to our next item of business.

If Mr. Ogilvy will just continue from where he left off, I believe you were commenting on Clause 2 was it?

Mr. Ogilvy: Where we left off immediately before lunch. Mr. Chairman, was I was accused of not answering my mail. I did run into the Honourable Member, Mr. McCall two or three days after I had received the letter and I apologized to him at the time for not having had time to get a written response to him, but I did give him a verbal response and he appeared satisfied that I had adequately replied to the letter.

I think I have pretty well made my submission, Mr. Chairman, but I would certainly welcome any questions from the Members if they have any.

Mr. Chairman: Any questions that Members may have of this witness?

Hon. Mr. McKinnon: Mr. Chairman, I was surprised that Mr. Ogilvy seemed to think that the amendments would not be beneficial to the company. I state for one example, it seems to me that where we always hear that the mining companies are in difficulties are in getting the permanent trades people into the mining communities on a more or less permanent basis. Their rate of turnover is horrendous really in the mining communities all across Canada, and particularly in Yukon.

It would seem to me from what I understood from the remarks that have gone back and forth in Committee up until this point in time, that if there was a qualified mechanic, a journeyman mechanic who was available in a shop in a mining community, that if he was not in an area which was considered to be a dust occupation area under the terms of the Ordinance, then he could be that journeyman mechanic in that shop. The only thing was that he would not be able to go into the area that was a dust occupation hazard area. It would seem to me that the company would have mechanics who had the ability, if a machine broke down in the pit, of going and having the mining certificate to be able to fix that machine in the pits. Rather than being detrimental to the mining operation, it just seemed to me that if I were in that business I would say, boy, this type of an amendment has to be beneficial. I can now perhaps get tradesmen where I could not get them in shops prior. As long as they do not have to go into the dust areas, then I can be assured probably of having easier access to the market of qualified journeymen to be in the mining area.

The other one that really surprised me and I wonder whether I heard correctly, I thought I heard that all of the mines in Yukon, whether they were open pit or underground, that the areas on the surface were classified by the inspector as being those dust occupation areas. It would seem to me that that has no validity if it is an underground mine, such as Elsa, other than the mill. Why should the above ground area be a dust area where certain occupations cannot function, Mr. Chairman.

Mr. Ogilvy: Okay, the two points. Well, I should have written the first one down, because I know when I answer one of them I am going to forget the other one.

Hon. Mr. McKinnon: I will remind Mr. Ogilvy of them. The first one is the tradesmen amongst the mechanics.

Mr. Ogilvy: Yes, right, well, first of all, I am not so sure the problem in recruiting tradesmen is that there is a tremendous market out there of uncertifiable tradesmen. I am not sure that that is the situation. I do not think that the reason for a lack of tradesmen is the fact that they are not certifiable.

Secondly, on that point, I think it is to everybody's advantage to have, particularly tradesmen, being as mobile as possible, all of them that is. There really is a minimum of duplication of workers at a mine, particularly with tradesmen and it is to everybody's advantage to have these people, as far as possible, available to go into whatever work environment they generally would be required to.

But I would follow that up, though, saying that circumstances alter cases and in the existing authority that the mine inspector has within Section 2, he is not required by law to declare every job a dust hazard occupation. In particular cases, it could well be that certain job descriptions could be written where it is in everybody's interest that that specialist be hired to work specifically in, 100 per cent, in a dust-free occupation.

But I think that that exists within the authority of the Ordinance as it stands right now and I think that the Ordinance, as it stands right now, is focused on that individual. It leaves the mining inspector free to make that distinction on the individual and what that precise individual does, rather than, as I stated earlier there, our feeling is that the amendment would be regressive and it would no longer be dealing with the people and their occupations, but would, all of a sudden, just take a blanket form of work areas.

I do not know whether I talked around it, Mr. Chairman, but if the Member is not satisfied, perhaps I could clarify my answer better.

Hon. Mr. McKinnon: Well, on the same point, supplementary, I find it difficult to think it a regressive piece of legislation.

Take another area, where a guy has been a good, loyal, stable, permanent employee of a mining camp for ten years, has been a cat skinner, a shovel operator down in the pit and all of a sudden, — he has gone for his mining certificate every year and they have said, fine, you are clear. Then the last year, after ten years of service, something happens and the guy is no longer qualified to go down in the pit and work.

The company says you know you have been a real good employee, we can get you to drive a bus from 'a' to 'b' or somewhere of that nature and we would love to hire you, but regulations do not allow you to work anywhere if you cannot pass that mining certificate on this mine site. You can go anywhere, we would like you to go into personnel, but the law of the land says that we cannot be a progressive company and hire you because you cannot get a mining certificate. Even though we would like to keep you on staff, we have to get rid of you.

That does not sound to me to be too progressive if our present legislation allows for exactly that type of situation to happen. I understand that is exactly the situation that would develop in the instance which I have stated.

Mr. Ogilvy: Yes, but Mr. Chairman, that is not a factor of the legislation, it is a factor of a ruling that a previous Mining Inspector made and we are given to understand the present Mining Inspector would in fact change that ruling. That is one point on it. In other words, it is not necessary to amend the Ordinance to correct that.

Secondly, there were a few other points that I thought of in that connection.

Mr. Chairman: You mean you are trying to say that we should amend the Mining Inspector?

Mr. Ogilvy: No, I think it is a good idea to leave the discretionary authority with the mining inspector. Now that the situation has been brought to the attention of that office, I am given to understand that action is expected.

Hon. Mr. McKinnon: Mr. Chairman, there was one question, that was that the total areas of Yukon, wherever there was a mine, the surface area of that mine is declared a dust occupation area or whatever the terminology is.

Mr. Ogilvy: That is the present practise, under the discretionary authority of the Mines Inspector.

Hon. Mr. McKinnon: And that's right?

Mr. Ogilvy: That is the way it stands right now on the basis of the ruling of the—

Hon. Mr. McKinnon: Is it right?

Mr. Ogilvy: Mr. Chairman, I did have two further points to make in response to the last question I was asked.

Mr. Berger: Mr. Chairman, I just would like to suggest further to the Honourable Member from Whitehorse North Centre's suggestion. Trades people, especially mechanics, in underground mining you have a designated mechanic, designated strictly for underground work. You have an above ground mechanic who works strictly in the shop who has no business going underground, because first of all the underground mechanic gets more money for going underground for working in more dangerous conditions: adverse conditions, than the shop mechanic does.

Hon. Mr. McKinnon: He is the one with the metric tools.

Mr. Berger: Well that is quite possible, Mr. Chairman. The other thing is in most pit operations, at least, I do not know of any in the Yukon, but I know Outside you have a pit mechanic.

and again is a designated employee who works strictly in the operation in the pit area. He also gets more money because he works under more adverse conditions. I cannot see the argument from the mining industry to come forward and say this is going to be adverse, there are the safety measures, and all of a sudden they love safety. I would suggest to the witness, Mr. Chairman, that under the proposed regulations, under the proposed amendments to the Ordinance, that it would be much easier to handle for the mining company such a tradesman or such an employee. We are not only talking about trades people, we are also talking about clerk secretaries in the staff house who have absolutely nothing to do with the underground or open pit mining operation.

Mr. Chairman: I wonder if the Members of Committee would refrain from arguing with the witness. We are here to ask him questions because as soon as you have finished asking questions we are going to go on to another matter.

This is wasting time of the Committee that is going to appear before us when we are finished with this witness.

Have you anymore questions for the witness?

Mr. Fleming: Mr. Chairman, does the witness not agree that, in this Ordinance, by designating the area rather than the occupation of an employee, that it would not be easier for the inspector and much simpler, to take an area such as we are in here and say that is an area that is either exposed or not exposed, rather than to have to go into that area and to go from the janitor to the top level, the manager, and say each one of those specific instances are exposure and some other one in that same place, area, is not. Which would not have any sense to it at all if he did that.

So, you have to pick them all, eh? So why not pick the area and if a person is in that area, he is exposed. I find that very simple.

That is the question. Do you not agree that that is much simpler to do it that way?

Mr. Ogilvy: Well, Mr. Chairman, I do not agree for the reason that we run into that complicated situation of where it is predictable that that occupation would call for the man to be in a non-dust area and a dust area at different times and in different proportions of his time in those two areas.

Mr. Fleming: May I ask the witness, do you not agree that he should, if he is going to be put into a dust area, that he should be assessed as such, whether it is full-time or part-time?

Mr. Ogilvy: He would have to be, Mr. Chairman.

Mr. McCall: Thank you, Mr. Chairman. I would like, if I may, ask our legal draftsman, being a witness also, a number of questions with relevance to Section 2.(1).

The witness, Mr. Ogilvy, has made reference continuously to job occupations or jobs within certain areas under the *Mining Safety Ordinance*. I would like to ask Mr. Cosman, in his opinion, is there any reference whatsoever in the interpretation or definition of a dust exposure occupation, where it defines the job as the witness has been continually pointing out in his presentation? Does it define it clearly here, a job as to area?

Mr. Cosman: Mr. Chairman, the present definition of dust exposure occupation, in the first two parts, goes to areas. The third part goes to employment, any employment designated by an inspector, as a dust exposure occupation. That is the way I have to read those words.

So the definition, dust exposure occupation, in part three of the definition, really means such occupation as the inspector may designate. In other words, your definition really says nothing except that it is such occupation as the mining inspector may designate.

I feel that the change that has been suggested by the Member sponsoring the Bill to limit that third part of the definition to "area" is consistent with the first two parts of the definition.

Mr. McCall: Therefore then, would it be fair to assume in proposing this particular amendment, that it is not retrogressive in the terms of law?

Mr. Cosman: Well, I think that would call for a policy opinion on my part which I do not feel competent to answer.

Mrs. Watson: Mr. Chairman, I have a question for Mr. Cosman on the drafting of the amendment. I go along with the consistency of trying to style (c) with (a) and (b) where they are referring to employment. I do not know whether it was the intent or whether I am more or less picking holes.

To me, it broadens the area. Because (c) says "any employment at the surface of a mine...". Now that really broadens the area, "...in any area...". Does that mean downtown Faro? "...designated by an inspector pursuant..." as an area... not an area of employment, "...which is subject to dust exposure." I think I would feel much more comfortable in trying to attain what you are trying to do by saying "the surface of a mine in any employment area designated by an inspector as an employment area which is subject to dust exposure." Without that insertion, it could broaden the capability of the inspector to go far beyond the surface of the mine, the understood surface of the mine area.

Mr. Cosman: Mr. Chairman, I see the nature of your suggestion, however, the area designated by the inspector is an area designated pursuant to paragraph 5.(1)(b.1) as an area which is subject to dust exposure. So I would refer you to the (b.1) paragraph that is being proposed. There it designates each area of employment at the surface of a mine, so that would exclude downtown Faro for example. It would be each area of employment at the surface of a mine. I think that answers the question.

Mr. Chairman: Any other questions?

Mr. McCall: I think that is further supported in the definition of "mine" itself on page 1138.

Hon. Mrs. Whyard: Mr. Chairman, I do not want to stop discussion on that particular point, my question has to do with some other item here on another section. I am not too clear, but I do not think we heard from Mr. Ogilvy earlier today any comments on whether or not the people he represents have any problem with the requirement to give notice in writing, to the manager and the chairman of the Mine Safety Committee together.

Mr. Ogilvy: I did not address that this morning, Mr. Chairman, because it is a fairly minor item. It was almost I suppose a philosophical one. If the entire Ordinance has its force on the mining management, not on somebody other than the mine management, so therefore it would appear that the point of contact that instruction should be received would be with the mine management. I understand that in the regulations under this Act, it is incumbent on the mine inspector to see that his orders are distributed within a period of time. I have forgotten whether it is 14 days or 21 days, and in fact such an order is always appended to an order given to mine management. To my knowledge, it is always carried out.

Mr. Chairman: Any other questions to the witness?

Hon. Mrs. Whyard: Mr. Chairman, that is my problem with this whole Ordinance. If it is already being carried out, why do we require the amendment?

Mr. McCall: What Mr. Ogilvy is referring to is the communications between the mines inspector, the manager and the safety committee who happens to be on the mine operation when it deals to any orders being given or if there has been any infractions, like I have one here. Any infractions that the company has been found to have violated regulations, the chairman of the safety committee receives a copy and the company is instructed to post all these orders by the mines inspector at the same time he receives them.

It is only in regulations and it is very open. It is nowhere in

the actual legislation itself. So therefore, I felt it should be considered, as per regulations. That is why it is inserted in the proposed amendment.

Hon. Mr. Lang: Mr. Chairman, I have one question here. We refer earlier to the Clause 1.2(1) for the amendment. Up to now, I gather the previous mining inspector had designated every mine as dust exposure and that was it.

Now I understand that the mining inspector is prepared to change that philosophy or use his expertise to attempt to define areas of dust exposure. I understand that with technology being what it is today, Mr. Chairman, that you have various gravimeters and whatever to test and see whether there is dust in a particular area.

Is it fair to say that the mining companies are prepared to accept the mining safety inspector's order, if that were to be his order?

Mr. Ogilvy: Certainly, and in fact, of course I keep going back to the point that you do not need the amendment to put that into effect. It is presently covered under the definition, Dust exposure (iii).

Mr. Chairman: Any other questions for the witness?

Mr. McCall: Mr. Chairman, I would like to ask Mr. Ogilvy a question. Before I do that, I would like to give him an example, if I may.

Under the present ruling by the previous mines inspector, which the mining industry advocated, for example, if an individual employee working for a company was terminated after two years employment, I would like to ask Mr. Ogilvy what would he do in a case like that, where there were no provisions, either through the mining inspectors ruling or the legislation, for that person to carry on employment for that company, even though the company wanted to?

What would you do in the circumstances of that individual, after two years service? If there are no provisions, the mines inspector refuses to move from his original position at this point in time, what would you do in a circumstance like that?

Mr. Ogilvy: I am glad you raised that point, Mr. McCall, because I believe it is very similar to the point that Mr. McKinnon raised, which I did not fully get the opportunity to reply to.

As I understand it, the case you have cited, I would imagine a man who has worked for two years at the mine and has been able to have a certificate during that two years and then when he goes around for his third try at getting a certificate something has happened in the meantime and he can no longer pass the certificate.

I took the opportunity of consulting some of my people on that over the lunch hour. The impression that I am given is that (a) this situation would happen very, very seldom. That is point one.

Point two, one would look at the reasons for him having successfully passed the medical on two previous occasions and now come to a situation where he could not pass it and it was the unanimous view that I got that at that point probably he would launch a claim under the *Compensation Ordinance*. If he had a clean bill of health when he started the employment and then at the end of two years of employment he no longer had a clean bill of health, apparently he would normally launch a claim under the *Compensation Ordinance* under the silicosis sections of it.

Thirdly, I would say that the impression I have had in well over a quarter of a century of mining, granted not all of it in operating mines, it has always been the desire of management to find employment on the property for people who have either voluntarily or under the existing mining legislation find themselves in that position.

Insofar as they can, within the collective agreement they are working under, and within whatever the mine safety legisla-

tion, the appropriate jurisdiction allows, they in fact do. I understand that at least one of the mines in the Territory this in fact did happen where employment was found for the man in the townsite.

I would go one step further than that. I would say that subject to whatever restrictions the collective agreement puts on management and subject to the mining inspector relaxing the ruling that he has made under definition section, dust exposure means (iii), subject to him relaxing that, then there would be no obstacle whatsoever standing in the way of finding employment for that man.

However, it must be noted that if we were operating on a relaxation of that man's employment being defined as other than being any employee of the service of the mine that is designated by an inspector as a dust exposure occupation. In other words, if the mining inspector chose in that particular case to designate that particular employment as a non-dust exposure occupation, then there would not be any reason at all why the man could not be given that employment. Then it would be incumbent on management, I would assume, to define that man's terms of employment in such a way that he would not be put into a dust hazard occupation. The moment that he was, it would be incumbent again on the mining inspector to take a look at what that man is doing and see that he reviews the thing from time to time and make good and sure that he is in a non-dust exposure occupation. I did not mean to be as wordy as I had been there, but I hope I have answered your question.

Mr. McCall: No, Mr. Chairman, the question has not been answered, but I would like to go on to another question.

Mr. Ogilvy: Well perhaps you could clarify the point that I did not touch.

Mr. McCall: I have another question. Before I do that, I would like just to clarify a couple of points. In the last eleven months I have had to handle four cases for individuals who are losing their jobs, including the one you mentioned in the townsite where he was terminated by the company. But for the grace of a number of dedicated individuals, we found him a job in the townsite. There were provisions in most of the collective agreements covering the Territories for light duty jobs. Again we go back to the mine inspector's ruling.

Do you know, or have you seen any documentation in the last three years where this ruling has been in effect, presented on behalf of any mining company, on behalf of their employees who have had to be terminated because of the law, to relax that ruling of the mining inspector?

Mr. Ogilvy: No, but neither did I look for it.

Mr. Chairman: We are running 35 minutes behind time. We have other witnesses, so the witnesses will be excused. We will resume discussion of this Bill tomorrow morning.

Mr. Chairman: The members of the Yukon Tourism Advisory Board, who are going to present their brief, are invited to come down and take the witness chair.

We welcome the members of the Yukon Tourism Advisory Board to the Assembly and we will now call on Mrs. Genevieve McCowan and Mr. Giovanni Castellarin to present their brief.

Mrs. McCowan: Mr. Chairman, Members of the Yukon Legislative Assembly: thank you for your invitation—

Mr. Chairman: You may remain seated, if you prefer.

Mrs. McCowan: Thank you for your invitation to appear before this Session to discuss Yukon's tourism industry.

The Tourism Advisory Board is a group constituted by this Assembly to provide advice on matters related to tourism in Yukon and we feel that we can best perform this task by speaking directly and regularly to you, our elected MLA's.

We who are members of the Yukon Tourism Advisory Board are concerned.

We are concerned for the tourism industry, which is still a stepchild of the Government, in spite of our last four year's of work. Last year, tourists left \$26 million in Yukon. This means that every man, woman and child resident in Yukon, on a per capita basis, earn \$2,230.43. Out of a total labour force of 10,000, there are over 1,800 working in the tourism industry alone.

There are more than 200 inter-related businesses, mostly small, catering to the tourist. These include 66 restaurants, 15 air carriers, 1,245 campground spaces, 1,610 hotel and motel rooms and two highly professional theatre groups.

Tourism is the second industry in Yukon. From time to time, when Anvil is on strike, it is our leading industry. In the summer, liquor sales go up over 100 per cent. The sale of gas rises sharply. The White Pass Railway requires additional diesel fuel for its extra passenger trips. Wein Air Alaska flies seven trips a week instead of two. CP Air puts on extra flights. There are tour buses and river trips. All these contribute directly to the Yukon Government revenues through taxes, liquor, gas, property and others.

The private sector is doing its part. Almost \$2 million was invested in private tourism facilities last year. Nowadays it costs about \$18,000 to build one hotel room bringing the Yukon total to an estimated \$70 million.

For your interest, we compiled this comparison using three Yukon communities: one a highway centre, one a tourist attraction, and one a mining town which sees few, if any, visitors.

Comparison of facilities - 1977: This was compiled by the Tourist Advisory Board. Watson Lake, Dawson, Faro: Population 1976. Watson Lake - 1,167; Dawson - in the winter 958, we estimate in the summer it doubles; Faro - 1,549.

Hotels: Watson Lake - four with 120 units; Dawson - winter - three with 47 units, summer - thirteen with 227 units; Faro - one with 24.

Hostels: Watson Lake - none; Dawson - winter none, summer - one with 40 beds; Faro - none.

Restaurants: Watson Lake - six; Dawson in the winter - one, Dawson in the summer five; Faro - none.

Laundromats: Watson Lake - two; Dawson in the winter - none; Dawson in the summer - three; Faro - none.

Garages: Watson Lake - four; Dawson in the winter - two; Dawson in the summer - three; Faro - two.

Stores: Grocery, variety and gift: Watson Lake - seven; Dawson in the winter - two; Dawson in the summer - five; Faro one.

Campgrounds: Private: Watson Lake - one - 40 vehicles; Dawson in the winter - none; Dawson in the summer - one for 100 vehicles; Faro - none.

Campgrounds: Government: Watson Lake - one with 45 vehicles; Dawson in the winter - none; Dawson in the summer - two for 120 vehicles; Faro - one at 15.

What all this amounts to is a rather simple fact that tourism is a major economic force in Yukon in terms of jobs, income, investment and taxes. Yet the resources and attention accorded tourism by the Yukon Government does not reflect this fact.

We are worried that since its inception in 1962, the Department of Tourism has functioned without a legislative mandate, other than that in the *Financial Administration Ordinance* which states: "the Department is responsible for providing a program of tourism, promotion and development." The Yukon has the dubious distinction of being the only province or territory in Canada with this important function covered so loosely.

We therefore urge you to consider the creation of a Tourism Ordinance which would contain program objectives and iden-

tify all components of the program necessary to produce viable results. In addition, we urge you to consider the supporting roles in tourism of other government departments and agencies, such as Education, Highways, Consumer Affairs, Renewable Resources and Economic Development.

The facilities of the Department of Education in particular could be better utilized. We feel that much could be done to develop a tourism awareness program with grade and high schools and students encouraged to seek jobs in the hospitality industry. We also propose that a hotel school be founded within the Vocational School, where waitresses and chambermaids can, with the co-operation of private industry, be trained. In addition, we suggest an expansion of the present cooks course to include working under varying conditions.

In view of the impending Alcan pipeline development, we feel that this Department will need more money to deal with possible impacts of the pipeline on tourism. Tourists can easily be scared away by talk of great projects and a strong advertising campaign is needed to reassure them that all the transportation is not devoted to the pipeline, that all the rooms are not filled in the hotels and the prices will not rise skyhigh.

The development of attractions is central to successful tourism and such development need not be too costly, provided that it is done in conjunction with non-profit groups and with the assistance of all government agencies.

Many potential attractions have already been identified and we need to move quickly to develop these opportunities.

Other areas of current concern to tourism are the dust on the Dawson road, the proposed cut-back in the ferry's operation once Clinton Creek is closed and proper signing on highways. Secondary and recreation roads need more maintenance and interpretation to be attractive. The surroundings of the visitors' centres can be immensely improved by the planting of a few flowers, a little green grass and the picking up of rubbish which collects around them.

While we deeply appreciate the interest Mr. Bell, our Deputy Commissioner, takes in tourism, it is our belief that this portfolio should be more correctly held by an elected member of Council. As tourism is a matter of vital concern to every person in Yukon, it is our firm conviction that this should be held by one who can present the public's concern directly to the House, as well as be responsible to the voters for his or her actions.

Most of the above mentioned concerns, as well as a number of others, are being addressed as part of the tourism strategy project being undertaken by the Department of Tourism. From our involvement with this project thus far, the Board feels that the results will provide needed direction for Yukon Tourism development, something which has not previously existed. The Yukon Government must, however, be prepared to make a greater commitment to the tourism industry based on its present and potential contribution to the Territorial economy. The Tourism Advisory Board believes that such a commitment should start right here in the Yukon Legislative Assembly, and we urge Members to act now on the measures we have outlined today.

Thank you.

Mr. Chairman: Thank you very much. Now have any Members any questions or discussion?

Hon. Mrs. Whyard: Mr. Chairman, I want to thank the Board for bringing the brief to us today. I think we have an example in this Board of people who know what they are doing and have good advice to hand on to Government and that is why you are named to the Board. I appreciate the effort that all the members put into this Board with their suggestions.

I would just like to comment briefly, Mr. Chairman. I think all members of the Board are aware of recent organizational plans in the Territorial Government, but perhaps they are not

familiar with the fact that of the part that tourism and the Department responsible, the Branch responsible, for its development will play in that re-organization.

Tourism was a catch-all for some years. It got everything thrown into it that did not fit anywhere else: it had Parks, it had Information. Gradually, through the years, as this Government is getting itself streamlined and a little more efficient and competent in some areas, these things are changing. In the current re-organization of the Yukon Government, information went into information resources with Archives, Library and Records and so forth. Parks had already gone to Renewable Resources where it belongs with Historic Sites and other matters in that area.

So that Tourism could cast aside these other matters and become a strong branch, and be the main portion of a new Department of Tourism and Economic Development in this Government and that is what we are all hoping to see very soon. I know that does not sound good enough today. I know that we have been approached, Mr. Chairman, to provide an elected Member of this Government to be the spokesman for Tourism in this House. I think there is no one on this side who would not love to be Minister of Tourism if we could get rid of the things we have to do now which are not nearly as pleasant or as inspiring, let me tell you.

Mr. Chairman, there are one or two things which are moving though. I think Board members realize that in the last two years there have been amounts put in the budget, in the Main Estimates, which the Department is able to hand on to professional groups in the YVA to promote the interests of the whole industry. This Government feels that it will get more for its money working with the people who know how to spend it in the right places. That is an encouraging development and that is a growing concern that we can continue to participate with private enterprise in the development of tourism in Yukon.

There are a number of other areas, Mr. Chairman, but I do not want to be the only spokesman for Members. I would just like to add that I do intend to be present at the Tourism meetings in Watson Lake at the end of this week and I hope that we will have even more encouragement to give at that time.

Mr. McCall: Thank you, Mr. Chairman. Just for clarification on these comparison of facilities. I think there is a slight oversight here. This restaurant where it said zero for the Town of Faro, there is one restaurant in operation and is within the hotel concept. I assume that you are not classifying it as a restaurant as itself, as a private business. There is a restaurant in operation in the hotel itself.

The other point for clarification, as far as campgrounds, we actually have three campgrounds. One is owned by the municipality and is run through the summer for transients and tourists coming through the town and they provide water and electricity, et cetera, and the other two, there is one mentioned in here and another going in down on Blind Creek for tourists, so there is three all together. Just for clarification, Mr. Chairman.

Mr. Chairman: Thank you.

Mr. Fleming: Mr. Chairman, I have just a little clarification to make on one section. I was just referring to the section on the first page which, mind you, this is just—where it says that “when Anvil is on strike it is our leading industry”.

I am wondering if they felt at this time if they knew something we did not, that Anvil is on strike. I would sooner see it “was on strike it was our leading industry”. I think that would clarify it just a little better, unless they do know something we do not know.

However, I am very interested in the brief and I think it was very well done. I would like to comment and maybe ask a question on page 3, the second paragraph, where you propose a school be founded and so forth. I might comment here that I tried a couple of years ago to hire employees in the waitress

area to work and the government, I think the Government of Canada had a program whereas you could hire and train, on-the-job training program.

Of course, you could hire a carpenter or you could hire a plumber or you could hire so forth and so on, but when it came to me hiring waitresses for my business, which would have been the same for any other hotel or person in the tourist industry here in Yukon, I was told that that was not a trade so therefore I could not go along with that program.

I am not for any give-away help programs in some instances, but if these programs were carried on in Yukon by any chance, would the committee see it as a viable way of also helping the tourist establishments on the road in on-the-job training there and being helped with some of the wage, in this case.

Mrs. Castellarin: Mr. Chairman, we feel very strongly that we are the second industry, and we are treated as a second industry when it comes to, not only to financial, second as a whole on the part of trying to train.

When we talk about training, we feel very strongly that being the second industry and we are looking after schools or the two places we have now across here, all the trainees in this particular school, which is geared towards the mining profession, I do not think any of you could deny the fact the mining profession had quite an input inside the building of this vocational school.

Two years ago, the tourist industry requested to try to see if some course, waitressing, cooks, and other small parts of the industry which requires specific people, professional people to try to see if we would be able to find a way that this institution would provide some kind of a training for a short period of time. Because some of the trades were not recognized as a trade, like a waitress is not recognized as a trade as such, when it comes to spending money towards that, it is not recognized. I do not know whether it was the Federal Government or who provides some of the money to put in that, we were made aware that it was because of this, that this type of courses, we call them courses, were not easy to—

The main part of what we are talking about is it is not easy to train a waitress to cater to people in a school as a rule because we know that we have cooks, they are training cooks, but a cook could get behind the kitchen and cook for a camp which are a bunch of men or women, they are so hungry and at the meals they are hungry. When we are talking about cooking for people that pays a prime for that meal, we are talking about entirely different personalities, entirely different catering for that. Sometimes you are talking about the conception of between the two a cook is a cook no matter where he is. A waiter is a waiter, no matter if he works in a camp or he works in a restaurant. This is the part which is missing here.

When we are talking about the professional person working in a restaurant which is very luxurious and a person pays \$20 a meal, the person who waits on the person who pays for the meal cannot be treated the same way as a waiter would treat people in a camp who can say, “If you don’t like it, you work harder next time so you will be hungrier than you are now.”

There is a principle in the attitude, I think, when we are looking at trying to train people in the tourism industry. They have to be very careful that those people are trained to cater to people, the people who are very important for the overall growth of the community and the Yukon as a whole. It is very important, just as important, let’s say, for some people more important, than the mining industry.

The mining industry comes and goes, it is very vital, I am not trying to knock the mining industry because we know, but the tourism is just as important, maybe more important for many parts of the Yukon Territory. This is the conception of trying to identify that tourist person who has to be trained to cater to the wants of the people, a person that is trained to cater to a camp or to other parts of industry which has nothing to do with the

tourists has to be an entirely different individual. This is where we reach the point when we come around about training and people tell us well we have training here, we train cooks. I do not know how many of you have tried some of those cooks and tried putting them behind the kitchen or have waiters and try putting them in front of a counter and tried to wait on some of those people there. There are very few of them that come out of it that are really successful waiters in an industry which is so highly competitive.

Mr. Berger: Mr. Chairman, two questions and one is on page 3, is the Tourism Ordinance. I am kind of puzzled. I think what the committee is really asking for, and I believe this is my question, are you asking for a real plan, a planned program by this Government, not for an ordinance? Or do you want an ordinance establishing forcing tourism operators to pay premiums on American dollars and proper exchange, which right now they do not pay?

I do not know how you are going to control this type of thing. I do not know how you are going to make an ordinance to program the objectives. I think what you are really asking for is a plan by this Government that lays out what this Government plans on doing in the next five or ten years, which is lacking right now.

The other question I have, and I think the witness actually more or less referred to it already and this is the training of hotel personnel. I think, again I think you are looking at it in too narrow a viewpoint. I think there are many other jobs related to tourism which is not covered in the request here. I am thinking of just service station operators alone.

People right now are taking anybody to come to service stations where all they need to do is fill up the gas tank and that is it and send them off. We have got his money, good-bye.

I think with it, of course, you have to be courteous about it, for one thing. You have to give them proper service and I think this also requires training.

I would rather see this in this brief, to line out, to say any tourist related jobs, instead of just specifying just one particular area.

I fully agree with the witness when he says the cooks need to be retrained. I am from a different tradition where a cook is a four-year training program and a cook is a cook because he knows everything that is related with the food industry. How you handle food, how you prepare food, how to store food, how to buy food, how to do books also, which in most cases is lacking in this Territory.

But I think, again, this initiative in this particular instance, has to come directly from the hotel industry. Those people have to take the pride in their own industry and initiate some of the programs, because it is no good, as far as I am concerned, Mr. Chairman, to come up with a vocational school program when the hotel industry is not willing to accept the trainee in a position.

I think we also have to have the assurance from the tourist related industries that they are willing to go along with anything the Government proposes, or what this Tourism Advisory Board has suggested.

I would like to hear the comments on that, Mr. Chairman.

Mr. Castellarin: This is what I brought up earlier when I mentioned it, I kept myself restricted to one portion.

When a trainee, the cooks I made as an example, you know that, I hope you are aware, there is a broader area than that.

I want to take first, the ordinance. I am sure that all the major industries of the Yukon have an ordinance which they follow, by which procedures are followed and which can be added to and deleted from as the standards would require.

Unfortunately, the tourists do not have an ordinance which sets the guidelines to begin with. We have to start somewhere.

It would be nice if by now we should be more advanced than we are right now, we should have ordinances, we should be able to amend them fifteen times by now. You know where we all go, but it is apparent that we do not have anything, our brief is very simple, because we are simple. We are very small, we try and we would be fighting, we would be arguing like mad to try and get recognized that we have something. The problem is we always go back to the motel or hotel, and they say, "You get it together, then we are prepared to help."

An unfortunate part when we talk about that is that 80 per cent of those people that have invested their money, they invest everything they have and they have to work 24 hours a day to try to get back some of the investments. I think if you invest \$1,500 in the bank, you expect 11 per cent to go back. But if you invest in a tourist establishment we think 11 per cent is too much. Those people have no time to train except to look after themselves and maybe choke the next guy to try and survive. That is the way the industry finds itself now. We say to you that the Territorial Government has some responsibility towards those people, not only in the sense of telling them to go ahead, you are doing fine. Your responsibilities should be much greater than that. You have to make sure then that the necessity for this group of people or this restaurant or this establishment has the necessities to try to survive. Roads, make sure that the establishment is well advertised. He contributes to that road. The people that come to visit this establishment is not going to—, the money spent buys gas, it buys many hundreds of things. It helps to pay for everything the Territorial Government does. It helps to put money in the Treasury of this Territorial Government in many different directions.

This is basically what we are saying. Do not try, if we, as an industry are struggling to try to survive, until they are on that, you have us in the best position because we fight amongst ourselves. We ask you to help us to try to combat that. That is not only up to us, it is the responsibility of the government.

Hon. Mr. Taylor: Thank you, Mr. Chairman. At the outset I would like to say I think there is a very significant event occurring here at this moment. Since the inception of the Tourist Advisory Board, now known as the Yukon Tourism Advisory Board, this is the first time that I can recall ever having the pleasure in the House of hearing a report or receiving a brief from this Committee which is indeed formed of members nominated by Members of the House.

I think it is very significant and I am very, very pleased to see this afternoon the representatives of this Advisory Committee here telling us, and doing exactly what the Committee is established to do, advising not only the Government, but the Legislature, as to the problems they see and the solutions that they seek.

In viewing the brief, it appears to me that much that is said here can certainly be corrected, rectified and implemented in the day to day operations of the administration of the Government of the Territory.

I really feel strongly, as do the Advisory Board, that the Department of Tourism must be handed over to the responsibility of an elected Member.

It is all well and good, of course, I guess to say that all these departments of Government should be turned over to elected Members. It does produce a difficulty, Mr. Chairman, when there are only four elected Members to accept these multi-responsibilities, but I certainly would like the Board to know my feelings in relation to this particular recommendation. I think that is the main recommendation of the brief, the main thrust of the brief, is to bring tourism into the ministership, shall we say, of an elected Member who would be then, I think, far more sensitive than that of an appointed Member.

So, with those notes, I had a few questions, Mr. Chairman. They are very minor and I will take the opportunity to talk to one of the members about interpreting a couple of sections.

Otherwise, I think it is an excellent brief and I would commend the Board for its presentation.

Hon. Mr. Lang: Mr. Chairman, I do have one specific question in respect to the brief. On page 3, the brief gets into the development of attractions within Yukon and I guess I have a very direct question here.

You have monies allocated to the tourism department and it remains to be seen exactly how much monies will be allocated for the 1979-80 year. Obviously a lot is going to depend on our negotiations with Ottawa and our ability to raise money within Yukon.

Is the policy of the Advisory Board turning from, possibly putting less money towards marketing and putting more money for a period of time within Yukon to develop attractions? Or are you advocating more money in marketing and also more emphasis in the development of attractions in Yukon?

Mr. Castellarin: If I could answer, I heard the budget in 1977-78, there is a 25 per cent increase. I understand that the tourist department has been declining 10 per cent. If you are talking in those terms, this was a point.

There is no way that we can, under the present budget, the figure which is given to the department, there is no way we can even consider in terms of cutting down any portion, I think.

We are already, when we spent, when we draw \$18 million and we spend \$50,000 of that market, there is no way in any imagination that we will think in terms of cutting down on that point.

I think that this is the point, that it is important to tourism as a whole to try to not—, taking it seriously now to give a boost to the financial increase. We do have to increase it. There is no other way. We have to— if we want more money coming through that industry, we have to invest more.

Hon. Mr. Lang: Mr. Chairman, what I am getting at, is the advisory role emphasizing the fact that now the area to start looking at is developing the local attractions within the Yukon. In other words, government in co-operation with business, putting monies into tourist attractions within the Yukon so that developing attractions or enhancing the attractions we have so that the tourists can have a better appreciation of what Yukon is about.

What I am saying if there are more monies available, is this what you are saying, the money should be put into, rather than going any further in the area of marketing or the other areas of tourism?

Mr. Castellarin: We cannot restrict it, we have to grow on both. The point is that it should be distributed to both. There is no way that when we have such a limited amount of money, there is no way we can restrict it. We have to find a way to try to go both ways. We think both parts, the advertising is very important. This year to try to have better facilities, to look at better roads and better points on Yukon. There is no way that this group can say to you that we should cut down on one way and try to emphasize more on the other one, because we found out what happens two years when all at once we decided to forget about the marketing and spending the money on the interior of the Yukon. It was disastrous.

Our tourism dropped 20 per cent in some points in Yukon. Really, many business pretty near went bankrupt. We have to be very careful when looking at that. We have to make sure that both grow. We cannot take away from one because we are on such a thin line, we want to put on the other. We have to balance both of them. Both have to grow.

Ms Millard: Mr. Chairman, I would like to echo the comments of some Members of this historical occasion of having a Board come and talk to us. It is the most important Board and I hope it becomes a regular thing. It is really interesting to hear their persuasive arguments, even if it is many times we have

heard the same thing from some of the same people.

I hope these ideas come across because I certainly believe that the brief states exactly where we should be in tourism and gives a program for the future that we should follow.

I am most interested in the idea of a legislative mandate, which is a new concept I think, to us. I am wondering if the Board has done any discussions about the possibility of the Tourism Department becoming a crown corporation? If they have, then what were the results of that discussion?

Mr. Castellarin: There was no discussion at all on that subject.

Mrs. Watson: Mr. Chairman, I also would like to thank the Tourist Advisory Board for their brief they presented to us today. I can certainly understand your desire to have your objectives defined in legislation. I suppose if there is some enforcement required to it, we probably would have it in legislation. Unfortunately, it is the type of legislation which will define what people want to do or what a government is committed to do, and when it comes into that, we are sometimes quite negligent.

If we saw where somebody was breaking the law or was trying to cheat a service, you bet you would have your legislation pretty quickly. So I can certainly understand your request and I do not think it would take too much longer before the government will embark upon presenting such a lobby for the Members of the Legislature.

I was interested in your last paragraph, where you are asking for a greater commitment from the Government, for the tourism industry, and I think the questions have been asked in a round-about way.

Every department within the Government comes before us and asks for a greater commitment from the Government and this is quite understandable. The commitment, and most departments are not able to receive the amount of dollars that they have requested or that they would like to receive.

Now, if the Tourism Advisory Board had the opportunity, where would you, as the Department of Tourism, place your greatest priority within tourism in Yukon for a need for a greater commitment from the Territory? What is the top priority now for more dollars?

Mr. Castellarin: There are quite a few priorities, but the top, marketing, is very important, and the second one would be a better way to help business financially.

A tourist business community has a very tough time to try to acquire financial help. The factor is that we are working 100 days. Our total season is 100 days. We have to be able to make all our commitments, 12 months commitments, in 100 days, and our percentage interests, where the money is available, is very horrible when you pay a fine on money that you are trying to borrow.

There are two parts which I think all Members should look at, marketing, and trying to find a better way—I am sure in the provinces they have a very better way to help the business people financially.

These are the two areas I think I will strongly emphasize, but every area that tourism is involved with, it runs to a very thin line. Every department had a percentage boost, but the tourism department was actually cut in 1978 and '79. I think that is a very poor way of trying to look for a better tourism future.

Mr. Lengerke: Yes, Mr. Chairman, I am not going to ask a couple of questions that I had in mind because they have already been asked and the Member from Kluane certainly asked the one that I was going to direct my effort to as a priority for the spending.

But I do not think there is any question with respect to the impact of tourism on Yukon's economy. I think that it always

happens that an industry such as this, that we sort of take for granted, is contributing greatly on an everyday basis and it does not get the recognition that maybe it should.

So, I guess that is why a group such as yourselves look for that kind of recognition on some kind of a continuing basis, just to be reassured that you are doing a job. But I can tell you you certainly are and I would hope that any government will certainly recognize that the tourist industry is a very vital part of our economy and of our future.

Certainly I again recognize that you are looking for some objectives, and you are trying to identify components and you want this in legislation. As some of the other Members said, it is a little difficult to do. I would hope that a future government, and certainly as we again achieve greater economic growth and we are getting more involved, future governments are going to come out with a very clear cut policy and a strategy in their overall commitment to Yukon's future. So you are going to be very much a part of that.

I have two questions. I will address them both. One was on page 3, the development of the attractions and I think the Member from Porter Creek was alluding to some of that. I would like to know if you could give me specifically some of the attractions that you see that we could be putting into place right now that are not too costly, as you say. I would like to know just a couple of those kinds of things.

I think you presented us with some reports, or at least our department has, of circle tours and this kind of thing that has been identified, but I would like to hear your reaction to that.

The other one that I recognize and I am glad to hear the witness say something about the financial problems that the industry has. I am really wondering to what degree do you want government to get involved with financial help? Are you looking for grants? Are you looking for low interest loans? Can we have a little more elaboration on that please?

Mr. Castellarin: The first question, sometimes the way the thing works you know you could walk on the street and see all kinds of places which I think that require to be improved. You sit around the table and you want those places to come to your mind, they are really quite far away. I think the majority, I would say, and there are many fishing places where the roads were really in sad shape that require upgrading so people can flow away from the major parts of Yukon. There are many small communities in the Yukon, like Mayo, and other communities that are not the centre. They require some boosts to circulate the people away from that main flow.

There are many other places. I think we can sit down sometimes and mention hundreds of them, priorities according to what the circulation of the people would be. But there are lots of them, as many of them, I am sure that we could provide you with them some other time.

Mr. Lengerke: Mr. Chairman, I think what he is saying is that we are maybe not doing a good enough job of identifying some of the natural attractions that we already have in place.

Mr. Castellarin: That is the point. The second question, the financial part of it, the help of the financial part we would begin at the beginning of the fact that I think the government commitment, the financial commitment to the Tourism Department has been forgotten many times and left so far behind that any time now we decide to put \$1,000 towards this department, we think we are giving them a lot. We never forget to look back and find out where the department sits financially in comparison for the people and the money that are returned on the dollars received on it.

I think what the government should do, and you should do, is look back and what you commit, every dollar you spend on this and take a look at what you receive, I am sure you will find it is ten times greater than any other commitment that you make. The tourist dollar gives you ten times more than any other-

dollar you spend in Yukon. If this is the case, I think you should start spending a little more to begin towards advertising, towards increasing the facilities, towards trying to get the business community, encourage the business community financially. When we are talking about the tourist industry, we are not talking only about hotels and motels, we are talking about roads, we are talking about many, many other departments.

We are talking about schools. Many of the departments have the function right now. It is a matter of just putting them together to work as a group.

When you are talking of dollars, there are many dollars which are already invested, but they are not invested properly. This is one point. I think you should stop and look at those things and just spend some time and just reassess the total dollars spent by a tourist. I think we always leave that for somebody else to think about. We come around and we say, well, you get this.

We are talking, for instance, about the road to Dawson. You know so well we cannot afford to keep the ferry going and the statements that some of the Members made, we cannot afford to because ten trucks, five trucks, they are not going to run anymore through that ferry anymore for a period of time. We cannot afford to spend that amount.

They never give consideration that the ferry was running ten years with one-third of the amount, for 16 hours so the traffic goes out to our road. So ten years later somebody comes along and says you do not deserve a good year because of ten trucks.

I mean I quote somebody, but it seems that this is what we are taking too lightly. Sometimes I think the only way you confront it, you fight back when you are put down to the place to fight back. If you have to go into opposition a couple of times, you find out that there is no way to take anything lightly, because it is...

I am not suggesting that a slaughter is going to happen. I am not suggesting a proper frame of mind to think. It is just a matter of putting the thought as a reality. It is very easily put if you put pressures, a financial pressure or whatever it is. This is the thing, the thought of mind that something is required no more because of something.

It is what I am saying because we do somethings sometimes we should be able to think about it. Not as individuals, as a private part of tourism and that is what I am talking about.

True, it is not only the life of a few people in an hotel, it the life of the Yukon as a whole. It is roads, it is everything on it and it is the location and everything. We have to take that as a part and let us take that part seriously. That is what the financial part is there.

We might have already spent enough money, I do not know. If the money is spent properly then there is, and maybe there has been some people that are not concerned about what we are concerned about.

Mr. Fleming: Yes, Mr. Chairman, a few comments first and then I have a specific question and a word of caution, I might say. I agree with the Member from Pelly on asking for a tourist ordinance. I would be very, very cautious with ordinances, in this case, because we are, in the Territory, regulated to death now, and another ordinance, I would be afraid, very much afraid, that they would get too much into it, too many regulations, too many you can't do this and you can't do that, and soon you would be regulated down the drain again, as we are in many cases. So, I would be very cautious about that.

I think that, really, if you felt and probably looked at it, as a Member has said, as a policy of the Government, it might be a better thing. If it was a good policy.

I take it, from your remarks, that, on page 3, development is the first thing we should look at, because you cannot market something if you have not anything to market.

You are going to disappoint a million people when they

come. So that is the first step the government should be taking is the development, somehow, of putting money into the businesses. How they go about it, I do not know, but they have tried in certain instances in small business loans. I know this has helped. However, I find that they are not quite adequate.

In other words, the interest on the loans they have now, and they have small business loans, but the interest is almost the same as the bank. It really was not much of an incentive to go there or anywhere else, other than you can get it there when you might not be able to get it at the bank. But I think somewhere along the line they could maybe do better. Then your marketing and of course where you go down to your secondary recreational roads and things like this has to come in the meantime - be prepared.

I have a specific question I was going to ask. Have you talked or considered in your Committee of any decentralization of maybe the Tourism Department to a place such as Dawson City where there is a large influx of tourists?

Mr. Castellarin: As individuals, we did discuss it, but not as part of the agenda. As individuals we discussed this, but of course it becomes a very old subject running around the Yukon, government decentralization. It all depends on what part of the Yukon you happen to be, this comes stronger or less stronger. I do, as we did many times, if that is going to help part of the Yukon to overcome some of its problems, to give it more push or something. If the Department of Tourism moved to Dawson other than the purpose of just to move to Dawson for nothing else, I do not think the Department of Tourism would do much good in Dawson if you are looking in those terms.

If the Department of Tourism moved to Dawson to become more active, to become more aware of the situation not to be taken into the grind of other bigger things, then other departments it would be the same. Looking after the department becomes important. At the same time, it becomes important to give another community an economic base to overcome some of the problems that are there.

So this becomes a bigger issue than what we were talking about. Obviously, as a group, we are not involved. This is not our basis to talk about decentralization in that sense. Our base is to try to improve what we represent, the Department of Tourism as a whole.

Hon. Mr. Taylor: Mr. Chairman, I would like to go back, if I may, to the suggestion made by the Advisory Committee relating to the transfer of this responsibility of the Department of Tourism to an elected Member. I would like to propose a resolution at this time, seconded by Mr. Berger, that it is the opinion of Committee that the administration consider the transfer of responsibility for the Department of Tourism to an elected Member of the Executive Committee.

Mr. Chairman, in speaking to the resolution, it seems to me that the Government or our elected Ministers could well use the guidance in their pursuit of this question perhaps with their appointed colleagues on the Executive Committee. I think it behooves this Committee to give all the assistance we can to the legitimate requests of the Advisory Board.

Mr. Chairman: We now have a resolution before the House. I will take this opportunity to thank the members of the Yukon Tourism Advisory Board for their attendance and for the excellent brief presented to this House.

The witnesses are now excused and the meeting will be thrown open for discussion of the resolution.

Witness excused

Mr. Chairman: The resolution is: Moved by D. Taylor, seconded by F. Berger, THAT IT IS THE OPINION OF COMMITTEE that it is the opinion of administration to consider the transfer of responsibility for the Department of Tourism to an elected Member of the Executive Committee.

Any discussion?

Mr. Lengerke: Mr. Chairman, I certainly am in support of the resolution, there is no doubt about it. I think it is probably about the twentieth time that we have had such a resolution before this House. I guess that is indicative of the inaction, but really, I think when we have talked about and we finally got the fourth Member on the Executive Committee. It was the feeling of many Members in this House that one of the priority items would be the role that that particular elected Member would have, Tourism, as their responsibility.

I think Debates will show, discussion will show that there were many of us who were very, very disappointed that this did, in fact, not happen. We voiced that opinion, we are voicing it again and we hope that some action will be taken, that there might be a reshuffling and maybe some portfolio will have to be given back or whatever, but I would hope that this time we will see action taken that we do see the results that Tourism will now become the responsibility of an elected Member.

Mrs. Watson: Mr. Chairman, quite often we have stood up to speak on what responsibilities the elected people on the Executive Committee should be assuming, and I recall very vividly, we had a green paper in this House before Christmas to discuss the various duties that the new elected Member on the Executive Committee should be assuming.

Some of the Members in the House thought it was not necessary to discuss it and it was defeated into going into Committee of the Whole for further discussion. It was unfortunate at that time because then the Executive Committee could have had some idea of what the rest of the Members of this House felt about the distribution of the workload at the Executive level.

I think that many of us feel that Tourism, with Game, are very, very important to be handed to an elected person. I think many of us wondered, when the reorganization of the Territorial Government finally did come forth after the fourth elected Member, why an elected person would have to become involved with a purely administrative branch of the Government, such as the Territorial Secretary.

Since that Member already has Game under his responsibility, it would be a most natural thing for him to assume the responsibility of tourism and possibly to relinquish some of the purely administrative functions of government that we hire people to do.

Thank you, Mr. Chairman.

Mr. Chairman: Anything further?

Mr. Fleming: Yes, Mr. Chairman, I will be very brief in supporting the motion, of course. However, I would like to say that it is maybe a step forward.

I feel sorry, very sorry for the Executive Member who might have to take on some more responsibilities and some more work if this transfer comes forth.

Also, I think this is possibly the only way we are ever going to beat that big government upstairs and get them to come along with us, if we overwork the horse we have to get another one. Maybe if we overwork it hard enough, they might sort of give in to us and get another elected Member.

Mr. Chairman: Anyone else?

Ms Millard: Mr. Chairman, of course I will be supporting this motion for about the eighteenth time. I would like to hear some comments from the Executive Committee on the reasons, if they can possibly give them to us why the Tourism Department is not now under an elected Member. It has never been clarified to us and the rumour that I heard was that the Minister of Indian Affairs and Northern Development had some say in that.

I would like to know whether that was true or not. Maybe that will get them on their feet to tell us why we do not have Tourism under an elected Member.

Mr. Chairman: Which Member of Executive Committee would like to deny that canard?

Hon. Mr. Hibberd: Mr. Chairman, I think it was all a question of what is priority. Everyone had their own idea as to what were priorities. I am interested to hear the Member from Kluane describe the Department of Consumer and Corporate Affairs, the administrative function, if she would like to review her own *Debates & Proceedings* since there was a Department of Consumer Affairs, I am sure she would realize that she has elicited a good deal of work on that department. It has indeed become a very active department.

Also, by what has happened, Mr. Chairman, I would suggest that it was a very necessary thing that we did indeed have a Consumer and Corporate Affairs Department where Mrs. Watson could have some area to make her complaints to.

In short, Mr. Chairman, I am answering the question. The problem is we have many areas that require coverage by the Ministers, we have covered most of those areas now. Very little is left in the hands of the administrators.

Mr. McCall: That would tend to raise another question along the same lines before this resolution is adopted by the Committee. I would like to know which one of the Ministers, with all the responsibilities they may have right now, is prepared to take on this particular responsibility?

Hon. Mr. Hibberd: Mr. Chairman, I recall from the Fall Session 1977 that this House passed several resolutions asking for various departments to be passed over to an elected person. They instituted the same areas that we are talking about now. We have indeed taken some of them over, responding to the resolutions passed by this House. We could not respond to them all.

Mr. Lengerke: Mr. Chairman, I beg to differ, but as long as I have been in this House, and I have spoken on that subject, I do not know how many times in how many addresses to the Commissioner and everything else. We have established, as a priority, that Tourism would be under an elected Member. That has been a continued priority. We have named many other departments, but Tourism has always been named, and that was the question that most Members, asked when we saw the appointment of the fourth elected Member.

Hon. Mr. Lang: Mr. Chairman, it is very fine and dandy for the Members in this House to stand up and utter their political platitudes. What I am saying is that we have got a fourth elected Member here at the end of last year, approximately six weeks before the budget session. A Member coming into the Executive Committee has to justify the budget expenditures allocated through the Government for what his responsibilities are.

Therefore, in six weeks, an individual must attempt to learn one or two or three departments so that he can justify, not only to the Members in this House who are very quick to criticize, but to the public the expenditure of public monies.

So therefore, it is a case of timing, as well as the disposition of a ministerial portfolio responsibility. I think it is fair to say, Mr. Chairman, that the responsibility of tourism will be a responsibility taken on by an elected Member, probably after the next election.

If one takes a look at the responsibility that the Members of the Executive Committee are presently holding, it is enough to try to keep up with the day to day affairs, as well as the various things happening in this House.

So, I think it is fair to say, Mr. Chairman, that in respect to being realistic to actually have one of these Members in the House to take on the responsibility of Tourism, I just cannot see it as being reasonable.

Mr. Lengerke: Mr. Chairman, I do not think that anybody is looking for any political platitudes and certainly I am not because that is not my nature.

But I will venture and I will guess that the Minister of Consumer and Corporate Affairs right now, that I will bet you that before he was given the portfolios that he has been given to date, fully expected to receive the Tourism portfolio, because really, that priority had been established by this House.

Ms Millard: Mr. Chairman, I would just like to emphasize my question. I am quite serious about what I heard, that the Minister of Indian Affairs and Northern Development had some input into the allocation of these portfolios. I would like to be assured that he does not have that kind of input. That question has not been answered.

I would like to ask the future Minister of Tourism whether he feels that, as a politician, it is better for him to take on the portfolios he has than the very political department of Tourism, which needs an awful lot of support and energies from the political level. Was this a political decision?

Mr. Chairman: You have two questions. Mr. McKinnon will probably answer the first one.

Hon. Mr. McKinnon: Mr. Chairman, the Minister of Indian Affairs and Northern Development has denied the elected Members on the Executive Committee two portfolio responsibilities. They are the Department of Finance and the Department of Justice.

Mr. Chairman, until elected Members are allowed to have the portfolios of Finance and Justice, we are playing games at responsible government and not really getting anywhere as far as representing the people of Yukon in those crunch areas of Yukon, which are directly going to affect their lives on a distinctly important basis, on a day to day basis.

Mr. Chairman, that being said, I do not think that this is the place for the four Executive Committee Memexisting sections to definition of dust exposure, sub illi under that definition (!). He can rule that any employment in the service of a mine that is designated by the inspector as a dust exposure occupation. He can reverse the ruling that his predecessor made and not be so holdus boldus about the whole thing. He can within that. He has the authority to allow areas to not be dust. Now, he has already apparently, what we are told, we are told by the member proposing this Bill, that he has already undertaken to consider doing that. Now, is it necessary to amend the law to get this guy to do what he already has the discretionary authority to do and is already apparently signified that he is going to do.

Mr. Chairman: In view of the time and the fact that some of the Members of this House have an important meeting at noon, I will declare a recess until 1:30.

Mr. Berger: Before you recess Mr. Chairman, I would like to read a letter to the Committee for their consideration over lunch time, if I have your permission, Mr. Chairman.

This letter was written on November 29th, 1977 and was written to Mr. Cam Ogilvy, Manager of the Yukon Chamber of Mines, Box 4427, Whitehorse, Yukon.

That being said, we make the commitment in supporting this motion again, which we will, of seeing that any of us have the time or the effort or the ability at this time of assuming further portfolio responsibilities. I think that is a decision which each elected Member has to make in his conscience, in his own mind, if he cannot afford the time and the ability to do it and will not do a good job on it, then the Tourist Advisory Board and everybody else is not served well by having time that the Minister cannot spend on those responsibilities.

I have no problem, once again, in supporting the motion and I hope sincerely that one of my colleagues is able to support or to assume those responsibilities. I do not think, Mr. Chairman, that it will be me.

Motion agreed to

Mr. Chairman: I will now declare a brief recess.

Recess

Mr. Chairman: Will Committee please come to order. We have for discussion this afternoon the paper that was moved into the Committee for discussion, the Yukon Outfitters Association brief on the harvesting of Grizzly Bear, Dall Sheep and Goat in the Yukon Territory. I trust all Members have their copy in front of them.

We have for witnesses Mr. Vern Hassard and Mr. John Ostashek of the Outfitters Association.

Mr. Fleming: Mr. Chairman, as mover of the motion to move the brief into Committee, I have had some-

Mrs. Watson: Mr. Chairman, on a Point of Order, is it not usual to let the witnesses make their presentation before we ask the questions.

Mr. Chairman: We have their presentation before us, have we not?

Mrs. Watson: Well, I think they are expanding upon that presentation.

Mr. Chairman: Have they a brief to submit.

Mr. Ostashek: Mr. Chairman, we have a submission to present, if it is in order.

Mr. Chairman: Okay, go ahead. I understood this was your submission.

Mr. Ostashek: We have had to expand a little on that a little bit, Mr. Chairman.

Mr. Chairman: Okay, go ahead.

Mr. Ostashek: Mr. Chairman and Members of the Legislature, I am honoured in being able to appear in this Assembly and be allowed to express the concerns of our membership with respect to some of the problems our industry is facing in Yukon today.

Mr. Chairman, I would like to emphasize that our Association realizes that this Assembly is not, and should not, be involved in everyday operations of the Wildlife Branch. We do believe that this Assembly as the elected representatives of the people of Yukon should set and approve the policies under which our wildlife resources be maintained and harvested.

It is towards these policies that I will direct our comments and concerns today. Mr. Chairman, the outfitting industry is one of the oldest industries in Yukon and has played a vital role in the economic development of Yukon. Today, the outfitting industry contributes several millions of dollars each year in direct revenue to the economy of the Territory. While this may seem like a small and insignificant sum in comparison to the amount of revenue that will be generated by such large projects as the Alcan Pipeline and the Shakwak Project, it must be remembered that the wildlife and the harvesting of this wildlife is the only renewable resource that Yukon has at this time.

Properly managed it can continue to contribute to the Yukon's economy indefinitely. Mr. Chairman, the people who are employed by our industry are mainly Yukon residents of both native and white origins. These people, for the most part, would be classified as unskilled workers in other trades.

Their employment with the Outfitters, for a large number of them, is their only source of income for the entire year.

Mr. Chairman, in recent weeks, our Association has been highly criticized in the news media as being a political lobby group, interested only in our own well-being and caring not for the conservation of wildlife. Sometimes, Mr. Chairman, I wish we had this power and political clout that some of the people seem to think we have.

Mr. Chairman, let me familiarize you with some of the legislation and regulations that this Association has supported and introduced with respect to the management of our wildlife.

Several years ago, in 1974, this Association fully supported the concept of zone management for the management and harvesting of our wildlife. We also supported full curl regulations on sheep in zone seven and the closure in zone seven for

grizzly hunting during the spring season and the month of August.

In January of 1977, we entertained a brief on major changes that we felt should be incorporated in the *Game Ordinance*, changes that would apply to our industry as well as to the general public.

Mr. Chairman, we also engaged in talks with the Wildlife Branch on the possibility and feasibility of introducing more elk to the Territory. We have accomplished in getting the Wildlife Branch to at least start doing studies to this end.

Members of our Association have practiced self restraint and managed our individual areas on a sustained yield basis. This is reflected in the harvest records and especially the sheep harvest records, where the sheep harvested in 1977 by non-resident hunters averaged 8.7 years of age, even though there has not been a full curl regulation for the harvesting of sheep throughout Yukon.

This Association supported a resolution unanimously approved by this House for the formation of the advisory council to review regulation changes that were proposed so that all vested interest groups would have the opportunity to make representation.

Although the resolution for the formation of the council is in place, the council has not yet been formed.

In a letter to the Honourable Member of Renewable Resources on January 20th, 1978, we expressed our views as to who we felt should sit on the advisory council and to what its mandate should be.

Mr. Chairman, I would like to emphasize that at no time, from the conception of the advisory council concept, did we intend for it to be a policy-making body with respect to the management and harvesting of wildlife.

In numerous meetings with the Wildlife Branch over the past 12 months, this Association feels that its membership is being forced into a position of having to sell big game animals instead of selling the hunting experience and the opportunity of hunting big game animals to the non-resident hunter. The true sense of sports hunting is not the selling or guaranteeing of trophy animals to our clients.

Mr. Chairman, this is a matter of grave concern to our industry at this time, as this is a direct change of policy on the managing and harvesting of wildlife. A policy change of this magnitude would place a serious financial strain on our industry. It would mean a substantial cut in the gross revenue of our industry, which in turn will mean less employment available to Yukon citizens, also a cut in services required that are supplied by the service industries, such as hotel accommodations, meals, retail and wholesale outlets, air charter services et cetera.

We will be handling fewer clients under the policy changes if it is in fact put into effect.

Mr. Chairman, we are also concerned as to who is making this policy. It is the opinion of our Association that policy changes of this magnitude should be made by this Assembly, who are the elected representatives of the people of Yukon and who must answer to the people of Yukon for their decisions.

Mr. Chairman, it is a known fact that it has not been the sports hunter who has caused the depletion of the wildlife resources of North America. The biggest and most contributing factor on wildlife populations is the dessimation of their environment. The location of a mine, a road, a hydro dam, or other major development in a critical winter range can wipe out a species with no chance for them to replenish themselves. Therefore, extreme care must be given to such developments in our Territory.

Mr. Chairman, our Association realizes that we cannot stand in the way of progress and development of this Territory, but also, Mr. Chairman, we have some 200,000 square miles of

almost total wilderness in Yukon and we believe that our industry which relies on this wilderness to survive has a place in the future of Yukon as it had in the past and that there is room for our industry along with the development of the Territory.

This can be accomplished by long-range planning, sound long-range policies in the management of our wildlife resource and their environment. But, Mr. Chairman, for this to be accomplished we must allocate sufficient financial resources to gather the biological and technical data necessary to arrive at comprehensive and accurate population figures on which to base realistic harvest levels so our resource can be harvested to its fullest potential on the sustained yield basis.

We must also look to our priorities and see that the species that is in the gravest concern at the time receives top priority in the budgeting process for the management of our wildlife. Mr. Chairman, as Yukon develops there are going to be times and places for the harvesting of our wildlife resources are going to come into conflict as to who does the harvesting and on what basis.

What I mean is the allocation of the harvesting of the resource, Mr. Chairman, to the resident and the non-resident hunter. Mr. Chairman, our Association fully realizes the rights of the resident sports hunter and his rights to the harvesting of wildlife. Mr. Chairman, we believe we are entering such a time now in some areas in the immediate vicinity of Whitehorse. In Yukon we have the unique situation of the majority of the population living in one city, while we are able to distribute the non-resident hunting pressure by the use of registered guiding areas, this is not so easy to do with the resident hunter.

It is unrealistic to expect resident hunters from Whitehorse to travel several hundreds of miles to hunt when you have reasonably good hunting on your doorsteps. Thus, the wildlife in the close proximity to the City of Whitehorse comes under extremely heavy pressure from both resident and non-resident hunting.

We sympathize with the management problem in these areas and an equitable solution must be found. Mr. Chairman, it must also be remembered that the individual outfitters have large investments in their respective guiding areas.

The Territorial Government in past and recent years has openly promoted, encouraged, and recognized the outfitting industry. The Territorial Government and the Wildlife Branch has also encouraged outfitters to have greater facilities and services. Mr. Chairman, it is the opinion of this Association that when pressure is brought to bear on our wildlife resource by the development of an area, and increased resident demand, that there has to be quotas established to allocate the resource. If the quotas established are not sufficient to allow the outfitter or outfitters concerned a reasonable return on their investment, the Territorial Government should negotiate with the outfitter, and buy him out at a fair market value.

This guiding area could then be turned into a resident hunting only area. This would be beneficial to the resident hunter and resolve a management nightmare for the Wildlife Branch.

Mr. Chairman, it is also the opinion of this Association that if this Assembly were to establish policies and regulations that would force an outfitter out of business, that the Territorial Government has the moral and legal obligation to compensate the outfitter for his losses.

It is our understanding that this precedent has already been set in the Northwest Territories where two outfitters were forced out of business because of closure of the buffalo season.

Mr. Chairman, I have just returned from a convention where some 2,000 sports hunters, professional guides and outfitters were gathered from various places throughout the world. There were various seminars and discussions on the hunting status throughout the world and on the various endangered species of the world.

Mr. Chairman, it was concluded at one of these seminars that the most endangered species in the world today is the professional guide and outfitter. We would hope that through some long-range planning by this Assembly, some long-range policies set out with respect to the outfitter and the outfitting industry in the future development of this Territory, that this will not hold true in Yukon.

Mr. Chairman, with your permission, I would like to address a paper which was presented at our annual spring meeting of the Outfitters Association, on April 22nd.

Mr. Chairman, we were handed a paper at our meeting of April 22nd, entitled "The Quota - The New Management System for the Yukon Grizzly".

Again, Mr. Chairman, we ask who sets the policies. This appears to be a policy, although we have been told differently by Members of the Executive Committee.

We are very concerned with this paper, as we have found some points in it that just do not add up to other papers that have been published ahead of this one.

First, Mr. Chairman, our Association entered into discussions with the Game Branch almost a year ago now, into the long-range policy of a quota system for grizzly bear in Yukon. This is the result of that discussion.

I would like to clarify one point, Mr. Chairman. The agreement for the quota system instituted for the 1979-80 season was reached on January 13th, 1978, according to this paper. I disagree with that statement. We did agree to proposed changes in 1978, as in our letter to the Honourable Minister of Renewable Resources. We did agree to look at a quota system based on realistic populations at a sustained yield not to exceed five per cent.

In this paper, Mr. Chairman, we have been offered a population total of 2,500 bears and a sustained yield of not more than three per cent.

Mr. Chairman, we also entered this into the quota agreement as a long-range policy plan. We are now told that this would be only for two years and at that time, the resident hunter would also come into this same allocation of a quota.

We disagree with the density populations that this paper has put forth. Mr. Pearson included a study over parts of Yukon in an extensive seven year study that placed density populations at some one bear per ten square miles. He placed our poorest density population in the Barnes Mountain at one bear per eighteen square miles. Mr. Chairman, this was on unhunted bear populations.

Mr. Chairman, if we were to take those figures and apply them to the density populations at the different zones that are outlined in this brief, we could come up with some interesting conclusions. We will take game management zone 2 for an example. We do not wish to go into all of them at this time. Mr. Chairman, at one time this game management zone had an unhunted population. If we are to project these figures backwards, based on the poorest population density of one bear per eighteen square miles for an unhunted population, we would find that before the population was hunted, we had a total of 1,658 bears. Ten years ago, Mr. Chairman, this population was unhunted. In the ten years since then, there have been 300 bears killed. Mr. Chairman, this would leave today a total of 1,358 bears. In this report there are 534 bears. Now if there is doubt in any of the Members' minds, that the area was hunted ten years ago, let us project it backwards twenty years. The total would still be 1,000 bears to date. The report states 534.

It appears that this report has been very conservative in the density populations of Yukon, and there is a lot of room for disagreement. Furthermore, Mr. Pearson based the total population of the Grizzly in Yukon in 1975 at some 13,766 bears. This report places a population at 5,722 bears. Mr. Chairman, a very wide discrepancy.

Mr. Chairman, we are not going to sit here and tear this report apart all day, we just wanted to point out some of the discrepancies in it, and I have a few more comments I would like to make.

Mr. Chairman, this Association does not agree with the findings of this paper and our Association feels so strongly that with respect to this, the meeting has instructed the Executive Committee to retain the services of a consultant biologist to publish a report on behalf of all the available Grizzly Bear information in North America. There has been some good study work done, Mr. Chairman, such as Dr. Pearson's study of the Yukon Grizzly, which is a highly respected biological paper in other jurisdictions.

Mr. Chairman, as I have pointed out, there are gross differences of opinion on the state of the Grizzly Bear populations and this is the reason that we wish to hire our own consultant biologist to publish this report.

Mr. Chairman, I also submit to you that a ten year average take on Grizzly Bear in Yukon by non-resident hunters averaged over the last ten years at 78 bears per year.

Thus, even using the extremely low figure of 5,722 bears, there is no immediate danger or cause for alarm in our grizzly bear population, as we are harvesting less than two per cent of the total population, including the resident harvest.

We would hope that this Assembly would make recommendations that no further changes be made with respect to grizzly bear harvesting until such time as our Association has had time to have its report on grizzly bear drawn up by a reputable consultant firm and presented to the Wildlife Branch and this Assembly.

In light of this new proposal of the Game Branch and Mr. Lortie, we would also hope that this Assembly would recommend an intensive grizzly bear study into the areas of immediate concern, so that some conclusive long-range policies and long-range planning can be drawn up on the harvesting of this valuable resource.

Mr. Chairman, it is a matter of deepest concern to our Association that, in view of the depressed state of our grizzly bears, if Lortie's report is to be accepted, that our Wildlife Branch, in all its wisdom, has not seen fit to allocate a fair share of its budget to our grizzly bear work in Yukon.

We have been told by Mr. Lortie that all he has for a grizzly bear study in Yukon today is \$8,000, which is borrowed from a proposed sheep study in the Ogilvie Mountains. We find this to be incredible.

Mr. Chairman, it is also the opinion of this Association that if indeed the grizzly bear in Yukon are as depressed as stated in this report and harvest quotas that have been set out in in, in some instances, at half a grizzly per year, in some instances one and a half grizzlies per year, that Mr. Lortie is being irresponsible and shows lack of credibility by not recommending full closure of grizzly bear hunting in major portions of Yukon.

Thank you.

Mr. Chairman: I wonder if, are those remarks in suitable form that the Members could have copies.

Mr. Ostashek: I am sorry, I do not have copies of them. I just wrote them up for the presentation.

Mr. Fleming: Yes, Mr. Chairman, I was going to say and I would like to first say that I appreciate and welcome the Association here with their brief and I expect that this brief and your readings today do coincide with your brief of 1978.

Mr. Ostashek: Yes, Mr. Chairman, it does.

Mr. Fleming: The reason for my bringing it into Committee actually was to find out at that time, because there were some concerns in my own area, of hunters who had come to me and they are people who belong to this association, with the same

concerns as the Association has stated today. At that time, I wished to have some answers from the game department as to just what was going on and that of course, could be left to a later date. Now that the witnesses are here, we can just carry on that way and I will catch them later.

Mrs. Watson: Yes, Mr. Chairman, I have a question for the witnesses and it is regarding a quota, what a quota does to the marketing procedure of the Association. I think that many of us do not really understand. You were stating that you sell the opportunity to hunt rather than the opportunity to get them animals. You are not selling an animal and I wonder whether we could have a further explanation of that.

Mr. Ostashek: Mr. Chairman, by a quota system, our Association is forced to get X number of dollars out of one animal or two animals, or in some cases, half a grizzly bear, we have been offered.

Therefore, the price of this animal has to go up. We do not believe it is our right to sell this animal, that we have the right to sell the opportunity to hunt that animal as we are doing now with mixed bag hunts. The kill that we are taking now does not exceed the quota that was set out. All it does is change our way of marketing.

Hon. Mr. Lang: Mr. Chairman, I would like to ask the witnesses then, if in a game zone it is found that the number of Grizzly Bears have been depleted over the past years and that some game management has to be imposed, what would you suggest to ensure that two Grizzlies, not more than two or three would be shot in a year? What I am getting at is a quota puts a limit on the numbers that can be shot in an area. What would be your suggestion how you would cope with that situation where there is knowledge that the Game Branch and the Outfitters have the knowledge that the number of Grizzly Bears have been depleted and there is a very small number in that particular area? How would you handle that situation?

Mr. Ostashek: Mr. Chairman, no doubt, as we stated in areas close to Whitehorse here where there is overhunting, quotas would have to be established. What we are questioning now is the figures that are presented to us and total bear populations of Yukon. They do not appear to be the same as other published reports, and we are not totally against the quota systems. We are against the quota system based on the information that we have today.

Mr. Berger: Mr. Chairman, I have a general question first. The witness said it is the right for a resident hunter to hunt. My question, I would suggest to the witnesses that it is not a right, but a privilege in our day and age to do anything. I would also like to say that I would ask the witness really, would he think it a wise idea to expand the area for residential hunting? We are talking about a Yukon population with a possible tremendous increase of numbers coming into the Yukon who will eventually become residents and hang around the Territory long enough to receive a hunting licence. At the present time we have a population of about 23,000. I do not know how many of them are hunters that are actually going out to hunt. But I would say that quite a few thousand probably. Would it be really wise to expand the hunting areas and hunting facilities for those resident hunters? Would it not be better really to restrict the resident hunter because of the damage they do, not only by hunting and over-hunting certain areas uncontrolled, or concentrate on controlled hunting like guided hunting and so forth.

Mr. Ostashek: Mr. Chairman, I do not believe that is the purpose of our Association or our representation here today. We are not wanting to restrict the resident hunter, and where we have conflict with the resident hunter, as we stated in our brief, in areas close to Whitehorse, we are prepared to step aside. Our interest is to see that our members do not lose their investment in their areas.

Mr. Berger: Mr. Chairman, my question was not really answered. I would like the professional opinion of the witness,

and I think he is a professional, being in that business. Is it really wise to step aside for a professional guide and leave the area alone for residential hunters? Like I said before, you open the area for uncontrolled hunting really, because there are hundreds of people and maybe dozens of people going out concentrating on certain areas because somebody saw a couple of moose or sheep or anything like this.

Mr. Ostashek: Mr. Chairman, I cannot bring myself to say that resident hunter should be controlled from my professional point of view. I sympathize with the resident hunter. They must hunt and you cannot expect them to go long distances from their homes to hunt. This is why I say that were conflict arises, there has to be some settlement made.

Mr. Berger: Well, Mr. Chairman, I think somebody has to say it and I am going to be the guy to say it. I have been condemned before by the Outfitter's Association for saying things and I am saying it again.

Where I come from, it is a real privilege to pick up a rifle and go hunting and I think as soon as the population in Yukon or in North America recognizes this and looks at it as privilege to go out hunting, the better off it would be for everybody. It would be better for the game population, it would be better for the professional hunter.

I would also like to ask one more question, Mr. Chairman, on management of game areas. Is it necessary at the present time--I believe there is over 20 game zones and 20 game areas divided up for different hunters, is it necessary for your business to have such a large area? Would it maybe be better to have smaller areas, more manageable for yourself, to gain more knowledge in the smaller area and you know what the game population is in that area and you know the yield of the game population in the area. Or do you really need such a large area, which in some parts of the world is a country, really?

Mr. Ostashek: Mr. Chairman, yes, we need those large areas in order not to overhunt them.

Hon. Mr. Hibberd: Mr. Chairman, I really did not want to get involved and make remarks before the witnesses had left, but perhaps it would be helpful if I did so.

The basic problem that we are faced with and I think to face it squarely is we must realize that there is a wildlife here that will sustain a certain harvest. The responsibility that we have is defining what that harvest is and putting in place means by which that is adhered to so that we do not see that the wildlife are wrecked in the Territory.

How that is divided up, who are the people who are going to be taking the animals or not are political decisions that would have to be made, but first we have to define where our problem is, what animals are available, how many can we take to sustain the animals at that level.

Mr. Chairman, when I came on the scene, I found that there were negotiations going on between the Game Branch and the Outfitter's Association which I think was a very useful thing and I think the input on both sides was very, very useful.

As a result of that, there were some proposals that came forward and were agreed to by the Executive Committee and have subsequently gone into Commissioner's Orders. I think that the proposals that have been put forward by the Game Branch to the Outfitter's Association is a subject of negotiation. There are tentative figures that have been drawn up to give the outfitters an idea of where the problem is, to identify the size of the problem, to give them an idea of exactly what has to be done.

There are no decisions made, as far as this Government is concerned, on what kind of a policy should be instituted. This proposal regarding quotas came forward as a direct result of meetings between the Yukon Outfitters and the Game Branch officials, although begrudgingly it was admitted, I think, by the Outfitters that this was probably the best way to go and, on that

basis, the Game Branch went ahead and tried to draw up a workable scheme.

Dependent on that, it will come forward to the Executive Committee for approval, but there are many questions that must be answered before that is.

I would suggest, Mr. Chairman, that even if we are considering a quota system, we have to decide what kind of a quota system it is going to be: will it include just the Outfitters, will it include all those who are harvesting the game, and how are we going to apportion this out. It will depend on when do we plan to institute it, will we do it on a partial basis regionally where some areas are in danger of being over-hunted. For a lot of this, Mr. Chairman, I think we are certainly lacking information as the witness has indicated. We do have restrictions on our budget that have forced us to act probably before we want to but it has been considered necessary to do so because the species in question might be beginning to suffer in certain areas.

The Game Branch is reacting in terms of that very real danger that they see on the horizon. I do not want to get into the problem right now of discussing whether this paper has valid statistics or not. I would like to think that I could leave that to the experts and go from there. I would like to use their statistics. If you wish to challenge them, you are certainly at liberty to do so, but I think they are the experts in that field and I will use their advice.

There are other things that have to be considered, Mr. Chairman, in drawing up an overall policy for the management of Grizzly and for big game harvesting in general. Another one that is imminent on us right now and very important which require the participation of the natives on and that is the land claims. It is very difficult to make decisions on the basis of all these things without having some consideration of the land claims and knowing where they are going to go.

What it really amounts to is that we are faced with a dilemma. We need something in position to protect the species and yet there are things that are delaying us making a decision, such as the land claims, such as the lack of information regarding the species.

I would suggest, Mr. Chairman, that we have to look for some way to curtail the taking of Grizzly so that we can see it maintained on at least the basis where it is now. If we had some assurance that we were not going to be losing ground as far as the species were concerned, then it would not be necessary to put in the quota system for some time. We do have to have some assurance that it will not be suffering in the meantime when we are waiting for land claims decisions, when we are waiting for more informational data.

The basic thrust, I think, is to develop an overall policy for management of the species and in the meantime to protect the species from unnecessary harvesting.

Mrs. Watson: Mr. Chairman, I appreciate the remarks of the Minister. In some areas I differ with him.

I agree that we need some long-range planning for game management. I agree that the land claims are certainly going to affect them, but I cannot agree with the fact that we have to have something in place now to protect the species when, in fact, the statistics are certainly open to question.

It is on these statistics that the alarm is sort of being almost promoted. I think that everyone, and the Members who are sitting here agree that management is certainly required if it can be shown that the population of the game warrants the extra protection.

Until the Game Branch can come forward with some statistics that at least do not conflict with the one biological report that has some recognition from the Territory, it is pretty hard for me to accept it.

If we have to provide more funding to enable these people to do this type of thing within the Department, well, this is our

responsibility to do this. But just to say, just because they have come forward with them I am going to accept them is rather ridiculous.

I have a question for the witnesses and I should not have got into the debate area with them, have the outfitters themselves disciplined themselves in the amount of harvesting they take of various animals? I understand that Mr. Hoefs, at one time, requested when he was the Acting Director, requested that the outfitters restrict themselves in the take of harvesting of one of the animals and how successful was this request when Mr. Hoefs made it in the results of the harvesting?

Mr. Ostashek: Mr. Chairman, I am glad the Honourable Member asked that question because I was going to reply to it to Dr. Hibberd's comments anyhow.

I believe it was 1974, we were told at that time, and asked that we should restrict our grizzly bear harvest to a maximum of eight bears in even the best areas.

I believe that the outfitters have complied with that request for the most part and I think it is reflected in the harvest records, where we are maintaining an average harvest of 78 bears per season for the last ten seasons and in the latter seasons, the harvest has gone down somewhat compared to what it was in the earlier seasons.

Mr. Chairman, one other point I would like to make in reply to Dr. Hibberd's comments is, Mr. Hibberd is aware of the Commissioner's Orders that were signed where we put these proposals to the Game Branch in interest of maybe conserving the species without having to step into a quota system so quickly. That was the one bear in a lifetime ruling which came directly from our Association and the \$500 trophy fee.

We have not even given these options a chance to work or to see how they will work and we are faced with a quota system.

Hon. Mr. Hibberd: Mr. Chairman, I did mention that because I did want to indicate the co-operation that had gone on in the past between the two groups.

It had indeed been fruitful. The Commissioner's Order that I did refer to at the first of this season. Those are the measures that have to be put in now, and we certainly cannot wait for the several years that might be necessary to see if this is going to be the solution, because it is unlikely that it will do that. It will certainly have some restrictive effect, but it will not probably be enough to sustain the species.

We are talking about possible changes, not for this coming season. We are talking about, at the earliest, the 1979 season. I am suggesting that some restriction will have to come in sometime in the fairly near future in areas that are considered dangerous. I am suggesting to you that this is the quota system that you have been negotiating with the Game Branch is not necessarily the final position that will be taken. But it is more a point of negotiation and to give you an idea of what you really are facing in terms of your future.

Mrs. Watson: Mr. Chairman, another question of the witnesses. Why is it important to your industry that there is long-term planning in place and a long-term policy in place, adopted by the Territorial Government? Why is it so important for you people in your industry?

Mr. Ostashek: Mr. Chairman, I do not know if the people do not realize that Outfitters are also businessmen, our trips are booked a year or two years in advance. At the present time, in reply to Dr. Hibberd's statements and to answer the Honourable Member's question, a lot of Outfitters already have hunters booked for the 1979 season. It is not fair to us to make decisions two or three months before the season opens unless it is an extreme emergency.

Mrs. Watson: Mr. Chairman, supplementary, I believe some of the outfitters, and I think all of them, in order to book a hunter, you have to advertise the animals that they are eligible to hunt. If you are on a quota basis, you will not be able to

advertise the Grizzly Bear. You are really selling a lottery on a Grizzly Bear, and when you have a quota, you are not able to sell this opportunity to get a Grizzly Bear. This I think is where it is going to restrict you people so much.

I believe also, and correct me, when you book ahead, a year ahead, every hunter must send in a deposit and once you accept that deposit and have advertised the opportunity to hunt a Grizzly and you remove that, you could almost be accused of false advertising.

Mr. Ostashek: I would suspect so, Mr. Chairman.

Hon. Mr. Lang: Mr. Chairman, in the opening remarks of the witnesses, they were referring to the discussion paper that was put forth at the meeting apparently that took place last weekend. I am somewhat confused with the figures that are in this paper. We have various figures put forth. We have 15,000 projected throughout the Yukon and then we go as low as 5,000 all in the space of a couple of years.

Possibly this should be directing this towards the Minister. I am just curious, just how were the figures derived? Was it a case of taking one area and extrapolating it throughout the Yukon or was it a concentrated study or how did we come up with the figures that are in the paper?

Hon. Mr. Hibberd: Mr. Chairman, if you refer to the index, there are a large number of studies that were referred to in trying to arrive at accurate figures for Yukon.

Dr. Pearson's studies were used extensively, but there are other studies from surrounding areas that were also used as in indices.

As I mentioned previously, the Game Branch is certainly acting under considerable restraints and their ability to gather adequate data to institute a management plan to this degree. They are taking the step because they consider it necessary to do so because they suspect that the species might be suffering in certain places. Some of the evidence would indicate that.

But we certainly do need considerably more data to be able to get accurate information as to what the present status is now.

Hon. Mr. McKinnon: Mr. Chairman, we have heard an awful lot of philosophy in game management this afternoon, which is always interesting, but it is nice to get down to the practical element of what people can actually do.

It would seem to me, from looking at the statistics that we are talking about game management zone two and game management zone seven, eight and nine, which are really the only game management zones where the quota is lower than the nine year mean harvest of Grizzly bears.

It would seem to me game zone number two must encompass the northern Yukon from the names of the outfitters there. I would imagine that there would be very little pressure from resident hunters at the present time, because I have seen very few resident hunters in that area at any rate and I am sure that not many get up in those areas, whether that was taken into consideration.

The other question is, it would seem to me that if the outfitters are hiring a biologist to do their set of figures, that our Game Branch has to do more work, particularly in those areas I would suggest which appear to be critical, which would be game management zone two, seven, eight and nine.

Is there any possibility of biologists working together?

Are they like lawyers? I get three different opinions on 20 different subjects and by the end of the day, I have got 60 different legal opinions. I am more confused than I was at the beginning rather than getting anything straightened out, whether there is a base that people can closely examine specific areas on sound biological measurement, acceptable units and arrive using the same airplane and the same helicopter, at the same conclusions that can be accepted, which I am sure we would all like to do. If the outfitters can be proven and the game people that there is a critical area that we are going to save the

species, if they are in a critical situation. I think you want that. I know that is what we want. So, number one, was the lack or the presence of resident hunters and their harvest taken into consideration? And this is probably the question I should be asking the Minister.

The second question I should be asking the Minister and secondly, is there a possibility if there are areas which appear to be critical by the figures that we have, the other areas in every game management zone, the quotas are above the nine year mean harvest.

So, it does not seem to me that we are in a really totally critical moment at this time in those areas, if these 1979 harvest quotas in those other areas, were applied.

What is the time? What is the money? Is it possible to do between now and 1979 to come up with a co-operative program and some bucks on the table and doing these kind of studies where figures can be accepted by both parties that yes, this is a critical area. We have to do this for a period of time or can that be done in this space of time, Mr. Chairman?

Mr. Ostashek: Mr. Chairman, I welcome the Member's comments. Yes, lots can be accomplished with hard work and financing. I stated that in my opening remarks. As I said earlier, we do not entirely reject a quota system, but we do believe that the Game Branch has taken a very conservative stand, which I agree they must have to do with the limited resources that they have. But the density populations that have been set out for Zone 2 by at least three of the outfitters that are involved are highly questionable on the stuff that they see on the ground and the Game Branch has not done any work on the ground in Zone 2 yet.

I believe the biggest concern of the Game Branch in game management of Zone 2 was the distribution of the harvest in relation to male/female take. The female take was extremely high and they felt it was out of balance. Yet, I draw to you attention that Pearson, in the Barn Mountains, in virtually unhunted country came up with exactly the same findings as a high female population without cubs. Certainly things can be accomplished possibly by 1979, but as the Member pointed out, outside of one or two areas, it is not extremely critical that it be done in 1979.

This is why, in our comments, we directed that the studies be done in the areas that are critical at this time.

Mrs. Watson: Mr. Chairman, I hardly think it is proper though when game management is the responsibility of this Government that we would ask an Association. How could we ask an Association to help finance a Government study? I would hope very much that when the Game Branch embark upon a further study, particularly in those two areas, that they work with the outfitters who are in the field, especially if they go out in the fall or this summer. These people are out there, they know where the bear habitats are in their area. But this does not seem to be what is happening.

If the outfitters on their own, I think, wanted to have a biologist, this would have to be their decision. But I just feel that we are just a little bit two-biting when we are saying let's throw a little bit of money into the kitty and we will see whether in reality the statistics of the Game Branch can be used in certain zones.

Hon. Mr. Hibberd: Mr. Chairman, perhaps I need clarification and the witness could help me. I had the understanding that he was suggesting that the outfitters were going to retain the services of a biologist for a statistical analysis of the data now available and not for field work purposes. So indeed it would be for quite a different purpose. You are wanting it in a fairly short-term manner so that you can come up with some results very quickly.

Mr. Hassard: That is correct, Mr. Chairman. We question the validity of this report and we hope to have a consultant

biologist publish a report for us on all available data and apply it to Yukon, as the Game Branch has done with this report.

Mr. Chairman: Anything further?

Mr. Fleming: Yes, Mr. Chairman, is it your contention that the trophy fee, also, which I think you spoke of when you first remarked and you were saying you were trying to sell the animals, of an animal that is almost extinct, would you say that raising the trophy fee to the non-resident hunter coming in, does this do any good, really, in saving the bear population or would you sooner see a quota on the bear population, as it should be, and the fees left alone.

Because I cannot see the Government making a lot of money off a few grizzly bears and I think one of the intentions was to raise the fee and my thoughts this was going to keep the non-resident hunter from possibly bringing his business to the Yukon Territory.

I would like to have a comment on that from the witness.

Mrs. Ostashek: Mr. Chairman, if the Assembly would bear with me for a minute, I will try to explain the marketing process that the outfitters in Yukon are using today and that is that we are offering a mixed bag hunt. We advertise sheep, moose, caribou, wolves, wolverines, all the animals that a hunter can legally hunt.

It was with our recommendation that the trophy fee was raised to \$500. We do not agree with the \$750 proposal for 1979, because, with a quota system, the Game Branch already has control of the kill.

But it was our contention with the one bear in a lifetime, and a \$500 trophy fee, this would maybe make the non-resident hunter, when a small bear was available, think and decide that it was not worth the \$500, nor the chance of not being able to take another one in Yukon.

So, we are using the animals as drawing cards. We do not expect, and it reflects in our harvest figures, we do not expect every hunter that we book to take a grizzly bear, but, buy the same token, Mr. Chairman, with the fact that we can offer them a grizzly bear, and it is a rare species, it entices him to come to the Yukon and spend his dollars.

Mrs. Watson: Mr. Chairman, one more question: when you have a hunter come in and he buys, he comes into Yukon and he has to have his licence and he has to buy his tags, even though that hunter is not interested in getting a moose, all he is interested in is getting a sheep, will the Game Branch sell him all the tags for all the animals?

Mrs. Ostashek: Mr. Chairman, if the hunter asks for them, yes, the Game Branch will sell them to him.

Hon. Mr. Hibberd: Mr. Chairman, perhaps I should add, however, that one of the things that was discussed how the limitations of the harvest would be done was what we call the split licence. What that amounted to was if the hunter got a sheep then he could not get a Grizzly Bear or vice versa. It was one method that was considered of limiting the take on those animals. That was considered a poor alternative to the quota system, and therefore was not considered further.

Mr. Ostashek: Mr. Chairman, I would like to answer Dr. Hibberd's statement that the Outfitters Association did not reject either the August closure or the split licence fee, except in the context of it applying wholly to the entire Yukon. We were prepared to accept that alternative on a zone by zone basis. The Game Branch said it would be too much of a management nightmare and would not accept our recommendations. That had to be done on a zone basis.

We felt that we could get the outfitters in each zone together to decide which option would fit their operation best, and would still have the desired effect that was wanted by the Game Branch, but it was flatly refused, unless we accepted it on an entire Yukon basis. To this day, we cannot understand that line of thinking.

Mr. Chairman: Anything further? The witnesses are excused.

Mr. Ostashek: Thank you, Mr. Chairman.

Mrs. Watson: Mr. Chairman, I have a proposed motion that I would like to submit at this time. I do not have copies if you would bear with me for about five minutes, I could have copies made of it.

Mr. Fleming: I have a question for the Minister in connection with the resident hunter. Have you actually studied, and do you intend to put in any zone managing for the resident hunter other than the management as it is now zoned? Do you intend to say stop moose hunting in certain areas of the Yukon Territory?

The reason I ask the question is the people of Carcross, you can understand their concern, and as the witness spoke of the majority of people being in a city and the surrounding area being so badly hunted. Of course, the residents there would like to think that the people from Whitehorse would not hunt in that area which I disagreed with. I cannot go along with that philosophy. I am wondering if you are working on that philosophy in any direction?

Hon. Mr. Hibberd: Mr. Chairman, as I mentioned, we have to have an overall game plan as far as the management of the animals is concerned. In that context we are working on it, yes, but there is no intention whatsoever to restrict the Yukon resident as to where he can hunt, unless it is an area where it is endangered, and unless we apply a quota system. I might mention the quota system that we have dealing with to day is for all harvesting of the animal in that area.

The restricting would have to extend in time to all hunters. Now how that is divided up between outfitters and resident hunters is something that will have to be determined and it is not an easy question to answer, but we are running into problems as far as the over hunting is concerned. It certainly is the question that does have to be answered.

Mr. Fleming: Yes, I appreciate the answer, Mr. Chairman, and then realize the problem that it does create.

Are you intending, still intending, to change the grizzly bear fee to \$750, from the \$500?

Hon. Mr. Hibberd: Mr. Chairman, there has been no government decision on that, nor consideration as yet.

Mr. Chairman: Is there someone else with a question? Who is the seconder of the motion?

Mrs. Watson: I move, seconded by the Honourable Member from Riverdale, that it is the opinion of this House that the Territorial Government conduct and carry out further studies to establish a realistic inventory of the grizzly bear population in Yukon and to review and consider all measures that could be implemented to sustain the grizzly bear population before a management system of the Yukon grizzly bear is adopted by the Executive Committee for implementation in Yukon.

Hon. Mr. Hibberd: Mr. Chairman, I think the intent of the motion is very good and I can support it on that basis, but I do have some questions that it does pose.

I would like to know what kind of time interval we are talking about. How long can we let this go on, for these studies to go on, because I would be very concerned that we are barred from entering into a management system when there indeed might be critical situations arise in some areas and we would have to do something.

I think that would really have to be considered. We would have to put a time limit on it in some way so that we would not be paralyzed to act if we found it necessary to do so.

Another question that occurs to me and I am certainly not the expert here, but from what I understand, the inventory of

grizzly bears is a very difficult thing compared to other animals. I am wondering if there is any other method that could be accomplished in a short time, other than review of the harvesting statistics?

It does not lend itself to the same type of surveys that are carried on for other animals.

Mrs. Watson: Mr. Chairman, I am not an expert on grizzly bear, but the Minister keeps saying what are we going to do if we have a critical situation. How do you know you have got a critical situation when you have not got a true inventory or you have not got a good study done it?

The supposition is there. This is the thing that we are concerned about, that I am concerned about. I think that everyone thinks that if you can prove, with good true statistics, based on valid research and valid inventory procedures then management system—maybe some emergency type of action will have to be taken.

But you cannot prove you have a critical situation, you know, this is the point.

When you look at the statistics and how they conflict with the report of Mr. Pearson, and a long way off from Mr. Pearson's figures, they are not conservative, they are just double or triple what he has used as density.

So, until you can come forward with something just a little bit more realistic, then you cannot say you have got a critical situation.

I would hope that some planning is done immediately to see how you are going to approach getting this type of inventory done and I know that it is going to take some funding, but when a resource and an industry are being threatened, should our priorities not be there? And our Game Branch's priority should be there.

Then, all of the alternatives are going to have to be looked at and I feel very concerned myself that we get trapped into going this same route of selling animals and we know what happens when there is a price tag on animals and this is exactly what will happen.

I would hope that we can explore all animals in order to protect that animal without going to the route where eventually you get, you put the price tag on them. So I think that this is why I made my resolution broad enough to give the Minister some room to manoeuvre. If I gave you a deadline on it I think it would be disastrous, but surely you know your priorities are in zone two, likely. That is where you will start and that is the area where there is the greatest argument for the statistics that you have.

So, I would hope that, with the Minister's commitment, we can have approval for this motion.

Hon. Mr. Hibberd: Mr. Chairman, I am still faced with some of the same problems. I can see a scenario developing where we indeed do look at what is a critical area, call it GMZ-2, but if I follow to the letter, this is the way I read it, I am obligated to conduct a full study of the grizzly bear population in Yukon before I can every apply a contingency plan to game management 2, which I have already found out about early in my study.

Hence, my concern about a time period. We just cannot simply let things go, because again I come back to another point is I just do not know how you can study grizzly bears, like is being asked in this motion, on a short-term basis.

I would really like to know if there is some way we could gather this information in a hurry, so much the better.

I agree with what the intent of it is. I think that, if we consider this a problem here, we should be paying close attention to it and getting it resolved as quickly as possible, but can we do that under the terms that you are laying down?

Perhaps with the Commissioner here we have some exper-

tise on how one conducts a study into grizzlies, the time intervals involved.

Mr. Chairman: Is it agreed that the Commissioner may appear as a witness?

Some Members: Agreed.

Hon. Mr. Hibberd: One point that seems to be bothering us with our lack of expertise, Mr. Chairman, is how can one conduct a study of Grizzly bear populations in a short time, so that we can exert some sort of a legislative control over them? How do we get that information in short order?

Mr. Commissioner: Mr. Chairman, the only way to go about it is the way that the Game Department is currently carrying out their studies and that is through monitoring trends and changes in population compositions through monitoring harvest as currently is being done.

That is not a short-term thing, that is a trend thing and I think they have presented, in their consideration of what they feel should be done, data over a five or six year period where they have been following these trends.

There is no way to go out and determine absolute densities of Grizzly bears over a large area like the Yukon Territory in a short period of time, in 20 years, Mr. Chairman. It is impossible. We do not have the funds in our total budget to carry out such a study.

Mr. Fleming: Yes, Mr. Chairman, my question was along the same lines, actually, I was wondering just how long the Minister thought we had before something had to be done? I might phrase the question this way, as he did make a study and that study has been more or less spoken against today in some ways by other studies, would he be willing to stand behind his own study today and say, no, I think we could wait a year or two before we have to implement such as this.

Mr. Commissioner: Definitely, management proposals in a system should be implemented now in the Yukon Territory. The details of that and what the actual quotas are or if it is a quota system that is accepted, I would have to go back a few years in my experience and take a look at what data is presently available.

But, I support the Game Branch in their need for, definitely some solid management proposal now, not only for Grizzly bear but for all species in Yukon.

Certainly, the review and consideration of all measures that could be implemented, the second part of this resolution is sound indeed, but whether it should be based on further studies, it seems to me a review of the current information which really is a fairly long-term accumulation of information, is the only possible way that the Game Department could come up with a sound management plan.

Carrying it on another five years might not do anything except eliminate the Grizzly bear in certain areas where we already have a problem and when human impact is increased.

Mr. Lengerke: Mr. Chairman, just a question for the Minister. In your discussions with the outfitters, and I should have asked the question, seeing as you are very interested in the brief and all the comments. Did you consider some other quota? I think your people suggested a quota of 69 or 69.5. The average, as we have heard is somewhere in the area of 78 or 80 Grizzly were taken over a number of years on an average basis. Was there any look at setting the quota at that figure? How would that affect the thinking of your branch with respect to the depletion of the Grizzly Bear.

In other words, really, we are looking at 9 or 10 more animals per year. Is that a figure that is going to jeopardize the situation?

Hon. Mr. Hibberd: Mr. Chairman, the problem is not there the absolute numbers, it is the distribution that is vital. Just naming 78 obviously just names the total harvest. In the

figure presented by the Game Branch, of course, they are addressing themselves to the different game management zones and what might be considered critical problems in those areas. So, indeed, it does become significant, given the data that we have available to date.

Mrs. Watson: I would like to ask the Commissioner why in Zone 2, that is in the northern area, that has not had an outfitting area for that many years, and there is very little pressure from resident hunters in that area, why they are taking the density at one bear to 55 miles or one bear to 50 miles, when that is in the Barns not nearly, I believe, where you did your studies. You indicated it was in the one to 18 square miles. The report here of the Game Branch indicated that they were taking some statistics of bear counts in was it the Brooks Mountains in Alaska, and that area had been pretty heavily hunted by aircraft for Grizzly Bears. They commented on the report. They are sort of going from one extreme to another when they go to one to 50. Yet, it still does not have the pressures from residents.

Mr. Commissioner: Mr. Chairman, the Honourable Member has an excellent point. I cannot answer that question, but it seems to me that the second part of her motion to review and consider all measures would be indeed to consider and review the quota system and the figures in such a system and indeed that is what I say is practical at this time. What I do not think is practical is to tie it in to further studies, implying field studies that I do not think could be carried out. A review of the data, that type of reconsideration I think is practical. I would leave it to the Minister to speak on that.

Mrs. Watson: Mr. Chairman, I wonder if the Committee would give me the opportunity not to, to leave the motion in Committee and I will determine and get someone to bring in an amendment in, possibly.

Also, I do feel though, that the wording should also reflect that the necessity and possibly in certain areas where there would be a necessity to do some field studies. I do not think that we can, as a Government who have a responsibility of our game to completely base our statistics on the type of thing, on data type of thing and not get into the field.

I do feel concerned about this and I know that Mr. Pearson's whole study was done primarily from work in the field and I think that is why it is used a great deal across the North American continent. Surely we should be getting a little bit of field work done.

I have great sympathy for the people who work in the field in this industry because that is where they are and they sometimes have a better indication of actually the game population in the area than the data bank does.

I am rather inclined to really put more credit to a person than a computer these days but, you know, some people do not.

Hon. Mr. Hibberd: Mr. Chairman, I do not know whether I can accept that last statement, but as far as the motion itself is concerned, I think the essence of it is good. I would like to see it go forward, but I, too, have a couple of reservations about it that are stumbling blocks, so I would appreciate the opportunity, as well, to have it reserved.

Hon. Mr. McKinnon: Mr. Chairman, I am going to have problems with the motion and I just wanted to let the Honourable Member know because I just cannot see that if the whole of the Yukon has to be reviewed and considered and a management system for all of Yukon has to be in place prior to looking at zones where it can be proven that there is a very real and critical area, then we just have to have the ability to move them.

If the motion, as I read it, implies that this has to be done throughout the whole of Yukon and has to be in place for the whole of Yukon before any movement can take place, I do not think that is either what the outfitters want, that the Honourable Members want or that, I know that the Game people want and that people in the Yukon Territory want, Mr. Chairman.

Mrs. Watson: Mr. Chairman, I did ask to stand it over.

Mr. Chairman: Yes, the Member has requested the motion not be voted on at the present time and I think I would entertain a motion.

Mr. Lengerke: Yes, Mr. Chairman, as seconder of the motion, I just wanted to say, too, that we will take it back and do something with it.

My other motion would be to move that Mr. Speaker do now resume the Chair.

Mr. Fleming: I second that.

Mr. Chairman: It has been moved by Mr. Lengerke, seconded by Mr. Fleming, that Mr. Speaker do now resume the Chair.

Motion agreed to

Mr. Speaker resumes the Chair

Mr. Speaker: I will now call the House to order. May we have a report from the Chairman of Committees?

Mr. McIntyre: Mr. Speaker, the Committee of the Whole has had under discussion, Bill Number 12, *An Ordinance to Amend the Medical Profession Ordinance* and directed me to report the same with amendment.

The Committee has also considered Bill Number 101, *An Ordinance to Amend the Mining Safety Ordinance* and directed me to report progress on the same.

The Committee has also considered a motion respecting the Yukon Tourism Advisory Board and directed me to report as follows: that it is the opinion of Committee that the administration consider the transfer of responsibility for the Department of Tourism to an elected Member of the Executive Committee.

The Committee has also considered a motion respecting a brief by the Yukon Outfitters Association and directed me to report progress on the same.

The Committee asked leave to sit again.

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

Some Members: Agreed.

Mr. Speaker: Leave is so granted. May I have your further pleasure?

Mr. Lengerke: Mr. Speaker, I move that we do now call it 5 o'clock.

Ms Millard: I second the motion.

Mr. Speaker: It has been moved by the Honourable Member from Riverdale, seconded by the Honourable Member from Ogilvie, that we do now call it 5 o'clock.

Motion agreed to

Mr. Speaker: This House now stands adjourned until 10 a.m. tomorrow.

Adjourned

The following Legislative Returns were Tabled April 25, 1978

78-1-27

Telephone Operations in Yukon

(Oral Question of April 20, 1978 - Page 378 of Debates & Proceedings)