



The Yukon Legislative Assembly

Number 17

2nd Session

24th Legislature

HANSARD

Monday, April 2, 1979 — 7:30 p.m.

Tuesday, April 3, 1979 — 1:30 p.m.

Speaker: The Honourable Donald Taylor

Whitehorse, Yukon

Monday, April 3, 1979 - 7:30 p.m.

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

Tonight as our witness, we have with us, Doug Spray. We are discussing Bill Number 11, An Ordinance to Amend the Dental Profession Ordinance. Clause number 1, I will not read it as it is fairly long, but with clause number 1, I will open general debate.

Hon. Mr. Tracey: Mr. Chairman, this amendment to the Dental Profession Ordinance is so that we can require hygienist and therapists to have written authorization of a dentist so that they can perform their duties and, also, to amend a section of the Ordinance by requiring that an applicant, in addition to possessing the existing qualifications, must be eligible for registration as a dentist in a Canadian province or territory. It, also, requires the Commissioner to obtain the recommendation of the Medical Health Officer before issuing a special permit to practice dentistry.

Hon. Mr. MacKay: I do not call that debate, Mr. Chairman.

I think that the purpose of the Ordinance, as has been listed there, is well meant to, perhaps, clarify in legislation what is actually happening in practice right now, and to allow for the new types of "dental animals", if I can use word, to be licenced to practice to enable them to find their roles both from a practical standpoint and from a legal standpoint in respect to whether they can be sued for various actions, which, I think, is good. I am prepared to support the principle of the amendments as they are put forth.

I will have, in the course of the clause by clause discussions, some comments to make and I can allude to them generally, at this point. Perhaps, the major one is that I have some difficulty with the description of the Firearms Ordinance. Pardon me, I have some difficulty with that too. I have some difficulty with section 19 (1) as it refers to the dental assistants.

In that section, it seems to me that a dental assistant can do just about anything, any dental service that is under the immediate supervision of a dentist. I looked back to see what a "dental assistant" is, in the definitions, and I find it is a person authorized to provide routine dental service to a dentist under his immediate supervision, so I am not really told what a dental assistant is. I am concerned that there are some paramedical people. Really what you are talking about is a girl who has worked with a dentist who is suddenly starting to do some dental work and I am wondering if it is necessary to have such a person. "Immediate supervision", to my mind, means that the dentist is standing right over her or him in doing this work, so I wonder why the dentist cannot be doing it himself or herself.

That is probably the major problem that I present to the Committee. There are a number of other ones with respect to the role of a dental therapists which, I believe, is a person who has been trained specially to do work on children and I have some problems because I see, as we go down the things that a dental therapist may do, that they are getting engaged in doing work on permanent teeth which are generally possessed by adult people; so I am wondering if they have been trained to do these duties in the course of their formal training.

Finally, what I would like to turn to, now, is with respect to dental hygienists or therapists doing what is called emergency work, in the case of an emergency, and there is no definition of what an emergency is. Is an emergency where you happen to be in a community two hundred miles from the nearest dentist? Is that an emergency? If that is the case, perhaps, it should be defined as such.

So I will be looking for some kind of definition of what an emergency is, because if you are going to give people protection under the law for doing work, such as in an emergency, you have got to be able to define what an emergency is, not just something after the fact you use as an excuse if things go wrong.

So those are the three main areas I have, Mr. Chairman, and I will leave detailed debate until we get to the actual sections.

Hon. Mr. Tracey: Mr. Chairman, if the Honourable Member will look under Section 21, he will see that a Dental Hygienist must have had his education in an approved school, and he would be working under the direction of a dentist. As far as emergency work, it is possible that a nurse or a dental therapist could call the dentist and get the authorization, but it still would not have the signature, so it would be classified as emergency work. He would not be able to get the dentist's signature on the form to allow him to go ahead and do the work.

In regard to Section 19 (1), referring to dental assistants, it should be an unnecessary imposition on the dental profession to require all dental assistants to be qualified. Dental Assistants may be only in the office doing routine work, and not necessarily working in a person's mouth, or on a person sitting in the chair. To change Section 19 (1) to require them all to be qualified would exclude anyone from working in a dental office, other than a qualified person.

Hon. Mr. MacKay: There is such a thing as a qualified dental assistant. There are courses available in British Columbia, in two places, at least. In fact, I believe that every one of the dental assistants in town, except one, have these qualifications. I do not think we are talking about imposing a hardship. We are talking about regularizing a situation that exists.

Again, on Section 21 (2), I realize there are times when such occasions arise when work must be done by a therapist or hygienist; however, my concern was not answered by the Minister, as to what an emergency constituted. If an emergency is only that there is not a dentist conveniently handy, then, I think that is what is meant by the dental profession, as an emergency. I think what they are talking about is where there is great pain. There is a possibility to have irreversible damage occurring in the patient if something is not done right away.

If it is just a matter of convenience that they do not want to go down to Whitehorse or Dawson City or wherever it is that the dentist may be, I think that we are, perhaps, legislating, here, a situation which is not really what is contemplated by the dental profession.

Hon. Mr. Tracey: Mr. Chairman, in regards to an emergency, there may be many reasons for it being an emergency. The person may not be able to get to the dentist, there might not be transportation available, the person could be out in the boonies somewhere. It might not be an emergency except in the mind of the patient himself, and, perhaps, he feels that he wants the work done. So if we were to lay down a definite definition of emergency, we might be precluding somebody from getting some service that they want and some service that is available on the spot without having the dentist's signature.

Mr. Penikett: Mr. Chairman, I wonder if I can ask the Minister a question. He has explained this Ordinance as being necessary to protect the public. I wonder how the public could be protected against a dentist, who, under this Ordinance, decided to hire several assistants, therapists, who, under this Ordinance, he could then allow to perform routine dental work, and potentially bill patients for the full rate that would be charged by a licenced dentist?

On reading the Ordinance, it does not provide anything essentially that protects the public against that kind of occurrence.

I would just, perhaps before the Minister answers that question, explain that he may be aware that from time to time there are various critical comments made between different branches of the medical and dental profession about each others' qualifications and the fitness of their fees as compared to skills. There are some, if you like, perhaps, jealous physicians who would suggest there are really only two basic problems that you can have with teeth and it ought to only take a couple of years to train someone to deal with them. In fact, that the dental profession has been able to jack-up their educational ante to the point where he has had six or seven

years and that allows him to charge fees, I think, often in excess. The Honourable Leader of the Opposition could tell you better, but they are probably in excess of the physicians, which makes this a very attractive profession if you can stand looking down people's mouths.

It seems to me that there is a problem between the problem of not only having people who have no qualifications at all, in dealing with your teeth, people such as the therapists and so forth who have minimal qualifications and then you go all the long way through many years of education and so forth to the dentist. It seems to me there are a great number of dental problems, the cleaning of teeth and the so forth, which can be done by people who do not have all the skills of a dentist and it seems to me that the public, accordingly, if they are being treated by someone with a lower grade of skills, ought to be able to expect to be charged less for that kind of service than they would be for something more complicated, such as a root canal.

At the same time, there are some kinds of services which are of a specialist nature and I think can only be done by a dentist, and probably ought only to be done by a dentist. I would appreciate the Minister if he could elaborate a little bit on how the public can be protected on the following counts: one, making sure that the dentist is doing things for which he and only he is qualified; that the public is not charged unnecessarily for having work done by dentists that could be done by people with lower qualifications, and, further, how the public could be protected, and it may be a hypothetical case, but against the possibility of a dentist hiring many assistants and therapists who would do, in a sort of, how would you call it, production line system, run a lot of patients through his office. Unlike the medical profession, he would, in fact, be able to, it seems to me from this Ordinance, charge people the full rate for doing that, and the public would have no protection against that.

Hon. Mr. Tracey: Mr. Chairman, I would think that it should not be beholden on us to legislate everything that a dentist has to do in order to collect his fee. I would think that the marketplace would prevail, at least enough to control the prices. Because, if a dentist was to have a dental assistant clean your teeth and charge the full dentist's rate and the dentist down the street only charged you half that rate, or whatever, I know where I would go and I think the Honourable Member knows where he would go.

As far as the dentist going into mass production and having many dental therapists or whatever, as long as they are conforming with the Ordinance and they are under the direct supervision of the dentist, I do not see where we would have any problem with that either.

Mr. Penikett: Mr. Chairman, if I may, I am afraid the Minister has spent far too long in the wilderness of small business, because, if he imagines for a moment there is anything like that resembling in the medical or health industry, he is suffering an extremely unfortunate and dangerous delusion. If there are any successful trade unions in the world, I think you will find them among the professions. I think the professions have a great many devices and are very skilled, particularly in those areas, unlike strictly the medical profession now which is under some kind of government control and regulation because they have to do collective bargaining with the government for their fees. I think that professional societies, and I am sure it is the case with dentists, are very able to agree among themselves that they will charge within a certain price range, and I do not think you will find many dentists advertising in the "Whitehorse Star" for cut-rate fillings or "we will give you Green Stamps on your root canals here" or "we will give you two fillings for one on Friday". That kind of thing just does not happen and it is probably a good thing that it does not.

So, I think, the Minister, with respect, has not responded to my concern, because I think that you will find the fee schedules in the professions, and I think, my Honourable friend to my right here, would be able to tell you that the fee schedules in the professions are, perhaps, discreetly and not publicly, very carefully worked out among the members of the professions.

Hon. Mr. Pearson: Mr. Chairman, I would like to ask the Honourable Member whether he knew anything at all about the Chartered Accountants' profession and how their fee schedules are set.

Hon. Mr. MacKay: On a point of privilege, I would like to say, relative to the problem, that there is no such thing as fee-fixing among Chartered Accountants.

Hon. Mr. Tracey: Mr. Chairman, we are empowered to draft regulations and if, at any time, we see that something like this is getting out of hand, in any way, we certainly have the power to bring in regulations to the Ordinance. As far as setting a fee schedule in the Ordinance, I think that is the wrong place to do it.

Mr. Penikett: Mr. Chairman, we are in general debate and I do not want to be throwing out any firm commitment to any notion, but today we had the Government Leader express some concerns about policy and legislation coming into effect by way of regulation. I think, that is a concern we all share.

I would be interested, before we end this debate, if the Minister would give some consideration to the possibility of regulations along the line of, perhaps, limiting the number of assistants and therapists that could be working under the direction of one dentist. It seems to me that would not be a complicated regulation to introduce. It might give the kind of protection in this area which is possible. Maybe, it is impractical for reasons that are not clear to me but it seems to me that kind of possibility ought to be considered.

Mr. Fleming: Yes, I, too, have the same concern as the Member in front of me. I would go a little further, and say that I wonder if the Minister has thought of the things that might arise that we do need good dentists in any territory. I do not think in the Yukon Territory there are good dentists in overabundance. Due to this Ordinance being passed in this fashion, and this section especially, that we may end up with one to two dentists and four to three, or four to five assistants in the Territory and really not have the expertise that we should have on the job.

I have that same concern as the Members who have already spoken. I am just wondering if, maybe, you are not going and letting it just a little too loose and we are not going to get the type of dentist we really need up here.

Mr. Penikett: Before we leave this point, Mr. Chairman, just to add to the point, the Minister of Tourism and Economic Affairs and all those other things, is well acquainted with hard realities of, if you like, the economics of the community as it is experienced by the ordinary wage earner and the small business person. It seems to me that this is a small jurisdiction. There is, for all the bad eating habits we might have here, a limited market for dentists.

The concern raised by the Honourable Member from Campbell, I think, is a serious one, in that if you had the situation develop, such as I previously described, where we had a large number of dental assistants and therapists licenced and allowed to operate here, the one possible effect of that kind of situation, is to, if you like, shrink the market potential for new dentists coming in.

Now, what the legislation then would be, it would not, it seems to me, an ordinance to protect the public, but an ordinance to protect dentists and what you could end up with is, to use a trade union analogy again, a closed shop situation, which I do not think would be desirable from the public's point of view.

Hon. Mr. Tracey: Mr. Chairman, there are just a couple of points I would like to make. One is that 19 (1) of the Ordinance says that there must be, under the immediate supervision of a dentist, which would mean that he could not have an unlimited number because there is no way they could be under his immediate supervision. He would be on a dead run if he had more than two or three. Also, consultation has gone on with the dental profession in the Territory in regards to this Ordinance. Perhaps, I could get Mr. Spray to make some comments on it.

Mr. Penikett: Before Mr. Spray gives us his comments, I would like to deal, if I could, with the Minister's remark about immediate supervision, it is a very dangerous phrase. I was once at a university where there were twenty-one PHD students immediately under the supervision of a professor and they were each working on a chapter of his next book. I can tell you the supervision was immediate, but it was not very effective.

Hon. Mr. MacKay: I think that we will probably be getting into the witness' testimony as we go through this section by section, Mr. Chairman. It is up to you, Mr. Chairman, whether we go ahead with the detailed questioning of the witness, but there are a couple of points I would like to make before we do get into detail.

One concern I have is that we have these people who are dental therapists and dental hygienists who have gone through considerable training to attain that designation, and who are certified as qualified in these fields. I am concerned that they are being severely undercut by this legislation, by the introduction of the thing called "a dental assistant". This dental assistant, who is not required to have any formal training or qualifications, may perform any duty, it appears, that could be done by a therapist or a hygienist.

There is nothing to stop that happening under Section 19 (1), the provision of these services, it says, "any dental services". That is a principle we should look, quite carefully, at before we allow this dental assistant to enter the scene. We should consider what effect it has on the people who have gone to Fort Smith, or wherever, to obtain their training. They have gone to a lot of expense, and

probably public expense, as well, and here we are allowing someone to just come in, step in, and take over their kind of duties. If that kind of abuse should occur, there is no way we could stop it through here.

I would like to echo the concerns of the two other Members here, with respect to the problems of obtaining professional people in the Territory. I not only admit, but I am proud to say that I am a professional, and we are self-governing, and that we do live and die by our own efforts without any government assistance, but in the process of doing that kind of thing, I might say, just in passing, that some of the views you have heard from my friend to the left here, who is a son of a doctor, I am prejudiced towards dentists. Bear that in mind as you listen to the comments.

However, let me continue on a serious note, about getting professionals to come to the Territory. I would hate to see any measure such as this, I think, which would make it less attractive for a dentist to relocate to the Yukon. In fact, it is probably the leading profession in which there is a grave shortage of people right now, if you tried to get an appointment. Incidentally, this is a subject very dear to my heart, as you can see when I smile. There is a shortage of dentists and I think that this business of opening up, because I think, we will find when we talk to the witnesses that in fact, there are very few other jurisdictions in Canada that allow the kind of work that therapists and dental assistants do, without being better qualified.

I am concerned that by downgrading the level of professional service that we are prepared to permit here, we are going to discourage qualified people from coming. In fact, there is an instance where a man who wished to specialize in dentistry in respect to children was discouraged from coming here simply because that was being handled by dental therapists, so we missed out in having an expert in that field come to the Yukon.

So these are some valid concerns and I think, if the Minister wants to get the witness now, to answer them in a broad sense, that it is probably the best approach to take, Mr. Chairman.

Mr. Chairman: If there is no further general discussion, we will go through it clause by clause.

We will start off with clause number 1. There are 2 sections to clause number 1, section number 1, section number 2.

(On Clause 1)

Hon. Mr. MacKay: Thank you, Mr. Chairman, Clause number 1, subsection 1, we have the first problem which I have alluded to which is the dental assistant. It says that a dental assistant means a person authorized to provide routine dental assistance to a dentist under his immediate supervision pursuant to Section 19. I would like to see that section provide a description of what a dental assistant is or should do. In the course of the correspondence with the Government, I believe there was a number of different definitions discussed, such as a certified dental assistant is one name and then you would have to describe what that certified person did. You could say that it is a person qualified in this field, I have not got a specific definition, and I think, maybe, if there is an agreement in principle that you have to have a definition, then, we could work one out.

I am hoping that the witness will be able to provide us with some of the background of the kind of definitions that they have discussed. So, perhaps, I could ask Mr. Spray, what kind of definitions are available and, perhaps, an explanation of why one was not put in in the first place.

Mr. Spray: Mr. Chairman, we did think in terms of registering dental assistants and; therefore, they would require professional qualifications. However, we do think of these as chairside assistants to the dentists, not necessarily requiring professional training, but could be qualified by on the job training. As a chairside assistant to the dentist, they would perform the service under the immediate supervision of the dentist, such as mixing fillings.

In Whitehorse, it may be possible to have the professionals, but should a dentist establish in another part of the Territory, there might have some concern that we would be restricting them by putting in a specific qualification. We do have a provision in the regulation-making section which further restricts the activities of a dental assistant.

Hon. Mr. MacKay: Could I ask the witness, what is the practice in BC and Alberta on this area?

Mr. Spray: I understand, Mr. Chairman, that it varies. You may very well define dental assistant and require certain qualifications, but then you also have the dental nurses who do not have to necessarily have to have any further qualifications than on-the-job training.

Hon. Mr. MacKay: What do dental nurses do?

Mr. Spray: Mr. Chairman, dental nurses, in effect, become chairside assistants.

Hon. Mr. MacKay: So, I take it that in BC, a dental nurse has to have some certified situation whereby they can become the chairside assistants to the dentist?

Mr. Spray: Mr. Chairman, I am not familiar with the exact requirements for a dental nurse in British Columbia.

Hon. Mr. Tracey: Mr. Chairman, the nurse is also capable or has the ability to give the shots and whatnot and the dental assistant would not have that capability.

Hon. Mr. MacKay: I am glad to hear the Minister say that but I cannot see that in the Ordinance. There is nothing here that says a dental assistant cannot do anything. It just says that a dental assistant can perform any dental work. And this is what I am concerned with. There is no limit, it seems, to what this person can do, provided there is a dentist in the vicinity. I suggest that "immediate supervision" can mean there might be three or four chairs going at once; he can be busy extracting a tooth over here while somebody is doing something two chairs away. He is not supervising that person; he just knows they are there. So I am concerned about this area, as to what a dental assistant can do. I know what the intent is, it is somebody that puts the filling in, that mixes it up and does not touch the tooth really, that is what you are saying. They can do anything else, wash out the mouth and so forth. But we are protecting the public in this Ordinance and I do not see where we are doing that unless we define the role of a dental assistant.

Hon. Mr. Tracey: Mr. Chairman, I realize that this definition is open to a broad interpretation, but if we narrowed it down and said exactly what a dental assistant was, we would probably be precluding a lot of the things that the Member across the floor realizes that we are trying to cover in this. So the only other way we can do it is to leave it broad like this, and stipulate in the regulations that they cannot do this and they cannot do that. Otherwise we are going to be tied down to where they cannot do anything in the dentist's office.

Mr. Byblow: Just to pursue this, under the existing Dental Profession Ordinance, a dental assistant, hygienist and therapist are specifically given with definition. Why was this not included now? Was there a problem with it, keeping it with a definition?

Hon. Mr. Tracey: Mr. Chairman, I am sorry. It is not in the existing Ordinance. We do not have any dental assistant or dental therapist or anything in the existing Ordinance. This is a proposal.

Hon. Mr. MacKay: What my friend from Faro was saying was that, I think, what he has is a copy of the draft of the revised Ordinance which did contain a definition of certified dental assistant and I will read it out for the benefit of the Minister. "A certified dental assistant means a person who carries out routine assisting of a dentist and may, in addition, carry out routine prophylaxis, apply anti-cariogenic substances, give preventative advice and take impressions for study casts under supervision of the dentist." That is defining the role which we all intend the dentist's assistant to have so, perhaps, this is the definition we are looking for.

I still have concerns as to why we do not have it in the final part of the Ordinance.

Hon. Mr. Tracey: Mr. Chairman, as I just stated, if we define a dental assistant the way the Honourable Member says we should, we are going to preclude the people who are coming in and helping the dentists do anything in the office other than working on the person's mouth. The only way we can do it is to leave it broad as it is now, and put it in the Regulations. Otherwise, we are going to stop anyone from being in that office, other than a dentist.

Mr. Penikett: That is nonsense, with respect. You do not have to call him a dental assistant, you could call him a helper, you could call him a clerk, you could call him a typist, you could call him a receptionist, but that will not prevent someone who does not have those specific qualifications from doing things. What it does prevent is someone who is qualified only to be a typist or a clerk from helping the dentist in those functions, when they may not have the training to do so.

Hon. Mr. MacKay: Mr. Chairman, we seem to be relying on regulations to carry out what we would like to see here as Sections. Can we have an assurance that the Regulations will be given to us before we pass this in third reading?

Hon. Mr. Tracey: Mr. Chairman, I think, perhaps, Mr. Spray can fill us in a little more on this one.

Mr. Spray: We did have difficulty. We have three classes of persons to work with the dentist, the dental hygienist and the dental therapist, who would be qualified to do such things as apply prophylactic solutions and anti-cariogenic solutions effectively. However, the dental assistant is the person whom every dentist

must have to assist him in the immediate vicinity of the chair, under immediate supervision. These are people for whom the dentist may not write out an order on the patient, and send him to another examining room. A dental assistant must work under his immediate supervision.

It is my understanding that there are two classes of dental assistants, presently, in the Territory. Some have training, and are qualified. Others have on-the-job training, and in order to not impose an undue hardship on the profession and on the people in the Territory, we decided our recommendations would be to leave dental assistants as being unqualified, subject to specific regulations, through the Regulations, and that we would provide for hygienists and therapists.

Mr. Fleming: Mr. Chairman, I think that what the witness is saying is that, in the case of this person, there could only be one, although the Ordinance does not say there could be one. There could only be one, if he was under the immediate supervision of the dentist. There could only be one of these working at one time. In other words, you could not have three assistants. If that is the case, why not just put that in the Ordinance, if that is the way it is.

Mr. Spray: Mr. Chairman, dentists, according to my interpretation, could, indeed, have as many dental assistants as he has examining rooms. He could have one patient in each examining room, and if he was to move himself from room to room, then that dental assistant could be assisting him on that particular patient, but unless the dentist was there, the dental assistant would not be doing anything.

They may very well be mixing fillings.

Mr. Penikett: Yes, Mr. Chairman, Mr. Spray has just confirmed my earlier point, that, in fact, you could immediately supervise up to, I mean there is a limit that you could theoretically supervise 25 people, if you had enough rooms and enough arms.

Sure, it is more work, but more money and probably poorer quality care, if you get into that. I only suggest to the Minister that one of the things that, perhaps, he ought to look at in terms of the regulations is putting some kind of upwards ceiling on the number of surrogates he can have, because, I think, a dental bucket shop would be a really unattractive operation.

Hon. Mr. Tracey: Mr. Chairman, I hear constantly, from the Member across the floor, that he wants everybody to go to work. He wants work for everybody, and now he is saying he does not want everybody to go to work, he wants more specialists. What do we really want?

Mr. Penikett: Mr. Chairman, I do not mind the Member quoting me because I am sure he can find much valuable that I have said in the records, but I wish if he were going to quote me, he would quote me accurately.

What I am talking about, he is effectively, because of the way you distort the economics here, limiting the number of dentists that would find this community attractive to practice in. That is what we are talking about here.

The other question that we are talking about is the quality of the service. Now, if you are concerned about the quality of care for the public, it seems to me that is something you realistically have to look at. Admittedly, perhaps, none of the dentists in Whitehorse would want to, or feel at all inclined to abuse such a situation where they could have an unlimited number of people working under their direct supervision, for which work they could charge the full rates to the patients. It seems to me that it is exactly that kind of possibility that you have to look at if you are designing an ordinance to govern the practice of a profession in the Territory. Not to do that is to abrogate your responsibilities.

Mr. Spray: Mr. Chairman, in this regard, my comments on more than one dental assistant per dentist might end up being dental assistants and dental assistants may not do anything unless the dentist is supervising it. It is very difficult for a dentist to set up a factory operation with the use of dental assistants only. Dental therapists and dental hygienists are primarily restricted to working on deciduous teeth. They may do some work on permanent teeth, but their work on permanent teeth is restricted.

Mr. Penikett: Perhaps, I could just ask Mr. Spray, a little bit about that. He, obviously, has done some checking into it. I do not know how much of a dentist practice in an area like this would involve things like cleaning teeth or, perhaps, some routine things that are not surgical at all. I know that sometimes, in some dentists' offices they show you films and teach you how to brush your teeth and some things like that, which obviously could be done by an assistant.

How much of a dental practice, or dental needs of a community could be carried out by the therapists and the hygienists as opposed

to strictly requiring the skills of a dentist? Have you any idea on that at all?

Mr. Spray: Mr. Chairman, the oral hygiene, the instruction and demonstration of oral hygiene is far better carried out by the hygienist and therapists than it is by the dentist, because they can devote more time to it, they are specifically trained. The cleaning, scaling and polishing of teeth is something that again, they are well qualified to do. They work on children, since they are working on children after examination by a dentist, I have no idea about what proportion of the work in the community may be done, but I do know that the dentist must examine the child, the therapist may then carry out the work. The therapist, also, does a certain amount of preliminary examination of the children as to cleaning, scaling or doing oral hygiene, but they are not allowed to, so called, prescribe the work that the child must have. They must be referred to the dentist. So what we are doing is preventive medicine by having the children referred to the dentist.

I would like to point out, Mr. Chairman, that the profession is very concerned that there are not sufficient dentists in the communities to provide as much service as they require, as they want, and they are using therapists and hygienists to the best advantage. Of course, we are unique. We are not unique now but were unique, in having a school dental program which does require a therapist.

Mr. Penikett: Could I just ask one final question, Mr. Chairman? As I understand it, some of the jurisdictions also might make some distinctions between types of dentists. They also licence dental surgeons as opposed to people who work on gums and so forth. I understand that there are, in some jurisdictions, people who do plastic surgery and may be required to have some dental surgery and they make some distinctions. Has there been any expressed need for that kind of distinction by the dental profession in the Territory here?

Mr. Spray: No, Mr. Chairman. There has been no recommendations made to us by the profession that we should differentiate between registrations of the dentist.

Hon. Mr. MacKay: In the consideration of the drafting of this Bill, Mr. Spray, did you consider the effect? What I am saying is that, as I read Section 19 (1) as it refers back to Section 1 (1), that if you do not define what a dental assistant is and then you say that they can do anything a dentist asks them to do, that you are leaving out a place in this whole scheme of things for the therapists and hygienists who do such a valuable job, as you have explained.

Mr. Spray: I am sure, Mr. Chairman, that it could be interpreted that the assistant could do all that the therapist can do. However, we have reserved ourselves the right to make recommendations for regulations restricting that.

Hon. Mr. MacKay: If you saw that as a problem, was it impossible to draft a satisfactory section, to solve that problem rather than having to resort to regulation, which, I think, should be a last resort where it is impossible to define a situation? Was it too difficult to define the situation to solve that problem?

Mr. Spray: We do not really anticipate, Mr. Chairman, that it is a problem at this time. We think in terms of assistants as being used as chairside assistants and we have recommended that the provision be put into the regulation-making section in case we do have a problem that cannot be reacted to by additional legislation, if we need something immediate.

Hon. Mr. MacKay: You must have a sample of that regulation there if you have thought about it. Can you tell us what that regulation would say, approximately?

Mr. Spray: Mr. Chairman, I have not drafted regulations and my thoughts would be subject to policy. I would suggest that the first regulation that would be recommended is that a dental assistant may not perform any dental services within, and I do not know how you would technically describe it, within the mouth. They would have to stay out of the mouth. That, then, immediately restricts the dental assistant to work that is purely assisting the dentist and does not encroach upon the therapist's or hygienist's areas.

Hon. Mr. MacKay: I would have no hesitation in supporting such a regulation but I am wondering if it is not a direct contradiction to the kind of service that our friend across the way, and I did not mean to put you in the situation Mr. Spray, but I got the impression from the Minister that he was looking for a dental assistant to be able to do a lot more, particularly in the more remote areas.

Are we talking about somebody who stays out of the mouth?

Hon. Mr. Tracey: Yes, Mr. Chairman, that is exactly what we are talking about. The rest is left up to the therapist and hygienist.

Hon. Mr. MacKay: Now we are getting somewhere. If we can draft up a regulation so easily, it cannot be too difficult to draft up a section to say the same thing.

Hon. Mr. Tracey: Mr. Chairman, with all due consideration to what is going on here, tonight, I think that we probably can do it, and if we have to, we can probably add another clause in it.

Hon. Mr. Pearson: Mr. Chairman, Mr. Spray has testified to us that we do have a problem with dentists in the Territory. These amendments to this Ordinance have been put together after long and serious consideration with the dental profession in the Territory. I do not think that we can sit here tonight and undertake to make further amendments that may very well restrict dentistry in the Territory. I do not think that we are in any position to do that.

Mr. Fleming: Mr. Chairman, that is very interesting, because that was one of my problems. In the course of your discussions with the dentists, before making up the Ordinance, might you tell us if there was any mention of how many assistants they may wish to have, or how many cases they could handle at one time?

Mr. Spray: Mr. Chairman, the registered dentists in the Territory are already concerned that they have just about as many people to supervise as they can. They would prefer to use dental therapists and dental hygienists, if they can set up within their own offices, or within an established program that they can adequately supervise. I did say that a regulation for dental assistants, we do not anticipate the need for it right now, it is there in case we need it in the future. We do not anticipate a problem.

The dentists have also indicated, perhaps, that this type of legislation would actually assist them in providing better service, if they were to pass some of their minor work over to hygienists and therapists, the cleaning of teeth, et cetera.

Mr. Falle: Mr. Spray is telling us that the dentists would like to pass some of their work over to their assistants. At that time, when you are being attended to by an assistant, does that person get charged the full dentist's rate, when he or she is being looked at by a hygienist or an assistant?

Mr. Spray: Mr. Chairman, I indicated that the dentists have said that they would prefer to pass some of the minor work over. They would prefer to pass over some of their minor work over to their assistants and I mean by "assistants", their therapists and hygienists, not their dental assistants.

The Ordinance does not cover the scale of fees charged by the dentists so their services are the services of their therapists or hygienists.

Mr. Penikett: Mr. Chairman, I did not think we would end up getting into such an exciting debate on this kind of piece of legislation, but I feel I really cannot let the Government Leader's remarks just now go unchallenged. I am sure that for all of us, some of our best friends are dentists so it is not a question of anybody being against dentists. The purpose of the Ordinance surely, or the first purpose of the Ordinance ought to be to protect the public. Our business here is to, if we can, with whatever limited intellectual resources we may be able to bring to bear on the subject, produce the best legislation possible. It seems to me, that for a split second there, before I was jumped on by the Government Leader, the Minister seemed like he was prepared to commit himself to including a clause which seemed to make some sense.

We have already heard the Government Leader, today say, that he would rather not do things by regulation, and I think that is a very healthy sentiment, if we can put a clause in this Bill that would straighten this out, far better we do it that way than do it by regulation.

It seems to me that what the Honourable Leader of the Opposition is saying is not particularly challenging or devastating or a radical suggestion. At least it seems to me that it is the common sense approach and I am sure that is why the Minister of Economic Development responded so enthusiastically to it. I am really quite puzzled by the response of the Government Leader.

Hon. Mr. Pearson: I am sure the Honourable Member is not puzzled at all.

Mr. Chairman, a definition of a dental assistant was obviously one that was looked at and looked at long and hard, and after serious consultation it was agreed that it should not be a definition in the Ordinance, but rather it could be better handled through the medium of regulation. Now, I am quite aware of what I said in respect to regulations and I feel it very, very strongly. We should not make regulations if it is not necessary.

Mr. Chairman, we are respectfully suggesting, in this case, a regulation is a necessary thing, rather than the Ordinance.

Hon. Mr. MacKay: Yes, just before we proceed with debate I would like to draw attention to the Members of the House of the former Minister of Health, Mrs. Whyard, and welcome her here, tonight. She is sitting on the wrong side of the House.

The thing that I find in the Government Leader's statement that is most surprising is that he was really telling us is, "Look, this Ordinance, we have consulted with the dental profession here, and they have really agreed with this now, and so we cannot change it."

That was really what was being said and I think that if that is the case, well, we might just as well let the dental profession make their own rules and leave us out of it.

We are suggesting from this side House, and for a second from the other side of the House, that the definition of a dental assistant would be a necessary and advantageous thing to do.

I reiterate the point, because we are defining therapist, we are defining hygienist, but we are not defining dental assistant. Yet, the dental assistants can do anything that the dentists asks them to do. I feel that there is a wide open loophole that may or may not be taken advantage of, but as responsible legislators, we should make sure we do not leave anything open like that.

I do not think, as the Minister of Tourism said, that it would be a very difficult thing to make that small change. Perhaps, if the Government wished a short recess to draft up such a definition, I am sure that the Members here, would welcome that opportunity to, perhaps, draft their own.

Hon. Mr. Tracey: Mr. Chairman, perhaps, we could just pass over this, and my department head and I will get together and have a look at it to see if we can do something with it.

Mr. Falle: If we are going to pass over this, I definitely would like an answer to that last question. If you did answer it, I could not understand it. The fee structure. I would like to know if you are charged full dental rate for a dental assistant, when actually he may have come into the room, said, "boo", and went back out again. I would like to know if that is legal. I think, if you are paying for a professional, a professional should be looking at you.

Mr. Spray: Mr. Chairman, it is my understanding that the dentists who are registered and operating in the Territory have a specific fee schedule, and will charge a specific fee for each type of service performed. If you are having your teeth cleaned and scaled by the therapist, you will be charged a certain fee. I have no idea how much more a dentist would charge you, if indeed he would charge you more, to do exactly the same work. We do not regulate the fee structure for dentists and their assistants. I would expect; however, that there would be fees that would be charged by the dentist, or by the dentist's office, for work done by the therapists. There would, indeed, not be a fee schedule for the dentist because he does not do that work.

Mr. Falle: That is all well and good, but for every question, there is generally a reason. I have upper and lower plates, both are identical. One cost twice as much as the other. This is what I am trying to express. Are we being charged the wrong way?

Mr. Penikett: I guess we have gone back to the point before. It seems to me the point made by Mr. Spray, in his answer, is a fair one. His Minister is also responsible for Consumer and Corporate Affairs, and we understand perfectly that we were not involved in fee schedules for dentists. It does seem to me not unreasonable, though, if someone is going to the dentist and receiving from an assistant, a hygienist or a therapist, some service that does not require the dentist's intervention at all; then there ought to be a lower fee schedule.

If we do not have the ability to govern that now, then that may be something that we will have to look at later because it is not within the power of this Ordinance, but I am sure that if I go to Mr. MacKay's office to get some pencils sharpened, I am not going to be charged the normal one hundred dollars an hour that one pays for professional services.

Mr. Chairman: I believe we are straying from the meaning of Clause 1. Shall Clause 1, subsection 1 stand over?

(Clause 1(1) stood over)

Mr. Chairman: We will continue on to subsection 2 of Clause 1.

Hon. Mr. MacKay: I have a question. I see that the registration of these people is going to be left to the Medical Health Officer, and I am wondering what qualification this man has in the dental field?

Hon. Mr. Tracey: Mr. Chairman, the Medical Health Officer is the head of the Medical in the Yukon and he is quite capable of consulting with a qualified dentist or whatever in order to get the knowledge that he needs to operate under this Ordinance.

Hon. Mr. MacKay: In other words, he does not hold any specific qualifications in dental health?

Hon. Mr. Tracey: No, Mr. Chairman, he is the Chief Medical Health Officer and he consults with whoever he needs to to get the knowledge that he needs.

Hon. Mr. MacKay: Normally, in a professional ordinance there is somebody that is self-regulating to this extent, that permits people to practice their profession. I am wondering why, in this instance, it was felt necessary to go to somebody outside of the profession to permit the practice of dentistry.

Mr. Spray: Mr. Chairman, we are really not going outside of the profession. The Medical Health Officer has on his staff a dental officer, and a dental officer is the one to whom I would expect the Chief Medical Health Officer is going to turn to, just as he turns to his environmental protection staff on specific matters of health safety. If a position is not otherwise defined, we do not normally use that and redefine it in legislation. We already have a definition of Medical Health Officer in the Public Health Ordinance, the position is established. We do not have a position of Dental Officer established. That person is working under the Chief Medical Health Officer; therefore, we just refer to the Chief Medical Health Officer.

Mr. Byblow: Perhaps, I could ask the witness, then, if he is familiar with how the provinces, particularly Alberta, handle certification or granting of permits for dentists?

Mr. Spray: Mr. Chairman, I am not specifically aware of how various provinces register their dentists. However, I would expect, in the larger ones, particularly, that the profession of dentistry is much the same as some of the other professions. They are self-regulating because of the size of the profession. We do not have that advantageous position here; the profession is relatively small. We are in consultation with the Yukon Dental Association on this along with other matters referring to dentistry.

Hon. Mr. MacKay: Is there any optimum size where you can see where they do become self-regulatory, Mr. Spray?

Mr. Spray: No, Mr. Chairman, I do not know at what point they could become self-regulated.

Hon. Mr. MacKay: Perhaps, just as a form of information, it seems in the Northwest Territories, they are setting a number of twenty-five professionals being residents in the Territory being sufficient for self-regulation. I am wondering if you have ever discussed such a number here?

Mr. Spray: Mr. Chairman, we have not discussed any specific number, it would be in direct consultation with the profession.

In some professions, it may be fewer, in some professions it may be far more.

(Clause 1(2) agreed to)

(On Clause 2)

Hon. Mr. MacKay: I am concerned about the delegation here, I think that I know now, from earlier questions what was meant, but it seems a very broad power of delegation that saying that the medical officer may delegate any of the powers or duties accorded to him pursuant to this Ordinance to any person he may designate. It could be the janitor.

Is the Government prepared to stand by that?

Hon. Mr. Pearson: Mr. Chairman, that is absolutely correct. You are talking about the Chief Medical Health Officer of the Territory, who is appointed under the Public Health Ordinance.

Mr. Fleming: Yes, Mr. Chairman, I think we have had this before, it is the same old problem, delegating power without anything. Of course, the Medical Health Officer has the diploma, certificates and so forth, or he would not be the Medical Health Officer. I am just wondering again, why it would be put in there, "delegate" to anyone, instead of delegate it to a qualified person.

I have seen it in many of our other ordinances in the same respect. I just wonder why they do not make it a fact of life instead of just going haphazardly over it. You take such caution to write out these Ordinances to make them exactly right and then you find such little things as this, that is simply nothing really because he could not designate it to a kid, and say that is it and why does it have to be worded so simply?

Hon. Mr. Tracey: Mr. Chairman, to register Mr. MacKay under the Professional Ordinance, it states that it is also the Commissioner that registers him and it does not say that it is the Territorial Secretary. The Commissioner has the power to delegate that authority to the Territorial Secretary, the same as the Medical Health Officer has to designate someone under this Ordinance.

Hon. Mr. MacKay: I have no doubt that it is a common administrative practice to have this put across here, but I would like to register my first protest on it. No doubt there will be more as time goes by, but it seems to me it is a wide open section and why it is necessary at all in the first place, the Medical Health Officer is going to be responsible for the thing anyway, so why do we have to say, he delegates the decision? He is going to make that decision on

the recommendation of his staff.

Why is that, in case he is away from the Territory? Is that the idea?

Hon. Mr. Tracey: Mr. Chairman, all it says in that section is that he recommends to the Commissioner, the same as I recommend to the Commissioner or Mr. Pearson recommends to the Commissioner or anybody else recommends to the Commissioner. It is the Commissioner who signs the law.

(Clause 2 agreed to)

(On Clause 3)

Mr. Fleming: In the event that we have stood over on Clause 1, maybe 19(1) should be stood over, too, at this time.

Hon. Mr. Tracey: Mr. Chairman, I would doubt that you would have to stand over Clause 19(1); if Clause 1(1) is changed it will affect Clause 19(1); if it is not changed, it is not going to affect it.

Hon. Mr. MacKay: I beg to differ, because it may well be that if we fail to win you over on Clause 1(1) we may wish to attack Clause 3(1). That particular section could be changed, and perhaps, in preference to changing Clause 1(1), this particular section could be changed to meet some of the problems that we have been wrestling with in 1(1). For example, if after the wording where it says that no dental assistant shall perform any dental service, was put in the words, for example, "that are performed in the normal course by a dentist or dental hygienist or dental therapist" might solve the problem. In other words, we are saying he can do anything else except that which is done by a dental hygienist or a dental therapist, which is the root of our problem on this section. The root of our problem I am using advisedly. There are a number of areas where this section interrelates with 1(1), and as my friend from Campbell riding has said, we may wish to stand this one over until we settle 1(1), because we may be able to solve the problem together.

Hon. Mr. Tracey: I don't see any problem with that, Mr. Chairman.

Mr. Chairman: At this time, I will call a short recess.

(Recess)

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

Hon. Mr. Tracey: Mr. Chairman, I suggest that we stand Clause 19(1) and 19(2) over until tomorrow, along with Clause 1(1).

Hon. Mr. MacKay: We are talking about Clause 20(1), (2) and (3). I have no problem with this area. I just rise to point out that this is the kind of situation we are suggesting should also be applied to the dental assistants, if they are going to be going into the mouth.

Hon. Mr. MacKay: Yes, I alluded to it earlier. I think my problem with the section 21(2), the use of the word emergency. Again, to reiterate, the concern is there is no definition as to what an emergency is, or could be, and since we are here to try to protect the public, as well as to regulate the profession to provide rules by which they can carry on, I think that it would be of useful guidance to that profession to indicate just what we of the legislature considered to be an emergency situation.

As a suggested definition, I will throw out that an emergency could be a matter requiring immediate attention, relating to lasting physical injury or irreparable harm if not treated at once. There is a definite urgency in that there is a requirement to act at once if failure to act might create more damage than acting. That is the kind of situation I think an emergency could be defined as.

Hon. Mr. Tracey: Mr. Chairman, I commented on that already. Maybe, I could let Mr. Spray make a point on that.

Mr. Spray: Mr. Chairman, we are envisaging here, emergency services that may be required outside of the City of Whitehorse. They are identified as situations, and while it may not necessarily be a matter which is the type of problem we give attention to, in that it will cause lasting physical injury or irreparable harm, it may, in the mind of the patient, be an emergency, and that patient may not, for various reasons, be able to travel to Whitehorse.

In most cases, we are convinced that the therapists will be in communication with the dentist, but it may not be a case where the dentist had the opportunity to examine the patient. In some cases, the therapist may not be able to be in touch with the dentist, but in most cases we would expect communication with the dentist.

Hon. Mr. MacKay: To follow up on that, it continues on, "in the case of an emergency, and where no professional dental advice or assistance is available", are you contemplating a situation where there is no telephone or telex, or any such communication device?

Mr. Spray: Mr. Chairman, we may indeed have such a situation.

Hon. Mr. MacKay: In the drafting of that Section, then, are you contemplating only that situation, or are you contemplating just

someone who is in Carmacks, in a place other than here, which has telephone communications with a dentist? Are you visualizing that sort of situation, where the hygienist or therapist would be able to proceed without having to telephone?

Hon. Mr. Tracey: Mr. Chairman, I would not think that under any circumstance, where a dentist could be contacted that it would be treated as an emergency situation and done without the consultation of a dentist. Certainly, in a place such as Carmacks, it would have to be a dire emergency before it would have to be done in Carmacks, without coming to Whitehorse.

Hon. Mr. Pearson: Mr. Chairman, I wonder if we could look at the word, "advice", as being a visible thing. It is a long time, Mr. Chairman, since I have sat in a dentist's chair. However, I do well remember that an awful lot of the examination is, in fact, visible. I wonder if that word, in that context, may not mean, "visible advice by a professional".

Hon. Mr. MacKay: I would find it simpler to understand, because if it meant that when no dentist could be present, these things could then be done in an emergency, I could understand that, but it seems so widely put. What does advice mean? Does it mean to get on the telephone and say that a person looks as if he has an abscess, what should I do? I am not just sure what situation this contemplates. If it was contemplating a situation where a person is in severe pain, has to have a tooth taken out, I can appreciate that, but it seems to be talking about professional, dental advice that could be received on the telephone.

Hon. Mr. MacKay: I do not see how that really helps. I think that the hygienists and therapists have got to be on their own where they can get this contact or fail to get decent advice, or in other words the dentist can not give advice because he is not present.

Hon. Mr. Tracey: Mr. Chairman, I think the main word in this whole subsection is the word emergency. What do you define as an emergency? An emergency is defined in the dictionary, and that is exactly what it says, in the case of an emergency.

Mr. Spray: Mr. Chairman, you must read section 21(2) in conjunction with section 23. What you are doing in 21(2) is actually authorizing hygienic therapists to perform services without the written authorization of a dentist. It is a saving clause for the therapists and hygienists. Section 22(2) talks in terms of what the therapists may do, 22 talks in terms of how a dentist may authorize such an emergency service without having to put the authorization in writing. It is rather confusing, but it is a saving clause for the therapists and hygienists.

Hon. Mr. MacKay: I understood that fact, too. What we are trying to do is to provide the dental hygienists and therapists with some legal framework in which to perform his or her duties. It is a protection. They could say it was an emergency, I had to do this, so if you sue me you can not sue me for stepping beyond the bounds of my profession and my training. If that is correct, I think that that is what this section is trying to do.

Mr. Spray: Yes, Mr. Chairman, it is a good samaritan type of thing.

Hon. Mr. MacKay: I am suggesting, then, that it is a little loosely worded, with all respect, it leaves it open? If I were a liar, I would be saying that a patient came to me and I said that he had to have his tooth out, and I took it out, and then he died of bleeding. So, you said why did you not phone a dentist before you did this, and I reply that it was because this section says when no professional dental advice is available... You are putting quite a lot of onus, I think, still, on the therapists and hygienists.

Either you define emergency one way or you define what advice is, but I think that unless you do that you are going to wind up with a rather woolly section.

Mr. Fleming: I have the same problem with the word "advice", nothing else. The whole thing is very clear as far as I am concerned. But you are still saying up here that they can perform any duty they wish to perform under the rules that have been laid down for them to perform and then you are going down here and saying that, also, if there is an emergency they have it but it is necessary that they get advice if there is such a thing available. Of course advice is available anywhere where there might be a telephone, which puts it right into where the person doing his duty might have a problem if he does not get on that telephone. I would think that probably, you could change the word "advice" somewhere there and define it a bit better to clear it up.

Hon. Mr. Tracey: Mr. Chairman, maybe, I cannot get it through my thick head, or whatever, but 21(1) says that he has to get the authorization of a dentist and 21(2) says that in the case of emergency where there is no advice available; and certainly, if there is a telephone there, advice is available. And if anything happened, I would think that the dental hygienist or therapist

would be taking an awful lot on his shoulders and would be subject to a court of law if a telephone was available and he could contact a dentist. So I would think that there would have to be absolutely no way to get hold of a dentist to get authorization before he would perform anything under this Ordinance.

Mr. Chairman: We are coming back to pass the whole clause, so maybe we should continue on. Subsection 22, are there any problems with 22 at this time?

Hon. Mr. Tracey: Twenty-two (2), a dental therapist, as I understand it is somebody who is trained to work on children's teeth, deciduous teeth. Is that correct?

Mr. Spray: Not necessarily, Mr. Chairman. Dental therapists' initial training may or may not be that subsection (2) of section 22. It is contemplating a specific course with respect to extraction and filling of teeth.

Hon. Mr. MacKay: Yes, the problem I have with this section is that it is my understanding that dental therapists have not been trained to deal with things such as permanent teeth, where you are talking about adults and I understand it has been the practice for them to do some work in this area. However, I am concerned about what training, we are legalizing that particular aspect of it which is one of the reasons for the Bill. I am concerned about what training these dental therapists have had on that area.

Mr. Spray: Mr. Chairman, we are contemplating, as I said, additional training, specifically aimed at training the therapists in the extraction and filling of teeth. It is very difficult for us to specify a school of training, because this training does not necessarily take place in Canada, it may take place in Great Britain, it may take place in New Zealand, and each individual course will have to be subjected to scrutiny by this Government and approval before the person may proceed to do those items in paragraphs (a) to (f) in subsection (2).

Hon. Mr. Tracey: Mr. Chairman, Clause 20(1), states that dental therapists or dental hygienists have to have the approved training under an approved school and certainly that would cover Clause 22(2).

Hon. Mr. MacKay: Can the Minister assure me that the people presently operating as dental therapists have training in this work, in (a) through (f)? Do they have that training at present?

Hon. Mr. Tracey: Mr. Chairman, I cannot assure him. The dental therapists, at this time, work for National Health and Welfare, although I am not positive about that, but I cannot give the Member assurance. Perhaps, Mr. Spray knows more than I do about it.

Mr. Spray: Mr. Chairman, I am not aware of the specific training each one of the dental therapists has. I would expect that, when this Ordinance comes in, we would have to verify the qualifications of the therapists to do the additional work.

Mr. Falle: Mr. Chairman, on the training program, I would like to know who recognizes the school. Is it a general standard medical school, or is it not like the doctors'?

Mr. Spray: Mr. Chairman, most of our therapists, at this point, are trained in the school in Fort Smith. It is the University of Toronto that has set the curriculum there, and watches over the operations of the school.

Mrs. McCall: I wonder if the witness could define a dental emergency. I cannot think of an occasion that would be that much of an emergency.

Hon. Mr. Tracey: Mr. Chairman, one that I could define would be car accident, where someone had knocked half of his teeth out of his mouth against the steering wheel. That would be an emergency.

Mr. Spray: Mr. Chairman, an additional example would be one that is very common, and I am sure it is encountered in any community throughout the Territory and that is where a child has an accident on the school grounds, breaks off part of the tooth, exposes the nerve, and needs a temporary filling in order to protect that tooth until such time as he can receive professional care. That is considered to be an emergency.

Mr. Falle: Getting back to the standards, schools in England, or wherever dental therapists train, if they are a school of dental people, then this school is a recognized school? Is this what I am being told?

Mr. Spray: Yes, Mr. Chairman, it would be a school that would be a course of study. If it was outside of Canada it may have to be studied and determined that it met our Canadian standards.

Hon. Mr. MacKay: I think the general principle that we have been discussing, and Section 1(1) is involved in this too, is that this Section 22(2) seems to be allowing dental therapists to do work on permanent teeth and to provide anaesthetic to adults for which we

would normally expect a dentist to be trained, and are we, in fact, again permitting the delegation of more work by a dentist to a technician, and therefore lowering the standards of care that we can expect in the Territory from our dental profession. And this is the same principle that we are talking about, I think, in dental assistants. I would like to get some assurance, before we pass this Bill, that the dental therapists that are presently, as I understand it, doing this work such as working on permanent teeth and providing anaesthetic, are trained to do so, or whether we are just legalizing what is presently really an illegal situation?

Mr. Spray: Mr. Chairman, there are various checks in 22(2). The course of study must be approved by the Commissioner. The dentist, prior to being able to authorize this work by the therapist, must have the approval of the Medical Health Officer, and the Medical Health Officer has the right to impose such conditions as he wishes on that particular dentist. A dentist may not automatically authorize the therapist to do this. He must make application to obtain the authority to direct that a therapist to do the work laid out in paragraphs (a) to (f), and the Medical Health Officer would take into consideration any number of conditions such as the location of that dentist's office, the availability of professional help, the need of the community, and numerous other things. It is not the automatic right of the dentist. He must make application for this. There are two or three checks in that.

Mr. Chairman: At this time shall Clause 3 be stood over?

(Clause 3 stood over)

Mr. Hanson: I move, Mr. Chairman, that you do now report progress on Bill Number 11, An Ordinance to Amend the Dental Profession Ordinance and beg leave to sit again.

Mr. Chairman: It has been moved by Mr. Hanson that I report progress on Bill Number 11, An Ordinance to Amend the Dental Profession Ordinance and ask leave to sit again.

(Motion agreed to)

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

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

(Motion agreed to)

Mr. Chairman: At this time, I would like to excuse Mr. Spray and thank him for being with us.

(Mr. Speaker resumes the Chair)

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

Mr. Lattin: Mr. Speaker, the Committee of the Whole has considered the following Bills and directed me to report the same without amendment: Bill Number 9, The Northern Gas Pipeline Agreement Ordinance, Bill Number 10, The Firearms Administration Agreement Ordinance and further, the Committee has considered Bill Number 11, An Ordinance to Amend the Dental Profession Ordinance and directed me to report progress and beg leave to set again.

Mr. Speaker: You have heard the report of the Chairman of Committees, do you agree?

Some Members: Agreed.

Mr. Speaker: Leave is so granted.

When shall Bill Number 9 be read a third time?

Hon. Mr. Pearson: Next sitting day, Mr. Speaker.

Mr. Speaker: So ordered.

When shall Bill Number 10 be read a third time?

Hon. Mr. Graham: Next sitting day, Mr. Speaker.

Mr. Speaker: So ordered.

May I have your further pleasure?

Mr. Hanson: Mr. Speaker, I move, seconded by the Honourable Member from Hootalinqua, that we do now adjourn.

Mr. Speaker: It has been moved by the Honourable Member from Mayo, seconded by the Honourable Member from Hootalinqua, that we do now adjourn.

(Motion agreed to)

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

(Adjourned)

Whitehorse, Yukon

Tuesday, April 3, 1979 - 1:30 p.m.

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

We will proceed at this time with Prayers.

(Prayers)

Mr. Penikett: Thank you, Mr. Speaker. I rise on a point of privilege. Yesterday, I was pleased to call attention to the April 1st birthdays of my two colleagues in Opposition. Today, I would like to call attention to the birthday anniversary two days after April Fool's Day, of the Honourable Minister of Municipal and Community Affairs.

Mr. Speaker: We will now proceed with the Order Paper.

ROUTINE PROCEEDINGS

TABLING OF DOCUMENTS

Hon. Mr. Pearson: Mr. Speaker, I would like to table the answer to a question of Mr. Penikett on March 28, regarding fuel costs and taxation.

Mr. Speaker: Are there any further documents for tabling?

Reports of Standing or Special Committees?

Petitions?

Introduction of Bills?

Notices of Motion for the Production of Papers?

Notices of Motion?

NOTICES OF MOTION

Hon. Mr. Pearson: Mr. Speaker, moved by myself, seconded by the Honourable Minister of Education and Justice, I give a notice of motion that the House, at its rising, do stand adjourned until it appears, to the satisfaction of Mr. Speaker, after consultation with the Government Leader that the public interest requires that the House shall meet.

Mr. Speaker may give notice that he is so satisfied and thereupon the House shall meet at the time stated, in such notice and shall transact its business as if it had been duly adjourned to that time and that in the event of Mr. Speaker being unable to act owing to illness or other causes, the Deputy Speaker shall act in his stead for the purposes of this Order.

Mr. Speaker: Are there any further notices of motion?

Are there any statements by Ministers?

This then brings us to the Question Period.

QUESTION PERIOD

Question re: Justice Department/Press Relations

Hon. Mr. MacKay: Thank you, Mr. Speaker. My question is to the Minister of Justice and Education. With respect to a question raised yesterday, Mr. Speaker, the Minister of Justice indicated that he was not aware of a letter in his files that indicated a member of the Public Service could not talk to the press or to MLAs and I wonder if he could tell us if he has checked his files again and whether such a letter does exist.

Hon. Mr. Graham: Mr. Speaker, I did in fact, after consultation with the Honourable Member opposite, check my files again through an attempt to determine which letter seems to be offensive. I have, Mr. Speaker, determined which part of which letter seems to be offensive and I will now read it. "I do not want you to be in any doubt that my instructions to you, to refrain from involvement with the press or Ministers on matters concerning the business of this department, except with me, or through me, are clear beyond doubt."

Mr. Speaker, I believe that whereas the wording may seem a trifle bit harsh at this time, that these instructions are basically instructions which could be given to most members of the Public Service. They simply state that members of the Public Service should not make policy statements or statements concerning policy matters which should be decided by our caucus to members of the press. It also states that members of the Public Service should not go directly to the Ministers, except with their deputy head or at least letting their deputy head know ahead of time that they are going to that Minister. I think, Mr. Speaker, that these policies are reasonable and that they will generally be followed by this Government.

Hon. Mr. MacKay: Unfortunately, I cannot debate the Member's contention; however, I would like him to answer the question as to whether or not that letter caused him to give any reprimand to the deputy head of his department?

Hon. Mr. Graham: Mr. Speaker, again we get into an area that should be handled within the department. I am sorry, I am just not prepared to answer that question at this time.

Question re: Hillcrest Subdivision Power Line

Mr. Penikett: Thank you, Mr. Speaker. I have a question to the Minister of Municipal and Community Affairs.

I would like to ask him if NCPC has applied for an easement between the hospital and the new sewer system in the City of Whitehorse for a new power line to the Hillcrest subdivision?

Hon. Mr. Lang: Mr. Speaker, the subject that the Honourable Member is raising has just come to my attention and I am not really in a position to say whether or not they have applied. I understand that they are looking at that area. I will check to see if they have actually applied for such an easement.

Mr. Penikett: Mr. Speaker, when the Minister is checking, would he also look into the following situation? Since the line crosses the proposed relocation site for the Whitehorse Indian Band, can he assure the House that both the Department of Indian Affairs and the Band will be consulted about this application.

Hon. Mr. Lang: Mr. Speaker, I do not believe I can give that assurance. I would suggest that probably the most logical body to consult would be the City of Whitehorse. It is my understanding that the line that the individual is referring to is vital for the development of the Hillcrest area. Of course, we will be discussing the situation with the City Council and at the same time notifying DIAND and the Band of any decision in that area.

Mr. Penikett: Mr. Speaker, the City of Whitehorse has already considered this and noted this problem to YTG. I would like to ask the Minister, since the Band has now expressed the view that this relocation site would become impossible if this hydro site were placed on it, if he would undertake to make sure that the Band and DIAND are included in any further consultations before a decision is made on this application.

Hon. Mr. Lang: Mr. Speaker, the subject of this matter would be taken up with the committee that has been struck among DIAND, the Band Council, the Territorial Government and the City of Whitehorse and I am sure that there will be some discussions on this matter at that level.

But at the same time, it is my understanding that this particular line that the Member is referring to, with the limited knowledge I have is that we must have a line of some kind in that proximity in order to put power into the Hillcrest area. So, you are caught in a situation, Mr. Speaker, where we have to develop land, everybody in the House has stood up and said that one of the priorities of this Government should be land development. In fact, accolades were given from Members opposite in this area, and it is of prime importance to this government that we get on with the development of these properties and get the improvements to such a level that the land can be put on the market.

Question re: Dempster Highway Winter Maintenance

Mr. Byblow: I have a question for the Minister of Municipal and Community Affairs. Mr. Speaker, I find it necessary to pursue

questioning on the operation and maintenance costs related to the Dempster Highway. I have been informed that the two and half months of time for winter maintenance by Aquataine, one million dollars was spent by the firm, not taking into account the capital costs of over two million dollars worth of equipment. Considering that the firm only maintained two-thirds of the road length, can the Minister respond if he has cause to re-examine his Department's half million dollar predicted costs of winter maintenance for the Highway?

Hon. Mr. Lang: No, Mr. Speaker. I recall very vividly during the debates on the budget of the Department of Public Highways, all Members opposite, including on this side, felt that the officials in my Department were very competent and were doing an excellent job in the area of maintaining our transportation corridor.

I should point out, Mr. Speaker, that my officials have had a great deal of experience with the moving of snow and this kind of thing during the winter months. I think that is evident in respect the Haines Highway.

I would point out, Mr. Speaker, concerning the projection of any given year for highway maintenance, it is subject to weather. For example, in the Dempster area, they have had an exceptionally harsh winter with a great deal of snowfall. At the same time, Mr. Speaker, I have a great deal of faith in my officials. I think that we can maintain the highway with the monies we have allocated. I do not know what the statistics are that the Honourable Member is alluding to. I will try to follow up just to see how much substantiation there is to the accuracy of the comments from the Honourable Member but I would like to point out that my officials, once again, have done a lot of research in this area and I feel fairly confident that if the winter is amenable for winter maintenance, we can do it within the costs that have been projected.

I should point out, Mr. Speaker, while I am on my feet, I get the impression that the Members feel that the maintenance of a highway depends totally on the economic benefits of a highway. Presently, the Department of Highways and Public Works operates approximately twenty-seven hundred miles of transportation corridor. If one were to do an economic benefit study for year round maintenance of this transportation corridor, I have no doubt that we would be in the area of two hundred to three hundred miles of maintenance in the winter months because of the fact that it is not economically viable.

Mr. Speaker, I believe that government has a responsibility and that one major responsibility that they have is to the transportation corridors. Those transportation corridors should be maintained and maintained to a level that can be utilized by the public. Indirectly, the economic benefits that are accrued through our public, whether it be in the trucking industry, the service industry or wherever, one cannot calculate.

At the same time, I believe, Mr. Speaker, we have a responsibility, all Members in this House have a responsibility to maintain our transportation corridors, otherwise I think that we should start discussing all transportation corridors and decide which ones we are going to close for the winter because of the economic viability.

Mr. Byblow: One of the recommendations of the Dempster Highway Interim Management Plan was to have a cost analysis and the Minister has indicated that such an analysis was being done. Could the Minister indicate at what stage this study is now?

Hon. Mr. Lang: Mr. Speaker, this was discussed during the Budget. There is an analysis being done in respect to the economic viability of the Highway. It will be completed some time this spring, probably May or June. I should point out, Mr. Speaker, to give some background in respect to the Dempster Highway, this dates back to about 1950 or the early 1950's and at that time, as you know, the Territory was almost solely run by the Government of Canada.

There was an advisory board then, which the Government of Canada consulted with to try to come up with a plan for the expansion of the transportation corridors in the north, not just for the North's sake, I should point out, Mr. Speaker, but for all Canada. This was done, there was the proposition, I understand, that was put at that time, the possibility through the Wind River or what they termed the Old Indian Trail for the Dawson City, Fort MacPherson area.

The decision was made in the late 1950's for that particular construction to go up in that area so that we could have access, not only to servicing the people of the Mackenzie Delta through our transportation corridors, people who are Canadians, people who buy goods, people who we should be just concerned as anybody else in respect to the amount they are paying but, also, at the same time, of primary importance, is the area of the Mackenzie Delta with respect to the petroleum industry.

It is interesting to note, Mr. Speaker, that Dome Petroleum, in a recent article, I believe that it was in Toronto Globe and Mail, are predicting expending in the area of twenty-five billion dollars in the next fifteen years. How much that will reflect on the transportation corridor, I really do not know.

But Mr. Speaker, I think that there is a basic commitment made from this side of the House, I would like to think from all Members, that we have a responsibility to maintain our transportation corridor. We also realize the importance of the migration of the caribou herd. We are looking at the Interim Management Plan. We will be looking at making implementation through regulation in the Area of Development Ordinance to ensure that that is protected as well.

At the same time, Mr. Speaker, I feel very strongly that we have a commitment in our transportation corridors and I would like to think that all Members do.

Question re: Ombudsman of Local Employment

Mrs. McGuire: Mr. Speaker, I will direct this question to the Minister of Consumer and Corporate Affairs and Economic Development. In view of the upcoming work projects that will be coming into this country, for example, the Shakwak Project and pipeline, due to the numerous complaints received concerning local Yukon workers versus employers, Manpower, unions; the workers are appealing to this government for reliable liaison or ombudsman employment person to help them end this game of shuffle. Mr. Speaker, I will ask the Minister: will he support the local Yukon workers' policy and would the Minister make very effort to appoint an employment liaison or ombudsman person to deal specifically with the workers with valid employment complaints?

Hon. Mr. Tracey: Mr. Speaker, I think that question should have been directed to my colleague, the Minister of Manpower.

Hon. Mr. Graham: I am sorry, Mr. Speaker, I did not get the question.

Mrs. McGuire: Mr. Speaker, I will repeat the full context of the question.

In view of the upcoming work projects that are coming into this country, for example the Shakwak Project, and pipeline and due to the numerous complaints received concerning the local Yukon workers, versus employers, versus union, versus the Department of Manpower, the workers are appealing to this Government for a reliable liaison or ombudsman employment person to help them end this game of shuffle.

My question, Mr. Speaker, to the Minister: will the Minister support the local Yukon workers' policy and will the Minister make every effort to appoint an employment liaison or ombudsman person to deal specifically with the workers with valid employment complaints?

Hon. Mr. Graham: Mr. Speaker, I am quite prepared to support the idea of Yukoners first on any major construction project started in the Yukon; however, I do not believe, at this time, that I am in a position to comment on the ombudsman. It is a question that I will raise with the Department of Manpower and return with an answer.

Question re: Dental Mechanics' and Technicians' Society

Mr. Penikett: Mr. Speaker, I would like to ask the Minister of Tourism and Economic Development, Renewable Resources and Consumer and Corporate Affairs if he is aware of a society known as the Dental Mechanics' and Technicians' Society, which is in the process of preparing for registration with this Government?

Hon. Mr. Tracey: Mr. Speaker, no I am not aware of any society which is applying.

Mr. Penikett: Mr. Speaker, since this group is working in the field of dental health, and has some expertise in the field and has not been consulted in the drafting of the Dental Profession Ordinance, would the Minister be prepared to have this group appear before the Committee as witnesses for this legislation?

Mr. Speaker: Order please, I am not so sure I could allow that question, I think that is a question more properly directed to a Committee of the House, if that is the question.

Question re: Education Department Staff

Mr. Byblow: I have a question for the Minister of Education.

The Minister informed the House several weeks ago that he was actively recruiting to stabilize the permanency of his senior education department staff and that he expected a number of acting positions to shortly be eliminated. Could the Minister report on the progress of his recruitment?

Hon. Mr. Graham: Mr. Speaker. I am prepared to make a state-

ment on this subject tomorrow.

Mr. Speaker: It appears that there are no further questions.

We will then proceed on the Order Paper to Orders of the Day, Government Bills and Orders.

ORDERS OF THE DAY

PUBLIC BILLS

Bill Number 12: Second Reading

Mr. Clerk: Second Reading, Item Number 2 standing in the name of the Honourable Mr. Tracey.

Hon. Mr. Tracey: Mr. Speaker, I move, seconded by the Minister of Municipal and Community Affairs, that the Medical Profession Ordinance be now read a second time.

Mr. Speaker: It has been moved by the Honourable Minister of Economic Development, seconded by the Honourable Minister of Municipal and Community Affairs that Bill Number 12 be now read a second time.

Hon. Mr. MacKay: Mr. Speaker, I was allowing time for the Minister who is presenting this Bill to do us the courtesy of addressing the principle involved in this Bill and I think that it is time that we recognized in this House that at second reading, this is the kind of debate that we should be entering into.

This is an extremely significant Bill. It has been put to our consideration. We were given it yesterday afternoon, so in less than twenty-four hours we are expected to be able to debate a very thick Ordinance, some 64 sections that has taken a number of years to prepare, and I thought that the least we could have had from the Government side was an explanation of why they felt that it was necessary to proceed with this Bill at this time and what the principles involved in that Bill were.

I find it quite shocking that we should be asked to give approval in principle on this without any guidance whatsoever from the Government.

I have indicated before that I find the practice of introducing legislation and proceeding with it immediately is bad practice, especially when we are discussing something of this magnitude. I have, therefore, been unable to, in the time allotted which is less than twenty-four hours, to be able to arrive at any conclusion with respect to the principle involved in this Bill.

I, unfortunately, therefore, will have to vote against it on the assumption that I am not prepared to vote in favour of something I know nothing about. I think that we do need time for this.

I might also add that I took the time to consult with five of the local doctors in town on this and I find that none of them had seen the Ordinance prior to this date either and that they are quite concerned that this kind of thing would be coming to the House so quickly.

I do not want to get into any of the principles. I have read the thing over but I have not been able to arrive at any firm conclusions, Mr. Speaker. The only firm conclusion that I have reached is that I do not want to get into a detailed discussion on it until I have had time to assess it.

It is with regret, therefore, that this kind of important legislation, I have to vote a negative on. It is with regret, simply because I have been unable to have the time to arrive at any reasoned and disciplined conclusion.

Mr. Penikett: Mr. Speaker, I too, would like to add my thoughts to the question raised by the Honourable Leader of the Opposition. As he has explained, it is an extremely complicated piece of legislation that is before us. I understand that it has been in the works of the Government for some considerable length of time.

I must confess that this morning I only began to become aware of some of the complexities and some of the difficulties in the legislation when I began to get calls from some people in the profession who have not been advised or consulted about the thing, have some reservations about the contents of the Bill and it seems to me if we are to properly equip ourselves, as Members of the Opposition, and indeed all Members of the House, it seems to me that it behooves us to take the time necessary to do the research that this measure deserves.

I would, therefore, move, seconded by the Leader of the Opposition, that we adjourn debate on this measure.

Dr. Hibberd: Mr. Chairman, it seems that I have been involved in the formulation of this Bill for over a year. I would like to make some comment on it though, before we move further. I, personally, do have some trouble with what the Members of the Opposition

presented this afternoon and I do agree with them that we do have a very complex Bill to deal with. There are a lot of things here that require a good deal of thoughtful consideration before one can adequately express themselves in terms of voting for or against this or, perhaps, bringing in amendments but, I think that we should bring that into consideration at this time when we are considering the Bill.

But, Mr. Speaker, I have very sincere concerns when I hear it raised on the other side that there were doctors who were not involved in the process by which this Bill was formulated.

This Bill, to my knowledge, Mr. Speaker, and it is my personal knowledge because I was involved, had more consultation, I would suspect, than any Bill that has ever gone through this Assembly in all of its years. The consultation was total. The Yukon Medical Association, which we have to assume is representative of the medical profession here in Yukon, was consulted at every level. Their personal concerns about whatever might be involved were taken back to the formulating body, the Executive Committee and considered. It might very well have been rejected but still the representation was there and it was always heard.

Many of the representations that the Yukon Medical Association brought forward are, at this time, embodied in this Bill. I cannot accept, in any way, that the profession was not consulted and consulted in a very, very thorough way, in the formulation of this Bill.

Mr. Speaker, I hope that it is made clear that my remarks along this line are predicated on the fact, not that I am a member of the profession, but it was my previous job to be involved in the drawing up of this Bill that I know what the consultative process was. I know how this Government spent money to bring in consultative experts at the request of YMA so that we could get a Bill that we considered to be taking care of needs in the Yukon.

Mr. Speaker, I think the principal person who was consulted from outside the Territory was the Executive Director of the BC Medical Association who is recognized as being one of the leaders in Canada of legislation of this sort. He spends his life involved in drawing up such legislation or dealing with problems in legislation that already exists. He has told me that after the months and even years of hard work of putting this thing together, that he, the Executive Director of the BC Medical Association considers this piece of legislation that is before us now to be the finest in its field in Canada, today. He says it is something that every province of Canada should strive for as an ideal in the regulation of the practice of medicine in the Territory.

Mr. Speaker, I think it should be very clear that the Medical Professions Ordinance was occasioned by the fact that YTG has the primary responsibility to maintain a high level of medical care in the Territory. This Bill is not a Bill to protect the profession from the vagaries of what might arise in carrying out of their duties. This was a Bill to guarantee the people of Yukon that they were receiving the best possible treatment that they could. The standards here are high; many people have complained that maybe we are going too far; maybe we are making standards that are a little too tough, but the primary concern has been the fact that we wanted that kind of high standard in Yukon. We knew a lot of doctors had to operate out of areas where they were on their own; they had to make vital decisions without recourse to the normal consultative process and that it was imperative that the standards of medical practice in Yukon had to be the best that we could possibly get for them.

It has caused a great deal of hardship, or concern in some areas, when they do have trouble attracting doctors to the area. It has always been a problem of the Yukon and I would like to see and it does seem to be much less of a problem than it was in the past, but I think that it would be the worst possible thing to capitulate to those pleas to get someone else in who does not qualify under the high standards that are projected here.

I think that it is most important that we do maintain that standard and that it is incumbent upon us, as a Legislature, to see that that level of medical practice is maintained in the Territory.

The primary thing which is happening here, Mr. Speaker, in this Bill is the responsibility for administration for discipline, for licensing, is removed from the political sphere. We all know the problems that this Government got into with regard to a doctor in Watson Lake very recently and there have been several other incidences that have not received the public disclosure that that one might have.

It became apparent that to be an effective body to maintain high standards, it had to be objective, it had to remove itself from the political sphere and from the influence that that might bear upon it, that might alter the standards or might alter decisions that would

be involved in disciplinary measures. So what this Bill does, actually, Mr. Speaker, is propose a body that will take on the responsibility of licensure and of regulation of the profession. That body, in contrast to what is set up in almost every province and is now being set up across the country, is not a body that is exclusively from the profession itself.

It is a fact, when you look across Canada, they have acknowledged that the people that should be responsible in the professional organization for the discipline of that profession is from within the ranks of that profession itself. Indeed, they are undoubtedly the most severe critics, but, Mr. Speaker, we are a very small jurisdiction and we realize there are inherent problems in being a small jurisdiction, that make it very difficult to bring in that kind of a thing. The doctors know each other, they become involved too personally in, perhaps, the affairs of another and so the attempt has been made to remove directly from this sphere so that the proposed council is composed of members from the Yukon at large, as well as medical practitioners, in an equal way.

In that way, Mr. Speaker, it is hoped that it will be considered more objective than might have happened in this small jurisdiction.

Mr. Speaker, when we embarked upon this legislation some time ago, we realized it was important to not only get the input of the profession, because they were acutely aware of the problems involved, but we also realized that we could not obviously accept their concerns without some modification to fit what we felt was our primary responsibility and that, of course, is the public need, the public concerns about the practice of medicine.

So through those seven months of negotiations, we did make it clear to the Yukon Medical Association that we felt that their acceptance of this Ordinance was an important thing to get it into place because only with their cooperation could the bill be effective and carry out the duties that it has to do. It requires some participation on their part, in fact, a good deal of participation and we would hope that it would be a positive contribution that they would make.

Perhaps, I could utilize the opportunity to express how the Yukon Medical Association, at this time, feels about the legislation that is now before us.

Mr. Speaker: Order please, I think in fairness to the House, at this time, I have permitted debate. There is a motion about to be proposed from the Chair that has come and I felt in fairness to all Members of the House that I would permit a reply at this point in the second reading, but I think that at this point it would be only fair to the House for the chair to receive the motion which has been presented and deal with that, at this time, and that motion is non-debateable.

It has been moved by the Honourable Member from Whitehorse West, seconded by the Honourable Leader of the Opposition, that the debate on Bill Number 12 be now adjourned.

There being yeas and nays, I would ask Mr. Clerk if he would poll the House at this time?

Hon. Mr. Pearson: Disagree.	Mrs. McCall: Agreed.
Hon. Mr. Lang: Disagree.	Mr. Hanson: Disagree.
Hon. Mr. Tracey: Disagree.	Hon. Mr. MacKay: Agreed.
Hon. Mr. Graham: Disagree.	Mrs. McGuire: Agreed.
Mr. Lattin: Disagree.	Mr. Penikett: Agreed.
Dr. Hibberd: Disagree.	Mr. Byblow: Agreed.
Mr. Falle: Disagree.	Mr. Fleming: Agreed.

Mr. Clerk: Mr. Speaker, the results are five yea and nine nay.
(Motion defeated)

Dr. Hibberd: Mr. Speaker, I would just like to quote from the letter that I referred to in terms of cooperation that the Yukon Medical Association has given this Government in drawing this ordinance up.

The letter is addressed to Mr. C.W. Pearson, Government Leader, Government of the Yukon Territory, re: Medical Profession Ordinance. "On behalf of the Yukon Medical Association, we would like to thank you for allowing us input into the Medical Profession Ordinance. The Yukon Medical Association supports the provisions for registration and regulation of the medical profession as contained in this Ordinance."

Mr. Speaker, I think that that speaks for itself, the concerns of the profession are very real, they are very concerned about maintaining high standards in the Territory and I am please to see that they are acting in a cooperative way to see that this is obtained.

Mr. Speaker, I would just like to conclude by acknowledging the remarks that I have heard from the other side of the floor with

regard to their ability to scrutinize this Bill adequately so they can give a good decision on it, and what should happen and I am most concerned that this actually does happen.

The provisions that are involved in this Ordinance are, although there is a major departure in many areas from what has happened before, I would point out however to the Members opposite that the standards by which the medical profession will be governed in the Territory are in no way changed from what is existent in the present Ordinance today.

The method of dealing with it is quite different. It does remove government from the role of being involved on a political basis where I do not believe they should be. But I would acknowledge, Mr. Speaker, that I would like to see what the Opposition does have to say with regards to this Bill and any suggestions they may have forthcoming when they are given the opportunity.

Mr. Penikett: I wonder if the Member for Whitehorse South Centre would permit a question, Mr. Speaker.

Mr. Speaker: I believe the Honourable Member has yet got the floor and, perhaps, it would appropriate to ask a question when the Honourable Member has concluded his address.

Has the Honourable Member from Whitehorse South Centre concluded his address?

Dr. Hibberd: Yes I have, Mr. Speaker, and I would suggest it is up to you to decide whether I am permitted to accept a question.

Mr. Speaker: The Chair would allow a question but the Honourable Member is not bound to answer.

Mr. Penikett: Mr. Speaker, I would just like to ask the Member from Whitehorse South Centre if he could possibly offer an explanation to the House why five members of the medical profession have contacted the Opposition and have asserted that the practitioners and members of two clinics in this City have not been consulted about this Ordinance.

Dr. Hibberd: Mr. Speaker, I am sure that this is a problem that could arise very often and I would think that this would be more often referable to a much larger jurisdiction. One has to make some assumptions and if we are trying to develop an Ordinance with consultation with the profession involved, and we would deal with their professional body, that, in this instance is their elected people, to their own executive whom we are dealing with, the Yukon Medical Association. They have been elected to represent the profession in the Yukon, in this area, and those members of their executive have been very hard-working in bringing this forward. I cannot be responsible for particular concerns of each and every doctor. All I do know is that they have elected people as their representatives and they have represented them.

Division has been called: Mr. Clerk would you poll the House.

Hon. Mr. Pearson: Agreed.	Mrs. McCall: Agreed.
Hon. Mr. Lang: Agreed.	Mr. Hanson: Agreed.
Hon. Mr. Tracey: Agreed.	Hon. Mr. MacKay: Disagreed.
Hon. Mr. Graham: Agreed.	Mrs. McGuire: Disagreed.
Mr. Lattin: Agreed.	Mr. Penikett: Disagreed.
Mr. Hibberd: Agreed.	Mr. Byblow: Disagree.
Mr. Falle: Agreed.	Mr. Fleming: Disagree.

Mr. Clerk: Mr. Speaker, the results are nine yea, five nay.
(Motion agreed to)

Bill Number 9: Third Reading

Mr. Clerk: Third reading, Item Number 1 standing in the name of the Honourable Mr. Pearson.

Hon. Mr. Pearson: Mr. Speaker, I move, seconded by the Minister of Tourism and Economic Development that Bill Number 9, Northern Natural Gas Pipeline Agreement Ordinance be now read a third time.

Mr. Speaker: It has been moved by the Honourable Leader of the Government, seconded by the Honourable Minister of Tourism and Economic Development that Bill Number 9 be now read a third time.

Hon. Mr. MacKay: Mr. Speaker, we have debated this Bill in considerable length considering it is a three-clause Bill; however, I cannot let it pass a third time without reiterating, in the most forceful terms that I can muster, what a gross political error this Bill is.

Mr. Speaker, I have spoken at length in Committee on this subject. The signing of this agreement, I believe, gives away the only bargaining card that the Yukon ever had with respect to obtaining a permanent and lasting benefit from the pipeline.

We have heard contentions to the contrary from the Govern-

ment, none of these contentions, Mr. Speaker, are believable. The contentions that we have heard are that we must sign this agreement in order to continue our conversations with the Government of Canada. I put it to you that that is no reason for us to stop talking to the Government of Canada because we do not sign this agreement. As a matter of fact, it would give the Government of Canada a great deal more incentive to talk to us if we did not sign this agreement.

The contention has been made that if we do not sign this agreement, the Government of Canada will change its position with respect to the Heritage Fund. Mr. Speaker, we do not even know what that position is today. I say to you that if we sign this agreement tomorrow, they could still change their position on the Heritage Fund and so that reason has no validity.

We have been told that it is essential to have this agreement passed because without it there is no reason for the Government of Canada to even talk to this government with respect to the implementation of the terms and conditions of the pipeline. Can you imagine, Mr. Speaker, their trying to put through a pipeline here without talking to the Territorial Government? That is a ludicrous suggestion. Perhaps, Mr. Speaker, we are passing it for administrative convenience of this Government. I hope that is not the case. I hope that we are not passing it in order simply to allow some member of our Civil Service to be able to talk a little more freely with his compatriots in Ottawa, because, Mr. Speaker, we are a political body here, we are not here for the convenience of administration; we are here to obtain the best possible deal for the Yukon.

Mr. Speaker, I submit that this agreement contains only two things of significance: the first one is that it enforces the U.S./Canada Pipeline Agreement and it limits the power of the Yukon to tax the pipeline. The second one is that it allows for consultation and cooperation between the two governments with respect to the implementation of these terms and conditions respecting the pipeline.

Now the first point is, and, again, we have heard the arguments that they are taking that right away anyway; they have usurped our taxing powers, all we are doing is signing an agreement to confirm that. Well, why do we sign it if they have done that terrible thing? Why do we sign it so docilely, without any guarantees at this point that we will receive any benefit from that pipeline?

Mr. Speaker, the only way we can receive a benefit is to be able to set part of that taxation revenue into a Heritage Trust Fund. That is the only way we are going to benefit from it. That is the only thing we can negotiate and the only way we can go to Ottawa with any strength and say, "We are not prepared to give up our taxing authority without a fight, unless you guarantee to give us a Heritage Trust Fund".

Now, we are passing a bill here, today, for which we are quietly and docilely, with barely a mutter of protest from the Government side, giving away that right. I suggest to you that the political price that the Canadian Government would have to pay to extract that concession from us, if we were unwilling to give it, that political price would be too great for them to bear and they would be more than happy to agree to a Heritage Trust Fund that would create some permanent benefit to the Yukon.

It is with great regret that I see us sign this agreement, Mr. Speaker. All of us here, were elected. All of us here, were elected to get the maximum benefit from the pipeline for the Yukon. It is with great regret that I think that we are giving away the one tool, the one weapon, the one ace that we had and I can no doubt hear all ready assurances of, yes, we are going to have a Heritage Trust Fund, yes, negotiations are underway. I cannot, in all conscience, accept that without knowing what that Heritage Fund is going to be, without knowing what it could have been if we had not signed this agreement.

My point is that you do not give away your bargaining position before you even start. I think that that is what we are doing here, today, and I must stand in total opposition to this Bill. I hope that the people of the Yukon will not be badly served by any further Federal Government and that we do obtain a Heritage Fund, but if we obtain a Heritage Fund it will be solely by the good graces of whatever Federal Government cares to give it to us, because we have not been able to exert any pressure on them from this Assembly, whatsoever.

We are just about to give away the only thing that we could have put pressure on them for and can only sit down with a sense of disappointment in my colleagues opposite, that they have not seen, as I have seen, that a delay of at least six months on this agreement would not cost the Yukon one penny and may very well provide us with the tools to obtain the long term benefits from the pipeline that

we all expect and even demand.

Hon. Mr. Pearson: Mr. Speaker, I reiterated a number of times, the reasons that we feel and feel strongly that this Bill has to pass at this time. I am not going to go over all of those reasons again.

Mr. Speaker, the Honourable Leader of the Opposition has intimated time, and time again, that we are docilely passing this Bill, that we are giving something away, that it is going to cost us in the end. Mr. Speaker, I respectfully submit that whether we pass this Bill now, six months from now, or eighteen months from now, he could stand in his place and say the self same words without any fear of contradiction because, Mr. Speaker, it is a case of second-guessing.

We have not docilely entered into this agreement. This agreement is the result of months, and months, and months of negotiation by this Government. It is, Mr. Speaker, the agreement that we require in order to get on with the business of getting the pipeline, Heritage Fund, taxation, and all other things into place.

Now, Mr. Speaker, it begins and it ends with that, this is an enabling ordinance that allows the Commissioner of the Yukon Territory to enter into an Agreement with Canada that ratifies the Canada/U.S. Agreement.

It has nothing whatever to do with our negotiations with Ottawa in respect to Heritage Fund because those negotiations, Mr. Speaker, will be carried on with an entirely different department of Ottawa.

The Bill will allow us to be informed in the future of what is happening with respect to pipeline in Yukon and Mr. Speaker, we feel we have a responsibility to be in a position to find out for all of the people in Yukon what is happening in respect to pipeline.

Mr. Fleming: I am not going to belabour the subject, Mr. Speaker, not for a moment, but I will say this: it seems as if we never know just what is going to happen to us with the Government of Canada. I feel as the Honourable Leader of the Opposition feels, that we can and it is possible to sell ourselves down the river and I am going to say as I have said before, that I think, we have done it. That is my belief and also, I feel very strongly that there are many people in this House, if it were not for political ties and tied to a group of people who want to do something, that possibly this vote would be entirely different.

I know which way it is going. I do not have to question anyone. I will vote against it because I am sure the principle of standing up on your hind feet and fighting for what you want is something we should stick by regardless, and I cannot say we would not lose but I would lose fighting; I would not lose going down like this.

Hon. Mr. Lang: I would just like to make a few comments in respect to the statements that have been made by the Members of the opposite side. As our Government Leader has outlined, it is the Bill that we are being asked to pass on third reading has gone through numerous months of negotiations and I just cannot accept the concept put forward by the Leader of the Opposition that the name of the game must and has to be confrontation. I just find that totally unacceptable.

I believe, Mr. Speaker, that the Government of Canada, no matter what their political persuasion is, will live up to their commitments, will be prepared to consult, to have this Government involved in the decision-making in respect to that pipeline because it is to their benefit as well as to ours but I cannot accept, Mr. Speaker, the concept that Members are saying, "We will not pass this and we are going to wave the big stick."

I believe, Mr. Speaker, that it is a new Assembly here. I think that we have to give the Government of Canada the opportunity of seeing the people of Yukon's representatives prepared to cooperate with the Government of Canada wherever possible. I think that this brings the avenue open to us, and if they do not cooperate, you can rest assured through this side of the House the people of Yukon will know.

Mr. Speaker, I cannot accept the Leader of the Opposition's attitude, straight confrontation. On the Federal scene, we have one member of one particular party attempting to get the provinces like Alberta being put into the position that all the other provinces should hate them, in other words, divide and conquer. That is not what this country is made of and I believe that we have a responsibility as elected members looking at a Bill of this nature, understanding our authority. At the same time, the Government of Canada has looked at our authority and is prepared to bend, to consult with us, to go through with other agreements that will have to be placed before this House and I believe overall, Mr. Speaker, that you will find, if you compare the agreements that we will obtain through negotiations with the Government of Canada, that they will not be able to be compared with the Provinces because, I

think, we are going to get a far better deal.

Mr. Penikett: Mr. Speaker, I am sure that all Members opposite will breathe a sigh of relief when I tell you that I had no intention, originally, of speaking on third reading of this Bill until the Honourable Minister of Municipal and Community Affairs got up.

I would just like to say this, for future reference for however long this Session lasts, Mr. Speaker, that if the Honourable Minister persists in giving Federal election speeches in this House, I am prepared to tell him I am quite prepared to give as many Federal election speeches as he is, at least as long, and twice as loud, if necessary.

Mr. Falle: I would just like to inform Mr. Fleming that we had time to think about this Bill; we are not puppets on a string back here either, we had our input, we had our debates and we do have minds of our own and we use them.

Mr. Speaker: Division has been called.

Mr. Clerk, would you poll the House?

Hon. Mr. Pearson: Agreed.

Mrs. McCall: Agreed.

Hon. Mr. Lang: Agreed.

Mr. Hanson: Agreed.

Hon. Mr. Tracey: Agreed.

Hon. Mr. MacKay: Disagreed.

Hon. Mr. Graham: Agreed.

Mrs. McGuire: Disagreed.

Mr. Lattin: Agreed.

Mr. Penikett: Disagreed.

Dr. Hibberd: Agreed.

Mr. Byblow: Disagreed.

Mr. Falle: Agreed.

Mr. Fleming: Disagreed.

Mr. Clerk: The results, Mr. Speaker, are nine yea, 5 nay.

(Motion agreed to)

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

Hon. Mr. Pearson: Mr. Speaker, I move, seconded by the Minister of Tourism and Economic Development that Bill Number 9 do now pass, and that the title be as on the Order Paper.

Mr. Speaker: It has been moved by the Honourable Leader of the Government, seconded by the Honourable Minister of Tourism and Economic Development that the title to Bill Number 9 do now pass, and that the title be as on the Order Paper.

(Motion agreed to)

Mr. Speaker: Bill Number Nine has now passed this House.

Bill Number 10: Third Reading

Mr. Clerk: Third Reading, Item Number 2, standing in the name of the Honourable Mr. Graham.

Hon. Mr. Graham: Mr. Speaker, I move, seconded by the Honourable Member from Mayo, that Bill Number 10, The Firearms Administration Agreement Ordinance be now read a third time.

Mr. Speaker: It has been moved by the Honourable Minister of Education, seconded by the Honourable Member from Mayo, that Bill Number 10 be now read a third time.

Hon. Mr. Graham: Mr. Speaker, I realize that for the majority of the Members of this House, the Firearms Administration Agreement Ordinance is extremely distasteful since, because of the connotation of gun control but through the first two readings and the Committee of the Whole, I must compliment the Members for their, shall we say, agreement with the policy that the Territorial Government should, in fact, take advantage of every avenue of Federal funding available to us and despite the general disagreement with gun control, I must commend the Members present, for doing what they have.

Dr. Hibberd: I have only one comment, Mr. Speaker. As dignified and as potent as this House might be, it does not, yet, have the capability to try and reverse the decision of the Federal Liberal Government, and for their blunders.

Hon. Mr. MacKay: And so the House was extremely dignified Mr. Speaker, until the last speaker spoke at which point he lowered the debate from one of professional colleagues trying to put through a necessary housekeeping measure to that a low, mud-slinging debate, in which I would never take part, Mr. Speaker.

Mr. Speaker: Division has been called. Mr. Clerk would you poll the House?

Hon. Mr. Pearson: Agreed.

Mrs. McCall: Agreed.

Hon. Mr. Lang: Agreed.

Mr. Hanson: Agreed.

Hon. Mr. Tracey: Agreed.

Hon. Mr. MacKay: Agreed.

Hon. Mr. Graham: Agreed.

Mrs. McGuire: Agreed.

Mr. Lattin: Agreed.

Mr. Penikett: Disagreed.

Dr. Hibberd: Agreed.

Mr. Byblow: Disagreed.

Mr. Falle: Agreed.

Mr. Fleming: Disagreed.

Mr. Clerk: The results, Mr. Speaker, are eleven yea, three nay.

(Motion agreed to)

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

Hon. Mr. Graham: Mr. Speaker, I move, seconded by the Honourable Member from Mayo, that Bill Number 10 do now pass and that the title be as on the Order Paper.

Mr. Speaker: It has been moved by the Honourable Minister of Education, seconded by the Honourable Member from Mayo, that Bill Number 10 do now pass and that the title be as on the Order Paper.

(Motion agreed to)

Mr. Speaker: I shall declare that Bill Number 10 has passed this House.

May I have your further pleasure at this time?

Mr. Hanson: I move, 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.

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

(Motion agreed to)

(Mr. Speaker leaves the Chair)

COMMITTEE OF THE WHOLE

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

At this time, we are going to have a short recess.

(Recess)

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

I would like to welcome Mr. Doug Spray as our witness this afternoon.

We were discussing Bill Number 11, An Ordinance to Amend the Dental Profession Ordinance. Last day when we left off we were on Clause 3.

We will continue on with the subsections of 3, I think, the last one we did was 22. We will continue on to 23.

The whole Clause has been set over but we were discussing the subsections and we will continue these sections before we go back on it. Is there any discussion on 23?

If not, how about subsection 24?

If there is no discussion on 24, we will proceed back to Clause 1 which was stood over yesterday.

We are discussing Clause 1, only, at this time.

Hon. Mr. Tracey: Mr. Chairman, I would like to make a motion, seconded by the Member from Whitehorse South Centre, that Clause 1 (1) be amended by deleting the definition of dental assistant and replacing it with the following: "dental assistant means a person authorized to provide direct assistance to a dentist in the performance of the dentist's duties and under his immediate supervision".

Mr. Chairman: It has been moved by Mr. Tracey to amend Bill Number 11, Clause 1 (1), by deleting the definition of dental assistant and replacing it with the following: "a dental assistant means a person authorized to provide direct assistance to a dentist in the supervision of a dentist's duties under his immediate supervision".

Hon. Mr. Tracey: Mr. Chairman, I think this is what the Members across the floor were looking for, yesterday. This will give some control over the meaning of a dental assistant. He will have to be under the immediate supervision of a dentist which would mean that the dentist would have to be there at all times. In this manner, it would alleviate some of the fears of Members from across the floor.

Hon. Mr. MacKay: I wonder if there are copies made of that amendment for us to read.

Mr. Chairman: I will anticipate a very short recess until we get copies made.

(Recess)

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

Hon. Mr. MacKay: I wonder if the Minister could provide us with what he means by "direct assistance".

Hon. Mr. Tracey: Direct assistance, I would suggest, would be the dentist to ask the dental assistants to do this or do that and he would be right there and he would do it. That would be direct assistance.

He would be standing right there and could be mixing amalgam or holding a mirror or doing whatever a dental assistant does, I do not know.

Hon. Mr. MacKay: I think that I also share the Minister's ignorance about what a dental assistant does and this is what we are trying to get to the bottom of. Yesterday, the witness told us that the dental assistant was somebody who did not go into the mouths of patients. Is this still the case?

Dr. Hibberd: Mr. Chairman, the point that I think that the Member is trying to get at, is the fact that the dental assistant functions in a direct environment with the dentist and only in that environment. He would not be permitted to function on a long distance basis. He would require direct supervision and, at the same time, both in time and place in proximity for them to perform their duties.

The important consideration is the other classification we might get into. The dental therapist, in contrast, has had a good deal more training and, under the supervision of the University of Toronto, has a two year course by which they reach a certain level of competence to graduate from that school. These are the people who would be permitted to perform duties in a more long range point of view under the direct instructions of the dentist after he has made the key decisions as to what should happen. That is the key, I think.

The people who are trained at Fort Smith are acknowledged as having the ability and competence to perform the functions that have been outlined for them and all we are trying to do, in this legislation, is permit them the opportunity to perform those areas in which they have been shown to be competent by graduating from that school which is under the supervision and directed by the University of Toronto.

Those people have that kind of training and in view of the particular circumstances in the Yukon, it is a most valuable service that we now have available when it would be impossible to have dentists in all these small communities. We have people who are competent to carry out the mechanical aspect of whatever might be required providing they have the professional judgment of the dentist, who is inevitably the one who has to accept the final burden for what is done.

It is his decision that starts the motor going, so to speak, for the therapist to function. No such duties are intended to be given to a dental assistant where they will have to function within a much more confined professional atmosphere.

Mr. Penikett: Mr. Chairman, I wonder if I could just ask a couple of questions of the Member from Whitehorse South Centre because he does seem to have some professional knowledge. I ask these questions, not so much for debate, but for my own education.

Going from what the Member has just said, and looking at the proposed amendment which he has seconded, would he suggest that this amendment, as it would change the Ordinance, would in some way effectively restrict an assistant from performing the functions of a dental therapist, a dental hygienist or dental mechanic, if they were given those instructions from a dentist?

Let me give an example: Could a dental assistant, as the Member reads this Ordinance, take out a tooth on the instructions of the dentist if the dentist were standing right there; could they clean teeth, could they put in a filling, could they do any of those things, if the dentist were right there?

Dr. Hibberd: Mr. Chairman, I do not think I am in a good position to answer that question. I am not a dentist. I think that with the amendment that is being proposed by the Minister, we would not like to see the dental assistant restricted to a role whereby they could not do anything within the mouth, so to speak.

I think that they do have to be given the opportunity to assist the dentist even in that area, although merely the fact that they are holding a spatula that simple, they should have that ability.

To my knowledge, and I am certainly not sure, Mr. Chairman, the dental assistant would not be in a position to be competent to render such services as filling or the cleaning of teeth. I do not think that is what is implied by the term "dental assistant".

Mr. Fleming: Mr. Chairman, the witness might be able to answer, somewhere in the Ordinance, and I find nowhere here, except we are trying to say it means the dental assistant but is there not somewhere where there should be some qualifications for a dental assistant or does it just mean anybody whatsoever?

Mr. Spray: Mr. Chairman, we are not, at this point, attempting to go further with the dental assistant in defining the dental assistant and the duties that a dental assistant in the general terminology such as it is laid out here. There is no provision in the amendment for registration of dental assistants.

Hon. Mr. MacKay: Could I ask if this is the only amendment that we are going to be getting today on this Bill?

Hon. Mr. Tracey: No, Mr. Chairman.

Hon. Mr. MacKay: Can I ask if any of the future amendments are going to get us anything to do with dental assistant that would change what I am about to say?

Hon. Mr. Tracey: Yes, Mr. Chairman, the other amendment will be in Section 19, dental assistants.

Mr. Chairman, would it suit the Chair for me to table this amendment, now, and straighten out some of the problems?

Mr. Chairman: I think that probably would be a good idea.

Hon. Mr. Tracey: Mr. Chairman, this is moved by myself and seconded by the Member from Whitehorse South Centre, Dr. Hibberd, to amend Clause 3(1) by deleting sections 19(1) and (2) and replacing them with the following: 19 subsection 1 "the dentist may authorize the dental assistant to give specific routine dental assistance to a patient who has been examined by the dentist, yet, the assistance is given under the immediate supervision of the dentist"; subsection 2 "no dental assistants may give dental service except as provided by subsection (1)".

Mr. Chairman: I have a request here for a Mr. Les Wiser to attend here, for Mr. Penikett, as a witness.

Mr. Penikett: Very briefly, Mr. Chairman, a number of Members of the Opposition have been approached by this gentleman who represents the Society which is now in the process of forming and seeking recognition from the Territory for the Dental Mechanics and Technicians Society, and we have been petitioned by Mr. Wiser, who feels that he has something of consequence and substance to contribute to our knowledge in the committee discussion of this Bill.

Dr. Hibberd: I think that it is valuable for the Committee to have all the expertise available, but I would add a caution to this, if we do get into the habit of bringing forth witnesses for every aspect of every clause that we are going to consider we have to be very careful. We could have witnesses ad infinitum that have a different point of view to express to the committee. I think, we have to balance the two features, Mr. Chairman.

Hon. Mr. Pearson: Mr. Chairman, I also, wish to suggest that this Ordinance is An Ordinance to Amend the Dental Profession Ordinance. If my understanding is correct, Mr. Wiser is a dental mechanic. This Ordinance does not deal with dental mechanics in any way. Also, Mr. Chairman, I, and I am confident that every Member of this House, received a petition from Mr. Wiser in respect to what his concerns were. I would, respectfully, suggest that those concerns have been amply viewed and considered during the course of debate.

Hon. Mr. MacKay: I think, the Government has already acknowledged that their Bill has some shortcomings because they have, today, produced two amendments which are a result of the representations from this side of the House.

I can say at the outset that I am not satisfied with the changes and I am also not satisfied that we have been able to develop a body of knowledge within the House that will give us an adequate base on which to judge these amendments.

The Minister has already indicated he is not sure what a dental assistant does. I have asked the direct question as to whether the dental assistant goes in the mouth of patient and I have not got an answer to that.

I think, there are a number of areas where we are not really familiar with what we are trying to deal with in the form of amendments and I, respectfully, suggest that we do hear this witness. I also can say to the Members opposite that if they care not to listen to his evidence or to agree with it that is their prerogative but I see no reason why we cannot hear the evidence.

Hon. Mr. Tracey: Mr. Chairman, as the Member across the floor stated, we are not all experts on the dental profession but I am certainly sure that a dental mechanic is not an expert on dentistry either.

Dr. Hibberd: Mr. Chairman, we are dealing with the Dental Profession Ordinance. The changes that are before this House now, are made because of representation made to us by that same dental profession and it is their concerns which, at this particular moment, we are trying to solve.

If we do go ahead with having this witness appear before us, then I would have to ask, Mr. Chairman, that we have a representative appear with him from the Yukon Dental Association. I am not at all sure, Mr. Chairman, that we want to get into a full-fledged debate with witnesses here and the whole thing. Do we really require that, to be able to deal with this particular thing?

I really think that the Opposition is trying to augment an issue which is not justifiable. They are just trying to seize on a point. It is not really worthy of the situation we are facing. I even think that the major point of the thrust of this Bill is not being addressed. They are off somewhere else. I would really like them to try and pay attention to what the Bill is all about rather than wandering about all over the place merely for their own Brownie points. Let us carry on with business.

Mr. Penikett: I hardly know where to start after that last remark, Mr. Chairman. I am more than happy, I would be enthusiastic about welcoming a representative of the dental profession here, because I think, quite frankly, we have been groping around in the dark. The Member from Whitehorse South Centre talks about our not addressing the core of the Bill. We are having some difficulty understanding some of the roles in this dental profession, dental therapist, dental hygienist, dental assistant, and so forth, which are covered by this Ordinance. We are having some difficulty understanding what those different people do, where their lines of authority are, where they can work, where they cannot work.

With the greatest respect in the world, I say to the Member from South Centre, who, while he may not be a dentist, I would suspect, has a little more knowledge of what goes on in those offices than most of us, given his, if you like, being in a fraternal occupation. We have not been getting answers to the questions we have been asking.

I do not think that is because of any malevolence or ill feeling or any obstruction from the Government side. It seems to me that we are not sufficiently expert in the profession to be able to talk about these things. If the Government has, for months and months and months, been engaged in discussions and negotiations with the profession about this Ordinance, I do not think it would do us on the Opposition any harm to be able to spend a few minutes and benefit from a similar kind of education. You might find that the Bill would have a very speedy passage from that point on.

Hon. Mr. Pearson: Mr. Chairman, there was one other implication passed on by the Honourable Leader of the Opposition that I cannot accept, the implication that we were lacking in some way on this side because we have amended this Bill.

Now, Mr. Chairman, that attitude is one that I will not accept and I will fight. The amendments are here because we chose, Mr. Chairman, to put those amendments in, and they do not reflect on the competence of this side of the House at all.

Dr. Hibberd: Mr. Chairman, I am a little disturbed by what I consider to be the responsibilities of the Members of this House. When there are bills or motions that are coming forth in this House I think that it is incumbent on us to develop a little background, use a little of our own initiative. We do not have to be spoon-fed on the floor of this House. We should be developing an expertise and coming here in a manner to develop the competence to deal with this. Do not come in blindfolded, unable to face what is here before you. That is not your job, you have got to have some knowledge. You have to have something done. Do your homework.

Mr. Fleming: I have been listening to all this and I wonder, we came here and we had a problem with defining what a dental assistant was and as far as I can see we have defined that only in that it is a person, that is all. That is as far as we have got today or since yesterday, because it is just a person. It does not give any qualifications whatsoever in this Bill, nothing.

The Government is saying, on their side, that we are trying to, maybe, hold up this Bill. I do not think we are trying to hold this Bill up. I think we want an answer of some kind.

They have come back, today, with two proposed amendments and the one changes the routine dental assistance area to a direct assistant. They go back over to page 19(1) and they go right back and give the same authority there for routine dental assistants. So they have not really changed anything, and the Honourable doctor says that we do not know what we are talking about.

If the Bill is so badly needed that they have to put all these laws in here for all the others and the dental assistants and so forth, then I think, it behooves the Government to, at least, make sure what a dental assistant is. Possibly, you can say that the organization would never do anything wrong, they would never have the wrong person work on anybody's teeth. All these things can be said. If that is the case and that is so true, why do we have the Ordinance in the first place?

We do not need it, apparently. If this type of an organization never does anything wrong, we would not need any ordinance, never mind just this section.

We would just like a little clarification, I think.

Hon. Mr. MacKay: I think that it is my turn, Mr. Chairman. I do not

want to really develop into an undignified debate, about who knows what and who has not done their homework, Mr. Chairman.

I think that what we are trying to decide is whether we can call a witness who, the Members on this side, at least, feel would shed some light on this subject. If the Members opposite wish to deny us this request, I would ask them to do that now, or else let us get on and have the witness.

Mr. Chairman: It has been moved by Mr. Penikett, that Mr. Les Wiser appear before the Committee of the Whole as a witness on Bill Number 11.

(Motion agreed to)

Mr. Chairman: We have as a witness this afternoon, an additional witness, Mr. Les Wiser.

Hon. Mr. Graham: Mr. Chairman, at this time, as we are discussing the Dental Profession Ordinance, I wonder if we could have the witness give us his qualifications to comment on this Bill?

Mr. Wiser: Mr. Chairman, I started in the dental field as an apprentice when I was 14; fulltime when I was 17 and I was a journeyman dental mechanic by the time I was 22. I was also trained by the United States Army as a dental assistant.

Mr. Penikett: I wonder if Mr. Wiser can tell us if in the United States Army, or in the United States, there is a precise definition of dental assistant?

Mr. Wiser: The definition would probably vary from state to state, but there would be some definition required of exactly what type of job they are about to do.

Mr. Penikett: Could Mr. Wiser tell us if there is a precise definition in the United States Army?

Mr. Wiser: It has been a lot of years, and I really could not remember the precise definition, word for word.

Hon. Mr. Pearson: Mr. Chairman, I wonder if the witness could tell us whether there is a precise definition for a dental assistant in the Yukon Territory, in the practice in the Territory, now?

Mr. Wiser: Mr. Chairman, that is my concern at the moment, is that there is no clear cut definition for that job position.

Hon. Mr. Pearson: Mr. Chairman, does he know of people who are employed as dental assistants in the Territory?

Mr. Wiser: Mr. Chairman, I know every one of them.

Hon. Mr. Pearson: Could he describe to us, please, the work that they do?

Mr. Wiser: Describing everything they do is one of the reasons I am actually here to get a definite definition on what they should be doing.

Hon. Mr. Pearson: Mr. Chairman, I understood that the witness was called to help us to come up with a definition of what a dental assistant was. The problem was that we did not know what they did. Now, he knows them all, surely he can tell us, in general terms, what they do. Frankly, Mr. Chairman, this seems to be the problem that we have.

Mr. Wiser: I can tell you what they are supposed to be doing, but I do not think I am free at the moment to tell you what is being done. I am more than glad to give you the definition though, in other words, of what the job should entail.

Hon. Mr. Pearson: Mr. Chairman, I respectfully submit that that can be only person's definition or opinion, because, Mr. Chairman, at the present time, there is no such thing, in law, as a dental assistant in Yukon and they can do, I would suggest, whatever they want as long as they are not being a criminal. That is a fact.

Hon. Mr. MacKay: Mr. Chairman, I think we are debating now. I think that is exactly our concern too. As you have just said, a dental assistant can do anything a dental assistant wishes to do provided it is with the supervision of a dentist. This is our concern. Perhaps, I can ask the witness some direct questions that will help us get some better idea of what a dental assistant is doing in Yukon. It may not be the same practice as in the United States Army, but I would like you to tell us, from your knowledge, what a dental assistant does. Does a dental assistant go into the mouth of a patient?

Mr. Wiser: Yes, they do. They go into the mouth, take X-rays, put rubber dams on, to take out the bands you put on when the dentist is done filling the cavity. There are many times that they do enter the mouth to remove different debris with suction and hand instruments back and forth to the dentist as he requires them.

Hon. Mr. MacKay: Are these duties that you have described something that would be done under your proposed definition of what a dental assistant should do or are you describing the function that just happens to be what a dental assistant does in Yukon?

Hon. Mr. Graham: As I understand, the witness was a dental mechanic and a dental assistant prior to coming to the Yukon and I have a great deal of trouble, as you probably know, as this debate continues, with some of these definitions myself, but I do not think the witness is capable of telling us what the dental assistant is presently doing for dentists in the Yukon Territory, because I have not heard anybody tell me that the witness is also a dentist or is also supervising dental assistants or has dental assistants under his control.

Mr. Penikett: Mr. Chairman, perhaps, I could simplify this because I suggest that we have some kind of hostility and antagonism here which is unnecessary. I would like to, Mr. Chairman, ask the witness what a dental assistant does, in his experience, so we cut through this crap and antagonism over here. What does a dental assistant do? Is it possible to define the function and work of a dental assistant?

Forget the kind of hostility and antagonism that is coming from the other side, Witness, because I do not think it becomes the House to treat witnesses with that kind of hostility. The witness is asked to make his views known and I think that it what we are trying to do. Mr. Chairman. That is all I want to do. I want to ask him what a dental assistant does because I do not know right now.

Hon. Mr. Pearson: I am not hostile in any way, shape or form. I am trying to get information. Now, Mr. Chairman, this is the very question that I thought that I had asked the witness before but I, frankly, am not interested in what a dental assistant does in the United States Army. I could not care less but what I am interested in is what a dental assistant does in the Yukon Territory. If the Honourable Member's question to the witness is: What does a dental assistant do in the Yukon and he can answer that question, Mr. Chairman, I am very anxious to hear that answer.

Mr. Penikett: I am interested in what a dental assistant does in the United States Army. Quite clearly, people do not know what a dental assistant does, here. Perhaps, it would do us some good to learn what a dental assistant does elsewhere. It might help us a little bit.

Dr. Hibberd: Mr. Chairman, all I would suggest is that we do have a witness here. He has been asked by the House to appear. Let us ask questions of the witness, and excuse the witness and get back to our debate. I am sure he is here for a reason so let us have the simple question and get it over with.

Mr. Penikett: Mr. Chairman, I would like to ask the witness what a dental assistant does. Is it possible to define the duties and functions of a dental assistant?

Mr. Wiser: Mr. Speaker, it is possible to define those duties. It is as simple as getting a dentist down here to explain exactly what he considers the duties. I also entail, in my business, the hiring of a dental assistant and I have to have duties for her and I do not expect her to do my job. That is why I have her there so that I do not have to do hers. I consider what a dental assistant is supposed to do, is the taking and development of X-rays, mixing impression material, mixing amalgam for the dentist to use and packing it in his plugger so he can fill the teeth, filling the syringe with some type of freezing solution, whatever type they prefer, taking the charts and making sure they are filled out properly so the dentist can sign his name to it, taking the patient out to the front desk to make sure that the records are filed correctly.

I can go on and on as there are a set list of duties they are supposed to do. My concern is that I would like to see those duties in writing so the law will not be taken advantage of.

Mr. Penikett: Mr. Chairman, I would like to ask the witness then, since he has read the Ordinance, since there are also, mentioned in the Ordinance, dental therapists, and dental hygienists, if it is his view that if these duties of a dental assistant are not defined that they might end up conceivably performing some of the functions of other people in the dental field besides ones which ought to be exclusively theirs?

Mr. Wiser: Yes, I do.

Dr. Hibberd: Gentlemen, we have heard what might be a short list, of some kind of what a dental assistant has done in other areas. The obvious question that is vague is what is the training that puts the dental assistant in the position of having to be recognized, as has been suggested, in law, that they can do these things? What is the training that qualifies that person?

Mr. Wiser: Right now, in the Yukon Territory, unless they have hired a new assistant on at the clinic recently that I do not know about, but to my present knowledge, every girl that is working as an assistant is certified in some province, at the moment, except for one, who, three years ago, was trained on the job.

Dr. Hibberd: Mr. Chairman, that helps to a certain extent. Now, I

gather that there is a certification process in recognition of a dental assistant, but I still do not know how that certification is arrived at. What is the training, what are the qualifications by which a person can become certified as a dental assistant?

Mr. Wiser: There are different types of courses. There is a two year course at some schools, as I am fairly certain that UBC has a full two year course. There is one year course at the Northern Lights College, which is in Dawson, Creek and there are some places throughout Canada, but where they are exactly, that will even give it to you in six months. Then there is, probably a requirement that you practice in the field for six months to a year before you can take the certification test.

Dr. Hibberd: Mr. Chairman, one of the problems I am sure that we are going to get into, because we are into this field of different terminology, we are now into it, legislation and the situation that exists in the provinces is not our situation. The terms of reference for dental therapists are not recognized by law in many provinces. They do have dental assistants recognized in law in a different way. We here, are trying to recognize different grades of competence to carry out certain duties and assign certain duties to them. It would appear that what we have now is dental therapists and hygienists who are capable of doing certain things.

We have also come down to a classification of a dental assistant, which functions in an extremely limited way and this, Mr. Chairman, is not the case in the provinces. They are using a dental assistant. When I hear that UBC is having a course in dental assistants, I suddenly know we are not talking about the same thing at all that we are trying to visualise here, in the legislation. The dental assistant that is visualized by our legislation is not the same person that UBC trains. That person comes much closer to the definition of a dental therapist, as we presently visualise one. I think that we have to be very careful that we keep these things separate.

The areas where we should really be concerned, and what I tried to allude to earlier, is with the person who has reached the level of competence where they are functioning in a semi-independent way from the dentist himself. There, I think, it is most important that we do be concerned about the competence of the individual and the competence of the training that they have had to undergo. I think that Committee should really be concerned about what a dental therapist has to offer, and where they can be used. I think that we really are getting side tracked when we start talking about dental assistants. We are talking, I would submit, Mr. Chairman, about a person who has been hired by the dentist and is trained at the chair, so to speak, to carry out certain functions in that area. That is not in any way meant to cast any aspersions on our present witness, because I am sure his training goes far above and beyond that. It is not what I referring to. He, undoubtedly, is competent to do a good deal more than what I am describing. But, Mr. Chairman, this is what we visualise in this Legislation. We are talking about a relatively menial role for the dental assistant in this Legislation versus what a dental therapist could do, which might very well be the equivalent what a therapist has to offer, I do not know. I think that we have to recognize that our primary concern is the person who is functioning in more or less an independent way.

Mr. Penikett: Mr. Chairman, could I ask the previous speaker, and I think that it is important, as he does have some understanding of this question, what then, is to prevent a dental assistant under direct supervision of a dentist from taking out teeth or doing any of the other things? I just want some clarification from the good doctor. What is going to prevent a dental assistant under the direct supervision of a dentist from taking out teeth or doing any of the other things that we have understood they would not be allowed to do?

Dr. Hibberd: I am not sure I get the meaning of the question, Mr. Chairman. What is to prevent a dental assistant from doing certain things that we do not think he should do?

Mr. Penikett: Mr. Chairman, just let me explain. We have had a description of what a dental assistant does. They have not been defined anywhere very precisely, except to say that they must work under the direct supervision of a dentist. I am wondering what would prevent a dental assistant, without any specified qualifications or anything else, from doing any dental functions under the direct supervision of the dentist.

Dr. Hibberd: A person could not take on those duties unless they were a dental hygienist, dental therapist, or a dentist. They could be named that way. Those are the only people who are competent in legislation to do those things. Therefore, by the commission of omission, in a sense, those dental assistants are not included in the legislation. They can not do it.

Mr. Penikett: Just to clarify the point, and I do not expect the Minister to respond to this now, but I would like to throw out a

suggestion. Perhaps, he would take it under advisement and think about it. I am wondering if we could, when the Ex-Com, or whoever, is finalizing the regulations for this ordinance, consider making some specifications about dental assistants, to this extent: perhaps, recognizing the certification that other jurisdictions may give, if we are happy with those certifications, and perhaps, suggesting that a certain minimum of on-the-job training in the Yukon might be appropriate. I just make that as a representation, Mr. Chairman.

Hon. Mr. Tracey: Mr. Chairman, I think that Section 21(1) and 21(2) outline the duties of a dental hygienist and a dental therapist in what they are permitted to do, and that a dentist has to give them his direct permission to do so, and I do not see why we would have to outline the duties of a dental assistant right down to the last detail. We, also, already have, in 24(b), the ability to regulate what the dental assistant can do, and if we find that there is any problem with what they are doing, we will certainly bring in regulations to alleviate the problem.

Hon. Mr. MacKay: We are going around, and around, and around in this problem. The situation is that we do not seem to be able to hit on a fixed point. I think that the fixed point is that we are all agreed that a dental assistant is nothing more than somebody who helps the dentist around the chair. I think that we can all agree in that. Nobody is trying to do anything else. The point that the Opposition is trying to get across the floor is that we do not see, in this legislation, the kind of definition that stops a dental assistant from acting as a dental hygienist or a dental therapist. That is really all we are asking, some way to make sure that a dental assistant does not suddenly rise up above a dental therapist or a dental hygienist. That is all we are asking. We are not saying a dental assistant should be something other than what a dental assistant is, which we have had defined in my mind as somebody who helps a dentist around the chair. He is not doing the work in the mouth that a hygienist or therapist would do. Really, all we are asking is for the Minister to come up with some definition that will satisfy us, and we are all agreed on this, that a dental assistant is junior to a hygienist or therapist. I hope, I am getting the point across that we are not disagreed at this point on what a dental assistant is. All we are trying to do is find out how to safeguard the other three members of that profession.

Hon. Mr. Tracey: Mr. Chairman, I think that if the Honourable Member will look at Section 20(2), it says that, "no person shall perform the services of a dental hygienist or dental therapist unless he is registered as a dental hygienist or dental therapist pursuant to this ordinance." Furthermore, Mr. Chairman, we have no problem with bringing a regulation out to stop someone from pulling teeth, or whatever, but the reason that we do not want to tighten this dental assistant definition too much is that if we do, we might as well take it right out of the Ordinance altogether, because we are going to put a bunch of people out of work.

Mr. Penikett: Mr. Chairman, just so I can wrap this up nicely, I do not want to do at all what the Minister has last suggested but I, for one, I cannot speak for my opposition colleagues, would be quite happy to see whatever is necessary laid down in regulations. I think, it is a pertinent point though, that if there is certification of these people in other jurisdictions, and that certification is useful, why not have put it in our regulations. I am not prepared to hold up the Bill for that reason, but it seems to make sense.

Mr. Hibberd: Mr. Chairman, I thought I had gone through all that before, and I really think that the opposition is now clutching at straws. They have lost the base of their argument, but they are still going on. It is not the regulations. The fact is that it is there now. We have defined the duties of the dental hygienist and the dental therapist. I do not know if they want to classify what might be office help, and state what a typist can or cannot do. How far can we go in classifying people as to what they can and can not do? The dental assistant, under our legislation, is doing nothing that could be construed as being in the professional area. I do not think that is the problem at all. I think that is why the other classifications are there. This does not apply to outside jurisdictions. We can not use their criteria. We tried to when we were going through this legislation, and we found that they use different terminology to describe people with different training programs, so we cannot revert to that. We had decided, in years past, to be a partner in the Fort Smith program, and from that we got our dental therapists, and we have been very happy with that program. There is no similar program in southern Canada, but that is not to say that these people are incompetent, and we should give them that recognition in this legislation, which is the main thrust of this Bill.

Mr. Penikett: Mr. Chairman, just to say one last word. As always, the Honourable Member from Whitehorse South Centre is eloquent and extremely persuasive. I think that I want to get back, though, to the original point. The Minister started off by talking about

wanting to encourage people, to make sure that people came in. The only point that I was making, and I am obviously not communicating very well today, is that I want to make sure that people who may be certified, whatever they are called, if they are called dental assistants but, in fact, they are qualified to do what we call dental therapy work here, I want to make sure that we do not, because of some regulation, that is improperly written, prevent those people coming in here to work, when they may have some valuable skills that we may be able to use. That is my only concern on that point.

Mr. Spray: Mr. Chairman, I do not know whether I can add anything to clarify this but we have three different areas of work. We have dentistry, which is performed by dentists, who are licenced. We have dental services, which are performed by dental therapists and dental hygienists, who are registered, and we have assistance to a patient and assistance to a dentist, performed by the dental assistant. There is no uniform legislation, to my knowledge, on dentistry, and we run into a terminology problem. We are specifically aiming at a definition for dental assistant unique to Yukon Territory, and they may indeed be certified dental assistants, certified in another jurisdiction in Canada, and the regulation-making power in the ordinance does allow us to specify the duties of a dental assistant.

Hon. Mr. Pearson: Mr. Chairman, I would respectfully suggest that we could excuse our witness, at this time, and I would like to convey to him the sincerity of this side of the House when we say thank you for appearing before us. We did not mean to be hostile, and I hope we did not appear to be hostile. We are sincere in the questions that we asked. I have not met you before. I was very sincere in wanting the question asked about your qualifications, because I did not know. I was also very sincere in wanting to know whether, in fact, you could help us with the actual work done in Whitehorse by dental assistants. I sincerely want you to know that we did not intend any hostility toward you while you were here, and we do appreciate you coming. Thank you.

Hon. Mr. MacKay: I would like to extend my thanks to Mr. Wiser as well, not only for his appearance here today, but for other information that he has helped me with to debate this Bill. I think it was unfortunate that he did become embroiled in what was obviously a terminology difference, and I thank him at this point. I am not quite finished with the debate, but I do not think that we need Mr. Wiser further at this point. Thank you.

Mr. Penikett: Mr. Chairman, I would like to add my thanks.

Mr. Chairman: Thank you, Mr. Wiser for appearing before us, you may leave now.

We have an amendment on Clause 1, which you have in front of you. Shall the amendment carry?

(Amendment agreed to)

Mr. Chairman: Does Clause 1, as amended, carry?

(Clause 1 agreed to)

Mr. Chairman: Clause 2 is carried.

Clause number 3 was stood over. We will now consider clause 3.

(On Clause 3)

Hon. Mr. Tracey: Mr. Chairman, I do not think I have to make this motion again, do I? Do you want this motion made again?

Mr. Chairman: That will be okay, I will consider it as having been made.

Hon. Mr. MacKay: Having accepted that a dental assistant is a dental assistant, is a dental assistant only know to a dental assistant in the Yukon? I can see where the Government is trying to comply with the spirit of what we agreed upon, and I am not having any difficulty with that, but I am wondering if it would do any harm to say, in this clause, that a dental assistant can not do what a dental therapist and a dental hygienist do? I think that we are all agreed that a dental assistant will not do these duties. Will it do any harm to say it in this clause?

Hon. Mr. Tracey: Mr. Chairman, it says that in the following Clause, 20(2), no person shall perform the duties of a dental hygienist or dental therapist unless he is registered, so it is already covered.

Mr. Fleming: May I ask a question? Does that cover all dental work completely, dental therapist and dental hygienist, completely?

Hon. Mr. Tracey: It is very precise in what it says. It says, "No person shall perform the services of a dental hygienist or a dental therapist unless he is registered." That would preclude any dental assistant doing any job that would be a hygienist's or therapist's job.

Mr. Fleming: Pardon me if I am very stupid, Mr. Chairman, but I do not think it says that. It does not say that he cannot even be a dentist, actually, unless those two specific areas cover completely all dentistry, then I will go along with the Honourable Minister. Otherwise, it does not say that, it just says that he cannot do those two duties but it does not say that he cannot do other duties as an assistant.

Hon. Mr. Tracey: Mr. Chairman, I do not get what the Member really means. What other duties would there be?

Mr. Fleming: Mr. Chairman, that does not answer my question but it is okay.

Mr. Spray: Mr. Chairman, I think we are going to have to go back to the definition of "dentist" and "dentistry" and the fact that no person shall practice dentistry in the Territory unless he is licensed pursuant to this Ordinance, and dentistry is the treatment, advice, service or attendance that is usually rendered or performed by dentists in the practice of their profession and includes the practice of dental surgery. Therefore, no one, unless they are registered as a dentist, may perform the services of dentistry.

However, we are registering therapists and hygienists and very specifically stating the limited duties that they may undertake. We are then precluding dental assistants from doing the work of a therapist or a hygienist and they are automatically excluded from doing any of the work of a dentist. Therefore I would submit respectfully, Mr. Chairman, that they could not extract teeth as an example.

Hon. Mr. MacKay: If I could address this final question to the witness, in your opinion, this Ordinance, as amended or to be amended, will not permit a dental assistant to do any job which requires a dentist, a dental hygienist or a dental therapist.

Mr. Spray: Mr. Chairman, I could not answer yes to that, quite obviously, because they are providing direct assistance to the dentist and direct dental assistance to the patient and that may very well be some very limited duties such as putting the suction into the mouth of the patient. But their capabilities are as restricted as they can possibly be made and they are under the immediate supervision of the dentist, and they are providing, primarily, assistance to the dentist. As I stated last evening, they are chairside assistants to the dentist.

Hon. Mr. MacKay: Perhaps I did not put the emphasis on the right syllable there. I did say the word "require" a dentist, that "requires" the services of a dentist or a dental therapist or a dental hygienist.

I am not saying that it may be done but the duties of the dentist, when you say the practice of dentistry in Clause 1 in your definition, you are presumably referring to a set of duties. You are saying, I just want to get this very clear, that this is what this means. The services that are required to be done by a dentist, as defined under Section 1, services that are required to be done by a dental therapist and services that are required to be done by a dental hygienist will not be done by a dental assistant.

Mr. Spray: Mr. Chairman, that is my interpretation of the Legislation that is in place before you for discussion.

Mr. Chairman: If there are no further questions, I shall read the amendment.

Bill Number 11 be amended at Clause 3(1) at page 2(19(1) and (2) by deleting section 19(1) and (2) and replacing it with the following:

"19(1) A dentist may authorize a dental assistant to give specific routine dental assistance to a patient who has been examined by the dentist if the assistance is given under the immediate supervision of the dentist.

(2) No dental assistant may give dental services except as provided by subsection (1)."

(Amendment agreed to)

Mr. Chairman: Clause 3, as amended, shall clause 3 carry as amended?

(Clause 3 agreed to)

Mr. Chairman: Clause 4: This Ordinance shall come into force upon Assent.

(Clause 4 agreed to)

Mr. Chairman: I shall refer you back to the title and the preamble.

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

Some Members: Agreed.

Hon. Mr. Tracey: Mr. Chairman, I move that you report Bill Number 11, as amended, to the Assembly.

Mr. Chairman: It has been moved by Mr. Tracey that I report Bill Number 11, as amended, to the Assembly.

(Motion agreed to)

Hon. Mr. Pearson: Mr. Chairman, I move that you report and beg leave to sit again, and that Mr. Speaker, do now resume the Chair.

(Motion agreed to)

Mr. Chairman: At this time I would like to excuse Mr. Spray and thank him for being with us this afternoon. (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. Lattin: Mr. Speaker, the Committee of a Whole has considered Bill Number 11, An Ordinance to Amend the Dental Profession Ordinance and directed me to report the same with amendment and beg leave to sit again.

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

Some Members: Agreed.

Mr. Speaker: Leave is so granted. When shall the amendments to Bill Number 11 be read a second time?

Hon. Mr. Tracey: Now, Mr. Speaker.

Mr. Speaker: Perhaps I have been hasty here. Perhaps these would have to wait until tomorrow. I am sorry. May I then have your further pleasure.

Mr. Hanson: Mr. Speaker, I move we do now call it 5:30 o'clock.

Hon. Mr. Graham: I second that, Mr. Speaker.

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

(Motion agreed to)

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

(Adjourned)

The following Legislative Return was tabled on April 3, 1979:

79-2-14

Cost of Fuel to Government.

