



# The Yukon Legislative Assembly

---

Number 35

2nd Session

24th Legislature

---

## **HANSARD**

**Monday, November 5, 1979 — 7:30 p.m.**

**Tuesday, November 6, 1979 — 1:30 p.m.**

Speaker: The Honourable Donald Taylor

# Yukon Legislative Assembly

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

## CABINET MINISTERS

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

## Government Members

### (Progressive Conservative)

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

## Opposition Members

### (Liberal)

Iain MacKay	Whitehorse Riverdale South
Alice P. McGuire	Kluane

### (New Democratic Party)

Tony Penikett	Whitehorse West
---------------	-----------------

### (Independent)

Maurice J. Byblow	Faro
Robert Fleming	Campbell

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

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

## ERRATA

Reference Page 587 & 588 - November 5, 1979

Please replace the last six lines in column 2 on page 587 and the first 27 lines of column 1, on page 588 with the following:

- On Clause 1(1)
- Clause 1(1) agreed to
- On Clause 2(1)

**Mr. Penikett:** Mr. Chairman, I want to make it clear that I am going to be raising a number of questions here which the Minister may not be able to answer right away. I would just like to say that if the Minister feels there is some justifiable concern of mine perhaps the thing might be stood or whatever is the suggestion from the Minister.

This section merely continues with some definitions. It has been pointed out in this House before that there are two areas of Government policy which are within the jurisdiction of the Yukon which are of profound concerns to the Yukon Indian community. They are of course, education and this matter of game.

This Ordinance does not amend the definition of "Indian" in the Yukon Game Ordinance, but, of course the master Ordinance which we are referring to here does have a definition in it. I would just like to ask the Minister if, in the light of the fact that we may have the Land Claims settlement in the next six months, if there has been

any discussion or if he is willing to entertain any revision of that definition of "Indian" to not leave it in compliance with the Indian Act as it now is but to bring it in line with the definition as it may be under Settlement Act or so forth.

I have asked the question because, the Government Leader would know better than I, there may be some agreement already between the Federal Government and the Yukon Indian community as to a definition of "Yukon Indian". I just wondered if we should anticipate that in the drafting of this Ordinance as important as it is.

There is another definition problem, or two, here which I might point out now in this section. I am a little concerned about the definition of "guiding" under this section since it is not, in my opinion, explicit enough.

We have now in Yukon a number of people who describe themselves as guides, but who are not guiding people for the purpose of hunting big game, but they are in a sense helping people locate game perhaps for the purpose of taking pictures of them, or they may be people who may be wilderness guides who are attempting to take people into areas where there is game so that they might view them or see them but they are not, in any sense of the use of the word "consumptive" guides; in other words, they are not consuming the resources in any sense. I wonder, just to be careful because this is a new area and a new kind of tourist business, if we ought not to be more clear in that definition.

## Whitehorse, Yukon

Monday, November 5, 1979 — 7:30 p.m.

**Mr. Chairman:** I shall call Committee of the Whole to order. This evening we will continue from where we left off at suppertime. At that time we were on 30(1)65(6).

I want to draw your attention to a typographical error. Instead of "will deem" it should read "will be deemed".

**Mr. MacKay:** This part was brought up earlier with respect to the hardships that may be created by this particular section. As the Minister well knows, this matter has been discussed between us and I think it is worthwhile putting on the record some of the concerns that we have. This section is really saying that while urban sprawl and development in the sense of people moving into the country are going to happen, these people are going to come first and the trappers are, by and large, going to have to come second. That is just an unfortunate necessity involved in a growing territory.

I do not disagree with that because I do not think we can lock up the Territory and say that it is strictly for trappers. What has to happen along with this, though, is that if you are going to take off lumps of a fellow's trapline that he has developed over the years, some sort of compensation should be available to that individual.

It is not as if that is a wild and crazy idea because if, for example, this Government were to need some land downtown, it would be quite prepared to go out and expropriate that property, just as the land we are standing on here right now was expropriated. When you expropriate, you not only compensate the owner for the replacement costs of his real estate and the replacement costs of his building, you also compensate him for the loss of business and for the costs of moving his business to some other location.

So these principles, I believe, should apply where a trapper is being moved out of his area, which I agree he has no title to, and which I agree he has no right to the land; however, he may have spent quite a lot of time and money developing his trapline in that area so, I would like to say that while I agree this section has to be here because you cannot have trapping next to houses, there should be reciprocal effort on the part of the Government to provide some kind of compensation for trapping.

**Hon. Mr. Hanson:** The Honourable Leader of the Opposition confuses me every time he talks. He is talking expropriation, Mr. Chairman, that is land that is owned. Traplines are not owned, they are just a lease that we give them. There is quite a difference between the two.

**Mr. MacKay:** Mr. Chairman, on a point of order, I do not think that the Minister was listening to me, he was talking to his colleague next to him because I clearly indicated that there was a difference. I was merely drawing a parallel between the two.

**Mr. Penikett:** Mr. Chairman, I agree with the Minister in that we are not talking about land which is owned. I agree with the Minister that the trapper is not necessarily seen as having rights in the land in perpetuity; however, on a number of occasions in question period, the various Ministers who have held his portfolio in the last year, and I have lost track of how many there were, I know it is quite a few, three in a year, it is still quite a lot, I think one of them twice, had obviously recognized that this is a problem.

I would argue the same case as being presented by the Leader of the Opposition on the grounds of the loss of a person's livelihood. Now it seems to me that there are some trappers who are not doing it full time and therefore a relatively small part of their income is involved.

But in a case where a person may be trapping full time and, in fact, in a good year or over a period of a number of good years may have had most of their income, and their family may be subsisting on that income, it seems to me there is a question of conscience for a Government to indirectly or directly be involved as it is in the development of land here, and the development of recreational land, to recognize that it has some responsibility to compensate a person who does suffer a loss of income because of some action which may have either been taken by the Government or mandated by the Government which has a direct bearing on that income. Rather than argue that the person has lost some rights to the land, I would argue that there might be some appropriate compensation available for their loss of income and loss of livelihood.

**Hon. Mr. Hanson:** I think in some cases, we have a moral obligation but we are not expropriating because they do not own it. We do have a moral obligation, I feel, towards a person that actually is losing his livelihood. I will be the first one to agree with that but it is only a moral obligation. I am sure you are aware of that.

**Mr. Falle:** May I suggest to Members across the floor that developing land and ongoing development of farm land and any other type of land does not, in any way, impede the amount of animals that are there?

There are facts and figures that I can bring forth that shows where there is land being cleared, there are crops on, there are more birds, rabbits, and more small game. In effect, the argument cannot be put forward that they are losing the livelihood. They have to go around that land but the increased ability of the land to be able to support the animals, there are more animals on that land and that is not bull.

**Mr. Penikett:** : Mr. Chairman, I have seen the Member who has just spoken make statements before and then retract them. I am sure he is going to want to do this again.

I am sure the Member, because I understand that he has some experience in farming, has not seen an awful lot of moose, bear or mountain goats in wheat fields, nor would I expect he is ever likely to. The fact of the matter is that there are contradicting and conflicting land uses and I think, to be realistic, you must recognize that one of the historical developments in this country is the alienation of land previously used for hunting or trapping by agricultural uses. In fact, you will find that they do exist side by side but they are not totally compatible and I think you have to recognize that.

Anyway, I want to deal with a more important point raised by the Minister of Renewable Resources, et cetera. I just want to get a clear understanding. The Minister, and I am talking about the government doing something that was potentially immoral, I agree it would be potentially immoral. So what we have now in understanding, Mr. Chairman, I just want to get this quite sure in terms of this Ordinance, the government is committed to be open-minded, benevolent and moral in terms of its treatment of people who might be adversely affected by this Ordinance.

As long as that is the bottom line, that is fine Mr. Chairman.

**Hon. Mr. Hanson:** Mr. Chairman, I have been telling my ample friend all day that I form part of a benevolent government and I agree with him. We do have a moral obligation. In fact, we are trying to work on a couple of such cases right now.

**Mr. Fleming:** It is an interesting discussion. We are actually questioning, on this side of the House, as to whether it would hurt a man's livelihood to take the land away for a dwelling. Of course, some Members of the Government stand up and say that it will not hurt because there will be more game in that area. We are not interested in the game in that area, but I would ask some of the Members if his whole trapline were covered in houses and he could not trap within two miles of there, what would happen to him then? He would be cut off.

The Minister says he would have a moral obligation, but a moral obligation, unless it is written down on this paper, does not mean a thing.

I have a problem with the way it is written down here. This two mile area is exempt unless he has the written permission of some owner or occupier of the land. The very fact that they may take an area from a trapper and possibly the Government might think that is in the best interests of the Yukon, but the Government has made many mistakes and they could make another one and it might not be in the best interests of the Yukon. In that case, they would be making a grave mistake.

Let us hope that when they come out with their Game Ordinance which is going to be supposedly a good Game Ordinance, that they do check into some of the things that we are speaking of today, in this section especially, check that very thing out and see if they can make it a little bit more flexible so that a person does not lose his livelihood.

**Mr. MacKay:** Point of order, Mr. Chairman. I notice that on the Order Paper today that there was no mention of Introduction of Visitors and I would like to draw attention to the Member from Whitehorse South Centre sitting in the back row.

**Mr. Chairman:** I do not think we have a point of order there, Mr. MacKay.

Clause 30(1) agreed to

On Clause 31(1)

**Mr. Penikett:** In 69(3), again, like that previous section, I forget the number, 61(4), I would be interested in knowing the kind of circumstances under which the Director may be extending his

provisional certificate. Could I have a brief elaboration on that by the Minister?

**Hon. Mr. Pearson:** For the same circumstances. This is dealing with the traplines, whereas the other was dealing with the guides, or the outfitters. If there is a possibility of another use for that land, or there is a determination that there may be another use for that land, and a provisional certificate is issued, and then it is determined, for one reason or another, that you should not go ahead at that time, and the use as a trapline could continue, then the Director should have the ability to extend the permit.

**Mr. Penikett:** This does raise a fairly serious question about land use priorities on which I have not heard a statement from the Government. Frankly, in fairness to the Government, it is not something I have really thought through, myself.

It seems to me that, increasingly, in coming years, we are going to have some conflicts between land uses and people desiring to put land to different uses. What we do not have, in this context, it seems to me, are the two things that would make such decision making easier. One, some kind of clear notion of what land is appropriate for what use, and I submit that that is probably impossible under the present circumstances, until Land Claims are settled, that we can get to zoning land and do it on a large scale.

There is a second problem it seems to me it would probably behoove the Government to address, sometime in the near future, and that is in terms of this economic development priority, the kind of scale of preference it might give to different land use.

Let me give an example. It seems to me, clearly, by everything that would be indicated by this Government, that they would probably prefer to have a mine than a trapline on a piece of land. There may be, because of the appropriateness of the land use, the desirability to have a municipality on a piece of land, rather than a trapline. Those are fairly easy in terms of economic decisions you might make. It may be that, from a tourist point of view, the Government might like to see a park on a piece of land, rather than a trapline.

What I am wondering about is the kind of level where you have to choose between someone who might want to put the land to an agricultural use, perhaps running horses on it, and, say, a trapline, or whether we should be tapping the forest potential of an area, as opposed to a trapline.

I wonder if the Government has any idea, or could, at this point, state where it sees trapping as a land use, how high on the scale of priorities, or is it, as seems to be implied here, pretty near the bottom, next to unoccupied, unused land.

**Hon. Mr. Pearson:** Mr. Chairman, we have a specific instance of this in this Territory at the present time. Now it must be recognized by everyone in the House that this Government does not have any land. The problem has arisen in the development of recreational lot areas, also something that this Government does not do at the present time. Hopefully, we are going to be able to have this as one of our responsibilities in the fairly near future.

Now, Mr. Chairman, recreational lots have encroached upon traplines in the past. This has been brought to our attention and we are trying to deal with it, we hope, in an equitable manner both to the people of the Territory and to the trappers involved. It is going to be very, very difficult to lay down a specific policy because there are so many variables or it is foreseen that there can be so many variables. We do not want to get anybody locked in to something that we cannot live with later on. So I would suggest that what is going to happen, in fact, is that we will be dealing with these things just about on an ad hoc basis. There really is no other way.

In respect to land use policies, Mr. Chairman, it is very difficult for us to seriously consider land use policies until we really have some land to be dealing with. Now we do have some input into the priorities of land use in certain areas now, but very, very little.

**Mr. Fleming:** Yes, Mr. Chairman, I am very interested in what the Government Leader has said. I had a question on this very subject here. As I think the Government should be well aware, the little Teslin subdivision which they have proposed and started to work on already is encroaching upon a trapper's rights today, possibly through this Ordinance.

In this section where it says "unless sooner cancelled", I am very interested in that area, "unless sooner cancelled". I wonder if the Government Leader would give me some assurance that the trapline would not be cancelled for some of the uses the Honourable Member in front of me has said, and asked about, other than where, in 68, they may cancel it because it has not been used properly or not being developed properly or not used enough. If they could take this section just because it says "unless sooner cancelled", they could cancel it for some other reason.

**Mr. Chairman:** I would draw attention that if you are talking about

subsection 69(2) we have already cleared that, but Mr. Hanson, go ahead please.

**Hon. Mr. Hanson:** Subsections 69(2) and (3) provide for provisional certificates of trapping. In other words, they have never had a certificate before. Mainly, that is what it is, it is their first certificate.

It is now getting to be the policy of the Government to give a provisional certificate one year at a time and if they should be able to handle a job then it will be increased to five years, notwithstanding, of course, the other things that could take place. It is for people who have not had a certificate before, mainly.

**Mr. MacKay:** I think we are ranging fairly wide on this section but I would like to pick up on a couple of things that the Government Leader said with respect to the process of land and dealing with it.

I think we all do recognize very clearly that this Government has very little land with which to plan and with which to do anything. However, to me, we are also very much aware that this Government is attempting to obtain as much land as it possibly can of the Yukon, doubtless after a Land Claims settlement, and various other things as they go on. Precisely, the ultimate aim of this Government is to have all the land of the Yukon, not alienated elsewhere, under its control. I do not think very many people disagree with that process.

It seems to me that if that is our long-term goal, and I think it is everybody's long term goal, this is the very time that the planning for this eventuality should be going on. It is only by having made good plans and having discussed these various possibilities and options that are open to us, that when we do acquire control of that land, there will be very little worry on the part of (a) the Federal Government, and (b) the Yukoners, not necessarily in that order, that, in fact, we can handle this responsibility. I was quite surprised when he seemed to indicate that not too much planning was going on. My understanding was that there had been a considerable amount of planning going on both in the Minister of Community Affairs' Department and in other areas.

I would like to be reassured that this planning is going on. There is a lot of work going on at the time, right now, in anticipation of a transfer of land in the not-too-distant future.

**Hon. Mr. Pearson:** Mr. Chairman, the Honourable Member has misinterpreted or misunderstood what I said. We are very, very actively planning the transfer of land, maybe optimistically, but we are very actively planning that now. I do not think that the Federal Government would consider transferring any land to us of any type, shape or description unless we have got a firm policy and plan in place for that land. I would not expect them to transfer it without that being in place. We are actively working on that now.

**Mr. Penikett:** Mr. Chairman, I do not want to broaden the discussion of this Clause unnecessarily, but I would like to say this in closing, and I want to say it with respect to the Minister opposite. I do think this is an area where the Government and the House will have to address itself to and come to some conclusions about in the next while because it occurs to me that we are bound, not in the great distant future, but in the very near future, to come into some very tough conflicts between, not industrial land use and municipal land use versus trapping, but questions like the priority of recreational land use as opposed to trapping, or agricultural uses as opposed to trapping, or some kind of tourist uses as opposed to trapping.

I think it would do us all good, before we ever come to that crunch point in particular decisions, to have some kind of idea as to how high we rated this industry, if you like, in our scale of economic development priorities. Clearly, in this point of time, I would guess that it would not rack up the tourism but it seems to me, with justice, a government could quite sensibly argue that it is conceivably more important than agriculture and therefore if there is a conflict between those two land uses that trapping should take priority, or if there is a conflict between recreation land use and trapping, that perhaps in certain areas, there might be more economic benefit for the Territory in the trapping.

While I admit, everyone says I know we do not have the land, we do not control the land, we are, by implication, even in ordinances like this, it seems to me making land use decisions which will live with us in the future.

I would just say, Mr. Chairman, I had not thought much about it before and I do not expect many people in the government had, but I think it is an area which we should be talking about in the future because it is a pretty important one in terms with this industry in this Ordinance we are dealing with.

**Hon. Mr. Pearson:** Mr. Chairman, we have thought about it an awful lot and it is a major concern. It is something we are actively working on.

Clause 31(1) agreed to.

On Clause 32(1)

**Mr. Penikett:** Mr. Chairman, I have just a brief question. I know we have got a game farm. Are there any fur farms operating in the Territory at the present time?

**Hon. Mr. Hanson:** Not at this time but there could be in the foreseeable future. This and the next one are just a change in measurements to the new table of measurements.

Clause 32(1) agreed to

On Clause 33(1)

**Mr. Fleming:** In Clause 33(1), Mr. Chairman, I was just wondering, where they just mention they kill any dog found terrifying captive game, what in the case of animals such as wolves, terrifying your game in the same sense? The owner or the caretaker of a fur farm, in this instance, shot one of these animals without a permit or a license, what would happen in that case?

**Hon. Mr. Hanson:** I did not quite get what he was getting at. If you look at the paragraph above, it says in pens or dens, 23 meters of the pens or dens of the game animals that are in captivity. It applies to the bottom one. If it is found that the dog was terrifying them, the dog can be destroyed.

**Mr. Penikett:** Mr. Chairman, well, in answer to Mr. Fleming's question, it seems to be the previous section of about defending life or property, presumably these animals in question are property, therefore, you could, with justice, kill any game animals that threatened your captured animals because they were your property. You would still then have the obligation to do what that previous section says, which is dress them and report them to the conservation officer.

**Mr. Fleming:** I would thank the Honourable Member for that remark, because I think that was possibly true. I think that was all I wanted to know really, if that is true.

Clause 33 agreed to

On Clause 34

**Mrs. McGuire:** I wonder if the Minister could explain why that was taken out?

**Hon. Mr. Hanson:** Subsection 82(3), authorizing the prospector to hunt game birds in the sanctuary, is repealed. Prospectors were allowed to hunt fowl in the game sanctuaries. It is now repealed.

**Mr. MacKay:** The question is, why?

**Hon. Mr. Hanson:** Because it is a game sanctuary. No hunting is allowed in a game sanctuary.

**Mr. Fleming:** I wonder why the Government did not think of the trapper when he was in there, or the person who was actually in there, other than just any person hunting. I can understand where there would be concern as to whether a person was just going in there hunting, but if he was prospecting for minerals, as this section did before they took it out, then I would consider that that person should have a right to shoot food for himself for his livelihood.

**Hon. Mr. Hanson:** It was an old one and it is now withdrawn.

**Mr. Fleming:** Yes, Mr. Chairman, why was it withdrawn?

**Hon. Mr. Hanson:** Because it is a game sanctuary. No hunting is allowed by anybody. It is an old law that was in there that we are withdrawing. That is all.

Clause 34(1) agreed to

On Clause 35(1)

**Mr. Penikett:** I was fascinated by the withdrawal of Section 84. Perhaps the Minister could explain it a little further. As Members opposite know, I am not always sentimental, but I hate to see the disappearance from our legislation of references to trading posts and outposts, in the sense that it suggests that these things will never return, and there will never be any anymore. I like to think that, maybe, somewhere, sometime, not as the Minister just said that when it is old then it is withdrawn, I would suggest that the Minister may one day become old enough to want to withdraw from this urban environment, and want to go set up a trading post, perhaps not on the Stewart River, but perhaps somewhere a little further out of the way, and I would like to think that if he were so eccentric and so quaint at that age of his life that he wanted to do that, that the Department might think there was some useful purpose being served by him being there, and perhaps some trappers in the area might want to have some truck or trade with him.

**Hon. Mr. Hanson:** That question does not demand an answer.

**Mr. Penikett:** Yes, it does, Mr. Chairman.

**Hon. Mr. Hanson:** Well, maybe I run the trading post, as long as he is on the other side of the river, running the other one. There is no

such thing as a trading post left, anymore. There are just a few old shacks along the rivers, and they are now historic sites, as the Member across the floor is fast becoming.

**Mr. Penikett:** He is too old. I will just sit down.

Clause 35(1) agreed to

On Clause 36(1)

**Mr. Penikett:** This is the Clause where the Minister is going to stop Indian people from selling moccasins at a roadside stand, or selling non-residents, privately, or whatever, parkas with pelts on them or fur on them. Is that what the Minister plans to do?

**Hon. Mr. Hanson:** I do not think it particularly says that. If we could just set that one aside and go on to the next.

**Mr. Chairman:** You wish that one to be set aside, Mr. Hanson?

**Hon. Mr. Hanson:** At this time, yes, Mr. Chairman.

**Mr. Fleming:** Just to comment, I wonder if the Honourable Member knows that there is still such a place registered in the Yukon Territory as Nisutlin Trading Post.

Clause 36(1) stood over

On Clause 37(1)

**Mr. Penikett:** This really connects very much with the previous Section because it refers back to it. It talks about the licence to authorize the holder thereof to trade and traffic in fur-bearing animals and such species of game or products manufactured from parts of game as are specified in the licence.

Let me just explain briefly, again, in all seriousness, there are people like my mother-in-law who catch rabbits, and catch small game, and make things out of them and sell them. She does not have a licence, I do not think.

**Hon. Mr. Pearson:** I think the Honourable Member would like to reconsider 85(1) and 85(2) again. What we are doing here, Mr. Chairman, is extending the areas in which these items may be bartered, because what we are doing with the amendment is to include two animals that are not fur bearers, wolves and coyotes. The Section is as was except for that. We are not restricting anything. We are making it wider. We are making it more open.

**Mr. Penikett:** With respect to the Government Leader, I understand that. What I am suggesting is that, since we are amending the Ordinance right now, I am suggesting that there is a problem as it now reads. The small amendment made by the Government maybe is not enough.

I would like it stood, Mr. Chairman.

Clause 37(1) stood over

On Clause 38(1)

**Mr. Fleming:** Yes, just a little time, Mr. Chairman. We still have tomorrow, with respect.

I wonder why they went from a monthly return to an annual return which is quite a jump and possibly a detriment to a person who is in a small business to have to do just that. I am wondering why they went so far instead of possibly going to a semi-annually or something like that rather than one month.

**Hon. Mr. Hanson:** This is for doing statistics for monthly figures of the amount of furs taken each month.

**Mr. MacKay:** I think the Minister might check the Statistics Ordinance and he would find that it is all closely tied in together with that.

**Mr. Fleming:** I am just wondering what the Minister would have said if the paper had said "one day", whether the answer would have been the same.

**Hon. Mr. Pearson:** Mr. Chairman, it does not say "one day".

Clause 38(1) agreed to

On Clause 39(1)

Clause 39(1) agreed to

On Clause 40(1)

**Mr. MacKay:** In (e), perhaps the Minister could explain the reason for the repeal?

**Hon. Mr. Pearson:** Mr. Chairman, all of these changes that are here reflect what we have done in this Ordinance up to this time plus picked up the one repeal that should have been there. In addition there is only one new matter added to the section and that is (k). All of these things are simply reflections of the legislation that we have already gone through except for (k) which is new.

**Mr. Penikett:** On (h), Mr. Chairman, I hope somebody is going to tell me why this is still in here, why it has not been removed, and what possible reason there is for maintaining it.

We talked earlier about, compared to this fairly modest exemption to Commissioner's rights, the American army were all under this section granted without fee a special licence to enable them as guests of the Territory to hunt during the Second World War. Given that various other friends of other various Commissioners have been given this right, I think this is a right that we should not only be scratching out of here, I think we should make it disappear forever from the Ordinance.

**Hon. Mr. Hanson:** You can never tell when Mr. Broadbent is going to be here. I fully agree with you. It should be withdrawn completely. I did not know it was there.

**Mr. Penikett:** Could I move accordingly that (h) be withdrawn?

**Mr. Chairman:** Do we agree that (h) will be deleted?

**Some Members:** Agreed.

**Mr. Chairman:** You are going to bring in an amendment to remove (h).

**Mr. Penikett:** I think I understand (j) well enough but I wonder if the Minister might just give a little narrative about "fur rehabilitation blocks", just for the edification of the Members of the House.

**Hon. Mr. Hanson:** We will set this aside at this time.

**Mr. MacKay:** When the Minister is re-examining this clause, he might correct the typo. I think it should say "on behalf of the Territory entering into arguments with Canada" rather than "agreements". Perhaps they mean agreements.

**Mr. Fleming:** Are we completely through 89 now?

**Mr. Chairman:** No, Mr. Fleming, all this is under 89. We are now discussing Subsection (k) of subsection 89.

**Mr. Penikett:** Yes, Mr. Chairman, Mr. Mackay is too bashful so I am asking on his behalf for an explanation of "discrete small wildlife numbers". I think that is the outrageous dances that little animals do in the dark.

**Mr. Fleming:** Yes, if that complete section is going to be cleared now, I would merely have a comment.

**Mr. Chairman:** I cannot clear the complete section, Mr. Fleming because I have two subsections stood over.

**Mr. Fleming:** Yes, I understand you are not clearing the whole section in any case.

**Mr. Chairman:** No, we have to come back to it because there are two subsections stood over. I refer you to subsection (j) and (h).

**Mr. MacKay:** I would like to hear the Minister's explanation of what a "discrete small wildlife number" is other than something he does in the back recesses of the Chateau Mayo.

**Mr. Chairman:** Perhaps at recess, Mr. MacKay, would that be all right?

**Mr. MacKay:** Yes.

**Mr. Fleming:** Mr. Chairman, with all respect, I would like to make a comment on the complete section. When they take it back, as I find the same problem as I have found so many times, in the Ordinance where in (b) it says; "any cause that to him seems sufficient;" and then you go to (c) and you find "...registration upon such terms as he may deem proper".

I wonder if, in some of these Sections, they do not add some words so that it would be within the bounds of this Ordinance. There is wording, which I may not have right at the moment, but I would hope that the Government would look at some of those things, once in a while, rather than just passing such loose terms as those two there. Of course, they are usually different in each Section, but they mean the same thing; do anything you want, even if you are not within the bounds of the Ordinance.

**Hon. Mr. Pearson:** I cannot let that go by. Surely the Honourable Member is not suggesting that we are passing regulations that we do not have the authority to pass. I will not let that go by. There is a committee of this House that has a responsibility to make sure we do not do that.

**Mr. Fleming:** I will apologize if I said you were passing them. However, I am saying that when we do put such loose terms in an Ordinance, there is a possibility that regulations could be made that might not be, and then it would be the job of that Committee, and anybody else that can change it properly, that they would do so. The fact remains that it could happen.

Clause 40(1) stood over

**Mr. Chairman:** At this time I think we should take a short recess.

Recess

**Mr. Chairman:** I shall call Committee of the Whole to order. I have a motion before me that Mr. Hoffman appear before the Committee as a witness. Is there any discussion?

Motion agreed to

**Mr. Chairman:** I welcome Mr. Hoffman as our witness this evening.

**Mr. Penikett:** Mr. Chairman, I wonder if I could just make a suggestion to something now which might be useful for us in terms of future appearances by witnesses in Committee.

Some time ago a number of Government Members and a number of Opposition Members had an informal discussion concerning the possible calling of witnesses in connection with the Matrimonial Property Ordinance. There was some disagreement among Members about whether lobbyists should be called or experts should be called. The Government view expressed was that only expert witnesses were appropriate at the Committee stage. I am more or less persuaded that that is a good thing. It seems to me that, from time to time, the Government may wish to bring experts forward who are not public servants of this Government, or their status as expert is not clear.

It seems to me as a formality, Mr. Chairman, I would just like to say to you and ask if, as a matter of procedure in the future, we could ask, every time there is a witness before the Committee, for some brief description by the witness or the Minister introducing them of their credentials as an expert. It just seems to me that it would be a useful precedent to establish so that there is no question about that later in the Committee.

**Mr. Chairman:** Yes, in the future, the chair is going to ask the House to consider it as a motion when we have a witness.

**Hon. Mr. Pearson:** Mr. Chairman, could we beg the indulgence of the Chair and go back to 40(1)(j). There was a question asked by one of the Members in respect to (k). Perhaps with the witness here could answer those questions to the satisfaction of the questioners at this point.

**Mr. Hoffman:** Yes.

**Mr. Chairman:** On Clause 40, we have a suggestion before us that we go back to Subsection (j).

**Hon. Mr. Pearson:** Maybe if we could, for the witness' benefit, there was a question in respect to "fur rehabilitation blocks" and on (k), a question on "discrete small wildlife numbers". Possibly if the witness could give us the definitive answers in respect to those two definitions then they may well clear committee at this point.

**Mr. Hoffman:** Referring to (j), the "fur rehabilitation blocks" dealt with areas of concern over populations that were in problems throughout Canada, such as beaver were in the the 1950s and early 1960s. Canada became so concerned about the beaver population across Canada that they decided that they should establish certain areas where rehabilitation of those populations were necessary.

In order to allow the Territorial Government to enter into agreements which would affect traplines in some fashion by possibly closing seasons to allow rehabilitation of those species to re-occur, they decided to put in a clause that allowed the Yukon Territorial Government to enter into agreements with Canada which may affect, in part, Yukon, possibly British Columbia or the Northwest Territories. It was a national concern that allowed the Yukon ability to negotiate with Canada on that level.

As far as "discrete small wildlife numbers", that, in essence, means that there is a small discrete population. In other words, there is a small population, let us say, of goats in a certain area, that there may not be any other goats for miles around and it is of major concern that we protect a small, definitive group of animals such as caribou in zone seven. We believe that in zone seven there are only thirty to forty caribou left in the entire zone, so we would say that that is a discrete small population.

We would possibly pass a law that would affect or protect, in essence, that small group of animals. Whereas on the other hand, caribou in the north are in vast numbers and we would not pass the same law in that area so we have to be able to manage either on a large scale or a small scale. This allows us to do that.

**Mr. Penikett:** I am just wondering if I might put a technical question to the witness. These agreements that are referred to in (j) clearly suggest that Canada, in respect to native people harvesting these species has some jurisdiction. I know that there are a whole number of cases before the courts about aboriginal hunting rights and so forth, and various efforts by various provincial jurisdictions to regulate those things.

Something I have not heard of, or considered before, was the possibility that somehow there might be some Federal intrusion into the jurisdiction as far as trapping, or that form of harvesting of game, is concerned. Is that the case, or is it just a question here of coming to an agreement with Canada because of their knowledge of national population situations?

**Mr. Hoffman:** I would believe the latter, that it was because of the

concern, nationally, that they decided to give the authority to the Yukon Territorial Government, to allow them to enter into these agreements. I do not believe that it was the former.

**Mr. Fleming:** I wonder if we could have the answer as to why they actually did use the terms, "Indians or Eskimos," rather than use the term of Yukon as a whole, for the benefit of the whole of Yukon, rather than just pick out a couple of names of certain societies or peoples.

**Hon. Mr. Hanson:** It was amended in 1975 to read, "Indian or Eskimo." It is in the Act. Until the Act is changed, it will have to stand as that as a description of these two races.

**Mr. Fleming:** Is the Minister speaking of the Indian Act? No. Of what Act is he speaking that would not permit you to change this Ordinance, when you wrote it?

**Hon. Mr. Pearson:** This is simply a reprint of the existing Game Ordinance. This is, word for word, Section 89(h) of the existing Ordinance. It was in the Revised Ordinances of the Yukon Territory in 1958, and was amended in 1975, that particular Subsection.

**Mr. Fleming:** I realize that. I think I had something to say about it then. I am still wondering why it is really there, when it could say it is to the benefit of all the Yukon.

**Hon. Mr. Pearson:** It may well be, because Canada would not enter into an agreement unless, in fact, it was beneficial to Indians or Eskimos. I would suggest that that is probably the factual reason for it being there.

**Hon. Mr. Pearson:** Mr. Chairman, once again because we have the witness with us, could we take advantage of that fact and go back to Section 36 and Section 37, the two that we stood over? Possibly the witness, could make explanations that would substantiate these amendments.

**Mr. Chairman:** Yes. Before we go back on former Clauses, the Chair would like to know what you want to do with Subsection (h).

**Hon. Mr. Pearson:** Well, we agreed to repeal that. We are going to have to bring in an amendment.

**Mr. Chairman:** I now direct the Members back to page 17, Clause 36(1) Subsection 85(1). This section we stood aside. I will now ask your questions.

On Clause 36

**Mr. Penikett:** Mr. Chairman, I do not know whether the witness heard, or overheard, the discussion we had on this Section. Perhaps it does not bear repeating. The Government Leader explained that there was some increase in latitude put in here.

My concern was that, and it was a concern I expressed in other sections, we really do not need to be regulating some of these areas, and I just wanted, in terms of the impact on the few people in the Territory, usually older Indian people who may be making craft items out of rabbit fur skin, usually not the more valuable kind of hides, or the more valuable skins, that this power in the Ordinance requires them to, in effect, have a licence, which is something that most of them do not have now. Most of them are doing it on a very small scale and I would guess that the income they are deriving from it is pretty insignificant as well.

I just wondered if this was really necessary, this kind of power.

**Hon. Mr. Pearson:** Mr. Chairman, I do not think the Honourable Member should say that most of them do not have it now. There is a requirement now for the licence. All we have done, with these two sections, is include the furs of another two animals that can be used in this manner. There is a requirement for the licence now.

**Mr. Penikett:** Mr. Chairman, in pursuing the matter, let me say with respect to the Government Leader, I cannot prove this but I would guess that only a tiny fraction of the people who are engaged in this occupation have a licence. I would also suggest, with respect, that there is not an overwhelming necessity for the licence. Perhaps there is in view of management reasons, but I would like to hear some elaboration of that.

Given my two propositions, I would therefore argue that maybe we should simply remove this power as it would apply to such people.

**Mrs. McGuire:** I would like to ask about this part where it says, "traffic in skins, pelts or part thereof". Would that mean a part of the animal's fur that is attached to the hood of a parka or slippers?

**Mr. Hoffman:** Mr. Chairman, to answer the first question: in essence we have had this particular law that applied to fur-bearing animals that said you must have a licence to traffic in fur-bearing animals. Trafficking or sale of big game animals or game birds was forbidden. Only under special conditions would we allow the sale of a big game animal or a game bird, and then it would be only on a one to one basis.

What we tried to do was allow cottage industry, to which Mr. Penikett referred, to continue or to develop. We do not want to prevent cottage industry such as people making salable commodities out of wildlife from discontinuing.

In essence, we have widened the scope of the law to allow that to occur on a licence basis, where, in the past, you would have to come in and get a permit for each individual item that he would sell which made it a very difficult procedure to follow. What we now want to simply say is that in addition to fur-bearing animals, if someone in a small shop wants to sell big game or parts thereof such as antler cribbage boards or whatever, he can come in and buy a licence at the beginning of the year which will carry him through the year to sell all these commodities.

All we want to do is have him keep track of where they came from and how he acquired them. In the past that was not allowed.

To answer Mrs. McGuire's question, Mr. Chairman, the answer is yes, it would include such things as trim on parkas.

**Mr. Penikett:** Mr. Chairman, let me try and clearly distinguish what I am concerned about here. It is one thing to require the two Indian craft stores in town to have licences to be selling or trading this kind of thing. That seems to me to be clearly useful and clearly productive in terms of the Department.

What I am concerned about is the women around town who may be making half a dozen moccasins in the course of a year with some fur trim that they are selling to the craft store. It seems to me that the Department can account for these fairly easily. In fact, other women who have made that many or fewer who are either giving them as gifts, in the form of barter or trading, if you like, to their grandchildren or to their brothers and sisters or whatever, some of them may be informally trading a pair of moccasins for a couple of rabbits or something like that. I do not know what kind of things go on, but I really wonder about the necessity for such people to be licensed.

**Hon. Mr. Pearson:** Mr. Chairman, I would like to refer the Honourable Member to Section 87(1) and (2) which say: "A resident may purchase, without a licence, skins or pelts of a fur-bearing animal for use by himself and his family", and (2) "a person who is not a resident in the Territory may purchase, without a licence, skins or pelts of a fur-bearing animal for his own use but not for barter or sale, total value of which, in any licence year, may be prescribed."

I think the concern of the Honourable Member is probably met, maybe not quite as far as he would like to see it, but to a large degree, by that section.

**Mr. Penikett:** I would be, I think, satisfied, if I heard the Government Leader right, "to a value prescribed," if that was the word. I do not know what the value prescribed is right now, but if it were a thousand dollars or five hundred dollars, it seems to me it would clearly cover the situation.

**Mr. Hoffman:** The value for a non-resident is four hundred dollars, at the present time, and we are looking at increasing it a bit.

**Mrs. McGuire:** I was thinking about this little thing that is coming up. I have a lady who is making me a parka with a fur trim. I have the right, it says here, to buy the parka from her, for my own use, but unless she has a permit to sell it to me, she can not sell it to me, right? I am not related to her.

**Mr. Hoffman:** May I ask Mrs. McGuire what type of fur it is? Because it will depend on the type of fur it is.

**Mrs. McGuire:** It is wolverine.

**Mr. Hoffman:** Okay, Mr. Chairman, if it was wolverine she can buy the fur as part of the parka if the person who is selling it was the trapper who took it.

**Mr. Fleming:** I think what the Honourable Member if trying to find out is who she can buy from, because, in the Ordinance, it does not really say you can sell a pair of moccasins, at least from what I can see. It does say, in the section 87, that you may purchase, without a licence, these things, however, it does not say you can sell, without a licence, these same things. I think what the Honourable Members wants to know if you can, and so do I.

If you can sell mukluks, moccasins, with wolverine or wolf on the top of them, or a fur parka and such and also, as a comment, I would like to say I would hope that there will be no licence required for an individual making these things to sell them, for the very fact that I do not think that in any other country that this is so. If it was so, possibly we would have to charge a licence fee of some type for a person who was carving animals, and so forth, for sale to the general public. Actually, I think that would curtail the livelihood of some of the Native people who might want to hang on to their culture.

**Mr. Penikett:** I know the Honourable Minister knows about such

situations, but let me try to describe what I think happens in this kind of economy. I do not think it is quite a cottage industry. In fact, it operates on a smaller scale than, in some cases, I would dignify as a cottage industry.

You may have a group of Indian women who have a small party to tan a moosehide which may have been shot by some other member of the family. Another member of the family may have either trapped or shot some rabbits, or any number of things. Another member of the family may then take some of that hide and some of those skins, and sit at home and make some mukluks. They might sell some of them to a craft store, or they might trade them to someone for some eggs or wood, or any number of things. All I am suggesting is that, given the kind of volumes involved, there may not be a lot of cash involved.

Given that it is probably unnecessary to complicate it, I am not sure at all that it is advisable to require people who may be involved in this kind of thing, on and off, on a continuing basis, over a number of years, to have licences. I can see very well the usefulness of having craft stores, which are probably doing a volume trade in these areas, being licenced, and accounting in some way for the number of furs and hides that are going over their counters. I do not see the necessity in the case of these people who are operating on, I would guess, an even smaller scale than I would dignify as a cottage industry.

**Mr. Hanson:** I think somewhere in between Mr. Hoffman and the Member across the floor is a happy medium.

I have been here for a couple of years, and from my experience, in this day and age, most of the native people who do this sewing, do buy their furs from the Indian supply store, or shopping stores, so I think, really, what we are discussing here has no bearing. It has always been a fact of life in Yukon that the native women will make moccasins. They make them for me, and they will in future, maybe not too long in the future, but they will for a while, anyway. They have fur that is mostly rabbit, anyway. They stick it on the moccasins that they send outside as souvenirs.

I do not think there is any problem with the native people. What we are more concerned about is an industry getting going, and that is what we are really concerned with, not the native people doing this kind of work. I am pretty sure Mr. Hoffman will agree with that.

**Mr. Njootli:** I just want one point to be straightened out here. I would like the witness to tell me whether this Section, the way it reads, would interfere with individual persons making a living by way of selling, or trafficking in, skins, coats, or parts thereof, of any types of game. I would like an answer to that.

**Mr. Hoffman:** Well, I do not think it would interfere with them making a living as a person who was to sell game or parts thereof, Mr. Njootli. It would be very dependent on what type of game he was involved with, I think. I think we have to have a close look at, if he was dealing with grizzly bear for example, he would certainly be treated differently than if he was dealing with moosehide.

**Mr. Penikett:** Can I make just a representation to the Minister that maybe we can solve this problem in the following manner.

Could I suggest that, given what has been said today, that something may be considered in the drafting of regulations or the re-writing of regulations which might set, not the kind of ceiling that the Government Leader was talking to in terms of purchases, but a floor for the sale of the barter of these items. Just off the top of my head, that people who may do this may not require a licence if the volume is less than a thousand dollars a year, or two thousand dollars a year, or whatever figure would be appropriate. At least that way, it could save the department the nuisance of having to try and licence possibly dozens of people who may, in a very occasional way, be involved in this kind of trade.

**Hon. Mr. Pearson:** Mr. Chairman, that is a valuable suggestion and certainly one that we will give consideration to.

We recognize, I am sure, Mr. Chairman, the point that the Honourable Member has made, and made well. It was not seen when we went through the Ordinance, frankly. We thought that we were making it wider. The point made by the Honourable Member is well taken.

**Hon. Mr. Hanson:** I would ask, Mr. Chairman, that we set these two aside again until tomorrow.

**Mr. Penikett:** Mr. Chairman, just let me make it clear. I am not asking that they be stood. All I was doing was making representation if something could be considered in the regulations in terms of setting a floor under which people would qualify.

**Mr. Chairman:** That was the position the Chair took on it.

**Mr. MacKay:** Section 87 has this phrase of value that may be prescribed. I am wondering if before we pass this section away, if

that kind of phrase is not necessarily required in order to be able to include it in regulations. Do we have to have that kind of phrase allowing for a value to be prescribed?

**Hon. Mr. Pearson:** Yes, Mr. Chairman, but it is in Section 87.

**Mr. MacKay:** Section 87 only refers to non-resident purchasers.

**Hon. Mr. Pearson:** I am confident, Mr. Chairman, under the powers of the Commissioner in 89, we can pass such a regulation.

Clause 36(1) agreed to

On Clause 37(1)

Clause 37(1) agreed to

**Mr. Penikett:** I would like to ask a procedural question. Is there any reason why we cannot deal with amendment (h) under Section 40 now? It seems to me a one line amendment. We could simply dispatch it this evening.

**Hon. Mr. Pearson:** Mr. Chairman, we have a procedure. I think just a matter of a form. There are forms that have to be filled out in order to accomplish these amendments.

**Hon. Mr. Pearson:** All it will mean, Mr. Chairman, is that we will have to bring in an amendment in respect to (h).

On Clause 41(1)

**Mr. Penikett:** Mr. Chairman, (i) is a very important part of the Ordinance. I would like the Minister if he would very briefly to outline the role, function, responsibility, membership, et cetera, of the proposed Wildlife Advisory Committee.

**Hon. Mr. Hanson:** We have not even got to that yet. That would come under the regulations. We are just going through the Ordinance to enable us to set up that Advisory Board. It would have to come back with the Advisory Board.

**Hon. Mr. Pearson:** Mr. Chairman, there has been a considerable amount of discussion with the Wildlife Branch with respect to the establishment of the Wildlife Advisory Committee. Possibly the witness could elaborate considerably.

**Mr. Hoffman:** Mr. Chairman, that is correct. We have had considerable consideration and much forethought have gone into who and how this Advisory Board should be established.

We certainly are looking at agencies such as the Trappers' Association, the Outfitters' Association, the Conservation Society, anyone with an interest in the wildlife management in the Yukon Territory probably should be included. Exactly what their terms of reference will be or how they will function, is still to be decided.

We are unsure of the exact specifics of how they should function although we understand that they should formulate a group to give general advice as to the implementation of this Ordinance to the Government, or to the Commissioner or to the Director of Wildlife whoever and however it is deemed necessary. At the present time there are still some policy decisions that have to be made along that line.

**Mr. Penikett:** I just want to say how refreshing it is to hear of a committee being established which has that kind of representation and specified. It may be an interesting experiment. I am sure there will be problems with it but after that I look forward to it with an interest.

Mr. Hoffman mentioned certain groups that might be represented on it and I would agree that those groups should be represented. Can I also assume that the government will make a very concerted effort to get representation from the Indian community at the highest level in sufficient numbers because of their very powerful interest in this matter.

**Hon. Mr. Pearson:** Yes, Mr. Chairman, there is no doubt about that at all. There are a number of organizations and groups that we will be inviting to form this committee. We really do think that it is an important one.

**Mr. Chairman:** Is there any further discussion on subsection (i)

**Mr. MacKay:** The terms of reference, would this be something that the Minister would be able to publish at some particular point. We would look forward to that and would it be subject to discussion?

**Mr. Penikett:** When the advisory board is formed it will be named and the terms of reference would be dated quite openly because we do want people to participate.

Clause 41(1) agreed to

**Hon. Mr. Pearson:** Mr. Chairman, I move that the Speaker do now resume the Chair and that you report progress on Bill Number 28, and beg leave to sit again.

Motion agreed to

**Mr. Chairman:** Mr. Hoffman, I thank you for being with us tonight.

You may be excused.

Mr. Speaker resumes the Chair

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

**Mr. Lattin:** Mr. Speaker, Committee of the Whole has considered Bill Number 28, An Ordinance to Amend the Game Ordinance and directed me to report progress on same and ask leave to sit again.

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

**Some Members:** Agreed.

**Mr. Speaker:** Leave is so granted.

May I have your further pleasure?

**Hon. Mr. Graham:** Mr. Speaker, I move, seconded by the Honourable Member from Old Crow, that we do now call it 9:30.

**Mr. Speaker:** It has been moved by the Honourable Minister of Education, seconded by the Honourable Member from Old Crow, that we do now call it 9:30.

Motion agreed to

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

The House adjourned at 9:27 o'clock p.m.



**Whitehorse, Yukon****Tuesday, November 6, 1979****Mr. Speaker:** I will now call the House to order.

We will proceed at this time with Prayers.

Prayers

**Hon. Mr. Lang:** Mr. Speaker, on a Point of Order, I would just like to say from this side of the floor that we feel for our lonely colleague opposite.**Mr. Speaker:** Order, please. The Honourable Member has no Point of Order.

We will proceed at this time with the Order Paper.

**Hon. Mr. Graham:** If you get lonely over there, you can move over to us.**DAILY ROUTINE****Mr. Speaker:** Are there any Returns or Documents for Tabling? Reports of Standing or Special Committees?

Presentation of Petitions?

Reading and Receiving of Petitions?

Introduction of Bills?

Notices of Motion for the Production of Papers?

Notices of Motion?

Are there any Statements by Ministers?

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

**QUESTION PERIOD****Question re: Native Social Workers****Mr. Penikett:** Thank you, Mr. Speaker. I have a question for the Minister of Human Resources.

Given that the vast majority of the Department's clients are native people, can the Minister say if there are any native social workers employed within the Department of Human Resources?

**Hon. Mrs. McCall:** I cannot say exactly. I know one particular excellent person working with alcohol within my Department who is of native ancestry.

I know that we have plans for training native people.

**Mr. Penikett:** Thank you, Mr. Speaker. I am interested in the Minister's plans for training native people.

Can the Minister say if she is considering the hiring and training of native para-professionals or is she contemplating a more elaborate program of training Yukon natives to the university level of social work degrees?

**Hon. Mrs. McCall:** Mr. Speaker, I think that I can say that we are planning both. Since I answered the last question, another person has come to mind who is also of native ancestry. I would say that the whole situation is being reviewed, the alcohol situation.

I am not prepared to say that most of the clients necessarily are of native ancestry, but I believe that there should be many more native people working in the field and we are hoping to accomplish this.

**Mr. Penikett:** Thank you, Mr. Speaker. Has the Department to date incorporated any native input in the design of its goals and programs with the Department?**Hon. Mrs. McCall:** Yes, Mr. Speaker, we are extremely keen on doing that and we are doing it.**Question re: Fuel Oil Tax****Mrs. McGuire:** Mr. Speaker, I am not sure what Minister it is, but I would like to ask this question. The 1979 Amendments to the Yukon Fuel Oil Tax Ordinance was proclaimed effective July 1st, 1979. Does the Minister agree that the amended tax increase should only apply to purchases made from July 1st, 1979 and stock inventory before July 1st should be calculated under the old rate?**Hon. Mr. Pearson:** Yes, Mr. Speaker, I believe that I agree with what the Member said that the tax was proclaimed in force effective

from July 1st, 1979 and, as far as I know, it is normal procedure for fuel companies that do get involved in this to, in fact, sell their existing stocks at the old prices.

**Question re: Government Caucus Review of Legislation****Mr. Penikett:** Thank you, Mr. Speaker, I have a question for the Government Leader.

Yesterday I asked the Government Leader if budget bills were reviewed by the Government Caucus before being introduced in the House and he replied that the format was not revealed to the Caucus. Will he now tell the House if the content of budget bills is made known to the Government Caucus before coming to the House?

**Hon. Mr. Pearson:** Mr. Speaker, Caucus deals with many things. No, I am not prepared to tell the Honourable Member that. What I am prepared to say is that the integrity of Caucus is sacrosanct as far as I am concerned. The integrity of Cabinet is well guarded and is our concern and we will look after it.**Mr. Penikett:** Thank you, Mr. Speaker. Have all the Members of the caucus sworn an oath of secrecy similar to the Cabinet's before gaining access to budget information?**Hon. Mr. Pearson:** Mr. Speaker, I am not prepared to accept the given that the Member seems to be assuming that all Members of caucus are privy to budget information.**Mr. Penikett:** Thank you, Mr. Speaker. Given the history in the British Parliamentary system and the fate of finance ministers who have revealed budget information to other people other than cabinet members before coming to the House, will the Minister then give this absolute assurance that Government Caucus Members are not now, and will not be, privy to budget information or budget policy before it is introduced into this House?**Hon. Mr. Pearson:** No, Mr. Speaker. We discuss budget policy every day.**Question re: Energy Policy****Mr. Byblow:** Thank you, Mr. Speaker. I would beg the indulgence of the House for arriving late today.

My question is on a matter that caused our absence in the House for a few minutes, the debate over energy needs in the Territory. I will direct my question to the Government Leader. There seems to be particular concern that NCPC is not visibly capable of producing required energy needs of industry in the Territory. I would ask the Government Leader what this Government's position is towards this dilemma considering that energy policy is being developed by the Government?

**Hon. Mr. Pearson:** Mr. Speaker, I do not know that there is any dilemma at the moment. I am aware of the fact that certain industries in the Territory who anticipate a need for power in the very near future are looking at alternate sources other than the Northern Canada Power Commission, and that they are prepared to and will be dealing with the Northern Canada Power Commission, who, Mr. Speaker, by Federal fiat have the responsibility to supply power in Yukon Territory.**Mr. Byblow:** Mr. Speaker, I appreciate the Government Leader's answer and his indication of the Federal concern, but I would ask this question again, Mr. Speaker, one similar that I asked approximately a week ago, that, in light of the fact that at least one mining interest is investigating thermal possibilities, I would ask the Government Leader what this Government's position is towards this type of piecemeal power development, against the idea or concept of a central and all-inclusive utility concept?**Hon. Mr. Pearson:** Mr. Speaker, the necessity for thermal generation is one that is being created by industry and I think that that is good. I think that this Government thinks that that is good.

The Northern Canada Power Commission, in the past, has dealt primarily with hydro power, the magnitude of which being looked at now requires some ten years lead time. They have made an announcement in the past two weeks that they can probably produce, hydro-wise, an additional 20 megawatts within three years' time.

Mr. Speaker, if that is deemed to be sufficient to meet the immediate industry need, we would, of course, encourage them very much to go ahead with their hydro project.

At the same time, Mr. Speaker, should anyone wish to develop

another source of hydro electricity in this Territory. I am confident that we would be more than willing to support them in every way we can, providing there is a buyer for that electricity.

**Mr. Speaker:** Has the Honourable Member a supplementary?

**Mr. Byblow:** Yes. Very specifically, Mr. Speaker, is the Government Leader saying that they support the installation of the fourth wheel on the Whitehorse Rapids and, in his answer, perhaps he could consider the Foster Research Report, that indicates that wheel will not be adequate to supply the needs within the next five years?

**Hon. Mr. Pearson:** Yes, Mr. Speaker. We support, and we did a long time ago, we supported the fourth wheel at Whitehorse Rapids, mainly, Mr. Speaker, because it is hydro electricity and it can come onstream at a very early date.

I submit, Mr. Speaker, that I believe that the questioner is trying to get around to the point of should we be supporting some other source, rather than the fourth wheel at this time. I do not think so.

**Mr. Speaker:** Order, please. The Question Period has come to an end, the Chair having ruled that there were no other questions to be asked and did permit the Honourable Member from Faro the last question in Question Period today.

**Mr. MacKay:** Point of order, Mr. Speaker. It appears that there is some misunderstanding because Members were not jumping up fast enough. We understood that the Question minute could extend as long as forty minutes. We wonder if the closing of the Question Period is a new policy on the part of the Chair?

**Mr. Speaker:** I might, for the edification of the Honourable Member raising the question and all Honourable Members of the House, explain that a question time is allotted for Question Period of forty minutes; but the Chair, having seen no one rising to raise a question, must conclude that there are no further questions to be asked.

The forty minute time period is not allotted in total; it is allotted only for the period of time that questions are to be asked. It was for that reason that the Chair assumed no further questions were to be asked; however, did permit the Honourable Member from Faro to raise a question, and regretfully that is a decision that the Chair has had to make and must stand by it.

We will now proceed under Government Bills and Orders to Government Bills and Orders.

#### GOVERNMENT BILLS AND ORDERS

##### Bill Number 33: Second Reading

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

**Hon. Mr. Pearson:** Mr. Speaker, I move, seconded by the Minister of Justice, that Bill Number 33 entitled An Ordinance to Amend the Yukon Council Ordinance be now read a second time.

**Mr. Speaker:** It has been moved by the Honourable Leader of the Government, seconded by the Honourable Minister of Education, that Bill Number 33 be now read a second time.

**Hon. Mr. Pearson:** Mr. Speaker, Bill Number 33 is An Ordinance to Amend the Yukon Council Ordinance and reflects exactly the recommendations of the House Committee on Rules, Elections and Privileges that made their report to this House.

**Mr. MacKay:** I rise in support of this Ordinance. I think it is important where a committee has done many, many weeks of work and has presented a report that this report has been accepted by the House that an Ordinance fittingly then comes forward embodying all of the recommendations of that report. I will therefore be supporting this Bill in principle at this time.

Motion agreed to.

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

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

Motion agreed to.

Mr. Speaker leaves the Chair

#### COMMITTEE OF THE WHOLE

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

At this time we will have a very short recess.

Recess

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

This afternoon, we are still dealing with Bill Number 28. We have as our witness, this afternoon, Mark Hoffman. We would like to welcome him here. We will give him a couple of seconds to get set up.

**Hon. Mr. Hanson:** Mr. Chairman, I would like to make an amendment, seconded by the Honourable Member from Whitehorse West, THAT Clause 40, at page 19, be changed by deleting paragraph 89(1)(h).

**Mr. Chairman:** I have an amendment before us from the Honourable Mr. Hanson, THAT Bill Number 28, An Ordinance to Amend the Game Ordinance, be amended in Clause 40, at page 19, by deleting paragraph 89(1)(h).

**Mr. Penikett:** A good amendment, a better Bill, Mr. Chairman.

Motion agreed to

Clause 40(1) agreed to

**Mr. Chairman:** We will now continue on. We will consider now Clause 42. At our last sitting we had finished Clause 41.

On Clause 42(1)

Clause 42(1) agreed to

On Clause 43(1)

Clause 43(1) agreed to

On Clause 44(1)

**Mr. Fleming:** With respect, Mr. Chairman, could we just go slightly slower. Although I have read it before, I cannot remember totally the whole Ordinance and I find I cannot read the Section in the time given.

**Mr. Penikett:** Mr. Chairman, we are talking about 44?

**Mr. Chairman:** Yes, we have not cleared that yet.

**Mr. Penikett:** Thank you, Mr. Chairman.

Well, I would like to ask the Minister about the powers given to the Justices of the Peace under here. It seems to me, knowing many of the JPs in the Territory, that these are rather broad powers. I think you if read the wording there it suggests, it seems to me, and I am saying this as a layman, the kind of authority which I might normally expect would only be given to a magistrate or a judge of a little higher standing in the court. I see the Minister of Justice might want to reply to this, Mr. Chairman.

**Hon. Mr. Graham:** Mr. Chairman, wherever we mention a justice with a small "j" it means not only JPs, it means magistrates. Justices of the Peace in Yukon are given the powers of a magistrate in the absence of a magistrate, to a certain extent. In fact, we will be bringing in changes hopefully, to the Justice of the Peace Ordinance at some point or we will be establishing a Justice of the Peace Ordinance so possibly at that time we can get into it even more.

**Mr. Penikett:** Mr. Chairman, if I might just explain here, it says "A justice who is satisfied by information upon oath that there are reasonable grounds to believe that there are in any building or premises or in any place or part thereof..." and then lists the things that might be there because they would have interest in the wildlife, firearms, papers, books or documents and that is fairly broad.

"...and issues a warrant authorizing a conservation officer or a peace officer to search that building... for any such thing..." and "any such thing" is very broad. These papers and documents and so forth might include anything. They might include perhaps, I suppose, for the purposes, pictures that may or may not have been shot.

I have raised this point again. I am just concerned, Mr. Chairman, that conservation officers in this Government are well-trained for what they do in the normal course of things. I must admit to being a little frightened of conservation officers who are not trained as policemen being given, on the authority of a local Justice of the Peace who usually does not have much legal training, the power to enter someone's house and search their goods and possessions, perhaps with good reason to their minds, but I think it is the kind of power that might cause some people some apprehension and might really worry some people.

**Hon. Mr. Graham:** Mr. Chairman, I can understand the Member's consternation to a certain extent, but this is a power given to a conservation officer or peace officer that is no different than the present power given to any peace officers in the Territory. You must apply for a search warrant to a justice. Once you have obtained that search warrant you can only search for those things.

I am not sure that this is what you are worried about but if, during the course of the search, they found some evidence of another crime, that is not admissible, as I understand it anyway. This can only give the ability to enter a person's premises to search for a specific offence under the Game Ordinance.

I cannot share your concern because of the fact that I cannot see this power being used to any great extent. We can see where, in the case of a conservation officer who may see somebody shoot an animal and hide it in the back of their truck in a camper, they need a search warrant to search that camper to find out if that game was illegally shot. It is a power that we trust will be used very judiciously.

**Hon. Mr. Pearson:** Mr. Chairman, I might also point out to the Honourable Member that this section exists in the current Ordinance. We are not giving the peace officers or conservation officers, or the justices, for that matter, any further powers than what they have at the present time.

What we have done with this section is expanded it so that it covers migratory birds and raptors which were not included in the existing Ordinance.

**Mr. Penikett:** Mr. Chairman, I understand that and quite frankly, I say this with respect to the Government Leader, I do not care if it has been there for one hundred years, I am still concerned about it.

I just like to give the kind of case, or an example, which I think does cause me concern. I think it should cause the Government concern, too, because we are in the society of getting increasingly concerned, not only about people's civil liberties, but the extension of some police powers and the authority of the state and this thing and this is the kind of speech I have often heard from some Conservatives.

I think the case given by the Minister of wanting to inspect the back of a truck where you might have thought there was some illegally harvested game, or shot game in there, is a perfectly acceptable one in an understandable kind of circumstance. I would have thought the previous section we had where knowledge of, consent of and all those kinds of things might have given that power.

What we are talking about, though, is something a little more serious and we have got to understand how serious when we are talking about the searching of people's homes. You know, there is a whole, as I understand it as a layman, a whole foundation of law about the sanctity of the home and the inviolability of that place, that person's residence, the notion of "a man's home is his castle", et cetera.

What we could be talking about here is some suspicion, on behalf of someone or someone reporting, as they are required to do under other sections of this Ordinance, that someone may have done something illegal. Okay?

They report it to the conservation officer, who is not trained as a policeman, he is trained as a conservation officer. He then goes to a local justice of the peace in a small community, who may have no legal training whatsoever, in fact, probably does not in this community, who then may swear out a warrant. The conservation officer, if there happens to be no policeman available, may then go into a home, not only search for game in a particular case, if he is looking for evidence of an illegal harvest. He may search for game, he may search for firearms, see what ammunition may have been used, et cetera, but also, it says, any papers, books, records, documents, and so forth. He may go through someone's entire filing cabinet and possessions in order to be looking for a photograph or, perhaps, a copy of a letter to someone, admitting that they committed an offence.

All I am suggesting is that this is the kind of responsibility and the kind of power that I am not sure that many conservation officers would want. In fact, many of them might feel very nervous about going into people's houses. I am not sure it is the kind of thing I would want some JPs that I know in the Territory—and I am not casting aspersions on them, I am making reference to their knowledge of law. I am not sure I would want many JP's handing out these kinds of search warrants.

Quite frankly, and I say this to the Government Leader who shrugs, that a lot of them may not understand the full import and implications of issuing such warrants. We do have such things as false arrests and evasion of privacy and all those kinds of things. I think when you go into someone's home without their consent and start searching their private possessions, it is a very, very serious matter.

Having said that, I agree that the management of the game and the responsibility of looking after the game and enforcing the law is

important. What I am trying to address here is some nervousness about Justices of the Peace who are not legally trained as judges, and conservation officers who are not legally trained as policemen, having powers which I would hope, for the safety of society, would normally only be exercised by magistrates who have legal training and policemen who do understand how to enter someone's home.

For example, I would hate to see a conservation officer shot when he went into someone's home searching for something and there was some irate citizen thought that there was a burglar there.

**Hon. Mr. Graham:** Mr. Chairman, I think the one point that should be clarified here is where the Member opposite says "a JP with no legal training". Any JPs who are presently in the Territory have been appointed in the last while do have some training.

In fact, they have just recently set a date for another training program for all JPs in the Territory. I attended one last year. There is another one coming up this month. We are making an attempt to make sure that they not only have a little bit of legal training, but a great deal of legal training if they are on their own in many areas.

I have a great deal of trouble accepting some of your argument. The one point that comes to mind is if a conservation officer is in the field with the magistrates both situated in Whitehorse, what do you do? Do you let them all get away with game infractions?

I know of one case; a citizen from the United States landed a plane full of people in a game sanctuary, took game illegally obviously, and was then apprehended. You are telling me that rather than stop that plane or that vehicle in Canada, getting a JP to swear out a search warrant and apprehend them there, you are going to let them get away because you have to come back to Whitehorse to get a search warrant sworn out. I cannot accept that.

I think that the Justices of the Peace and the conservation officers we have in the Territory are going to exercise these powers very judiciously and with a great deal of precaution.

We hope to upgrade JPs in the Territory in the next year, but they are extremely well qualified, and I think that the conservation officers are something that my Honourable colleague next to me must speak about.

**Mr. Penikett:** Mr. Chairman, I do not want this to get to be an unnecessarily inflammatory discussion because I think I am raising a reasonable concern here.

With the best will in the world and with the best judgment in the world in selection of JPs and even with whatever training the Minister can provide them, they do not even have the training of a first year law student. They do not have that much legal training. We should not inflate their knowledge of the law to the point where they seriously can deal with fundamental judicial questions such as the right to invade the privacy of someone's home and search their documents. I think this is a very, very serious question. Something which I might point out, there have been revolutions in countries of the world over that issue.

You have heard of the famous Padlock law in Quebec; you have heard the historic arguments over this kind of practice.

I say again, on the question of conservation officers, I have no doubt in my mind that conservation officers in this Territory are competent enough to carry out their duties. They are not competent to function as policemen; they are not trained as policemen. The third point I would just like to make, the Minister gave an example just now, I do not think that this kind of power was needed in the case he gave. It seems to me quite clear that the conservation officer could have simply arrested the people and obviously he did in the case he mentioned. He certainly did not need the power to do the kind of searching required of a private premises.

I would ask the Minister to consider this, even the power of the RCMP to enter people's premises even with warrants and search and take documents is now a subject of Royal Commission study in this country, the McDonald Commission. So I am saying it is a power and we should not give it to anybody lightly.

**Mr. Njootli:** Mr. Chairman, I, again, would like to stress the fact that I do not see any problem having the section as it is right here. I base my judgment on the fact that I do not see how this Government could have a magistrate in every community or every corner of the community.

The Honourable Member from Whitehorse West used the argument that conservation officers are not RCMP and I should remind the Honourable Member that the RCMP are trained only on the basis of physical fitness whereas, on the other hand, the conservation officers do, in fact, spend more time at technological schools learning the laws of the land, biology, et cetera, which is more

intensive than the RCMP is trained for.

We have two different things, Mr. Chairman, in that the RCMP has a job to do in the field of criminal offences, for instance, impaired driving, whereas, on the other hand, the conservation officer, in my mind, has a job to do where, by the law that we are putting in force here, they do have the power. They do have reasonable grounds to do so. We give them the authority to do it and, as far as I am concerned, I have confidence in the people who work for us.

**Mr. Penikett:** Mr. Chairman, I am not sure I caught that. Perhaps the Member could repeat his remark that he is saying that the RCMP are trained to be physically fit but that they are not mentally or fit to carry out the police functions but that conservation officers are.

**Mr. Chairman:** Order please. It would seem we are straying a little bit from the intent of the Clause, so I would ask you to make your observations very brief because we are straying.

**Mr. Njootli:** Mr. Chairman, I just wanted to say again that the Member concerned here, regarding this law, is that he wants to differentiate two different types of persons who have the authority to arrest people on grounds of Section 100 of this Ordinance.

What I am trying to say here is that the RCMP actually spend less time in training for their job than conservation officers do for their specific job, their field of work.

**Mr. MacKay:** Thank you, Mr. Chairman. It pains me to hear what was, up until a few moments ago, a fairly profound conversation, reduced to drivel.

I think that what we have to talk about is the fairly profound concept that this Member here, to the left, is talking about.

I suspect that this is probably not the correct form or the correct time to get into it too deeply. I, too, register some doubts as to the wisdom of the wide latitude of powers that have been given here. I suspect the Members opposite have some doubts, too, about it, but it is probably not the area or the time to tackle it.

I will pass the section, but I would like to think that some thought has been given in the Justice Department to improving and upgrading the legal training of justices of the peace and to ensure that the conservation officers are, in fact, well-trained to perform this kind of duty.

**Hon. Mr. Pearson:** Mr. Chairman, I do not understand the Leader of the Opposition. He just heard the Minister of Justice say that we have an on-going training program for JPs and, Mr. Chairman, I will stack the competency of the conservation officers that work for the Government of the Yukon Territory today, against them anywhere in Canada.

Now, the section is one that we feel has to be in place. We do not like to have anybody's house searched, either, Mr. Chairman. This kind of a section, I am sure, bothers anyone dealing with legislation, at any time.

But, Mr. Chairman, those conservation officers cannot do their work properly without the ability to search with warrant. That is what we are talking about.

**Mr. Penikett:** Mr. Chairman, I, too, am not going to belabour the point.

Just let me say I think this is a very dangerous section and the Government is going to get into trouble over it. I would be happier if it simply said "peace officer" rather than "conservation officer", because when you are talking about breaking into people's houses, you should not be doing it with people, no matter how long their training is—

**Mr. Chairman:** Order, please.

**Hon. Mr. Pearson:** Mr. Chairman, they are not breaking into anyone's house. They are entering with a warrant, legally issued.

**Mr. Penikett:** Legally issued by a judge that has not even been to law school, who may not even know what they are doing at all.

I am talking about a situation that seems to me could be very dangerous. I would be much happier, even if the JP were issuing the warrant, that the execution of it was being carried out by a peace officer who had some training in doing exactly that.

**Hon. Mr. Hanson:** The Member opposite keeps on talking about a law student. Myself, I would prefer to see somebody, even the Honourable Member across the floor, as a magistrate in this country, than a law student. They live here at least. They know what is going on. So, that argument about not being a law student is not a very valid argument. In fact, it sounds kind of stupid.

I would sooner have a man, an Indian person, a hunter, a trapper, as a magistrate, than a law student, because he can understand the circumstances.

So, you might have doubt about this. I do not doubt it at all that you doubt it, but I think, at this time, it is the best thing we have and we should go with it.

**Mr. Penikett:** Mr. Chairman, the Minister has just made one of the most idiotic and irresponsible statements I have ever heard in this House.

Let me say something to the Minister right now and I will say it right now. This kind of power can be dangerously abused. You live in a small community, happen to be an enemy of the local JP, happen to be a political enemy or so forth, you happen to also have a problem with the conservation officer, those two people could enter your house and totally go through all your possessions, under any circumstances. I am not saying it is likely to occur, but I am saying, giving them that power, any two citizens, without training as policemen or judges under that thing, is a very, very serious matter.

**Hon. Mr. Pearson:** It is getting rather heated.

Now, Mr. Chairman, this section has been in place at least since 1975 and if there is a specific instance that the Honourable Member is aware of, I would very much like to know of it.

**Hon. Mr. Hanson:** The last statement about myself, I do not mind that. I know the Member across the floor quite well, I will accept that.

But, when he starts talking about somebody, the magistrate could hate a fellow, fine. I have seen law students that have been magistrates in this place that hated everybody.

So, that is a poor excuse for that one.

**Mr. Fleming:** After listening to the arguments back and forth across the floor, I would like to comment.

I am not belabouring this subject in any manner, shape or form, however, I would ask the Government a question, in this case. Even though, as the Honourable Government Leader has said that if a case is definite, let us hear from him, and possibly there never has been a case up to this date.

But I would ask the Government if they would not be prepared to put forth legislation that is preventive, preventative legislation, in this case, and maybe think about what the Honourable Member has said, rather than put through something that possibly could happen and not be preventative.

**Hon. Mr. Pearson:** Mr. Chairman, we come back again to the intent of this Ordinance.

The intention of the Ordinance is to provide a management means and a protection scheme for wildlife in this Territory. This is the only way that we have to do it.

Now, Mr. Chairman, what we are suggesting is that the conservation officers that are charged with that duty have to have certain privileges. One of them is the capability of searching with warrant.

We are not asking for something that has not been in place for an awful long time. It is exactly the same thing as was always there before.

There are simply two other animals that are included, that were not included before. That is the only reason that section is here. We are not asking for anything new at all.

It is not search without warrant, which I submit, Mr. Chairman, I am not in favour of.

**Mr. Falle:** May I suggest to the Member opposite that our Game Branch management, or their enforcement branch does not go into people's houses to search, if they have the possibility and the capability there to get the RCMP to assist them, they do that.

If the RCMP and nobody else is available, well, I would imagine that they would take that on themselves, but, where possible, they do ask the RCMP for assistance.

Clause 44(1) agreed to

On Clause 45(1)

**Mr. Penikett:** Perhaps the Minister could briefly, in a cool and rational way, explain the reason for the increase in the fine in this section. Is it just simply an inflationary factor, or did the Government consider that some useful punitive effect might be achieved by increasing the fine?

**Hon. Mr. Hanson:** I think the increase was due because more and more people were committing crimes and the fine, apparently, was not enough to be a deterrent for doing so.

Clause 45(1) agreed to

**Mr. Fleming:** As we were about to clear the total Ordinance, I wondered if I could have the indulgence of the Chairman, possibly

just to ask a general question that might be answered by the witness.

In the area of the definition of a boat, I find, and I did not get a chance to get up quick enough back in section 99, which we did pass, where it does mention a boat, where he brings his boat or his vehicle to a spot. I cannot find anywhere in the total Ordinance, a definition, actually, of a boat.

I wonder if we have not forgotten something in the Ordinance somewhere, if there is no definition of a boat or the type of boat, what would you do with a canoe, a rowboat, a raft, or whatever? Just a general question, if there is something that covers it somewhere.

**Mr. Chairman:** Does the Chair have unanimous consent to ask this question?

**Some Members:** Agreed.

**Mr. Hoffman:** Mr. Chairman, there is no definition contained in the Ordinance of "boat". We would have to go to the dictionary or any other Territorial statute to determine if there was a definition of "boat", within any of the ordinances, or the dictionary. That is what we would use in the interpretation of what a boat is.

**Mr. Fleming:** Thank you, Mr. Chairman.

On Clause 46

Clause 46 agreed to

Preamble and Title agreed to

**Mr. Chairman:** I now declare Bill Number 28 has passed Committee of the Whole.

At this time, I would like to thank Mr. Hoffman for being our witness. He may be excused.

**Hon. Mr. Graham:** Mr. Chairman, I move that Bill Number 28, An Ordinance to Amend the Game Ordinance be now reported out of Committee with amendments.

**Mr. Chairman:** It has been moved by Mr. Graham that Bill Number 28, An Ordinance to Amend the Game Ordinance be reported out of Committee of the Whole with amendments. Motion agreed to

**Mr. Chairman:** We will now refer back to Bill Number 16, the Parks Ordinance. We have some amendments we would like to take care of.

I have the amendments before me. I hope that every Member has a copy.

The amendments have been moved by the Honourable Mr. Peter Hanson.

We will start on the first amendment. It is a definition of parkway: "parkway" means a linear area bordering a recreation or historic travel route such as road, waterway or trail that will be developed and maintained primarily for outdoor recreation activities.

**Hon. Mr. Pearson:** Mr. Chairman, in spite of the fact that the definition of "parkway", in fact, cleared Committee, after considering the discussion in the House, which I thought was very constructive in respect to this Bill, we thought that it would be advantageous to take opportunity of amendments being put forward at this time to clear up the questions raised in Committee by, in fact, amending the definition of "parkway". We are hopeful that this does make it clear for everyone concerned.

**Mr. Fleming:** Mr. Chairman, as I understand this now, it is a road, waterway or trail that will be developed and maintained primarily for outdoor recreation activities and recreation area. In other words, in this Ordinance it would not be used as such a place as along the Alaska Highway, just anywhere or anything like that. It is now, more or less, in the recreational area in the park confines.

**Hon. Mr. Pearson:** Mr. Chairman, it can be along any road where you set aside areas that are maintained primarily for outdoor recreation activities.

Amendment agreed to.

On Clause 2

**Mr. Chairman:** The next amendment is "wilderness preserve". I will not bother reading all of this because I am sure that you all have a copy, unless somebody requires me to. Before we proceed with this one, I would draw your attention that after "wildlife range", there has been a comma omitted which is considered a typographical error.

**Mr. MacKay:** Correct me if I am wrong, Mr. Chairman. I thought we had stood aside the definition of "park reserve" too.

**Hon. Mr. Pearson:** Mr. Chairman, I was not quite fast enough. I wanted to explain that to the Honourable Member. The suggestion

was that it should be "park reserve" means an area of unique natural historic or cultural significance."

It is my recollection that in fact we thought that there was value in using the word "historic" in that section. I will have that checked out as we are going through the Ordinance.

**Mr. Chairman:** Perhaps as it has been stood aside, we cannot clear the Ordinance until we do clear this, we will proceed on at this time. We can refer back to it. The next amendment was "wilderness preserve". You have amendments before you. Is there any discussion?

**Hon. Mr. Pearson:** Mr. Chairman, I believe that the only change that we have made is taking the "s" off the word "preserves" and making it singular.

There was a suggestion that we should use another word other than "ecological units". I got a fast lesson, I hope, in what all of these words mean. Our technical people tell us that this is the right word. It is the one that means the most and that reflects most what we want to do with this legislation. If we use "geographic" or "demographic", or anything like that, it is in fact limiting to too much of a degree. They are suggesting very strongly to us that we leave the word "ecological" in.

**Mr. MacKay:** Could I then have a definition of what the word "ecological" means in this context?

**Hon. Mr. Pearson:** Yes, Mr. Chairman. It does not mean ecological in the sense of ecology, but it does mean universal.

**Mr. MacKay:** I shall have an interesting read at the Shorter English Oxford Dictionary in a few moments, but I am prepared to clear it in the meantime.

Amendment agreed to

Clause 2 agreed to

On Clause 3(1)

**Hon. Mr. Pearson:** Mr. Chairman, once again, when going through the Ordinance, an amendment that was not picked up in the reading of it, the words "as a park reserve" have been eliminated because park reserves are not designated.

There was also some question about the word "develop". Mr. Chairman, this is the enabling section of the Ordinance and, as such, this is where the Commissioner gets the legislative authority to accept, acquire, set apart, appropriate and/or develop land designated as parks.

So, the word "develop" should stay in this section, Mr. Chairman.

**Mr. MacKay:** I am pleased to see the clarification of Section 3(1) and I can fully understand the word "develop", having removed now the words "park reserves". I will clear this section.

Amendment agreed to

Clause 3 agreed to

On Clause 7(3)

**Hon. Mr. Pearson:** Mr. Chairman, a suggestion made by the Honourable Member opposite that this should be a mandatory section and we agree completely with that suggestion. Our agreement is reflected in changing the word "may", permissive, to "shall", mandatory.

Also, in order to preserve continuity in the Ordinance, the term originally used "wilderness area", has been changed to "wilderness preserve", because that is what we talked about in our definition section.

Also, once again, the "park reserve designation", which was (g), has been eliminated, because a park reserve is not classified.

Amendment agreed to

Clause 7(3) agreed to

On Clause 9

**Hon. Mr. Pearson:** Mr. Chairman, as all Honourable Members were aware, one of the Members from this side raised a question in respect to multiple use and whether there was ambiguity in the Ordinance in that respect. We are proposing, in order to clear it up entirely, that there be a new section added to section 9 which would be as follows: "9(2) Notwithstanding subsection 1, the Commissioner may permit development within specified zones in a park created under section 11 where he deems it to be in the best long term economic interest of the Territory."

Mr. Chairman, in addition to this amendment, there are one or two more further on that do remove that ambiguity.

**Mr. Chairman:** The Chair has been remiss. It should have had

unanimous consent to open up this Clause.

**Hon. Mr. Pearson:** No, Mr. Chairman. It was not cleared. Section 9 was not cleared.

**Mr. Chairman:** It is my understanding that it was cleared, Mr. Pearson. That is why I have to have unanimous consent. Do I have unanimous consent?

**Some Members:** Agreed.

**Mr. MacKay:** I would like to say that I support this inclusion. It certainly clarifies to my mind any situation that may arise where indeed some kind of commercial, industrial or economic development may arise within what has already been specified as a park.

The key clause of what is in the best long term economic interest of the Territory is a very important clause. I think that on the one hand it should give comfort to those who are afraid of a rape and pillage philosophy coming in and ripping up parks that may have a greater long term economic benefit than the one immediately in view. On the other hand it does give some guidance to the Government as to what their goals should be when looking at changes to parks. I would support this section.

Amendment agreed to.

Clause 9 agreed to

On Clause 11(1)(c)

**Hon. Mr. Pearson:** Mr. Chairman, once again in order to clear up the questions that were raised, not giving in to the arguments that in fact integrated use is a good term, we would like to change that to read: "(c) a multiple use zone".

It has been determined that this does seem to be a clearer definition in the public perception.

**Mr. Chairman:** On the Amendment, is there any further discussion?

Amendment agreed to

Clause 11(1)(c) agreed to

On Clause 21

**Hon. Mr. Pearson:** Mr. Chairman, the question was raised by Honourable Members opposite whether, in fact, the Commissioner had the authority to recover damages should vandalism or damage be done in a park area.

We thought it beneficial if we did make the provision clear in the legislation. I expressed the opinion that the Commissioner does have that authority even if it is unwritten. However, we thought that, because the question was raised, it was valid and we should try and make it clear in the legislation.

Therefore, Mr. Chairman, we are suggesting that there be two new subsections added to Section 21 and they would be as follows:

"21(2) Where a natural resource or outdoor recreation facility in a park is altered or destroyed in contravention of this Ordinance, the Commissioner may cause it to be restored or repaired, and the Commissioner may by action recover the cost of the restoration or repair from the person who caused the alteration or destruction of the resource or facility.

"21(3) Where a natural resource or outdoor recreation facility in a park is altered or destroyed in contravention of this Ordinance in such a manner that it cannot be restored or repaired, the Commissioner may by action recover damages for the loss of the resource or facility from the person who caused the alteration or destruction of the resource of facility."

**Mr. Chairman:** The Chair will clear each of the Subsections separately. We will now consider the amendment on Subsection 2 which is an addition.

**Mr. Fleming:** Thank you, Mr. Chairman. I am wondering about the last, "the cost of restoration or repair from the person who caused the alteration". Will this cover a corporation in the sense that a corporation is a person, or will this just cover the person who did the actual damage?

**Hon. Mr. Pearson:** Yes, Mr. Chairman. By definition, in legislation in the Interpretation Ordinance a person means a corporation as well.

**Mr. MacKay:** I would like to say that I appreciate seeing that in there. I think it is very good that the Government is so responsive to some of our suggestions.

Amendment agreed to

**Mr. MacKay:** On subsection 3, I would like to add that it is equally responsive in the future.

Amendment agreed to

Clause 21 agreed to

On Clause 22(1)

**Hon. Mr. Pearson:** Mr. Chairman, at the request of members of the industry involved, we have been asked, in order, once again, to make things absolutely clear, that in the regulation section, subsection (i) be amended by adding immediately after the word "water", adding a comma, and then the following words, Mr. Chairman, "mineral exploration and extraction".

Now, once again, Mr. Chairman, this has been done to make it clear that these people are and will be seriously considered in this Ordinance.

Amendment agreed to

**Mr. Chairman:** Before we can clear to Clause 22, I direct your attention to the fact that subsection (c) was stood over.

I would ask at this time what is your decision with subsection (c)?

**Hon. Mr. Pearson:** Mr. Chairman, subsection (c)?

**Mr. Chairman:** Subsection (c), of Clause 22(1).

**Hon. Mr. Pearson:** I am not certain, Mr. Chairman, that there is any objection, or there were any suggestions in respect to that subsection.

**Mr. Chairman:** Perhaps the Chair could ask the party that had any objections, would they kindly state them again.

**Mr. MacKay:** I did not have any objections. I marked my Ordinance stood over beside subsection (c). I suspect that meant the whole section that we just discussed.

**Mr. Chairman:** Just to be sure that there is no further discussion on subsection (c), does subsection (c) clear?

**Some Members:** Agreed,

Clause 22(1) agreed to

**Hon. Mr. Pearson:** Mr. Chairman, I wonder if I could prevail upon the Chair to, once again, go back to Section 2, the definition section, in respect to an amendment to "park reserve".

**Mr. Chairman:** Yes.

**Hon. Mr. Pearson:** Again, this was a suggestion made by one of the Honourable Members opposite. We are proposing, Mr. Chairman, that "park reserve" be amended to read: "park reserve means an area of unique natural, historic or cultural significance which may be set aside for future parks".

**Mr. MacKay:** I agree with the inclusion of the word "historic", but I still think the grammar is lousy and it should be singular, "future park".

Preamble and Title agreed to

**Mr. Chairman:** I now declare that Bill Number 16 has cleared Committee of the Whole.

**Hon. Mr. Hanson:** I move, Mr. Chairman, that you do now report Bill Number 16, Parks Ordinance, with amendments, to the Assembly.

**Mr. Chairman:** It has been moved by Mr. Hanson that the Chairman do now report Bill Number 16, Parks Ordinance, as amended, to the Assembly.

Motion agreed to

**Mr. Chairman:** We will now consider Bill Number 15.

Perhaps before we start on Bill Number 15, we should take a short recess and have coffee.

I now declare a recess.

Recess

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

This afternoon, we will now consider Bill Number 15, Day Care Ordinance

On Clause 1

**Hon. Mrs. McCall:** I was just going to say by way of introduction that it is a brief Ordinance. The primary reason for this Ordinance is, first and foremost to attempt to ensure the basic essentials of care and nurture in education, hygiene and safety for the children who are receiving day care services and, at the same time, placing minimal financial burden on each centre. Thank you.

**Mr. Panikett:** Mr. Chairman, the Minister is quite right. It is a brief Bill, in fact, there is almost nothing in it.

I must say it is not a terribly impressive piece of legislation in the Year of the Child. The Government Leader, during the debate in second reading, was kind enough to make some reference to. I cannot remember whether it was "creeping" or "crawling socialism", one of the two, I think it was something to do with

Government looking after people or socialism from womb to the tomb.

All I can say, Mr. Chairman, if this Bill is Socialism, I do not like it. I hardly see as it qualifies as socialism by any stretch of the imagination.

The need for day care standards has been something that has been discussed and, I think, agreed upon in the House, not just this House but the previous House. What this Government has done has taken a step backward from the position taken by the previous Government. The previous Government recognized that the imposition of any standards, no matter who they may be done by, would impose some financial burden on the day care centres.

As I said in my Second Reading speech, the day care centres that are presently operating are all financially strapped and we had, really, a retraction of a commitment made by the previous Government to at least, partially, financially underwrite the cost of implementing any regulations and standards that may result from this Ordinance.

I think the Leader of the Opposition also described what he sees as a failing in that the Ordinance has not specified those standards as it might have done.

You know, Mr. Chairman, I have commented before about the various spending priorities of the Government, in this Year of the Child, and the Minister of Municipal Affairs and I have enjoyed some colourful exchanges on the question of the spending on things like the Dempster Highway.

It seems to me that the Government Leader is quite right, that, occasionally there is a tint of socialism over on the other side. I think what we have got in when you look at the Dempster Highway spending and the proposed spending on this legislation, what you have is socialism for the trucking companies and nothing for children.

According to my likes, and I know there are Members who would differ, that seems to be a fairly distorted kind of priority.

I am trying to restrain my somewhat strong emotional feelings about this matter, since we have probably had enough of that already today, Mr. Chairman, but I will say I am pretty disappointed that the Government is so apparently mean-minded on this matter.

We have heard some assertions from the other side that the child care associations simply wanted standards and have never asked for any funding. According to any communications I have had with the members of that association, that simply was not the case.

As a matter of fact, not too long ago, I was at a meeting which was also attended by a former Minister of Health and Human Resources, who happens to be my predecessor in my constituency and I must say, to the credit of that lady, even though she had not reached an agreement with the child care centres in the Territory, nor did they see eye to eye on the question of funding, she seemed to be—I do not know whether I should say more Tory or more Liberal—, but at least more open-minded and warm-hearted on this question than this Government is.

I predict that if the Government Leader is right and that there is an inevitable march in the world towards more economic and social justice, the kind of society which we have come to refer, both by admirers of that system and detractors, as "socialism", that in the not too distant future, we will have a situation where Government recognizes its responsibility for both the children in schools and children in the preschool age.

I think there are a number of ways, Mr. Chairman, of looking at Government budgets.

It is possible to analyze this Government's budget as I once did four or five years ago in terms of the groups in society who benefit from the Government expenditures. It is also possible to analyze the budget in terms of the age groups of people in society who benefit from Government expenditures. It is possible, for example, to break out the expenditures on Education and say that they benefit people between the ages of six and sixteen or eighteen. It is possible to talk about the expenditures on highway systems and argue that they immediately benefit the people of sixteen and over. It is clearly possible to demonstrate how much spending, on a proportional basis, is done for those people who are senior citizens in the community. It is also possible by the same light to analyze the budget in terms of how much is spent on the community as a whole.

If you look at budgets in this way though, one thing that strikes a person immediately is that there is probably no group in the community who receives less in the way of Government expenditures than those people between the ages of one and six, in other words,

preschool children. This seems to me not because of malice or because these people happen to be voiceless and powerless in the system. I think it is simply an historical oversight.

More progressive and enlightened communities all over the world, and in many parts of Canada, have come to see their responsibility of society for the proper care, health, protection and education of preschool children. They have done it because they wanted those children to have the best of care in the kind of community and economy such as we have where it is often necessary for both parents to work, where it may not only be necessary for both parents to work, but where it might be socially desirable for both of them to work because both members of the marriage have valuable and marketable skills which society would like to employ.

They recognize that rather than institutionalizing children, which day care does no more than does the school system, that the care by professionals of children for a certain number of hours of the day produces an enormous and positive benefit for the social well-being of the children who are able to avail themselves of this service. It is clearly, in my mind as a parent, a much preferable alternative to the one of the private babysitter.

There are some private home day care situations which are very good. I know of some parents who do not enjoy the peace of mind that should come with competent professional care for their children during the day because either by virtue of their place of residence in the community, their income, or the hours of work, they can only avail themselves of part-time babysitting perhaps by young, inexperienced teenage girls. While they do not pay much for this service, I think many times they often fear that while their children are in a minimal way being looked after they may not be getting as much protection and care as they would feel they would like to have for their children.

Recently, we have been hearing some, I think, rather spiteful kind of remarks about social spending and social services in the community. I believe there was a gentleman by the name of Nielsen, who has a job in Ottawa, who I heard saying something on the radio the other day about, the effect of which was we had to stop spending in this area and give it more to business, because they would put the money to better use.

I do not know if that was exactly what he said, but it sounded like that.

It is a kind of view that, I think, most intelligent people had hoped had disappeared in the last century. But there is lingering evidence of it in the same way that there are other historical artifacts of former ages in our community. I think it is probably important in the community to preserve these artifacts and these historical monuments. I think it would be, probably, as a rule, much better to put them in the Senate than in the House of Commons.

The kind of notion which says that, with what is known, I think, as neo-Conservatism, that somehow government should really get out of the economy, it should turn over the responsibility of the economy to the private sector, to the businesses, because they really know how to run it.

It is not only done by those people who, ideologically are hidebound, but, I think, by people who probably do not understand the economy, such as Mr. Clark, who has a dreadful fear of being responsible for it.

I think the same people who are now arguing that government should also get out of responsibility for its weaker members, that government should be downgrading social services, getting out of social services, should be abandoning the very fine Christian notion that we are our brothers' keepers, that social problems should be turned back to the family and the government should be getting out of that business, too.

It has never been clear to me, Mr. Chairman, quite what such political philosophers have in mind for government, after they have abandoned their responsibilities for the economy and society, but I assume there would be some ceremonial functions left to provide entertainment for the masses.

What it seems to me we have is the kind of impasse historically right now where people of all political stripes are reassessing the effect, the worth and the success of various programs. Day care, in this country, is a fairly new development. It is a function of the increasing industrialization, the increasing and highly, I think, commendable participation by women in the workforce. This is a valuable development because I think women, much as they may like being mothers and wives and homemakers, would also like to employ those skills which society has very expensively given them.

We have now, in this period where we are considering all these things, unfortunately, some, not only indecision, but some, I think, pretty empty-headed notions about what happens if the Government does not meet its responsibilities in this area.

I have said before, Mr. Chairman, and I would like to say this again, that I believe, if I had the time and experience to do a really hard-headed economic analysis, that any reasonable amount of expenditure on day care by this Government would produce, not immediately, but in the long run, far greater economic benefits in the Territory than a similar expenditure on the Minister of Municipal Affairs' famous highway to the Arctic Ocean.

It seems to me that if you increase by making available good day care and by Government accepting its responsibility to partially fund it, if you achieve a liberation of a certain percentage of the work force, those young mothers in the work force who have skills, who have educational talents, who have abilities they would like to employ, on a household basis you increase the productivity of the community. You increase not only the productivity, but you increase the spending power. You increase the taxes generated for the Government. You, at the same time, by increasing that productivity, lower the overall cost to the community or the need for the community to provide housing, schools and all the other services that you would have to supply for the same work force if there were only one member in each family working.

It seems to me that a very modest expenditure on day care produces some fairly immediate economic benefits for the Government but, more than that, in the long run it seems to me it produces, hopefully, with good quality day care a much more well-adjusted generation of children. Children, who, through no fault of their parents, who grew up in single parent homes and had to be left alone and unattended for much of the day even after they got into school, these are often, unfortunately, the children who end up falling afoul of the law and ending up becoming, at a later point of their lives, the responsibility of whoever is the Minister of Health and Human Resources.

In the worst of cases they might become the responsibility of not the Minister of Education but the Minister of Justice. They become, indirectly, a burden to the Minister of Economic Development because they, are in fact, unemployed, in many cases because of their lack of job skills, unemployable in the present economy. They may even in some cases become the responsibility, God help us, of the Minister of Municipal and Community Affairs because they are, of necessity, because of their economic situation, clients of the Yukon Housing Corporation.

There is a chain of events here. There is an economic link. Society is an economic whole. It is an economic system and I think we have to recognize that, in a young family where both parents wish to work, they are paying taxes, they are contributing some things to the Government which produce benefits for the Government and reduce their costs in other areas. I think some of those savings for the Government and benefits for the Government ought to be reflected by an expenditure in day care.

Mr. Chairman, I am not going to, at this point, talk any further. I have the potential to get quite angry on this subject and facetious remarks from the Government Backbench also incline me in that direction.

Day care is, I think, a very serious subject, a very important subject and this Bill does not do much, either by way of standards or by way of a commitment from the Government to assist the financially strapped day care centres to meet those standards.

I think, Mr. Chairman, I would just like to say in the words of Queen Victoria, "We are not amused." We are not impressed.

**Mr. MacKay:** Thank you, Mr. Chairman. In addressing this Bill in a very general way, I think it is worthwhile to state a few basic principles before we move onto complaints.

I think the basic principle has to be in our society that the children are our most important resource. I put that in nice economic terms because I think that is more readily understood by the Members opposite. Without well and healthy children and without educated children and without children who are not emotional cripples, without all of these things, this society is going to be a very poor place to live.

That is a truism, Mr. Chairman, but I think it is worth restating because when we are addressing such an important Ordinance as this one, we have to remember the subject we are dealing with. We are not dealing with economic development; we are not dealing with parks or ecological units or any of these things. We are talking about kids. We all have kids; we all know kids; we all care very much for them. I think that the Day Care Ordinance is one of the reflections of the care that this House should have for them.

Our society, Mr. Chairman, is changing. Many women go to work

for reasons of necessity that did not have to many years ago. Equally, many women choose to go to work for reasons other than economic necessity. What it has done is put a stress upon the most single important unit in our society and that is the family. The family is the unit upon which most of our western type of civilization has been built. It is within the family that we have produced a system of rearing children and of passing on from generation to generation the values that are so important to the continuance of our survival as a civilization.

What is happening though is that the family unit, as we have known it traditionally, is changing. The mother who previously had a role that was clearly defined to stay at home and look after the children, feed the family, clean the house, for two reasons is no longer forced into that situation. The first reason is that with our growing wealth and sophistication of labour saving devices that fulfill those functions, women may not and do not have fulfillment in their own lives. The second reason is that the incidents of divorce and the incidents of broken families has increased along with other social problems and many women are left now, not only having to do all the things at home that they previously had to do, but also having to earn the bread as well.

These are not matters for debate, really. I think they are just background saying that this is where we arrive at the stage where this Government is now looking at implementing a Day Care Ordinance because of these phenomena which have occurred, that we are now faced with the necessity of the Government looking at and bringing forward a day care ordinance.

I think the Government has to recognize that, with the changes in society and with the growing number of children now being placed in day care, that there is a need for protection of these children, for regulation of the centres, and for supervision of the services given.

I am sure those are the main reasons for bringing forth this Bill. There are problems of hygiene, of safety, competence and educational things, the things that, in our brief introductory remarks, that the Minister alluded to.

So far, so good. I do not really think I have inflamed any at all. I think that we have stated things as they are and as they should be.

We have not had any major tragedy in Yukon, from a safety factor or whatever, in day care, that has spurred this Bill.

We have had a number of complaints, though, coming forward about the quality of day care. Disturbing reports of very young children being kept in basements, locked up, or having little or no supervision, being left in fire hazardous situations, where there is a poorer quality of help. These are all problems that we have heard of and that we are very concerned about.

As a result of all these things, and as a result of the debates in the spring and of the campaign last year, I looked forward to a Day Care Ordinance, which we could then feel that this House has addressed these problems and has, in fact, said we believe there should be certain standards. We believe these are the standards which should be set.

I am sure that the Minister responsible, Mrs. McCall, pushed very hard for this Ordinance. I think that it is a credit to her that there is any Ordinance in front of us.

But I would say that, I think had I been in her position, I would not have accepted this Ordinance, as presented here. I think it is a hollow Bill, I really do. I think it pays lip service to the concept of the need for day care, but it does not address the real problem, it does not say what standards this Government really believes there should be. It does not say that. Nowhere in this Bill is that problem addressed.

It is very easy for the Opposition to subscribe to grave doubts as to the motives of the Government. That, of course, is our stock-in-trade to do that.

I hesitate, certainly in this Minister's case, I hesitate very long before I would say that her motives are not of the best, but I am left in the situation where there is nothing to persuade me in this Ordinance that, in fact, the Government is concerned of setting standards, of saying--and the Government Leader referred to something about vague, half-things that we have put in there. If that is what he considers to be setting standards, then I have to say I am guilty. I would like to see some "vague, half-things" in there, but I would like these things to say that a day care should be run by a fit and proper person to do so. Why can that not be said in there?

We are going to say that the board is going to do that; the board is going to set the standards. The regulations are going to do all of that. If the regulations are going to do all of that, why do we not have it in the Bill? Why do we have to wait for regulations? I am told that the regulations are not even ready yet for this Bill. How can we say that the regulations are going to say something when they have not even been written yet?

I think that this Government has probably brought forward a Bill which they realize is a social necessity, but they have been somewhat reluctant in that to state what they really believe in and what these standards should be. I suspect that the reason they are reluctant to do that is because they are not really sure of what it is and why it is that they are bringing forward the Bill. They know they have to do it from a political standpoint, but they have not addressed the fundamental problems that I have tried to address here today as to why you are bringing forward this Ordinance.

If you agree with what I am saying, that we are talking about safety, we are talking about hygiene, we are talking about supervision, nurture, education, if you agree with all of these things, why are they not in the Bill?

Why do we have to pass another piece of legislation, to appoint another board that avoids tackling the issue at hand, that avoids setting standards that leaves it completely free to the Executive arm of this Government to make whatever rules it pleases because regulations can only be made within the spirit of the law we are told. There is no spirit in this law. This law is totally lacking in any spirit at all. It is merely a very cold executive type of legislation which appropriates the power of this Assembly to the Executive, and appropriates it in such a way without any guidance that Executive of how to exercise that power.

I am very willing and I am sure we will hear many speeches from the other side telling us how great their motives are, and what they really intend to do with this Bill, or how they are really interested in children. But, it begs the question again: If you really mean that, say it. Put it in the Bill. Tell us what you really want to do. Because you can appoint a board, and you can say to them, "Anybody who comes in with a hundred bucks can get a day care licence." I do not think they will do that, but I am saying that this legislation would go along with that. Why pass legislation that allows bad things to happen?

Unless something comes out from this Government during this debate of a concrete nature that is going to put some, I hate to use the word "teeth" because it sounds like it is going to bite somebody then, but put some standards in the Bill. Unless there are some standards put in the Bill, I am not going to support it.

**Mr. Fleming:** First, I am going to say that I appreciate the fact that the Minister and the Government decided to have a Day Care Ordinance.

After four years of standing in this House and more or less arguing about the same thing back and forth and hearing the same, same old argument going back and forth, and representation from the people who do operate day care at budget time, I find that it is commendable that the Government would, at some time, get off of whatever and bring forth an ordinance and some legislation.

However, after seeing the Ordinance, I must say that I am very, very disappointed. I would almost submit, Mr. Chairman, to the Government, knowing this Ordinance would be something that every Member in this House, possibly, would see the need for and probably wish to vote for, just felt that it would not make much difference what was in it or if there was anything in it, because it would be gone along with in any case.

Possibly so, Mr. Chairman, but I am not so sure, until I hear from the Members opposite and from the Minister responsible as to just how good this can be, that that will be the case.

I am not going to commit myself to vote for the Bill or against that Bill at this time. I would hope that there could possibly be some changes or something added. I would not say changes, because there is not much to change. We are developing a board and dropping the responsibility entirely to a board and that is about the extent of the Ordinance.

However, they have not even really given that board any direction as to what they really should do, other than to issue a licence or two and possibly inspect once a year, which I find absolutely not acceptable.

I find nothing in the Bill where there is anything to do with the fundamental fact that a day care centre should be run according to the standards of our health ordinances and this type of thing. Again, it is left to the board to more or less decide if that is proper or not.

I am not going to belabour the subject, because I have been here before. As I say, I have heard many pleas from the people who are responsible, for monies. Somewhere in this Ordinance I think there should have been a definite commitment one way or the other, from this Government.

If we are going to have a social program such as this, I think the commitment should be more or less made to a certain extent, as to where something might come from to help the cause.

With that, Mr. Chairman, I will see just how it comes out in Committee.

**Hon. Mrs. McCall:** Mr. Chairman, I really find the general view of the Opposition a little bit depressing, before we have got into it and before they have seen what the regulations are going to be.

I share many of your concerns. Day care has been under discussion since 1973 in the Yukon and this Government is the first to bring forth an Ordinance. It is a brief Ordinance but its primary reason is to attend to the basic essentials of care and, the Member from Whitehorse West was speaking earlier, raving earlier rather, at length over Government playing too much of a role in people's lives, and, on the other hand, he would like them to play more of a role in people's lives.

I think the Member from Whitehorse West also said something about teenagers babysitting, am I wrong? Correct me if I am wrong. Right, well I was one of them. I started when I was 13 and I was a very good babysitter and it was good practice for being a mother. I also appreciated his remarks on being a mother. I became quite an expert on that.

I agree with Mr. MacKay, children are our most important resource. The Day Care Ordinance is meant to complement the family, not to replace it. Mr. MacKay mentioned the frustrations and skills of women who were at home having children and not able to get out and work as did Mr. Penikett. I was one of those women too and I appreciate that, but, at the same time I managed to, I think, employ my skills and bring up my children without the help of day care, except I realize that the role of family is changing. There are many reasons to have day care now.

Another thing that Mr. Penikett mentioned was children left alone in basements. No, sorry, it was Mr. MacKay. Well, we aim to look for the children who are locked up in basements. That is another reason for the Ordinance and this Ordinance will find that sort of thing. Children left alone at home, any children who demonstrate a need for day care and where there is no money, this Government does assist those people. If they have no money to pay for day care there is assistance available.

Mr. MacKay mentioned really getting down to the specifics and regulations. They are not in final form, they are not ready for tabling and they will not come to this House in this Session.

You will have to take on faith that they do cover the specifics that he mentioned. Some of the things he mentioned are in the Ordinance.

The reason that specific standards should not be contained in the Ordinance, but in the regulations, is because there is more flexibility. If they are in the Ordinance, the whole Bill has to go through the House to be changed, as needs dictate. Specifics in regulations can be changed by an Order-In-Council and can be adjusted.

I think that is all I have to say, Mr. Chairman.

**Mr. Byblow:** Mr. Chairman, I think some of the reasoning that we allowed this to go into Committee was to hear some logic as to why the Bill came to us in the way that it did.

In the way that it came, where essentially a committee is established to licence day care facilities, in my mind, does not answer the real intent of the legislation. If we accept that the intent of the legislation is, as the Minister says, to attend to the basic essentials of child care, I have some real difficulties sorting out how this Bill does actually address that problem, that concern.

What the Bill really does, it sets out all the mechanism that deals with the intricacies of creating another piece of bureaucracy. I do not see the guarantees written in that look after child care and welfare, which is the whole point of the Bill.

It is my understanding that other jurisdictions write in minimum standards. It is my understanding that the advice given to this Government was that standards be in place. It is my understanding that funding was a prerequisite to allow day care facilities to reach these standards.

I think it has been repeated numerous times that the two have difficulty going hand in hand.

Now, okay, if I understand the logic of the Minister, and the Government Leader who spoke when the Bill was presented at Second Reading, the reason you have this committee set up in this vague, nebulous way, is to permit a real flexibility, as per day care centre, as per community, so that there are no undue hardships imposed. That is the understanding I have.

Somewhere there is some missing logic because on the one hand you are setting up, through this Bill, a committee to allow licencing of a day care facility. If you are not going to impose hardship on that day care facility, you are going to allow a very flexible standard to that centre.

As you bring up your level of standards, you then have to enforce them and change your licensing prerequisites. It seems to me to be a very difficult thing to do.

You allow a day care facility to operate with minimum or poor standards; you come around at arbitrary will, create the situation of revoking that licence to meet another standard. There is missing logic and sequence in this.

I think on the strength of what has gone on in the past with the delivery of this Ordinance to the point where it is today, we are not following the advice given to us by people who would be directly affected. I had the Ordinance shipped out to my community. I suppose for the benefit of the Government I got calls back over the weekend, yesterday, this morning. The legislation is appalling. If standards are going to be imposed on our centre, we would have to shut down. We operate on a marginal basis. Somewhere there is missing logic.

I think we allowed this Bill to get this far in the hopes that we would have some answers as to why it is presented the way it is. I am not sure that we have had those answers yet. Why have we no answer with respect to funding? Why have we no answer that this ensures the welfare and care of the child which we recognize as the supreme intent of the Ordinance?

I think some further debate is in order.

The Minister noted that people who need day care assistance are provided assistance but that is only a case of where the family, if it qualifies for social assistance, only then would it qualify for day care assistance. That is just short of misleading. I probably will leave it there because I have some difficulty with understanding why we are taking this route as it is.

**Hon. Mr. Lang:** Mr. Chairman, I would just like to make a few comments from this side of the floor. I agree fully with my colleague that day care is to complement the family structure and not to replace it. I think that is a very important principle that we must look at.

I cannot accept the statement from the other side of the floor that myself, as a parent or any Member across the floor, needs a Government civil servant or a committee set up to do an evaluation of whether an individual is capable of working within a day care facility. I would like to think that we, as parents, would take that responsibility on ourselves as we have entrusted the most important resource that we have, and I think we agree on both sides of the floor, our children, to these facilities whether it be on a daily basis or on an intermittent basis to stop and have a discussion with the people who are running the facility and do your own evaluation.

I think that I cannot support the idea that one particular Member has put forward that somebody else has to do that on our behalf. I feel that is my responsibility, and I would like to think it is everyone's responsibility who has children and does use the centres in question. I think that is very important.

I would also like to say, Mr. Chairman, that some Members are talking about the universality of day care and government responsibility to it. I think that is a very important principle that we are looking at. I think that we do have a responsibility and I think we have exhibited that from this side of the House in the last budget, and I suggest that it will be maintained, supporting those less fortunate than others who must use this type of facility and should have some support from government.

I have no problems, as a taxpayer, helping an individual out who is in that kind of a situation. But, I find it rather humorous that nobody has mentioned the importance of the couple, the spouse who has decided that the most important thing that she can do is stay home, take care of the children, and perhaps do without some of the material things that they would otherwise gain by entering into the work force. I think that is being underplayed.

I think it is important to stress that the spouse that takes that responsibility on, we are not talking about the increased taxes to the Government and all the other benefits that would accrue to the Government if the spouse was working. I think it has to be recognized, and I am going to go on record. I think that is probably the most important job there is in this country in respect to preserving the family structure and taking care of the children.

I think that I agree with the Leader of the Official Opposition who stated that this country was built primarily on the basis of the family structure. I think that is important to note. That responsibility that is inherent and should be inherent for those parents that have children and take on that responsibility.

We recognize the fact that, in this day and age with inflation and everything else, there are some people who have to work who would like to stay home, but they cannot. We recognize that fact.

In this Bill, I think it is fair to say that we are attempting to set up

minimum standards for safety purposes and health reasons on these particular centres. But, at the same time, I feel that there is a very important principle here, Mr. Chairman. I may perhaps take it too personally but I think that I have a responsibility to pay whatever the amount is, directly, if I am prepared to put my children in trust to somebody else, at least portion, if not all.

Now, I know I disagree with the Member from Whitehorse West and I know it is a deep, philosophical disagreement, but I feel that if we are going to continue in the society as we know it today, you know, we are looking at day care, in some cases, as the end all and be all. I think you have got to look at it, is it a symptom?

I think that you have got to look at Government and government spending. We have a responsibility on this side of the House, and I recognize the role of the Opposition, as the Honourable Member has said, but we have a mandate, we feel, in respect to Government spending, to keep down it so that the individual has the freedom of choice.

In other words, big daddy is not telling him how to spend his money. He can make that decision himself. He is over 18, he is over 21. But every time you stand up and discuss this Bill, previous legislation that has been put forward to try to minimize the encroachment upon individuals, it is going to cost money.

The government is the people, you cannot forget that. You and I and everybody in this House represents a certain area and a number of constituents. I think it is important that you look at that from that point of view, as well, because you start talking universality, just like anything else and it sounds like apple pie and motherhood, and then you start looking at the Budget and then you start looking for the money.

I will tell you, Mr. Chairman, then all of a sudden you have taxation, you have got more taxation. I do not care, there is no free no lunch.

I think the point that we are making from this side of the floor, we recognize that there has to be a minimum standard. It has been done in full consultation with the people directly involved, but, at the same time, we feel, as a government, we should not be encroaching or at least staying back from the responsibilities entrusted with day care organizations, and give them that responsibility, because, in my estimation and my experience, I would suggest that they are doing a very, very good job, at least from my limited experience from the centre that we sometimes use.

The more government gets involved, Mr. Chairman, I tell you, the less responsibility the parent has and the more that somebody is telling you, as a parent, of how to live and how to do it.

**Mr. Penikett:** Mr. Chairman, I want to say, in response to the Minister of Municipal Affairs, that I am grateful for his intervention, because I think I now have a much more full appreciation of where this Government is really at, when it comes to day care.

The Minister concluded his remarks by talking about government interference and government getting involved. I find that fascinating, because underlying that philosophy, that world view, is somehow the notion that governments are the enemy of the people, that somehow governments and the people have opposite interests, that somehow that people, ordinary citizens, people who may want day care, somehow are in competition or conflict with the government.

The fact of the matter is that the parents, in this community, are the government. I know there are a number of us who have children in day care here, but I think the Minister's remarks right now were really quite incredible.

I mean, not only is he suggesting that government is the enemy of the people, I mean--

**Hon. Mr. Lang:** Mr. Chairman, on a Point of Order. I did not suggest that and the Honourable Member is putting words in my mouth. I would suggest that I do not do it to him, so, vice versa, I would suggest the courtesy be extended, Mr. Chairman.

**Mr. Penikett:** Mr. Chairman, I would think the Minister is the worst offender at putting words in other people's mouths and I would, with respect, say that if he listened a minute, he might learn something.

I listened to the speeches from the Conservative Members in the House and I know some of them mean what they say. They weep and they wail about the erosion of the values and hard work and the family ties and community consciousness and duty and all that other stuff and they somehow imagine that this is a result of some kind of socialist plot.

I would remind them that it is Tories who have been running the world for the last few hundred years, people who believe in the ancient liberal doctrine of the market place ruling.

When the Member talks about individual freedoms, what he is

talking about, he is not talking about freedoms of the individuals, the ordinary man in the street. He is talking about freedoms of great, giant corporations to do what they want, to dislocate the economy, to develop the economy or whatever.

When he is talking about individual freedoms, that is exactly what he is talking about, because, as we mentioned earlier today, in Canadian law, those corporations are supposedly defined as individuals. To suggest that he or even I are equal to any of these corporations in some kind of situation in society is to talk patent nonsense.

What we are talking about when we are talking about freedoms is basically the economic freedom, the one that is the ancient principle of the Liberal Party, the freedom to make a buck.

The fact of the matter is, you make a buck, someone pays the buck. I think that is the freedom that is, in fact, the one that is behind the recent philosophy of the Conservative Party.

That is fine, I understand that, but you should also understand that, in that period of time, the problems we are now dealing with, of our kind of economy, are ones that we have because of a history of conservative governments, whether they were called Liberal or Conservative.

**Some Hon. Member:** There is a difference?

**Mr. Penikett:** Not much, Mr. Chairman.

You know, I listen to the Member talk about this economic freedom and we look at the situation parents are trying to raise children in today.

We have got, even in our community, if we are clear-headed about it, a few very large economic factors that really can determine what happens here, far more power, I would argue, in some cases, than this Legislature. I think anyone is naive if they do not understand that.

We have seen the power, and the Minister laughs when I talk about multi-national corporations, but we have actually seen in recent history, the power of such concerns to quite literally blackmail and ruin national economies.

These are, perhaps, not a very big nations, perhaps not very strong nations, economically, but they have that power.

At the same time we are seeing right now the slowing down of the world economy. We are seeing the slowing down of the world economy as we come to the limits of our ability to dominate the planet economically, as they have come to it. Not just for economic reasons, but there are, as the Minister says, the OPECs and the environmental problems and there are physical limits too. We have problems with resource depletion and pollution, which are causing major dislocations in the world.

At the same time, we can talk about this progress that the Minister talks about. We have some, we have had enormous progress in our society, but we still have a long way to go. We still have, in this community, hundreds of people without work. We have a lot of people who do not have day care, who need it. We have seen the gradual erosion of community life, the Minister is right. We have seen the erosion of family life and the meaning of family life, but we have seen them for a lot of good, economic reasons.

We, as members of the community, produce, and we consume, and we exist for the sake of the economy but what I do not think the Minister understands is the biblical dictum. It is there clearly in the Bible, biblical teaching is that the economy is made for man, not man for the economy.

Sometimes we hear from the Member, and I respect the historical curiosities of his views, his political philosophy, talk about big government and big business and labour, and a lot of talk about the increasing power of government. The Minister is quite right when he talked about my concern about the police state powers that may be contemplated, but I am talking about something very different than day care. What we are talking about here is a Bill which does regulate, does what the Minister complains about, government interference, but it does not provide the day cares with any means to, in fact, live up to those things.

When we get to a question like this we have to talk about it. The Minister talks about power. Those businesses which I talked about were powerful. I do not have any shares in them. We do not run them. But, ideally, Government ought to be governed by the people.

When the Minister is talking about government interference, it ought to be parents involving themselves. Ideally, what it is is parents involving themselves in the community. Not just for the sake of their own children, but for the sake of all the children in the community. That is what communities are all about. About sharing that responsibility. Now the Member is fortunate to be in a position to be able to totally underwrite the cost of day care for his

children, but I would suspect, even in the day care centre he is talking about, that the day care workers are not earning a very good income, and that in fact, the day care workers in that centre may be underwriting the cost of that day care. I submit that that is not a very good situation.

The whole business of society, Mr. Chairman, in the last couple of hundred years, has been to try to remove Adam Smith's invisible hand off back of humanity.

The whole idea has been to get ordinary people together so that they can, responsibly, together, meet their needs, share their responsibilities in the changing world.

It was not that long ago, historically, that aristocrats first had power in our system. It is only a little more than one hundred years ago that the middle class started to have power. It was only a little more than one hundred years ago that working people who did not own land had the right to vote. It is only in this century that women had the right to vote. Society is expanding its consciousness to recognize that it has responsibility to other groups in the community even powerless ones like children who do not vote and who do not have any part in the political process.

What I find so disappointing, Mr. Chairman, and I listened to the Member opposite give his good true blue Conservative speeches and it is great to assume that everybody is in his situation. Single parents are not. Single parents do not want to be welfare recipients because the Member this year happens to feel charitable towards them.

Day care is in the interest of the whole community. For that reason it deserves our support.

Mr. Chairman, I do not want to prolong this debate unnecessarily, but I really wish that I could hear from the Minister or someone from the other side make some sense in their addresses to the House that they care about this. This polite discussion about a budgetary consideration, about whether it is funded or not, that is an important question to me. Perhaps other Members do not share that view. I do not even feel any passion for the subject of what happens to these children.

Mr. Chairman, I will leave it at that, but I would remind the Minister who just spoke that what we are all about as Government, fundamental to the notion of government, is some sense that in society we are our brothers' keeper, and it is no accident that in a Christian society and in the British tradition that we have evolved these kinds of institutions for exactly these purposes.

**Hon. Mrs. McCall:** I think I will address Mr. Byblow's comments first. By bringing forth an Ordinance at all shows the Government acknowledges the importance of day care. I cannot see anything wrong. He seems to complain about the setting up of a board. I really do not understand his arguments there. I cannot see anything wrong with the structure of a board and the way that that has been put forth. We can come to that as we go through the Ordinance. It is precisely the intention of the Ordinance, as it is, not to shut the existing centres down. I think that is what Mr. Byblow is concerned with.

I think to vote against this Ordinance, as I think Mr. MacKay mentioned he might do, would be irresponsible.

I would like to mention to Mr. Penikett that I cannot really reconcile Mr. Penikett's trusting some citizens against others. How do you know whom to trust? You are speaking of some citizens being the enemy of the people but Mr. Penikett had been arguing fiercely earlier in the afternoon about other citizens which he could not possibly trust, such as a magistrate or a policeman. I appreciate his ramble on socialism versus capitalism.

**Mr. Penikett:** Mr. Chairman, I do not mind the Minister quoting me, but if she is going to quote me, would she at least do it accurately? She has not said anything in the things that she has said here, she has not quoted me once yet. She may have quoted Mr. MacKay or Mr. Hanson, but she certainly has not quoted me.

If she is going to quote me, and I certainly recognize that they are excellent and colourful and eloquent remarks that can be found in the Hansard record of my speeches, and she may want to use them in Dawson or elsewhere.

But, Mr. Chairman, I would reserve the right, as the author of those remarks, to have them quoted accurately, and to be foot-noted accordingly.

Thank you, Mr. Chairman.

**Hon. Mrs. McCall:** I thought I was quoting the Member opposite accurately. I could make up my own colourful expressions, thank you, Mr. Penikett.

**Mr. Chairman:** Order, please.

**Hon. Mrs. McCall:** I appreciate his ramble on socialism versus capitalism. I suppose the two largest populations in the world

today are China and Russia, which have a socialist government, and someone very close to me was just in Russia and I can not say that it is a success from any point of view. The idea of day care, you talk about people co-operating, these centres we have, existing centres, mostly are people co-operating with other people.

**Hon. Mr. Lang:** Mr. Chairman, I just want to make a few comments to my colleague from Whitehorse West, in respect to his remarks.

I once again would like to say that the inference that he made that I had said that the Government was the enemy of the people is totally inaccurate, and I want that for the record, once again, because I think it was totally inappropriate.

The point I was trying to make was, the Government, and government involvement, get to such a point, Mr. Chairman, that you get to the point that you are taking the parental responsibility away and putting it on the government, some paid civil servant, who must take that responsibility. I think that is a very important point, because I think the responsibility has to lie with the parent or else we are in a lot of trouble, whether it be in the day care centres, indirectly, or at home.

But I do disagree with the Honourable Member and I will take him to task on this point. He has stood up, time in and time out, and expressed the view that it is almost essential that the woman spouse go out to the workforce, and encouraged that view. I am sure that if he goes back into Hansard, he will see that, and, I cannot accept that.

**Mr. Penikett:** Mr. Chairman, I never said that, and I challenge the Member to state the Hansard reference where I ever said that.

**Hon. Mr. Lang:** Mr. Chairman, he has said in the past, and I will get the Hansard, about more taxes that would accrue to the government if we had more people in the workforce, et cetera, et cetera, everything else.

I cannot accept that argument. I believe we have a responsibility to those who cannot afford it and must go out to work and I think we are providing that. But, at the same time, Mr. Chairman, I think we have a responsibility to recognize the importance of the spouse who stays home and takes care of the children. I think that is an important principle. It is one that the Honourable Member would like to ignore, but it is a fact of life and, at least from this side of the floor, we recognize it, and I must say, appreciate it.

**Mr. Njootli:** Mr. Chairman, I have been listening to this debate with great interest and, personally, I would just like to acknowledge the opposition for their effort in their debate. However, from my understanding, it is the concern of the financial substance of the Ordinance. However, I would like to base my observations on the past meetings with the people who are responsible for day cares.

I would assume that the people that we spoke with were duly elected representatives of the day cares in Yukon and they, at no time, have ever requested fundings for day care.

I would also like the Opposition Members to know that they were looking at this Ordinance before it came to the House. I also would like the Opposition to know that the Ordinance was not written yesterday. It is a long, outstanding ordinance and that the Government undertook to bring the Ordinance into this Legislature, from my own observation, is an achievement.

I also would like to tell the Opposition that I do not think an achievement could be made all in one day and I appreciate the fact that they do have some concerns, but we, as a Government, acknowledge that the public should have input into the running of day care, so we have provided in this Ordinance, Mr. Chairman, that there is a day care services board that would be appointed. There will be five members on the board and I am sure that their expenses will be paid to meet and to make recommendations or to see that some of these concerns of the general public are put before the board and handled accordingly.

Those, Mr. Chairman, are some of the concerns that I thought should have been brought out, because we have been in contact with people who are responsible for day care in Yukon. They have had input into the Ordinance.

**Mr. Falle:** Mr. Chairman, Members opposite have been asking for all day, reality and logic in this day care.

Now, I have not got too much to say on the matter, but it is a political reality.

I think it is Conservative logic which brought this Ordinance forth. We are Conservatives on this side of the House and we are dictated to by our philosophy.

I am just sorry it is not agreeable with, I can say, socialist or an NDP philosophy, and obviously, the majority of the people of Yukon agree with us or we would not be here.

**Mr. Chairman:** Before I recognize Mr. Penikett, we will have him speak and then we will take a short recess.

**Mr. Penikett:** Mr. Chairman, I thank Mr. Falle for his intervention and remind him that the representatives of 62 per cent of the people in the Territory are over here. You did win the most seats and you have a mandate to govern, but I would not want him entertaining any dangerous notions about the number of people who support his philosophy.

Mr. Chairman, on an entirely serious note, I want to say to the Minister of Health and Human Resources, I would like, very politely, to request her not to, again, make even by implication any suggestion that I might have any affinity for any communist country or any communist philosophy. I would advise the Member that there are people who have lost their seats for making such accusations and not being able to substantiate it.

**Mr. Penikett:** I do not think the Member would appreciate me making any suggestion that Conservatives here had anything to do with those black-shirted gentlemen in Germany. I would appreciate it if she would not do the same, as far as my philosophy is concerned.

The Minister of Municipal Affairs has a number of standard phrases which he keeps recycling in his various replies to questions and speeches. I must therefore assume that they are Government policy. He closed his last interjection with the phrase, "we recognize the responsibility to those who cannot afford to pay." Since I sincerely doubt whether the day care centres may be able to afford the cost of implementing these regulations, I would like to now ask the Minister, given that the Government recognizes its responsibility to those who cannot afford to pay, will the Minister therefore be underwriting the cost of implementing any such regulations that arise from this Ordinance in the event that the day care centres cannot afford to pay?

**Mr. Chairman:** At this time we shall take a short recess.

Recess.

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

**Mr. Penikett:** Mr. Chairman, I just had a question that I put to the Minister just before we recessed, and perhaps I could get an answer now.

**Hon. Mr. Lang:** Mr. Chairman, I just want to reflect on what the Honourable Member was attempting to read into the words that I had said, previously, in the debate, in respect to this side of the House recognizing that we have to, at least, help those people who cannot afford, themselves, to pay for day care. I want to clarify that.

There is just one other thing, Mr. Chairman, while I am on my feet, the point that I think has to be made, and nobody has recognized, and I go back to the parents who are making in the area of \$15,000 or \$20,000 a year, that they make the conscious decision that when they have children, the spouse is staying home to take care of them. They make that conscious decision. My colleague from Whitehorse West has advocated universality of day care. The point I want to make is who is going to help offset the costs to that decision that is made in the family, for that individual who is out earning a living, paying for the raising of his children, with his spouse staying home, yet at the same time the Honourable Member, and he knows full well, better than I probably, in view of his Federal experience, that any program that is brought in means increased taxation. What he would be advocating, if it contained universality, is for the individual who is staying home, the spouse who stays home to take care of the children, at the same time the husband must pay, indirectly or directly, through property taxation or income tax for the universality of the program that the Honourable Member is advocating.

That is a very important point as well because somebody has to pay for it.

**Mr. Penikett:** Mr. Chairman, I had hoped to be quiet for a while but the Minister asked me a question and I suppose, on another occasion I would be happy to speak for an hour or two about it. He sort of slipped off the hook a little bit there, a little bit of wiggling. He did say, "We recognize the responsibility for those who cannot afford to pay." Now, collectively, "those" could be Day Care Centres who might not be able to afford to pay for these regulations.

I do not think that the Member for Faro or myself are being at all facetious or frivolous when we suggest that it is possible some day care centres might go out of business, could conceivably go out of business if the expense of meeting certain regulations were unduly harsh.

The Minister suggested that increased taxes would be necessary to pay for it. I am not sure about that, I would probably defer to the

Leader of the Opposition on that question but I do not doubt, at all, that the increased tax revenues from a greater female participation rate or male participation rate in the economy could finance such a thing. I would not be at all surprised if increased productivity could finance such an expenditure. We are not talking about a very large expenditure.

Much as I am sure everybody is enjoying the debate between the Minister and I, that is not the point. I did put a question to the Minister as to whether the Minister accepted the proposition put by the Minister of Municipal Affairs, and it is one of his set phrases which he has used a lot of times, "We recognize the responsibility for those who cannot afford to pay."

There may be Day Care Centres that cannot afford to pay for these regulations. I therefore, again, ask the Minister of Health and Human Resources if the situation arises where the Day Care Centres cannot afford to pay the cost of implementing these regulations, if, in fact, the Government will be recognizing its responsibility in that regard.

**Hon. Mrs. McCall:** Mr. Chairman, the Honourable Member to my right is correct. Anyone who demonstrates a need for help with day care fees or assistance, the help is already in place. The standards that are being set are not going to impose undue hardship on any centre.

**Mrs. McGuire:** Thank you, Mr. Chairman.

I agree with most of the views of the Opposition Members on this Ordinance, that it is without substance, a skeleton piece of legislation, but it is a start in the right direction and I will support this Bill, with the assurance that this Ordinance, or any ordinance, can be changed, can be amended.

I feel that it is better to be with than without.

**Hon. Mrs. McCall:** I just want to say that I appreciate the Honourable Member from Kluane's remarks.

**Mr. Fleming:** Yes, it has been a very interesting discussion.

However, I have a couple of comments to make before we hopefully go on and get something done. I am sure that the two Members of the Independent Party are ready to go to work, rather than argue all day.

However, I must comment on a couple of the comments that were made before and a couple of the Honourable Members across the floor felt that we do not really know what we are talking about when we say that we would like to see an ordinance with some teeth in it and with them saying that this sounds like Conservative logic. I would say that it would not take too much to say yes to that. I wholeheartedly agree when I see six pages of an Ordinance of this type.

Also that some achievement was made because there was a board established, I would say, again, that I fully agree with that, as far as the Party across the floor is concerned. They have achieved a fact that they have got a board. That must have been quite an achievement for that Party.

I would ask at this time, though, how many regulations would the Minister envision for the carrying out of this seven page ordinance?

**Hon. Mrs. McCall:** Well, I am not sure that I am quite clear on what the Honourable Member asked just now, but I think that the setting up of the board would be one and the standards that are being set.

It is minimal. It is intended to be minimal so that nobody is put out of business.

**Mr. MacKay:** I would like to know what regulations you are proposing in the area of fire prevention.

**Hon. Mrs. McCall:** The regulation is not ready. I can not really comment on the regulation.

**Mr. MacKay:** Can the Minister tell us what regulations she may be contemplating with respect to health?

**Hon. Mr. Pearson:** Mr. Chairman, the intent of the Ordinance must be obvious to the Members opposite. The concern is for the safety and well-being of the children who are being looked after in day care centres in Yukon Territory at the present time and in the future.

The regulations that will be promulgated will be decided upon by this board. It will be their recommendations that will determine exactly how strict these regulations will be. We have been able to determine that in the day care centres that are presently operating in the Territory, the regulations that will bring them to a standard that we think might be acceptable will not cause an undue hardship.

**Mrs. McGuire:** Mr. Chairman, I would just like to ask the Minister, how would you propose to deal with day cares that are already

in existence. Do they close their doors during the hearing, and the assessment and the inspection period, or do you have any plans on that?

**Hon. Mr. McCall:** There is a six month lead-in time. No one will be closing their doors.

**Mr. MacKay:** I would just like to hear from the Minister, herself. There is an allusion there that the Board is going to make up all of the regulations. Is this in fact what is happening?

**Hon. Mrs. McCall:** We are going to consult with the people at the existing facilities to see that they are not going to impose anything that is going to put anyone out of business. The Board will not be making up the regulations. They will be in consultation with the people who are in the business at the present time.

**Mr. MacKay:** It is a fair statement, then, to make that the standards that already exist in the Territory for a day care are those that this Government is prepared to accept. In other words, the lowest common denominator of day care standard is what you are going to accept. Is that a fair statement?

**Hon. Mrs. McCall:** No, they will be expected to upgrade. At the present time, they are inspected by a health inspector twice a year. Initially, on opening, most of them were inspected by a Fire Safety Marshall and Building Inspector. So, we are somewhat assured that they have satisfied fire and safety regulations at this point.

At point of licensing, they will be inspected again to see that they do come up to the standards in regulations.

**Mr. MacKay:** I think that we should be careful when we are talking about day care centres. We should also be considering the family day care home service, as well. These people, at this point, receive no inspections.

What standards are you going to impose on them? Are you going to go around and find out what the easiest thing to do is and impose that standard? Does this Government not have any ideas as to what it wants?

**Hon. Mr. Pearson:** Yes, Mr. Chairman, we have very definite ideas of what we want. We want to achieve safety for the children in day care centres.

Mr. Chairman, if the Honourable Member would have read the Ordinance prior to now, he would recognize that, in fact, family day care homes, private homes, are included.

**Mr. MacKay:** I am perfectly well aware of the fact that family day care homes are included. That is why I was asking the question as to what standards were going to be imposed upon them.

If the Government Leader chooses to misinterpret me so often, then I am afraid that I cannot do very much to add to this debate.

What I am asking is what standards does this Government have? I mean, you have said on the one hand, we just heard, that you are not going to impose any standards that will cause any hardship to any existing day care centre. So that means you are going to go around and you are going to find the lowest common denominator and that is the standard.

Are you going to do the same thing for the family day care home service? Are you going to go around and find out what is going to cause the least amount of trouble? You are not going to get any hassle from any voters, because we would not want to do that.

You know, this seems to be, the attitude is let us not get any hassle from any voters. We will just impose the lowest standard and get away with this and then we can always say, well, it was up to the board and nothing to do with us.

**Hon. Mr. Pearson:** Mr. Chairman, if we were satisfied with staying with the lowest standard, Mr. Chairman, we would not have bothered with the Ordinance.

There have been occasions in this Territory of day care centres and homes being run at sub-standard conditions and we intend to see that stopped for the safety and well-being of all children in the Territory.

Now, Mr. Chairman, this legislation is before this Committee as a direct result of the request of the operators, the current operators of day care centres in Yukon.

We want to make sure that we do not impose any standards that are not necessary. We want to ensure that the standards that we do impose are reasonable, and the only way to do this is to sit down with them and talk, and this is the method that we propose to do it by.

**Mrs. McGuire:** When you are setting up the regulations will you be using, or taking into consideration, the landslide of recommendations that this Government received from agencies and individuals?

**Hon. Mrs. McCall:** Yes, indeed, we will.

**Mr. Chairman:** As there appears to be no further general debate we will now begin our clause by clause consideration of Bill Number 15, Day Care Ordinance.

On Clause 1(1)

Clause 1(1) agreed to

On Clause 2(1)

**Mr. Fleming:** It says "Chief Medical Health Officer" means that person appointed by the Commissioner as the Chief Medical Health Officer for the Yukon Territory. In that case, the Chief Medical Health Officer is not a federal appointee, or such, or is he, in this case?

**Hon. gm. McCall:** At the present time, yes, he is.

**Mr. MacKay:** Under "Day Care Centre," I am sure there is some Conservative logic behind the cut-off date of six years of age. I would like to hear it.

**Hon. Mrs. McCall:** Mr. Chairman, do you mean way down here?

**Mr. MacKay:** I am referring to the next section. Take that as notice.

**Mr. Chairman:** I believe, Mr. MacKay, that "day care service" is the one you were referring to.

**Mr. MacKay:** Yes.

**Hon. Mrs. McCall:** I am not exactly sure there. I imagine that after six years they are school age. This is intended to look after children who are not in school. Day care centres are usually for children under that usual cut-off age.

**Mr. Penikett:** Mr. Chairman, the Minister is wrong. Day care centres, in many parts of not only the world but in this country, are also to provide a service to children of parents who do shift work in those communities where that is prevalent and for the hours when the children are not in school.

They, also, in many cities provide a service to parents who may wish to, on a daily basis, have their children properly cared for while they are shopping on Saturday and that may include children who are above six years of age.

We do not have yet a very large industrial plant in Whitehorse that would mean that a large percentage of the work force are involved in shift work, but if we ever had a Kaiser Aluminum or something here, I would strongly suggest to you that the provision of day care, I am not talking about eighteen year olds, but seven or eight year olds who might be out of school and need proper care until their parents could get home from a midnight shift or from an afternoon shift, would be something that you ought to be thinking about because it could happen.

**Hon. Mrs. McCall:** I appreciate the Member's remarks. I do not think that population of the Territory nor our work force warrant such a comprehensive Ordinance at this point. It can always be amended or adjusted in the future.

**Mr. Byblow:** I think, Mr. Chairman, that this is the time to attend to that because in my community this sort of thing is going on right now where day care centres have children in them beyond this age bracket at these odd hours and for these various purposes. This is a very restrictive clause. It is a practical reality.

**Hon. Mr. Pearson:** Members must be careful in reading this section. This does not prohibit anybody over the age of six going to a day care centre. What this says is that a day care service is one that has not less than seven children of an age of not more than six years. There could be any number of children over the age of six.

**Mr. MacKay:** I can appreciate that there is some clever drafting there. I still do not understand why there is a restriction there, in light of the previous remarks. It seems to me that at the age where they cannot look after themselves without supervision is where you should be aiming your upper limits. I cannot see why you want to restrict it just to six years of age.

**Mr. Penikett:** Mr. Chairman, I am not sure that I would admit that it is adroit drafting. I do not know, perhaps the Minister of Education would. Perhaps if it were over six the thing might be covered in the School Ordinance. I do not know that it might not be a bad idea. Then they would be able to vote for funding, I guess.

**Mr. Byblow:** Perhaps somebody who is responsible for this wording could clarify for me if you have to have at least seven kids under the age of six to qualify the others to be there?

**Hon. Mr. Pearson:** Mr. Chairman, I do not know what they are qualifying for. What we are saying is if you have seven children under the age of six years of age in a day care service, you will have a licence.

**Mr. MacKay:** Suppose you have six children under the age of six years and eight children over the age of six years, then you do not have to have a licence?

**Hon. Mr. Pearson:** That is what it says, Mr. Chairman.

**Mr. MacKay:** Is that what the Government intends, really?

**Hon. Mr. Pearson:** Mr. Chairman, obviously, that is what is intended.

**Mr. Chairman:** Order, please. If you have any questions, would you kindly address the Chair.

**Mr. MacKay:** I think the concerns that have been raised by the Opposition merit more than just a dismissal, "that is what it means".

What we are trying to do is point out to you that there are some communities, and I can think of Elsa and Faro, where shiftwork is prevalent, where the community may not be that large, where you do want to have some supervision of the day care that is provided. You do want to be able to issue a licence.

You are unnecessarily, I think, limiting the purview of this legislation to a very select area of this and next you are going to go to the family day care service. I know, but I honestly cannot see why you want to restrict it. I have some difficulty, because if five kids can burn to death just as easily as eight. What is the problem?

**Hon. Mr. Pearson:** Mr. Chairman, it must be clearly understood that these are the maximums.

Now, Mr. Chairman, if a person wants to come to this Government and get a licence to run a day care centre, and they have no children, but they have the facility, then they can get a licence.

This does not say that you can only have a licence if you have these minimums. That is not what it is at all.

You can have a licence with fewer children, but what it is saying is if you have these many children, you must have a licence.

Does that clear that up for the Honourable Member?

**Mr. MacKay:** I understand that. I think we are not understanding each other.

What I am saying is that the Government should feel some responsibility for children over six years of age and that you may wind up with a combination of these children of different ages that, in fact, can exempt somebody from having to apply for a licence, of having to adhere to the standards that the board may set simply because of this clause. It restricts the area of mandatory licensing too much.

That is what I am trying to say. You have taken the other approach that I am seeking to have people exempt. That is not the case.

**Hon. Mrs. McCall:** Mr. Chairman, I think the honourable accountant opposite is attempting to confuse us with numbers. Perhaps this will clear things up a little. When there are four or more children under the age of six, this number is consistent with what is in force in other jurisdictions. It is also not the Government's intention to attempt to regulate the neighbourhood babysitting arrangements that might be offered by community residents. One offering babysitting services to three preschoolers can probably do an adequate job of providing good care.

If there are four or more preschoolers involved, then it is a family day home service, and should be subject to regulations to ensure that care is of good quality.

If there are seven, or more, preschoolers receiving the care, it is clearly a day care service that is being offered, and then would be subject to the standards that ensure the basics of safety and hygiene.

**Mr. Byblow:** What the Minister has said prompted a question in my mind. I would suspect that the intent of this is for a service that is of a regular nature and, when we are talking about exclusions and exemptions, where does something like a birthday party fall in. It is more than three hours, and so on. It is of so many individuals. I would hope that the intent does not spell out the need for this level of standards to an activity such as that, or maybe it does. Could I have it clarified?

**Hon. Mr. Pearson:** Mr. Chairman, if the Honourable Member can read into this piece of legislation that a birthday party falls under it, then I would respectfully suggest to you that he does have a lot to learn about reading legislation. It is just a ludicrous suggestion, Mr. Chairman.

**Mr. Fleming:** I have some problem with it, however, I think reading it just section by section like this may have caused some of the problem. I can see where the day care service, of which you are speaking now is a day care service, and that, of course, must be not less than seven children. But, we carry on down to the family day-home service and the family day-home, what it means, and so forth, and I think it would be clarified as we go along.

"Family day-home", is one that I would just like to have a little clarification on. I am always thinking that I might know the answer, but I am not sure. I wonder if I could have a little clarification. I take it that it is just a home, and it is a private home, where there are one or two children which, in the next section, is clarified.

**Hon. Mrs. McCall:** Yes, Mr. Chairman.

**Mr. MacKay:** On "Family day-home service," I would like to draw attention to the Members opposite, again, that they have this artificial restriction of six years of age. I think that if the idea was to not interfere with the home operation, that is fine. But a kid of seven or eight still needs some standards, and some protections, and so forth.

I, again, draw it to your attention that it is a very artificial cut-off, this six years of age, and unless there is some reason such as getting involved in the School Ordinance, or some funding problem, I still fail to see why you have this artificial cut-off. Does a seven year old child not deserve the same care and attention from this Government?

**Hon. Mrs. McCall:** Mr. Chairman, I will take it under advisement and I will bring back a full answer for him.

**Mr. Chairman:** The Chair would interpret the remark to mean now that we will be standing over "family day-home services". I therefore declare this definition stood over.

**Mr. Byblow:** Just before we leave it, the Government Leader might interpret this as ludicrous, but if there are a number of children related by blood, along with the numbers within this restriction that exceed the six as required here, that would be permissible?

**Hon. Mr. Pearson:** Yes, Mr. Chairman. The legislation is very clear that the children that are related to the person operating the centre do not count.

**Mr. Chairman:** As that section has been stood over, I will not anticipate any more discussion on it.

**Hon. Mr. Graham:** Mr. Chairman, I move that you report progress on Bill Number 15 and beg leave to sit again.

**Mr. Chairman:** It has been moved by Mr. Graham that the Chairman do now report progress on Bill Number 15 and beg leave to sit again.

Motion agreed to

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

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

Motion agreed to

Mr. 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 the Whole has considered Bill Number 28, An Ordinance to Amend the Game Ordinance, and directed me to report same, with amendment.

The Committee has also considered Bill Number 16, Parks Ordinance, and directed me to report same, with amendment.

The Committee has also considered Bill Number 15, Day Care Ordinance, and directed me to report progress on same and ask leave to sit again.

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

**Some Members:** Agreed.

**Mr. Speaker:** Leave is so granted.

May I have your further pleasure?

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

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

Motion agreed to

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

The House adjourned at 5:19 o'clock p.m.

