The Yukon Legislative Assembly

HANSARD

Wednesday, April 16, 1980 — 1:30 p.m.

Speaker: The Honourable Donald Taylor
**CABINET MINISTERS**

<table>
<thead>
<tr>
<th>NAME</th>
<th>CONSTITUENCY</th>
<th>PORTFOLIO</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hon. Doug Graham</td>
<td>Whitehorse Porter Creek West</td>
<td>Minister responsible for Education, Justice, Consumer &amp; Corporate Affairs, Information Resources, Government Services</td>
</tr>
<tr>
<td>Hon. Dan Lang</td>
<td>Whitehorse Porter Creek East</td>
<td>Minister responsible for Highways and Public Works, Municipal and Community Affairs, Yukon Housing Corporation, and Yukon Liquor Corporation.</td>
</tr>
<tr>
<td>Hon. Meg McCall</td>
<td>Klondike</td>
<td>Minister responsible for Health and Human Resources and Workers' Compensation Board.</td>
</tr>
<tr>
<td>Hon. Peter Hanson</td>
<td>Mayo</td>
<td>Minister responsible for Renewable Resources, Tourism &amp; Economic Development.</td>
</tr>
</tbody>
</table>

**Government Members**

(Progressive Conservative)

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

**Opposition Members**

(Liberal)

- Iain MacKay
- Alice P. McGuire
- (New Democratic Party)
- Tony Penikett
- (Independent)
- Maurice J. Byblow
- Robert Fleming
- Faro
- Whitehorse West
- Campbell

---

Clerk Of Assembly  
P. Michael

Clerk Assistant (Legislative)  
P. Parnell

Clerk Assistant (Administrative)  
Jane Steele

Sergeant-at-Arms  
G. Cameron

Editor of Hansard  
Lois Cameron

Published under the authority of the Speaker of the Legislative Assembly by the Queen's Printer for Yukon.
Mr. Speaker: I will now call the House to order. We will proceed at this time with Prayers.

Prayers

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

DAILY ROUTINE
Mr. Speaker: Are there any Returns or Documents for tabling?

TABLING OF DOCUMENTS
Hon. Mr. Graham: Mr. Speaker, I have two Legislative Returns for tabling. One is to a question asked by Mr. Byblow on April 1, 1980 concerning the Y-Canada Program. The second is in answer to a question asked on April 2, 1980 by the Honourable Tony Penikett, the Member for Whitehorse West concerning the investigations done by the Consumer and Corporate Affairs Department with regard to an investigation of insurance in the Yukon.

Mr. Speaker: Are there any Reports of Standing or Special Committees?

MINISTERIAL STATEMENTS
Hon. Mr. Pearson: Mr. Speaker, some Members of the Executive Council met with officers of Foothills Pipelines Limited this morning to consider a number of issues related to the Alaska Highway Natural Gas Pipeline which are of direct concern to this Government and the people of the Yukon.

The subject of the Yukon Property Tax was one of the major items under consideration. Foothills reiterated its earlier position that the wording of the Northern Pipeline Act does not contemplate the payment of $5 million in 1980 under circumstances where construction of the project has been halted.

However, Foothills recognizes the cost that had been incurred by this Government and indicated its willingness to contribute to these pipeline-related costs.

To this end, a draft legal agreement concerning this matter was submitted to the Executive Council. The draft agreement was accepted without prejudice on our part and it is our intention to give the proposed agreement our careful consideration.

Needless to say, this acceptance, rejection or revision of the agreement will be determined entirely on whether or not there is a basis tenable in law that would enable this Government, pursuant to the terms of the Canada-USA Agreement, to collect the Yukon property tax in 1980.

This particular matter is still under investigation and I do not anticipate that we will be in a position to take any concrete action in this regard within the next month or two.

Some considerable time was spent discussing the viability of the project, since recently there appeared to be some question as to whether or not the Alaska Highway project was still alive. We were assured that although the project appears to be on hold at the moment, all indications are that the required critical decisions, both in Canada and the USA, will be made by late May.

It is hoped that the necessary assurances from the USA will be forthcoming at that time to ensure, to Canada's satisfaction, that the entire project will proceed if the prebuilt portion and associated imports are not to proceed by Canada.

It was noted that the rapidly escalating cost of Canadian natural gas exports was being felt in the USA and that some reduction in consumption had been noted.

Since Canadian natural gas export prices are now tied to the price of foreign-significant imports, Canadian gas is no longer the attractive, economic energy source it was in the past. As a result, the Federally price-regulated Alaska gas reserves, inclusive of transportation and processing costs, are rapidly becoming as economic as Canadian gas, thus enhancing the viability and financability of the project.

Therefore, it can only be concluded that the Alaska Highway Natural Gas Pipeline Project will proceed and that this Government will be required to continue its involvement, albeit at a slower pace, in pipeline-related matters.

Mr. Mackay: Mr. Speaker, I welcome the Government Leader's statement today and also the optimistic tone which his Government is taking toward the continuation of this project. I had hoped to see him table a $5 million cheque today from Foothills. Recognizing that banks are a little hard to deal with these days, I accept the fact that he is still negotiating.

I would like to comment that perhaps there is even better news elsewhere today. Mr. Speaker, from Washington, wherein a major breakthrough seems to have been made with respect to the financing of the Alaska portion of the pipeline. Exxon is putting considerable amounts of money now in conjunction with two other producers. I think that is probably more critical than anything else, that kind of thing.

Finally, I would like to suggest to the Government Leader since his Government is going to appear before the NEB hearings, and since it appears that critical decisions are so close to being made in the States, that it would not be an improper position for his Government to take that the prebuild should be contingent upon these critical decisions being made in the States that will guarantee the whole Pipeline.

Hon. Mr. Lang: Mr. Speaker, as all Members know, the White Pass Railway is no longer functioning in view of the fact that a bridge has been wiped out due to a landslide.

I just wanted to inform Members that I have been in communication with the State of Alaska, as well as the White Pass Corporation. We are looking at all the various options that are open to us at this point. I am hoping to be able to inform Members, in specific terms, within the next week with respect to the actions that this Government could take to ensure that we do have a supply line to the coast.

Mr. Penikett: Mr. Speaker, I appreciate the statement from the Minister. I would appreciate, though, if he can give it to the House, and information as to how long the line may be out, whether the responsible parties in Alaska have, as yet, indicated the reconstruction schedule that they are contemplating, whether any estimate has been put on the cost of repairing the damage, and too, an assessment, if he can give us one, on the ability of the responsible parties for completing the repairs.

Hon. Mr. Lang: Mr. Speaker, the only request from the Member that I can answer is the project timeframe to fix the bridge is estimated from three weeks to eight weeks. So, there is no real fixed timeframe in respect to it.

It is my understanding that they are flying in engineers today to have a look at the actual damage that was done and then they will assess it and look at the timeframe it will take to complete fixing it.

Mr. Speaker: Are there any further Statements by Ministers?

This then brings us to the Question Period.

QUESTION PERIOD
Question re: Foothills Property Tax
Mr. Mackay: Mr. Speaker, I would like to ask the Government Leader some questions with respect to the Foothills stabilizing meeting this morning.

Since no agreement has been reached by the Government with Foothills with respect to the Yukon property tax, can he tell us what general position Foothills is taking on the payment of future tax revenues?

Hon. Mr. Pearson: Mr. Speaker, both Mr. Blair and Mr. Pierce on behalf of Foothills, made it very, very clear that they do not anticipate any trouble meeting all of their commitments in respect to the taxation requirements that they have been faced with.

Mr. Speaker, the basic question in respect to this $5 million is one which Foothills is having a problem because of the delay that they submitted was not anticipated when that agreement was put into force.

Mr. Mackay: Mr. Speaker, did the Government leader elicit from Foothills any commitment to pay the 1980 $5 million retroactively when the pipeline begins construction in 1981-82?

Hon. Mr. Pearson: Mr. Speaker, I am going to have to trouble answering that question because we are negotiating with Foothills on this matter and there are, I submit, going to be a number of alternatives, both from this side and from their side, before this thing is resolved. Their first reaction to us is a result of some of those negotiations. We are looking at all of the alternatives.

Mr. Mackay: I was pleased to see that the Pipeline Branch will probably continue on a lower scale. In connection with that, in the
long term planning of this Department, has any work been done or has any discussion occurred with respect to the Dempster Lateral with Foothills?

Mr. Pearson: Mr. Speaker, the Dempster Lateral, I submit, is still a matter for the future. Our immediate concern is the Alaska Gas Pipeline. I have a personal opinion that I would be happy to express to the Honourable Leader of the Opposition in respect to the Dempster, but it is simply that we have not had an opportunity to delve into that matter at all at this point in time.

Question Re: Food Prices

Mr. Penikett: Mr. Speaker, I have a question for the Minister of Corporate Affairs and Corporate Affairs. I am referring to the fact that the Government shows prices in Whitehorse as still increasing at a faster rate here than down south and food prices are still increasing at a rate of more than 10 per cent in Whitehorse. Has the Minister, as yet, obtained any explanations for why this disparity exists between food prices here and southern Canada?

Hon. Graham: Well, Mr. Speaker. I suppose that I could speculate as to the price differential between here and southern Canada, but I do not think that is why we are here. We are in the process of communicating with Kelly Douglas and the major food retailer, the Super Valu Store, in the City of Whitehorse. In an attempt to determine exactly why their costs are so much higher here than down south. As soon as we receive something definite, I am sure that I will be more than happy to bring it to the House.

Mr. Penikett: Mr. Speaker, last week the Minister said he was getting “up to date” figures on wholesale price comparisons between Vancouver and Whitehorse. He appears not to have these figures now. Does he contemplate receiving them in the very near future during the sitting of the House?

Hon. Graham: It is my hope that I will, Mr. Speaker.

Mr. Penikett: Mr. Speaker, may I ask the Minister if he has come to himself a thorough examination of the reasons for the difference between the wholesale price differential and the retail price differential in these conversations which he contemplates with the major wholesaler and retailer in town?

Hon. Graham: Yes, Mr. Speaker. I hope to do that. What we are trying to avoid, Mr. Speaker, is any indication of a wholesale food prices inquiry by the Government of Yukon to the territorial. Quite frankly, Mr. Speaker, it would probably cost us more money than it is worth and it would probably show the exact same thing that a previous study by the Combines Investigation Act found, that there was, in fact, no collusion in the food marketing area in Whitehorse.

What we hope to do is determine whether or not the retailer and the wholesaler are ripping off, to use a common term, the consumers of the City of Whitehorse. I am sure that both Kelly Douglas and Super Valu as well as other food outlets in the City of Whitehorse are more interested in assuring this Government, as well as the people of the Yukon, that they are not, in fact, making excessive profits, than I expect they are in cooperation in the investigation that we are now carrying out.

Question Re: White Pass Rail Movement

Mr. Byblow: I would direct my question to the Minister of Municipal and Community Affairs. Moments ago he announced that he was apprising himself of the situations surrounding the curtailment of White Pass rail movement. I would specifically ask the Minister if he can indicate whether this incident may affect any alternate route activity in terms of Cyprus Anvil ore shipments.

Hon. Lang: Mr. Speaker, it is quite obvious that Cyprus Anvil and, for that matter, all the people in Yukon have been affected due to the situation that has developed with the railroad.

As I said in my opening remarks, we are looking at all the various options and alternatives available for the White Pass Corporation and we are working in cooperation with them and I hope to be able to present something very specific to the House in the very near future.

Mr. Byblow: I would thank the Minister for his response. I address this question to the Government Leader.

Yesterday, on the topic of White Pass, the Government Leader indicated that the White Pass rail division was looking much better financially. Can he confirm whether, in fact, White Pass profited from last year’s operation on the rail division?

Hon. Pearson: No, Mr. Speaker. I cannot confirm that or deny it. As a matter of fact, we are working with White Pass, and we are working with the White Pass Corporation and we are working in cooperation with them and I hope to be able to present something very specific to the House in the very near future.

Mr. Byblow: I would thank the Minister for his response. I address this question to the Government Leader.

With respect to the Government Leader’s response, I would pursue whether or not the Government Leader still feels that his Government has no responsibility with respect to the matter of compensatory rates?

Hon. Pearson: Mr. Speaker, compensatory rates are something that we do not know anything about. Compensatory rates are something that is established by the Canadian Transport Commission through some magic formula that they have. We have no input into those rates at all.

Question Re: Mad Trapper Movie Arts Council Protest

Mr. Penikett: I have a question for the Government Leader. The Yukon Arts Council has written the Government Leader seeking support in their protest of historical distortions in the film Arctic Rampage, which was allegedly based on the story of the Mad Trapper.

Has the Government Leader replied to the Arts Council letter and, if so, may we know the substance of his reply?

Hon. Pearson: Mr. Speaker, I received that correspondence the day before yesterday and not only did the Arts Council seek our support, Mr. Speaker, but the suggestion in the letter was that we could possibly do something of a legal nature. In respect to this, I have referred that correspondence to the Minister of Justice and anticipate hearing from him very shortly on that.

Mr. Penikett: Mr. Speaker, perhaps I could ask a supplementary to the Minister of Justice then. Might I know from the Minister of Justice if he is considering this officially as a possible complaint of illegal advertising to Federal authorities against the promoters and producers of this particular Hollywood drama?

Hon. Graham: Mr. Speaker, I have referred to the matter to the Justice Department with the intention of taking any action that is possible to take under the laws of the country. Personally, we have also discussed this at some length. I believe over dinner one evening. I personally, have also written, on behalf of myself and the people in the Cultural Department, a letter of protest, protesting this violation, would you say, of Yukon history.

Mr. Penikett: Mr. Speaker, I should tell the Minister that I too, have written a letter on the same subject but I would like to know if the Minister can tell me or if not he, then the Government Leader, can tell me if that, given the long history of the theft of Yukon cultural property, heritage, such as the Klondike Days, for example, if any officer of the Government has considered a direct protest to the producers of this film.

Hon. Pearson: Mr. Speaker, that very well may be the option and the best one for us to take. As the Minister of Justice has indicated, we thought that we should get some legal advice first. I would suggest that this direct approach may well work because it has worked in the past once before in respect to a very extensive advertising campaign by one of the automotive companies. The gist of the matter is that if those promoters and producers of this particular Hollywood drama would pursue whether or not the Government Leader still feels that his Government has no responsibility with respect to the matter of compensatory rates?

Mr. Byblow: I wonder if the Honourable Member could be a bit more explicit.

Mr. Fleming: Supplementary, then to the Government Leader, would the Government Leader endorse, in very plain language, the Federal Government or the Territorial Government?

Mr. Speaker: I think that question would be out of order, in that it would be putting the Government Leader in a position of having to say something that he might disagree with.

Mr. Byblow: With respect to the Government Leader’s response, I would pursue whether or not the Government Leader still feels that his Government has no responsibility with respect to the matter of compensatory rates?

Hon. Pearson: Mr. Speaker, compensatory rates are something that we do not know anything about. Compensatory rates are something that is established by the Canadian Transport Commission through some magic formula that they have. We have no input into those rates at all.

Question Re: White Pass Yukon Development Corporation

Mr. MacKay: Mr. Speaker, a recent brief that was given by the Whitehorse Chamber of Commerce to the Minister of Indian Af-
the private sector, or would he, just consider it specifically for the
be leading to a larger and, larger role on the part of government in
certainly like to consider it a very hopeful option,
not be carried out.
deal on the nature of the complaint, but I can see no reason at the
committed under the previous Dental Profession Ordinance however,
intrusions into the private enterprise field, in certain instances,
a Yukon Development Corporation could be a vehicle for unwanted
sider it a particular viable option at the moment, but I would
it certainly to consider it a very hopeful option.
Would the Government Leader have considered, at
this time, whether such a Yukon Development Corporation
be leading to a larger and, larger role on the part of government in
private sector, or would he, just consider it specifically for the
be leading to a larger and, larger role on the part of government in
consider the nature of the complaint, but I can see no reason at the
committed under the previous Dental Profession Ordinance, however,
intrusions into the private enterprise field, in certain instances,
a Yukon Development Corporation could be a vehicle for unwanted
consider it a particular viable option at the moment, but I would
certainly to consider it a very hopeful option.
Would the Government Leader have considered, at
this time, whether such a Yukon Development Corporation
be leading to a larger and, larger role on the part of government in
private sector, or would he, just consider it specifically for the
be leading to a larger and, larger role on the part of government in
certainly like to consider it a very hopeful option,
not be carried out.
deal on the nature of the complaint, but I can see no reason at the
committed under the previous Dental Profession Ordinance, however,
Hon. Mrs. McCcall: Yes, Mr. Speaker. A permanent disability award is considered two years after definite diagnosis has been made.

Question re: Education/Contracts

Mr. MacKay: My question is to the Minister of Education with respect to contracts arising under his jurisdiction.

Can we tell us if school yard maintenance contracts are given out by invitation only?

Hon. Mr. Graham: Mr. Speaker, I will have to take that question under advisement.

Mr. MacKay: Can the Minister, also on the subject of contracts, tell me the reason for the expansion of the school bus contract tender call?

Hon. Mr. Graham: I will take that question under advisement also.

Mr. MacKay: It sounds as if the Minister is not even speaking to me. Mr. Speaker. Perhaps the Minister could tell me if he is aware that the school bus contract, which appears to be advertised extensively in southern newspapers, was advertised in a local newspaper?

Hon. Mr. Graham: I would imagine that it was, Mr. Speaker.

Question re: Faro Utility Expansion

Mr. Byblow: I would normally direct this question to the Minister of Municipal Affairs, however I must direct it to the Government Leader. Could I have any progress report respecting the critical fiscal situation facing the Municipality of Faro over their utility upgrading and expansion?

Mr. Speaker: Order please. When Honourable Members are asking for progress reports, it sounds to the Chair as if you are asking for a great deal of information that may be obtained in another matter.

Questions in the Question Period ought to be questions of some urgency and should be as brief and concise as possible. Perhaps in phrasing the questions, Honourable Members would be kind enough to keep this in mind.

Hon. Mr. Pearson: Mr. Speaker, the Minister of Municipal Affairs, I thought, went into great detail yesterday with the Honourable Member who has asked this question, as to exactly what has been done and where we are at. Mr. Speaker, it is now 24 hours later and nothing has changed.

Mr. Byblow: With respect, Mr. Speaker, the matter is of critical urgency respecting the entire Yukon. However, I believe I have made my point. I would direct this to the Government Leader, as to whether or not any official representation has been made from the Municipality of Faro respecting the expansion of its boundaries to include the major immediate mining interests.

Hon. Mr. Pearson: I am sorry, Mr. Speaker, I really do not know. I would respectfully suggest to the Honourable Member that the responsible Minister was here for a large portion of the Question Period; He had ample opportunity to ask him that question while he was here. He has left the House because he has a sick child and wants to go and visit it. Now if that is the point that the Honourable Member wanted to make, let us have it out.

Mr. Byblow: With respect, Mr. Speaker, I will leave my question for the proper Minister tomorrow.

Mr. Speaker: There being no further questions we will proceed on the Order Paper to Orders of the Day, Motions Other than Government Motions.
draftsman as to how he should guide himself in preparing subsidiary legislation.

This Government will be accepting the Report without any great deal of debate. We appreciate, as I said before, very much the editorial job that the Members of the Committee have done. We also appreciate very much the great number of hours and work that they have put in.

I would like to invite the Members of the Committee to request that the Department of Justice be consulted in future drafting of these reports, where there is law, that they are being done. I think that the wording of the regulations is, before making comments suggesting that the regulations are illegal or that the Government has no authority to make them.

Sometimes the areas in which we are given the authority to make regulations, are not clear from the ordinances and I would like the Justice Department, if it is possible, to make sure that it was somehow or other, to get some advice from the legalty of several of the regulations.

One of the reasons for this, Mr. Speaker, is that the existence of these comments in the Statutory Instruments will tempt members of the public, some misinformed members of the public, to disobey or unlawfully break certain regulations that have been deemed illegal or not binding. This worries me very much and I hope that we can avoid this type of thing in future.

All in all, Mr. Speaker as I said before, we accept the report in total, we appreciate the work being done and many areas of concern pointed out by the Statutory Instruments Committee will be taken into consideration as quickly as possible and when these regulations are revised the necessary changes will be made.

Thank you, Mr. Speaker.

Mr. Fleming: Mr. Speaker, I appreciate all the Minister of Justice's words, however, I cannot totally agree with him. I appreciate the fact that he is accepting the Report. I also accept the fact that possibly the handbook is just a policy document to carry on your work.

However, as an instigator of forming this Committee years ago, I feel very strongly that it should have the right to speak freely. When we do speak, it should be illegal to say illegal or illegal, possibly be able to go to the Justice Department and maybe make sure that it was somehow or other, to get some advice from them, maybe all right, but we also have legal advice and until such time we have been told by the Government that legal advice is not good, I think that that should be accepted.

The Government has many ways of and many happenings that go on, when they make an ordinance and then come forward with regulations. I think the fact that the Government just has a problem, needs the regulation, sometimes it is made and it slips by, everybody's attention is just where the actual authority comes from or even sometimes, whether the regulation is needed.

Over the years I have found that there are many, many regulations, some of them are illegal, there is no question about that in my mind, some of them are subordinate, very subordinate. Some of them are redundant. We have had many of them.

It may be an example to say that this happens through probably no fault of anybody's, but we can understand ourselves here, I think, when we put ordinances through this House sometimes, that sometimes the ordinances do not read exactly the way they are supposed to and in the long run we find that they are not exactly the way they should be. I think that is what happens in regulations and I think we should be given a fairly free hand to say what we feel about them.

I will not belabour the subject at all, Mr. Speaker. I am very happy that they are accepting this Report and I think the Committee will try to co-operate in every way they possibly can with the Government side. However, we feel, also, that, you know, let us not tie us down too tightly.

I would appreciate, in the area, as the Honourable Member for Tatham and the Chairman of the Committee has said, that we would appreciate being able to study more in that area, due to the fact that the regulations do seem to be, very, very loose in those two sections.

Thank you, Mr. Speaker.

Mr. MacKay: I, too, would like to congratulate the Members of this Committee for producing a very strong Report, I think.

I would like to make a couple of points with respect to how important I think this Committee is, because it has been noted many times in recent years that the power delegated from this Assembly, having passed legislation, the power delegated to make regulations, is a very onerous and difficult power for any bureaucracy to accept and to implement. Of course, the purpose of this Committee is to try and ensure that the bureaucracy, while implementing the wishes of the Assembly in the form of the ordinances that they have passed, will not exceed or confuse or misinterpret what that legislation is supposed to say.

I, therefore, very useful to have a committee like this to come along behind. These are made up of the same members who eventually pass these laws, therefore the same minds are working on the interpretation of these laws as have passed them, for these Members to come along and present a report on how the implementation of their wishes is proceeding.

I think it is incumbent on the Government to listen carefully particularly when the Committee does have the benefit of legal counsel. That Committee's Report must be taken very seriously because it is not unnatural for the bureaucracy, who wrote the regulations in the first place, to find them perfect. It is not unusual for them to defend their own work and I think that that is possibly what is happening here.

I am no lawyer myself, but I do know how to read legal opinions and I think that the opinions expressed in these reports should be taken very, very seriously by the Government. I am glad therefore that we are accepting the Report. I think the wording is actually "The Report in the Report", so I presume that is what they are going to vote for in concurring with the Report. I am glad that that is happening. It is a good sign that they have an open mind to the situation.

Finally, I think that it is apparent that some of the regulations are being drafted by Members of the line department which is interesting in that we and implement the regulations and while they may set some assistance from Justice in this regard it may well be that the Department of Justice is somewhat short-staffed to give full assistance because, for example, the Child Care Ordinance Regulations appear to be drafted by that Human Resources Department so I think it will be a bit of a battle for them to get the necessary changes not being as professionally done as they should be. So I shall be supporting the concurrence in this Report. Mr. Speaker, and once again, congratulate the Members of that Committee for doing a fine job.

Mr. MacKay: Mr. Speaker, it is pretty hard for me to understand once again, the Leader of the Opposition. One minute he is saying that the Department of Justice is interfering with the making of the regulations. I must point out that he should know if he pays attention to what goes on in this House, the Department involved with the regulations, make the regulations up. The only thing that the Department of Justice does is check out legality.

A little later on, he reverses what he said in the first place, so it is a little confusing to me. However, as the Minister of Justice has already said, we agree with the Report by the Committee.

Mr. Tracey: Mr. Speaker, I would like to thank the House for the support that the Committee has been given. I would especially like to thank the Minister of Justice for his comments and the Committee will be anxiously awaiting a detailed report on the parts of the report that the Government feels are not actually valid and allow the Government to take the necessary action. When we do receive those, we will take measures to correct ourselves where we are wrong.

However, as the Member stated from across the floor, we also do have legal counsel and, perhaps, midway somewhere in there is where it is right.

Thank you, Mr. Speaker.

Mr. Clerk: Item Number 2, standing in the name of Mr. Penikett.

Mr. Speaker: The Honourable Member for Whitehorse West, are you prepared to proceed with Item 2?

Mr. Penikett: Yes, Mr. Speaker.

Motion Number 6

Mr. Speaker: It has been moved by the Honourable Member for Whitehorse West, seconded by the Honourable Member for Faro, THAT it is the opinion of this House, that the Yukon Territorial Government should make available to child care facilities in the Yukon direct funding of a level at least sufficient to cover the costs of implementing Government regulations or standards for such facilities.

Mr. Penikett: Obtaining quality day care that is both affordable and accessible, is proving an uphill struggle in Yukon. As all Members of this House are aware, the issue of day care is emotionally charged. The issue of day care has been the centre of controversy for such a long time because it is further complicated by a philosophical dichotomy: is child care the private responsibility of parents or is it, in part, the public responsibility of society? The topic has been for some time defined as a women's issue, because women are becoming an increasingly
larger part of the paid labour force and are no longer able to stay home and care for the master's children in the way that was their role throughout history.

There are some very basic principles which appear to be forgotten in the debate over day care. First and foremost, day care is, in my view, ultimately a working person's issue. If people are to work, provision must be made for the quality care of their children.

Day care should not be tied too tightly with women's issues. Parenting, in my view, is a dual responsibility and good child care should be a concern for both fathers and mothers regardless of parental relationships. Third, children are obviously the future of this community, this country, and society has a direct stake, therefore, in assuring that they are nurtured, stimulated and educated as well as possible so that they can be responsible and productive adults of the community.

We tend to think of day care as a problem imposed on society by women, when really the lack of day care is a problem imposed on parents by a society unwilling to accept its social responsibility which requires, in current economic circumstances, both parents in many families to work in order to survive.

Day care in Canada has been in a deplorable state because of tight purse strings and narrow thinking. Through present funding schemes, affordable day care is largely available only to the poor and ironically, to the wealthy. Subsidy eligibility is so restricted in most parts of Canada that 70 per cent of available subsidies go to children of single parents or "at risk" children. Because of the lack and inadequate day care facilities, 80 per cent of working parents make informal arrangements with friends, neighbours or relatives for child care.

Studies have shown that this type of care is largely custodial. These facts are not new, nor, unfortunately, are they changing. This situation must be altered, Mr. Speaker. We can start now by making quality day care affordable and accessible, a high priority issue.

As some Members may know, day care centres have existed in Canada for over 120 years. Like their counterparts in other countries, Canadian centres evolved as a response to changing social conditions, the pressures of inflation and industrialization, and women's need to work outside the home.

Generally, day care was needed by widowed parents or immigrant families where both parents needed to work in order to survive. During the war, child care was provided as a war responsibility by women's organizations or churches. Government support was, in the beginning, very limited though Municipal and Provincial Governments would occasionally provide small annual grants or per diem subsidies. The ideal standard remained the care of an individual mother in her own home, and there was no intention that day care ever become an acceptable alternative to home care, or an enriching experience for children.

The intense labour shortage caused by World War II resulted in the recruitment of more women into industry placing heavy strains on the few existing day care centres. In 1942, the Minister of Labour of Canada of the day offered a cost-sharing arrangement, 80 per cent of which was to be provided by the Federal Government. The plan was to make quality day care affordable and accessible. Parents' fees were to be small annual grants or per diem subsidies; these were not easy to calculate, but in this our country, averaging around $3,000 to $4,000 per year for each preschool child, supervised child care is beyond the reach of many average Canadian families. To make matters worse, a family is allowed a maximum child care deduction on their income tax of $1,000 per child.

Now, in Yukon, fees average only $2,000. This suggests to me something terrible about day care standards and day care workers' salaries, as they have existed up until now. The regulations that are coming will help the standards, but not the workers, nor the children whose parents cannot afford to have them in day care.

Now, as we have talked about before in this House, there are two kinds of day care centres: the Federal subsidy programs and the Federal share is paid to them once the service and the subsidy has been provided. Because of the restricted eligibility requirements for subsidies, it is almost impossible for the average, middle income family to receive a subsidy. Approximately 70 per cent of the subsidized day care spaces are used by children of single parents or children who are referred to day care by social workers. With day care fees in this country averaging around $3,000 to $4,000 per year for each preschool child, supervised child care is beyond the reach of many average Canadian families. To make matters worse, a family is allowed a maximum child care deduction on their income tax of $1,000 per child.

Now, if you look at the Canadian picture, totally, there has been a significant drop in the spaces in day care centres in the last two years. This alarming trend indicates that the future of day care centres in Canada and Yukon, especially in the community-based, non-profit sector, is being jeopardized.

Now, Mr. Speaker, day care centre staff are traditionally female, underpaid and unorganized. In most provinces, the qualifications range from early childhood education diploma to "being sympathetic", to "suitable" or, if you go back to the really Victorian standard, "a person of good character". Trained workers may have diplomas or degrees in early childhood education. Yet, most are often perceived as simply as substitute mothers.

Sickness is an occupational hazard. However, because paid sick leave at most centres is minimal, being sick is a luxury that most day care workers cannot afford.

Workers are frequently expected to do housekeeping chores as part of their job: sweeping, light cleaning and preparing of snacks
for the children. Professional development days are almost non-existent for them as they are for teachers.

In addition to poor benefits and largely unsatisfactory working conditions, the pay is very low. The average annual income is between $7,000 and $10,000 a year. The majority of day care workers, as I said, do not belong to a union and they have no job protection. In fact, I would point out that the total wage bill last year, for the two-and-a-half to three-year-old child in the day care centre which my son attends, was, I believe, only $17,000 a year.

Now, we have had some discussion before, when we were debating this Bill, about the non-licensed child care centre. I would like to say a word about that, Mr. Speaker.

The number of mothers entering the workforce has continued to increase, while the number of licensed day care spaces has remained static over the last few years. While those surveys indicate a rise, while the number of licensed day care spaces has remained static over the last few years. It is not merely babysitting. It is not a frill.

As I have said, day care is a labour intensive service. At present, the unlicensed day care is, as I said before, basically custodial and caregiver is isolated and does not have the opportunity to interact with other adults, as workers outside the home. There is no job security for the provider. Further, child care may be good or poor depending entirely on the individual person offering the care.

Now, an overview of the literature in this field suggests that unregulated day care is, as I said before, basically custodial and does not contribute greatly to the development of these young children, the children. Now, Mr. Speaker. I do not apologize for the fact that my Party has tried to make this an issue and will continue to try to make it an issue of political importance in the Territory. I believe the economic changes that we face and the social changes we face in the coming years justify this concern. We believe social programs like this are in the best interests of society and that the public, society, must share in the responsibility for its youngest citizens.

Mr. Speaker, I believe, as others have said, and I will say it again, it is unfortunate that we must appeal to, if you like, welfare budgets for funding. I, frankly, would prefer the child care be something which we would call early education and that we could fund it from education budgets. I do not think it is unfortunate that the belief in funding did not survive the change in government. Mr. Speaker, I do not believe that PC MLA's opposite agree with the position their Caucus took on my resolution last spring and last fall. This is their opportunity, Mr. Speaker, to do what they know is right. I urge them to reconsider the principle of this question of funding.

Hon. Mrs. McCurt: Mr. Speaker, I think the Honourable Member opposite has brought up some very worthwhile points and I would like him to know that the matter is under thorough consideration by my Department at the moment. We are awaiting more information so I move that we adjourn debate on the motion.

Hon. Mrs. McCurt: Mr. Speaker, I do not believe that PC MLA's opposite agree with the decision. It would have been impossible for us to conduct formal hearings while the House was sitting.

We did do some things which are slightly different from other Public Accounts Committees. We did not have a steering committee, because we were only five and we felt that having a separate committee for this purpose was unnecessary. We did decide that the work of the Committee could be done primarily when the House was in session and that the number of meetings we had, I think, prove that that was the wiser decision. It would have been impossible for us to conduct formal hearings while the House was sitting.

We did decide that the chief witnesses before the Committee should be Deputy Heads of the departments. We felt that we were working with administrators, with administrators, with their own programs and the number of policy questions and to have Ministers as witnesses, with one exception, would have produced a lot of policy debate.

I think, on the whole, that decision was a wise one and was borne out with experience. I think, as a whole, the Committee avoided the policy debate and stuck to its mandate.

We did decide that we would request from the Auditor General of...
The orientation of the Committee was very much towards identifying areas for improvement. The Committee feels that it will improve in this way in the future, even if in some matters, we were not significantly more effective than the Auditor General when preparing his Reports. We did observe the tradition, the very old one, of allowing the Auditor General’s reports to initiate our discussion.

I think significantly, too, we did assign to ourselves another item for consideration and that was the Tourism Branch, which was not raised by the Auditor General but which was something which it was important for the Committee Members felt they wanted to examine.

I would suggest that the discussion that was initiated by the Auditor General’s Report on the Department of Finance was not only fruitful but I think, highly educational for all Members of the Committee. I believe that all Members of the Committee came away from the experience with a far greater appreciation of the operations of this Government and the kind of financial aspects of the administration of Yukon. I think we learned a lot there and I think it will be to our eternal benefit.

The Committee decided that it was a matter of urgency we might issue special reports from time to time. As yet, we have had no cause to do that. It has been our first time around, but we may yet in the future.

We decided, Mr. Speaker, to hold formal hearings in this Chamber and I think that is interesting because it allows the Committee Members to sit on the same side of the House together and allow the witnesses to sit opposite us and allowed us, I think, to have a kind of unity of perception, some kind of non-partisan co-operative approach that was enhanced by the physical surroundings.

I think, too, the fact that we held hearings in this Chamber dignified the hearings considerably and enabled the witnesses appearing before the Committee to recognize the importance and seriousness with which we reviewed the matters before us.

It is an interesting feature of our proceedings that we held three different types of meetings. We avoided procedural wrangles or divisive arguments about procedure on the business before the Committee by holding basically, our planning sessions in executive sessions which were closed.

We held our formal hearings in this Chamber, in-camera, even though there was a transcript and we also held informal meetings, a number of those, with all department heads. I think it is extremely fortunate this time around that we held the formal hearings in-camera. It was an accident of history that the hearings happened to be going on in the middle of a Federal election and I think that, had we had public hearings at that time, I, as Chairman, do not quite know how I would have handled the best with in the way we controlled the proceedings. I have no doubt in the world that even though we are all gentlemen here and all of us here only just a little bit partisan, there would have been some fairly fractious discussions if there were newspaper headlines to be obtained therefrom.

I think the fact that we did hold the meetings in-camera and that the results have now been published in the Report, I think it is probably the wise way to go. We may not do that, always, in the future but I think it was a happy accident for the first time around.

Traditionally, Public Accounts Committees have dealt with items of a past nature. Some of them have dealt with horror shows, waste, or inappropriate expenditures made by Government officials.

We concentrated somewhat in a different way with the past practice, with the record of the Government in the previous year. The orientation of the Committee was very much towards identifying the problems, soliciting from the officials before us a commitment to correct the problem, and then hopefully, in the future, we will be monitoring the implementation of that correction.

I think, in summary, we observe the process of the Auditor General recommending, if you like, us hearing a response to the recommendations from the Government officials and then making our own decisions and our own recommendations to this House about future action.

I will say, in closing, because other Members of the Committee want to speak, that we had insufficient knowledge of time to dwell. I think, in as much detail or as much insight as we would have liked in some matters, but I think no doubt the performance of the Committee will improve in this way in the future.

I think there were times when it was probably a very tough experience for the one Cabinet Minister on the Committee, because ultimately a Cabinet Minister is always going to be torn between his responsibilities to the House and his responsibilities to the Government. We recognize, however, that the advice and expertise of the Committee is what it is and that the Cabinet Minister was able to bring to the Committee was offset by any frustration he may have felt by the experience.

In closing, Mr. Speaker, I do want to say I hope that all Members of the House have an opportunity to read this Report sometime in the next few weeks. I hope you will consider the recommendations that we have made as worthy of your attention. I think, to a great extent, any of them are too profound or earth shattering but I think they are important, they may be small but they are significant.

I thank all the Members of the House for having appointed me to this Committee. I thank the Members of the Committee for having appointed me Chairman and I look forward, Mr. Speaker, to the work of the Committee. If the Committee finds other Members.

Hon. Mr. Pearson: Mr. Speaker, we have reviewed the Report of the Standing Committee on Public Accounts and wish to express our appreciation for the objective manner in which these meetings were carried out. The recommendations that form part of the report, in general, appear to be quite reasonable and productive.

I am pleased to note, Mr. Speaker, that my officials from the Department of Finance adopted a frank, co-operative and forthright approach to these proceedings as was acknowledged by the Committee in their report.

Mr. Speaker, there are a number of recommendations in the report, starting at page 25, some 14 in total and I would like to, with your permission, react to each of these recommendations on behalf of the Government of Yukon. I think, in summary, we observe the process of the Auditor General reporting, if you like, us hearing a response to the recommendations from the Government officials and then making our own decisions and our own recommendations to this House about future action.

I will say, in closing, because other Members of the Committee want to speak, that we had insufficient knowledge of time to dwell. I think, in as much detail or as much insight as we would have liked in some matters, but I think no doubt the performance of the Committee will improve in this way in the future.

I think there were times when it was probably a very tough experience for the one Cabinet Minister on the Committee, because ultimately a Cabinet Minister is always going to be torn between his responsibilities to the House and his responsibilities to the Government. We recognize, however, that the advice and expertise of the Committee is what it is and that the Cabinet Minister was able to bring to the Committee was offset by any frustration he may have felt by the experience.

In closing, Mr. Speaker, I do want to say I hope that all Members of the House have an opportunity to read this Report sometime in the next few weeks. I hope you will consider the recommendations that we have made as worthy of your attention. I think, to a great extent, any of them are too profound or earth shattering but I think they are important, they may be small but they are significant.

I thank all the Members of the House for having appointed me to this Committee. I thank the Members of the Committee for having appointed me Chairman and I look forward, Mr. Speaker, to the work of the Committee. If the Committee finds other Members.

Hon. Mr. Pearson: Mr. Speaker, we have reviewed the Report of the Standing Committee on Public Accounts and wish to express our appreciation for the objective manner in which these meetings were carried out. The recommendations that form part of the report, in general, appear to be quite reasonable and productive.

I am pleased to note, Mr. Speaker, that my officials from the Department of Finance adopted a frank, co-operative and forthright approach to these proceedings as was acknowledged by the Committee in their report.

Mr. Speaker, there are a number of recommendations in the report, starting at page 25, some 14 in total and I would like to, with your permission, react to each of these recommendations on behalf of the Government of Yukon. I think, in summary, we observe the process of the Auditor General reporting, if you like, us hearing a response to the recommendations from the Government officials and then making our own decisions and our own recommendations to this House about future action.

I will say, in closing, because other Members of the Committee want to speak, that we had insufficient knowledge of time to dwell. I think, in as much detail or as much insight as we would have liked in some matters, but I think no doubt the performance of the Committee will improve in this way in the future.

I think there were times when it was probably a very tough experience for the one Cabinet Minister on the Committee, because ultimately a Cabinet Minister is always going to be torn between his responsibilities to the House and his responsibilities to the Government. We recognize, however, that the advice and expertise of the Committee is what it is and that the Cabinet Minister was able to bring to the Committee was offset by any frustration he may have felt by the experience.

In closing, Mr. Speaker, I do want to say I hope that all Members of the House have an opportunity to read this Report sometime in the next few weeks. I hope you will consider the recommendations that we have made as worthy of your attention. I think, to a great extent, any of them are too profound or earth shattering but I think they are important, they may be small but they are significant.

I thank all the Members of the House for having appointed me to this Committee. I thank the Members of the Committee for having appointed me Chairman and I look forward, Mr. Speaker, to the work of the Committee. If the Committee finds other Members.
Mr. MacKay: I would like to thank the two Ministers, who have just spoken, for their responses and perhaps take up an issue on a couple of items that were discussed in it.

But first of all, I would like to say that I very much appreciated the opportunity given me in the House to serve on this Committee and that it was particularly interesting to be in on the initial formation of it and to watch the skill with which our normally partisan Member for Whitehorse West managed to ride two or three horses at the same time and produce a report that I thought to function quite well. I congratulate him for that and I am sure that his non-partisan attitude could be well emulated by several other Members of the House, including myself.

I think that, on that basis, I will try to talk to the recommendations on a non-partisan basis.

I think it should be said, at the outset, I just want to discuss the matters relating to the Treasury Department. I think the Member from the Government will believe another Member from the Government will be talking on the Tourism items.

The Auditor General, some years ago, at the request of the Yukon Government originally, did a study with respect to the financial management controls in place. This was, indeed, done and the report presented and the Territorial Government of the day agreed in principle with the implementation of the report.

The Committee was concerned. I think, originally, with the speed at which the implementation process was occurring and I think that was one of the major reasons for examining the Treasury Department.

I think the general impression we all got after having heard from the Treasury Department, that there were so many things to be done in this area, not only the recommendations of the Auditor General's Report, but, also, just the on-going initiatives that were going on in such a department, that, indeed, progress had been made and that progress was continuing to be made.

So, our Recommendation Number 3 clearly urges the Treasury Department to continue the hard work involved in implementing these procedures and we are hopeful that, when the Public Accounts Committee meets again, that we will be able to receive an update on how that project is going.

The central issue, I believe, addressed by that study was the role of the Treasurer in the Government. I look forward anxiously to seeing the issue of the manual, which will partly contain that role as defined.

Fervently, I hope that the role of the Treasurer will be regarded as a crucial one by this Government in the control of his expenditures. I believe that that is what is going to happen. I just hope that when we read it that we will not be disappointed.

Project management, the answer that the Government Leader gave indicated that there are some possibilities for improvement. I think, in this area, I hope that he will take that recommendation as an indication, that the Committee has while there was nothing particularly that we were referring with that recommendation, it just became apparent that the value for money aspects of project management were of concern and that there are many ways of evaluating the worth and the efficiency of projects and its management. We are suggesting that ways should be found for the Territorial Government to measure the effectiveness of their project management.

Variance reports, I think the new system being introduced as of April 1st, will definitely improve the quality of these statistics. It does not matter how many good statistics you get, the ultimate answer is that the head of that department must take his variance reports seriously and make thorough inquiry as to why they occur and how they can be avoided.

Training programs, I think that recommendation is well accepted and I think that I would mention that, in considering training programs, it is very useful to have people to train who have some previous experience in the field that they are being trained in. The Committee did have some concern that the line departments were getting a lot of onus put upon them to provide the financial data, but the individuals within the line departments may not have had the previous experience necessary to provide accurate accounting figures.

So, training programs was a recommendation. However, there is another way of looking at it and that is trying to hire, in the first place, people who have a little more expertise.

Internal auditor, it is too bad that we have been unable to hire this internal auditor. We are pleased to hear of the increase in salary. This only makes it harder for other members of the profession of auditing to hire people, too, but I appreciate the significance that the Government is placing upon hiring an internal auditor quickly.

The Internal Audit Committee, I think that recommendation is entirely accepted. I am pleased to see that.
I think that that, more than anything, is what impressed me with the Committee, their ability to weigh the advantages and the disadvantages of all of the recommendations in the report. I am happy to say that we did eventually arrive at a compromise in some areas and, all in all, I am very happy with the report and, as all Government Members, will be voting with it.

Motion agreed to

PUBLIC BILLS AND ORDERS

Mr. Clerk: Second reading, Bill Number 101, standing in the name of Mr. Penikett.

Mr. Penikett: Next sitting day, Mr. Speaker, please.

Mr. Speaker: So ordered.

We will now proceed to Government Bills and Orders.

GOVERNMENT BILLS AND ORDERS

Mr. Clerk: Second reading, Bill Number 17, standing in the name of the Honourable Mr. Graham.

Bill Number 17: Second Reading

Mr. Graham: Mr. Speaker, I move, seconded by the Honourable Member for Hootalinqua, that Bill Number 17, an Ordinance to Amend the Transport Public Utilities Ordinance, be now read a second time.

Mr. Speaker: It has been moved by the Honourable Minister of Education, seconded by the Honourable Member for Hootalinqua, that Bill Number 17 be now read a second time.

Mr. Graham: Mr. Speaker, I consider this one of the more important bills that we will be considering in this Session of the Legislature.

The changes to the Transport Public Utilities Ordinance that we have before us today is basically a relatively hurried response to the many problems that this Government has experienced over the past few months, in relation to the enforcement of our present Ordinance.

We still intend to bring in a totally new ordinance at some point in the future, but we do think that these changes meet the present needs and requirements of the industry in the Territory.

We have found it extremely difficult to regulate the transportation industry effectively in the ways intended by the present Ordinance. Consequently, we find that the changes in the present provisions governing the issuance of operating certificates and trip permits to truckers operating in the Territory, is essential.

Mr. Speaker, this Government has undertaken to sweep every possible class of motor vehicle into this Ordinance. This is a radical change from the past practice. In the present Ordinance, an attempt has been made to include all classes that the Government of the day felt the Ordinance should apply to.

This has caused no end of problems to us, Mr. Speaker, with truckers coming into the Territory, claiming an exemption under the Ordinance or they did not understand the Ordinance, therefore they should not have to purchase trip permits and that type of thing. Our enforcement agencies are in the position of also not really knowing what the present Ordinance means, so, in many cases, the offending vehicles are allowed to proceed without being impeded or any proceedings taken against them whatsoever.

The proposals, as outlined in this Ordinance, as I said, Mr. Speaker, will draw in all classes of motor vehicles and then we will grant exemptions to specific groups. However, we will also retain the power of the force, but we see the force's job being, to apply to the Transport Public Utilities Board for an operating certificate. This will give us the flexibility to require anyone operating a vehicle for hire to apply for authority to operate in the Territory.

We shall also create a new position in the Public Service, Mr. Speaker, with this Ordinance and that is the one of Secretary to the Transport Public Utilities Board.

I might add that I will not be requesting any new man years from Government, Mr. Speaker, for this position. We will be finding funds and manpower in the Consumer and Corporate Affairs Department.

I will briefly outline some of the responsibilities of the Secretary that have changed over the present Ordinance. The Secretary will be the designated aide to the Transport Public Utilities Board. He will provide the board with assistance in determining what the Ordinance means. He will also help the Board in drafting new regulations, if the Board feels they are required. He will also be responsible for the enforcement and general administration of the Ordinance. We hope that he will provide a focal point or a single person that any truckers or law enforcement officers in the Territ-
ory can go to for either interpretations of the Ordinance, or to inform him that they feel someone is breaking the law and should be investigated. The Secretary to the Board will have that function and, hopefully, it will clear up some of the problems that we do presently have.

The RCMP, who, legitimately, have some complaints, do not know who to go to in Government. They do not have any one specific person they can go to and say, "What did you intend this to mean? Should we prosecute, should we issue a trip permit, overweight permit," this type of thing. Hopefully, this will clear up many of those problems.

We will also be changing the system of certificates and permits, not to correct any problems we presently have with the Yukon truckers. Mr. Speaker, on the contrary, I believe that Yukon truckers have shown great patience and have helped a great deal in preparing these changes for the Legislature.

What these changes will do is allow us to give an identification plate to any vehicle which has an operating certificate in the Territory. This will allow a quick visual check of the operating authority of any service vehicle operating in the Territory by law enforcement agencies.

Also, we have provided for a yearly review of operating certificates, but, in doing so, Mr. Speaker, have given truckers the ability to retain their identification plates, even though they are not in use for a period of 12 months. This is with intention. They also have the ability to apply to the Board for a further period of retention of those identification plates if they can justify to the Board that the economic slow-down in the Territory has caused them not to use those identification plates.

Currently the practice in the Territory requires an operator or a businessman to purchase every licence plate that he intends to use for the year, and if he does not purchase those plates, at a cost of $1000 to $1500, I believe, he loses the use of those plates permanently. He must then re-apply to the Board for an operating authority if at some time in the future his business expands to the extent where he requires five, six, or instead of four plates.

We currently have a lot of $1000 public service vehicle licence plates sitting on half-ton pickups parked in the bush that have been wrecked several years ago. It is an expensive practice and a practice that we feel is not necessary.

Another major departure from the present Ordinance is the permit system which I will be introducing in this Ordinance. The Permit System is a radical departure from the present Ordinance. In the present Ordinance, Mr. Speaker, in regulations, I believe that any business is allowed only four or five permits into the Territory in any single year. It is totally unworkable and we find, in some instances, truckers from outside the Territory coming into Yukon, telling the weigh station operator that they are pulling a load into the Territory for a local company. They are given a permit based on Loiselle Transport, Canadian Freightways, Yukon Freight Lines or something like that and the owners of these companies know nothing about the permit being issued. So the next time the trucker is going to another station, they request a permit, quite legitimately but cannot get one because some other trucker has already used up their four permits. It is almost impossible to enforce.

So what we will be doing is giving an unlimited number of permits to any trucker who wishes to haul a load into the Territory. However, these permits will be reasonably expensive. We have not set an exact schedule of fees yet, we are investigating that area further and it will be in the Regulations, however, a general price range seems to be in the $500-$1000 range. We feel that a permit, at that price, will be one that will be a disincentive to people hauling regularly by the same trucker. However, it is not a total disincentive. We do not have any inspectors on the roads to enforce these regulations and it has caused nothing but problems throughout the past year and a half, two years.

So, in conclusion, Mr. Speaker, I think that this Ordinance could be described as an Ordinance to, as the Honourable Member for Whitehorse West put it, "catch all them guys coming into the Territory illegally. I do not think he put it quite that nicely, but this is basically what we are trying to do. We are not attempting to change the present operating authorities of any trucker operating in the Territory or operating in the Territory from outside with a legitimate Yukon authority. What we are attempting to do is restrict the operation of vehicles from outside the Territory who are operating illegally and costing us a great deal of money. We hope that this will increase the revenues to the Consumer and Corporate Affairs Department, we do not know by how much, but hopefully, it will be enough to request a further man year for an official inspector in the coming years.

Mr. MacKay: I would like to thank the Minister for his very thorough second reading speech and comment briefly on the proposals.

Mr. Speaker, I believe that a more readily enforceable Ordinance will be a very beneficial thing to the health of the industry and it certainly is a favourable advance, in my opinion, because I think the only people who could enforce the previous Ordinance were the rival truckers and that is not a particularly healthy situation for industry to be in so I appreciate that.

I would like to say that it is good to see that the industry has been so thoroughly consulted on it and that I, myself, have had no hearing of any complaints from members of that industry with respect to the Bill so I can only assume by the silence, although I have asked for comments, I can only assume from the silence that indeed there are not a lot of problems for the industry. Indeed, I think it is well to their advantage of the domestic industry.

I would also like to say that I think that the Transport Public Utilities Board that has been in operation, has been doing a good job under very difficult circumstances and it had to face up to some very tough decisions over the past year or two, particularly with respect to major issues that affect the Territory such as White Pass and Yukon. I think it is commendable that they have done that kind of job and I hope you will continue to do so under this new Ordinance.

I will be voting in favour of it at this stage and will look forward to detailed debate.

Mr. Fleming: Yes, Mr. Speaker, I would also like to thank the Minister for bringing forward about this portion of the Transport Public Utilities Ordinance. I think, as the Minister has well said, the regulations that were, and partially through regulations, from the Ordinance were not workable in this Territory. You might say that the last Standing Committee on Statutory Instruments had the same view at that time. I would like to thank him very much for bringing it forward now. Maybe we will have something worthwhile.

Motion agreed to

Mr. Clark: Third Reading, Bill Number 20, standing in the name of the Honourable Mr. Hanson.

Bill Number 20: Third Reading

Hon. Mr. Hanson: Mr. Speaker, I move, seconded by the Honourable Government Leader, that Bill Number 20, Energy Conservation Agreement Ordinance be now read a third time.

Mr. Speaker: It has been moved by the Honourable Minister of Economic Development, seconded by the Honourable Government Leader, that Bill Number 20 be now read a third time.

Motion agreed to

Hon. Mr. Hanson: Mr. Speaker, I move, seconded by the Honourable Government Leader, that Bill Number 20 do now pass and that the title be as on the Order Paper.

Mr. Speaker: It has been moved by the Honourable Minister of Economic Development, seconded by the Honourable Government Leader, that Bill Number 20 do now pass and that the title be as on the Order Paper.

Motion agreed to

Mr. Speaker: I declare that Bill Number 20 has passed this House.

Mr. Clark: Third Reading, Bill Number 31, standing in the name of the Honourable Mr. Graham.

Bill Number 31: Third Reading

Hon. Mr. Graham: Mr. Speaker, I move, seconded by the Honourable Member for Tatchun, that Bill Number 31, Human Tissue Gift Consent Ordinance be now read a third time.

Mr. Speaker: It has been moved by the Honourable Minister of Education, seconded by the Honourable Member for Tatchun, that Bill Number 31 be now read a third time.

Motion agreed to

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

Hon. Mr. Graham: Yes, Mr. Speaker, I move, seconded by the Honourable Member for Tatchun, that Bill Number 31 do now pass and that the title be as on the Order Paper.

Mr. Speaker: It has been moved by the Honourable Minister of
Education, seconded by the Honourable Member for Tatchun, that Bill Number 31 do now pass and that the title be as on the Order Paper.

Motion agreed to

Mr. Speaker: I shall declare that Bill Number 31 has passed this House.

Mr. Clerk: Third reading, Bill Number 4, standing in the name of the Hon. Mr. Lang.

Bill Number 4: Third Reading

Hon. Mr. Graham: Mr. Speaker, I move, seconded by the Honourable Member for Whitehorse North Centre, that Bill Number 4, An Ordinance to Amend the Government Employee Housing Plan Ordinance, be now read a third time.

Mr. Speaker: It has been moved by the Honourable Minister of Education, seconded by the Honourable Member for Whitehorse North Centre, that Bill Number 4 be now read a third time.

Motion agreed to

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

Hon. Mr. Graham: I move, seconded by the Honourable Member for Whitehorse North Centre, that Bill Number 4 do now pass and that the title be as on the Order Paper.

Motion agreed to

Mr. Speaker: I declare that Bill Number 4 has passed this House.

Mr. Clerk: Third reading, Bill Number 35, standing in the name of the Honourable Mr. Lang.

Bill Number 35: Third Reading

Hon. Mr. Graham: Mr. Speaker, I move, seconded by the Honourable Member for Hootalinqua, that Bill Number 35, An Ordinance to Amend the Liquor Tax Ordinance, be now read a third time.

Mr. Speaker: It has been moved by the Honourable Member of Education, seconded by the Honourable Member for Hootalinqua, that Bill Number 35 be now read a third time.

Motion agreed to

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

Hon. Mr. Graham: Yes, Mr. Speaker, I move, seconded by the Honourable Member for Hootalinqua, that Bill Number 35 do now pass and that the title be as on the Order Paper.

Mr. Speaker: It has been moved by the Honourable Minister of Education, seconded by the Honourable Member for Hootalinqua, that Bill Number 35 do now pass and that the title be as on the Order Paper.

Motion agreed to

Mr. Speaker: I shall declare that Bill Number 35 has passed this House.

Mr. Clerk: Third reading, Bill Number 21, standing in the name of the Honourable Mr. Lang.

Bill Number 21: Third Reading

Hon. Mr. Graham: Mr. Speaker, I move, seconded by the Honourable Member for Tatchun, that Bill Number 21, An Ordinance to Amend the Liquor Ordinance be now read a third time.

Mr. Speaker: It has been moved by the Honourable Minister of Education, seconded by the Honourable Member for Tatchun, that Bill Number 21 be now read a third time.

Motion agreed to

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

Hon. Mr. Graham: Yes, Mr. Speaker, I move, seconded by the Honourable Member for Tatchun, that Bill Number 21 do now pass and that the title be as on the Order Paper.

Mr. Speaker: It has been moved by the Honourable Minister of Education, seconded by the Honourable Member for Tatchun, that Bill Number 21 do now pass and that the title be as on the Order Paper.

Motion agreed to

Mr. Speaker: I declare that Bill Number 21 has passed this House.

Mr. Clerk: Third reading, Bill Number 8, standing in the name of the Honourable Mr. Graham.

Bill Number 8: Third Reading

Hon. Mr. Graham: Mr. Speaker, I move, seconded by the Honourable Member for Hootalinqua that Bill Number 8, An Ordinance to Amend the Motor Vehicles Ordinance, be now read a third time.

Mr. Speaker: It has been moved by the Honourable Minister of Education, seconded by the Honourable Member for Hootalinqua, that Bill Number 8 do now pass and that the title be as on the Order Paper.

Motion agreed to

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

Hon. Mr. Graham: Yes, Mr. Speaker, I move, seconded by the Honourable Member for Hootalinqua, that Bill Number 8 do now pass and that the title be as on the Order Paper.

Mr. Speaker: It has been moved by the Honourable Minister of Education, seconded by the Honourable Member for Hootalinqua, that Bill Number 8 do now pass and that the title be as on the Order Paper.

Motion agreed to

Mr. Speaker: I declare that Bill Number 8 has passed this House.

We are now prepared to receive Mr. Administrator in his role as Lieutenant Governor to give Assent to certain Bills which have passed this House.

Mr. Administrator enters the Chamber

Announced by the Sergeant-At-Arms

Mr. Speaker: May it please your honour, the Assembly has, at its present Session, passed a number of Bills, to which, in the name of and on behalf of, the Assembly, I respectfully request your Assent.


Mr. Administrator: I hereby Assent to the Bills as enumerated by the Clerk.

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

May I have your further pleasure?

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

Motion agreed to

Mr. Speaker leaves the Chair

COMMITTEE OF THE WHOLE

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

At this time, we are going to consider Bill Number 2, but, perhaps before, we will have a recess.

Recess

Mr. Chairman: I will now call Committee to order. This afternoon, we are considering Bill Number 2, An Ordinance to Amend the Companies Ordinance.

On Clause 1(1)

Hon. Mr. Graham: Mr. Chairman, this Ordinance, as I said in second reading, is basically an omnibus type bill. They are basically non-policy items that we have changed to either increase efficiency in the Department to insert new definitions or clarifying authority under which the Department does operate.

Mr. Chairman: If there is no other general discussion, we will commence a clause by clause discussion.

Hon. Mr. Graham: Mr. Chairman, possibly as we go through I will explain basically the changes as we go and that might limit the questions somewhat.

Mr. MacKay: I find that very agreeable, Mr. Chairman.

Mr. Chairman: We will call on you, Mr. Graham, when we need you.

Hon. Mr. Graham: "Insurance" is a new definition from the Insurance Ordinance to clarify the meaning of the term in Section 6. I believe, of the Ordinance, whereby the Yukon may not incorporate an insurance company.
Hon. Mr. Graham: The Registrar has a duty to enforce the Ordinance and this new section clarifies this authority by detailing reasons for rejection of documents submitted for filing.

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

Hon. Mr. Graham: Mr. Chairman, this just eliminates Sections 11(2)(e),(f) and (g). Actually it eliminates Section 11(2)(g) which is the notice of the Yukon registered office. This section is now required under Section 89, I believe.

Clause 3(1) agreed to
Clause 3 agreed to
On Clause 4(1)

Hon. Mr. Graham: Mr. Chairman, this just provides for the Government to publish the notice of change of name, not the company. We are doing this because we do not require companies to publish name changes in all instances, only when we feel that the name change affects the public materially. We do not require name changes when all they do is add the French equivalent onto the present name change, that type of thing.

Mr. Byblow: This is just somewhat related. I wonder if the Minister could clarify just what constitutes the Yukon Gazette?

Hon. Mr. Graham: It is in the Interpretations Ordinance.

Hon. Mr. Pearson: Mr. Chairman, the Yukon Gazette, at the present time, is any newspaper published in the Territory that the Queen’s Printer chooses to use as a Gazette. It must be a paper that is distributed within the Territory and throughout the Territory.

Clause 4(1) agreed to
On Clause 4(2)
Clause 4(2) agreed to
Clause 4 agreed to
On Clause 5(1)

Hon. Mr. Graham: The only change here is we changed “shall” to “may” to allow some discretion of the registrar to publish only when required for public notice and not every time a notice is made.

Clause 5(1) agreed to
Clause 5 agreed to
On Clause 6(1)

Hon. Mr. Graham: Well, this eliminates the reference to fees calculated on membership, because of the fact that we do allow single shareholder companies in the Territory.

Clause 6(1) agreed to
Clause 6 agreed to
On Clause 7(1)

Hon. Mr. Graham: This clarifies Section 20 and allows for automatic changes in company regulations by choice of the company. This is a problem that we have had for some time.

Clause 7(1) agreed to
Clause 7 agreed to
On Clause 8(1)

Hon. Mr. Graham: This just replaces “director or secretary” as acceptable signatories to statutory instrument to “officer or director.”

Clause 8(1) agreed to
Clause 8 agreed to
On Clause 9(1)

Hon. Mr. Graham: Clause 9 just provides for alternate filing dates. It is stipulated in Sections 33(1) and 33(3) that alternate filing dates are available and this just provides for them, in Section 33(3).

Clause 9(1) agreed to
On Clause 9(2)
Clause 9(2) agreed to
On Clause 9(3)
Clause 9(3) agreed to
Clause 9 agreed to
On Clause 10(1)

Hon. Mr. Graham: This removes the requirement that the copy of the resolution be filed under company seal, which sometimes does not exist because we do not require them in all cases, and allows for certification by an officer or agent, rather than by the secretary of the company.

Clause 10(1) agreed to
On Clause 10(2)
Clause 10(2) agreed to
Clause 10 agreed to
On Clause 11(1)

Hon. Mr. Graham: It provides that the registered office in the Territory is a place at which a company may be served. Clarification of what is considered a practical and common situation.

Clause 11(1) agreed to
On Clause 11(2)
Clause 11(2) agreed to
Clause 11 agreed to
On Clause 12(1)

Hon. Mr. Graham: Clause 12 is to provide an opportunity for a company to hold its general meeting out of the Territory. That is currently not allowed under our present Ordinance and we wanted it to be.

Clause 12(1) agreed to
On Clause 12(2)

Hon. Mr. Graham: Clause 12(2) is just elimination of a regulation that is all.

Clause 12(2) agreed to
Clause 12 agreed to
On Clause 13(1)

Hon. Mr. Graham: This removes the requirement for filing a consent to act as director with the Registrar. It is another case of a regulation that is not really necessary, so we eliminated it.

Clause 13(1) agreed to
Clause 13 agreed to
On Clause 14(1)

Hon. Mr. Graham: This just attempts to clarify the reporting requirements. Section 14 or 82(1) is actually meaningless under the present Ordinance.

Clause 14(1) agreed to
Clause 14 agreed to
On Clause 15(1)

Hon. Mr. Graham: This removes the reference to “seal”’. As I said before, we do not require the seals anymore so it just removes any reference.

Mr. MacKay: I would just like to say how much I appreciate that amendment because anybody who has been involved with companies usually finds that at the eleventh hour of the eleventh day of signing any agreement, they cannot find the seal.

Clause 15(1) agreed to
Clause 15 agreed to
On Clause 16(1)

Hon. Mr. Graham: This eliminated stating the amounts thereby secured because not all documents have the amount of the mortgage and charges.

Clause 16(1) agreed to
On Clause 16(2)

Hon. Mr. Graham: Section 16(2) just removes the maximum fee of 25 cents.

Clause 16(2) agreed to
Clause 16 agreed to
On Clause 17(1)

Hon. Mr. Graham: Mr. Chairman, Clause 17 removes any reference to private company.

Clause 17(1) agreed to
Clause 17 agreed to
On Clause 18(1)

Hon. Mr. Graham: This increases the inspection fee from 25 cents to 50 cents.

Clause 18(1) agreed to
Clause 18 agreed to
On Clause 19(1)

Mr. Chairman, this increases the fees from 10 cents to 25 cents.

Clause 19(1) agreed to

On Clause 20(1)

Mr. Chairman, this Section 118 of the Ordinance is a redundant section that has not been used for some years. It is another instance of de-regulating.

Clause 20(1) agreed to

On Clause 21(1)

Mr. Chairman, we are striking out the reference to the seal of the company.

Clause 21(1) agreed to

Mr. MacKay: I just wanted to raise a point with the Minister because we are up to Section 121 and Section 122 is the Section of the Ordinance whereby an auditor is required to be appointed. I am wondering if the Minister has considered, in his proposals to amend this, that I think in every other jurisdiction in Canada now there is an escape clause for a small private company not to have to appoint an auditor and that because it is generally accepted that it is not required for a closely held company. I am wondering if this has been considered by the Minister.

Mr. Graham: Mr. Chairman, I do not believe we considered it in this Ordinance, but it is something that we are considering, and in fact we will probably be bringing in another Omnibus Bill, which we have already partially prepared, for the next sitting.

On Clause 22(1)

Mr. Graham: Mr. Chairman, this is just to clarify the expression that we refer to this as a Special Act of Parliament, not just any act.

Clause 22(1) agreed to

On Clause 23(1)

Mr. Graham: We no longer license companies, Mr. Chairman, so it is redundant.

Clause 23(1) agreed to

On Clause 24(1)

Mr. Graham: I do not have any notes on this one, Mr. Chairman. I think this one adds the word “insurance”, which we now are including under Section 6 of the Companies Ordinance.

Clause 24(1) agreed to

On Clause 25(1)

Mr. MacKay: On this particular section, I do not know how closely the Government has looked at it, but it came to my attention and, I think, every air operator in the Territory about four or five years ago they were all quite illegally incorporated, and in fact no such companies existed. The reason I mention it now is I believe everybody is now reincorporated federally, but I suspect there may be some others floating around.

On Clause 26(1)

This just extends the time for which a Certificate of Good Standing is accepted.

Clause 26(1) agreed to

On Clause 26(2)

Clause 26(2) agreed to

On Clause 26(3)

On Clause 27(1)

Mr. Graham: This section is repealed because it is covered in the Securities Ordinance, and it is just redundant in this Ordinance, as well.

Clause 27(1) agreed to

On Clause 27(2)

Clause 27(2) agreed to

On Clause 27(3)

On Clause 28(1)

Mr. Graham: Mr. Chairman, I realize it looks like a long section. Actually, it is for a very simple purpose.

It is to provide for a continuation of a company into Yukon. This is where a company wishes to move, and it allows the company to move into the jurisdiction of a corporation, subject to comparable legislation in other jurisdictions. In other words, if we have another province in Canada that has similar legislation in the field of companies to ours, they can then move into the Territory without having to go through all of the rigmarole of applying and receiving certification under our Companies Ordinance.

Mr. MacKay: I just wonder if the Minister could clarify that? As I understand it, once they came in under this section, they could actually allow their previous existence to die, and they would be incorporated under the Yukon Ordinance by this section. Is that correct?

Mr. Graham: Yes, that is correct, Mr. Chairman. I am sorry. I do not explain those things very well.

Mr. MacKay: This is an area that I ran into a problem with in the Ordinance, and I appreciate seeing it here now and, for the benefit of my friend to the left here, who enjoys hearing about tax avoidance schemes, when Yukon becomes the tax haven that it is now, this section will be used extensively by oil magnates from Alberta to escape heavy taxation in Alberta by moving into Yukon. So, it is definitely a progressive step.

Mr. Penikett: Mr. Chairman, I am only just disappointed to hear that they are not required to hold their annual meetings here.

Clause 28(1) agreed to

On Clause 28 agreed to

On Clause 29(1)

Again, Mr. Chairman, this Clause 29 refers to a Special Act of Parliament, and not just any act of Parliament.

Clause 29(1) agreed to

On Clause 30(1)

Mr. Graham: Mr. Chairman, the same as both 28 and 22, it again refers to a Special Act of Parliament.

Clause 30(1) agreed to

On Clause 31(1)

Mr. Graham: Mr. Chairman, this is just to reduce the number of issues that we are requiring for notice of process against unregistered extra-Territorial companies.

Clause 31(1) agreed to

Clause 31 agreed to

On Clause 32(1)

Mr. Graham: Mr. Chairman, both 32 and 33 are in keeping with the change made in 31(1).

Clause 32(1) agreed to

Clause 32 agreed to

On Clause 33(1)

Clause 33(1) agreed to

On Clause 34(1)

Mr. Graham: Mr. Chairman, this is in keeping with the fact that we do presently allow single member companies and, under the present Ordinance, if we allowed this to stay, we are forced to wind up the company if the number of members falls below two, so this clears up that problem because of the fact that we do allow single member companies.

Clause 34(1) agreed to

Clause 34 agreed to

On Clause 35(1)

Mr. Graham: Mr. Chairman, it says “in the form prescribed,” and we do not prescribe any forms, so we found a great deal of difficulty with the clause.

Clause 35(1) agreed to

Clause 35 agreed to

On Clause 36(1)

Mr. Graham: Mr. Chairman, this removes the reference to objects of companies. We no longer require them, and it is just in keeping with the general clearing-up.

Clause 36(1) agreed to
Mr. Chairman: Mr. Chairman, this is another case of just a clause that was redundant. It is covered in Section 301(2) in the Ordinance, so we just are eliminating one of the references.

Chairman: I think this is a typing error, in that the heading said “Schedule 1” and it should have said “Schedule 2”.

Hon. Mr. Graham: We are just removing the reference to corporate seals.

Hon. Mr. Graham: I do not have much, again, on this one. Mr. Chairman, I think this is a typing error; in that the heading said “Schedule 1” and it should have said “Schedule 2”.

Hon. Mr. Graham: Mr. Chairman, in Forms A and B, we are not really interested in citizenship status, so we felt that any reference to that requirement was ridiculous, so we took it out.

Mr. MacKay: There are no foreseeable circumstances where the Minister can see where an indication of citizenship would be useful to the Government? I am thinking in terms of some other jurisdictions that restrict the ownership of lands, for example, to Canadian citizens. I am speculating, perhaps, on future policies of this Government. Because we do not even have any land for Canadian citizens, but I was wondering if the reference to citizenship does not have some use?

Hon. Mr. Graham: Mr. Chairman, the discussion on that specific section comes back to me now. That question was asked and, evidently, we are not interested in citizenship for purposes of incorporating a company. For purposes of owning land, it would come under the Lands Ordinance. Under that Ordinance, we feel that we can restrict ownership of Yukon land to Canadian citizens, if we so desire.

Mr. MacKay: I suppose under the Games Ordinance, in terms of fishing, that would be where it would come under, "hook it"?

Hon. Mr. Graham: Clause 41 is just to correct a typing error.

Hon. Mr. Graham: Mr. Chairman, Clauses 42, 43, and 44 are all changes in forms to comply with the revisions that we have already passed in the Ordinance. The changes in forms were necessary to comply with the other revisions.

Hon. Mr. Graham: Mr. Chairman, this form was eliminated because the need for it was eliminated.

Mr. MacKay: I suppose, under the Games Ordinance, in terms of fishing, that would be where it would come under, "hook it"?

Hon. Mr. Graham: Mr. Chairman, I move that you report Bill Number 2, An Ordinance to Amend the Companies Ordinance, has cleared the Committee of the Whole.

Hon. Mr. Graham: Mr. Chairman, I move that you report Bill Number 2, An Ordinance to Amend the Companies Ordinance without amendment.

Hon. Mr. Graham: It has been moved by Mr. Graham that I report Bill Number 2, An Ordinance to Amend the Companies Ordinance without amendment.

Mr. Chairman: Mr. Chairman, I think it was a typing error. I now declare that Bill Number 2, An Ordinance to Amend the Companies Ordinance, has cleared the Committee of the Whole.

Hon. Mr. Graham: Mr. Chairman, the Miscellaneous Statute Law Amendment Ordinance, 1980, commonly known as the Omnibus Bill, is simply, again, changing various sections in Ordinances that we have in the Government where we have found that we have either had a typing error, or a change in reference, or small editing changes, in the main. I have given this Bill to all Members of the Legislature, previously. I think, quite a while before the Legislature started this time, and had anticipated if there were any problems that I would be more than happy to answer them at that time.

Mr. Chairman: Our next Bill under consideration is Bill Number 3, Miscellaneous Statute Law Amendment Ordinance, 1980.

Mr. Chairman, Clauses 42, 43, and 44 are all changes in forms to comply with the revisions that we have already passed in the Ordinance. The changes in forms were necessary to comply with the other revisions.

Mr. Chairman: I think it would be a little easier to handle clause by clause. I do not think it will hold us up too long.

Mr. Fleming: I would also suggest, because the Bill is of this nature, that you go a lot slower than the other bills, because you have to try to remember back or have notes back a mile and a half to where, in some Ordinance you have something on the Ordinance. Of course, they say it is non-controversial, however, there may be some areas in it that are not.

Hon. Mr. Graham: Mr. Chairman, that was the reason that I gave this Ordinance to all Members of the Opposition. If there were any problems with this Ordinance, as I requested then, tell me about them and I would remove the sections from the omnibus bill and bring them in as a separate amendment that we would debate.

Mr. Fleming: There has been no problem and no big debate and there probably will not be. However, I would, there are some that maybe it would not hurt a little bit if we checked them carefully as we go along.

Mr. Chairman: I would direct your attention to subsection (2)(1), the fifth word. You will note the typo error; an error in spelling.
today, which is pretty good, except for the Liquor Ordinance. The next two years, this country is going to be in a worse mess than it is now. I wish to go on in a hurry, I am willing, too. But, I will say that I was concerned. It did not look quite right.

Mr. Fleming: I will not be speaking on the amendment but I wanted to ask a question of the Minister, explain the amendment, please. I would ask the Minister to explain what the amendment actually means and also Section 17(1).

Hon. Mr. Graham: Mr. Chairman, the amendment that is before us is quite simple. We are talking about a typing error in "1977 Third" to "1977 First" but the Section 17(1), if that is what you are talking about well, perhaps we will pass the amendment and then we will get to 17(1) and I will let the Honourable Government Leader explain it to you because I do not want to.

Mr. Fleming: I would like to thank the Minister for a very accurate way to get it done anyway.

Amendment agreed to

Hon. Mr. Pearson: Mr. Chairman, I think the House should be aware that this amendment is as a direct result of a number of questions placed in this House over a series of about two years by the Honourable Member for Campbell.

It seems, Mr. Chairman, that he had a bee in his bonnet in respect to this legislation and I am very happy that we have been able to remove that bee and that doubt for all time from the Honourable Member's bonnet.

Mr. Fleming: Mr. Chairman, I thank the Honourable Leader for his remarks, because you know, that is fine. I had a problem and I was concerned. It did not look quite right.

However, I will say this, while we are on the liquor area here and from here on, if the Honourable Minister of Community Affairs wishes to go on in a hurry, I am willing, too. But, I will say that amendments to the Liquor Ordinance are never going to repair and fix what is wrong with the Liquor Ordinance, as it is today. If the Liquor Ordinance is not brought in here in total and whole and done something with it in the next few years, this country is going to be in a worse mess than it is today, which is pretty good, except for the Liquor Ordinance.

Clause 17 agreed to

On Clause 18

Clause 18 agreed to
On Clause 19

Clause 19 agreed to
On Clause 20

Clause 20 agreed to
On Clause 21

Clause 21 agreed to
On Clause 22

Clause 22 agreed to
On Clause 23

Clause 23 agreed to

Mr. Fleming: Mr. Chairman, you are already at 22(1), are you, and passed it?
Mr. Fleming: I might ask a question on the goods "including asphalt, earth, water, garbage, refuse, snow and sewage". I wonder was the reason just for those specific ones being in there, that those goods would not have covered that before?

Hon. Mr. Graham: Mr. Chairman, what do you call these things? The definition of the word "goods" is already in the present Ordinance and we are just including this in the present definition of "goods".

Mr. Byblow: Unless I have a wrong copy or not an updated copy of the Ordinance, "goods" is not included in the original Ordinance.

Hon. Mr. Pearson: Mr. Chairman, when it comes to definitions in legislation, "goods", or the definition section is normally written in such a way so that the term, in its normal usage, is accepted as "goods" would include anything that we now accept to be goods.

In addition, these specific items will also be considered to be goods: asphalt, earth, water, garbage, refuse, snow and sewage, which, under normal circumstances, are not considered to be goods. But, in this legislation, they are considered to be goods, hence the definition is required.

Normally, Mr. Chairman, in the definition section, you only put in those words where there are additional things required. So the normal meaning of goods is accepted as being a part of the legislation.

Hon. Mr. Graham: That is right. Mr. Chairman, we are expanding the Ordinance to take into consideration gravel trucks, and trucks of this type. That is the reason for this definition.

Mr. Byblow: Whereas goods normally mean commodities, it now includes this as well.

On Clause 1
Clause 1 agreed to
On Clause 2

Hon. Mr. Graham: Mr. Chairman, perhaps I could go through it quickly, section by section.

Clause 2(3)(1) deals with who is going to be incorporated under this Ordinance. As I said in the Second Reading Speech, what we are doing is drawing in all motor vehicles that are used for the purpose of transporting goods or passengers in the Territory. None of them can operate unless a certificate or permit has been issued.

We then eliminate certain classes of automobiles. In Clause 2(3)(2), we eliminate the pilot cars, which are owned by the person or company who is doing the work. For example, if someone is bringing an overwidth trailer into the Territory, and the person operating the trucking company also owns the pilot cars they do not need an operating certificate.

We are also eliminating Government vehicles. We are also exempting vehicles which have been exempted by the regulations from the application of this Ordinance. This is exempt things like church buses, etc., but a vehicle that is on the road, and that type of vehicle. We are also eliminating all vehicles that are operated to haul goods, but they are not operated for hire. We are also eliminating any trucks that are hauling only the owner of that vehicle’s goods, not for resale.

We get to Clause 2(3)(2)(3), which is Government Contracts. This is a major change in the present Ordinance. This is a major change. Government contracts, that is, a major change. We could have just passed it over and you would never have caught it, but being as honest as I am, we have made the policy decision that anybody who gets a Government contract for re-building a section of road somewhere in the Territory, should give the Government the ability to bring any vehicles that they own into the Territory to work on that specific contract, without applying for an operating authority under this Ordinance. In other words, the prime contractor on a Government highway job can bring in gravel trucks that he owns, to work on a job in the Territory, to haul gravel, etc. and by this backdoor method, if you like, obtain an overall operating authority, they will be able to operate in the Territory with only a operating certificate.

Mr. Fleming: I appreciate that very much, the concept. I have a problem with this, those words where there are additional things required. So the normal meaning of goods is accepted as being a part of the legislation.

Hon. Mr. Graham: Mr. Chairman, what we are requiring a prime contractor to do is own any vehicle that he brings into this Territory to use on a job. If he owns those vehicles, and he can show to us that he does own those vehicles, then he does not have to apply for an operating certificate. If he wishes to bring with him lease operators from any other Province in Canada, or any State, they have to apply for an operating certificate in the Territory. They have to apply to the Transport Public Utilities Board and get an operating certificate from that Board before they are allowed to operate that truck in the Territory.

Mr. Tracey: Mr. Chairman, I would like clarification on one item here. A lot of companies, nowadays, do not purchase vehicles, they lease vehicles.

Would lease vehicles under these circumstances be included as owned vehicles?

Hon. Mr. Graham: They are considered owned vehicles if they are registered in that company’s name, insured by that company, and operated by an employee of that company. Under those circumstances, those vehicles can be considered to be owned by that company.

Mr. Penikett: I cannot exactly envision those circumstances, but has the Minister contemplated at all the possibility that a contractor might bring into the Territory vehicles, under this provision, to work on, perhaps, a very long-term contract, and perhaps one that is continuing, and by this backdoor method, if you like, obtain an overall operating authority? And, then use those vehicles, even though they were the same equipment that was being used on that job. And also with those authorities, be able to do other work?

Hon. Mr. Graham: Mr. Chairman, I think it is highly unlikely, because what our intention is, is that if a prime contractor gets a job in the Territory that requires leased operators, and there are no leased operators available in the Yukon Territory, then we will allow him to bring in leased operators, gravel trucks, say, from other jurisdictions in Canada.

However, those people will apply for operating authorities, and it is our intention to restrict those operating authorities for the duration of that job. When that job is done, if they wish to stay in the Territory, and operate, or if they wish to make application in the first instance for an overall operating authority, they will be considered for that. But it is our intention to make these operating authorities only last for the duration of that job.

What we are also attempting to do is to get the local trucking industry to, let’s term it a little, shape up with respect to registration and obtaining operating permits. Has the Minister been talking to the local trucking association, and give the Secretary of the Board a contact person that this Government can go to and find out if there are, in fact, any leased operators, or owner-operators in the Territory, that are available for a job. We will then be in a position to inform prime contractors that when they come into this Territory to operate, and they request the operating authority for leased operators, we can say no, because we have a list here provided to us by the Transportation Association that tells us there are currently 15 leased operators in
the Territory who are looking for work in the gravel business. Once those people are hired, then we will allow operating authorities from outside of the Yukon Territory.

**Mr. Penikett:** Let me try this one on the Minister. The Minister, and some of his colleagues, get the Honourable Danny Lang Memmott where we underwrite the insurance of pilot cars, and I believe it is a Memorial University. The job gets underway, and because of some shortage of local operators, they bring in some gravel trucks, lease operated. What is to prevent those lease operators from operating during the period that that job is underway?

**Hon. Mr. Graham:** The terms and conditions of their operating authority. If their operating authority says that they will operate on this job and for a specific amount of time, or for the duration of that job, that is what their operating authority will say. That is what their certificate will say.

**Mr. Falle:** I would just like to get one thing clear in my mind. The prime contractor that comes in does not have to get a license, is that right, Mr. Chairman?

**Hon. Mr. Graham:** Yes, that is correct, Mr. Chairman. The prime contractor does not need an operating authority for any vehicles that they own.

**Mr. Fleming:** I think I understand it all, even though I do not like it, but anyhow, in connection with the pilot cars, I think in the past you did not have to have any special permit, if you owned your own private car and you were hauling a trailer somewhere, and you were using yourself, or a friend or something, as long as there was money. We did not have to have any special licence, or anything, and if the owner do have to get a permit or something now if you operate and collect any monies. However, I am a little worried that possibly the pilot car business that we do have in the Territory may be put out of business because of the way it is written up here, and I just might be would like a little explanation of that from the Minister.

**Hon. Mr. Graham:** Mr. Chairman, the way this Ordinance is written, the vehicle that is owned by the person that has the permit or authority to haul goods in the Territory will not be required to have an operating authority. In other words, if we have somebody hauling over-wide trailers into the Territory, and they require pilot cars, as long as they own those pilot cars, and those pilot cars are not for the purpose of payment of money, they do not need an operating authority.

However, if someone hires, in the Province of Alberta, to come into the Territory as a pilot car for an over-wide trailer then they must have an operating authority once they get over that border at Watson Lake. If they do not have an operating authority they will be forced to purchase a permit. So, in other words, if you are operating a pilot car business you are required to have an operating certificate in the Territory.

**Mr. Falle:** Are we not losing a lot of money by letting the prime contractor getting away without having operating authority.

**Hon. Mr. Graham:** Mr. Chairman, I guess it is a matter of where you are going to lose the money. You are either going to lose the money in that you are going to only have a limited number of people bidding on jobs up here because nobody knows if they are going to get operating authority or not before they get the job, or else you are just going to be in a position where you will have to give anybody that gets prime contracts as many operating authorities as they want, or you are going to find that everybody from outside the Territory is going to say, why should we ever bid on a job up here because we do not know if we are going to have enough trucks to do it, so it is six of one and half a dozen of the other.

We thought, after consulting with the trucking industry in the Territory, this is the best way to go. They feel comfortable with this. The trucking industry in the Territory has some responsibilities, in that we are asking them to set up a central agency that we can go to find out if there are unemployed owner-operators in the Territory, and by the same token we are giving something to prime contractors that they do not presently have.

**Mr. Tracey:** Mr. Chairman, the Minister just made a remark here a second ago about issuing a permit to a pilot car. If some company came into the Territory, and they came into Watson Lake, and they did not have a licensed pilot car, he made mention that they would issue a permit to them. Is not this not protecting the pilot car companies that we would have in Yukon?

**Hon. Mr. Graham:** Mr. Chairman, no more than it is protecting the trucking industry we have in the Territory by requiring every truck that comes into the Territory to have an operating authority or permit.