



# The Yukon Legislative Assembly

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## **HANSARD**

**Thursday, December 17, 1981 — 1:30 p.m.**

Speaker: The Honourable Donald Taylor

# Yukon Legislative Assembly

SPEAKER — Honourable Donald Taylor, MLA, Watson Lake

DEPUTY SPEAKER — Grafton Njootli, MLA, Old Crow

## CABINET MINISTERS

NAME	CONSTITUENCY	PORTFOLIO
Hon. Chris Pearson	Whitehorse Riverdale North	Government House Leader — responsible for Executive Council Office, Public Service Commission, Land Claims and Intergovernmental Relations.
Hon. Dan Lang	Whitehorse Porter Creek East	Minister responsible for Renewable Resources, Tourism and Economic Development.
Hon. Geoffrey Lattin	Whitehorse North Centre	Minister responsible for Municipal and Community Affairs, Highways and Public Works, Yukon Housing Corporation and Yukon Liquor Corporation.
Hon. Meg McCall	Klondike	Minister responsible for Health and Human Resources, Education and Information Services.
Hon. Howard Tracey	Tatchun	Minister responsible for Justice, Consumer and Corporate Affairs, Government Services and Workers' Compensation Board.

## Government Members

### (Progressive Conservative)

Al Falle	Hootalinqua
Robert Fleming	Campbell
Doug Graham	Whitehorse Porter Creek West
Peter Hanson	Mayo
Grafton Njootli	Old Crow
Donald Taylor	Watson Lake

## Opposition Members

### (New Democratic Party)

Tony Penkett	Whitehorse West
Maurice Byblow	Faro
Roger Kimmerly	Whitehorse South Centre

### (Liberal)

Ron Veale	Whitehorse Riverdale South
Alice P. McGuire	Kluane

Clerk of Assembly  
Clerk Assistant (Legislative)  
Clerk Assistane (Administrative)  
Sergeant-at-Arms  
Hansard Administrator

Patrick L. Michael  
Missy Follwell  
Jane Steele  
G.I. Cameron  
Dave Robertson

**Whitehorse, Yukon**  
**Thursday, December 17, 1981**

**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 to the Order Paper.

**DAILY ROUTINE**

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

**TABLING OF DOCUMENTS**

**Hon. Mr. Tracey:** I have for tabling a green paper on the *Employment Standards Ordinance*.

**Mr. Speaker:** Are there any further documents for tabling? Reports of Committees?

Petitions?

Introduction of Bills?

Notices of Motion for the Production of Papers?

Are there any Notices of Motion?

**NOTICES OF MOTION**

**Hon. Mr. Tracey:** I move, seconded by the Member for Old Crow, that the green paper on Labour Standards be referred to the Select Committee, chaired by Mr. Hanson; that during periods when the Legislative Assembly is in adjournment, green papers on the subjects of Industrial Relations and Occupational Health and Safety may be transmitted, as they become available, to the Select Committee by the Minister of Consumer and Corporate Affairs.; that Messrs. Falle, Fleming, Penikett and Veale be appointed to the said Committee; that the said Committee report to the Legislative Assembly its findings and recommendations during the Fifth Session of the 24th Legislature.

**Mr. Speaker:** This is a Notice of Motion. Are there any further Notices of Motion?

**MINISTERIAL STATEMENTS**

**Hon. Mr. Lang:** I recognize that there are many specific details to be considered prior to, and after, implementing an agricultural program in Yukon, and therefore I propose to establish, in January 1982, a three-member agriculture development council.

Two members of the agriculture development council will be selected from the public and one member will be representing the Yukon Livestock and Agriculture Association. They will be persons having particular interest and knowledge relative to agriculture production, land use, and business management. The council would be advisory to the Minister, but also would carry out some specific tasks such as recommending upon agriculture development proposals submitted by applicants, sponsoring technical and informational meetings or workshops, advising with respect to policy, legislation and other matters requiring support of agricultural undertakings.

It would be my intention to provide funds to the agriculture development council in support of its efforts and, further, it will be the Government's intention to bring forward legislation in the forthcoming Spring Session to affirm the principles we have agreed to in the area of agriculture.

I realize that agriculture ventures in Yukon are subject to some limitations, but such limitations should not preclude the provision for people to have the opportunity to pursue agricultural ventures of their choice with their own resources.

I recognize that the establishment of agricultural ventures in Yukon must proceed according to some direction relative to

the resolution of land use conflicts, the provision of services such as roads and hydro, the capability of the land, and the availability of water supplies.

I propose the general parameters of an agricultural policy for Yukon be as follows:

(1) lands having a capability for agriculture classes 2, 3, 4, and 5, will be identified by government and/or individuals;

(2) applicants wishing to secure agricultural lands must be Canadian citizens, aged 19 years or older, and have been a resident of Yukon for at least one year;

(3) agricultural land, initially, will be made available on the basis of a five year lease, conditional to an agriculture development agreement. Title to agricultural land will be conditional upon the performance of the applicant relative to his development agreement, and the land owner will not be permitted to subdivide his property;

(4) other persons presently engaged in agricultural ventures would have first opportunity to enlarge their land holdings, if required, in support of their development proposal. Other applicants would identify lands required in support of their proposed undertaking.

It is my intention to pursue with the Government of Canada matters pertaining to land availability and administration, agricultural research, technical support, and other matters relative to supporting agriculture production in Yukon.

I have discussed the general parameters of an "agriculture policy for Yukon", as well as the need for, and role of, an agriculture development council with the Yukon Livestock and Agriculture Association. We have, for the most part, their support.

**Mr. Byblow:** I am very pleased to hear the Minister's statement on agricultural policy. A definitive statement such as this is one of commitment; it is one that is long overdue in agricultural policy. It is certainly welcomed by the agriculturalists in the Territory.

I am particularly pleased to see the creation of the Agriculture Council. It is a very positive step, and while I would have preferred to see a five man council, for broader representation — and I believe that was a position put forth by the Yukon Livestock and Agriculture Association — at least we do have a basis for policy articulation now put in place.

I trust the Council will be struck from names put forth by the Association; in my judgement, it should logically include the president of that Association. He is a man whose credibility, whose interest, whose demonstrated performance in Yukon agriculture, is a matter of public record.

On the subject of the Council, I would expect that its authority will be clearly delineated, so that it becomes a very functional instrument and represents the farmers and the position of agriculture in the Territory.

I am also pleased to see Clause 5 included in the land designation for agricultural use, as well as the five year conditional release procedure proposed. I think these are also positions put forth by the Association and they certainly do represent sound judgment.

It seems to me that this Government has come a long way in the past three years: gradually recognizing and being convinced that agriculture in Yukon is viable, is necessary, and must be pursued. I think that, in light of the Report tabled yesterday by the Food Prices Committee, and certainly in light of the cry over the last number of years for an agricultural policy, the development announced today by the Minister is certainly commendable. I am very pleased to see the concrete actions proposed.

**Mr. Veale:** I, too, am pleased with the announcement and I think the idea of having a Council with some representation from people with expertise in the agricultural area is very important.

I would hope, too, that the Minister might consider having specific expertise regarding the identification of suitable land, because there has been a report done for the Yukon, and I believe that that expert could still be available for the identification of appropriate soils for particular agricultural endeavours.

I would also hope that the Minister would refer to the Council the specific recommendations which have come from the Food Prices Report, regarding the Farmers' Market, and the use of waste heat, and the general agricultural policy, because I think that it may have some very interesting things to say on how these could be implemented, as soon as possible, in order to reduce food prices in Yukon.

The other area that I am pleased with is with respect to ensuring that this agricultural land will be used exclusively for agricultural concerns. The fact that there would be no permission for a land owner to subdivide agricultural property under any circumstances is a very important condition to attach to any agricultural development agreement.

Finally, I would urge that the Minister take up the matter of an agricultural policy, and the Council, with the Council for Yukon Indians, so that it can be introduced to the land claims process in order to avoid any problems that may arise in that regard, so that when the Assembly comes this Spring to pass legislation, we will not have any difficulties about land about which there is a conflict as to who owns it. I think that would be extremely important groundwork to get through now, to prepare for the future.

**Hon. Mr. Lang:** Prior to replying, I would like to welcome to the Legislature the Grade 1 French Immersion class from Whitehorse Elementary School who are here today with their teacher, Madame Henderson. *Applause*

In reply to the question raised by the Members opposite, I have to say that this is truly a religious experience. I have never seen such a unanimous consent to anything that has been done in this House. Either we are coming to the end of the Session, or perhaps the Members opposite are finally seeing the Conservative light and have prepared to put out five dollars and buy their memberships.

There has been a great deal of discussion with the Livestock and Agricultural Association. I must say that they have been very co-operative. They have submitted some names to me and, as I have indicated, one representative will be from their organization so there can be direct co-ordination between the two bodies.

I should point out that the land in question is, in part, Territorial land and we have that land available. It would be our intention to get it out as soon as we can.

Most of it is Federal land. We do have a tacit agreement with the Government of Canada in which they are prepared to put forward land for agricultural purposes. I received that commitment from the Minister of Indian Affairs and Northern Development while I was at my meetings in Ottawa last week.

There does seem to be some common analogy there as well. We will be prepared to work co-operatively with the Government of Canada and I think that we can proceed from there.

With respect to the Council for Yukon Indians and the land claims, we have a pretty fair idea of what has taken place, what areas have been looked at, and hopefully we will be able to avoid any conflicts respecting the disposition of land.

I just hope the Liberal Party is not indicating to us that we cannot proceed with an agricultural policy in view of the factor of our negotiations with the land claims. It is our intention that it can be compatible and that we can proceed — which would be in their best interests, as well as ours, in view of the recommendations by the Food Pricing Commission, and also with respect to those people who would like this type of livelihood.

I want to make it very clear that we intend to proceed; we intend to proceed with as much co-operation as we can receive from all organizations in the governments involved. We do have a responsibility and we are prepared to exercise it.

**Mr. Speaker:** Any further statements by Ministers?

**Hon. Mrs. McCall:** I have indicated several times in the past

that I was in the process of reviewing Alcohol and Drug Services, with a view to updating and extending programs.

In this regard, first of all I am happy to tell the House that a Regional Director of Field Services has been hired, effective February 1st, 1982. The new Director is Mr. Ellis Quarshie, who comes with varied experience in alcohol and drug services, probation, and other social services activities. Mr. Quarshie is presently working in Fort McMurray with the Alberta Alcohol and Drug Commission. With his appointment, we shall see the further integration of the Alcohol and Drug Services in our field operations, which I announced in September.

Since that date, Alcohol and Drug Services has been working on training packages for social workers in the Department, which will enhance their skills in dealing with alcohol problems and which will allow the integration to move slowly.

In line with the recent reorganization of Alcohol and Drug Services and the Human Resources Field Services, done in order to encourage integration of programming at the community level, I am also very pleased to announce the extension of the Community Alcohol Worker Program.

This will enable us to better meet the demands of the communities. Additional contracts for Community Alcohol Workers will be issued in Dawson City, Burwash Landing, Beaver Creek for 30 hours, Whitehorse for 35.5 hours and Haines Junction for 20 hours. Existing 15 hour contracts in Faro, Watson Lake and Upper Liard will be increased to 37.5 hours; in Ross River, Carmacks and Mayo to 30 hours; in Old Crow to 25 hours and in Carcross and Teslin to 20 hours. This will become effective early in the new year and will mean an additional expenditure of \$41,225 for this financial year. Program initiatives will of course be maintained in the next fiscal year, at a forecast cost of \$164,900.

I take further pleasure in announcing that a new Community Grants Program will be instituted which will allow my Department to support program initiatives at the community level. This will allow for the development of community intervention strategies and will increase the potential of local leaders to deal with the problems.

Programs supported by the communities have a better chance of success, and allow local people to be involved. This will allow Bands and interest groups in the community to suggest programs to best meet the needs locally. In some communities this might be aimed towards teenagers, in others the chronic alcoholic: whatever is needed in that community. The important thing is, of course, the involvement of local people.

To encourage this initiative, \$70,000 has been guaranteed for this fiscal year and an amount of \$140,000 will be forecast in the Main Estimates for 1982-83.

As I mentioned yesterday, the Board of Crossroads was notified this week of additional funding for this fiscal year of \$50,000, which allows for them to maintain a level of programs consistent with their budget requests submitted after the Main Estimate process of this year.

I am confident that these reorganizations and new program initiatives will increase my Department's effectiveness in addressing the problems of alcohol abuse in Yukon.

**Mr. Kimmery:** I would dearly love to be as complimentary to the Government after this Ministerial Statement as was my colleague from Faro on the subject of the previous Ministerial Statement.

I know that one of the major reasons why the Minister entered politics was to do something about the tremendous social problem alcohol is so much a part of in Yukon. It is also one of the major reasons why I entered politics.

This Ministerial Statement is an announcement that a new director or field supervisor was appointed to an existing position; that is an administrative detail or an administrative matter.

The extension of the Community Alcohol Workers is welcomed and the additional \$50,000 to Crossroads is welcomed, but this does not address the major problem in Yukon. In fact, I go so far as to say this is window dressing and is only the appearance of doing something about the major problem in Yukon.

The Community Alcohol Workers are not trained, and the Spring Alcohol Conference, as it is now planned, does not have as its major component the training of these people. These people, and I talked to several of them before I entered politics, are floundering: trying to do something about a major problem and not knowing the way to do it.

The Minister announced a reorganization in September. Part of that involved the training packages for the social workers who were going to be involved in alcohol counselling. She now says that since September there was work done on training packages. She is not saying there is a training package, or training has occurred. Those people are currently out there doing the job untrained. It is not good enough to say that training packages are being worked on.

I welcome the statements about the development of "community intervention strategies and the potential of local leaders to deal with the problem". Those, of course, are general statements about the proper direction that these programs ought to take. The consultation with local leaders outside of Whitehorse has been inadequate, and the consultation process, especially with the native population, is fraught with confrontation as opposed to constructive work.

**Mr. Speaker:** Order, please. I must advise the Honourable Member that his time for reply has now expired. If he has some concluding remarks I am sure the Chair would allow it.

**Mr. Veale:** The area of alcohol, and the problems associated with it, is quite obviously the most serious and devastating social problem that we have to face in Yukon.

There has been a great deal of criticism in this House about the program that has been run by this Government, primarily because there has been a lack of integration between the Native and non-Native communities, a lack of adequate support for field workers, and not getting those field workers out into the field on a well-trained basis.

Basically, the Minister is now coming forward; and I do not say that it is window dressing in any way, shape or form, but I do say that it is too little. It is an area of such serious concern — we reap such incredible profits from the sale of liquor, and yet, when it comes down to dealing with the social problems, we simply do not have the finances to deal with them in an adequate and realistic manner.

I think, though, that the Community Grants Program is something which can make a start, and I hope that the Minister is able to have that implemented early in the year and with full consultation with all communities.

The difficulty I see is that the amount of money involved is simply insufficient to meet the needs out there in those communities, and we have been hearing about those needs on a regular basis. I would expect that the Minister and the fellow Members of her Cabinet are aware of this, from the Cabinet tours. It is one of the crying areas that just never seems to get addressed in a real and adequate manner. But, I encourage the Minister to continue in this way and to make sure that the statements here are going to be implemented as soon as possible.

**Hon. Mrs. McCall:** I have not very much to say. This is very, very expensive window dressing, if it is window dressing. Of course, I do not believe that it is at all.

Mr. Kimmerly misses the significance of the hiring of a new supervisor. This position was very difficult to fill with the correct person: with the person with the qualifications that we were looking for, having an emphasis on working with alcohol workers and training. That lack has impeded the training of community workers. Now that we have that position filled, it will help with the training.

Mr. Veale says that it is not enough. It is never enough, of course; it is a bottomless pit. You can pour as much money into programs as you like. This is a meaningless thing to say. I make no apology for my announcement, since I know that it brings joy to the hearts of many, many people and I am very satisfied with that.

**Mr. Speaker:** This then brings us to the Question Period.

## QUESTION PERIOD

**Question re: Franchise negotiations between the City of Whitehorse and Yukon Electric**

**Mr. Penikett:** I may give the Government Leader a sense of *déjà vu* this afternoon.

I take the Government Leader back three years and ask him if he recalls the discussions surrounding the franchise negotiations between the City of Whitehorse and Yukon Electric, which broke down in October of 1978 because the company refused to ensure excessive profits were not made in the Whitehorse portion of the electrical system.

I would like to ask the Government: when will the Government of Yukon be taking steps to ensure the company complies with the requirement of the *Electrical Public Utilities Ordinance* that a franchise be held?

**Hon. Mr. Pearson:** The whole question of franchises, particularly of electrical franchises, has been up in the air in this Territory for some considerable time.

I am sure the Leader of the Opposition is very well aware of the fact that the requirement for franchises presently in the *Municipal Ordinance* has now been taken out and is not there any longer. It will not be in the new *Municipal Ordinance* when it is proclaimed.

The question of franchises is one that must be resolved between this Government, the municipality, Yukon Electric, and Northern Canada Power Commission. There are a number of actors in this game.

**Mr. Penikett:** I thank the Government Leader for his answer and I agreed with much of it. The requirement, as he will know, is there until September 1, 1982.

I would like to ask the Government Leader if he is currently considering the creation of a Yukon Power Corporation, for this or any other reasons, and has he given any consideration to such a Yukon Power Corporation requesting a franchise from the City of Whitehorse?

**Hon. Mr. Pearson:** I do not think I have ever made any secret of the fact that, for a large number of years, the creation of a Yukon Power Corporation has always been something very close to my heart.

**Mr. Penikett:** Since the Government Leader has, from time to time, indicated his interest in taking over at least the assets if not the debts of NCPC, has he given any consideration to having that Corporation, as an interim measure, assume the electrical franchise in this City?

**Hon. Mr. Pearson:** No.

**Question re: Food Prices Report — agreement of the Committee with analysis, opinions, and recommendations of Dr. Dooley**

**Mr. Veale:** I have a question for the Chairman of the Special Committee on Food Prices.

On page 12 of the Food Prices Report there was what I call a disclaimer, in the sense that the statement was that the Committee was not responsible for the analysis, opinions, or recommendations contained in the study. That statement referred to a number of chapters which were prepared by Doctor Dooley. Can the Chairman indicate whether there are any parts of the Report written by Doctor Dooley that the Committee disagrees with?

**Mr. Graham:** That disclaimer was put in at Doctor Dooley's request; in fact, Doctor Dooley did put it in at the beginning of his report. It was meant simply to protect the Committee from any opinions that Doctor Dooley may have expressed with which the Committee did not agree.

However, during discussions of Doctor Dooley's Report, I cannot recall any of the points he made that any of the Committee members disagreed with.

**Mr. Veale:** Dr. Dooley also noted that, although food retailers in the Yukon add the standard mark-up, they also applied it to the transportation costs from Vancouver to Whitehorse, or from Edmonton to Whitehorse. The Committee did not specifically make any recommendations on that subject, but can I ask the Chairman if the Committee approves of that practice?

**Mr. Graham:** The general consensus of opinion among Committee members, I believe, is that they disapprove of the practice of marking up freight costs. However, by the same token, we are also intelligent enough to realize that if retailers and wholesalers in the Territory did not mark up the freight allowance, they would simply take that amount of money either in a higher mark-up or in some other area.

In our experience, we found that the stores in the Territory which did not mark up freight had almost the same prices as stores which did admit that they marked up their freight costs.

I think that no matter whether we disagree with the policy or not, the prices are still going to come up to fairly close to the same on the retail shelves.

**Mr. Veale:** Dr. Dooley also mentioned the fact that prepaid freight on certain items resulted in a net decrease in freight costs to Kelly Douglas of about 25 percent. Now this area was not dealt with in the recommendations, either.

Would the Chairman advise if there is not some way that the Government of Yukon can encourage the practice of prepaid freight, to ensure that freight costs will be reduced and ultimately also the retail costs of food in Yukon?

**Mr. Graham:** The only reason that there is any prepaid freight coming into the Territory at all is because of the fact that Kelly Douglas maintains a warehouse here in the Territory. Some suppliers have made it their policy to prepay all or part of the freight to a central warehouse in whatever region of this country. The Committee is fully in favour of this practice. Kelly Douglas has assured us that they are doing all they can to get freight allowances paid by suppliers and we encourage that practice.

I am sure the Minister of Consumer and Corporate Affairs would only be too happy to write a letter to Kelly Douglas asserting that if there is anything the Government can do we will do it, to assist in additional prepaid freight coming into the Territory.

**Question re: Extension of the General Development Agreement with DREE**

**Mr. Byblow:** I would like to ask the Minister of Economic Development some further questions about his recent Ottawa visit.

When he was explaining the two year extension of the General Development Agreement with DREE, the Minister said that the Government intended to undertake new initiatives in the extension of the program. I would like to ask what new initiatives the Minister is considering?

**Hon. Mr. Lang:** We are strictly in the discussion stages and we have no idea what finances are available.

The point I was trying to make was that we did get an extension of the Agreement. Now, our officials will be sitting down to discuss further what could be done, and what the financial magnitudes of any initiatives taken would be. Once we come to any conclusions, I am prepared to commit myself to the Member for Faro so that he will know in due course.

**Mr. Byblow:** I would like to pursue one aspect of initiatives. Consistently, we have made the point in the House that unemployment and economic problems can be solved in the long term through diversification of the economy.

I would like to ask the Minister specifically whether he intends to use further DREE funding towards the purpose of diversification?

**Hon. Mr. Lang:** We are going to be looking at all sorts of initiatives. I think the Member would agree with me that so far we have managed to further jobs in the Territory and also to ensure there is future employment from any initiative we have taken, with respect to any capital outlay of costs. I am sure the Member opposite would be more than happy to vote with us when that time comes.

Taking that a little further, we are always open to looking at various other initiatives that can be taken and if the Member can come up with something concrete, I would be more than pleased to hear it because it has been some time since I have heard anything.

**Mr. Byblow:** Well, perhaps the Minister should take some

time and listen.

In the Government's previously initiated economic development programs in the Territory, they have concentrated — this is with the DREE funding — on Whitehorse, Dawson, and Watson Lake.

I would like to ask the Minister whether he can say, under the extension of the program apparently committed, what other communities he will consider towards economic diversification?

**Hon. Mr. Lang:** It would depend on what initiatives the Member is speaking of. He is speaking in a very general sense.

If there are more finances available in 1982-84, for example in tourism, we would definitely be looking in areas such as Kluane, or the areas of Watson Lake.

In other areas, it depends on what initiatives are going to be taken in the area. For instance in the Selwyn Basin, what role the Government is going to play: then we would take appropriate action. Rest assured, we will take the initiative when it is required.

**Question re: ADS employee alcohol programs — selling of same to employers**

**Mr. Kimmerly:** A question to the Minister responsible for Alcohol and Drug Services.

Alcohol and drug treatment programs in the work place are one of the most effective ways of combatting the alcohol abuse problem. A recent report, especially concerning Crossroads, has criticized the Government's efforts in this area, saying, "Alcohol and Drug Services has failed to sell the concept of employee alcohol programs to employers. In most cases, employers were not approached at all".

**Mr. Speaker:** Order, please. I believe the Honourable Member is now making a speech. Would the Honourable Member kindly get to his question?

**Mr. Kimmerly:** What steps did the Department take to change this situation?

**Hon. Mrs. McCall:** The situation has been changed greatly from a few years ago, which is quite contrary to what the Member suggests, or did I understand him wrongly? The employee alcohol programs are a singular success and we have more and more people being referred to us through them.

**Mr. Kimmerly:** The Report also said that the Government's program for its own employees is not working due to the lack of training for supervisory personnel, and that no meetings between the Government and the Union occurred. Is this program still floundering?

**Hon. Mrs. McCall:** I would like to know where the Member is getting his information, because we are very proud of these programs at the present moment. We are having more success with those programs than with many.

**Question re: Availability to public of the records of an individual's harvest of fur-bearing animals**

**Mrs. McGuire:** I have a question for the Honourable Mr. Lang.

My question is in reference to a question I put to the Minister yesterday, regarding availability of public records on an individual's harvest of fur-bearing animals. The Minister said he would check on it. Has the Minister checked on this?

**Hon. Mr. Lang:** If the Member recalls I indicated that there would be a lot involved here, with respect to the record of the individual and whether or not he or she wanted that information released.

It has not been the practice of the Department to release that information. In fact, I believe they are going to be recommending to me that those types of records be exempted from the public, unless there is some sort of an agreement with the individual in question.

There is no question, as far as the overall harvest of trapping, possibly on a regional basis, that that information can be made available to the Member opposite.

**Mrs. McGuire:** In my supplementary: it has been brought to my attention in the form of a complaint that individual trappers have not been able to obtain from the Wildlife Department records of their past fur harvesting, for banks and fi-

nance companies that require these records in order to arrange financing for trapping.

Will the Minister do something to rectify this situation immediately?

**Hon. Mr. Lang:** I would appreciate if the Member opposite, once we have gone into recess, could approach me directly about the individuals who are having this problem, and I will see what I can do to expedite it.

Perhaps the next time something of this kind comes to her attention she could have the individuals phone me direct, even collect if necessary, and we could expedite it much more quickly, as opposed to waiting for a Session of the House to ask these questions.

**Question re: Payment of legal fees incurred by applicant for appeal to Workers' Compensation Board ruling**

**Mr. Penikett:** I had a question for the Member for Mayo but I will ask it to the Minister of Justice.

During the Spring Session, the present Minister responsible for the Workers' Compensation Board was asked why an applicant for Workers' Compensation benefits, having had his original application denied and then approved on appeal after he sought legal help, and who won the appeal only with the legal assistance, was then required to pay his own legal bill, contrary to the principles that operate in most courts.

Could the Minister explain the reason for this policy, which he has reaffirmed in writing since that date?

**Hon. Mr. Tracey:** I would hate to make a mistake in my answer, so I will have to take that question under advisement and give him the answer in writing.

**Mr. Penikett:** Perhaps I can send the Minister the letter that he sent me to help about.

When the Board overturned its own original decision, it was, in effect, making an admission of error. I would like to ask the Minister: in cases of this type, why will the Government not consider allowing the claimant to claim and apply for legal aid?

**Hon. Mr. Tracey:** I cannot answer for the Workers' Compensation Board's handling of the claims. The Member has on previous occasions asked what I, as the Minister, can do about it. There is nothing that I can do about the claims and I have no intention of ever getting involved in the claims, nor does any Member on this side of the House.

If a person feels he was wronged, he has the option of getting a lawyer and going to court, the same as anybody else. Personally, I do not want to get involved in the claim process.

**Mr. Penikett:** The Minister just seems to want to get involved in the easy stuff, like changing the logo of the Workers' Compensation Board.

I had a letter from the Minister, dated July 22, 1981, in which he states as his policy in regard to legal aid that there will be no legal assistance, where applicants before the Workers' Compensation Board, having lost the first round in the case, employ lawyers to make a successful appeal. They needed a lawyer.

I will ask the Minister: will he consider, as the Minister of Justice and the Minister responsible for the Workers' Compensation Board, allowing workers who use lawyers in such cases to apply for legal aid?

**Hon. Mr. Tracey:** No. I will not.

**Question re: Changes in 1983-84 Capital Estimate changes as a result of Auditor-General's Report**

**Mr. Veale:** I have a question for the Government Leader relating to the report of the Auditor General of Canada. My question relates to the Capital Estimates.

The Auditor General indicated that, although there was to be a revised presentation of the Capital Estimates for 1982-83, that was set aside owing to staff and time constraints this year. Will the Government Leader give a commitment that the Capital Estimates for 1983-84 will be changed according to the original plans?

**Hon. Mr. Pearson:** Members must realize that statements like those in the Auditor-General's report are strictly recommendations. I have indicated to this House, and to the Auditor-General, that I am more than willing to do anything I can to

revamp estimates, both O and M and Capital, in any way possible and feasible to make it more clear to Members. I am all for that and we will continue on that basis. However, I am in no position to give undertakings today, concerning estimates to be tabled in this House a year hence.

**Mr. Veale:** I am sure the Government Leader can appreciate the importance of making decisions now that will be effective for the 1983-84 Capital Budget, particularly the recommendation of the Auditor-General for an introductory statement of Government long term capital spending strategy and basis of funding. Will that be part of the 1983-84 Capital Estimates? Will the Government Leader instruct the Department of Finance to make that part of the next Capital Budget?

**Hon. Mr. Pearson:** It is rather ironic. I can recall hearing the same questions from the Conservative Party in the House of Commons to the Minister of Finance on exactly the same topic, as a result of an Auditor-General's Report to the House of Commons. I am going to have to give the same answer.

Those are recommendations. We accept them in exactly the same terms as they are given to us; we will always do the most that we can to make sure that the Estimates put forward in this House, by this Government, are as clear and forthcoming as they can be.

**Mr. Veale:** In view of the difficulties that the Government has had with some capital projects concerning over-expenditure, and the recommendation contained in the Auditor-General's Report that a statement of procedures for management and control of capital projects be set out, will the Government Leader at least give the commitment to have that statement in the next Capital Budget?

**Hon. Mr. Pearson:** We, as a responsible Government, are far more concerned about over-expenditures in capital projects than the Auditor-General ever will be. It is we who have to stand up and be counted with respect to those over-expenditures.

No matter what anybody says, all the statements in the world are not going to get rid of those over-expenditures. It is not a case of poor planning or forecasting or anything else; it was a factor of our economy that that happened.

**Question re: Federal response to funding of Business Development Ordinance**

**Mr. Byblow:** My question is to the Minister of Economic Development.

Numerous times in the past couple of years, and as recently as during the last Capital Budget, this House debated the possibility of funding to implement the *Business Development Ordinance*. I would have expected the Minister to report progress on same following his recent Ottawa visit, especially since it was listed on the agenda.

I would then like to ask the Minister whether he can report Ottawa's response to this funding?

**Hon. Mr. Lang:** I do not know where the Member opposite has been over the course of the last couple of weeks. I think there has been a number of questions raised, perhaps not by himself, but by other Members and perhaps he should listen to those other questions being asked.

I think it was the Member for Kluane who questioned me on the topic of the Business Development (unintelligible). I pointed out that we are looking at the small business loan.

I should point out that the small business loan is a possibility. Now, whether or not we will get any finances off the Business Development (unintelligible) remainsto be seen.

**Mr. Byblow:** I am not sure whether the Minister thinks that he has answered the response to Ottawa's reception to the funding — in previous questioning or the last two weeks.

I would ask then, since he has not been able to report whether we are going to receive any funding to implement that Ordinance, whether he would undertake to meet with small business representatives, should this funding not come through, in order to define their needs and discuss ways that Government can help?

**Hon. Mr. Lang:** I am always open to any invitation to go and speak; the Member knows that full well. I have not had any



approaches made to either myself or my Department. I would say to the Member opposite that, if he is prepared to make the commitment to stay by his telephone for 24 hours a day when he goes back to his community of Faro, as soon as I find out I will commit myself to telephoning. Not collect; I will pay for it.

**Question re: Ministerial knowledge of letter to newspaper, regarding department growing pains.**

**Mr. Kimmerly:** A question to the same Minister.

In my recent investigations, I have come across a letter written to a local newspaper, concerning growing pains in the Minister's Department. My question is, was the Minister advised of this letter?

**Hon. Mr. Lang:** I did not realize that the Member opposite was going into his new vocation so quickly. I have to report to the House that I, unfortunately, no longer suffer from growing pains, which I guess could be a question of debate, as well.

With respect to any letter that the Member is referring to, all I have been able to find out is that there was only one letter sent around, after there was some discussion respecting the Department; that is the only letter, as far as the realignment of responsibilities are concerned.

Further to that, it should be pointed out that perhaps the Member was referring to the letter in the newspaper last night, addressed to the Editor as opposed to the front page.

**Mr. Kimmerly:** I would ask the Minister: since this letter is a communication with the media and there seems to be some policy originating in the Minister's Department concerning the subject, can the Minister tell this House whether or not it is the policy of the Department that supportive communications with the media are allowed but critical ones are not?

**Hon. Mr. Lang:** Anyone has full prerogative to write a letter if they so wish. I think that the point, with respect to the situation the way it has developed, is — and I must say and I want to stress with respect to the employees of the Department — that they are all very upset; a lot of them are very dedicated to the jobs that they are doing and they do not understand exactly what the Member opposite is attempting to do, in his associations with the local news media, with respect to the morale of that particular Department.

I would point out, regarding the question that he is raising and the new vocation the Member has taken up in the world of plain clothes detective; I would suggest that perhaps he should take up truck driving.

**Mr. Speaker:** Order, please, order.

Before continuing with this line of questioning, I would like to draw the attention of Honourable Members to Annotation 362 of Beuchesne, which I will quote: "Reading telegrams, letters, or extracts from newspapers as an opening to an oral question is an abuse of the Rules of the House. It is not good parliamentary practice to communicate written allegations to the House and then ask the Minister to either confirm or deny them. It is the Member's duty to ascertain the truth of any statement before he brings it to the attention of Parliament".

I would ask the Honourable Members to bear this in mind in phrasing their questions.

**Mr. Kimmerly:** Will the Minister assure this House that there is no special departmental policy concerning employees speaking with the media?

**Hon. Mr. Lang:** I think that the Member full well knows that there is a very open policy; the policy basically is that if there are any administration questions to be asked by the media or anyone in the public, there is no problem.

When we are discussing policy or future policy changes, that is my responsibility. If the Member opposite feels that any Department should be going around discussing policy or new policy in a Department, as opposed to having discussed it in this Legislature, where it should rightfully be discussed, agreed with, or disagreed with, I do not know where he is coming from. I think perhaps he should take a course in parliamentary procedure, Mr. Speaker, and perhaps you could make some recommendations where he could go.

**Question re: School bus safety — hiring of researcher to investigate school bus safety and the advisability of seatbelt use**

**Mr. Veale:** I have a question for the Minister of Education regarding school bus safety.

I understand that the Minister has hired a researcher to investigate the safety of school buses, and, specifically, the issue of the advisability of having seatbelts in school buses. Will the Minister confirm that the researcher has been hired?

**Hon. Mrs. McCall:** I am very pleased to tell the Member that, because the Department considers school bus safety of paramount importance, we have a graduate student in Educational Administration at the University of Alberta doing a research project on school bus safety in general, and with particular emphasis on the use of seatbelts on school buses.

**Mr. Veale:** Will the Minister advise whether the research produced, the background papers, as well as the report of the researcher, will be made public?

**Hon. Mrs. McCall:** Yes, the whole study will be made public.

**Mr. Veale:** Will the Minister, on the basis of that study, be preparing a report to be tabled in this House in the Spring Session?

**Hon. Mrs. McCall:** The information will be made public.

While I am on my feet, I would like to give a further reply to a question asked by Mr. Penikett on the question of supervision on buses.

To date, the school bus driver has carried out this responsibility, with the co-operation and guidance of the school principals. School bus drivers are to report offending students to the school principal, where they are dealt with in a variety of ways. The ultimate disciplinary action is the removing of the privilege of riding on the school bus. This is the first action.

In rare instances, school bus drivers and principals jointly decide that a monitor on a school bus is necessary. This has only been necessary as a temporary measure. On some occasions the school principal, the manager of the transport company, the school services inspector, or other approved individuals have travelled on the buses, to determine the extent of the alleged problems.

Contrary to the impression left by Members opposite, the Department can approve and does approve the transportation of adult passengers for various purposes. There are no insurance provisions prohibiting this practice. In short, the Department has contracted with the bus company to transport school students; others are not to be transported unless approval is given by the Department of Education.

To date, the system of supervision and discipline has been seen to be on the whole adequate. It is felt that organizing a monitoring system of volunteers is not necessary. Essentially, our methods of discipline and monitoring are the same as other school jurisdictions and have proven to be basically successful. Of course, there will always be individual complaints when dealing with such vast numbers of children; however, at this time, we will continue to look at each individual situation and seek resolution there.

**Hon. Mr. Tracey:** I have an answer to a question put to me by Mr. Penikett earlier in the Session, dealing with the security of the Computer Services.

Prior to the installation of the present computer system, security was restricted to the physical access to the computer room and surrounding areas by the use of combination dead-bolt locks on the doors. The combinations were changed periodically and distributed to controlled groups of staff members.

The introduction of the new computer system changed the scope of the security considerations very substantially. Extremely complex software, coupled with decentralized access to the computing facility, has introduced the necessity for certain security measures not previously required. An example of this is the password security that has been implemented for all CRT terminal access. By this I mean that the terminal oper-



ators are only retrieving or inputting information which relates to their own job. These passwords are changed every two months, at present, and can only be changed by the Director of Systems and Computing Services.

Earlier this year, the RCMP Security Evaluation and Inspection team performed a security evaluation on our installation. Their report has been completed and we are hopeful that we will have a copy of it very shortly.

Next year, on the O & M budget, which I hope the Members across the Floor will be quite happy to support, we will be looking for some money for a person to do some more work on our computer security.

**Question re: Position of Government concerning removal of school taxes from property taxes**

**Mr. Penikett:** I have a question for the Minister of Municipal and Community Affairs.

The Association of Yukon Communities has frequently approached the Government, asking that school taxes be removed from property taxes, but this request has repeatedly been rejected.

For the record, could I ask the Minister if this is still the position of this Government?

**Hon. Mr. Lattin:** Yes.

**Mr. Penikett:** Given the philosophy of the new *Municipal Ordinance* and given that education does not come within the jurisdiction of municipalities and given that municipalities are still being asked to bear the cost of collecting increasing rates of property taxes for school purposes — can the Minister tell the House how he continues to justify this practice and can he state whether the Government is reviewing it at all?

**Hon. Mr. Lattin:** We are not reviewing it all. We do offer other considerations to the municipalities. For instance, we do a lot of their inspections and do not charge the municipality for it; however, we are not presently considering looking into it.

**Mr. Penikett:** This year I understand the Yukon Government will grant to the City of Whitehorse approximately the same amount as it collects from its school taxes. Can the Minister say whether he has given any consideration at all to ending this rather duplicitous and wasteful practice of giving an amount of money with one hand and taking it back with the other?

**Hon. Mr. Pearson:** With your permission, I would like to attempt to answer the question.

It is not any kind of underhanded practice at all; none whatever. School taxes are a legitimate and fair means of taxing. In this Territory, those taxes amount to 11 percent of the cost of providing education to the children of the Territory. We have to collect those taxes somehow.

It must also be made clear that the municipalities do not do this collection service to no benefit. There are salvos; they do get benefits for collecting those taxes for us.

**Question re: Return of Yukon patients from mental institutions**

**Mr. Kimmerly:** A question to the Minister of Health.

The Minister has previously stated that she is discussing the return of suitable Yukoners from outside mental institutions and that this is one of the Department's key concerns. Can the Minister describe the progress to date and the nature of these discussions to date?

**Mr. Speaker:** Order, please. The question would seem awfully broad. Could the Honourable Member please be more specific?

Without reciting the rule, which I have recited many times, perhaps the Member could be more specific. The question asked is whether the Minister could report, in some way, the progress on such a matter; it is just too broad and I cannot permit it. Perhaps the Honourable Member could ask something a little more specific.

**Mr. Kimmerly:** What was the date of the last negotiations or discussions, and with whom?

**Hon. Mrs. McCall:** Well, that is a little too specific. I do not keep those records with me all the time.

The return of Yukoners to the Yukon is of great importance to us. Since we opened the therapeutic group home, there have been a number of people whom we have brought back from outside who were not able to be looked after here previously. I cannot give the exact number, but I can bring those figures back for the Member.

**Mr. Kimmerly:** The Minister also stated previously that more facilities are needed in this process and my question is: what additional facilities are being planned?

**Hon. Mrs. McCall:** The Member well knows that it is not very long since we were able to establish the therapeutic group home, at great expense, and that program is just getting well under way. There is no need for expanding that as yet, as far as I know.

**Mr. Kimmerly:** Yukoners who leave the Territory for psychiatric treatment spend, on the average, six weeks in care. What programs and facilities for follow-up treatment on their return are being planned?

**Hon. Mrs. McCall:** I hate to mention it, but I have answered this question at least twice before that I can remember. I gave the Member a run-down of all the things that we were doing in the field of mental health care and I would refer the Member, with respect, to the answers that I gave previously.

**Mr. Speaker:** The time allotted for Question Period has now expired. We will now proceed under Orders of the Day to Government Bills and Orders.

## ORDERS OF THE DAY

### GOVERNMENT BILLS AND ORDERS

#### Bill Number 75: Third reading

**Hon. Mr. Lang:** I move, seconded by the Honourable Member for Porter Creek West, that the order of the Third Reading of Bill 75, *Wildlife Ordinance*, be discharged and that the Bill be referred to Committee of the Whole for the purpose of considering amendments substituting the term "Executive Council Member" for "Minister", and for the purposes of considering amendments to Clauses 2, 6, 102, 107, 129, 155 and 168.

**Mr. Speaker:** It has been moved by the Honourable Minister of Economic Development, seconded by the Honourable Member for Mayo, that the order for Third Reading of Bill Number 75, *Wildlife Ordinance*, be discharged and that the Bill be referred to Committee of the Whole for the purpose of considering amendments substituting the term "Executive Council Member" for "Minister", and for the purposes of considering amendments to Clauses 2, 6, 102, 107, 129, 155 and 168.

*Motion agreed to*

**Mr. Speaker:** May I have your further pleasure?

**Mr. Graham:** I move, seconded by the Member for Campbell, that Mr. Speaker do now leave the Chair and that the House resolve to Committee of the Whole.

**Mr. Speaker:** It has been moved by the Honourable Member for Whitehorse Porter Creek West, seconded by the Honourable Member for Campbell, that Mr. Speaker do now leave the Chair and the House resolve to Committee of the Whole.

*Motion agreed to*

### COMMITTEE OF THE WHOLE

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

Before we call a short recess, the Committee will consider Bill 82, *An Ordinance to Amend the Justice of the Peace Court Ordinance*. Mr. Tracey has some amendments.

*Recess*

**Hon. Mr. Tracey:** I move that Bill Number 82, entitled *An Ordinance to Amend the Justice of the Peace Court Ordinance*, be amended at Clause 2(2) at page one, by striking out the word "Minister", and substituting for it the expression, "Executive Council Member".

*Clause 2 as amended agreed to*

**Hon. Mr. Tracey:** I move that Bill Number 82, entitled *An Ordinance to Amend the Justice of the Peace Court Ordinance*,

be amended at Clause 5(1) on page one, by striking out the word "Minister", and substituting for it the expression, "Executive Council Member".

*Clause 5 as amended agreed to*

**Hon. Mr. Tracey:** I move that Bill Number 82, entitled *An Ordinance to Amend the Justice of the Peace Court Ordinance*, be amended at Clause 7(1)(a) on page two, by striking out the word "Minister", and substituting for it the expression, "Executive Council Member".

*Clause 7 as amended agreed to*

**Hon. Mr. Tracey:** I move that Bill Number 82, entitled *An Ordinance to Amend the Justice of the Peace Court Ordinance*, be amended at Clause 9(1) on page three, by striking out the word "Minister" where it occurs in new paragraphs Clause 2)(c), (d) and (e), and substituting for it in each case the expression "Executive Council Member".

*Clause 9 as amended agreed to*

**Hon. Mr. Tracey:** I move that Bill Number 82, entitled *An Ordinance to Amend the Justice of the Peace Court Ordinance*, be amended in Clause 10(1) on page three, by striking out the word "Minister", and substituting for it the expression, "Executive Council Member".

*Clause 10 as amended agreed to*

**Hon. Mr. Tracey:** I move that Bill Number 82, entitled *An Ordinance to Amend the Justice of the Peace Court Ordinance*, be amended in Clause 11(1) on page 4, by striking out the expression, "Minister", and substituting for it the expression, "Executive Council Member".

*Clause 11 as amended agreed to*

**Hon. Mr. Tracey:** I move that Bill Number 82, entitled *An Ordinance to Amend the Justice of the Peace Court Ordinance*, be amended in Clause 12(1) on page 4, by striking out the expression, "Minister", and substituting for it the expression, "Executive Council Member".

*Clause 12 as amended agreed to*

*On Title*

*Title agreed to*

**Hon. Mr. Tracey:** I move that you report Bill Number 82, *An Ordinance to Amend the Justice of the Peace Court Ordinance*, out of Committee with amendment.

**Mr. Chairman:** It has been moved by Mr. Tracey that the Chairman do now report Bill Number 82, *An Ordinance to Amend the Justice of the Peace Court Ordinance*, out of Committee with amendment.

*Motion agreed to*

**Mr. Chairman:** We have a number of amendments to make on Bill Number 75. At this time I would like to call on Mr. Lang.

*On Clause 2(1)*

**Hon. Mr. Lang:** I would move that Bill Number 75, entitled *Wildlife Ordinance*, be amended in Clause 2(1) by adding, immediately after the definition of "concession", the following new definition: "Executive Council Member means the Member of the Executive Council charged by the Commissioner in Executive Council with responsibility for the exercise of powers under this Ordinance."

*Clause 2 as amended agreed to*

*On Clause 2(1), page 3*

**Hon. Mr. Lang:** I move that Bill Number 75, entitled *Wildlife Ordinance*, be amended in Clause 2(1) at page 3 by: striking out the definition of "Minister".

*Clause 2, page 3, as amended agreed to*

*On Special Case Amendments*

**Mr. Lang:** I move that Bill Number 75, entitled *Wildlife Ordinance*, be amended in the following clauses by striking out the word "Minister" and substituting for it the expression "Executive Council member"; in Clauses 61(3), committee amendment number 34; 67(3), committee amendment number 38; 89(1), at page 24; 89(2), at page 24; 89(3), at page 24; 92(1), committee amendment number 47; 95(4), at page 26; 96(1)(b), at page 26; 96(1)(c), at page 26; 99(2), at page 27; 99(3), at page 27; 101(1)(d), at page 28; 101(1)(e), at page 28; 103(1)(c), at page 29; 103(1)(d), at page 29; 103(1)(e), at page 29; 107(4),

committee amendment number 60; 109(3), at page 31; 110(1), at page 32; 115(1), at page 32; 116(1), committee amendment number 65; 123(2), at page 34; 130(4), at page 38; 137(1), at page 42; 139(1), at page 42; 139(2), committee amendment number 81; 152(3), at page 46; 61(2), at page 17; 67(2), at page 18; 76(1), at page 20; 109(2), at page 31 and committee amendment number 61; 110(2), committee amendment 62; 133(2), at page 40; and 168(1), committee amendment number 90.

*Special Case Amendments agreed to*

*On Clause 2(1)*

**Hon. Mr. Lang:** I move that Bill 75, entitled *Wildlife Ordinance*, be amended in Clause 2(1) by deleting the expression "a person" from the definition of "hunting" and substituting for it the expression "an armed person".

**Mr. Veale:** Could we get an explanation from the Minister as to why that particular change is being introduced?

**Hon. Mr. Lang:** I recognize that there has been some debate in Select Committee on this topic. We have been advised that if we do not require "armed person", it would require that someone who wanted to go out even to bird watch would have to get a permit or a licence. I do not believe that is the intent of the Ordinance. We want to make that specifically clear.

I guess it is a question of definition, but we have been advised of this, so from my perspective I think that we should clarify it and make it an armed person, so that everybody is aware of it.

**Mr. Veale:** Has the Minister, then, dealt in another amendment with the problem of a person who is out hunting with someone who is not carrying a gun, not armed in any fashion, who commits an offense under the definition of hunting? Is that person now going to be excluded from prosecution?

**Hon. Mr. Lang:** He is really asking me a legal question, but it would appear to me that an armed person is defined as one who is hunting. If one is accompanying them and is an accomplice, whether it is under this Ordinance or another, they could be subject to some sort of a suit if it was proved that there was a real accomplice type of situation developing.

**Mr. Veale:** That may be the case. The thing that I am worried about, though, is whether or not the Minister has been advised — and I have not checked all the sections with this amendment, but — with the situation where someone who is unarmed but involved in a specific act such as in the hunting definition, an act like flushing, attracting, pursuing and worrying; you do not need to be armed to do those things. That was our concern. Has the Minister also been advised that that person would be caught under the legislation?

**Hon. Mr. Lang:** There is no question. It is my understanding that they could stand to be charged if it were proved that they were doing this kind of thing.

**Hon. Mr. Lang:** I move that Bill 75 entitled "*Wildlife Ordinance*", be amended in Clause 2(1) by adding the word "or" to the end of paragraph (b) in the definition of "resident". It is strictly a typing error.

*Clause 2 as amended agreed to*

**Hon. Mr. Lang:** I move that Bill 75, entitled *Wildlife Ordinance* be amended in Clause 6(2) by striking out the expression "or trail".

**Mr. Veale:** Would the Minister give an explanation for the deletion of "or trail"?

**Hon. Mr. Lang:** Once again it is a question of semantics and I guess it is a question of to what extent you go to clarify it.

The Chairman, who is from Old Crow, raised the question of skidoo trails. What is the definition of trail and how far does it go? It was felt by us that, depending on the circumstances, that should be left to the discretion of the judiciary, as far as a public road is concerned and what that definition is concerned.

There is some reference, though I understand it is not clearly defined but at least there is some guidance, with respect to the *Highway Ordinance*. It, as well, could give some guidance if this type of a charge were to be laid in Court and were to get into the league of technicalities which, perhaps, my colleagues across the floor would have more knowledge of than myself, perhaps not. But, that is basically the reason. What was the

definition of a trail? It gets to the point is it two feet, is it four feet or is it fifteen feet, and that was the question.

*Clause 6 as amended agreed to*

*On Clause 102*

**Hon. Mr. Lang:** I move that Bill 75, entitled *Wildlife Ordinance*, be amended in Clause 102 by striking out subsection (4) and substituting for it the following: "(4) It shall be a condition precedent to any payment or compensation under this section that an appropriation be made by the Council."

**Mr. Veale:** That is just another way of wording the previous section.

*Clause 102 as amended agreed to*

*On Clause 107(4)*

**Hon. Mr. Lang:** I move that Bill 75, entitled *Wildlife Ordinance*, be amended in Clause 107(4) by striking out paragraph (a).

**Mr. Veale:** Could I just have a chance to examine that section?

**Hon. Mr. Lang:** It was just felt that the section was not necessary to have them report annually, only to have them report when there was a change in ownership, and names and addresses, when that occurred. It seemed to me to be just another request by Government that was really not necessary unless some action had to be taken.

*Clause 107 as amended agreed to*

*On Clause 129*

**Hon. Mr. Lang:** I move that Bill 75, entitled *Wildlife Ordinance*, be amended in Clause 129, at page 37, by striking out subsection (5) and substituting for it: "(5) Where the owner or other person authorized to occupy a dwelling that is not vacant is absent from the premises, a conservation officer shall not exercise any power under subsection (4) to gain entry to the dwelling unless (a) he is accompanied by a member of the Royal Canadian Mounted Police, and (b) he has made a reasonable effort to give advance notice of the search to the owner or other person."

The reason for this section is fairly clear. We still consider that, if the house is an occupied dwelling and is vacant, there should be some safeguards and we believe that this particular section will take care of it. Basically it is the right of the individual and the right of ownership that is in question here and we believe this adequately protects it, to ensure that there is no question that undue pressure by the authorities can come to bear unless there is good cause.

**Mr. Veale:** There was a great deal of discussion about this. The concern was that the R.C.M.P., in many instances, in a community where there is only one R.C.M.P. officer, will not be available to make long trips out to remote areas with the conservation officer in order to have these entries organized in that fashion, as a two-man team.

Has the Minister considered that problem and is there any administrative way of resolving it?

**Hon. Mr. Lang:** There could be some problems. I think we are pretty well staffed, as far as the RCMP are concerned, throughout the Territory. I am sure that the Member will agree, when he sees our Budget in 1982. He will have to come forward to the House. I am not saying that in a derogatory sense, but I am saying it from the point of view that every community has an RCMP either located either in that community or very close to it.

What we are saying is that there should be a close working relationship with the RCMP, and in this particular case we are saying that that should be a requirement. I recognize that there may be administrative problems in a particular case but, overall, I cannot see why it should not work.

*Clause 129 as amended agreed to*

*On Clause 155(1)*

**Hon. Mr. Lang:** I move that Bill Number 75, entitled *Wildlife Ordinance*, be amended in Clause 155(1) on page 48, by striking out the word "Commissioner" and substituting for it the expression "Commissioner in Executive Council".

*Clause 155 as amended agreed to*

*On Clause 168(1)*

**Hon. Mr. Lang:** I move that Bill Number 75, entitled *Wildlife Ordinance*, be amended in Clause 168(1) by adding the word "and" to the end of paragraph (d), by striking out paragraph (e), and by renumbering paragraph (f) as paragraph (e).

I would like to speak to this amendment. I appreciate the work that was done by Committee members on the concept of the compensation review board, which I think has merit. I sometimes wonder how many boards we are going to have in Government, as time progresses and various Legislatures come and go.

It is a serious area and I think there is merit in it, in view of the fact of the representation that was made to the Select Committee that there should be a Compensation Review Board and there should be at least the capability of being heard if one wishes to be heard.

It would appear to me that in (e) it is so broad that you could well be putting the board into the situation of hearing various complaints, real or unreal, before them in regard to an activity close to, or near to, or therein, a concession.

I think that it would be unwise of us, as a House, to go ahead with such a broad section, in view of the fact I have not had the opportunity of sitting down with the trappers, to see whether we could come up with a reasonable, equitable compensation package if there are major intrusions into one's livelihood.

I have had one discussion with them and they recognize the responsibility that we — and I say that collectively — would have to the taxpayers at large as well, with respect to any commitment in this area. I think that we have to proceed closely.

I am not taking or discounting the fact that I may well have to, once my discussions have come to a conclusion, come forward with an amendment to this legislation at a later date — maybe in the spring — if things work out the way I perceive them probably going.

At the present time, I believe it would be unwise to leave such a broad section in the legislation without full knowledge of what the implications are. I think the Members across the way would agree with me that we do not want to be putting the taxpayer in the position where it is wide open and with no real control, other than the fact that we have to come back here for an expropriation and discuss it on its merits, with respect to any type of financing being made available through the process.

I am recommending to the Legislature that we consider dropping out (e), at least for the time being. If necessary we can amend the legislation at a later date, because I think a lot more work has to be done on it. We have had some work going on in the Department developing a compensation package, which, once I have reviewed it and have the approbation of my colleagues, we will be discussing at least the parameters of what we would consider to be fair and equitable with those parties affected.

**Mr. Veale:** I am very concerned about the deletion of this section. I do understand the concerns that the Minister may have; however, let me just explain the thought process that the Committee went through in arriving at putting that section in.

Section 87 of the Ordinance says that any licence or concession does not operate as title or interest to land or wildlife; that section basically takes away rights that a trapper or an outfitter might have against third parties.

Our concern there was that, when a third party comes on and damages a trapping concession or an outfitting concession, that clause might effectively prevent him from having a claim in court. So, we did amend that to put 87(2) in, which says that it does not take away any rights or common law.

Then we went further and decided that it was not really a favorable thing for an individual trapper or an outfitter to have to go to court for damages being caused to his trapline or to his outfitting concession. The reason we put that in Clause 168 is that we wanted to create another method of compensation so

that a person would not have to embark on an expensive court process just to get a compensation issue addressed, because sometimes compensation is not a great deal of money. That is why we put that particular clause in.

I am concerned that the Minister is only addressing trappers' compensation, too, in his comments. I think it should apply to outfitters as well. We are talking now about damages from third parties. What we are talking about is treating the wildlife as a major resource; like anything else, that should be compensated — not the wildlife, but the actual buildings or whatever the person sets up, the trails they make, and someone coming in and unjustly doing that kind of damage. I just do not think that section should be taken out, holus-bolus. It could be cut down.

I would certainly accept a suggestion like that: that the paragraph have the word "public" removed from it so that there is no concern, on the Government's part, that there is any attempt by the board to set a compensation level at which the Government is going to have to compensate.

It, essentially, as we saw it, opened up a process where Foothills, for example, might say to a trapper, "Let us go in front of this Board. They have got some expertise in what the values are, what the damages are. Let us go in front of this Board and we will agree that it is going to be a binding decision". But it offers an outlet that does not exist now, and I am just very concerned that it is going to be abolished.

**Hon. Mr. Lang:** I have to disagree on one point with the Member opposite. He says well it is O.K. if the public, the Government, does whatever they want, but if it is a private firm then they are subject to it. I disagree with that aspect of it. I think that what is good for the goose is good for the gander.

What I am saying is that I have not had the ability, or the time, and neither have the trappers, to sit down and discuss what they are looking at. Now, I am prepared to give at least a tentative commitment that, if I come to some resolution of this question, I may well bring in an amendment to this Ordinance in the Spring, if it is necessary.

I am not prepared to go through and pass a section as broad as this, with respect to what is expected of the compensation board, when the criteria have not even been set down. I am surprised that the Members opposite are not arguing against this Section, at the present time, because there is no knowledge of what the real implications are.

We can take it to the nth degree. For example: and it could be a very real situation — where we are doing a survey, or maybe a private firm is doing a survey, of wildlife inventory, because sometimes they cost-share and sometimes they go ahead and do it themselves — where you are using helicopters and this type of thing, it could well, or again it may not, have any effect upon a herd in a given area. For whatever reasons, let us say that that species of animal leaves that area, and somebody has the privilege of hunting or trapping in that area, and they find that it is not there; do they or do they not have a case to come before this board? It could well be they could have, the way this section is written.

I appreciate the principle that the Member opposite is speaking of, because in part I have to agree with him. But I think we have a responsibility to look very closely at examining this type of thing so that we know exactly how far we are prepared to go in the use of our public resource, which is wildlife, and to those people that have special privileges granted under legislation for "x" amount of dollars, how much we are prepared to go forward, if that is adversely affected. I think that is a very important key fundamental question and I am prepared to address it. Once I come to a resolution of it, if it requires legislation, I will bring it forward.

**Mr. Veale:** Would the Minister consider taking some time out to amend that section now, rather than striking it out and having a regulation provision put in where regulations can be brought forward?

I think that there is going to be a great deal of concern among outfitters and trappers if that section is taken away, because I

think it was one of the most creative sections that we on the Committee put in. Maybe other Committee members can speak to it. I think that it is a very important section to retain in some fashion: to indicate that we are bringing in the entire piece of legislation and yet we are taking out one very essential piece.

I appreciate that the Minister is saying that he is going to bring something in in the next Session, but I am very concerned just about dropping it completely and perhaps we could cut it down in some acceptable way.

**Hon. Mr. Tracey:** Wildlife is only one of our resources. What happens if somebody goes out in that area, and they find some mineral and want to do some work there? So they put a tote road in, or whatever, and then the trapper says you have harmed my area so we want compensation for that road. So he goes before the Board and the Board says you should get compensation. A couple of years later the trapper is using that tote road for access and he is better off than he ever was, yet he has compensation for it.

We have to look at all our resources. I think to give compensation just because somebody has to cross the trapline or to go into the hunting area is absolutely ludicrous. There is no problem if he has done some damage to the trapper's cabin or something like that, but he has recourse to law at that time.

**Hon. Mr. Lang:** I would just like to point out that I recognize the concern of the Member opposite and I think that my colleague for Tatchun raised a valid point as well. That is why I think that we have to be very cautious in what we are doing. As I indicated, work is being done within the Department.

I personally do not feel that I would like, at this time at least, the regulation-making power. I think that if we come up with something that is firm and at least in part resolves the situation, then I think we have a responsibility to amend the legislation, not necessarily go through regulation. I am surprised the Member opposite will now try to give me the regulation-making power. Perhaps I should be arguing the difference.

There is some regulation-making power here and I think, in part, it does allow us, to an extent at least, set the criteria with respect to revocation or nonrenewal, which, in part, goes to answer the situation when you are really affecting a person's livelihood, because, effectively, they cannot operate any longer. That really concerns me a great deal, that we have that particular section in, which I am requesting be put in later on in the amendments.

**Mr. Fleming:** A very interesting conversation. However, the Committee did work on it at an extensive length, too.

I wonder if maybe all parties and persons here could take a look at 87(2) and then together maybe we could come up with something. Maybe this would have a little different picture of the whole situation.

**Mr. Chairman:** I would like to inform the Member that we are not on 87(2); we are on 168(1).

**Mr. Fleming:** I am merely saying that this is related to 87(2) and, if you look at the amendment in Clause 87 at page 23, you might see a difference in what you are speaking of. It might change the whole picture to the Minister, too.

**Hon. Mr. Lang:** I agree with the Member and I meant to refer to it. I think that the Member for Riverdale South referred to it, as well. It does clearly define that, where anything is in common law, we have no intention in this Ordinance to take away from it. I think that that is fair enough; in fact, I sometimes wonder if it has to be written in, because I always thought common law prevailed in any court of law, with respect to legislation. Perhaps I stand to be corrected on that.

I think that we have answered three-quarters of the question. All I am saying, with respect to section (e), is that it is so broad that I think that the ramifications of it could be considerable, and I think it deserves a lot more study than what we have perhaps had time to give it. I am prepared to put the time and effort in, over the next couple of months, in looking at this. As I have indicated, we are looking at options as far as the compensation package is concerned; I intend to, once I get some

resolution on that, discuss it with the Trappers' Association and just see how far we are going with it.

**Mr. Veale:** Section 168(1)(e) does involve outfitters, as well. Is the Minister going to speak to outfitters, as well?

**Hon. Mr. Lang:** We have had a number of discussions with outfitters, with respect to what compensation is. As we know, we have indicated very clearly, if we do revoke or whatever an area without two years' notice, what our requirements are and what our obligations are.

I think that they do have a point. If large segments of their area are taken away for whatever use, whether it be for a park or whatever and they can no longer operate, then I think that there is merit in that type of thing happening and perhaps their case should be considered. In that aspect, I would be prepared to sit down with them.

It is a very fine line that we draw here, and I want to make it very clear that from our perspective the wildlife of the Territory belongs to the public of the Territory and it has to be managed accordingly.

We recognize there are certain rights and privileges granted under this Ordinance which, in turn, give them protection from any other interference from any other private entrepreneur, once they have acquired those rights and privileges.

In part, this legislation goes a long way in protecting outfitters and trappers in their private endeavours to continue to operate, and, hopefully, prosper. What I am saying to you is that — and I want to caution all Members, it is a very fine line that we are walking here and the argument put forward by the Member for Tachun is a very valid one. Where does the buck start and where does it end? That is the question that has to be addressed in a section of this kind. I think we better have a clear idea of where we are going, prior to putting anything of this magnitude in law with such broad implications, the way it has been described to me.

**Mr. Veale:** The first point I would make is that there is nothing in subsection (e) that commits any government to pay anything, so it is not compensation that government is going to pay. That section has nothing to do with government compensation because the other specific sections address compensation. This section does not have that and I am sure the Committee is quite content to have the word "public activity" taken out if there is any concern of the Minister for that. That is not the idea of it.

The idea is simply to give the outfitter and the trapper a board where they can go and make a case for compensation because of some other activity. Now that board will obviously address the issue of compensation and establish policies, but the board itself does not have any power or jurisdiction to commit any party to pay what they should be paid, or anything of that nature. It is, in essence, providing two parties a place that they can go which is quicker and which does not involve a long drawn-out court action. So, it has that specific advantage and it is really not designed to deal with compensation claims against the Government, because they are specifically dealt with in those other sections.

**Hon. Mr. Lang:** I have to argue this principle with the Member opposite.

This allows anyone to go before that Board. You give the impression that this board does not have "the authority" to pay compensation, and I do not disagree with that. But, it allows for the mechanism to start to pay compensation, and once that board has heard it and we have a set-up criterion with respect to the overall situation as we see it, with respect to those various industries, we could be putting ourselves in a very difficult position, as Members of this House responsible for accounting for raising tax dollars. That is basically what we are talking about; we are talking money.

About taking out "public activity", as I indicated to you earlier, if it is public or private that is going in, we all have similar responsibilities if it is adversely affecting somebody's livelihood. By the same criterion, in my view, if we agree to it, it has to apply to everybody involved.

I recognize, in the area of trapping and whatever, that we do not want to infringe on their livelihood, but, in some cases, through time, it has happened. What I am saying is that we want to come with a common compensation form, with criteria to ensure that it is done equally and equitably across the Territory.

We talk about the Pipeline and the various hearing processes going on; one thing that has been cited, in some cases, is the implication that the requirements for that particular project could well be put onto government projects, public projects, and other private projects, small or large, which could well be a situation where the economics are such that one could not proceed, because the requirements are too high.

This is what I am saying concerning this situation here. There has got to be a commonality so that if there is an infringement, a situation that deserves compensation, the criteria and the maximum amount that would be offered would be the same up in the Mayo area as the Watson Lake area. Otherwise, you will get in a situation where you have one area in the Territory or one individual opposed to another. Then you have, not a fair system, but an inequitable system which is not to anybody's benefit. At the same time, we have to ensure that the rationale in the financial commitment that is made by Government is very clear.

**Mr. Veale:** I think the point is being missed that that is what this board is going to do. This board is going to have to come up with a set of terms and conditions, some reference that they are going to apply to all these other sections, where a concession is refused or something occurs of that nature.

They are going to come up with this. It will be the board that will establish that policy, just like the Minister of Consumer and Corporate Affairs has a Board for Workers' Compensation. It is a similar concept and I do not see what the concern is. It will be a board that will develop its own procedures and its own policies, and could operate very well with that section.

I just disagree, and perhaps the Minister and I can disagree on the subject and we can vote on it. It seems to me to be an excellent section to have in there, particularly when we heard so many concerns about the compensation issue from damages caused by third parties. That is a third party section. It is not a government section.

*On Clause 168(2)*

**Hon. Mr. Lang:** I move that Bill Number 75, entitled *Wildlife Ordinance*, be amended in Clause 168(2) by: striking out the word "and" at the end of paragraph (b), and by adding the word "and" to the end of paragraph (c), and by adding the following new paragraph: "(d) the formula to be used, and the criteria to be taken into consideration, by the Board in calculating an amount of compensation for the purpose of making a recommendation under Section 104".

*Clause 168 as amended agreed to*

**Hon. Mr. Lang:** I move that Bill 75, *Wildlife Ordinance*, be reported out of Committee as amended.

**Mr. Chairman:** It has been moved by Mr. Lang that the Chairman do now report Bill Number 75, *Wildlife Ordinance*, out of Committee with amendments.

*Motion agreed to*

**Mr. Chairman:** I think it is necessary for the Chairman to call a short recess at this time.

*Recess*

**Mr. Chairman:** I call Committee to order.

May I have your further pleasure?

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

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

*Motion agreed to*

*Mr. Speaker resumes the Chair*

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

May we have a report from Chairman of Committees?

**Mr. Njootii:** The Committee of the Whole has considered

Bill Number 82, *An Ordinance to Amend the Justice of the Peace Court Ordinance*, which was referred back to the Committee by the House, and the Committee reports Bill Number 82 with amendment.

Further, the Committee of the Whole has considered Bill Number 75, *Wildlife Ordinance*, as reported, with amendments by the Select Committee and reports the Bill with further amendment to certain of those clauses referred to Committee of the Whole by the House.

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

**Some Members:** Agreed.

**Mr. Speaker:** May I have your further pleasure?

**Hon. Mr. Tracey:** I would like to seek unanimous consent to revert to the Order Paper so that we can deal with Third Readings.

**Mr. Speaker:** Does the Honourable Member have unanimous consent?

Agreed

#### GOVERNMENT BILLS AND ORDERS

##### Bill Number 82: Third Reading

**Hon. Mr. Tracey:** I move, seconded by the Member for Old Crow that Bill Number 82, *An Ordinance to Amend the Justice of the Peace Court Ordinance* be now read a third time.

**Mr. Speaker:** It has been moved by the Honourable Minister of Justice, seconded by the Honourable Member for Old Crow, that Bill Number 82 be now read a third time.

*Motion agreed to*

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

**Hon. Mr. Tracey:** I move, seconded by the Honourable Member for Old Crow, that Bill Number 82, *An Ordinance to Amend the Justice of the Peace Court Ordinance*, do now pass and that the title be as on the Order Paper.

**Mr. Speaker:** It has been moved by the Honourable Minister of Justice, seconded by the Honourable Member for Old Crow, that Bill Number 82, *An Ordinance to Amend the Justice of the Peace Court Ordinance*, do now pass and that the title be as on the Order Paper.

*Motion agreed to*

**Mr. Speaker:** I will declare the Motion has carried and that Bill Number 82 has passed this House.

##### Bill Number 75: Third Reading

**Hon. Mr. Lang:** I would beg leave of the House to have unanimous consent of the House to consider Third Reading of Bill 75.

**Mr. Speaker:** I think unanimous consent was given to revert to the Order Paper, so the Chair would accept any Third Readings.

Agreed

**Hon. Mr. Lang:** I move, seconded by the Honourable Member for Whitehorse Porter Creek West, that Bill 75, *Wildlife Ordinance*, be now read a third time.

**Mr. Speaker:** It has been moved by the Honourable Minister of Economic Development, seconded by the Honourable Member for Whitehorse Porter Creek West, that Bill Number 75, *Wildlife Ordinance*, be now read a third time.

**Mr. Kimmerly:** I rise on this Third Reading partially because I gave such a strong second reading speech and partially to make the position of this Party clear with respect to certain very, very fundamental and important issues facing Yukoners today.

Let me first say that it is the position of this Party that we will support the Bill, as amended. It is our view that the Bill is a substantial improvement over the current legislation. It is not an important or fundamental departure in policy, although there are some important extensions of the old policies in the old legislation.

The provisions of this Bill, in our view, are a substantial improvement. Let me say, though, that every organization and almost every citizen who made representations to the Select Committee, criticized the Bill because of its understandability to the lay person. We view this as a fault of the Bill. The Bill is

not perfect, and it is our position that Bills, especially of this sort, which effect almost every Yukoner, should be written in language that lay people can understand. It is our position that the drafting of even fairly technical Bills is possible in layman's language. The particular style of drafting of this Bill is cumbersome. It provides for making many things illegal in one part, and then in another part provides for exceptions and licences and concessions, etc., and it is necessary for a layperson to read all parts of the Bill in order not to misunderstand it.

It will probably occur, in the future, that people will read some sections of the Ordinance, as it is eventually passed, will rely on it, and will be wrong because they did not read the other sections which effect those sections that they did read.

It is a cumbersome style of drafting and we would not recommend that this style of drafting be continued in future bills. However, taking the Bill in total, it is still our position that it is a substantial improvement over the old Bill.

Another problem which it is our prediction will come up again, is compensation to outfitters and trappers. This has been dealt with by amendments, and also by other amendments after the Select Committee had dealt with it. This will be an ongoing problem if it is not finally settled by this Bill. I believe the Minister recognizes that that is probably not a controversial statement.

The outfitters and trappers all told us that the compensation provisions and the length of tenure in the original Bill were unsatisfactory to them. We have not changed the length of tenure, because of the overriding policy consideration that wildlife belongs to all Yukoners and not to a select few. The compensation section is dealt with by a review board, and also by future terms of reference for a compensation formula which is not yet established. It is a problem which undoubtedly will continue.

Going on to another area, the search and seizure sections, or the definition of conservation officers as peace officers and the controversy about conservation officers wearing sidearms — it is our position that the amendments are a compromise position over the original Bill and it is a compromise which we, in this Party, accept.

The question of the position of the Council for Yukon Indians is an extremely important consideration for all Yukoners. We disagree with the statements made by the Member for Klune yesterday, primarily because it is beyond our legislative jurisdiction to effect Section 17(3) of the *Yukon Act* at this time. Given the bounds of Section 17(3) of the *Yukon Act*, it is our position that the current Bill is a pretty good compromise and is a good effort to accommodate the position of CYI, since it is consistent with the position or the policy of all Yukoners, regardless of their racial origin.

I would like to say, however, that in the local press there is evidence of a substantial dissatisfaction among some segments of society, concerning the current information around the public disclosures of the present agreements-in-principle, or partial agreements-in-principle, reached at the Land Claims negotiating table.

It is our position that the dissemination of all possible information and the release of the text of the agreements reached to date would assist the public debate in this area, and the evidence of outright racial prejudice would probably lessen if that occurred.

The position reached at the Land Claims table, from what we know of it, is a policy agreed to by all three sides, to ensure the perpetual availability of wildlife for the benefit of all Yukoners. I am sure that when the final agreement is reached, it can have a political acceptance by all segments of society, and the politically partisan statements and racially prejudiced statements which can be heard in the community will eventually be lessened.

The final point I would like to mention is the question of the value of wildlife to Yukoners. It is quite clear that Yukoners place an extremely high value on the wildlife in the Territory. It is of fundamental importance that the right to hunt and the



availability of the various species remain, in perpetuity. It is clear that, if the management of wildlife was not undertaken by this Government at this time, a number of species would be in danger and the availability of even the abundant species would be substantially lessened.

The value of wildlife is determined, in an economic sense, if we can put an economic measure on it, by what non-residents are willing to pay, in order to come to hunt the various Yukon species. It is an extremely high value.

Resident Yukoners should not pay in an economic way for the right to hunt, as non-residents should pay. But, Yukon citizens must recognize that the right to hunt is an extremely valuable right, and must be protected and carefully nurtured, through laws such as the *Wildlife Ordinance* and the successors to it which will eventually be passed. The new sections in this Ordinance protecting wildlife habitat are extremely good measures, and are a welcome addition to the Wildlife Legislation, in our view.

In summary, there are some thoughts with the Bill, still. Some of the positions in the Bill we support, basically, because it is a compromise position. However, it is our position that it is a substantial improvement over the current legislation.

**Mr. Veale:** I would like to say a few words about Bill 75, the *Wildlife Ordinance*, and stress the importance of the public education aspect. There are 194 sections, some 55 pages. It is an enormous task for a citizen to go through that Ordinance, and even on reading it once or twice, to be able to make the cross-references and make sense out of it. One of the recommendations that came through, which I think all Committee Members agreed with, was the recommendation that there be a layman's bill drafted by the Department, maybe sectioned specifically: one for trappers, one for outfitters, one for hunters, and so on, to put the Legislation in layman's language. It is extremely difficult for anyone to actually plough through that much legislation.

A major concern that we had with the Legislation when it was initially presented, and a concern that still exists, relates to the broad and wide Ministerial power, and the lack of an appeal procedure. I think the Committee has come up with a novel way of somehow blunting that, but it should be stressed that it still is a very broad power that can be exercised even after the appeal procedure has been run through. I know the Minister will be reasonable, but it is of great concern to a lot of people that they were going to have their trapline or their concession removed without any hearing. We have put that in place and I think that is probably one of the most important aspects that the Committee dealt with, to ensure that the Legislation will be fair to all concerned.

The second point is that the appeal procedure is very interesting and novel because it is not any more coming after the decision has been made by the Minister, when he has put himself in a box, and he cannot change it. It is going to come prior to that, and I think that is probably a very novel situation in any Legislation. I think that it is a very useful provision for many people. The Bill still lacks an ultimate reference to court. Of course, I think that that is something that Yukoners will miss, because Yukoners like to have the opportunity to go to court, whether it is to dispute a decision by a politician or a decision by their neighbour. That remedy is no longer here.

The other major concern we had was the compensation aspect: to ensure that there would be compensation against third parties who might do damage to a trapping or an outfitting operation, and also the compensation issue regarding the revocation of a concession. We were unsuccessful in making any changes regarding the revocation of a concession and the compensation procedures that have been set out in the Ordinance. I do not feel that particularly adequate, but there was no consensus in the Committee to make those changes. I am concerned now that the third party issue, not having been dealt with in the Bill, may somehow be forgotten. I want the Minister to know that we will be holding him to his commitment to take a close look at that, and bring some Legislation in next session to

ensure that this Compensation and Review Board can deal with the subject of compensation, where two private parties can actually submit their case to that Board and have a decision made. I think that it is an excellent thing if that can be done, because it avoids a lengthy and extensive court process that would otherwise be involved.

I should also say that I am disappointed that there could not have been a resolution that would have allowed a *Wildlife Ordinance* to come through with sections pertaining to the land claims process, and the agreements that have been reached there now. I understand that there are reasons for having that held back. But, we still take the position, in this party, that that could have been accomplished, had there been better communication. I am not laying any blame in terms of the communication on who has and who has not. I am saying it could have been done. I think that that is the one unfortunate aspect. The legislation could have incorporated those agreements and, subject to section 17(3) being amended by the Federal Government at a later date, the entire package could have been brought in. I think it is unfortunate that that was not accomplished.

The other aspect is simply this. This piece of legislation does not, in any way, enhance the position of Yukon wildlife, unless the financial and manpower resources are put in place behind it. It is a piece of legislation that makes a number of things possible, but there are many people of the opinion that our ability to control our wildlife and manage wildlife is 20 years behind the times, and it requires a major financial commitment of this Government to ensure that it can actually do what is required under this Ordinance to ensure that the wildlife populations are maintained. I think that that is a very important thing to stress. I have said it before, but the Northwest Territories, as far as I know, has four conservation officers to every one Yukon conservation officer. That indicates that we are not putting the resources into wildlife in the way that we should. We are still a long way away from having quotas established, because we do not have the basic baseline data in this Territory.

I am just saying that we have the legislation, now, to do the job, but we need the financial and manpower resources to complete it.

**Mrs. McGuire:** I really hate to appear to be unkind to the Members in this House. I noticed that it was recorded that I was, and I want you all to know that I do not intend to be. I do not rise in this House on very many occasions to dispute decisions of this Government, unless it is of a detrimental nature, detrimental to the public and to the well-being of this country. Then, I will take a stand, for whatever that is worth.

I am still, at this time, trying to puzzle out the Government Leader's rebuttal, yesterday, to my statement concerning Bill 75, entitled *Wildlife Ordinance*. The Government Leader's answers made no sense to me whatsoever, for I had posed some very simple questions. For instance, I had asked this Government its motives behind the rush job of this *Wildlife Ordinance*, which is exactly what it is, and I believe it was answered, "I did not for one minute think that there was a Member in this House who seriously doubted the necessity of this legislation."

I, for one, have my ideas on the necessity of this Bill, although I have not heard any concrete reasoning from any Members of this House on the necessity of this Bill. I want to ask the Members across the floor why a 'round-the-clock rush hour was taken to move this Bill?

I have noticed, and heard, that Members of the Select Committee who worked on this Ordinance were uneasy about the time limit imposed in which to do the magnitude of work involved. I have no quarrel with the actual Bill and its amendments. They certainly all help to make the cheese binding.

My second concern, and it was unanswered as well, was the incorporation of completed portions of the land claims plan into this Ordinance. Here, the Government Leader was trying to lead us to believe that unless land claims was settled nothing can be touched. This is not true, because, what has been public-



ly announced is now available to this Government, and you most certainly would have the blessing of the C.Y.I. to start the process of implementation of the material that they have on hand now.

I will not carry on much further with this, as I do not have too much time. I have to go home to Haines Junction to vote in the Municipal Election, but I do wish it to appear once more on record that I do not support the movement of this Bill, at this time, and as an individual voter, I will be voting "nay" in the passing of this Bill in Third Reading.

**Mr. Njootli:** I would like to, again, thank the House for forming the Select Committee and for looking at the Bill. I would like to thank my colleague, the Honourable Member for Porter Creek East, who is responsible for the Bill, and the openness that he showed to me and the openness that the caucus showed to me in respect to my request, in regards to the Bill and in the best interests of the Old Crow people. There are some significant changes that were made in the Bill that have been requested by the people of Old Crow. I have a letter on my MLA desk that is ready to be signed, which is going to the Old Crow people, saying exactly what I am saying now. But I am not going to sign it until the Commissioner has given assent to the Ordinance.

I just want to say that I do not see any problem or obstacle that the Ordinance will have on the negotiations of wildlife, between CYI, the Yukon Government and the Federal Government, mainly because of the setup of the Select Committee.

We have a couple of ex-lawyers for CYI on the Select Committee. The executive representative of the Council for Yukon Indians came before the Committee to express their views. I am sure that the Committee has taken this into consideration. They have given a very fruitful report on the *Wildlife Ordinance*. I am sure that the *Labour Standards Ordinance* will go through the same procedure.

All I want to say, in conclusion, is that, in my opinion, and in my past experience in dealing with negotiations, I do not see any major obstacle between this Ordinance and the final agreements that will be signed between all three major negotiating parties in regard to wildlife in the Yukon.

**Mr. Speaker:** The Honourable Minister now speaking will close the debate.

**Hon. Mr. Lang:** I have to rise and make a couple of comments in respect to the legislation before you. I have to take exception to the comment that it was very much of a rush bill, in the preparation and deliberation thereof.

I think if the Member for Kluane looks back three years, when we first took office, we said there was going to be a totally new *Wildlife Ordinance* presented for consideration to this House. In the interim, there were a number of amendments made, I believe back in 1979 or early 1980, to remedy some problems that the Department of Renewable Resources had come across because the legislative base that it was operating under was not satisfactory.

I think the position put forward that the Bill just appeared out of nowhere is not accurate at all. If the Member for Kluane had the position that I have, she would know the importance of this legislation to the people of the Territory.

I do not know how many requests I have had over the past year and a half, but I would say that they are very numerous in respect to necessary changes to legislation to accommodate the various aspirations of various segments of our population in the Territory.

I have a responsibility to bring legislation forward when those requests get so numerous that obviously the Legislation is deficient in many areas, and cannot meet the needs of the time, which in this case is 1981. So, I think that the arguments put forward that it is just strictly legislation — I believe she used the term "rush hour legislation" — is not accurate, and I want to correct the record in respect to that.

As to the necessity of it, there is no question about it, if one looks at the past. She asked why we need the legislation. Well, I am sure that the Member opposite, if she goes back and re-

views the various things that have occurred over the past three years, will have no question that there is necessity. For an example, the penalty section, which is a very major area of the legislation, is a requirement, in view of what has gone on in the past, and I am not going to be poking any fingers at any one, or be disparaging. The point is, the people of the Territory do not feel that the various offenses that had to be dealt with under the old legislation were being dealt with satisfactorily, in view of the legislative base that was put forward.

I think we have taken care of that. It is a very difficult issue, and one I think that now could be dealt with fairly, in respect to the value we now place on the wildlife legislation. I have to take the opportunity to thank the Member for Riverdale South on his comments in respect to my ability to run the Department. He said that I would be, of particular pieces of the legislation, prepared to handle it reasonably, and I am sure that he will have no problem with me utilizing that particular quote in the next election.

I should point out that, at least from this side of the House, we do value the wildlife of the Territory. There is no question that there is a need for this legislation. In respect to the land claims and the present agreements in principle, I must stress they are all tentative, subject to a final conclusion of the land claims settlement. I think that we would be irresponsible and remiss in our responsibilities if we did not wait to see what the outcome of the land claims negotiations were going to be.

I want to reaffirm to this House that if commitments are made in the land claims negotiation, on behalf of this Government, it will be our intention to proceed with the necessary legislation as expeditiously as we possible can. I cannot buy the argument from the Member for Kluane in respect to the criticism being put to this side of the floor on the fact that the tentative proposals are not incorporated in the legislation. Further to that, I would say to her that we have a responsibility to all people in the Territory — and I do not agree with the Member for Whitehorse South Centre, but he indicated it, and I personally believe that as well — and that this legislation is good for all segments of the population, I think it would be a very unwise thing to get into an argument here on the floor of the House, in respect to one segment of the population versus another. That is exactly what is being said. In conclusion, with respect to the legislation that is set forward, it has resolved a number of issues. It will give us the Legislative base that is necessary to run the Department of Renewable Resources, and adequate resources will be made available so that proper management can be carried out.

**Mr. Speaker:** Are you prepared for the question?

**Some Honourable Members:** Agreed.

**Some Honourable Member:** Division.

**Mr. Speaker:** Division has been called.

**Mr. Clerk:** would you kindly poll the House?

**Hon. Mr. Pearson:** Agreed.

**Hon. Mr. Lang:** Agreed.

**Hon. Mrs. McCall:** Agreed.

**Hon. Mr. Lattin:** Agreed.

**Hon. Mr. Tracey:** Agreed.

**Mr. Njootli:** Agreed.

**Mr. Falle:** Agreed.

**Mr. Hanson:** Agreed.

**Mr. Graham:** Agreed.

**Mr. Fleming:** Agreed.

**Mr. Penikett:** Agreed.

**Mr. Byblow:** Agreed.

**Mr. Kimmerly:** Agreed.

**Mr. Veale:** Agreed.

**Mrs. McGuire:** Disagree.

*Motion agreed to*

**Hon. Mr. Lang:** I move, seconded by the Honourable Member for Whitehorse Porter Creek West, that Bill Number 75 do now pass, and that the title be as on the Order Paper.

**Mr. Speaker:** It has been moved by the Minister of Economic Development, seconded by the Honourable Member for

Whitehorse Porter Creek West, that Bill Number 75 be now passed, and the title be as on the Order Paper.

*Motion agreed to*

**Mr. Speaker:** I will declare that Bill Number 75 has passed this House.

May I have your further pleasure?

#### GOVERNMENT MOTIONS

**Hon. Mr. Tracey:** I would beg unanimous consent of the House to deal with the Motion setting up the Select Committee.

**Mr. Speaker:** Does the Honourable Member have unanimous consent?

*Agreed*

**Hon. Mr. Tracey:** I move, seconded by the Member for Old Crow, that the Green Paper on Labour Standards be referred to the Select Committee chaired by Mr. Hanson; that during periods when the Legislative Assembly is in adjournment, Green Papers on the subjects of industrial relations and occupational health and safety may be transmitted, as they become available, to the Select Committee by the Minister of Consumer and Corporate Affairs; that Messrs. Falle, Fleming, Penikett, and Veale be appointed to the said Committee; that the said Committee report to the Legislative Assembly its findings and recommendations during the 5th Session of the 24th Legislature.

**Mr. Speaker:** It has been moved by the Honourable Minister of Justice, seconded by the Honourable Member for Old Crow, that the Green Paper on *Employment Standards Ordinance* be referred to the Select Committee chaired by Mr. Hanson; that during periods when the Legislative Assembly is in adjournment, Green Papers on the subjects of industrial relations and occupational health and safety may be transmitted, as they become available, to the Select Committee by the Minister of Consumer and Corporate Affairs; and that Messrs. Falle, Fleming, Penikett, and Veale be appointed to the said Committee; and that the said Committee report to the Legislative Assembly its findings and recommendations during the 5th Session of the 24th Legislature.

**Mr. Penikett:** I would move, seconded by the Member for Faro, that Motion 41 be amended by adding after paragraph 2 the following new paragraph: "that the said Committee have the power to order recording and transcription of any of its proceedings."

**Mr. Chairman:** It has been moved by the Leader of the Opposition, seconded by the Honourable Member for Faro, that Motion 41 be amended by adding after paragraph 2 the following new paragraph: "that the said Committee have the power to order recording and transcription of any of its proceedings."

**Mr. Penikett:** Very briefly, I would like to speak to the amendment.

I have had occasion in my life, in this House, to deal with a great number of human tragedies and personal difficulties as a result of this area of law. The Minister responsible will know, from my questions in the House, that I have represented a large number of people who have had difficulty with the law. I know of the difficulty his Department has had administering the existing law. I know that a number of cases concerning this field have gone to the highest courts in the land. I believe that the issues before the Committee are sufficiently complex and sufficiently profound, and that the representations before the Committee will be sufficiently detailed, as to require some kind of recording and transcription, from time to time, of the hearings of the Committee.

I am especially concerned that there may need to be, from time to time, in the Committee, detailed cross-examination from both employee witnesses and employer witnesses, and it seems to me that much of the evidence that those people may give to us will be lost to us if we do not have their advice recorded and transcribed, if necessary, in some adequate way. We had a recent experience, in the Food Prices Committee, of transcribing some of the hearings, but not all of them. It seems

to me the selective judgement exercised by the Clerk's staff, in that case, and by the Committee, I should say, was I think, well arrived at.

The difficulty I have is that if we do not provide for this in the Motion, there is no possibility, should the need arise, for us to be able to do recording and transcription. I am advised that unless the House makes some specific provision for this, we may be denied the benefit of some of the nuance, the shading, the subtlety of communication given to us by the witnesses, and we may, in fact, fail to understand some of the precise and difficult points of law which will have to be discussed by the Committee. I, as a layman, know that I have, from time to time, valued the transcripts that we have had in Committee. I know, as a person whose primary source of questions for the House comes from the transcripts of this House, the Hansard, that I place a great value on that transcript.

I would just make the modest representation at this point, given the importance of this Committee's work to all the working people in the Territory, and all the employers in the Territory, that from time to time, a transcript may be necessary. I would ask that the Motion be amended so that that is possible.

**Hon. Mr. Tracey:** This side of the House has considered the amendment. We feel that the cost of transcript is approximately \$1,700 a day, and we feel that any group, or organization, or person that is going to appear before this Committee with worthwhile comments is going to present a paper at the same time.

We also feel that the Committee has the ability to record all of their proceedings, if they want.

**Mr. Speaker:** Are you prepared for the question on the amendment?

*Motion defeated*

**Mr. Speaker:** Are you prepared for the question on the Motion?

*Motion agreed to*

**Hon. Mr. Pearson:** A Motion, moved by myself, seconded by the Member for Mayo, that the House, at its rising, do stand adjourned until it appears to the satisfaction of the Speaker, after consultation with the Government Leader, that the public interest requires that the House shall meet; that the Speaker give notice that he is so satisfied and thereupon the House shall meet at the time stated in such notice and shall transact its business as if it had been duly adjourned to that time, and, that if the Speaker is unable to act owing to illness or other cause, the Deputy Speaker shall act in his stead for the purposes of this Order.

**Mr. Speaker:** It has been moved by the Honourable Government Leader, seconded by the Honourable Member for Mayo, that the House, at its rising, do stand adjourned until it appears to the satisfaction of the Speaker, after consultation with the Government Leader, that the public interest requires that the House shall meet; that the Speaker give notice that he is so satisfied and thereupon the House shall meet at a time stated in such notice and shall transact its business as if it had been duly adjourned to that time and that if the Speaker is unable to act, owing to illness or other causes, the Deputy speaker shall act in his stead for the purpose of this Order.

**Mr. Penikett:** Very briefly, again, I want to say to the Government Leader that he will, no doubt, not be surprised that my Party will be supporting the Motion. However, I want to, in speaking to the Motion, express some regret that, on the last occasion that Mr. Speaker's notice was provided for us, the Media were provided with notice in advance of the Members. I would express some concern about that, and I am sure I speak for all Members when I express the hope that the next time notice of the sitting of the House is given that the Members of the House be the first people to receive such notice.

**Mr. Speaker:** Order, please. I believe the Honourable Leader of the Opposition is referring to the Chair, as it is the duty of the Chair to ensure that the Members are notified, and not any other Member of this House. If the Chair has erred in getting a

notice swiftly to the Honourable Member, then the fault lies with the Chair, not with any Member of this House. The Chair does apologize to the Member, if that be the case.

*Motion agreed to*

**Mr. Speaker:** I would like to advise the House that we are now prepared to receive Mr. Commissioner in his capacity as Lieutenant Governor to give assent to certain Bills which have passed this House.

*Mr. Commissioner enters the Chambers*

*Commissioner of Yukon assumes the Chair*

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

**Mr. Clerk:** *Wildlife Ordinance.*

*An Ordinance to Amend the Income Tax Ordinance.*

*An Ordinance to Amend the Landlord and Tenant Ordinance.*

*An Ordinance to Amend the Justice of the Peace Court Ordinance.*

*An Ordinance to Amend the Judicature Ordinance.*

**Mr. Commissioner:** I hereby assent to the Bills as enumerated by the Clerk.

May I also take this opportunity to wish you all a well-deserved, well-earned and happy holiday.

*Mr. Speaker resumes the Chair*

**Mr. Speaker:** I call the House to Order.

May I have your further pleasure?

**Mr. Graham:** I move, seconded by the Honourable Member for Mayo, that we do now adjourn.

**Mr. Speaker:** It has been moved by the Honourable Member for Whitehorse Porter Creek West, seconded by the Honourable Member for Mayo, that we do now adjourn.

*Motion agreed to*

*The House adjourned at 4:54 p.m.*

**The following Sessional Paper was tabled December 17, 1981:**

81-4-48

Green Paper on *Employment Standards Ordinance*