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Speaker: The Honourable Donald Taylor



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Mr. Speaker: I call the House to order.

We will proceed with Prayers.

Prayers

Mr. Speaker: We will proceed with the Order Paper. Are there any Documents for Tabling this morning?

The Honourable Member from Ogilvie.

ROUTINE PROCEEDINGS

TABLING OF DOCUMENTS

Ms Millard: Mr. Speaker, I have for tabling information concerning the Animal Protection Bill.

Mr. Speaker: Are there any Reports of Committees? The Honourable Member from Whitehorse Riverdale.

REPORTS OF COMMITTEES

Mr. Lengerke: Yes, Mr. Speaker, I have the Report for retabling of the Second Report on the Standing Committee on Constitutional Development for Yukon.

I think a very important aspect of the Report, in fact the most important aspect, is the *Yukon Act*, the new *Yukon Act*, that is attached to it and I think it clearly indicates that we don't have to go through a number of processes and hearings and so on. We are presenting a complete package, a complete plan, containing all the building blocks and I would hope this is in answer to the Minister and Ottawa's concerns of where we are going and how we want to go there.

It allows us, as people, to fulfill all our goals. It gives us control of our resources and has financial guarantees. I think it is a complete blueprint.

Thank you.

Mr. Speaker: Are there any further Reports of Committees?

Petitions? Introduction of Bills?

Are there any Introduction of Bills?

The Honourable Member from Whitehorse Riverdale.

INTRODUCTION OF BILLS

Mr. Lengerke: Yes, Mr. Speaker. I have for introduction, I move, seconded by the Honourable Member from Kluane, that Private Member's Public Bill, entitled *An Ordinance to Amend the Condominium Ordinance* be now introduced and read a first time.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse Riverdale, seconded by the Honourable Member from Kluane that a Bill entitled *An Ordinance to Amend the Condominium Ordinance* be now introduced and read a first time.

Motion agreed to

Mr. Speaker: When shall the Bill be read for a second time?

Mr. Lengerke: On the next sitting day, Mr. Speaker.

Mr. Speaker: Are there any further Bills for Introduction? Are there any Notices of Motion for the Production of Papers?

Notices of Motion or Resolution?

Are there any Statements by Ministers?

This then brings us to the Question Period. Are there any questions? The Honourable Member from Whitehorse Riverdale?

QUESTION PERIOD

Question re: Commissioner's Presence at Land Claim Negotiations

Mr. Lengerke: I have a question for any of the Ministers this morning. In fact, this question would be directed to the Commissioner if he was here, Mr. Speaker. I understand that land claim negotiations are to proceed again this week and I am wondering, with the absence of the Commissioner, who is going to represent Yukon at the table, or is the Commissioner expected back to take part in those negotiations?

Mr. Speaker: The Honourable Minister of Highways and Public Works?

Hon. Mr. McKinnon: Mr. Speaker, I have been representing the Commissioner as a member of the Executive Committee and Government of the Yukon at any of the Planning Council sessions to this point in time, and I intend to continue as the YTG representative along with the land claims secretariat at meetings which will be held Tuesday, Wednesday, and Thursday of this week.

It gives me the opportunity, Mr. Speaker, to beg the House's indulgence for my absence in these other very important matters. In fact, it is one of our real priorities at the present time during the Tuesday and Wednesday afternoon sittings of the House, Mr. Speaker.

Mr. Speaker: The Honourable Member from Whitehorse Riverdale.

Mr. Lengerke: Just supplementary to that, Mr. Speaker, and it is not with any disrespect that I ask this, but is the Minister recognized at the Table in the same capacity is what the Commissioner would be in there, with respect to those negotiations or those discussions?

Mr. Speaker: The Honourable Minister of Highways and Public Works.

Hon. Mr. McKinnon: Mr. Speaker, up to this time it has raised absolutely no problems.

Mr. Speaker: Are there no further questions?

We will then proceed to Motions.

MOTIONS

Madam Clerk: Item Number 1, standing in the name of the Honourable Member, Ms Millard.

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

Ms Millard: Yes, Mr. Speaker.

Mr. Speaker: It has been moved by the Honourable Member from Ogilvie, seconded by the Honourable Member from Pelly River, that whereas Section 3.(1), of the *Fair Practices Ordinance* reads: No employer shall refuse to employ or to continue to employ a person or adversely discriminate in any term or condition of employment of such person, because of the race, religion, religious creed, colour, ancestry, sex, marital status or ethnic or national origin of such person;

And whereas the the Corrections Matrons and Corrections Officers employed in the Department of Human Resources are one pay range apart and are expected to perform similar duties;

And whereas the assurance was given this House several months ago that this situation would be rectified;

Be it resolved that this House urges the Government to

immediately act upon its own Ordinance and investigate the circumstances of the Government continuing to employ women in positions which adversely discriminate in their terms of employment, and that this House further request a written report on this situation by the next sitting of this House.

The Honourable Member from Ogilvie.

Ms Millard: Yes, Mr. Speaker. The House may recall that last Spring I put forward a similar motion, which was, for some reason, defeated. I am hoping this time I am more successful.

Last Spring the situation, within the Corrections Department, was that Corrections Officers I, who are male, had a payroll range of 17 to 19, Corrections Officer II being at the 19 scale.

Corrections Matrons, female, started at a payroll range of 16 and went to a payroll range of 18, called Senior Matrons. That situation has somewhat been rectified at this point. Now, Wolf Creek is re-organized and everyone is paid at the same level and they are all called Youth Services Workers.

I am informed that everyone is very happy with this situation and I am only requesting that the idea be carried on to include the Whitehorse Correctional Institute because it is still the same there. It is still the fact that women are paid a payroll range below the men and doing similar work. The definitions of the work are very much the same and the qualifications.

In fact, indeed, at the Whitehorse Correctional Institute, I feel the situation is somewhat worse because there are now no senior matrons so that all the women are only called corrections matrons and are at a payroll range of 16. At Whitehorse Correctional there is five Corrections Officer II, twenty Corrections Officer I and four Matrons. So the four females are under the charge of a male Corrections Officer II. It seems to me that the philosophy appears to be that women are not allowed to advance in the system.

I think it is said very well in the letter that we all received from the Yukon Council on the Status of Women which was given to us. With your permission I would like to read it into the record.

"Governments across Canada have endorsed the concept of equal pay for similar work for men and women. We, the Yukon Council on the Status of Women, feel strongly that all people should have the right to this simple justice and are eager to see changes made at all levels of industry and government which would make this a universal fact. For this reason, we strongly support the motion made in this Assembly for a single classification structure for employees working in the Whitehorse Correctional Institution in the positions of Corrections Matrons and Corrections Officers. The men and women working there share similar responsibilities and duties and a common element of personal risk. Training and experience requirements are the same for both. In fact, the adoption of a single standard for the Youth Services workers at Wolf Creek indicate that the right to a single classification structure has already been acknowledged by this government.

"Because of the slowness of both union and administration in making similar changes for the Corrections employees, the Assembly should take the initiative in ending discrimination within a government institution. Such initiative would also provide direction for all Yukon employers in actively recognizing the necessity for equality in their employment practices."

I can only endorse that wholeheartedly, Mr. Speaker. I would simply point out to the House that this motion asks the government to investigate the circumstances and report back

to this House. I think that is a very reasonable way to go about the situation.

Mr. Speaker: The Honourable Member from Whitehorse West?

Hon. Mrs. Whyard: Mr. Speaker, there is no problem in reporting back to this House on the subject raised by the Honourable Member. She also raised it a year ago.

We have descriptions of each position in the Public Service. I won't read into the record, these detailed descriptions for Corrections Officer I or II, and for Corrections Matrons, but it is a matter of common sense when applying the requirements of the position and negotiating the pay for them through a contract, which the Public Service Association does with this government that you look at the responsibilities and the duties and there is one weakness in the Honourable Member's Motion and that is that the Motion says these people are expected to perform similar duties. The word "similar" is the key, Mr. Speaker, because the duties are not the same.

Corrections Officers deal with male inmates and Corrections Matrons deal with female inmates, and there are variations in their duties and the seriousness of their responsibilities and, as I pointed out to the House earlier in this Session, the percentage remuneration difference is 4.3 per cent, based on those distinctions within the negotiated pay scale.

Again, Mr. Speaker, the key word there is "negotiated". I have no ability to stand in this House or report to these Members that my Department will be making changes in pay scales which must be negotiated.

I have no problem at all in tabling these classification descriptions if that is what the Honourable Member wishes. We have already adjusted as far as we can adjust at the Youth Service level, because it is a different situation entirely, but I am sure that Honourable Members would agree with me that we are not about to ask Corrections Matrons to work in dormitories full of male inmates, simply because they want equal pay.

You cannot have it both ways, Mr. Speaker. There are good reasons why this policy exists. It is not a policy of not paying equal wages for equal work. We do that in this Government. This is a matter of a different type of responsibility and a different type of work.

If Honourable Members wish copies of these classifications of each position passed around, we can do so. A written report can follow.

Mr. Speaker: Any further debate?

Motion agreed to

Madam Clerk: Item 2, standing in the name of the Honourable Member, Mrs. Watson.

Mr. Speaker: Is the Honourable Member prepared to discuss Item 2?

Mrs. Watson: Yes, Mr. Speaker.

Mr. Speaker: It has been moved by the Honourable Member from Kluane, seconded by the Honourable Member from Pelly River, that it is the opinion of this Assembly that the Minister of Indian Affairs and Northern Development forthwith instruct the Commissioner, or, in the absence of the Commissioner, the Administrator, to amend Commissioner's Order 1977/242, to reflect the terms of reference set out in Resolution Number 5 of this Assembly, on the 23rd day of November, 1977.

The Honourable Member from Kluane.

Mrs. Watson: Yes, Mr. Speaker. Commissioner's Order 1977/242, is an order which establishes a public inquiry, under the *Public Inquiries Ordinance*, and attaches with the at-

tached schedule, which defines the terms of reference of the public inquiry.

Mr. Speaker, on November 17th, I stood before this House to outline my reasons why I brought in Private Member's Public Bill Number 102, *An Amendment to the Public Inquiries Ordinance* and at that time the amendment was discussed and debated quite fully. I pointed out the long term benefits and the short term benefits of amending the *Public Inquiries Ordinance* where this Legislature would have the opportunity to initiate public inquiries.

At the time we had the debate, I was asked whether I had in mind any specific inquiry that should be undertaken, and I affirmed that stating that I felt that there was a situation in the Yukon today that required an inquiry and I referred to the withdrawal of charges under the *Legal Professions Ordinance*.

At that time, while we were debating it, several members of the House thought that we should have tried the Resolution route first. By a Resolution, instruct or advise the Commissioner that we did want an inquiry and to outline to him the terms of reference that we wanted used in the inquiry. Several members spoke and said they thought we should have used that and if that failed, if the Resolution route failed, then we should have relied upon the *Public Inquiries Ordinance*, amending it. At that time I expressed my reservations, I thought that it would be better, cleaner to go ahead with amending the *Public Inquiries Ordinance* and then to set up the public inquiry. There wouldn't be the political pressure which would have to be exercised in order to get a Resolution of ours adhered to in an inquiry.

My worst suspicions have been fulfilled. The amendment to the *Public Inquiries Ordinance* was refused Royal Assent, it wasn't withheld, it was refused Royal Assent. So we put forward a Resolution, Mr. Speaker, and that Resolution was unanimously accepted by the members of this Legislature, and Mr. Speaker, I have forwarded to each member a copy of the original Resolution Number 5.

While we were debating Resolution Number 5, I stated that a lot of time and effort and thought had been put into the terms of reference so that in our Resolution and in our inquiry we would not be encroaching upon the judicial process that could have taken place if the charges against Mr. Lueck had not been withdrawn. In the Resolution also, we named a Chairman for the inquiry, a one man chairman, a Mr. Stratton, a well-known and respected lawyer from the Province of Alberta.

Before I was able to use Mr. Stratton's name on the Resolution, I had to seek his permission to use his name and I found myself in a very delicate position in order to give him enough unbiased information so that he could understand the basis of the inquiry and still make a decision of whether in fact he wanted to serve.

So, I was in conversation with Mr. Stratton on three separate occasions and I very briefly defined, and I spoke about this to the Law Clerk, that it was very important that my conversation with him had to be completely impartial and I clearly stated that it was an inquiry into why charges in a misconduct case, under the *Legal Professions Ordinance* were withdrawn. What were the facts involved.

Mr. Stratton, before he made any commitment, asked me what the terms of reference of the inquiry would be. So, I dictated the terms of reference to his secretary and he asked me to call back on the Monday, this was the Friday, until he had time to study the terms of reference.

I called Mr. Stratton again on Monday, and he said he thought the terms of reference were quite adequate and that he would let me include his name on the Resolution. I advised Mr. Stratton, with my conversations with him, I was not, in

fact, engaging him to have the inquiry. I was only asking his permission to put his name on the resolution as a recommendation to the Commissioner, because the Government of the Territory would actually have to do the engaging.

Also, he accepted the terms of reference that were in the resolution. I told Mr. Stratton then that I would not be contacting him again after he had agreed to have his name stand on the resolution.

So, Mr. Speaker, I was completely taken aback when the Commissioner's Order was released on Thursday, and moreso by the statement which accompanied the public release of the Order. Mr. Speaker, I would refer to paragraph 2, of the Commissioner's statement: "The terms of reference for this board of inquiry form part of the Order. They have been written to permit a full and fair hearing into the matter".

Now, paragraph 3, "In defining upon the terms of reference", regardless of what recommendation has been made by this House, "I have the advice of the Legislative Assembly on their resolution" and here "I also sought", this is also the Commissioner, "also sought and received the views of Mr. Stratton and the Department of Justice. Mr. Stratton had a number of serious reservations with respect to the terms of reference proposed within Resolution Number 5. In particular he thought they were too restrictive to permit him to conduct the type of inquiry required. He made a number of suggestions which are reflected in the terms of reference contained in this Order".

Mr. Speaker, the original motion, the Resolution, was an inquiry into the actions taken by the Commissioner, with respect to certain proceedings and yet in the statement by the Commissioner, he says that "I", or his personal aid, as I understand, or his counsel from the Department of Justice, his personal counsel, "contacted Mr. Stratton and discussed the Inquiry," and the Commissioner was the one who was being inquired into.

They discussed the terms of reference and yet I had given him terms of reference and Mr. Stratton said "Fine, I feel that I can have quite an adequate hearing under those terms of reference." But the Commissioner, the man who's actions were being inquired into, he or his personal aid, or his legal counsel with the chairman of the inquiry decided that the terms and conditions of the Resolution wouldn't permit a fair hearing at their inquiry.

I am advised that one of the reasons why the terms of reference had to be changed were they were not broad enough, and I think I will point out to you where the change in the Commissioner's Order had broadened certain sections, but in other areas the results have been narrowed right down, so the argument is not consistent at all.

Mr. Speaker, Motion Number 5, it is the opinion of this Assembly that the Commissioner call an inquiry to be made forthwith pursuant to the *Public Inquiries Ordinance* into a matter connected with the conduct of the public business of the territory, and of public concern, namely the matter of certain actions taken by the Commissioner of the Yukon Territory with respect to certain proceedings initiated on the 18th day of July, 1977 in the Supreme Court concerning the alleged professional misconduct of one Allen Lueck, Esquire, a Barrister and Solicitor of the court, to resolve and determine the following:

An inquiry into the matter of certain actions taken by the Commissioner of the Territory, Mr. Speaker, what else could we put in our Resolution after we had the Legislative Return which was tabled in this House by the Commissioner. There is nothing else we could have put into our Resolution because the Commissioner in that Legislative Return completely and clearly implicated himself with the withdrawal of the charges.

However, the schedule to the Commissioner's Order changes that, and it states: "The board of inquiry, constituted by Commissioner's Order 1977/242 shall make an inquiry and report upon a matter connected with the conduct of the public business of the territory and of public concern, namely the matter of certain actions taken by"—Mr. Speaker, I am reading the wrong one. Certain, yes, "certain actions broadened." Here we are. I have it here.

I was reading my suggested one. "A report upon the matter connected with the conduct of the public business of the Territory, namely the actions of the Commissioner, the Deputy Commissioner, the Director of Legal Affairs and other public officials in the Territory".

The Commissioner or his personal aide, or his personal legal counsel, have broadened it. They certainly have broadened it. If other public officials were involved, and they must have been involved, we know that, certainly an inquiry would have brought that out.

But the Legislative Return, the Commissioner himself has accepted the responsibility or given us an indication of this involvement. We know there was other involvement, but he has certainly broadened the inquiry and named other people.

We wanted the Commissioner's actions, and while they were investigating the Commissioner's actions, these other people would certainly fall into place.

Then, Mr. Speaker, we look at Part 1, in our Resolution, the first term of reference was "In what were the factual circumstances leading to the discontinuance of proceedings in the Supreme Court, in the aforementioned matter, and who were the persons involved". That was our resolution.

Mr. Speaker, this is the new term of reference that the Commissioner has decided to put in. "In what factual circumstances were the proceedings initiated and discontinued and who were the public officials involved".

Mr. Speaker, that is where it is broadened. It certainly is broadened and that is the one area where I do have a great deal of concern. Are there questions about why the case against Mr. Allen Lueck was initiated in the first place?

Is a public inquiry of this nature of the place where the details of this should come out? The details of the initiation of the action against Mr. Lueck would have come out, if the action had been permitted to proceed as it should have proceeded within the Supreme Court of the Yukon Territory.

Mr. Lueck would be sufficiently capable to defend his position and also, to question the methods that were used to initiate the action. That clearly was for the judicial process to determine.

Certain people within the Government thought that that judicial process should not proceed and they had it withdrawn. And now they want to bring out part of that judicial process, just part. They want this body, they want to tie it into a resolution of this body.

Mr. Speaker, we cannot be a party to that, because that is interference of the judicial process. We have given the right to discipline the legal profession of the Territory, to the legal profession of the Territory. It never was a right of the Government, even though our Commissioner interprets it that way. My interpretation is different.

The original *Legal Professions Ordinance* left it to the Legal Advisor to this Assembly on a complaint from the public or on his own initiative to lay a complaint before the courts. This was the action that was taken in this case, the case went before the courts, they found that there was a *prima facie* case, enough evidence to proceed, and they set a date. What would have happened I don't know, and I don't particularly care. But Mr. Speaker, we cannot start interfering with what should

have happened in that judicial process.

If the Commissioner is anxious to know or to bring out what happened in the initiation of those proceedings, let the proceedings go ahead and let it go before the courts. Don't use this body's Resolution to bring this out. He made that decision when he saw that the action was withdrawn. That is why. Mr. Speaker, when we were discussing the Resolution, I then warned members, let's not be accused of the same thing that may have happened by members of this government, let's not interfere with the judicial process. Right now, the case of Mr. Allen Lueck will have to be initiated by the Law Society of the Yukon Territory, and that's where it should stay.

We made our commitment in the legislation, don't let the politicians interfere now and don't be sucked into interfering. So, Mr. Speaker, that cannot stay in that Commissioner's Order.

Number 2 of the Resolution, there is some change. The original, "Under what lawful authority were the persons involved acting or purporting to act?" The new term of reference, number 2, "By what lawful authority or purported authority were these public officials acting in their involvement?" The difference isn't that great there.

A new one has been added. I can't say whether I agree or disagree with it, but it wasn't in our Resolution. The new section, 3, "In these actions, was there any breach of duty?"

Now, the last one that we had in our Resolution and the last one in the Commissioner's Order again, have significant differences. I was considering going into this inquiry, and I pursued it for quite some time in a number of weeks and I had to say to myself, why do you think there should be an inquiry? Why, are you on a witch hunt? Are you trying to embarrass someone? Are you trying to point the finger at someone? Be honest now. If you have an inquiry, it is not a nice affair. What are you going to do? What are you going to gain? Really, if you have an inquiry, you want to make sure that what has happened, what measures should be taken what has happened, and how can we ensure that it doesn't happen again.

That is the basis for an inquiry. How can we correct the wrongs that have been done and how can we make sure that these don't happen again? That is why Number 3 was in there. This isn't a witch hunt. It is not a nice affair. We want to see corrective action taken and we want to make sure it doesn't happen again.

However, look at what the Commissioner put, completely, "In the opinion of the board of inquiry, do the recently proclaimed amendments to the *Legal Professions Ordinance* adequately provide for the resolution of the subject matter of the said proceedings in the future". That is how narrow it is being made. A token, a very narrow token, when that isn't why we want the inquiry.

We know the new *Legal Professions Ordinance* is there. We know that those stop gaps in the old, the deficiencies of the old *Legal Professions Ordinance* have been taken care of. We know that, but there are a lot of things we don't know and we want them inquired into.

When we know about them, we want to make sure that certain actions are done, or certain legislation has to be brought in. Certain things are done so that this type of thing can never happen again.

Mr. Speaker, the *Public Inquiries Ordinance* sets up an inquiry as a civil court and I was thoroughly tempted, when we put in the original Resolution, to specifically define the fact that we wanted the Chairman of the board of inquiry to have the right to have legal counsel, to have the right to all legal documents within the Territory, to have the right to question public officials. But those are all powers that he now has under the *Public Inquiries Ordinance*, to have the right to have all of

the hearings transcribed. This type of thing. And I was thoroughly tempted to make sure that they were put into the Resolution, because I was afraid and I am just not trusting anymore, that, if the Commissioner set up the inquiry, he would say there are so many dollars and if you want legal counsel that is tough.

Again, I was tempted yesterday, when I drew up the motion, to be specific in the suggested schedule. Tell them what we want, but surely to goodness, we can trust them to give Mr. Stratton the financial assistance and give him all the depth that he would require under the *Public Inquiries Ordinance*, so that there would be no restrictions placed on him by the Government in this so that he can, in fact, not have an adequate hearing.

Mr. Speaker, one of the important things in our resolution that was not mentioned at all, in the Commissioner's Order, is that the report of the board had to be, a copy of the board has to be sent to the Commissioner, to the Speaker and that it has to be a public report. It absolutely has to be. If there are public funds, it must be a public report.

So, Mr. Speaker, I was extremely disappointed, frustrated, and wondered whether I should really proceed with an additional motion. Why not forget it? But it is too important to forget about.

The one thing, Mr. Speaker, that I wanted to bring up that the Legislative Return of the Commissioner, when he outlined his involvement in the case, he stated then that the Executive Committee had been involved in the decision to withdraw. Well, I will read a statement that was made by Mr. Lang in this House. "I want to make it very clear that none of the three members in the Executive Committee, elected, were aware that the charge had been laid and secondly, that the charge had been withdrawn. In fact, in my tenure on the Executive Committee, I would say that it has never come to my attention that a charge had been laid against anybody in the legal profession." Yet, one of the terms of the Executive Committee is that the Commissioner shall consult with the Executive Committee. It does not say he has to take their advice, but it says he shall consult with them.

Since the statement by the Commissioner and the Commissioner's Order was brought out, I was tempted to phone Mr. Stratton. I must admit, I was very tempted to phone Mr. Stratton and say, look, what goes on, when I phoned you, you said those are the terms of reference, fine, I will accept that, I am quite prepared to let my name stand. Now we get this type of thing. What goes on? Is this the truth, he phoned you, what did he tell you? But, Mr. Speaker, I couldn't. I could not let myself do this. I would be involving myself the same way as the Commissioner and his personal aid have involved themselves with the chairman.

I have no business, at all, contacting or talking to Mr. Stratton since he gave me his okay to use his name on the Resolution. I, too, then, could be accused of interfering with the inquiry. I know the Resolution put the Commissioner in a difficult position, because he must sign the Commissioner's Order. I thought at that time, surely to goodness the man has sense enough and says to someone, get someone completely unknown from the Department of Justice and says here is the *Public Inquiries Ordinance*, here is our Resolution, set it up, and I will sign it. But no, he had to phone Stratton and probably convinced Stratton that the terms of reference would be have changed so that it was the hearing that he would like to have. Not the type of hearing that was suggested and advised in Resolution Number 5.

Thank you, Mr. Speaker.

Mr. Speaker: Is there any further debate? The Honourable Member from Whitehorse South Centre?

Mr. Hibberd: Mr. Speaker, I am somewhat disturbed by the remarks of the member from Kluane. We have a *Public Inquiries Ordinance* designed to investigate such matters and it would appear that the Commissioner, who is the person to be the subject of the inquiry, has directly interfered in the terms of reference of that inquiry, and I would really wonder whether we should have an inquiry into that in itself in that the Commissioner has felt that he was in a position to directly interfere with the setting up of an inquiry.

Mr. Speaker: Any further debate?

The Honourable Member from Whitehorse North Centre.

Hon. Mr. McKinnon: Mr. Speaker, of course this is the total problem we get into, inquiries. The next thing we need is inquiries into the inquiries.

Mr. Speaker, I will make it extremely clear that from the very beginning I have kept as far a distance from any of this terms of reference or from the inquiry itself, because I think that that is the way that all elected members want to be, exactly as the Member from Kluane said. When there was an intimation that the terms of reference were to be changed on the Commissioner's Order, I thought that there were three questions that had to be asked and I asked them of the Special Assistant to the Commissioner because I know he had the advice to keep completely at arm's length with contact or conversation with Mr. Stratton, which I understand was exactly the advice that he did follow.

I asked the questions, did Mr. Stratton say he would find it difficult, Mr. Speaker, to conduct a proper inquiry under those terms of reference. I was given the answer in the affirmative.

Did Mr. Stratton suggest that the terms of reference to be expanded so that he could conduct a proper inquiry? I was given an answer in the affirmative to that question.

And, has Mr. Stratton agreed with the present terms in which to conduct the inquiry. I was given an answer in the affirmative to that question.

Also, was the statement by the Commissioner read to Mr. Stratton and was it accepted and I was given an answer into the affirmative, in that also.

As you know, I had some suggestions and had some problems with the terms of the inquiry being too narrow. It was only mentioned in this House. I, like the Honourable Member from Kluane, when I read the statement by the Commissioner, also had a great temptation to phone Mr. Stratton, so I think it boils down to whether or not this House and this Committee has the ability and the confidence in Mr. Stratton, under the terms of reference which he wants to conduct the inquiry, to give him the broadest scope, will he conduct the proper inquiry.

I know nothing of Mr. Stratton. I have never met him personally. All I know is his reputation. I am convinced that the Legislative Assembly is not the be all and the end all in setting the terms of reference, but certainly the person who is going to conduct the inquiry can also make suggestions as to how such an inquiry can best be handled. I really see no problems with the suggestions that have come from this Assembly, melded into the suggestions that the inquirer also would like to see incorporated in the inquiry, so that he feels that his hands will not be tied and he can conduct an impartial inquiry.

As I say, Mr. Speaker, that has been my only involvement with this total issue, was in asking those question to be able to get an affirmative reply, and be able to have the statement made in the press release also agreed to by Mr. Stratton, that he had a number of serious reservations with respect to the terms of reference proposed within Resolution 5, and particularly felt that they were too restrictive to permit him to conduct the type of inquiry required. He made a number of sug-

gestions reflected in the terms of reference contained in this Ordinance. Mr. Stratton has expressed his satisfaction with these terms.

Mr. Speaker, we go on and on and on with this one problem that has been hanging like a pall over this Assembly and this Government for a month. I am fully convinced that Mr. Stratton has the ability. I have confidence in him, considering his reputation, to do the job properly. I say, Mr. Speaker, we let him conduct the inquiry, under the terms of reference that he feels that he can conduct the broadest and the best public inquiry and, Mr. Speaker, not get him involved in a major political issue affecting the Government and the conduct of the Government of Yukon Territory.

I just say let's get the inquiry going, let's get on with the job, and let's not continuously flog this one issue, which seems just to be wasting so much of our efforts and our time, Mr. Speaker.

Mr. Speaker: The Honourable Member from Whitehorse Porter Creek?

Hon. Mr. Lang: Yes, Mr. Speaker, the Minister of Local Government, I think, outlined it quite well. I would just like to reiterate once again that the elected members were not involved, had no knowledge of the charge being laid and the charge being withdrawn. But as everyone knows, the Commissioner's Orders and the Regulations go through the Executive Committee, which the three elected members form part of. We were very, very hesitant Mr. Speaker in respect to any thought of changing the terms of reference, and I believe when it becomes public knowledge in respect to the conversations that took place in the Executive Committee, that will be reflected.

At the same time, we were told very explicitly by the Commissioner that Mr. Stratton felt that he could not conduct the type of inquiry required under the terms of the Resolution passed by the House.

Now, I am not saying one way or the other. All I am saying is that by the information that was presented to us. Furthermore, it was our understanding that Mr. Stratton had asked for the terms of reference to be expanded, which is reflected in this Commissioner's Order.

Now, the Honourable Member, in her presentation which she gave very well, referred to the judicial system. She could well be right, I am not a lawyer, and neither is the Honourable Member. But it is my understanding that Mr. Stratton is a lawyer, a very well respected lawyer, a Queen's Counsel, he at the same time is a member of a discipline committee in respect to legal professions in Alberta, and it would be my understanding that he would firmly understand the ramifications of the terms of reference in the Commissioner's Order. If it was getting involved in the judicial process and interfering, I am sure that he would never have considered those terms of reference.

Mr. Speaker, all I can say in respect to being part of this Executive Committee and the schedule that is outlined, it is my understanding that Mr. Stratton wanted the terms of reference expanded and that's what is in the Commissioner's Order. Unless Mr. Stratton says to the contrary, I am prepared to go with the present Commissioner's Order as it is outlined.

Mr. Speaker: Any further debate?

Order, please, I have called question, is there someone wishing to speak in this debate, would they kindly please indicate, because it is extremely difficult for the Chair and embarrassing as well.

The Honourable Member from Mayo?

Mr. McIntyre: Yes, Mr. Speaker, I was just going to say

that I have no problem at all with the terms of the inquiry contained in the Commissioner's Order. It seems to me they are far broader in their scope than the ones that this Assembly passed, that this Assembly passed, and I will not support the motion.

Mr. Speaker: The Honourable Member from Kluane.

Mrs. Watson: Yes, Mr. Speaker, it is very interesting to listen to the Executive Committee Members and the Honourable Member from Mayo. The terms of reference are far broader, even though you get involved in a judicial process, a normal judicial process which should have evolved and yet, the last term of reference is narrowed right down so there is no ability to make any recommendations for the future at all.

I am absolutely amazed at the Members from the Executive Committee who stand up and say, if Stratton says it is fine, it is fine with me. It shocks me. It absolutely shocks me. This is a chairman of an inquiry, a chairman who is given terms of reference and a chairman has, if he undertakes the function of the inquiry under the terms of reference, and he finds that the terms of reference have limited or have been too broad, he says so in his report.

The Chairman or the board of inquiry doesn't tell you what to inquire into. For goodness sakes, how can you be so gullible? That is what you are saying. If Stratton says it is fine, it is fine. Surely you know, what is the use of going through a resolution if you don't know what you want to have inquired into.

You are saying, well, we will have a board of inquiry who we will tell, you tell us how to write what we should inquire into. That is absolutely ridiculous.

Absolutely ridiculous.

The terms of reference are set up by the people who want the inquiry held and it was my understanding, by unanimous vote in this House for Resolution Number 5, that they did in fact want an inquiry under the terms of reference that were given under Resolution 5, and now we hear people standing up and saying, oh, I changed my mind. Why didn't people stand up then and say, let us change the terms of reference? The Honourable Member, the Minister of Local Government wanted the terms of reference, suggested it. I am wondering whether this was the suggestion that was made to Mr. Stratton?

Hon. Mr. McKinnon: Oh, Mr. Speaker, on a Point of Personal Privilege, Mr. Speaker, I have already indicated to the House that I have had no contact in any way shape or form with Mr. Stratton and that is the problem we get into this type of a debate and this type of inquiry. Now comes the mud-slinging. It is just not right and it is just not fair.

I think we should try and keep away from that completely.

Mr. Speaker: The Honourable Member from Kluane.

Mrs. Watson: Mr. Speaker, that was not what was said, that you said it to Mr. Stratton.

Mr. Speaker: Order, please, I must not...

Mrs. Watson: I am replying to...

Mr. Speaker: Order, please.

Mrs. Watson: ... a Point of Privilege.

Mr. Speaker: I would remind the Honourable Member that I am not in this debate and that I have made no comment in this debate.

The Honourable Member from Kluane.

Mrs. Watson: Mr. Speaker, may I proceed?

Mr. Speaker: Proceed.

Mrs. Watson: Mr. Speaker, that was not the comment that was stated, that the Honourable Member contacted Mr. Stratton, but I am sure that the Commissioner's aid would have

been looking at the "Votes and Proceedings" and considering the terms of conditions, the terms of reference of the, and would have looked at any suggestions that may have been made by this House. It would have been fine if they had been voted upon and if they would have been brought forward to this House, but they were not.

The terms of reference were unanimously accepted by this House, and now they are being rejected because the person who is supposed to be doing the inquiry says, and we don't even know whether he said that, he accepted the terms of reference when I gave them to him.

So, Mr. Speaker, I think it is going to have to be something of each individual's conscience whether we want to proceed with this motion or not. I think there is a great, there is something very great at stake in the motion. Whether we are going to continue to accept the run around that we sort of seem to be getting for the last little while. Are we going to sit here and say, fine, okay? Or are we going to be careful and watch everything and know exactly where we are going, and what we want done? Thank you, Mr. Speaker.

Mr. Speaker: Are you prepared for the question.

Some Members: Question.

Mr. Speaker: Sorry, the Honourable Member having twice spoken has closed the debate.

Mr. Speaker: Are you prepared for the question.

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Some Members: Disagreed.

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

Hon. Mr. McKinnon: Disagree.

Hon. Mrs. Whyard: Disagree.

Hon. Mr. Lang: Disagree.

Mr. McIntyre: Disagree.

Mr. Berger: Agree.

Mr. Hibberd: Agree.

Mr. Fleming: Agree.

Ms Millard: Agree.

Mr. McCall: Agree.

Mrs. Watson: Agree.

Mr. Lengerke: Agree.

Madam Clerk: Mr. Speaker, the results of the division are seven yea, four nay.

Mr. Speaker: I would say that the motion has carried.

Motion agreed to

Item Number 3

Madam Clerk: Item Number 3, standing in the name of the Honourable Member, Ms Millard.

Mr. Speaker: Is the Honourable Member prepared to discuss Item 3?

Ms Millard: Yes, Mr. Speaker.

Mr. Speaker: It has been moved by the Honourable Member from Ogilvie, seconded by the Honourable Member from Hootalinqua, THAT the paper dealing with the Alberta Heritage Fund be referred to Committee of the Whole.

Motion agreed to

Item Number 4

Madam Clerk: Item Number 4, standing in the name of the Honourable Member, Mrs. Watson.

Mr. Speaker: Is the Honourable Member prepared to discuss Item 4?

Mrs. Watson: Yes, Mr. Speaker.

Mr. Speaker: It has been moved by the Honourable Member from Kluane, seconded by the Honourable Member from Whitehorse Riverdale, THAT "Public Announcement of Proposed Planning Program - Whitehorse North" be referred into Committee of the Whole for further discussion.

Mrs. Watson: Mr. Speaker, I would call question.

Motion agreed to

Item Number 5

Madam Clerk: Item Number 5, standing in the name of the Honourable Member Mr. Lengerke.

Mr. Speaker: Is the Honourable Member prepared to discuss Item 5?

Mr. Lengerke: Yes, Mr. Speaker.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse Riverdale, seconded by the Honourable Member from Kluane, THAT this Assembly fully supports the Yukon Chamber of Mines in their recent requests that the Minister of Indian Affairs and Northern Development restructure his Department to reflect the importance of the Mining Industry in the North, with particular reference to Yukon. A greater emphasis and recognition of the industry must be evident by the creation of a position that is completely analogous to that of a provincial Deputy Minister of Mines and that his duties do include the control of regulating all aspects of the mining industry and the formulation of land use rules appropriate to Yukon under the provisions of the *Yukon Quartz Mining Act*.

Be it further resolved that this request does not alter the importance and need to proceed for the eventual creation of a "full Ministry of Mines" with the Yukon Government.

he Honourable Member from Whitehorse Riverdale.

Mr. Lengerke: Thank you, Mr. Speaker.

I think this is a timely resolution. I think it is timely because of the fact that the mining industry seems to be having, oh, they are in a bit of a slump worldwide, with respect to some of the mineral productions, so I'm sure they don't feel too good about that.

The other thing, of course, is that they seem to be taking a little bit of a backseat to the talk of pipeline and other developments in Yukon, when, really, we all know and probably I don't have to emphasize this, but I think it is good to do this once in awhile, that mining is still the number one industry in Yukon and is the backbone of our economic future and economic development.

What I am suggesting by this motion, Mr. Speaker, it is a motion of opinion, it is a motion that just supports some action taken by the Chamber of Mines, the local Chamber of Mines, when they were talking to the Honourable Hugh Faulkner not too long ago. They made a submission to him, which was very comprehensive and they outlined, certainly, what was happening with respect to the mining industry in the Yukon and the North, with respect to mineral production and so on.

But they also asked the Minister three requests. One was simply that he accept the role, his role with some appreciation of its importance to the people who live and work in Yukon and work in the Territory. That, in your capacity as Minister of Mines of Yukon, that you make a clear policy statement advocating the cost of development policy here. This statement should be directed not only to the public at large, but also to your employees".

They also went on to stress the fact that the provinces, most provinces have a Minister of Mines, whose total responsibility

is for that activity and they stressed the fact that this is not the case in Yukon and they said, well, we recognize why not, because we are a Territory and we come under certain restrictions of the Federal Government and under their view, but we feel that we would like to have somebody, certainly, who is more knowledgeable and better recognized within the Department of Indian Affairs and Northern Development, who is certainly a greater responsibility and appreciation of the mining industry.

So, they have asked that a position, the position of Mine Administrator, if you like, either be disbanded or another one be created that causes the creation of a Deputy Minister of Mines. In other words, he would have the same duties, the same responsibilities and that is what the Resolution is calling for.

I think this is something that has to happen, Mr. Speaker. I think we can do nothing but support it. I feel it is certainly, if you take a look at the make-up of the Department of Indian Affairs and Northern Development and you find that the man, the Administrator for mines is about seven notches down in the organization, and he answers to quite a number of other people who have really no knowledge, at least an in-depth knowledge of the mining industry.

I think this seems to be a bit of a problem, seems to be a bit, certainly a stumbling block in the mining industry in the North and in particular Yukon, to get along with some of their goals.

So I am asking that, as I say, the motion is self-explanatory that we do support them certainly in that aspect of their requests.

Just to take from their recommendation, they said that: "the present stage of development in the Yukon, it is essential that such a person be qualified in the profession of mining with recent experience in the Yukon mining industry. We would not regard it as productive to utilize the formation of this proposed position, to furnish a nest for any presently serving official. It is essential that the proposed senior mining official have the same access to the Minister's office that his provincial counterpart enjoys. It is essential that the proposed senior mining official be in control of regulating all aspects of the mining industry, including occupational health and safety, and environmental impact." And so on.

The other part of the Motion, Mr. Speaker, is that certainly this request does not alter the importance and eventual need to proceed with the creation of a full Ministry of Mines within the Yukon Government. Hopefully, some day, we will get to that point. But I think in the meantime, we could do nothing better but to support our number one industry, and the people who are knowledgeable of it, and know what the problems are. I have been to many meetings with them and I find that certainly I think they do their homework and they know indeed what their goals are to be and how they have to attain them.

Mr. Speaker: The Honourable Member from Klondike?

Mr. Berger: Yes, Mr. Speaker, I would like to move Resolution Number 11 be referred to Committee of the Whole for further discussion.

Ms Millard: I second that.

Mr. Speaker: It has been moved by the Honourable Member from Klondike, seconded by the Honourable Member from Ogilvie, that Item 5 be referred to Committee of the Whole.

Motion agreed to

Mr. Speaker: We will move to Private Member's Public Bills.

PRIVATE MEMBER'S PUBLIC BILLS

Madam Clerk: Second Reading, Bill 103, *Animal Protection Ordinance*, standing in the name of the Honourable Member, Ms Millard.

Mr. Speaker: The Honourable Member from Ogilvie.

Bill Number 103: Second Reading

Ms Millard: Mr. Speaker, it is moved by myself, and seconded by the member from Whitehorse Riverdale that Private Member's Public Bill Number 103, entitled *Animal Protection Ordinance* be now read a second time.

Mr. Speaker: It has been moved by the Honourable Member from Ogilvie, seconded by the Honourable Member from Whitehorse Riverdale, that Bill Number 103, *Animal Protection Ordinance* be now read a second time.

Motion agreed to

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

Some Members: Agreed.

Mr. Speaker: So ordered.

The Honourable Member from Pelly River?

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

Mr. Fleming: I second that.

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

Motion agreed to

Mr. Speaker leaves the Chair

COMMITTEE OF THE WHOLE

Mr. Chairman: I call Committee to order. Mr. Blair will be joining us after a very brief recess.

Recess

Mr. Chairman: I call Committee to order.

Since the inception of this Session we have been, in the backs of our minds, preoccupied with pipeline, pipeline and pipeline. This morning we are honoured with the propagators of that rumour. I would like to introduce some of them to you.

Mr. Robert Blair, who is President of Foothills and Alberta Gas Trunk Lines. Graham Pollock, who is Executive Vice-President, Foothills Pipelines South (Yukon). George Lipsett, Vice President of Foothills Pipelines South (Yukon), Dianne Narvik, Corporate Secretary of Foothills Pipeline and Vice-President of Alberta Gas Trunk Lines, and John Burrell, Vice-President of Operations, Foothills Pipelines South (Yukon).

Welcome, Mr. Blair.

Mr. Blair: Thank you. We are anxious to do what you wish with our appearance before you. I could speak briefly about the status of the project, if the Legislature wished to open with that?

Mr. Chairman: Please do.

Mr. Blair: I might expand just a little bit on the introduction, with this explanation, why as many as five we chose to bring to meet you. Actually, I think it should be put this way is that Mrs. Narvik and I have been with this project from its beginning and our officers of Alberta Gas Trunk Company, as well, one of the sponsors as well as of the new Foothills Companies, and we are both, Mrs. Narvik and I are both on the Board of Directors of the Foothills Parent Company that will sponsor the pipeline in its entirety across Western Canada, and

also we are continuing as directors of the Foothills South (Yukon) Company, which is a statutory company, under the Federal statutory company that has been designated to build a portion of the line which would run through the Yukon Territory.

We represent the continuity of the project as it was proposed and as the testimony was given before various inquiries as to how we would behave and act if we were designated to do the job.

The other three of us, really I want to be introducing in the sense, specifically the management that we intend for the Foothills South (Yukon) Company to do the work in the Yukon. Graham Pollock on my left is the Executive Vice-President who has joined us recently as the top full-time officer of the Company. He was formerly the President of Mannix Engineering Construction organization or previously that and also president of other engineering management, construction management firms in Canada. Then closest to us on the other side of the room, George Lipsett is the Engineering Vice-President of the South (Yukon) company, has considerable engineering and construction management background, including what I believe is the top Canadian citizens' job on the Alyeska oil pipeline installation. John Burrell beside him is the Vice-President, similarly of the South (Yukon) company with the operations responsibility and pipeline operations background. In a sense, we are representing both aspects of the project, both the original sponsorship and then the new Foothills South (Yukon) management team. We are all general management people. We haven't brought you a technical force to talk today. With our organization, we have the technical people that can be introduced at such times as the Legislature might wish to make very technical inquiries.

We can answer any question at all that you choose. We have appeared similarly before the judicial inquiries, Mr. Justice Berger's and Dean Lysyk's, and before parliamentary committees, Standing Committees of the Parliament of Canada, and we have kept a running discussion with each of the parties there, as well as the government, with the Conservative Party and with the New Democratic Party and their parliamentary representatives, and we have appeared before, on request, before the Senate of the United States, and the Congress of the United States committees, and we are just not only open but anxious to be available on any terms that this Legislature might choose.

If the project is, apparently, from our point of view, moving now out of the Government approval era of the last seven or eight years, into an implementation phase. We believe that it will be implemented so as to be in operation in early 1983. That is the schedule that we are working on at the moment. There is some possibility that forces completely outside of the Canadian part of the transmission service responsibility will produce a somewhat later completion, because of negotiations between companies in the United States, but, if it is later it probably won't be very much later.

So, I think the practical situation that we face is the responsibility of managing a gas transmission service job to be in operation in early 1983.

The schedule is, now as we move into the implementation phase, would provide about a year and a half for completing the forming of the project organizations and the development of their plans and for the preparatory work leading to financing. So, we have about a year and a half ahead of us, starting about the first of, starting the first of 1978, with this New Year.

We have about three years of final engineering and line location and the detail of route selection, in which we will want to be very much involving the interested residents of the Yukon, as well as approaching it as a pipeline job, as such, so that we can make that location as, you know, inoffensive as

can be to the people using the same territory.

We also start, with the New Year, about five, another five years of environmental study and surveyance, because the surveyance will continue through the construction period and into the operating period.

We expect, in the Yukon, to start the actual buying of materials to go into the pipeline in early 1979 and to start some field work, Graham, I guess, in the later part of 1979, in terms of looking at some camps and communication systems being readied, or the sites being readied. Then into some of the first real main physical work, clearing, clearing of rights-of-way in the later part of 1980 and the laying of the pipeline in itself, in 1981 and 1982.

Those were the schedules which were put forward before the National regulatory agencies and which we are still able to achieve. It is going to be tight to hold to those schedules and, if anything, it will probably turn out to be a little later than I have said. Hardly ever any sooner, but probably a little later.

That is approximately the time frame that we are working on. This particular result of the project has to an unusual degree, resulted from a consultative process nationally, in the sense that the project became changed and shaped by government inquires, changed and reshaped, and by environmentalist groups and the pressures that they applied, and by the positions expressed by Indians and people speaking for them. We believe that through that national consultative process, the general shape of the project has been produced that is going to be manageable and can be put into place without undue interference with other interests.

However, the project is still only partly defined. Something as basic as the sizing of the pipe isn't final yet. We are not sure whether the size of the line, as it goes along from Whitehorse down into Alberta, will be a 48-inch diameter or a 54-inch diameter, which is a really big difference from the point of view of pipeliners, so there are very basic technical questions still to be decided and will be decided in this next year and a half.

There are similar quite big questions about financing to be decided, so that we have something which can be described at this stage, in general terms, as a project in which we have the people and we have the competence to go ahead and finish up the detailed definition. But it is something we are still working on from the inside and which does need now a consultative process regionally and locally to finish up that definition in rather similar terms to the way that the national consultative process produce the skeleton of a project that we know is now to be installed.

Those are just most general opening remarks, but I think if that set the stage, I would be pleased to defer to the Legislature's question, and I will answer them partially, or I might ask some fellow officers here to join in some of the others, depending on just how far you want to go into the particulars of this subject today.

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: Mr. Chairman, I would like to ask Mr. Blair a question about the financing, because certainly that is important, and I am sure he recognizes that. I would like to get a reaction to the fact that I know that many people across the country are saying that the financing of this project is going to certainly depend on the American government giving certain guarantees, or the Congress. Do you anticipate that you are going to get these guarantees, or are you of the opinion that you don't need them to be able to finance such a huge project as the Alaska Highway project?

Mr. Blair: The assessment that we have made and that the financial firms that we have consulted have made, is that we do not, in fact, require a guarantee of the Government of the

United States of the securities that will be sold to finance the project.

Some of the people that we were competing against took a different strategy to that and said that they thought that their project should get such a guarantee and then, having got into that position, they pretty much had to say, logically, that ours would need it. But, we didn't believe in that sort of strategy and we didn't pursue it and we really do not think that it will be necessary.

Actually, now that the Government of the United States and the Government of Canada have agreed that there should be such a project, they have put a kind of endorsement on it, which will give such moral support, I think, to the financing that any more formal government commitment may not be necessary. We are finding that that is occurring with some of the provinces throwing in a similar moral support, and we would just like to keep it that way.

Our reasoning is that we believe that the project can be put into place by the private sector and this is what the kind of thing we do, our companies, our Alberta company hasn't been asking for government funding and have gone ahead and done things within the private sector and we would like to see that done here, too. We think that where you can do something like this, feasibly, within the private sector, that you shouldn't ask for a government funding. You should leave the government funding for those things which can't be done by the private sector.

Mr. Chairman: Mr. McCall.

Mr. McCall: Thank you, Mr. Chairman.

I have a number of questions I would like to ask Mr. Blair, if I may and this is dealing with the training policies and the hiring of Yukoners.

I would like, if I may, Mr. Chairman, just read for the record parts of the Lysyk Inquiry, in order to support the questions I am going to ask.

This is dealing with training policy, on page 42 of the Lysyk Inquiry, and I quote, "The Applicant has made only very general comments about the training of Yukon residents and new skills for the construction phase of the pipeline".

I further quote, "The Applicant has not assumed any direct responsibility for such training, nor does it intend to implement pre-job or on-the-job training programs during the construction phase. This attitude is a reflection of the Applicant's estimate of the composition of the work force for, as previously explained, it is calculated that only 600 Yukon residents will be taking pipeline construction jobs".

I go on further, I quote when Mr. William Deyell speaking for Foothills at another inquiry, was asked if he thought the Applicant would be willing to participate in financing such training programs, both in providing personnel to assist in teaching them and in providing the equipment necessary for them, he replied, and I quote, "Yes, I would. This has been done in Alberta in the past and I see no reason why it can't be done here as well. It is still done in Alberta when the need arises".

I go on and quote, "The Applicant did not make the similar commitment on the subject of training program to this Inquiry".

Further, Mr. Chairman, it states on page 40, "Hiring and Employment Policy. Foothills propose to use the hiring policy that guarantees preferential employment for Yukoners in all aspects of the project. Preference will be given to a Yukoner when his qualifications are equal to those of a non-Yukoner. The Applicant has also agreed that all union hiring halls will be located in the south, in Alberta and British Columbia and that they will not permit outsiders to gain access to the project

from within the Yukon. This policy should reduce the number of persons coming to the Yukon hoping to find high-wage employment."

My first question, Mr. Chairman, to Mr. Blair, if Foothills is not prepared to make any commitments whatsoever for training programs for the Yukoners whether it be partially skilled or otherwise, I wonder if we are expected to see Yukoners on a project such as this?

Mr. Blair: Mr. Chairman, the main answer is that Foothills is prepared to make commitments for the training of residents of the Yukon, so I suppose the answer to the question is really that the question itself isn't describing what we intend to do. Could I ask, I am sorry that I missed just the context that you were reading from. The first quotations that you read, were they from the report itself, or from some testimony that was being given before the inquiry? The words weren't familiar to me, I didn't recognize the source.

Mr. McCall: It is in the Summary of the Lysyk Inquiry Report, Mr. Chairman.

Mr. Blair: Well, I think I would like Mr. Burrell to be preparing to supplement my answer, but I think the real key thing in this is that where we have not given commitments, in respect of hiring people in the Yukon and their training it is not because we won't give them, it is simply because we haven't done it yet, and we will do it. Is it in order for me to ask Mr. Burrell who had the particular responsibility for putting forward our position in this, to add to it, at this stage.

Mr. Chairman: Mr. Burrell?

Mr. Burrell: I believe that particular reference was with respect to some specific testimony that was given at the Lysyk Inquiry, and I think you would have to look into the context in which the questions were asked and the responses that were given. As far as training is concerned, we have made commitments and continue to make commitments about the training of Yukoners for positions, not only in the construction phase of the pipeline, but also in the operation and maintenance phase.

We are in the process of establishing, and have established as a matter of fact, the training program which is directed toward maximizing employment of Yukoners in the operations phase of the pipeline. This is the long term permanent employment opportunities. Trunk Line has, since 1970, been conducting a training program for O & M, operating and maintenance people, toward the end of giving them skilled training necessary to take the jobs on the pipeline.

We have made commitments that we will maximize the involvement of Yukoners in the employment opportunities in the project and we are moving in that direction in the O & M phase.

In the construction phase, we have discussions with contractors and unions, and also had discussions with representatives of the Government of the Yukon and Federal Government towards developing the program which will provide skill training for Yukoners in the construction phase of the project.

We have made commitments that we would, as I said before, maximize that employment and we are working in those two areas toward that end.

Mr. Chairman: Mr. Lang.

Hon. Mr. Lang: Mr. Chairman, to switch the question around a little bit more, I would like to ask Mr. Blair just exactly what is going to happen to the Yukon section, in respect to the company that will be in charge of this line and after, and the Operation & Maintenance side of it. I understand the Board of Directors would be struck with a composition from some of the Yukon population.

I just would like clarification in that area.

Mr. Blair: The name of the company is Foothills Pipelines and (South Yukon) is in parenthesis Limited. It is a federal company and it is designated as the company to own the facilities in the Alaskan Highway pipeline project, which are within the Yukon.

It will actually also own about 30 miles in British Columbia, where the Highway goes into the British Columbia and then back into the Yukon.

The initial directors of the company have agreed that the board will consist of 12, the initial board will consist of 12 and our intention is that the 12 would be constituted this way: that half of them would represent directly the original sponsoring companies, that is Alberta Gas Trunk Line and Westcoast Transmission, so that each of those two companies would name three persons to the board, which would be from Alberta Gas Trunk Line, Dianne Narvik and myself and another man, Bob Pearce, who is our colleague in Alberta. Then there would be three from B.C.

Of the other six, we are, we have elected Graham Pollock to be one, as the Senior full-time officer of the Company, and we intend to recruit five other persons, representing the public and basically the public, to serve with us.

We had, we have had a commitment for some time for, since, I guess, July or August in 1976, that we would invite some Indian people in the Yukon and to serve with us, to act with us. We would also like to invite some other representative or representatives of the residents of the Yukon to serve with us.

Our thinking in this, we put a lot of stock in a board of directors because we think that is where the real accountability of management is for the long run.

We know as a practical experience, that if two or three directors dig in their heels on a policy subject, that management always stops and pays attention and makes adjustments to satisfy them, and particularly if those directors dig in their heels on something in which they are particularly qualified to speak to the other directors. It is sort of a moral presence that gets into a board that is probably the most important influence and constraint on management compared to anything else that can be established.

We ourselves are proponents of accountability. It is just basic in what we have grown with in Alberta and we would like to apply the same accountability here so that we do, on our present plan, —did I say those numbers correctly— we do figure that 5 of the 12 would represent, well of course, Graham would be with the company, with this particular company and not representing any outside interests. He would be representing just the interests of the (South Yukon) company so that half of the twelve would be from one point of view or another representing (South Yukon) operations or residency. We would like to get on with that recruiting job in 1978 and have that board in place certainly by the end of the year. Perhaps in the last half of '78.

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, it is very gratifying to see that we are finally getting to the stage where we can sit and discuss a few details about this project which has been nebulous up until recently. I am very happy that there has been some initial contacts made between personnel from the company and my branch in the health area and in the proposed programs for controlled alcoholism and so on, if as and when we get that far.

I would like to ask Mr. Blair two questions. One is whether or not he has any recent information on the timeframe for the passage of the Canadian legislation in the House which seems to be wobbling a bit from what we hear, and whether or not if that would be delayed until spring, which I think was the latest

rumour, it would cause any serious problems on his side. The other question, not a very serious one, is regarding the contractor's plans for information centres throughout the North. We have been discussing the requirement for impact information and data centres and so on here in this House, and I think it might be of interest to members to hear something on that.

Mr. Blair: I was just checking to see if Mrs. Narvick had anything more in the last hours about the introduction of the legislation to the House than I have received. She said not.

We have been on the phone with members of the Federal Cabinet within the last week, and have been encouraged to expect that the Bill may still be introduced in the House of Commons before the Christmas recess. Also, we have also been told that will be difficult to achieve. We are informed that they are going to try to do it.

That is as to the introduction of the bill.

I think that is the earliest we can hope for, certainly. I mean, I don't think we can expect more than the introduction of the Bill before Christmas.

Then, we are supposing that there will be debate in January and have hoped that it would be passed in February, although Mrs. Narvik has said she has also seen an account that it might not be passed until March.

We are certainly telling the members of the Cabinet that we are discussing this with the Arctic Pipeline Commissioner, Mr. Basil Robinson, that, in our view, it would be very helpful to see an expeditious enactment of the legislation by Parliament, if Parliament wills to do so and approves the legislation, because so much has been put now into place on this overall project and by some of the other bodies, that it would be kind of a show of leadership for Parliament to move expeditiously in its role.

If the program follows the kind of timing I just referred to, I don't think that will cause any delay in the project. I think we can keep everything going. As to the information centres, we have been talking about those, again, very much here in the last day or two. We have talked to the Mayor about the situation again this morning. We would hope our office here could be developed the more as a source of information and we are prepared to take on the expense, as we should, and put in the work to make sure that there is a place that people can get our account of what will happen.

If there is also a desire that there be some governmental centre that would be acting in the same role, we would support in anyway we could the dissemination of information.

At this stage, there are still some pretty basic things to be decided about the project, so the only cautious or prudent thing we can do is say that not all the details are available, because some decisions haven't been made and they partly haven't been made because there has not yet been the final consultative process, regionally and locally, that we believe and know should be implemented.

But, as far as we can define and give final answers, we would like to be just helping in anyway that we can to do so.

Was I specific enough in response?

Mr. Chairman: Ms Millard.

Ms Millard: Mr. Chairman, coming from one of the communities that is not along the pipeline route, I am most concerned about the benefits that will be to the other people in the Yukon, such as the community I live in.

One of the benefits that has been talked about in the Agreement is to provide gas to communities along the route, as well as communities not along the route.

As I understand it, the communities that are not along the

route have two years to decide whether or not they want to hook into this system and that the money would be provided by the company to the amount of the product of \$2,500 times the number of customers available in that community.

I don't know if that allows Dawson to be even thinking about the situation because I don't think that there would be enough customers to even put the line in. I am wondering if the maximum of \$2½ million which you have set aside for this project is not spent by the other communities within the two years limit, would the company willing to spend part of that left over money which hasn't been spent, make it available to other communities on a cost-sharing basis, or something like that, or would they be willing to make agreements with municipal governments or the Government of the Yukon to provide for a certain percentage of costs towards hooking up to the gas?

Mr. Blair: I think the kinds of suggestions you are raising are all practical and should be investigated. We never meant any of those rules of thumb for connecting a community to be hard or inflexible, they were really just designed, or either offered by ourselves, or in some cases stipulated by the government to give some kind of outline, so people's expectations could form on something to what would be practical.

As far as Dawson goes, I am sure that the answer to economic natural gas supply to Dawson is the sequential Dempster Highway lateral, it would be an awful big lateral, but a main line coming in from the Mackenzie Valley, which would make gas totally economic in Dawson as all along the Alaska Highway. But until that occurs, I don't really think there is any practical prospect of running a line up from here only for the load that would be in Dawson. I think that just goes, I believe, beyond any utility calculation of feasibility.

What we have done basically along the route for those communities which can be served from a line along the Alaska Highway, which are basically in the highway zone, is set up a pricing arrangement under which those communities can get gas delivered to their town edge on the same pricing basis as though they were in Alberta, through an exchange arrangement to which we have agreed. We have got everyone to agree that gas will go out of this line and then will be replaced in Alberta, on a sort of at-cost basis so that conceptually it moves in terms of gas supply only, it sort of conceptually moves the communities into the Alberta gas pricing regime, which we think is really advantageous. We have also got everyone to agree that the laterals to take the gas from the main line to the town gate of the highway communities will just be rolled right in with the main line and they become sort of absorbed by the downstream users, which is fair enough too. That wasn't something that was done to us, it was something that we recommended right from the beginning and that can often mean we can go five or ten miles from the pipeline to achieve that. But for Dawson itself, I am afraid we are out of luck in feasibility within that program.

Ms Millard: Just two supplementaries to the Alberta pricing situation for the communities, and you then state that the same agreement will apply to Dawson and to other communities with the Dempster, or, if the Dempster Lateral is put in?

Mr. Blair: There should be no time limit, no, there is no reason to impose a time limit on these transactions. If the gas is in the line and the community wants service, it ought to get the service when it is ready.

There may be some practical operating constraints on tapping into the line, but that is just a matter of months one way or another. It doesn't mean the people miss the chance forever.

The policy that has been applied for this line will be the same companies and the same people, and, I am sure, the same policies for the Dempster Line, too, so that when, or, as you

say, if, but we think it is when, the Dempster line goes in, it should be the same policies applied.

Ms Millard: Thank you, Mr. Chairman, just to clear the question which I asked about the Alberta pricing, it wasn't a time limit on whether they should connect or not, but a time limit on whether or not the community is going to receive Alberta prices. I had understood that it was limited to two years and the agreement with Alberta is a limited time and I would like assurance that that is going to last for the length of the pipeline.

Mr. Blair: You sure have my assurance that it will last for the generations of management that we can control. I suppose that none of us can promise absolutely what will happen forever, but, there is no time limit. It is our commitment that that pricing policy will prevail for our project without any limitation on time.

I don't know where the two and a half years came from, but it wasn't something we meant to confine with this policy.

Mr. Chairman: It would appear that there are several more questions forthcoming and, if it is all right with the witnesses, we would recess until 1:30, if you could come back at that time, would that be possible?

Hon. Mr. McKinnon: Mr. Chairman, if I may ask just one general question?

Mr. Chairman: Okay.

Hon. Mr. McKinnon: Thank you, Mr. Chairman, I would like to ask Mr. Blair one general question. It won't be possible for me to be in the House this afternoon.

If my additions are correct, with all the legs of the pipeline, it would appear that there is some 731 miles to be built in Alaska. In Northern B.C., with the north and south leg, there are some 545 miles. In Alberta, with the eastern and western legs, there will be some 807 miles. In the Yukon, there will be 517 miles, which only in the Province of Saskatchewan there will be less a portion of this pipeline being built out of the whole system.

I get the impression, Mr. Chairman, at times, that perhaps Yukoners have a total preoccupation with a pipeline and I always put it down to be a very large project going through a small populated area, but, on my visits to the smaller centres in Alaska, and in particularly in Northern B.C., and areas like Fort Nelson, I find that they do not have this total preoccupation and fears with the pipeline construction.

The fears and the concerns of Yukoners are genuine, in the field of in-migration. I think that there is a group that feel that we are almost going to be declaring martial law in the communities along the Highway, because of the pillaging and looting that may or may not be going on. That the environmental damage to the Yukon, that we all love, will be irreparable. That the inflationary impact of the coming of the pipeline will be totally impossible to cope with. That the change in the Yukon lifestyle will be irrevocable in a very detrimental manner.

I wonder, Mr. Chairman, if I could ask Mr. Blair, I know these concerns and fears of Yukoners are genuine, but I was wondering whether Mr. Blair would be able to tell Committee whether he feels that they are valid from your experience in similar conditions in building pipelines in areas similar to the Yukon experience?

Mr. Blair: Mr. Chairman, it is a very important question. I would have to be careful not to presume here because obviously my interest at this stage is in seeing that the project is installed. In some ways, our own approach to this project originally was kind of defensive. We, an Alberta company, our first reaction was, if we didn't get into this and come up with something more manageable, we were going to get run over by what was then one of the competitive schemes and we

almost backed into the project that way, with a sense of concern, our running over feeling was more a sort of economic sense between big transmission companies than, of course, the local social impact one.

However, what our role now is to get the project done and I suppose we have got to be awfully careful not to be seeming to reassuring everybody else that they needn't worry, sort of have it our way, go ahead and do it, just trust us completely, because I think we need to think awfully hard about it, and I think other people are entitled very much to have their sharp concerns and watch it very carefully.

I have been thinking about it, hard, and I am not quite sure yet what base we should extrapolate from experience. We have built a lot of pipelines in Canada in circumstances that were not far from the circumstances for this project without any great serious disruptions and upheaval at all. The one I knew best was the one along the John Hart Highway in northern B.C. where, in many ways the parallel of Prince George and Quesnel at that time and the populations they had and the existence of communities along the highway and the numbers of people that came in, and the circumstances were quite similar, and we did a lot of things that were practical then that helped. We didn't bring in a lot of big new institutions. We tried to confine, I mean in terms of encouraging people to put up big properties that would then be too much for the market. We put in trailer parks and then took them out again, for instance, rather than leaving them as overwhelming competition to established businesses, and we built hostels and we put camps out on the highway and we put people into buses and ran all the crews in and out on buses to cut down on the road traffic, and also that kept all the rifles off the job. There are a lot of things that can be done, and I think probably if you talk to somebody in Prince George five years later, they wouldn't think of anything that unusual having gone through. In some ways, because a pipeline rolls right along, the crews move pretty fast, they are progressing at a mile a day and they go by a community pretty quickly.

On the other hand, I think that what we have to recognize to be practical is that Whitehorse is more than just a town along a rolling pipeline operation, but is such a natural distribution centre for several hundred miles east and west.

And I am sure that there will be more affects in here than there are normally, for that reason, and that it is going to be a time to be cautious about how many people are coming in and how many businesses are coming in to stay.

But, on the other hand, we have a couple of years of, ahead to work with here and it appears to me that the government's are more a step ahead than usual. I don't think the governments are playing catch-up on this one, as has happened sometimes in other places.

I think that there is time to anticipate and we know how hard the City here is thinking about this subject and I am not apprehensive. I think we have, there is good reason to be careful. There is good reason to put in precautions, but I think we have both the capability and the goodwill and the experience on both sides to see that the precautions are put into place and that there can be a project put through that will not have any trace of disaster to the residents here.

Hon. Mr. McKinnon: Just a supplementary, specific question: from an engineering and technical point of view, is the proposed right-of-way through the Yukon a particularly difficult piece of terrain in which to build a pipeline?

Mr. Blair: Perhaps Graham and George would join me on this, but I am not avoiding it. The answer to me, is no, it is tough. It is not easy. It is not a wheatfield to roll right across, but relatively, this is not as difficult terrain as we have seen in the Transmountain Pipeline and the Westcoast Transmission Pipeline.

Actually, the 500 miles downstream through British Columbia is rougher than the Yukon, in our appraisal, but, perhaps these experienced pipeline builders here, too, might want to say something.

Mr. Pollock: Well, we have looked at the line, flown it both east and west and, you know, really, from Whitehorse North, we are following the old Canol Pipeline and the terrain there is probably similar to what we have in Alberta.

The eastern leg is fairly heavy grading and clearing kind of pipeline, but it is not difficult at all and, as Mr. Blair said, the B.C. portion is going to be the much more difficult one to build.

So, we don't really consider it difficult. We are a little apprehensive of what the regulatory bodies are going to do to us and that may make it difficult, but, in terms of normal pipeline activity, it is not.

Mr. Chairman: Thank you, at the invitation of Mr. Bell, we shall retire to the Cellar for lunch and reconvene here at 1:30.

Recess

Mr. Chairman: I call Committee to order. Mr. McCall?

Mr. McCall: Yes, Mr. Chairman, I would like to carry on with some of my questions I had prepared this morning, dealing again with the Lysyk Inquiry.

It has made reference to the four major unions that would be involved in this particular project and I am left with the impression, and I would like to ask Mr. Blair, can I assume that the present system in place with the agreement signed between, I believe Foothills and the four unions involved, can I assume that any individual that lives in the Yukon will have difficulty getting on the pipeline project where these four unions have jurisdiction simply because the unions have a policy whereby an individual cannot join that union unless he has a job and Foothills will not hire the individual because he is not in the union?

Mr. Blair: No, that would not be a correct assumption. Actually, there are no agreements at present that have been signed between Foothills and unions. The practice in the installation of large pipeline systems in Canada is that the work is done and the construction employees are engaged by pipeline contractors who then contract with a company an owning company such as Foothills to carry out the job. Collective agreements are negotiated between those pipeline contractors and the four main pipeline construction unions from time to time and the owner company, as Foothills will be, is in a position to put conditions into its contracts with the contractors which will require that certain particular arrangements be made with respect to hiring people locally.

It is our intention and our expectation that large numbers of those Yukoners who are available will be employed by the contractors in the construction.

Mr. Chairman: Mr. Lang.

Hon. Mr. Lang: Mr. Chairman, in your opening remarks, Mr. Blair, you briefly mentioned the schedule and it is my understanding that it is 1981, 1982, the actual construction takes place.

When will it be firm, the actual construction schedule at that time, when will it be made public? I understand you go in stages. For example, you will take once section of the Yukon and then another section or maybe two simultaneously. When will that schedule be firm so that we have an idea when, what is going to occur during those years of construction?

Mr. Blair: I expect that detailed construction schedules will be firm by approximately the end of 1978.

Mr. Chairman, may I add something. I am prompted by Mr. Pollock, I expect it will be later in next year when detailed construction schedules and firm ones are available and will be

made public, there will also be a continuing process of consultation with the Government, the Yukon Territorial Government and whoever the Legislature may wish us to correspond with showing the evolution of the preliminary construction schedules. I have one in my pocket at the moment which we could leave in town if we like, but these things will gradually get more and more firm and more and more realistic, and we will have an on-going process of information through the year.

Mr. Chairman: Mr. Fleming?

Mr. Fleming: Yes, Mr. Chairman, just a question for Mr. Blair. He said earlier in his remarks that everything is not really in place and complete yet. I am wondering, do you foresee any rerouting in any specific areas or anything like this, or is that being pretty well settled?

Mr. Blair: One of the things that has been settled, is that the main line will follow, it has been settled by the agreement between United States and Canada. I would say it has been settled finally and firmly, but the main line will follow the route of the Alaska Highway. I think, say in comparison with the possibility that the route might be rearranged back up through Dawson or some major change of that sort, I think has been foregone now. However, there will be final choice of location within a lateral distance of a few miles still capable all along the route.

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, I wonder if Mr. Blair could assist us in giving us some kind of run down on which portions of the entire line will begin first, because it is my impression that some of the pressure will be taken off our section regarding in-migration and influx of people before there are jobs for them, if other sections of the line proceed first and they will get the first waves and we may benefit from that delay.

Mr. Blair: It is quite correct that within the overall project it is intended that the work in Alaska and in Alberta and in British Columbia and Saskatchewan will all commence relatively somewhat earlier than the corresponding work in the Yukon. The reasoning is partly responsive to the recommendation in the Lysyk Inquiry's report that pipe laying in the unit can be deferred until after January of 1981. The extent of advancement of work in the other provincial areas relative to the Yukon work is not very large. As I recollect, the extent of time is not very long, as I recollect about three or six months would be about the extent of the advancement. I'll just refresh myself glancing at the schedule for a moment.

Mr. McCall: Yes, Mr. Chairman, to stay on the same area. I have a lot of reservations with what I mentioned a moment ago. I'm going to ask the questions if you will allow me.

Hon. Mrs. Whyard: Mr. Chairman, Mr. Blair was attempting to answer my question.

Mr. McCall: I'm sorry.

Mr. Chairman: Carry on.

Mr. Blair: Mr. Chairman, yes, I think my answer was quite accurate, quite close that generally speaking, the work in the provinces would be about six months earlier than the work in the Yukon, for some operations, as much as nine months earlier than the work in the Yukon. There is, Mr. Chairman, also, and I had meant to include this in the answer as sort of a second barrel that there is—what I have said so far is true for the whole project, no matter how it is staged, but there is an alternative within the project, which is still being examined, that is that the down-stream ends of the project be deliberately prebuilt substantially ahead of the up-stream ends, partly so the construction be spread out over a longer period for the greater manageability and economy and longer work runs for everybody involved and also so that perhaps some of the present Alberta gas surplus could move temperar-

ily into the United States as a market outlet.

If that occurs, there would be a very considerable degree of advancement of the laying of pipe in Saskatchewan and Southern British Columbia, and the south half of Alberta, which could occur as early as 1980 and be a year and a half ahead of the corresponding work in the Yukon.

Mr. Chairman: Mrs. Whyard.

Hon. Mrs. Whyard: Mr. Chairman, so that the Yukon in its attempts to inform people in Southern Canada, to mount an information campaign, would be on safe grounds saying you are better off staying in southern Canada before you head up this way for pipeline jobs.

This is something we can use.

Mr. Blair: That is correct, yes.

Hon. Mrs. Whyard: Thank you, Mr. Chairman.

Mr. Blair: It is a good idea.

Mr. Chairman: Mr. McCall

Mr. McCall: Thank you, Mr. Chairman.

I must apologize to the Minister for not being allowed to have her question answered.

I deal with my concern, again, Mr. Chairman. I have a number of questions. Again, I would like to refer to the Lysyk Inquiry, dealing with the manpower and the training.

I mentioned a moment ago that you have talked about four trade unions and I stand to be corrected. They were negotiated with the Pipeline Contractors Association of Canada. I apologize for that, Mr. Blair.

My concern here, one of my questions before I ask the question, I would like to read into the record again, a project agreement for the Yukon.

"Special agreements generally of two years duration were negotiated by each of the four unions with the Pipeline Contractors Association. The term of the four current agreements extend from May 1st, 1977 to April 30th, 1979. They outline the scope of work of the various trades which each union and cover such general subjects as union recognition..."

That is a closed shop.

...hiring procedures, working rules, and grievance procedures. The agreements also cover special requirements that must be met in the construction of northern pipelines and in the standards of northern pipeline construction camps."

I go on further, if I may, very quickly,

"Mr. Jack Saker, Constuction Co-ordinator of Foothills, told us that his company is not a party to negotiations between the unions and the contractors, but is kept informed of these negotiations."

I go on to quote Mr. Saker:

"As a negotiating process to develop such agreements as a complex and specialized function and has evolved over the years, it should be conducted by the Pipeline Contractors Association, which has a competence in this negotiating process and which can maintain practices that have been developed, or is in the best position to develop and incorporate new practices as they are required, such as the incorporation of the Northern natives into the work force."

How then does Foothills intend to insure the terms and conditions concerning pipeline employment, as contained in the permit are carried out?

Mr. John Burrell, Vice President of the Corporate Development of Foothills said, and I quote:

"We will ask the contractors to negotiate an agreement for us and, in that arrangement, what we will ask them to negotiate will be an agreement which will include the terms and conditions, of course, which are set on this project and by permit and also the policy positions that the company itself has."

"The situation has some disturbing implications. The stipulations in the permit that cover the pipeline employment and training, stipulations that would be part of the government's agreement to allow Foothills to build a pipeline will be requirements that are made of Foothills, not requirements made of the unions or the contractors that Foothills may engage to carry out the construction work. Such stipulations may become meaningless if they are not translated into special obligations that are binding on the contractors and on the unions, yet Foothills appears ready to leave these matters to the negotiating process in which it plays no role. What may be negotiating into a project agreement, may also be negotiated out of it."

I go back again to my question, Mr. Blair, is that for example if an individual Yukoner wishes to pursue a career of work with Foothills on the pipeline project where a jurisdiction of a union is covered by an agreement such as I just quoted, which is a closed shop, and that union will not allow him membership simply because of the closed shop, because he doesn't have a job. He goes back to Foothills and they say well we can't help you because you are not a member of the union. There is a split here which is evident right now in the Yukon. What has Foothills considered in this area when it comes down to sitting down with the Contractor's Association as to their stipulations they would like for their agreements?

Mr. Blair: Well, first I would have to agree, you are pointing to an area of real legitimate concern. The assurance though we have to give at this stage is that is all for the future and we are concerned about it too, and we will make sure that the arrangements to which we have testified are made effective as well as put on the record.

That first man that you quoted, Jack Saker, I think you said, seemed to be giving a rather conventional answer.

It is true that in the routines of year by year the negotiation as such occurs between the Contractors Association members and the unions, but his answer didn't bring out that it is also true that there are occasions in which the owning company sits down right across the table from the same unions and thrashes out the general strategy that can be followed in this project. We have engaged in such meetings in the past and we will in the future too, and take a direct hand in dealing with the unions to explain what it is that has to be done and why we are going to put certain conditions on our contractors that they will have to be bound by when they deal with the unions or there simply will be no project, and the Government of Canada will be standing behind us in this too, I expect.

That's my part of the answer. I would like to pass also to Graham Pollock, who among other sins in his past, was once, or at least once was President of the Pipeline Contractors Association of Canada.

Mr. Pollock: Well, just to review for minute the process that takes place and has, since the early 50's in Canada when the Pipeline Contractors formed the Association to deal with the unions, and the reason for that was that the unions were playing one contractor off against the other, as you are aware.

When a contractor joins the Pipeline Contractors Association, he turns over the bargaining rights to the Association to negotiate with the unions. Now, on the South Yukon job, we will be advising the Pipeline Contractors Association of the conditions we must have in the agreement. The Pipeline Con-

tractors and the unions have what they call an Advisory Council, which is made up of members of the Association and unions. They have already agreed that the Yukoners, wherever they fit, whether it is in the Teamsters or in the Operating Engineers or the Welders, whatever it is, will be hired first on to the job.

That is already in agreement, that we won't have any trouble negotiating with the unions. It will be up to the South Yukon Company to see that that is enforced and we already have, as I said, the agreement of the unions that they will abide by this condition and it will be our responsibility to see that it is enforced.

May I ask John Burrell if he wants to add anything to that?

Mr. Burrell: The only thing I wanted to add is the fact that we are having discussions with the union contractors, the government people towards a delivery system to make it as easy as possible for the Yukoners to get involved with the jobs and the item I perhaps spoke to this morning.

Mr. Chairman: Mr. McCall.

Mr. McCall: I would like to say thanks for the clarifications, but I still have the concern, when this agreement that has been suggested is already in place, where a Yukoner hire will be hired first and the unions have sanctioned this.

My concern is this, that by sanction or agreeing to this principle for consideration, is it fair to assume that in the same collective agreement, that will only come into force if the Yukoner has equal ability to bid for that job through the union or through the hiring hall, but if he does not have that ability, then he falls short and that would also enhance the position of a proper trading format for Yukoners, in order to compete on an equal basis with already experienced pipeline operators within the union structure.

Mr. Pollock: Well, I think that the answer to that is that in the case of a Teamster, as long as the Yukoner has his driver's licence or ticket necessary to drive whatever vehicle is involved, that he is then qualified to compete with any other member of the union, whether he is from B.C. or Alberta, or whatever.

One of the things that we are going to undertake in our training program is to give Yukoners an opportunity to get educated and trained so that they can qualify and compete with any other members of the union.

Mr. Chairman: Mr. McCall?

Mr. McCall: I have two questions and one very quick into encouraging the concept of training of Yukoners. Would it not be fairer if the company itself, Foothills, to be involved with a commitment to encourage proper training so that Yukoners will be in a position to compete with individuals always within the union structure.

Mr. Pollock: Yes, I would like John Burrell to answer that. He has had discussions with the advisory council on just such a program.

Mr. Burrell: As far as the construction training is concerned, we recognize a need for the training, we have been to the Lysyk Inquiries and heard the concerns of the people and the need for training, and our recognition of that too in looking at the labour force. We have looked and had discussions, as I mentioned, with the contractors, the unions and the native organizations and government people, and we are now in the process of putting together a program which will be as complete as we possibly can make it.

The first part of the program will be to develop an information program to let people know what jobs are available and what is involved with taking these jobs and how they would join the union in the case of the construction to take these jobs, and then taking it from there to recruiting the people and

providing the skill training, which is necessary, to upgrade the skills to levels for all people to take the jobs that are available. We are working with the unions and the contractors in that regard now, and this program will go forward. There will be jobs for people who do not wish to take the skill training that will be made available, but we think it is very important that the skill training be made available, and as I say, we are working with the various groups that will be involved, the unions, contractors, have to recognize that these jobs have to be made through a union to the Yukoners. We believe it is important that all the groups get involved at the outset of the program so that they can have input and make it as easy as possible for the Yukoners to be involved.

Mr. Pollock: If I could just add one more thing to that, the training programs that have been conducted with the contractors and unions in the last ten or fifteen years is where the people who want to receive the training, whether it is welders or truck drivers or cat operators, the contractors supply the supervision and the unions participate in the training of this person, and this course ranges from one month to six weeks or two months. Often times we have established camps or it is done in the city or where ever we judge is the best place to do it at the time, and that's the sort of thing that we would be doing here.

Mr. McCall: Just one more question, Mr. Chairman, to get off this particular point.

This morning, there was a reply to a question, a partial reply dealing with concerns we are having with regulatory agencies. I was wondering if you could further clarify the concept you were seeking in the total regulatory bodies, that includes the Government of the Yukon, the British Columbia Government, the Alberta Government, perhaps the Alaska Government, the State of Alaska, and the Federal Government. I can see the overall ramifications and problems, but what is Foothills itself looking for as far as the proper regulatory bodies, that is, shall we say as an example, in the Yukon. What do you foresee as far as a regulatory body?

Mr. Blair: First, we are not supposing it is up to us, you know, or is our right to prescribe what the nature and the rules should be for the body which regulates us. That would be presumptuous, but we have lived with project after project that are regulated and are entirely used to the process of governmental inspection and policing of our activities. We are used to working with the existing agencies, with the National Energy Board, with the local departments of health, the Mounted Police, and all those operations in their normal jurisdictions.

We tend, generally, to favour continuation of authority in the established agencies, in general we tend to favour that rather than the creation of large new institutions.

In the MacKenzie Valley days of that contest, our rivals, the Arctic Gas Group, put a lot of emphasis on their desire that there be a single new super-body established that would have authority in all these areas and which would overrule, when they felt necessary, all of the established agencies. Their argument for that was that it would be very convenient to the pipeline owner if it worked out that way, that rather than serving several bosses, they would have one person who would always be able to give them a quick answer.

We are not that impressed with that line of thought. It might be convenient for the pipeline operator, might or it might not, but it also might involve bringing in a whole lot of new people who didn't know that much about the subject and having to get them all used to the work. Our general bias is to build more on what is already here and ask and hope that it be supplemented.

We do recognize a couple of things. One is that the existing agencies, the agencies that have historically governed the

pipeline job are not comprehensive for a job as big as this, and with the possibilities of social impacts that this one has that there are areas that the National Energy Board has never really attended to very much, and particularly those are the areas of social impact and to some new regulatory powers are going to have to be put in place to provide a government and a policing of those aspects of the job.

Those are built on the ongoing agencies. We know it is the office of the Arctic Pipeline Commissioner and it may well be that it becomes more involved in this job now. We are really just prepared to wait and see what develops and expect to work with it.

Mr. Pollock also made a remark that after seeing what happened at Alyeska where there was a real circumstances in which over-regulation sometimes impeded efficient construction and we hope that doesn't occur, of course. I don't know if he wishes to expand on that thought now. I will pass it over to him in case he does.

Mr. Pollock: I think you said it all when you said you hope it doesn't occur.

Mr. Deputy Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, but following through with Mr. Pollock, please, if you rely on the bodies which are in place now, rather than establishing a super-monster regulatory agency, you could then end up dealing with something like forty-two different government departments at different levels and I thought the idea was to have a "single window agency" as they like to say, which would be providing ease of access and a decision in a hurry. Do you not see some benefit in that, rather than dealing with all the established agencies?

Mr. Pollock: We are hoping that that is what will evolve. I think that we would strangle a project if that in fact happened where we had to deal with you know, even ten, but forty would be something that I would hate to have to contemplate. The attitude of the Federal Government seems to be that of forming one regulatory body, and that being discussed and hopefully being put in place in the—maybe Mr. Blair can comment on the parliamentary action that has taken place in Ottawa now.

Mr. Blair: My point is just this, that we would prefer to deal with the RCMP in respect of police matters, and we would prefer to deal with the Department of Health in respect of health matters, and if there is to be an umbrella agency put over everything to make sure that it all fits together and that all the supplementary areas are covered, and also so that there is good communications so that if we address ourselves to some parties we will not be told we should have been covering some others too. I hope it will be supplementary and it will build on the existing agencies and not be some huge new super institution which will then have to claim competence in police and health and everything else, all from a standing start. That is the bias that I was expressing.

Also, while we hate to deal with forty-two different agencies, we always do deal with half a dozen or so and that's all right. I wouldn't say just for our convenience that there ought to be one post office box that we can just put a letter into it and say well we have now served notice on everybody that that is what we need. We can do a little running around too and going to different places and making sure we consult a few different organizations at the same time.

Mr. Deputy Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Well, Mr. Chairman, if I may add a comment. Mr. Blair's remarks are very reassuring because we have been somewhat alarmed lately here by rumors that approximately 100 federal people are going to descend upon us and take part in supervision of this section of the pipeline, and we really don't feel that that many are necessary.

Mr. Blair: Well, I have no authority to give an answer on this, as to what will happen. We are aware that the government is thinking it over and our representations to the Prime Minister's office and to Ministers, the Federal Ministers who are apparently most closely related to this and to the National Energy Board, our representations have been in the direction that I was describing just now, that we would hope that the existing experience, organizations would have the main authority and that the Federal umbrella or overall presence that is established for this would have a supplementary nature more than a replacement nature.

But, that is just our representations. I cannot promise what the outcome will be.

But, I would say this. We have had a good hearing. We have had, the remarks back to us have been fair and balanced and there is obviously some real care being taken to that point of view in Ottawa.

Mr. Deputy Chairman: Ms Millard.

Ms Millard: Mr. Chairman, two questions, the first one dealing with something I brought up this morning, and that was allowing the smaller communities along the route and outside of the route to have gas.

I was wondering, the price that the people will be paying in those communities will be the Alberta, the Alberta price, you said. Is that the export price or the domestic price and how much is the difference?

Mr. Blair: The price would be the price at which gas is available at the boundaries of Alberta, at any boundary of Alberta, for gas produced in Alberta and destined for consumption somewhere else in Canada. So, it is not the export price, in terms of export into the United States. If you thought of Alberta as exporting to another province, it would be that price.

There are consumers within Alberta who buy for less than that border price. The difference varies according to just the peculiarities of historic contracts. I don't have the figures in my memory, about this. Perhaps the safest thing would be to send you a few paragraphs of factual information about that and we would be pleased to do so, just listing what the prices are.

Mr. Deputy Chairman: Ms Millard.

Ms Millard: That would be very kind, Mr. Chairman.

The other question on the gas was is there any problem for the local consumers, in conversion of the gas to make it useable within their home?

Mr. Blair: Well, there is expense, yes. I mean, when we are saying that the price is the Alberta price, we mean that gas would be laid down to the edge of a community here at the same price as though it were Alberta gas at the borders of the province.

But then on that has to be added the local distribution cost and, in some cases, conversion and depending on the appliances being converted, there will be a conversion expense that will be the consumers' expense.

But, the places I have had experience with it, it is all very much worthwhile. I mean the savings on gas far overcomes the conversion cost. John Burrell, among his past sins was a gas distribution company manager and he might add something specific to you.

Mr. Burrell: The studies which we have done and presented to the Lysyk Inquiry certainly show that there was a saving to be realized and a fairly significant saving between using gas and other fuels in the communities we studied.

Mr. Blair is right, the conversion cost would have to be added to that, but our assessment of that would be that the

conversion cost would be paid off in just a few number of years and it would be well worth it to use natural gas. Of course the cost of conversion depends upon the type of equipment that the home already has. If it is an older stove, of course, it may have to be replaced, or if it is a newer one it may just have to be some burner modifications, so what the costs would be to the consumer would really depend upon the type of equipment that they presently have.

Mr. Deputy Chairman: Ms Millard?

Ms Millard: Mr. Chairman, I was thinking of conversion more in terms of coming from the pipeline for instance to the outlying district of the community. Is there anything that needs to be done to the gas to make it so that it is useable in the home other than converting from electricity to gas within the home. More for instance in reducing the compression or that sort of thing so that the cost to the community would be added on because there was a necessity to change the temperature or the pressure of the gas.

Mr. Burrell: There will be a need to reduce the pressure of the gas from the main line pressure. The main line pressure would be somewhere in the neighbourhood of 1200 pounds per square inch, it would have to be reduced to something around a quarter of a pound per use within the homes. But this is a traditional thing, it is done with any community, you put a regulating facility at the edge of town, reduce the pressure down and then distribute it within the distribution system in the community, and then there is a further pressure reduction in the home to allow the pressure to be reduced to what the plans can use. It is a standard arrangement.

We have included in our cost of the main line, the cost of the reducing pressure facilities needed to get it down to the distribution pressure. The cost of reducing it in the homes is a cost in the distribution system.

Mr. Deputy Chairman: Mr. Lengerke?

Mr. Lengerke: I think, Mr. Chairman, Mr. Blair wanted to answer further.

Mr. Deputy Chairman: I am sorry. Go ahead Mr. Blair.

Mr. Blair: Perhaps I would add if we just stuck a few numbers on this, you know, to give you a feeling of perspective. If John would track along behind me on this, I would say to the local job of bringing gas into a farm or an outlying place might run a couple of thousand dollars per house. Within a city distribution system, several hundred per house. The reduction on metering is tens of dollars per house, conversion might run a few tens of dollars if all you are doing is putting a coil into an old type furnace, or if you decided to replace an appliance, of course, you have got two or three hundred dollars for the range or whatever it is you are replacing, so that the amounts are significant, but, John, this gas would be landed in many cases for less than half the total cost of oil, I know, and other cases for two-thirds, so still there is a measured, a net advantage, to be pursued. There is an awful lot of evidence was put into this on the record, and perhaps one of the other things we might do is go back and extract a lot of that and make you up sort of a summary of what was said on evidence before Dean Lysyk. That might be the best way of all to finish giving you a report.

Mr. Deputy Chairman: Mr. Lengerke?

Mr. Lengerke: Thank you, Mr. Chairman, just supplementary to that, it is not the question I was going to ask, but on the price of gas, is it not true though that a price is still with respect to the entire project, be at American gas, Alberta gas or whatever, has to be negotiated with FCC and National Energy Board and this kind of thing? Doesn't this process have to be completed first?

Mr. Blair: It is certainly true in respect to the project

overall, that the field price of gas in Alaska has not yet been established, but the way this transaction has been developed, the field price of Alaskan gas will not have anything to do with the delivered cost to the Yukon, because we are going to deliver gas into the Yukon on an exchange basis. So, that, permanently, the price in the Yukon will be the price then prevailing for Alberta.

Now, that means of course that the whole thing will vary according to Alberta's future pricing policies, but the protection there is that all the Alberta consumers are going to be looking at those pricing policies so you get yourself on the same side as about one and a half million Alberta consumers who will be putting up a fight for the price not going up excessively.

Mr. Deputy Chairman: Mr. Lengerke.

Mr. Lengerke: I will ask the other question, it is an easy one. One of the conditions, I understand, in the Agreement, is electrical power could be used to run the pipeline compressor units. I know that many, many of us feel that this is really a positive step for Yukon, as I anticipate it is going to help us develop a large hydro project.

But my question is, will this condition adversely affect the financing of the project or the operation of the line? Or, will it in fact, in the long run, it will be a beneficial step in the efficiency of the pipeline itself.

Mr. Blair: The answer is no, it will not be adverse to the financing and it will not, no, it will not be adverse to the operation and, in the long run, it may well be beneficial to the operation of the pipeline.

In the short run, it will represent a relatively small additional cost. Would you like to just to give you a quick...?

Mr. Lengerke: Yes.

Mr. Blair: ...sketch of this? Well, our engineers have calculated that if for each compressor station we anticipated that in the future it could be desirable to take out the gas turbine and substitute an electric motor and, anticipating that operation and not wanting to tear everything apart or shut the station down for a long period when it occurred, they have calculated what the design changes should be, in the way the piping was located and the way the foundations were placed and the way the provision was made for an overhead crane within the station, so that there would be lots of ability to make that change. As I remember the total cost of making all such changes, of making a design that anticipated, so that that change could occur, is something less than \$300,000 for station.

Now that is a great deal of money, of course, but when multiplied by seven stations, it is \$2 million and then a \$1.2 million project, it is not going to change the feasibility or the financing of the project. Recognizing how very important it might be at some time in the future to have an industrial base electrical load or markets available for a new increment of power in the Yukon, and what the economic and public implications of that could be, we have committed that if at the time of final design there is still a positive increase in the interest, sorry, still a positive interest in the Yukon in this arrangement then we will simply absorb that as one of the proper prices of access through the country saying okay, its more, it is just like a number of things that you do, it is not the cheapest way to do it, but it makes sense and in perspective, it could be desirable in the future, so that is the commitment that we have given.

Now, at that time in the future, we would have to have the situation of a new supply of power in the Yukon and it being desirable to the Yukon to send some of that power into the industrial market, each station uses about 20 megawatts, so it could be a substantial base load, and we would have to assume that there was some reasonable relationship between the price of that power and the cost of the gas at that time. Not

necessarily that the power would be much cheaper or anything, but at least that it not be exorbitantly higher. But there seems to be enough of a case for events taking that course that we have already decided, and that's past history now. We have given that commitment as something that we will do.

Mr. Deputy Chairman: Ms Millard?

Ms Millard: As long as we are on electrification as well, because it has a great deal of implications for the Yukon. Is there a date beyond which you will not consider electrification? Is that the date of completion that beyond that you will not consider changing?

Mr. Blair: No, not at all. The only thing that comes close to a deadline on this is that at the time that we began to make the design final, which is probably about the end of, well going into '79, that there be some serious representations to us by the NCPC or the Yukon Territorial Government that there was a serious interest in this program, and if that is convincing and we expect it would be, then we will go ahead and make the move and provide for this future substitution. From then on, it could occur any time, it could occur in one year, five years, or twenty-five years. It could occur for one or more stations.

There is one other factor, that is it would be probable that the pipeline management in the future would be reluctant to put all of the compression on to one single source of electrical power, so if it was being asked to convert all the stations it would be probably as a matter of prudence would only want to do so if there was some grid or emergency power tie into the same system. I could see it might really put every third or fourth station on to one source of power and gamble, but actually there is a lot to be said for electrical power and compressor stations. It produces very low maintenance costs, and it is safe and it saves gas, which is getting to be a pretty precious commodity. So there is a very favourable interest, even though it is for the future. But it doesn't all have to be proved to us in advance. We have decided already to take the step of building in the capability to convert so long as there continues to be a serious interest in the Yukon in developing another big power project.

Mr. Deputy Chairman: Mr. Lang.

Hon. Mr. Lang: Mr. Chairman, to carry this a little further. Is this conversion model going to be used for the B.C. section as well? Have they expressed an interest for hydro generation as well?

Mr. Blair: It hasn't come up. There is a subject, as far as I know, but what you remind me is that we have said that there is no particular reason, if the Yukon develops a source of power, there is no particular reason to suppose that it would only be the stations in the Yukon that would use the Yukon power, that you might, if it were that attractive, you might find that some of the stations in Alaska or in British Columbia were interested also.

But the question of whether it might come in the other direction of B.C. wanting electric power into its own stations simply hasn't, we haven't heard of any such suggestion yet.

Mr. Deputy Chairman: Mr. Lang.

Hon. Mr. Lang: Mr. Chairman, just to pursue that a little further for my own clarification, what you are saying is that by 1979, the NCPC and the Government of the Yukon Territory have to come forth with a very serious proposal for you to put that converted model for the compressors into place. Otherwise, you will go with your standard compressor stations?

Mr. Blair: Yes, but I am not meaning to sound heavy about how hard that proposal would have to be. I guess the answer is we would have to have enough information and encouragement to feel justified in spending two million dollars that we would not spend otherwise, betting on either a future public benefit or company benefit, or both. I don't think it will be very

difficult for us to be persuaded that that is justifiable.

But there will have to be some justification in front of us then, yes.

Mr. Deputy Chairman: Mr. Fleming.

Mr. Fleming: Yes, thank you, Mr. Chairman.

I would like to question Mr. Blair concerning now, specifically some of the monies which are in the agreement to us. For instance, the \$200 million that is possible a loan or whatever and, you know, we have read the agreement, we have read the reports, we have read newspapers and there are many, many people that I don't think are quite clear on it yet. I think I, myself am quite clear. In fact, I think I was before it was ever put into the agreement, when a lot of people thought that it would just be something that would be given to the Yukon Territory.

But, I still am a little lost as to just how that would be given to us by Foothills or the Government, or whoever is behind the whole—. Just that and how much interest we would be paying on that type of a loan if we took it, any of it?

Mr. Blair: Well, I'll do my best with my recollection and also my best with my understanding of what the agreement between Canada and the United States conveyed and that is the important thing that it conveyed was that payments would be made on a count of *ad valorem* or property kind of revenues to the government, either for the Yukon or to the Government of the Yukon, in the amount of \$30 million, commencing in the initial year and escalating according to one of the standard Canadian deflators after that in the future, so that there would be an increase with the cost of living. Of course, the importance to that, as we saw it, was that rate of revenue to the Yukon is a good deal larger than would normally derive from municipal taxes or property taxes. I know that this isn't, and I am speaking formally of the agreement now, but just as we were looking at the situation at the time that we calculated that if the Alberta or British Columbia tax regimes, as we know them, were placed on this amount of capital assets, that the resulting taxes would have been more in the order of \$11 to \$15 million a year.

So that it was agreed between Canada and the United States that one of the side effects of all of this should be a greater flow of revenue in respect to the property in the Yukon. Well then the second part of it, as I understand it, is that the pipeline companies, it was agreed that the Canadian pipeline companies, who face the payment of this tax Bill year by year in the future, would if they were instructed to do so, advance a portion of the money at the front end, out in advance, in case it was necessary to make capital investments in the Yukon to anticipate some of the social structures or infrastructures for the project. That, I think is up to a limit of \$200 million and is just an optional arrangement which we said, "well if that is to be applied we will bank it", but my understanding is then credits would be allowed, including interest, on those advances against the payment of future taxes by the pipeline company so that the extent to which the Yukon, or the Government of Canada for the Yukon, called on such an advance, would have to be balanced by the recognition that it is an advance. It is not a net increase overall.

Mr. Deputy Chairman: Mr. Fleming.

Mr. Fleming: Then, Mr. Blair, you wouldn't have, actually, any idea what interest might be paid on that money then, in other words, right at the moment?

Mr. Blair: No, as well as Mrs. Narvik and I remember, the interest rate has not been stipulated, but I wouldn't say I have no idea, because I know, you know, currently, I expect that we could find funds, I mean, we could get the funds ourselves to make such an investment or something in the order of eight and a half or nine per cent annual interest rate.

Mr. Deputy Chairman: Mr. Lang.

Hon. Mr. Lang: Just in respect to what you said a little earlier, Mr. Blair, you said that the Government of Canada drawing out of the fund. It was my impression that it was the Government of Yukon that could borrow the money. It wasn't a case of the Government of Canada, say, borrowing the money and asking the Government of Yukon at the same time.

Mr. Blair: I was just being careful because I didn't remember exactly which way was expressed. I know that it is quite clear that the intention is that the money is for the Yukon, but I didn't remember whether it said the Government of the Yukon or the Government of Canada for, so I was just being a little cautious.

Mr. Deputy Chairman: Any further questions for the witness? Mr. Fleming?

Mr. Fleming: Just a short question concerning, again, the possibility of gas to some of the communities. Now, I understand that, and I think this was stated in the Inquiries by Mr. Burrell himself and, in fact, where, in my home riding, that that line would come to the city limits, or, in our case, hamlet or whatever was necessary and then the obligation now to Foothills is to, according to the Agreement, to put up 2.5 million, up to that amount, for certain communities. My question would be, if, in putting those lines in and possibly re-routing them or anything would change that maybe a third or two-thirds or seventy-five per cent or eighty-five per cent of that money was used to come to the property line, would there be any possibility of re-negotiating that to possible come into the town limits or anywhere?

Mr. Blair: Oh, yes, I am sure there would, either re-negotiating it or making it applicable in some other way. I think that the spirit of that was the project was agreeing to absorb the cost of about that much and lay it on to the customers down-stream.

While the limit of sometimes utility companies, we talk about the town gate, maybe on the city limit or whatever point the line comes in from the main line and gets to connect with the distribution system, we weren't meaning to wash our hands of what happens after that either, but we thought that normally there was quite a lot of enthusiasm for either a local company owning the distribution system or sometimes a local Crown corporation or, I suppose it is conceivable that NCPG might own the distribution system, or that some local promoters might put together a company to own it, and we just meant to say that we weren't claiming that bit of business. If someone like that didn't come along, we would introduce a utility company who would come and bid the job, too, and put in the complete distribution system.

But, as a cross-country carrier, it just kind of normal at our business to think of ourselves as more the express line and only go so far with the delivery lateral.

Mr. Deputy Chairman: Mr. Fleming?

Mr. Fleming: One more question, Mr. Chairman, thank you. In all of the Lysyk Inquiries and wherever it was mentioned, the campsites and so forth, I think you did maintain that you were intending to make these camps more or less self supporting and reliant themselves, whereas they would not bother any little community centre any more than you know that was absolutely necessary. Is that still the objective of the company?

Mr. Blair: Yes, it is. It seems to be the fashion of times a bit to think that big projects ought to be kept separate and of course we know there can be the other attitude too. We don't want to be told that we won't let anybody come to town and buy a meal sort of thing, and I think what we will have to do is to fit, just fit the climate of what public desire is here. If the public would like our people to be kept detached, then we will do

everything that we can within reasonable laws and human rights to keep everything there so that they don't have to go out to the other retail places. We don't need to exaggerate that either. I think it is a matter of understanding what the temper is of the population's desire here and matching it with the right kind of discipline and accommodation arrangements.

Mr. Deputy Chairman: Is that attached, Mr. Blair, or detached to communities.

Mr. Blair: I'm sorry, I didn't quite hear you.

Mr. Deputy Chairman: Was that attached or detached to communities?

Mr. Blair: Detached. The relevant evidence before the Lysyk Inquiry and the Berger Inquiry were that people seemed to think in these years that it is better if the big and temporary construction jobs are kept in detached quarters which are self sufficient so that there isn't an overflow of their personnel into the ongoing resident and tourist service structure. We have agreed that if that is the way that is considered best at the time, then we will operate with separate camps. There are a lot of things that can be done. There is a lot to be said for having a really good bus service, so that rather than having a lot of individual workers wandering around the country in sedans and pick-ups, they go from the camp out to the job sites in big, well-suspended highway buses that kind of controls the situation better. We have done that sort of thing before and we will work that all out. There is time to work out the right arrangements.

Mr. Deputy Chairman: Any further questions. Very well, I would like to thank Mrs. Narvick, Mr. Pollock, Mr. Lipsett and Mr. Burrell, and of course Mr. Blair, the President of Foothills, for spending time with us today to answer some of our concerns. Thank you very much for giving us your time.

Committee will take a brief recess.

Recess

Mr. Deputy Chairman: I call Committee to order.

Since we had the opportunity to ask question of the previous witnesses that were with us, Mr. Blair, with the concurrence of Committee I would like to proceed with the Motion by Mr. Fleming dealing with the gas pipeline. Agreed?

Some Members: Agreed.

Mr. Deputy Chairman: I will read out the motion before questions are open to debate.

It has been moved by Mr. Fleming that the agreement between Canada and the United States of America on principles applicable to the Northern Natural Gas Pipeline and also the release dated September 9, 1977 by the Honourable Allan J. MacEachen on Canada-U.S.A. agreement on Northern Pipeline be considered.

Any questions or debate?

Mr. Fleming.

Mr. Fleming: I brought the motion forward because there was some discrepancy apparently between the agreement and the actual words of the Minister in Ottawa.

Just to quote one or two of these was that in the agreement it says up to \$30 million and up to \$5 million, up to, always everything was up to, and his statement was definitely \$30 million we could receive every year and so forth and so on. They didn't jibe, so I brought it in. We have discussed it and I am quite happy with the answers I have got. I think everything is fine.

I have no more questions and if anybody else has questions or wish to debate longer, okay. Otherwise, question.

Mr. Deputy Chairman: Ms Millard.

Ms Millard: Well, Mr. Chairman, I would just like it on the

record that I think it is a terrible agreement and I think that we are going to lose out on it.

Mr. Deputy Chairman: Any further questions?

Mr. Berger?

Mr. Berger: Yes, Mr. Chairman. I don't think we received all the answers, maybe the Honourable Member from Hootalinqua said he is satisfied with the answers. I am not satisfied with the answers or anything coming forth in this particular agreement. I would like to point out once again, as I said previously to the House, I think the Yukon was sold out and it is going to come out more and more as the time progresses and the building of the pipeline. We are going to find that our jurisdictions are very, very narrow with the control of the pipeline and matters associated with the pipeline building and socio-economic impacts on this thing.

We can start up and ask many, many questions, but there are no answers forthcoming. I mean, we all have been accused by the media prior to this Session, we are not doing anything, we are not doing our job, and so, but how can you do a job when you have no answers. We have nothing, absolutely nothing. I mean, at present we have an agreement which has not even been ratified by Parliament yet. There is not even the Bill presented to the Parliament of Canada. We still don't know what is going on there. Who is going to be responsible about a lot of things. That is an inter-provincial matter, the construction project, it is an international construction project. Who is going to have jurisdiction over everything. I am willing to stick my neck out to say that it's going to be the Federal Government all along, all the way. We are not going to have anything to say except we are going to be paying the bills.

Mr. Deputy Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, I am sorry that the Honourable Member wasn't present for most of the questions because we did get some good answers today. But my point in rising is, that I feel there is something missing on what is printed in my Orders for the Day, on Mr. Fleming's resolution. There is no verb, I don't know what it means. It just says "The agreement between Canada and the United States..." and also the Release dated..." something, period. What is it you wish to do with them?

Mr. Deputy Chairman: Mr. Fleming.

Mr. Fleming: Mr. Chairman, I think it was to be moved into Committee of a Whole for discussion, that was it. Maybe somebody has misprinted it on the Order Paper, that was the idea and while I am up, and I thank Mr. Berger for bringing up what he did just now. It gave me the opportunity again to stand up in this House that I, too, feel that way about the pipeline.

When I said that I had some answers, I think I get misunderstood sometimes. I got some answers that I already knew before I even brought this paper here, that I don't think the pipeline is that good for us and anything, and anything I have said in this House I think has been to that effect, to date.

When I said answers I merely meant that I had got answers and I was satisfied that what they had told me was what happened in the papers here. I am not that satisfied with the pipeline, you probably misunderstood me.

Mr. Deputy Chairman: Mrs. Watson.

Mrs. Watson: Mr. Chairman, I am rather surprised and amazed at the comments that are coming forward now.

I find it most regrettable, I don't think that any of us are a crystal vase and neither is the Government of Canada and neither is the Government of the Yukon Territory and neither is Foothills Pipeline.

I supported the concept of a pipeline in the Yukon and I still support it. I think there are a lot of answers that are not

available at the present time and they won't be until that legislation goes before the House. It is a tremendous project. All of the fine details that we are trying to draw out, haven't been completely resolved.

I know that we are, hopefully, going to get the legislation before this House which puts into place some of the terms of that Agreement. The property taxation and this kind of thing. At that time we will be able to look into the specifics, but until the legislation comes through and until decisions are made at Ottawa, it was an agreement in principle.

I think that they reached that rather quickly. I think they did a wonderful job when you think of how long the Indians and the Government of Canada had been trying to reach an agreement in principle for the last six or seven years and they are still doing it and I don't know how many more years they will be doing it.

The pipeline could be a boost for the economy of Canada and for the Yukon Territory, it is up to us how we use it and I don't think we can be too impatient. I know I would like to have answers on the regulatory agencies. Those will be forthcoming.

We just can't feel that we are the only people, the 23,000 people in the Yukon Territory, are the only people that have to be satisfied. There are many other people in Canada who have to be satisfied. We want our interests to be taken care of, but surely to goodness we know that we are only a part of something much bigger. I don't think that we should permit, as Members of the Legislature, our interests to be pushed to one side, but we have to put them in the right context, and be a little patient on some of this information that will be forthcoming.

Mr. Chairman, to start up and say I think it is a terrible Agreement, we will never really know twenty or twenty-five years from now you may be able to make a good assessment of the Agreement, but to stand up now and say that it is not a good agreement is really sort of begging for failure. So let's be hopeful and make it as good a condition for the Yukon as possible and not be too impatient and to critical before we have all the facts, and the facts will be forthcoming. Thank you, Mr. Chairman.

Mr. Deputy Chairman: Thank you, Mrs. Watson. Mr. Lengerke?

Mr. Lengerke: Thank you, Mr. Chairman, I would just like to get up and support the Agreement quite fully. I take exception to the remarks by the Member from Klondike when he says, you know, it is not a good agreement and I want some more answers but where was he in asking some of those questions. He had an opportunity today. It is a good deal, it is a good deal for U.S. and Canada both, and it is a good deal if Canadians, if we as a nation pick up the challenge and get with it. It will now allow us to use our imagination and to put a lot of people to work and to just get off this kick of being negative about everything.

I think it is an excellent agreement. I think the financial arrangements in it were a little bit better than what we could have even expected. The thing I have concern with is the Yukon-Canada agreement, and I hope that we, as Members, and as a government, can do something about that to ensure that some of the conditions as are in the U.S.-Canada agreement are just as strong and just as good, because I think Canada did an excellent deal in negotiating the agreement they have.

Mr. Deputy Chairman: Thank you, Mr. Lengerke. Any further discussion on the Resolution? Mr. Berger?

Mr. Berger: Thank you, Mr. Chairman. I don't think I have to tell the Honourable Member from Whitehorse Riverdale where I was, that is my business, none of his business.

The thing is it is my opinion and it still is my opinion, I don't care what he says, that agreement stinks. That agreement was not made like in other instances. If the Honourable Member would care to go to the last page of the particular Agreement in Principle, he finds his other agreements were made in the provinces. This Agreement was made by Canada in the name of the Yukon, and there was absolutely no input by us at the elected people there. There was a federal appointee present at this particular agreement. We all know him as Mr. Commissioner.

That is what I am objecting to. And this is what, the Yukon is going to be sorry for in the future, because, as I said once before and I say it again, and I give it to the Honourable Member in writing, we are going to make the same mistake as Canada made a hundred years ago when they promoted the CPR railroad. We are promoting the southern part of the Yukon and we are forgetting about the central part of the Yukon and the northern part of the Yukon.

I know what the Honourable Member is thinking right that there is the proposed Dempster Highway coming up. That is only a proposal, because if they find too much gas up in the Beaufort Sea and in the Mackenzie Valley, the possibility still exists of a Mackenzie Valley Pipeline and where is the central part of the Yukon again? No place, because we are not only talking about a pipeline, we are talking about an energy corridor along the Alaska Highway.

Already we are talking about a hydro development, which is going to create a grid system between Alaska, B.C. and the Yukon. Where is the central part of the Yukon? Where is the equalization for Dawson and Mayo and Old Crow and other places in the Yukon? And Faro?

We are also talking about transportation corridor along the Alaska Highway, not the central part of the Yukon. So, where is the development?

Right now there are plans in the making of the Territorial Government of creating a city inside a city the same size as the City of Whitehorse right now. In other words, the whole population of the Yukon is going to be concentrated in Whitehorse. Who is going to support the outlying areas? Where is the planning of the Honourable Member? Where is his thinking?

This to me is all to do with the pipeline and the agreement is made by Canada, in the name of the Yukon and there was no input by Yukoners. This is what I am criticizing.

Mr. Deputy Chairman: Thank you, Mr. Berger.

Mr. Lang.

Hon. Mr. Lang: Mr. Chairman, I can't agree entirely with the Member from Klondike. I do think that the Government of Canada did use some foresight in respect to making stipulations for the possibility of a Dempster Lateral. We all realize that it is going to depend on whether or not the necessary fossil fuels and reserves are in the Mackenzie Valley.

So, I think that if that does come to pass, I think that the Honourable Member's fears in respect to a provision being made for the central part of the Yukon will prove to be unfounded.

At the same time, I would like to point out to Members that we are attempting to work with the Federal Government in respect to the formation of the regulatory agency and we are having correspondence on a regular basis, and it would appear that they are going much the route that we had proposed during the Lysyk Inquiry and a lot of the contents that were in the Throne Speech.

Hopefully, like the Honourable Member from Kluane said, we will have more to report to the House once it is finalized here, within the next month or two months.

At the same time, Mr. Chairman, I think it is rather ironic that we are sitting here being so negative in an area of Canada where economic prosperity has been more or less guaranteed. I think that we have to look in Canada in totality to see the areas where they are really having trouble with the economy and if one remembers back about six months to eight months ago, we weren't even discussing pipeline in the Yukon.

Just think what we would be discussing about right now if there had been a decision for no pipeline or if there had been a decision to put the pipeline down the Mackenzie Valley?

We wouldn't have anything going here, nothing. In fact we would be facing a recession, rather than the challenges of a period of economic growth in the Yukon. I think it is very basic that we had one decision to make, either to go with the pipeline or look at a recession. As far as I am concerned, I would sooner go with the problems that a pipeline may bring along with it, rather confront what we would have been looking at with the recession in respect to the mining industry. So I think, Mr. Chairman, we have to look at it from a timeframe of approximately a year ago to ten years from now. I think we have been very fortunate, I think that in the long run it is going to be positive for us, and I think it is going to help build the future for our children, which I hope everybody here is working for today and for tomorrow.

Mr. Deputy Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, with respect, I don't think that the Provinces of Alberta and B.C. were represented at the negotiations when the Agreement was made between Canada and the United States. In fact, reading "Hansard", BC had some administrative officer from their Department of Economic Development present at the negotiations. Of course, they had had their input previous to that, to the Government of Canada, and since of course, but BC and Alberta have not been named specifically as beneficiaries of the pipeline as we have in the agreement. Mr. Chairman, when the National Energy Board came forward with their recommendation that the pipeline do in fact go through Dawson City and tie in at Whitehorse and go on through down to Watson Lake, naturally I was disappointed it was bypassing my whole constituency, and it didn't follow the Alaska Highway. I was disappointed for my constituency, but still very pleased for the Yukon that the National Energy Board had seen fit to accept the application by Foothills Pipelines Limited. That is why we have a Government of the Yukon Territory, so that even though certain areas of the Yukon are going to benefit from the pipeline, from the actual construction, and also have the impact from the actual construction, the wealth, and the fringe benefits from that pipeline that will accrue to the Yukon will have to be distributed to all people of the Yukon and that is going to be one of the biggest responsibilities of every member of this House, now and for the future to make sure that the people who didn't get that benefit get their share of it.

The central part of the Yukon can look forward to more prosperity I think than many other areas because of the mineralized area that they have and the possibility of the hydro development, which would only be made possible because of a base load that could be required by the pipeline. So, I don't think we can look at it just from our own particular constituency. We have to look at it from a Yukon point of view, and every one of us make sure that every Yukoner benefits, not just a few along the route.

Mr. Deputy Chairman: Thank you, Mrs. Watson. There is probably going to be ongoing information put forward in the not too distant future. With the Committee's concurrence, I would like to report progress on this particular motion and carry on with the next item of business.

Some Members: Agreed.

Mr. Deputy Chairman: I would like to call upon witnesses, Mr. Jack Holmes, the Secretary for B.C.S.P.C.A. and Mr. Ray Cummings to assist us with Bill 103, *Animal Protection Ordinance*.

Mr. Deputy Chairman: There is now Mr. Jack Holmes, the Secretary Manager of B.C.S.P.C.A., and Mr. Ray Cummings, President of the Yukon Humane Society.

I will proceed with and allow general debate, the reading of Bill 103, *Animal Protection Ordinance*.

On Clause 1

Mr. Chairman: Ms Millard.

Ms Millard: Mr. Chairman, I would like to read into the record, if I could, the information that I passed to Members and also what I was intending to say at Second Reading, but somehow didn't get on my feet early enough, in the House this morning.

The purpose of this Bill is to allow a special constable to be appointed who would be responsible for the protection of animals found in distress. Opportunity is also taken to allow the special constable to inspect premises where animals are being sold or where there is suspicion of animals being in distress.

The Municipal by-laws in the Yukon, apart from the problem that they are authorized only within municipal boundaries, provide for cases which do not deal specifically with animal distress, except where the animal has been first impounded for other reasons, such as being a nuisance, noisy or for being loose or without a licence.

The bylaws do not enable an officer to destroy an animal in distress.

This Bill would allow a greater range of capabilities in that the peace officer is enabled to search and enter premises and to examine, seize, hold, destroy and dispose of an animal in distress.

The *Criminal Code* allows for offences under Section 402 for cruelty to animals and this is presently being used here. It is, of course, limited in scope, not giving the detailed steps which allow the Humane Society to act.

In this Bill, "animal" is defined as not including wildlife, since the Game Department already has that responsibility. The definition is broadened from that of the Alberta Act by adding mammals, on the advice of the Game Department, since birds and fish are not felt to be inclusive enough.

A special constable is appointable for the implementation of the Ordinance, by Section 9.(2) and by regulations. The approval of the Humane Society involved, as well as the appointed officer or employee of the Humane Society of special constable is necessary through regulations.

Qualifications of the officer are defined by regulations.

By this Bill, if an animal is in distress in a public or other place, and no one is relieving it or the owner cannot be found, a peace officer can take custody, arrange for transportation, food, care, shelter and medical treatment for the animal, and can deliver it to a humane society.

Reasonable steps must be taken to find the owner or person in charge and obtain co-operation by the peace officer and the Humane Society.

If a peace officer has reasonable and probable grounds to believe an animal is in distress in premises or chattel other than a dwelling house, he may enter and search with or without a warrant and use reasonably required force to enter if necessary.

Reasonable steps have to be taken to find the owner of the premises or chattel.

The peace officer may enter a dwelling on obtaining a search warrant from a justice. Reasonable steps to find an owner are defined by Regulations. The peace officer may cause an animal found in distress to be destroyed, if a veterinarian concurs, or with the unanimous opinion of the peace officer and two reputable citizens, or if none of these people are available, by the decision of the peace officer alone. Again, reasonable steps must be taken by the peace officer or the Humane Society to find the owner and to obtain consent. The Humane Society has a lien upon any animal in its custody to recover expenses and may sell or give away the animal if the owner does not pay the expenses incurred by keeping it.

The Society must retain the animal for 72 hours prior to selling it, but if the animal is obviously purebred or identifiable, the time must be ten days. If the Society is unable to sell or give away the animal, they may destroy it. An action for debt is also allowed. Regulations prescribe reasonable care expenses of the Society.

A peace officer, under this Ordinance, can inspect premises where animals are for sale to ensure that they are of the proper standard and that animals are given proper care. Definitions of standards are set out by Regulation.

A summary conviction is allowed for any one contravening the Ordinance with the maximum fine of \$500 or six months imprisonment or both. There is a no action clause against the peace officer or the Humane Society for anything done in good faith under the Ordinance.

I believe that this Bill is long overdue, Mr. Chairman, and absolutely necessary. Many animals are presently left in intolerable conditions because of the lack of authority to act, except under the RCMP whose time is limited. The Yukon Humane Society has more than proven itself to be a very responsible body who will act with reason and compassion under this Ordinance should it be passed by the Assembly.

With the expected influx of transient workers on the pipeline, many of whom will have pets, it is now that we must act to provide protection for those animals. I have the greatest confidence that our Humane Society will act under the general concepts and strict attitudes of other societies for the prevention of cruelty to animals.

I have given you, along with copies of legislation from other jurisdictions for your comparison, an outline of the SPCA's basic investigation procedures, which I am assured will be followed closely by any peace officer appointed on the advice of the Humane Society. I urge passage of this Bill, Mr. Chairman.

Mr. Deputy Chairman: Any general debate on Clause 1? Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, I agree with the Honourable Member this type of legislation is long overdue. I believe it was two or three years ago that we first meant to discuss the need for this kind of protection. At that time, I believe, with the Alberta branch of the SPCA who came to the Yukon to discuss it with us, and it was my understanding that the Honourable Member was going to work with that Society and then we would proceed to bring in an Ordinance. However, she has done this on her own and I have not had an opportunity, Mr. Chairman, to read this Bill. It has just arrived, and I am in no position to discuss it intelligently with the witnesses. So I am afraid that I won't be able to make comment until I have sufficient time to study it and consider it in the Legislative Committee.

Mr. Deputy Chairman: Mrs. Whyard, while the witnesses are with us, we are going to go through a first review of the Ordinance, and upon second review will be clearing this section by section or clause by clause. This would help to enable not only yourself, but the Committee itself to go through this

Ordinance properly with the witnesses present if you have questions to the witnesses.

Mr. Deputy Chairman: Ms Millard.

Ms Millard: Mr. Chairman, I would just point out that one witness, Mr. Holmes, is from the BCSPCA and the other witness, Mr. Cummings, is the President of the Yukon Humane Society.

Mr. Deputy Chairman: Any further general discussions on Clause 1?

On Clause 2

Mr. Deputy Chairman: Is there a typo there, Ms Millard?

Ms Millard: Where, Mr. Chairman?

Mr. Deputy Chairman: The Province of Canada?

Ms Millard: I would believe that a veterinary surgeon would have to be registered in one of the provinces and is thereby registered in the Territory, but we could ask one of the witnesses that.

Mr. Deputy Chairman: Thank you, Mr. Cummings.

Mr. Cummings: Yes, Mr. Chairman, that is required that the person be licenced in one of the provinces of Canada, or of the State of Alaska.

Mr. Deputy Chairman: Okay.

Any further discussion on Clause 2?

Mr. McIntyre.

Mr. McIntyre: Yes, Mr. Chairman, the definition for peace officer, it is my understanding that the enforcement officers of at least this municipality are not sworn as peace officers and therefore an enforcement officer would not be in a position to enforce this Ordinance. He could enforce the by-laws, which are passed by the City, but he would have no authority under this section, because I don't believe they are sworn as peace officers.

Mr. Deputy Chairman: Ms Millard.

Ms Millard: Mr. Chairman, there was some discussion of this with the Legal Advisor, and I am wondering if maybe he could come in. I understood it was going to be changed so that it would read for the by-law enforcement officers, but...

Mr. Deputy Chairman: You wish to question the Legal Advisor.

Ms Millard: Yes, if he is available.

Mr. Deputy Chairman: With the Committee's concurrence, we will bring in the Legal Advisor.

Some Members: Agreed.

Mr. Deputy Chairman: Very well, we will carry on reading and come back to it.

Mr. Lengerke.

Mr. Lengerke: Could I just ask Mr. McIntyre, I didn't quite hear what he said and I would just like to get some clarification there, maybe, about the municipal enforcement officer.

Mr. McIntyre: Yes, Mr. Chairman, I don't believe that the by-law enforcement officers of the municipality are sworn as peace officers and among other reasons, they don't want them to be in a position where they may be expected to carry arms and so on, and they deliberately have not sworn their by-law enforcement officers, peace officers for this reason, so that this particular section would therefore not authorize the City of Whitehorse By-Law Enforcement Officer to do anything.

Mr. Deputy Chairman: Mr. Lengerke.

Mr. Lengerke: Yes, Mr. Chairman, I was under the impression that the Municipal Enforcement Officers were in fact designated as peace officers and I think somewhere it does

state that, but, obviously, there is a discrepancy here and it is a matter of opinion so we are going to have to get that confirmed, but I am sure that they are.

Mr. Deputy Chairman: Mr. McIntyre.

Mr. McIntyre: Well, in this same connection, I should like to point out that the by-law enforcement officer of the municipality were very limited. They are not even permitted to give a ticket for a moving violation, under the *Motor Vehicles Ordinance*.

Mr. Deputy Chairman: We have the Legal Advisor now, and I was wondering, we have a slight problem with the interpretation section of 2, subsection (1), Mr. Legal Advisor, dealing with the concept of principles surrounding the interpretation of a Royal Canadian Mounted Police, also the enforcement officer of a municipality.

Mr. Cosman: Yes, Mr. Chairman, under the *Criminal Code*, a peace officer has a wide meaning. I think there they enumerate the member of the Royal Canadian Mounted Police and substantially repeat what we have here. I hesitate to see what your problem is. Is it not clear? You certainly must see what a member of the Royal Canadian Mounted Police is. An enforcement officer of a municipality who has been appointed as a peace officer, pursuant to the *Municipal Ordinance*, that could include a by-law enforcement officer.

Mr. Deputy Chairman: To give you a better picture, I would like to ask Mr. McIntyre to reiterate his concern. I know I am sounding repetitious, but it might help to clarify our concern, Mr. Legal Advisor. Mr. McIntyre?

Mr. McIntyre: Well, it's my understanding, and I could find it in the *Municipal Ordinance*, that municipal by-law officers are appointed to deal with the by-laws. They may also be appointed as peace officers. They may be sworn as peace officers, in addition to their by-law enforcement duties. Now, it is my understanding that the City has never gone that far to have them sworn as peace officers because they don't want them to be in a position where they may be expected to arrest people, which peace officers can do, or carry arms which peace officers may do. I may be wrong on that, but that is my understanding.

Mr. Deputy Chairman: Mr. Legal Advisor?

Mr. Cosman: Yes, I couldn't say whether or not the municipality of the City of Whitehorse, for example, has appointed peace officers. I don't have that kind of knowledge, but this section clearly envisages that any officer of the municipality who has been appointed as a peace officer would be deemed a peace officer for the purposes of this Ordinance. So whether or not there has been a peace officer appointed, that's beyond my realm of knowledge. It is a factual circumstance. I can't answer to that here in Whitehorse and so on. Wherever there has been one appointed, then he would, for the purposes of this Ordinance, have the powers of a peace officer as well. It's really a definition that is being used, as I see it, such that they can use the term peace officer as one simple phraseology throughout the Ordinance, without having to repeat the several people that could be included or encompassed in the definition of peace officer.

Mr. Deputy Chairman: Thank you. Mr. McIntyre?

Mr. McIntyre: Yes, Mr. Chairman, the section in the *Municipal Ordinance* is Section 41, and it says: "The Council may by by-law provide for the appointment of enforcement officers who may be sworn as peace officers", so if they are not sworn as peace officers, they are not peace officers, they are only by-law enforcement officers, which is an entirely different thing.

Mr. Deputy Chairman: Thank you. Mr. Lengerke?

Mr. Lengerke: Yes, Mr. Chairman, that certainly does

make a difference. I am still under the impression, and I hope that we can research that, that our municipal by-law enforcement officers are in fact, at least one or two of them, are peace officers. But if they are not, then I would like to ask what effect is it going to have on the working of this Ordinance then?

I am sure we do require that, or at least we envision that municipal by-law enforcement officers are going to be very much part of it, so I think we have to get that one squared away, Mr. Chairman, there is no doubt about it.

Mr. Deputy Chairman: As I stated before, Mr. Lengerke, for Mr. Legal Advisor's information, we are going just through the first review. Mr. Legal Advisor, so it will give you an opportunity to research that particular interpretation.

Mr. Cosman: Yes, if I might speak to it again, however, Mr. Chairman, with your permission, I feel that there is no problem here, with respect to this definition and Section 41 of the *Municipal Ordinance*, because here it states a peace officer means an enforcement officer of a municipality who has been appointed as a peace officer, pursuant to the *Municipal Ordinance*.

There is no conflict of this section with that Section 41 in the *Municipal Ordinance*. In both cases, they would have to be sworn or appointed as a peace officer. Perhaps one resolution to the problem might be to change the word from appointed as a peace officer to sworn as a peace officer. I think they mean the same thing for the purpose of this Ordinance, but we could have consistent wording if that would resolve the matter.

Mr. Deputy Chairman: Ms Millard.

Ms Millard: Mr. Chairman, we are fortunate that our witness for the Humane Society is also a city alderman and he, perhaps, knows off-hand, whether there are any municipal by-law enforcement officers who are also peace officers, at this point, and whether or not the Humane Society would be using them with respect to this Ordinance. May I ask him that?

Mr. Deputy Chairman: By all means. Mr. Cummings?

Mr. Cummings: Thank you, Mr. Chairman. Yes, it is my understanding that by-law enforcement officers are appointed peace officers, for their own protection, and to enable them to carry out the duties that they have to do. Most certainly we envisage working with the city by-law enforcement department in the city, the same as we do with the RCMP outside the city.

Mr. Deputy Chairman: Thank you, Mr. Cummings.

Any further discussion on Clause 2.(1)?

Mrs. Watson.

Mrs. Watson: Yes, Mr. Chairman, I note where they included the word mammal in their definition section. I was wondering why they are adding that? The Alberta Act doesn't have it, so did they feel it was necessary to add it?

Mr. Deputy Chairman: Ms Millard.

Ms Millard: Yes, this is made clear in the resume of the Bill, where I stated that the definition is broadened from that of the Alberta Act by adding mammals on the advice of the Game Department, since birds and fish are not felt to be inclusive enough.

Birds and fish, I presume, in the biological sense, probably covers all animals, in some people's minds, but in the Game Department's mind it didn't and we acted on their advice and changed it.

Mr. Deputy Chairman: Mrs. Watson.

Mrs. Watson: I wonder if we could have an example of the type of mammals that we are talking about. I am having a little difficulty with definitions like definitions of wildlife and

game and animals which would come under this Ordinance. I think there is a little bit of overlapping, or there is a narrow line. Could anybody explain this for me?

Mr. Deputy Chairman: Ms Millard.

Ms Millard: Well, it seems to me mammals includes everything that isn't a bird and a fish. dogs, horses, we have ever discussed with the game department the overlapping of having a wild animal as a pet, a domesticated moose or something, and so mammals is about as broad as you can get and cover the responsibilities of the Ordinance.

Mr. Deputy Chairman: Mr. Lang?

Hon. Mr. Lang: Mr. Chairman, just out of curiosity, if a person had a game farm or something like this, would this particular piece of legislation apply to it, or would it be the *Game Ordinance*?

Mr. Deputy Chairman: Are you saying does it supercede?

Hon. Mr. Lang: What I am saying is would it apply in respect to that particular area. You are saying animal includes mammals, birds and fish but does not include wildlife, it depends on your definition of wildlife as opposed to a mammal that is in captivity. If you have a Dall Sheep that is in captivity, it is a mammal or is it wildlife.

Mr. Deputy Chairman: Ms Millard?

Ms Millard: Yes, Mr. Chairman, that's why I discussed the Bill with the game department because there was that confusion and they felt that in practice they have been looking after all wildlife, whether or not it was domesticated or not, and they would like to continue in that regard. It isn't written into the *Game Ordinance* but they intend eventually to change the *Game Ordinance* and become officially responsible for wildlife in captivity. But at this point, it is done very easily in connection with the Humane Society that the Game Department simply acts on it because it is wildlife and it is under their definition. In fact the definition of wildlife in this section comes from the *Game Ordinance*.

Mr. Deputy Chairman: Mr. Lang?

Hon. Mr. Lang: Mr. Chairman, my question hasn't been answered. Would this apply to, for an example, a game farm, this piece of legislation?

Mr. Deputy Chairman: Ms Millard?

Ms Millard: Mr. Chairman, if the animals on the game farm come under the definition of wildlife, the Game Department is responsible. If they happen to be domesticated animals, according to this Ordinance, they would come under this Ordinance.

Mr. Deputy Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, a question for the witness from the BCSPCA, what definition does BC have in their Act to define the animals that would come under the protection of the *Animals Protection*?

Mr. Deputy Chairman: Mrs. Holmes?

Mr. Holmes: Firstly, we deal with, if you like, all animals other than wildlife. As an example, a whale is a mammal and I will not say that everybody keeps a mammal in their back yard, but basically it is all other animals other than wildlife. In the definition of wildlife from our point of view is, all zoos are licensed through the Fish and Wildlife Department, and they are the responsible department for the monitoring of the successful standards or required standards within that area.

Mr. Deputy Chairman: Thank you. Mr. Berger?

Mr. Berger: Mr. Chairman, if I can find it kind of distressing, I can picture for example, as an accident on the highway where somebody runs into a moose or deer or fox or anything, any kind of what, right now is wildlife, and I have to go and run

around and look for a game officer who may be hundreds of miles away. We have somebody from the SPCA maybe just next door. According to this Ordinance, you are not supposed to touch that thing because it is the responsibility of the *Game Ordinance*. Is this the same thing that happens in BC or any other places?

Mr. Deputy Chairman: Ms Millard.

Ms Millard: Mr. Chairman, a Humane Society officer may be just as far away as a Game Officer. That is just the limitations of our human endeavours.

If this is really a point, I would certainly like to hear Mr. Cummings' comment on the relationship that the Humane Society has had with the Wildlife Department, because it has been very good up until this point and very good working relationship.

Mr. Deputy Chairman: Mr. Berger.

Mr. Berger: Mr. Chairman, I didn't ask the Honourable member from Ogilvie, I asked the witnesses if this is the same thing in BC or any other place, because I said that if the SPCA guys next door to me, according to this Ordinance, he can't touch the wild game.

Mr. Deputy Chairman: Mr. Holmes, do you wish to comment?

Mr. Holmes: I think all Ordinances are available for intelligent interpretation by intelligent people. I think that if any Game officer found a wild animal that was in absolute distress, he would dispatch it.

The same thing applies if he found a dog. The same thing applies that if an inspector of the Society was to find a wild animal with a hock missing, bleeding to death, he would dispatch it. In other words, that is where humanities come in and that is why we act accordingly.

We don't condone one another's actions, but we do, if you like, prevent the cruelty or suffering to animals and that is the object of the exercise.

Mr. Deputy Chairman: Mr. Berger.

Mr. Berger: Mr. Chairman, I was hoping to hear an answer like this, Mr. Chairman, because my experience with the SPCA in other places was exactly that and the thing is there is that irregardless if it is a wild animal or a domesticated animal, animal is animal. It is a helpless creature and I don't see why we need to spell it out, to say so and so is responsible to such and such animal. I mean an animal is a helpless creature when it is in need and I think this should be the purpose of this Ordinance.

Mr. Deputy Chairman: Ms Millard.

Ms Millard: Well, Mr. Chairman, all I can say is I think the Member should take his argument to the Game Department, because they are the ones that want to retain their rights over what is defined as wildlife and they will be brining in an Ordinance hopefully before us to entrench those in regulation, or in legislation so that that will be the time to argue that, as far as I can see.

Mr. Deputy Chairman: Mr. Berger.

Mr. Berger: Mr. Berger, the Game Department has not brought forward the Bill yet and we are discussing the Bill in front of us right now, and I think now is the time to make a decision and I am saying again, what is the difference between a wild animal or a domesticated animal, if the animal is in distress and is in need of help, why do we have to specify and make it different between a wild or a domesticated animal and who is responsible, because I can see there is a lot of trouble going to be created by Bill like this.

Why can't we say any animal in distress, any animal in need, regardless of whether he is wild or domesticated?

Mr. Deputy Chairman: Ms Millard.

Ms Millard: Yes, Mr. Chairman, again I would ask if Mr. Cummings could just comment on what the relationship has been with the Game Department, because all we can do is go by what has happened in the past to predict what will happen in the future, and, so far, it has been a very good relationship dealing with wildlife.

Mr. Deputy Chairman: Mr. Cummings.

Mr. Cummings: Yes, Mr. Chairman, the relationship between the Game Branch and the Yukon Humane Society has been good. We both, in this regard, are trying to achieve the same ends. That is the protection of the animal and the prevention of injury or the solving of any problem that comes up.

In either case, whoever is there first, I am sure would do the best for that animal.

This only strengthens our protection and it also assists, I believe, the Game Branch in their endeavors as well. There has been no conflict in the past and I cannot see any conflict in the future.

Mr. Deputy Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, I wish the member who is sponsoring the Bill would undertake to get a specific answer from the Game Branch, because there must be some legal obligation of the Game Branch under the game legislation, where they feel that it cannot be included specifically in the definition, before we continue any further on the debate on this section. I am sure that there is something in the *Game Ordinance* that requires them to remain the authority over the game animals.

Mr. Deputy Chairman: Will you take that under advisement, Ms Millard?

Ms Millard: I will be glad to do that and bring it back tomorrow.

Mr. Deputy Chairman: Thank you, Mr. Fleming?

Mr. Fleming: Mr. Chairman, thank you. I think that was my feeling too. However, I just would like to point out that I think that they also don't have only the Game Department and the SPCA in many cases. I think the RCMP are entitled to take care of these situations in many cases now, are they not, at any time.

Mr. Deputy Chairman: Mr. Cummings?

Mr. Cummings: Mr. Chairman, they can in fact destroy dogs. I think that is their limitation.

Mr. Deputy Chairman: Clause 3, subsection (1). Mrs. Watson?

Mrs. Watson: Mr. Chairman, I imagine that the RCMP goes beyond that. If a horse is hit, or you run into a horse or a moose or something, I think the RCMP are allowed to shoot the animal. I am quite sure, and maybe the Honourable Member could undertake to find this out.

Ms Millard: I will find that out too, Mr. Chairman.

Mr. Deputy Chairman: Mr. Lang?

Hon. Mr. Lang: Mr. Chairman, it is my understanding under Section 402 of the *Criminal Code* that it is a criminal offence if one wilfully causes, for being the owner, wilfully permits to be caused unnecessary pain, suffering, or injury to an animal or bird, so there is provision in the *Criminal Code*. It is an offence in this area if there is something done to an animal.

Mr. Deputy Chairman: Mr. Cummings?

Mr. Cummings: I think, Mr. Chairman, if I may that the operative word there is wilfully. The problem we have in proving wilful neglect is extremely difficult. I think the RCMP have that same problem.

Mr. Deputy Chairman: Mr. Holmes?

Mr. Holmes: Mr. Chairman, if I might add that there are other points, one, it says "the owner thereof", where in the Bill it says "the owner thereof and the person in charge of", which is another essential ingredient to it. Certainly, if anybody is charged under the *Criminal Code*, we have found from our experience in the judicial system they are very reluctant to proceed under the *Criminal Code*, because it is a serious offence. Basically, this is supplementary legislation to, if you like, proceed on a lesser charge, because if you fined somebody under the *Criminal Code* of the age of 18, you could possibly destroy that person's future.

Mr. Deputy Chairman: Clause 3, subsection (1).

Mr. Deputy Chairman: Mr. McIntyre.

Mr. McIntyre: Yes, Mr. Chairman. I am finding a little problem in dealing with this one, because we already have a *Pounds Ordinance*, which deals with animals, horse, mule, jack, goat, neat cattle, swine or geese, and it requires a person finding an animal in a weak or poor condition to do other things than are contemplated in the *Animal Protection Ordinance*.

So, it is going to leave a person who finds such an animal at a loss to know which one of our Ordinances he should be observing, because, in the one case, he is required to report to the nearest detachment of the RCMP, a game guardian or a resource management officer, and this person shall then, if the owner is known, order him to feed the animal or kill it, and the owner shall comply with such forthwith.

So, I don't think that when this *Animal Protection Ordinance* was being drawn up, that anybody took a look at the *Pounds Ordinance* to see how it would fit in with that.

We can't have two ordinances which tell people to do two different things about the same situation.

Ms Millard: Perhaps Mr. Legal Advisor could expound on that.

Mr. Deputy Chairman: Mr. Legal Advisor.

Mr. Cosman: Yes, I inherited some work that had been done with respect to this proposal, initially, and in the file that I have I see that the City of Whitehorse by-law, with respect to control of animals, the *Criminal Code* provisions and so on had been looked at and recognition of the *Pounds Ordinance* was made as well, in the documents I have. I can't speak for the person who actually drafted the Ordinance because, as I understand it as well, that it comes from an Alberta Act.

But, the understanding I can give you is, from the information before me, the *Pounds Ordinance* is available for fit animals, although provision exists for the impoundment of any animal. The main purpose of that Ordinance is to deal with animals which are running at large, particularly on other person's property.

So the thinking behind this Ordinance at that time was that yes, the *Pounds Ordinance* does exist, but apparently the persons are in no conflict. I would say, from my own point of view, as your Law Clerk, again there is no real conflict because our Section 3.(1) simply empowers, a peace officer may. It doesn't say that a peace officer shall or that some other person shall do this or shall or must do this. It is an empowering thing that says he may do this.

The only conflict I could see is that in the *Pounds Ordinance*, the person is directed, he shall do this, and now this one is saying, but he may do otherwise. We could alleviate the problem by suggesting notwithstanding the *Pounds Ordinance*, or something of that nature. I think the Honourable Member probably has a good point and I would like to take it under consideration if the Honourable Member sponsoring the Bill agrees as well.

Mr. Deputy Chairman: Very well. Is there a discussion on

3.(1), (2) and (3)? Clause 4, subsection (1), Clause 5, subsection (1). Mr. Fleming?

Mr. Fleming: Yes, I am a little concerned, a little explanation for in or upon any premises other than a dwelling place, so I would, this would include every other place, would it not. I don't know that it is necessary at all, other than at home.

Mr. Deputy Chairman: Ms Millard?

Ms Millard: Perhaps Mr. Legal Advisor could state what the legal definition of a dwelling place is. I think that would probably clear it up.

Mr. Deputy Chairman: Mr. Legal Advisor?

Mr. Cosman: As I understand the Honourable Mr. Fleming, it is the definition of premises, as opposed to dwelling place that is bothering you, is it? My impression of what the word premises means would be private property that is not used as a dwelling place where people live and make their home. Whether premises includes an open lot without a building on it, I am not quite sure whether premises is wide enough to include Crown property for example. I don't think it goes that far. I take it that it would include gas stations and houses under construction, contractor sites and things like that. A premises bounded by a fence and that area would be included. The word premises probably is open to interpretation by a court, if they were called on to interpret this section. I don't know that I could give it a, what you call, a legal definition. I could attempt to draft a definition into the Ordinance,

Mr. Deputy Chairman: Mr. Lang?

Hon. Mr. Lang: Mr. Chairman, I wish the Honourable Member from Watson Lake was here. I do wonder about the discretionary powers given to any individual in the magnitude that has been given here. This is for anybody's interpretation. What is the definition of reasonable, and then you go from there. Who is to say what is a dwelling place? I would suggest that the Member sponsoring this Bill might have a real close look at this because I personally think it really is too wide open for interpretation to give someone, just on the grounds that he thinks something is happening, to force himself onto private property, and this kind of thing is a pretty broad principle that you are looking at here.

I think the procedures here are in doubt and it doesn't leave it to the interpretation of the individual who has the job.

Mr. Deputy Chairman: Mr. Lang, with Yukon Housing being under your portfolio, perhaps you could help us with what dwelling place means as far as a definition?

Hon. Mr. Lang: I don't have it at my fingertips, Mr. Chairman.

Mr. Deputy Chairman: Could you get us that information?

Mr. Cosman: If I may speak, Mr. Chairman, I feel that no matter how definite we might get with our terms and terminology in this type of situation, the entry of premises and the reasonable and probable grounds, it is always going to be a matter of an exercise of discretion on the part of the individual who is present on the scene at the time, as to whether he should or should not enter this particular area, whether it is a dwelling place or not.

Again, he would be called to question in a court of law if some person were to sue him for trespass and were to say that yes, this was a dwelling place and there was no warrant issued under this Section 4.(2) by the Justice and so on and so forth. It is always going to be a matter of discretion on the part of the individual enforcing the Ordinance or operating under the Ordinance, I should say, and on the judge interpreting whether or not the person has trespassed or whether he is given the protection of the Ordinance against legal action because he was exercising reasonable discretion.

Mr. Deputy Chairman: Thank you.

Mr. Fleming.

Mr. Fleming: Mr. Chairman, I am very happy with the explanation, but I am still not satisfied with that section.

I believe that we are, in many cases, going a little too far sometimes when I see us saying that, you know, the appointed people for the municipality of Whitehorse can be sworn in as peace officers and so forth and so on and I look through some other Ordinance that we have in front of us and find that so many civil servants can also be possibly become police officers and then we give rights to this extent.

If this was just the RCMP involved in a case like this or something, I could see that that is fine. It has to be somewhere and there has to be some control.

However, we are just going, sometimes, just a little too far, I think. In our overall picture, I am talking about, not just this Ordinance here, but in this type of a section we are absolutely going overboard in this giving the people the right to walk all over others and I can't go along with a section like that.

I would like to at least take it back and try to clarify it a little bit better and maybe make it a little softer. I would say.

Mr. Deputy Chairman: Mr. Lengerke?

Mr. Lengerke: Mr. Chairman, I don't have too much difficulty with that section. I look at 4.(3) and I see that before entering any premises, vehicle or chattel, pursuant to this section, that the peace officer or whoever must take reasonable steps to find the owner or person in charge. He might take that step and I think, as the Legal Advisor pointed out, that if somebody wants to lay a charge and suggests that this fellow did not do these things in a reasonable manner, well then there is a case. But I would like to ask one of the witnesses, and I believe this section is drawn from other legislation that has been successful in other jurisdictions, are they having problems with this, not that that has to influence our decision one way or the other, but I would like to find out?

Mr. Deputy Chairman: Mr. Holmes?

Mr. Holmes: Well, first of all, we look upon premises as those parts of property which are not used as a form of accommodation or a dwelling place. In other words it could be a business, it could be a wrecker's yards, it could be anything. The second point is this, if it is in fact a dwelling place, then we automatically apply for a warrant. Now everybody within our organization who is appointed as a special constable is trained, and he is trained by E Division of the RCMP. He is trained completely in all matters pertaining to investigative procedures down to submission of evidence and disposal of evidence. The next thing is this, that basically our terms of reference are very simple. It is the fact that we carry out a preliminary investigation, we come out, we think, and then we proceed. It is as simple as that. We have not had, let me say, any cases where the Society has been countersued in respect to any actions in accordance with our particular Act, which is very similar to this before the House today.

Mr. Deputy Chairman: Thank you, Mr. Holmes. Mr. Cummings?

Mr. Cummings: Yes, Mr. Chairman, if I may, I think that I can expound on that area a little bit more. It is the common practice with the Humane Society at present to go to a premises or any area accompanied by a member of the RCMP, and where possible, a veterinary surgeon. This is a committee that we seem to form, or to get together. I can think of no case, unless you are out in the bush on your own, where we would use this discretion, if is given to us, on our own. Most likely we will be accompanied by a veterinarian and a member of the RCMP. But there can be cases where those people are not available. This is why we ask for this section.

Mr. Deputy Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, I certainly sympathize with the objective of this section, but with respect, I would ask legal counsel to check very carefully, because we have in this same section, an Ordinance before us where we have limited the rights of a government inspector, a building inspector, from entering a premise where he has good reason to believe that there are contraventions to the *Building Code* being carried on, and he is not allowed to enter those premises without a warrant, and between certain hours. I really think that we should be very careful of this, and I think one of the other Honourable Members has pointed out that we are starting with the tough section and maybe we should be leading up with the others which, in this present format, follows it.

Mr. Deputy Chairman: Mr. Berger.

Mr. Berger: Yes, Mr. Chairman. I can't disagree with the Honourable Member from Whitehorse West, because again as I pointed out, we are talking about a distressed animal. It is not a building, because a building inspector found there was a guy installed a two by four in the wrong place, well he can look at it in the daytime when there is somebody home, but here we are talking about some animal that maybe had been locked up for two weeks or so and maybe really in need of help.

I think that this is all that we are talking about in this Section and I can't see how we can say that some peace officer is going to go in there because he wants to look at that house or he wants to look at somebody's clothes closet or something like that.

On Clause 5

Mr. Deputy Chairman: Ms Millard.

Ms Millard: Mr. Chairman, I think I would just point out, especially to Mr. Chairman, that this is one place where regulations are really beneficial.

As I stated in my statement, the regulations will define what are reasonable steps to be taken to get a hold of the animal's owner or anyone in charge and I find that very reassuring, in view of the discussion which has just taken place.

Mr. Deputy Chairman: Thank you, Ms Millard, I will take your comments under advisement.

Mr. Fleming.

Mr. Fleming: Mr. Chairman, I am very sorry, but I just can't quite let that pass. I know that I hope, you know, the Ordinance and all and I am all for it, but there is some things that I just can't go for and that is one. That section that we just passed which the mover of this Bill has referred to. I think that there was a mistake made by Mr. Lengerke, too, when he quoted 3, because that one there is if the owner of the animal is not present or promptly found and informed of the animal's distress, this is after the fact. This is after the animal—. What is happening in this section here still has nothing absolutely to do with section 4. (1). Section 4. (1) is a section all of its own and everything that is done there on its own.

As I say, just as long as we know that that is on its own and not anything to do with this section here or with any other preceding section. You can check it over.

On Clause 6

Ms Millard: There is a typographical error, Mr. Chairman, "incurred", in the third line.

On Clause 7

Mr. Deputy Chairman: Ms Millard.

Ms Millard: Yes, I would just point out the times here. It may seem confusing at first because we did discuss this at some length.

There are 72 hours. The first 72 hours after the animal is picked up that the Humane Society is given three days, that is, to locate the owner. If the owner is located, for instance, in the

71st hour of the 72, there are three additional days, or 72 additional hours after he was informed that he is to pay to the Society the expenses, which are listed in regulations so that the Humane Society just can't pass off to somebody, a big bill.

He has three days to pay those expenses. If he doesn't, then the Society can do what they want with the animal, but notwithstanding that, if the animal is a purebred, or even simply licensed, the time shall be ten days after the animal is taken into the custody of the Humane Society. In fact an additional four days on to what was first expressed.

Mr. Deputy Chairman: Thank you Ms Millard?

Section 8, subsection (1). Mrs. Watson?

Mrs. Watson: Mr. Chairman, Section 9, subsection (1), does that mean that the Commissioner may appoint more than one organization as a Humane Society under this Ordinance?

Mr. Deputy Chairman: Mr. Legal Advisor?

Mr. Cosman: It could, yes, Mr. Chairman.

Mrs. Watson: Yes, it does.

Mr. Cummings: Mr. Chairman,

Mr. Deputy Chairman: Is that the intent?

Mr. Cummings: Yes, if it is necessary. If there is an SPCA under a different name, if somebody has formed an SPCA in Teslin or wherever, then yes, I can understand that.

Mr. Deputy Chairman: My further question would be, would that take into account, perhaps, for example, branches of SPCA.

Mr. Holmes: That is correct. In other words, in British Columbia, you have the letters patent for the incorporation of a society, which have the right and the warrant to have branches. Each branch has its own autonomy, but the granting of special constable requirements and appointment of them is done through the provincial office of that society, so there is control.

The same principle applies, actually, in Alberta and in Saskatchewan. However, when you come to Ontario, which is a different ball of wax, you have Humane Societies and SPCAs, but it is controlled by an act, whereby it is viewed that they are both virtually the same, but they will now then give greater autonomy to one area where they are extensively involved. In other words, if one has, shall we say, a very large operation, as opposed to one that has five members, then they do not qualify.

Mr. Deputy Chairman: Ms Millard?

Ms Millard: Mr. Chairman, I think that the *Societies Ordinance* would limit the number of societies which were established for doing certain things, and that we probably wouldn't have four or five different Humane societies and such, but I don't know.

Mr. Deputy Chairman: No, it does not, Ms Millard. Mrs. Watson?

Mrs. Watson: Mr. Chairman, the only concern I have, and I think the witness referred to it, is that you can appoint more than one. There is a provision for that, more than one society, but I think we should have some more specific clarification for the appointing of constables under this legislation, whether every branch could have it done. I think that the witness said that the parent body are the ones who have the authority to have the constables appointed.

Mr. Deputy Chairman: Mr. Holmes.

Mr. Holmes: Inasmuch that under Section 11, which we are coming to, really, actually, the Commissioner prescribes the qualifications required or persons to be appointed special constables to the purposes of the Ordinance.

Now basically, if you like, our requirements is the man must

have worked for the Society for a minimum of seven years. He has to have completed qualifying training. Okay, he has got to be a good boy, et cetera, et cetera. In other words, he is recommended then, if you like, he is screened by a division of the RCMP and then is duly appointed.

There is no risk of, shall we say, little old ladies in running shoes or flying low on broomsticks qualify as special constables, if that is your fear.

Hon. Mrs. Whyard: Just before you go on. Clause 9.(2), there is not indication about paying this special constable appointed by the Commissioner.

Mr. Holmes: They never do.

Mr. Deputy Chairman: Dedication and devotion, Mrs. Whyard.

Hon. Mrs. Whyard: Yes, Mr. Chairman.

On Clause 10

Mr. Deputy Chairman: Mrs. Whyard.

Hon. Mrs. Whyard: I will simply repeat the same observation that should be compared with the most recent restriction on building inspectors.

On Clause 11

Mr. Deputy Chairman: Mr. Fleming.

Mr. Fleming: Yes, Mr. Chairman, I guess that even if I had gotten away with taking that section out of the Ordinance somehow, it was very repugnant to me, I would be shot down here again by the Commissioner, if it was, he felt necessary, respecting the manner of taking an animal into custody, in 11.(1)(c).

Mr. Deputy Chairman: Mr. Fleming, this is dealing with animals, not shooting people.

Mr. Fleming: However, that (c) would, in effect, let the Commissioner make, in regulations, moreorless, exactly what is over in, I think it is 4.(1). Actually could do the same thing.

I think this could be done, could it not, Mr. Holmes?

Mr. Holmes: Yes, basically what it is really, it gives, if you like, effecting changes in the regulation without changing the Act. That is basically what it is.

In other words, as experience is gained, small regulations and changes can be effected which does not make it necessary to change the Act.

Mrs. Watson: Mr. Chairman, that's not a very popular method of changing an Act in this House is it?

Mr. Deputy Chairman: No, Mrs. Watson, it is not a popular way of changing it. Mr. Fleming?

Mr. Fleming: Mr. Chairman, I would much sooner see it here taking a chance that that section might come back in under the Regulations, than to have that section that I was referring to left in the Ordinance.

Mr. Deputy Chairman: Section 12, subsection (1).
Section 13, subsection (1).

Hon. Mr. Lang: Mr. Chairman, all that Section 13.(1) tells me that when I rose to speak on Section 4.(1), that really anyone appointed with the authority vested in this legislation can really do anything, as long as he says he has done it in good faith. I really do believe there is too much discretion. That would be my interpretation of Section 13.(1). I would like to hear the Legal Advisor.

Mr. Deputy Chairman: Mr. Berger?

Mr. Berger: Mr. Chairman, I would like to point out to the Honourable Member for Porter Creek that if his budgie is in distress and he needs someone to rescue it, then this is the Section appropriate for it.

Mr. Deputy Chairman: Mr. Legal Advisor, you wish to comment?

Mr. Cosman: Yes, to Mr. Lang's question. There would only be a clear cut case where the peace officer entered a dwelling place without a warrant, for example, that he would not be covered, that he would not be immune from an action. Otherwise, if, in the discretion, or in the opinion of the peace officer, that he was entering a premises which, in his opinion, were not a dwelling place and he had reasonable and probable grounds for believing that an animal was in distress in those premises, and he went forward and acted and found an animal in distress and disposed of the animal, pursuant to the Ordinance and so on, this Section 13 is wide enough to prevent an action against that peace officer or the Humane Society or officer employee of the Society. Section 13 is meant to be as all encompassing as possible, as broad a shield against an action as possible. It is a question of policy as to whether you want that Section 4 or not, but Section 13 certainly gives plenty of protection I should think.

Mr. Deputy Chairman: Mr. Lang?

Hon. Mr. Lang: Mr. Chairman, this Section would be applicable in a situation where the peace officer, for whatever reason, went in, and there wasn't an animal in distress, and came out. This section would still cover him.

Mr. Cosman: That's true. If he was not entering something that was clearly a dwelling place and he hadn't got a warrant. For example, if he went into a premise other than a dwelling place, thinking that there was an animal in distress in that building, and had reasonable and probable grounds for believing that, then he would be given the protection of Section 13, yes, even though there was no animal in the building.

Mr. Deputy Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, I think that many Members of this Committee are perhaps a little sensitive on this point because of what is going on at the national level in this country today, and when we are hearing daily that it is all right to break the laws, as long as it is for a good purpose, we may be just a little sensitive. I need a little information, perhaps I should wait until you finish reading this final section, from the witness, regarding how this is covered under your City by-law. You must have a by-law which covers your pound and the operations you are doing at the municipal level. Do you have the same powers under it as you are asking for for this?

Mr. Deputy Chairman: Mr. Cummings.

Mr. Cummings: On a municipal level, I don't think there are municipal by-law enforcement officers enter any premises again, unless the RCMP are present. I can only remember one case, I think, in the City of Whitehorse, where he entered a premise and that was with the RCMP. I don't think no, I am sure that by-law doesn't allow officers to do this.

Hon. Mrs. Whyard: Thank you, Mr. Chairman.

On Section 14

Mr. Deputy Chairman: Mr. McIntyre.

Mr. McIntyre: Just a general question, Mr. Chairman, is it the intention of this Ordinance to be applicable within the municipal boundaries.

Mr. Deputy Chairman: Mr. Cummings.

Mr. Cummings: Mr. Chairman, I believe that Territorial ordinances do supercede municipal ordinances anyway. I think it would be applicable within the city boundaries. It would enable our own by-law enforcement officers to do things that they can't do know, such as are allowed in the Ordinance.

Mr. Deputy Chairman: Mr. McIntyre.

Mr. McIntyre: Mr. Chairman, I notice in another ordi-

nance the *Pounds Ordinance*, as a matter of fact, it says that this Ordinance does not apply within municipalities because I assume that the reason for that was the Territorial Government had delegated the authority to pass laws governing the control of animals to the municipality.

So, we should be careful in this Ordinance that we don't encroach on the jurisdiction of the municipality in passing something that it is within their jurisdiction to pass and may not want.

Mrs. Watson: Mr. Chairman, I believe we have also given that authority to L.I.D.'s.

Mr. Deputy Chairman: This concludes the first review of Bill 103. With the Committee's concurrence, can the Chair report progress on Bill 103?

Mrs. Whyard.

Hon. Mrs. Whyard: Could I just ask one more question before the witnesses leave us?

Mr. Deputy Chairman: By all means.

Hon. Mrs. Whyard: Has the Society discussed this with any of the people concerned in the Yukon, prior to bringing it to this Committee. For example, does this reflect the opinions of the big game guides and the people whose horses we worry about, and operators of businesses involving animals? Has there been discussion of the draft with them or do we have any indication of what their reaction is to this Ordinance.

Mr. Cummings: Mr. Chairman, we have had no direct discussion with outfitters. We have really seen no problem regarding ill treatment of horses, particularly in the Territory, since the cost of keeping a horse or buying a horse is an expensive proposition and they do, at this stage of the game, take very good care of their horses.

We have only one retail outlet that I know of in the Territory that sells birds and fishes, does not sell animals.

We have had a lot of input into this from the City of Whitehorse, the City of Dawson, the Town of Faro, the municipalities and the Humane Societies in those areas have supported this 100 per cent. That is the total sum of our input at the moment, Mr. Chairman.

Hon. Mrs. Whyard: Mr. Chairman, I am not about to advise you on how to conduct your business. I just think it would be helpful if you did have the support of, perhaps, the big game outfitters.

There is a possibility, under some of these sections, that an animal could be brought in and fed and sold within a matter of so many days and it is just as well to have some kind of clearance on that which these people, I would think, if you don't mind taking that presumption.

Mr. Deputy Chairman: Mr. Fleming?

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

Ms Millard: I second that.

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

Motion agreed to

Mr. Deputy Chairman: Mr. Holmes, thank you and Mr. Cummings, thank you.

Speaker resumes the Chair

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

Mr. McCall: Thank you, Mr. Speaker. Mr. Speaker, the Committee of the Whole has considered the Motion respecting Canada-USA agreement on the pipeline and directed me to report progress on the same. The Committee also considered

Bill Number 103, *Animal Protection Ordinance* and directed me to report progress on the same and asked leave to sit again.

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

Some Members: Agreed.

Mr. Speaker: Leave is so granted. May I have your further pleasure. The Honourable Member from Kluane?

Mrs. Watson: Mr. Speaker, I wonder if the Chairman of Committees could give some indication of what Bills we will be dealing with tomorrow?

Mr. Speaker: I don't believe that this is proper at this time, however, I will permit it on this occasion.

The Honourable Member from Whitehorse South Centre?

Mr. Hibberd: Mr. Speaker, as announced when we were considering the *Yukon Legislative Assembly Ordinance* previously, we indicated that Mr. Clegg would be back and available for further reconsideration of that Bill tomorrow morning, and that is what we intend to continue with.

Mr. Speaker: I believe these are matters of Committee and ought to be discussed in Committee and they are not the business of the House. May I have your further pleasure?

The Honourable Member from Whitehorse Riverdale?

Mr. Lengerke: Mr. Speaker, I would move that we do now adjourn.

Ms Millard: I second that, Mr. Speaker.

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

Motion agreed to

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

Adjourned

The following Sessional Paper was Tabled
(December 6, 1977)

77-2-32

Animal Protection Bill