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Speaker: The Honourable Donald Taylor

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

We will proceed at this time with Prayers.

Prayers

Mr. Speaker: At this time we will proceed with the Order Paper. Are there any Documents for Tabling?

The Honourable Member from Whitehorse Porter Creek

ROUTINE PROCEEDINGS**TABLING OF DOCUMENTS**

Hon. Mr. Lang: Mr. Speaker, I have for tabling a Green Paper for Housing Strategy for Pipeline Impact, a Green Paper on Rental Stabilization and I also have for tabling, our Yukon Rental Survey for November, 1977, by the Economic Research and Planning Unit.

Mr. Speaker: Are there any further Documents for Tabling?

Reports of Committees? The Honourable Member from Whitehorse South Centre.

REPORTS OF COMMITTEES

Mr. Hibberd: Mr. Speaker, I have for tabling this morning, a report this morning the Sixth Report of the Standing Committee on Rules, Elections and Privileges.

As a result of your Committee's study and work on the *Legislative Assembly Ordinance*, the Committee has seriously considered the position of House officers. The statement contemplated was we, the Legislator, want a full-time clerk.

On this premise, the following Report was produced.

Your Committee recommends that:

1. The position of clerk be a full-time position of the Legislative Assembly Office. The clerk would hold no position in Government.
2. A Members Services Committee be struck, no later than March 31, 1978, with the Speaker as chairman and two other Members being nominated by the House. The primary function of the Members Services Committee will be to consider and make decisions concerning matters of Assembly organization. Such a Committee would serve as an effective vehicle for policy and administrative consultation between Members and Clerk.
3. The positions of Clerk Assistant and Law Clerk be full-time positions of the Legislative Assembly Office. As with the Clerk, these House officers would hold no position in government.
4. The rank and status of the Clerk be equivalent to that of a Senior Deputy Head.
5. The government would bring forth to this House the necessary legislative amendments to effect the appointment of a full-time Clerk of the Assembly during the 1978 First Session.
6. The office of the Legislative Assembly be fully operational no later than June 1st, 1978.
7. A copy of this report be forwarded to Dr. A.M. Pearson, Commissioner of Yukon and Chairman of the Executive Committee.

Mr. Speaker: Are there any further Reports of Commit-

Are there any Petitions?

Introduction of Bills?

Are there any Notices of Motion for the Production of Papers?

Notices of Motion or Resolution? The Honourable Member from Whitehorse South Centre?

NOTICES OF MOTION

Mr. Hibberd: Mr. Speaker, I would like to give Notice of Motion for concurrence in the Sixth Report of the Rules, Privileges and Elections Committee.

Mr. Speaker: Are there any further Notices of Motion or Resolution?

Are there any Statements by Ministers? The Honourable Minister of Education?

STATEMENTS BY MINISTERS

Hon. Mr. Lang: Yes, Mr. Speaker, in the beginning of the Order Paper, I presented to the Legislature this morning the results of several months of work and deliberation, which we refer to as the housing strategy for pipeline impact. For the record, Mr. Speaker, I think that the Board of Directors of the Housing Corporation, Chairman of the Housing Corporation, the General Manager and the staff of the Housing Corporation have to be commended for the work that they have done over the last couple of months.

Preliminary work on this area began this summer when the government's Crown agency, the Yukon Housing Corporation, felt it was imperative to develop a game plan to deal with the anticipated effects the pipeline will have on housing in the Yukon.

Mr. Speaker, in the information provided to the House, we have examined all the facets of housing. In the attached Appendix A, we have projected the housing situations we feel will develop in the various communities in the pipeline corridor. Consequently, we have manufactured to a certain extent, population numbers to indicate permanent and temporary housing needs during the construction period. As you can well appreciate, this is a very difficult exercise at the best of times and particularly when the available information is somewhat sketchy. However, some concept of the magnitude is required before one can discuss the ways to deal with the effects that may take place. To this end, the Yukon Housing Corporation has developed projections which we feel are realistic with the best information available at this time and applied these projections to each community.

The picture which emerged indicated to the corporation that the supply of housing was a critical element to offset rising prices which almost inevitably result in times of housing shortages. Therefore, the Corporation developed an overall strategy to influence the supply side of the housing picture.

As you can well see, this approach places considerable reliance on the private sector to meet the housing demand. In the area of single family dwellings, we are fairly confident that private enterprise will supply the market, particularly in Whitehorse, where there is a viable housing market and industry.

In the area of temporary housing, a more direct role may be required by the Government. However, we will be encouraging the private sector to be innovative and seriously look at this housing requirement.

This Government will begin immediately discussing with private entrepreneurs the various municipalities affected, and L.I.D.'s any arrangements that have to be met for this particular housing demand, through a joint process.

In general, Mr. Speaker, we have developed an approach we feel is most practical to the various situations we may face in

the Territory. The key is to be on top of the situation by monitoring trends in the housing market and prepare to take action before any adverse developments place undue hardships on residents of the Yukon.

It is up to this government to show direction and respond in those areas where critical shortfalls develop.

Mr. Speaker, at the same time, I would like to make a few comments in respect to the other paper that was presented to the Legislature this morning in the area of rent stabilization. Although I consider this to be only one aspect of an overall strategy, I feel that the growing public concern warrants an in-depth discussion of the issue, and I look to this green paper as the means to this end. Our economic system is based on the concept of supply and demand where prices fluctuate in response to the difference between supply and demand for a particular commodity. However, because housing is so basic to our survival, it can hardly be considered a normal commodity. At times of short supply, the government may have to intervene to provide some protection to the consumer.

The coming period of economic expansion could bring a shortage of housing in order to ensure that the cost of housing does not rise beyond the means of those not receiving the expanded income related to the economic boom, some form of rent stabilization may have to be considered.

However, Mr. Speaker, rent stabilization must not be viewed as an end in itself, because it deals with only a symptom which results from the real problem of short supply. Rent stabilization can only be effective for a very short time as well as dealing only with the symptom. Therefore, I feel that the actual implementation of rent stabilization should be delayed until it can be fairly clearly demonstrated that a form of control is required. At present, although the vacancy rate has been dropping quickly, Whitehorse rents would appear not to be unreasonable in comparison in other cities. For example, a two bedroom apartment would average approximately \$294 per month in Whitehorse, while in Edmonton the average, depending upon the type of building, ranges from \$240 to \$395.

Calgary, from \$258 to \$323 per month and Vancouver at \$268 per month.

These figures are from recent surveys conducted by government agencies in each of these jurisdictions. Allowing for the higher construction costs and a relative newness of the Whitehorse housing market, our rents presently would appear to be not out of line at the present time in comparison to the other areas of Canada where controls are already in effect.

The rental market will continue to be monitored by the Economic Research and Planning Unit, who will up-date the survey on a regular basis.

Although, as I have said, Mr. Speaker, I am not looking for immediate implementation of rent stabilization, I feel it is important to have a well thought out and planned legislation ready if it is required. For this reason, the Green Paper was developed with recommendations as to what the policies and mechanism for implementing stabilization should be.

In developing these recommendations, two objectives form the basis of the paper. First and foremost, was of course to prevent the increase of rents to unreasonable levels during a period of severe housing shortage, if necessary.

Secondarily was the consideration that to the greatest extent possible, in light of the primary objective, private investment in rental housing must not be hindered.

In this respect, the Green Paper specifically exempts the rents on newly constructed projects, but makes any subsequent increases subject to review. The intent is to encourage the flow of private investment into the construction of rental accommodation. At the same time, protection from unreasonable increase is provided to tenants in existing rental

properties.

As a Government, Mr. Speaker, we are expecting landlord to act in a responsible manner if they are contemplating any increases. In view of the fact that the administration of a rental stabilization scheme would cost in the area of a minimum of \$75,000, I would submit that it is to the Yukon taxpayers' benefit that a program such as this should be avoided if possible.

In closing, Mr. Speaker, I would like to re-emphasize that rent stabilization is merely one component of an overall housing strategy and I would ask that the Members keep this in mind during discussions of this paper.

Thank you, Mr. Speaker, and I look forward to the comments of the Honourable Members.

Mr. Speaker: Are there any further Statements by Ministers? The Honourable Minister of Highways and Public Works?

Hon. Mr. McKinnon: Mr. Speaker, the following is the text of a joint press release presently being issued in Ottawa and in the Yukon Legislative Assembly.

Indian and Northern Affairs Minister, Hugh Faulkner, today authorized the appointment of a fourth member of the Territorial Council to the Executive Committee of the Yukon Territorial Government. This appointment is intended to enable the Yukon Government to respond immediately to the additional planning pressures brought about by the pipeline.

Mr. Faulkner said: "In my recent discussions with members of the Territorial Council while in the Yukon, this requirement was brought home to me. In addition, it has been agreed that within the expanded Executive Committee, one member should have special responsibility for native affairs. First established in 1970, the Executive Committee advises Commissioner Arthur Pearson on matters of policy. Its members are also responsible for the administration of various departments of the Territorial Government. With the addition of a fourth member, the Committee will now be in a position to respond to the additional pressures on the Territorial Government as a result of the pipeline, as well as play an active role in developing special programs to meet the needs of the native people of the Yukon." Mr. Speaker, in this regard I have a green paper to table regarding the fourth elected member of the Executive Committee.

Mr. Speaker: The Honourable Member from Pelly River?

Mr. McCall: Yes, Mr. Speaker, I rise on a Point of Privilege and I seek the guidance from the Chair, with the concurrence of Honourable Members, that we should consider this matter that the Minister has just brought up of great importance. We should consider a recess at this point in time to consider this particular matter.

Mr. Speaker: Would the House agree?

Some Members: Agreed.

Mr. Speaker: All right, we will then proceed with the Order Paper upon the conclusion of our recess.

This House now stands in recess.

Recess

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

At this time we will proceed with the Question Period. Have you any questions? The Honourable Member from Hootalinqua.

QUESTION PERIOD

Question re: Medicare Premium Deductions

Mr. Fleming: Yes, Mr. Speaker, I have a question for the Minister of Human Resources. Is it compulsory for an employer to deduct Medicare premiums from a native employee,

in the Territory?

Mr. Speaker: The Honourable Minister of Human Resources.

Hon. Mrs. Whyard: Mr. Speaker, there are a number of factors which would affect the answer to that question, depending on whether the employer was a status Indian employer and the employee was a status Indian employee, and whether or not the business concern was being conducted within the context of a native community.

Otherwise, of course an employer would deduct Medicare.

Mr. Speaker: The Honourable Member from Hootalinqua.

Mr. Fleming: Supplementary, Mr. Speaker, in this case, could the Minister tell me where the authority lies in the last part of her answer?

Mr. Speaker: The Honourable Minister of Human Resources.

Hon. Mrs. Whyard: Mr. Speaker, if the Honourable Member is asking where this Government gets the authority for deducting Medicare payments, we have a legislation and an Ordinance which gives us that authority.

If he is asking regarding the status of native people and whose authority exempts them or what the regulations and factors are pertaining to this, I will have to bring in a written answer.

Mr. Speaker: The Honourable Member from Pelly River?

Question re: Inspectors Entering Private Property

Thank you, Mr. Speaker. I have a question for the Minister for Human Resources. Do the following inspectors or officers, i.e. Labour Standards Officer, Building Inspector, Mines Inspector, Health Inspector, or officer, Electrical Inspector, or RCMP officer, and others not mentioned, have the right to enter private property such as lodges, et cetera, where the owner's private dwelling is the same building in which the owner conducts their business without first obtaining a warrant. If so, which inspectors or officers under the respective ordinances do this?

Mr. Speaker: Is this a written question?

Mr. McCall: Yes, Mr. Speaker.

Mr. Speaker: The Honourable Member from Whitehorse Riverdale?

Question re: Income Tax Rebate Scheme

Mr. Lengerke: Mr. Speaker, a question for any of the Ministers or the Administrator. Recently the Federal Government announced an income tax rebate scheme, I think it is coming into effect the first of the year, where you get rebated \$100 I believe it is, and it is based on income for those people that have an income of somewhere between \$12,000 and \$14,000 I believe is the scale. I may be incorrect on that. My question is: has the government considered, on behalf of Yukon citizens, making representation to the Federal Government to let them know, make them aware, that Yukon citizens, in the lower wage scale, that we consider in the lower wage scale, are somewhat higher than has been defined in the *Income Tax Act* and who would be getting relief under the new scheme. So really, in fact, Mr. Speaker, Yukoners will not benefit, and I am wondering if the government would consider making any representation on behalf of those citizens?

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

Hon. Mr. McKinnon: Mr. Speaker, we have made many representations in the past, and I know, and I am aware of many representations that have been made by our federal member to the Government of Canada in exactly the same manner into which the Honourable Member indicates. In every one of those representations the answer has been a firm

"no" from the Federal Government. The reason and philosophy that they always give is that you think you are badly off, go try living in the Maritimes or in Labrador or in any part of the northern provinces, and they say that if we start making exemptions from the *Income Tax Act* and regulations to apply to different areas, that every other locality and every other group thinks that they have the same problems also, so we are not going to make any acceptations to the *Income Tax Act*.

We could try again, but I know what the answer will be, Mr. Speaker.

Mr. Speaker: Are there any further questions? The Honourable Member from Whitehorse South Centre.

Question re: Frantic Follies Tour

Mr. Hibberd: Mr. Speaker, I have a question this morning for the Deputy Commissioner. Recently the Frantic Follies undertook a tour of Canada. I am wondering what personnel accompanied that tour from the Tourism Branch here and what was the cost to this Government of that tour?

Mr. Speaker: Mr. Administrator.

Mr. Deputy Commissioner: Could I give you an answer for that tomorrow or the next day?

Mr. Speaker: Certainly, perhaps Mr. Administrator could take notice of that question.

Are there any further questions? The Honourable Member from Pelly River.

Question re: Commissioner's Entertainment Fund

Mr. McCall: Thank you, Mr. Speaker, I have a question for the Deputy Commissioner. On November 23rd, I asked question with respect to the Commissioner's entertainment fund and a complete break-down on this particular matter and I was wondering if the Deputy Commissioner could advise me just when I am expecting the answer on this particular questions, which was November 23rd, when I asked the question?

Mr. Speaker: Mr. Administrator.

Mr. Deputy Commissioner: Mr. Speaker, I can't give an immediate answer, but I will find where the question is and provide an answer tomorrow or the next day.

Mr. Speaker: Are there any further questions? The Honourable Member from Pelly River.

Mr. McCall: Have we finished the Question Period, Mr. Speaker?

Mr. Speaker: It would appear.

Mr. McCall: I would like to seek the support, Mr. Speaker, of the House to revert back to Notices of Motion on the Order Paper.

Mr. Speaker: Does the Honourable Member have unanimous consent to revert to Notices on the Order Paper?

Some Members: Agreed.

Mr. Speaker: Are there any contrary?

Proceed. The Honourable Member from Pelly River.

NOTICES OF MOTIONS

Mr. McCall: Thank you, Mr. Speaker.

I would like to give Notice of Motion that it is the recommendation of this Assembly that Dr. Jack Hibberd be appointed to serve on the Executive Committee on the Government of the Yukon Territory.

Mr. Speaker: The Honourable Member from Whitehorse Riverdale.

Mr. Lengerke: Mr. Speaker, I would like to give Notice respecting sittings of this House.

Mr. Speaker: The Honourable Member from Kluane.

Water

Mrs. Watson: Yes, Mr. Speaker, I would like to give Notice that the Green Paper on the Appointment of the Fourth Elected Member of the Executive Committee be moved into Committee.

Mr. Speaker: Are there any further Notices?

We will then proceed to Orders of the Day, under 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 Hootalinqua, THAT it is the opinion of this House that if a Yukon Heritage Fund is established, it should be one which does not have, as its basis, the acceptance of a loan by this Government.

The Honourable Member from Ogilvie.

Ms Millard: Mr. Speaker, in the Speech from the Throne, the Commissioner mentioned that some talk was going on with the Alberta Government about a Heritage Fund for the Yukon, in the same kind of description as the Alberta Heritage Fund.

I would like to discuss this motion in relationship to the Alberta Heritage Fund papers, which I have already referred to Committee of the Whole.

If someone would move that this Motion be considered in Committee of the Whole, I would appreciate it.

Mr. Speaker: The Honourable Member from Kluane?

Mrs. Watson: Mr. Speaker, I would so move that Motion Number 13 be moved into Committee of the Whole.

Mr. McCall: I second that.

Mr. Speaker: It has been moved by the Honourable Member from Kluane, seconded by the Honourable Member from Pelly River, that Item 1 be referred to Committee of the Whole.

Motion agreed to

Madam Clerk: Item Number 2, standing in the name of the Honourable Member, Mr. McIntyre.

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

Mr. McIntyre: Yes, Mr. Speaker.

Mr. Speaker: It has been moved by the Honourable Member from Mayo, seconded by the Honourable Member from Watson Lake, that this House recommends to the Minister of Indian Affairs and Northern Development the appointment of Dr. Aubrey Tanner to the Yukon Territorial Water Board and that Mr. Keith Byram be appointed Chairman of the Yukon Territorial Water Board.

The Honourable Member from Mayo?

Mr. McIntyre: Mr. Speaker, this Resolution follows pursuant to the green paper on the Yukon Territorial Water Board, and I think the question could now be put.

Mr. Speaker: Any further debate?

Motion agreed to

Mr. Speaker: The Honourable Member from Pelly River?

Mr. McCall: Thank you, Mr. Speaker, I would 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

Speaker leaves the Chair

COMMITTEE OF THE WHOLE

Mr. Deputy Chairman: I call this Committee to order. We will carry on dealing with Bill 103 and after that we will then be dealing with White Papers on the Arctic Winter Games and Heating Fuel Equalization.

I will declare a brief recess.

Recess

Mr. Deputy Chairman: I call Committee to order.

We left off yesterday giving consideration to Bill 103, *Animal Protections Ordinance*. I see we have presented this morning a couple of proposed amendments. With the Committee's concurrence, I would like to discuss these amendments perhaps after recess, in order for Members to take them under consideration over the lunch period, with the Committee's concurrence?

In the meantime, we will proceed, we left off, I believe, dealing with Section 4.(1), (2), (3) and (4). I believe one of the proposed amendments is dealing with this Section, so I would like to go onto Section 5, if I may.

Section 5.(1) and (2), general discussion.

Mr. Lang.

Hon. Mr. Lang: Mr. Chairman, in the area of a veterinarian, I have to go back to the Definition section of the Bill, where it says "a province of Canada or in the State of Alaska", why are we confining it just to those two particular areas? Why not just anybody that does have a degree in this particular area, when this kind of thing does arise, why would you stipulate, you know, for an example, if one was from Washington and had a degree from Washington and arrived in Canada with, say a Landed Immigrant, with the wording of this piece of legislation, I would understand, they would not be eligible to act under this legislation.

Mr. Deputy Chairman: Ms Millard.

Ms Millard: Yes, Mr. Chairman, as far as I understand it, in the drafting it was meant to be more extensive than restrictive. At first it only read "any Province in Canada" as would normally be the case for an MD or something and then we were reminded that many times our veterinarians come from Alaska, from Juneau to practice here so that is why it was extended to include Alaska rather than restricting it to simply Canada.

Mr. Deputy Chairman: Mr. Lang?

Hon. Mr. Lang: My point is in reference to the State of Alaska. I can't see even why we are even confining it to that degree. I can't see why it can't be a person of a Degree in Veterinarian Surgery and leave it wider. I am referring back to the definition as well.

Mr. Deputy Chairman: Ms Millard?

Ms Millard: Mr. Chairman, I just don't think that there has been the case where anyone has been available from Washington or Alabama who wanted to practice in the Yukon. I would think if that were the case we would have to expand it but the practice has been that we normally find somebody from Canada or from the State of Alaska.

Mr. Deputy Chairman: Mr. Lengerke?

Mr. Lengerke: Mr. Chairman, I don't think the way it is worded anyway restricts anybody from Washington or Idaho or wherever, if they want to come up and practice as a vet.,

they have to qualify in Canada and they apply to the veterinarian associations and they can do the same as a doctor coming up. But I think what the Ordinance does right now is allows the latitude for somebody coming in from Juneau to practice here on a pretty open basis. As far as anybody wanting to practice as a vet in Yukon or anywhere else, they apply through the proper channels. If they are qualified they don't have any problem.

Mr. Deputy Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, I believe the Member from Porter Creek questioned, he wanted to broaden it and for the simple reason, if a horse or an animal is hurt on the road, and a tourist comes along or someone comes along who is a veterinary surgeon from the States, would he be able to give his opinion? I think this is the point he is trying to raise, not the people practicing, I don't know whether you would fall back then to 5.(1), subsection (c) where the person would be able to act, we don't specify he has to be a reputable citizen of Yukon. Any reputable citizen who is a veterinary surgeon from Washington, his opinion would carry more weight. I think that is the reason the question was asked.

Mr. Deputy Chairman: I wonder if our witness, Mr. Cosman, could assist us in this particular matter. It might help to clarify Mr. Lang's concerns.

Mr. Cosman: Redrafting the definition would be no problem. It would be again a policy matter if you wanted to extend wider than a veterinary entitled to practice in Canada or the State of Alaska. I could suggest a wording in a province of Canada or any state of the United States, something to that effect.

Mr. Deputy Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, if you didn't define veterinary surgeon, wouldn't that be adequate?

Mr. Deputy Chairman: Mr. Cosman?

Mr. Cosman: As Mr. Lang pointed out, we could say a veterinary surgeon means a person who is entitled to practice veterinary medicine.

Mrs. Watson: That's right.

Mr. Cosman: As your law clerk, I would like to see the definition of veterinary surgeon remain in the draft at least, to distinguish him from someone who cares for animals, but isn't licensed as a surgeon, a veterinary surgeon.

Mr. Deputy Chairman: Ms Millard.

Ms Millard: Yes, I would sooner have it stated exactly where the person is entitled to practise, because there are certain ways that person gets entitled to practise anything and if we just leave it entitled "to practise veterinary medicine", it is according to whom? So, it would be difficult, I think we would have to expand it to mean all the American states, if that is even a reasonable thing to do. I really have never seen or heard of a situation as remote as what was brought up that wouldn't be dealt with under Section 5.(1) pretty easily.

Mr. Deputy Chairman: Mrs. Whyard.

Hon. Mrs. Whyard: In 5.(2), Mr. Chairman, if we are through with that particular item, are we?

Mr. Deputy Chairman: There is general debate on Section 5, both subsections.

Hon. Mrs. Whyard: Line 3, in subsection 2, "the animal's suffering will not be unduly prolonged thereby" is rather a misleading reference back to the fact that you are going to destroy it. If you destroy the animal the suffering isn't going to be prolonged and I would suggest that you might like to tidy up that wording, Mr. Chairman, something, some phrase such as "unduly prolonged by delaying its destruction for a reasonable time". Just to clarify the language.

Mr. Deputy Chairman: Mr. Cosman.

Mr. Cosman: Yes, I am open to suggestions. Again, I would suggest that perhaps it would be a decision of the Member sponsoring the Bill as to whether they want to open it or not.

I can redraft the wording at the instruction of the Member.

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

Mr. Deputy Chairman: Yes, thank you.

Mr. Deputy Chairman: Very well. Recess until 1:30.

Mr. Deputy Chairman: I call this Committee to order. As I said this morning, in dealing with Bill 103, there were some amendments put forward. I would like to bring to the Committee's attention that there were some words missing in the amendment dealing with Section 4.(1), (2), (3), and (4), so with the Committee's concurrence, I would like to pass around the amendments with the inclusion of the words that had been missing in the previous amendments before this morning.

Mr. Lang?

Hon. Mr. Lang: In all sincerity, I would like to know where the draft regulations are that the Honourable Member said that she was going to provide for us?

Mr. Deputy Chairman: Mr. Lang, we are dealing with Bill 103, not the regulations.

Hon. Mr. Lang: Mr. Chairman, I am fully aware of that, but it was my understanding that there were to be some draft regulations provided to members to give an idea exactly what the contents might be after the principle of the Bill has been adopted. I am just curious if these are available, I would like an answer, Mr. Chairman.

Mr. Deputy Chairman: Ms Millard?

Ms Millard: Yes, Mr. Chairman, it is unfortunate that I misled Committee yesterday to think that there were even draft regulations even in the offing, because there aren't. I suggested that I could bring in what is available and what is available in the building are the Alberta regulations, which just in passing, Mr. Chairman, you might be interested in noticing the shortness of them, compared to regulations which are normally coming out of this government. They do not include, I see, any definition of reasonable efforts to find the owner and that type of thing which I have been discussing in this Bill which will have to come through the normal regulation system.

Mr. Deputy Chairman: Mr. McIntyre?

Mr. McIntyre: Yes, Mr. Chairman, I would just like to point out that it is not the prerogative of the private member to bring in regulations. It is the duty of the Executive Committee to enact the regulations or to put the regulations into effect that will properly control the Act, so I think those two members of the Executive Committee are completely out of order.

Some Members: Hear, hear.

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

Mr. Lang: I don't think we should go any further in discussing regulations.

Hon. Mr. Lang: Mr. Chairman, I just want to make one remark. I fully understand that, but my point is that we are discussing a Bill that apparently is going to have to have detailed regulations.

My point is I was just curious of what is being envisaged being put into them when we are discussing the principle of the Bill.

Mr. Deputy Chairman: Mr. Lang—

Hon. Mr. Lang: Mr. Chairman, just like anybody else, I haven't seen the Private Member's Bill before it was...

Mr. Deputy Chairman: Mr. Lang, as it was pointed out to you yesterday, the onus is on the Government, once the Bill is adopted, to work on regulations for that particular Bill.

Now, I don't think we need to belabour the matter anymore, because if you get up anymore I will rule you out of order, period.

The Committee members now have a copy of the redraft of one of the first amendments dealing with Section 4. I would like to allow Committee, with concurrence of Committee, for them to just go over that insertion of that wording and, while this is being done, I would like to proceed on with Section 5.(1), for the moment and we will come back to that amendment a little later.

Ms Millard.

Ms Millard: Just in passing, Mr. Chairman, the changes from the original proposed amendment are asterisked in the second proposed amendment, on the right hand side. There are two changes. Some words have been added in the first few lines.

Mr. Deputy Chairman: Thank you.

Any further discussion on Section 5.(1) and (2)?

Clear on (1) and (2)?

Some Members: Clear.

Mr. Deputy Chairman: Thank you.

Mr. Fleming.

Mr. Fleming: I was just wondering about the other amendment, in subsection 2.(1), have we done...?

Mr. Deputy Chairman: No, we're not down to there, we are going to come back later. Give you time to go over them, Mr. Fleming.

On Clause 6

Mr. Deputy Chairman: Any general discussion? Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, in 6.(1), the suggestion is that the words "or taken" should be added at the beginning of the second line, so that it would read: "A humane society has a lien upon any animal delivered or taken into its custody..." just to broaden the practical operation.

Mr. Deputy Chairman: Ms Millard?

Ms Millard: I just happen to have some motions to that effect.

Mr. Deputy Chairman: Amendments?

Ms Millard: Amendments. Is that not what the Honourable Member wants? If the Member doesn't want amendments, that's just fine.

Mr. Deputy Chairman: Let the Chair decide that, Ms Millard. Any further discussion on 6.(1) and (2)? Mrs. Watson?

Mrs. Watson: Mr. Chairman, I just wanted to ask, and the Member is busy at the present time, in 6.(1) whether the humane society envisions having some place where they can keep animals that are taken, or whether they envision using the system of pounds, because it is one thing to have it in the legislation and it is another thing to, in fact, if they are prepared to gear up, to have some place for animals.

Ms Millard: I am sorry, Mr. Chairman, I was busy with my secretarial duties and did not hear the question if the Member wouldn't mind repeating it.

Mr. Deputy Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, I was wondering if the Member could inform us whether the humane society does in

fact anticipate having some place where they could keep animals that are taken or delivered to them for custody; or whether they plan on using pound services if they are available?

Mr. Deputy Chairman: Ms Millard?

Ms Millard: Mr. Chairman, I don't think the humane society anticipates any great increase in the number of animals that are being taken into their custody, but if there is an increase, I am sure they will be considering expanding the pound facilities that they are now using, which I presume are the City pound facilities.

Mrs. Watson: Thank you, Mr. Chairman.

Mr. Deputy Chairman: Thank you, Mrs. Watson. This proposed amendment is, I believe, Mrs. Whyard's concern. I think we can deal with this one right away and that is the insertion of the two words. I will read the motion.

It has been moved by Ms Millard, seconded by Mr. Lengerke that Bill Number 103 entitled *Animal Protection Ordinance* be amended as follows: In Section 6.(1) by adding immediately after the word "delivered" in line 26 thereof, the following words: "or taken". Therefore, it would read, with the Committee's concurrence: "A humane society has a lien upon any animal delivered or taken into its custody under this Ordinance for any expenses properly incurred with respect to the animal for transportation, food, care, shelter, and medical treatment and may require the owner to pay those expenses before delivering the animal to the owner."

Any questions on the proposed amendments?

Motion agreed to

Mr. Deputy Chairman: Mr. Fleming?

Mr. Fleming: Is there a typographical error in after "properly", incurred? There is in my copy.

Mr. Deputy Chairman: It was recorded Mr. Fleming, in the first review, it should be "properly incurred", not "insured". Any further discussion on Section 6.(1) and (2)?

Clause 6 agreed to

On Clause 7

Mr. Deputy Chairman: Any discussion on Section 7.(1), (2) and (3)?

Mr. Lang.

Hon. Mr. Lang: What is the situation now existing within Whitehorse, with the pound the way it is set up? I understand it is run by the Humane Society. Who dictates the costs for a daily rate charged for an animal being in the premises? Is that the City that does that or is it the Humane Society?

Mr. Deputy Chairman: Mr. Lengerke.

Mr. Lengerke: For clarification on the question, did the Honourable Member say "pound"?

Mr. Deputy Chairman: Mr. Lang.

Hon. Mr. Lang: Well, yes, Mr. Chairman. It is my understanding that this is where the Humane Society presently operates out of in the City.

Mr. Lengerke: The City has an animal shelter and it is not a pound, under the *Pounds Ordinance*. So, what do you mean?

Hon. Mr. Lang: Well, my point is this, Mr. Chairman. We are outlining in here, in respect to what the cost would be incurred to an owner of a dog if it was, say, taken into custody.

Now, it is my understanding that the City has this authority at this present time and they pass that by by-law. So, in other words, are there going to be two people having the authority to ask or to decide what is going to be paid or who, in the final analysis has the authority, the City or the Humane Society?

Especially at this time when they are using those facilities.

Mr. Deputy Chairman: Mr. Lengerke.

Mr. Lengerke: I think I can answer that, Mr. Chairman. The City has an agreement with the Humane Society and I would expect that the City would be setting those rates in accord with the agreement.

Mr. Deputy Chairman: Mr. Lang.

Hon. Mr. Lang: Mr. Chairman, this particular section goes the exact reverse to the Humane Society, the ability to put the charge for the custody of the animal in question on the owner.

So, you know, are we taking authority away from the municipal government? I would like some clarification.

Mr. Deputy Chairman: Ms Millard.

Ms Millard: Mr. Chairman, it seems to me that the Ordinance only reads for charges that the Humane Society has expended itself in the caring of the animal or transportation of the animal, but wouldn't have any relationship to the Humane Society's relationship to the City.

Mr. Deputy Chairman: Mr. Lang.

Hon. Mr. Lang: Okay then, does the situation exist tomorrow, if my Irish Setter gets picked up by the by-law officer within the City of Whitehorse, that that charge goes to the City? If it is picked up by the peace officer established underneath here by the Humane Society, that the charge goes to the Humane Society?

Mrs. Watson: Mr. Chairman, only if his animal is in distress.

Mr. Deputy Chairman: Mr. Fleming.

Mr. Fleming: Yes, Mr. Chairman, I am wondering...

Mr. Deputy Chairman: Order, Mr. Lang.

Mr. Fleming: I am wondering if Section 3 might not clear this up, where the Humane Society "sells or gives an animal to any person". I know, I realize they say "person", this Section, but if the animal becomes the property of the person to whom it is sold or given that the time that they would give the animal to the pound, I would consider that that is the end of their problem and it became a property of the pound at that time and then any expenses from thereon that would occur, just as a normal expense to the pound.

Mr. Deputy Chairman: Mr. Lang?

Hon. Mr. Lang: Mr. Chairman, the Honourable Member from Kluane said if an animal is in distress. If my dog is in distress—

Mr. Deputy Chairman: Shoot it.

Hon. Mr. Lang: Mr. Chairman, I will ignore that.—and he is picked up by the peace officer of the humane society for number one, running at large and the fact that—

Mr. Deputy Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, he is getting this mixed up. The animal control by-laws in the municipalities and in the L.I.D.'s control the activities of animals for running loose and not being properly taken care of. This legislation only applies where animals are in distress. So if your animal is picked up, not because he is wandering around in somebody else's yard, but because he is sitting in your yard, whining all night and howling because you don't feed him, that is a different situation and that is when this piece of legislation comes into effect.

Mr. Deputy Chairman: Thank you for the clarification Mrs. Watson. Ms Millard?

Ms Millard: I was going to explain, the Member to my right was discussing Section 3. That only applies after the Humane Society has been dealing with the animal for about

ten days, which would have quite an expense on the humane society.

Mr. Deputy Chairman: Mr. Fleming?

Mr. Fleming: Mr. Chairman, I understand that and I feel that, in the Ordinance, the charge would be to the person that owned the animal before that time, maybe I am not right, but I think I am. Then after it would become the property of the pound and then that is their problem. Of course the Honourable Member worrying about the animal in distress, even if it is running around loose and is causing a problem as the Member from Kluane stated, I feel that possibly this animal could be in distress in that sense.

Mr. Deputy Chairman: Ms Millard?

Ms Millard: Mr. Chairman, I must apologize to Committee. I had another member to 6.(2), and in my sorting out here, I happen to have missed it while we went on to 7. I wonder if we could consider that now? It is rather a simple concept.

Mr. Deputy Chairman: With the Committee's concurrence.

Some Members: Agreed.

Mr. Deputy Chairman: Very well.

Ms Millard: Do you want me to read it?

Mr. Deputy Chairman: No, I prefer to see it first. Mr. Lang?

Hon. Mr. Lang: What Section are we on now, Section 6 or Section 7?

Mr. Deputy Chairman: We were on general discussion of Section 7.(1), but the Committee has agreed that we now look at (2) of 6 because of this amendment that was overlooked by the sponsor of the Bill. With Committee's concurrence, I sure would like to deal with this particular amendment dealing with Section 6.(2). Agreed?

Some Members: Agreed.

Mr. Deputy Chairman: It has been moved by Ms Millard, seconded by Mr. Lengerke, that Bill 103 entitled *Animal Protection Ordinance* be amended as follows: In Section 6.(2) by adding immediately after the word "owner" in line 33 thereof, the following words: "of the animal or person who, with the consent expressed or implied of the owner of the animal who was in charge of the animal at the time the animal was taken into custody pursuant to Section 3."

Section 6.(2) would read as follows: "Expenses properly incurred may be recovered by the Humane Society in an action in debt against the owner of the animal or person who, with the consent, expressed or implied, of the owner of the animal who was in charge of the animal at the time the animal was taken into custody pursuant to Section 3."

Are you dealing with Clause 3, Ms Millard?

Ms Millard: Dealing with what, Mr. Chairman?

Mr. Deputy Chairman: Is that Clause 3 you are making reference to, or Section 3 of what clause?

Ms Millard: I am in Section 3. Section 3.

Section 3 allows the peace officer to pick up the animal and this amendment would only have the action in debt against not only the owner, because the owner may have left his dog with somebody for six weeks and gone outside and the person who he left him with is the one who is actually being causing the animal to be in distress. So that the debt is against the person who was in charge of the animal, rather than the owner.

Mr. Deputy Chairman: Okay.

Any discussion on the proposed amendment?

Motion agreed to

Mr. Deputy Chairman: The amendment is carried.

We will now carry on with Sections 7.(1), (2) and (3). Any further discussion?

Mr. Lang:

Hon. Mr. Lang: Mr. Chairman, I am still not clear in the arrangement with the Humane Society for the pound, the way that is set up. Do they have, more or less, full responsibility of the animal shelter now? Maybe Mr. Lengerke can—

Mr. Deputy Chairman: Mr. Lengerke.

Mr. Lengerke: Mr. Chairman, I don't want to answer on that because it has been quite some time since I have been involved. We could possibly ask Mr. Cummings, who is in attendance, if he wanted to explain that, but it is up to the Chair.

Mr. Deputy Chairman: Ms Millard.

Ms Millard: Mr. Chairman, to speed matters on, I would say I can come back after our break this afternoon with the answer.

Mr. Deputy Chairman: Does that satisfy you, Mr. Lang.

Hon. Mr. Lang: Okay.

Ms Millard: There must be an agreement between the Humane Society and the City and I have no knowledge of that, not belonging to the Humane Society or the City. So that I would have to contact the City or the Humane Society and find out what that agreement is and I can do that if the Member wishes.

Mr. Deputy Chairman: Is it Committee's concurrence that we set over Section 7.(1) until after recess?

Mrs. Watson: Mr. Chairman, I don't concur because I don't think that agreement has anything to do with Section 7.(1). It is just information that the Honourable Member wants to have for his general information, and it has absolutely nothing to do with Section 7.(1) and I would suggest that we deal with it now.

Mr. Deputy Chairman: Very well.

Clause 7 agreed to

On Clause 8

Mr. Deputy Chairman: General discussion.

Clause 8 agreed to

On Clause 9

Clause 9 agreed to

On Clause 10

Clause 10 agreed to

On Clause 11

Mr. Deputy Chairman: Mr. Lang.

Hon. Mr. Lang: Could I ask the Honourable Member the necessity of 11.(1)(c), in respect to back in the Legislation, I think it is Section 3, taking an animal into custody, no, 4.(1), why would you have to outline something like that into regulations?

Mr. Deputy Chairman: Ms Millard?

Ms Millard: Mr. Chairman, I believe that this was where it would come into effect that the regulations dealing with the reasonable amount of time, steps be taken to contact the owner, reasonable, everything, it says reasonable in here, use of force and those type of things respecting the manner, I think really says it. The limitations are put on how far a person can go.

Mr. Deputy Chairman: Mr. Fleming?

Mr. Fleming: Yes, Mr. Chairman, my opinion is that that Section is really not needed in this Ordinance. I think it is just one of the powers given to the Commissioner to make regula-

tions again, and again, and again, of course, and I don't think we need that regulation in this Ordinance or that power to do that. Because in the Ordinance, it does tell us how to do it and so forth and so on, I don't see the necessity of (c), 11.(1)(c): "respecting the manner of taking an animal into custody" because I feel that that is going to go back to where the Commissioner can make regulations as to what the peace officer may do while he is taking the animal into custody. If it was only for the manner in which you were going to treat the animal, then I could understand this section that way, if that was clear, but that is not clear to me here. I think this is just another regulation-making power where you don't need it.

Mr. Deputy Chairman: Any further discussion on 11.(1)? Mr. Lang?

Hon. Mr. Lang: Mr. Chairman, I, like the Honourable Member from Hootalinqua, I don't understand why section (c) should be in there. I want an idea, if we are going to be making regulations, what the Honourable Member has in mind as to what reasonable steps are. You are proposing an amendment to Section 4.(1), I believe it is, and I just want to know what the necessity of it is, just verbage or what?

Mr. Deputy Chairman: Mr. McIntyre?

Mr. McIntyre: Yes, Mr. Chairman, these regulating powers are dealt with by the word "may". The Commissioner doesn't have to make the regulation respecting the manner of taking an animal into custody, but it is there in the event that somebody makes a complaint about the way things are being done and he can then make an order saying that the peace officer must do certain things or take certain steps when he is taking an animal into custody. There is nowhere that it says in this Section that the Commissioner must make these regulations. It is entirely, as I say, up to the Executive Committee to do this.

Mr. Deputy Chairman: Mr. Fleming?

Mr. Fleming: I thank the Honourable Member for his explanation and I understand that, however, I still have my feeling that it is not needed for the Commissioner to make a special regulation to see that something is done when we are giving them the power to do it in the Ordinance. You are giving the peace officers the power to do it. I don't think that at any time the Commissioner should have to step on his peace officer and say you must do something like this.

Mr. Deputy Chairman: Ms Millard.

Ms Millard: Mr. Chairman, it seems strange to hear this argument this afternoon when this morning the same Member was arguing that we are allowing the peace officers to do too much. This is restricting what the peace officer can do and I think that is the saving grace of the whole thing.

Mr. Deputy Chairman: Mrs. Watson.

Mrs. Watson: Mr. Chairman, there is one area where I do have concern. I don't have concern over the rest of the regulatory powers, where "the Commissioner may", I see where it is necessary, if they find out that some Humane officer feels that in order to take an animal into custody he has to drug and there are complaints made, then you may have to have a regulation that this is not a method that they use to take them in, but I am concerned with the actual authority that is going, that is going to be given under regulations for (f), "prescribing with respect to animals kept for sale, hire or exhibition:

(i) standards of design, construction and maintenance of the facilities in which the animals are kept, and

(ii) the standard of care with which the animal shall be maintained."

Now, Mr. Chairman, I believe that's going beyond what the intent of the actual legislation, this *Animal Protection Ordinance* does, because we do have building standards and

this type of thing within other legislation in the Territory and surely to goodness, we don't want this body here, where we have the Humane Society recommending to the Commissioner the type of design and construction of shops for pets and this type of thing.

I would sooner see that deleted from there and put into some other legislation, where the actual building standards are. We have building standards for residences, we have building standards for commercial enterprises and this is exactly where that should be, it should not be in the *Animal Protections Ordinance*.

This is my feeling, Mr. Chairman.

Mr. Deputy Chairman: Ms Millard.

Ms Millard: Mr. Chairman, in my reading of it, that does not say anything about the design of the shop, but the facilities in which the animals are kept.

In other words, there are some cages that are good for little dogs and some big dogs and there should be a certain standard size that probably SPCA has definite regulations on how large they should be.

Then, the standard of care in which the animal shall be maintained is actually within the whole idea of the Ordinance.

Mrs. Watson: Mr. Chairman, I agree. The standard of care could be in there, but I do not think that the standard of design, construction and maintenance of the facilities—. Now, a facility can be a building, it can be a shop, but it certainly can be a building and I think that we should really look at that section to see whether it should be in the regulation powers under this Ordinance.

Mr. Deputy Chairman: Mr. Lengerke.

Mr. Lengerke: Yes, Mr. Chairman, I interpreted that as being regulations or standards of design, construction and maintenance, with respect to how the Humane Society looks after the animals, not outside agencies. I think this is a self-governing regulation. That's the way I read it.

Mr. Deputy Chairman: Ms Millard, would you be prepared to consider this under advisement until after recess this afternoon?

Ms Millard: Yes, Mr. Chairman.

Mr. Deputy Chairman: Some of the members have concern with it. With Committee's concurrence, of course.

Mr. McIntyre.

Mr. McIntyre: Mr. Chairman, I think if the sponsor of the Bill is prepared to withdraw subsection (i), that number (ii), the standard of care, would include what is inferred in the first subsection.

Mr. Deputy Chairman: Ms Millard?

Ms Millard: I am not prepared to withdraw (f)(i), I am prepared to expand the definition of facilities so that it does mean cages, et cetera, rather than shops and larger buildings.

Mr. Deputy Chairman: Well, as I said, with the Committee's concurrence we take Section 11.(1) under advisement until after we have recess this afternoon.

On Clause 12

Clause 12 agreed to

On Clause 13

Clause 13 agreed to

On Clause 14

Clause 14 agreed to

On Clause 15

Mr. Deputy Chairman: Mr. Lang?

Hon. Mr. Lang: That has specific dates in the clause, and I

would suggest that we shouldn't clear that until we get to see whether or not we can get through all the amendments.

Mr. Deputy Chairman: Point well taken, Mr. Lang.

Hon. Mr. Lang: I am glad to hear that.

Mr. Deputy Chairman: Okay, we have two amendments for Committee to study. I would like to deal with the amendment dealing with Section 2.(1) first. I will read out the amendment.

It has been moved by Ms Millard, seconded by Mr. Lengerke, that Bill 103, entitled *Animal Protection Ordinance* be amended as follows: In Section 2.(1) by adding immediately after the words "*Municipal Ordinance*" in line 17 thereof, the following words: "and who is carrying out his duties within the municipality by whom he is employed pursuant to the Ordinance." This would then read, "2.(1)(c). I am sorry, the completion at the end, "peace officer" means a member of the Royal Canadian Mounted Police, an enforcement officer of a municipality who has been appointed as a peace officer pursuant to the *Municipal Ordinance* and who is carrying out his duties within the municipality by whom he is employed pursuant to that Ordinance, or a special constable appointed for the purposes of this Ordinance."

Mr. Lang?

Hon. Mr. Lang: Mr. Chairman, I would like to direct a question to the Legal Advisor now. The way I understand that with this amendment, a peace officer appointed under the *Municipal Ordinance* would only be able to carry out the authority of this Ordinance within the boundaries of the municipality?

Mr. Deputy Chairman: Mr. Cosman.

Mr. Cosman: Yes, Mr. Chairman, with the addition of these words, the enforcement officer of a municipality, where he has been appointed or sworn as a peace officer, pursuant to the *Municipal Ordinance* and who is carrying out his duties under that Ordinance, is now a peace officer for purposes of this Ordinance. He could not exercise his duties, any duties of a peace officer outside the municipality now, with respect of this Ordinance.

Mr. Deputy Chairman: Ms Millard.

Ms Millard: Mr. Chairman, while we are on this section, it has been brought to my attention and Mr. McIntyre mentioned it before, that the word "appointed" should be changed to "sworn as a peace officer", which makes it much more legal. Is that a typographical error?

Mr. Deputy Chairman: I notice it might be a typographical error.

Ms Millard: Yes, I believe it is.

Mr. Deputy Chairman: With Committee's concurrence.

Some Members: Agreed.

Mr. Deputy Chairman: Thank you.

Mr. Fleming.

Mr. Fleming: Mr. Chairman, I still have one little problem on the section where it starts "a peace officer means a member of the Royal Canadian Mounted Police" and then we carry on to say "and who is carrying out his duties within the municipality", in the same sentence.

I was just wondering how that fits in there?

Mr. Cosman: If I may, Mr. Chairman. The additional words modify an enforcement officer of a municipality who has been sworn as a peace officer pursuant to the *Municipal Ordinance* and who is carrying out. The "who" there refers to the enforcement officer of a municipality who has been appointed and who is carrying out his duties.

So, grammatically, it only goes back to the enforcement

officer and not the Mounted police officer and it is pursuant to that Ordinance, a reference to the *Municipal Ordinance*.

Mr. Deputy Chairman: So there is no confusion, Mr. Cosman, I take it that typo error that was mentioned a moment ago is dealing with one reference of appointed that would be appointing a peace officer and not the later, where there is an appointment under this Ordinance?

Ms Millard: Yes, Mr. Chairman.

Mr. Deputy Chairman: Thank you.

Motion agreed to

Mr. Deputy Chairman: The next amendment deals with—, yes, is Clause 2.(1), as amended, cleared?

Some Members: Agreed.

Mr. Deputy Chairman: Thank you.

We will now deal with the proposed amendment dealing with Section 4.(1), (2), (3) and (4).

Mr. Lang:

Hon. Mr. Lang: Have we had two different amendments. I have got two—.

Mr. Deputy Chairman: Yes, Mr. Lang, as I said at the beginning, there was some words deleting the first draft of the proposed amendment. You should have one there with two asterisks at the side, where there has been an inclusion of the words that were missing from the first proposed amendment.

I will read out the proposed amendments.

It has been moved by Ms Millard, seconded by Mr. Lengerke, that Bill Number 103, entitled *Animal Protection Ordinance* be amended as follows: In Section 4, at pages 2 and 3, by deleting the Section and substituting therefor the following:

4.(1) Where he has reasonable and probable grounds for believing and does believe that an animal is in distress,

(a) in or upon any premises, other than a dwelling place, or

(b) in any vehicle or other chattel,

and where he has made every reasonable effort to first obtain a warrant but is unable to do so for any reason other than the refusal of a justice to issue the warrant, a peace officer may, without a warrant, enter

(c) in or upon any premises, other than a dwelling place, or

(d) any vehicle or other chattel,

and search for the animal and may exercise his powers under Section 3 with respect to any animal in distress found therein.

(2) Where it appears to a justice, on information laid before him on oath, that there are reasonable and probable grounds for believing there is an animal in distress in or upon any premises, including a dwelling place, vehicle or other chattel within his jurisdiction, the justice may issue a warrant authorizing a peace officer to enter, by force if necessary, the premises, dwelling place, vehicle or other chattel specified in the warrant and search for the animal, and thereupon the peace officer may exercise his powers under Section 3 with respect to any animal in distress found therein.

(3) Before entering any premises, dwelling place, vehicle or other chattel pursuant to this section a peace officer shall take reasonable steps to find the owner or person in charge of the premises, dwelling place, vehicle or other chattel and endeavour to obtain his co-operation to relieve the animal's distress.

(4) Where a peace officer uses force in entering or searching any premises, dwelling place, vehicle or other chattel, he shall use no more force than is reasonably required under the

circumstances."

Any discussion on the amendment?

Motion agreed to

Clause 4 agreed to

Mr. Deputy Chairman: At this point in time, we have Section 11.(1) outstanding for further consideration, so at this point with Committee's concurrence, I would like to set aside this Bill until after recess.

Some Members: Agreed.

Mr. Deputy Chairman: Thank you.

We will now move on to the Resolution dealing with the Arctic Winter Games and Heating Fuel Equalization. Thank you, Mr. Cosman. While we are waiting for a witness for the Heating Fuel Equalization, which will be Mr. Sherlock, the Territorial Treasurer, we will discuss the Arctic Winter Games White Paper.

Does the Committee wish the Chair to read this White Paper on Arctic Winter Games? Is there any discussion on it? Mr. Lang, do you have any comments?

Hon. Mr. Lang: Yes, Mr. Chairman, I had some notes here, but I can't find them so I will just proceed accordingly.

Yes, Mr. Chairman, the Government, if you will recall last Budget Session, presented a paper to the Legislature, an analysis of the Arctic Winter Games, done by a consultant to the Arctic Winter Games Corporation. From that point, Mr. Chairman, a decision had to be made here this last summer of what was the Government's position, in respect to the Arctic Winter Games.

A lot of things had to be taken into account and one of the major factors that we found in making the decision was that the Province of Quebec had made the decision that they were not going to be participating any longer and it is my understanding that, officially, the of the Arctic Winter Games' constitution would be amended this coming Spring.

So, therefore, we are back to the three participating regions, which it was originally, the Northwest Territories, Yukon and Alaska.

So, Mr. Chairman, we reviewed the situation and we felt that in view of the decision made by the Quebec Government, we felt that financially we could handle the concept of another cycle of the Arctic Winter Games, on behalf of the athletes in the Yukon.

As outlined in the Paper, it is pointed out that the Arctic Winter Games, this forthcoming Spring, will be held in Hay River and Pine Point and, at the same time, Mr. Chairman, consistent with the policy that was brought down with the Canada Summer Games and the organizing of the Canada Summer Games, we made the decision that we felt that the athletes had an obligation to come up with some of the financing to help off-set some of the costs which would be incurred by Government.

The costs that we have asked the athletes to put forth is to pay for the walking out dress and a portion of the transportation costs. We have a formal agreement with the Yukon Sports Federation, which is outlined in the proposed budget for the Arctic Winter Games, 1978, which would appear that we are going to be very close to meeting, it might even be less.

Mr Chairman, I think with some of the responsibility being taken on by the sports bodies in respect of off-setting some of the costs, I think it goes a long way to justifying our participation at the Arctic Winter Games. I would personally hate to see the Arctic Winter Games not to continue, because I think it has been a good thing for Yukon and for Northern Canada and Alaska.

It is my hope that with the organizing of the Games, with the

three original participants, that we can continue the concept of Arctic Winter Games, at a cost which we can afford.

As we all recall, with the inception of Northern Quebec, the prices for just transportation was well over \$100,000.

At the same time, Mr. Chairman, I should point out that we have written a letter to the City of Whitehorse, asking them if they are prepared to host the forthcoming Arctic Winter Games in 1980. We did have communications with Faro that could quite conceivably, it was an off chance, but possibly host the Games. We spoke to people in Dawson City and in Watson Lake to hear what their thoughts were, and through my officials, there seemed to be a consensus that at this time at any rate, they would not be able to house and feed that many athletes which I believe is numbering in the area of over 1200 when you count the home athletes as well as the visiting athletes.

It is my hope that if there is another cycle of the Arctic Winter Games, that it can be held in an outlying community, and I think with the Capital Assistance Program, I think we will be well on our way to having those capital facilities, major facilities in these communities so that possibly the Arctic Winter Games, if the cycle is repeated, could be held somewhere else other than say for an example in Whitehorse.

I should also point out too, Mr. Chairman, we are not too sure of the Federal Government's position which I always seem to be coming back into the House pertaining to this subject, never knowing what the position of the Federal Government is in respect to the Arctic Winter Games. We have written a letter from the government to the Minister of Fitness and Amateur Sports, requesting whether or not the Federal Government is prepared to possibly meeting some capital costs that may be incurred in respect to holding the Arctic Winter Games. We just received a letter here the day before yesterday, I believe, stating that they are prepared to look at it, now what that means, I don't know. I gather it will depend on just exactly what is needed for the Arctic Winter Games and then we would have to make a proposal to the Federal Government, but that is where it lays at the present time.

That is roughly all I have to say, Mr. Speaker. A lot of work has gone into this. I think the Yukon Sports Federation has to be commended for taking on the responsibility. As you know, during the Canada Summer Games, they made the decision that they did not want to be the organizing society for those particular games, but they did make the decision to come back and take on that responsibility, which I think they are doing very well, and they are meeting a lot of the costs of the organizing of the games themselves. As you know, we transferred the Lottery to them about a year and a half ago and they are using funds from that area and other various fund raising methods. Thank you, Mr. Chairman.

Mr. Deputy Chairman: Any discussion on the White Paper on Arctic Winter Games. Mrs. Watson?

Mrs. Watson: Yes, Mr. Chairman, I moved this Paper into Committee because I had some comments I wanted to make and I found it interesting to some of the remarks that the Honourable Member responsible for recreation made. My concern is more specifically with the fourth paragraph regarding the upcoming Arctic Winter Games in 1980. Before I go into my remarks there, I should go back to the Arctic Winter Games that were held in Whitehorse, I believe was in 1970 or '72, the last time they were in Whitehorse. At that time, all of the school facilities were required as dormitories to house the athletes that were coming to the Yukon Territory so a decision had to be made whether only the schools in Whitehorse would be closed or whether the schools all throughout the territory would be closed and it became a question of quality between the teaching staff throughout the whole territory and if the teaching staff in Whitehorse didn't

have to work, why would the teaching staff in other areas of the Yukon have to work?

So, Mr. Chairman, all schools were closed down and at that time there was a great deal of resentment in some of these areas and there are many areas in the Yukon where the Arctic Winter Games doesn't mean a darn thing to them. Absolutely not. They are too small. They may have one or two athletes, even in the trials, and very few of them have athletes actually in the Arctic Winter Games.

It is understandable because they have such a small number to draw from to be competitive. This is not, and so you can't blame the Territorial Government for this. They can't make the athletes come from the smaller communities, but, Mr. Chairman, I think we do have a responsibility as a Government to try to involve all of the Yukon in the Arctic Winter Games.

The Honourable Member said they had sort of contacted the municipalities of Faro and Watson Lake and Dawson regarding taking on the hosting of the Arctic Winter Games. Well, Mr. Chairman, reverting back again to 1970, at that time I had suggested that maybe we should try to split up the Arctic Winter Games and have them in various communities in the Yukon. Because of the time constraints, it was just too short a time to even work on it to see if it would at all be feasible.

Mr. Chairman, we are looking at Arctic Winter Games in 1980 now. We have got two years, where the Yukon is being asked to host the Games and I think it would give our Government an opportunity to really look at dispersing the Games throughout the Territory. Not completely, you have to be realistic, but I think if Dawson City, the home of boxing in the Territory, why couldn't they have the boxing events.

I know that there would be details that would have to be worked out in transportation and this type of thing, but I am sure that the City of Dawson could accommodate the boxers. I am sure that the City of Dawson would be involved in the Arctic Winter Games if some of the competitions were being held in Dawson.

I think of Faro. They have a full-sized gymnasium. You might be able to look at basketball or volleyball or even some of the curling in Faro.

I look at Watson Lake, minor hockey, just to try to spread it out.

I look at Haines Junction for skiing. We have the National Parks there and they are very community minded organization and if you could get them involved in supporting the Arctic Winter Games with ski trails and this type of thing.

I have certainly not spoken to the National Parks on this, but if you give them lead time, I think the Government of the Territory and the Arctic Winter Games Committee would have a wonderful back-up for this type of thing, within the community of Haines Junction.

These communities could take one of the events and handle them and then the community would be involved. We have the Arctic Winter Games here in Whitehorse. People from the outlying areas may want to come in to watch some of them, but they can't really. There isn't the accommodation available for them, there are no hotel rooms available, the town is full. They really don't need the people from the outlying areas so they feel completely isolated from them, resentful to the point that the taxpayers' money is being used and they are not really sort of in on the action.

Because there is lead time like this of two years, I would really ask the Government of the Territory to see the Recreation Branch to see whether they could do something like this so that all of the Yukon can become interested in, and involved in the Arctic Winter Games, so that I can justify standing up in this House and voting for the kind of money that we are having

to vote for the Arctic Winter Games. It is getting to be quite extensive, and if my constituents don't get any benefit out of it, I have a hard time justifying it.

They would sooner we funded money for a polar game, because their athletes, they were becoming involved, because it was the calibre where they could be competitive. So Mr. Chairman, those are my thoughts and that's why I moved this Paper into Committee and I would certainly hope that the Government takes me seriously and uses this time to try to do something along the lines that I have suggested.

Mr. Deputy Chairman: Mr. Lang?

Hon. Mr. Lang: Mr. Chairman, I should point out, and I should have mentioned it in my opening remarks, it is unfortunate with all this paper, I couldn't find my notes. The Yukon Sports Federation is doing everything they possibly can to get the outlying communities involved in the trials and this kind of thing in respect to the Arctic Winter Games.

I think that possibly the Honourable Member had a good statement to make in respect to the way that it was organized in 1970, but that is slowly changing, we are trying to get the rural communities involved. I think that was demonstrated in the concept of Canada Summer Games and the obvious effort that was made by the committee and the members on that committee to get the outlying communities involved.

I don't have the information in front of me, but it is my understanding that they are going to be attempting to have some of the trials in the outlying communities and this kind of thing so that they are vitally involved in respect to the organizing of the games contingent. I think it speaks very well of the Yukon Sports Federation.

At the same time in respect to the dates outlined here, I would expect, Mr. Chairman, that the dates to be held in 1980 would be coincided with the spring break for schools, so obviously we won't run across the problem that the Honourable Member spoke of in that area.

In respect to distributing the events, Mr. Chairman, I don't feel I can really speak to it right now. I do know this: that the Arctic Winter Games Corporation more or less has to have the decision made two years ahead of time so that they can start their organizing and the mechanisms and the planning that is necessary for the games. That announcement would have to be made during the forthcoming Arctic Winter Games in Pine Point.

I would like to take the comment under advisement and possibly come back to the House in respect to that area that the Honourable Member raised.

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

Any further discussion on the White Paper on Arctic Winter Games?

Mrs. Watson.

Mrs. Watson: Well, Mr. Chairman..

Mr. Deputy Chairman: Mr. Fleming.

Mr. Fleming: Yes, Mr. Chairman, I couldn't add much to what the Honourable Member from Kluane has spoken on because it is my feeling, too, as a member from the outlying communities, this has been a problem in the past and if the people there, you know, wish that they could participate but don't seem to get that opportunity because of the distances involved and so forth

I am glad to hear the Minister say that the Yukon Sports Federation is doing now something towards this end and hopefully that will help and I just would like to add that I am very happy to hear this, because I do hope that they do take the outlying communities into consideration and try to get some of the young people from there involved, because there is not

many in a small community, but if you can get one that really can do it and he has that opportunity by doing it more or less at home, because it is a big effort to bring him 200 or 300 miles to town here, to get involved, then I think we would have done something worthwhile.

Mr. Deputy Chairman: Mr. Lang.

Hon. Mr. Lang: I would just like to make one comment and it is maybe going a little bit away from the Arctic Winter Games.

I think, in respect to the sports bodies in Whitehorse and the athletic events that take place in Whitehorse, I think it is becoming more and more evident that the athletes within Whitehorse realize that rural communities should be participating, I think that is demonstrated in the, for an example, with the Softball Organization. They make every attempt to try, when they go out representing the Yukon through the Canada Softball Association, they make every attempt to include people from the outlying communities, the Honourable Member from Pelly, his area Faro and from all the areas in the Yukon, if they possibly can.

So, I think it is becoming more and more evident that people are making that overture to get the outlying communities involved and I think it speaks well of the sports governing bodies.

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

Mr. Lengerke.

Mr. Lengerke: Thank you, Mr. Chairman, my comments are short.

I think, really, the Honourable Member from Kluane knows full well that efforts have been made with respect to trying to involve the outlying communities, but that is in trials and that kind of thing and I think that the efforts that were made by people involved have been commendable.

The idea that she puts forth is not new, with respect to diversifying the actual holding of the Games, but I think it is timely now that we did look at it. I have to agree. Probably in the 1970-72 area, when you had them then, this couldn't be considered because facilities probably were not all in place and we are getting new facilities everyday in our outlying communities and they should well be utilized.

I think it does, certainly make the opportunity much more viable by actually holding the Games and diversifying them throughout our key communities.

The one concern I have, and I am sure the Honourable Member has the same concern, we have time to put in place a strategy for that, we are going to have to consider some further dollars, there is no doubt about it, because once you do that the expenditure is going to go up.

I would have no difficulty, supporting any increased expenditures, providing they are reasonable and providing we do get a good cross-section of activities throughout Yukon.

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

Mrs. Watson.

Mrs. Watson: Yes, Mr. Chairman, the Arctic Winter Games are only small part of what I have sort of set out to try to accomplish, a type of crusade, I guess, because the Yukon is really fractionalized.

I don't think people in Whitehorse realize it.

We have the Yukon, we have Whitehorse and we have the rest of the Yukon.

We here in this House in the Government of the Yukon are going to have to make every effort to break that down to make the rest of the people of the Yukon feel a part of it and if you talk to anyone from the outlying areas you know that they feel, well, that's Whitehorse. The rest of us are a different part of

the Yukon.

Everything that we do, we must try to break that down and I think if some of the papers that come before this House, the economic development and so on, and I am sure that some of the people who are writing those papers haven't set a foot out of the City of Whitehorse.

Mr. Chairman, there are many things like this that bother me. The pipeline now coming in, Whitehorse is going to be expanding because of the headquarters here for pipeline.

We just almost have to sort of pull away from the natural thing to do and do an almost unnatural thing, to try to break this down to try to make everybody feel a part of the Yukon on an almost equal basis. If it is the Arctic Winter Games, if it is the headquarters some other project, if it is decentralizing, taking one department of the government and putting it in Dawson City, we have got to look at all of these things to try to break down this barrier that has been there when I came to the Yukon, and instead of being broken down, it has been increased because everything has become more centralized and Whitehorse has grown.

So, Mr. Chairman, this is only part of it, and I brought it up at this time because the first sentence of that paragraph said "The Arctic Winter Games Corporation has invited the Government of Yukon to host the 1980 Arctic Winter Games." They didn't invite the City of Whitehorse, they invited the Government of the Yukon, and I am now appealing to the Government of the Yukon to take heed to some of the remarks that have been made here and to see whether they can in fact take some of the remarks, maybe not all of them, but you are going to have to get away from the traditional thinking that exists in so many of the government departments.

Mr. Deputy Chairman: Shall I report progress on the White Paper on Arctic Winter Games?

Some Members: Agreed.

Mr. Deputy Chairman: Very well. We have with us the Territorial Treasurer, Mr. Sherlock, to assist us with the White Paper on Heating Fuel Equalization. Any discussion? Mr. Fleming?

Mr. Fleming: Yes, Mr. Chairman, I have a problem the same as the Minister has, I won't need it anyway, it was an answer to my question on Fuel Equalization. As you know, I brought it into the House last Session before this and at that time, they were going to try to do something about it because I felt it was not actually being used as it was meant to be used. We received an answer then that they would look into it. Now, after asking again, I have received another legislative return which does try to explain what they are doing to it now, however, it is a little confusing.

I feel that the actual program was meant to give the outlying communities the actual freight rate that was from Whitehorse to those communities, which would be over and above the amount of monies paid for the fuel at the bulk plants here. On reading the Paper, I think it is fairly clear, but they don't really explain at what time the fuel would be bought by the people in the outlying communities and by the people of Whitehorse. They say it is the freight rate, but they don't give you the time the fuel was bought. This is what happened before: if fuel is bought early in the year in a place such as Teslin, it would be probably 55 cents, Whitehorse would be 50 cents, so there would be 5 cent return.

Later on in the year, fuel went up at the bulk plant in Whitehorse and if it went up five cents then, the actual difference then at that time, if they had compared them, would have been ten cents. That would work.

So, the price of raising the fuel caused the program, I think, to be messed up, in other words, and maybe the witness could explain about how it was then and what it is now.

Mr. Deputy Chairman: Mr. Sherlock, do you wish to elaborate?

Mr. Sherlock: Mr. Chairman, I wouldn't even attempt to explain how it was and how it is. I will try to explain what we are doing.

As I understand the Sessional Paper, the Honourable Member is right. The intent of the Paper was to reimburse outlying communities or pay a freight rate equalization to outlying communities, the difference between Whitehorse and the cost of freight to an outlying community on a rate basis. That is a base established in Whitehorse and a base established in a community.

If a resident outside of Whitehorse paid a higher rate as a result of the freight, he would get a reimbursement. It was just that simple.

Now, the additional question that you raised, the differences of price in different times of the year is a valid thing, but it is not something that we can easily deal with, so unless you were to, say, set a different base rate every month or twice a year or three times a year, you could probably deal with your problem.

At the present time, under the legislation since it started, we set one price once a year and we deal with it in that way and all claims are dealt with in June, generally.

Mr. Deputy Chairman: Mr. Fleming.

Mr. Fleming: Yes, that is my problem, though, because in the Legislative Return, it does say now that it will be the freight and that is the difference so that the price in the bulk plant here, the price in Teslin, actually means absolutely nothing. It shouldn't mean anything anymore. We should forget all about it because this is what fouls it up and the freight is what we are working on today and if that is the way it is, it is fine.

If some member does have the Legislative Return right handy, if I would just have it for a minute, I could explain exactly where—

I think the Honourable Member is also problemed, because she has got it marked.

Where, under the revised systems, which will come into use with the current...the eligibility of an applicant will be determined by comparing the rate per gallon paid by the applicant with the rate per gallon paid in Whitehorse".

Now, this is the only place that I, too, have a concern and, as I say, she has got it marked, too. She has got the freight rate marked there.

I am worried about the wording there, due to the fact that they don't say, at the time that the fuel was bought. At the same time. You know, this is what happened before. The price changed, you bought the fuel and you are buying it in Teslin for the same price, actually as it was here in Whitehorse, so you didn't have any refund.

Now, they, I think are going to go under the freight rate here, but they really don't say so in that paragraph there. They don't really say that they are definitely going to use the freight rate.

Mr. Deputy Chairman: Mr. Sherlock?

Mr. Sherlock: Mr. Chairman, again the Honourable Member is correct. In the White Paper, the wording is slightly different. We did use the words "freight rate" in our submission to the Executive Committee, but I noticed that the words are slightly different in the White Paper, and I am not sure why, but it is freights that what we are talking about.

I might mention, Mr. Chairman, as a matter of interest to the Members, we did a calculation as to what this means, and really there is no difference in the two methods of calculation. The average rate is the same in 1976 and 1977, and it certainly

look like it will be the same for the next fiscal year.

The only thing it did, is it did distribute the equalization to more people on this new system, well, in some cases more, in some cases less. In the case of Watson Lake, for example, where they are able to get their fuel cheaper than Whitehorse, obviously some of them were eliminated. In the case of Teslin, for example, they increased by 3. Haines Junction increased by 3.

Mr. Fleming: Mr. Chairman, would I be right in feeling that if the freight rates do go up, there is going to be a different repayment back?

Mr. Sherlock: That is correct, Mr. Chairman.

Mr. Deputy Chairman: Mr. Fleming?

Mr. Fleming: Mr. Chairman, if I just could make a few remarks then on the Legislative Return. I am very glad to hear this, and I am very glad to hear that it has been acted upon, it took a long time, and I feel that some people in the Yukon did, well it wasn't that big I guess, but they did suffer some because of the old way of doing it, because some of them didn't get a return and really they should have got a return. There is no question about that, and I have the proof for that. However, it was due to the mix up at the time, and I say I am glad to see it.

Now, I would sometimes wonder though at this type of equalization, although I have many times spoken of equalization and such instances, for an example the power rates in the Territory which is something that is an essential service to, I think, everybody. But in the sense of fuel rates, even, I am not so sure, I am not always so sure that we should be, as a government, putting out money to subsidize too many things. I can see some subsidization of fuel rates here, but also there are many other things that need to be done other than that. I would hope that we look into some of them, such as power.

Mr. Deputy Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, as there was a fluctuation in fuel costs under the other method which gave some problems, isn't there going to be a fluctuation in freight rates, and are these going to be taken into consideration, or are you going to try to establish one basic average rate for a year?

Mr. Deputy Chairman: Mr. Sherlock?

Mr. Sherlock: Mr. Chairman, I am not sure I really should answer that. We haven't posed that problem to the Executive Committee. My proposal would be yes, that we will send our recommendations to the Executive Committee to allow for the fluctuation, but we haven't at this point in time.

Mr. Deputy Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, if it would assist, maybe I could comment that the whole concept of equalization would be destroyed if you weren't recognizing the fact that there is a fluctuation of freight rates, so I hope the Executive Committee takes heed in that and the Honourable Member from Hootalinqua doesn't object too much if they make the extra payments.

Mr. Deputy Chairman: Mr. Lang.

Hon. Mr. Lang: Mr. Chairman, I just would like to make one remark here on the heating equalization and the electrical equalization which we have already expressed is in trouble and we know that something has to be done and decisions are going to have to be made and will be discussed in the Budget Session. But, I think the remarks that were earlier made in previous debate here, in respect to the Government not being that interested in the outlying communities, I can't accept those remarks totally, Mr. Chairman, because I think it does express an interest and obviously the fact that we are concerned with what is happening in the outlying communities and the costs to the homeowner in the outlying communities.

So, I am just saying, Mr. Chairman, that I think that we are doing the best that we can and we look for ideas from the members from the outlying communities, because they are fully aware what is happening in the outlying communities and we are prepared to look at them and see if action can be taken.

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

Mrs. Watson.

Mrs. Watson: Mr. Chairman, may I ask the witness a question? The amount of money that has been voted for the Heating Fuel Equalization Fund, has it ever been in a deficit position?

Mr. Deputy Chairman: Mr. Sherlock.

Mr. Sherlock: No, Mr. Chairman, it has not. The Heating Fuel Equalization plan is not costing us an extreme amount of money. It is something like \$10,000 a year, at the moment, which means we are making money on the plan.

However, that money goes into other things, as you know.

Mr. Deputy Chairman: Mr. Lang.

Hon. Mr. Lang: Mr. Chairman, it was my understanding, though, this last Budget Session, that we did increase the amount for the equalization, did we not? From the year before? With the figure for heating fuel, did we decrease it substantially because people weren't claiming, or—?

Mr. Deputy Chairman: Mr. Sherlock.

Mr. Sherlock: Not really, Mr. Chairman. The revenue we claim on that is one cent a gallon on fuel and there was no reduction on that. We are still collecting that revenue.

Now, the outflow is the claims that we get from the people in the various communities and I am saying that that is considerably less than what we get in.

Mr. Deputy Chairman: Mr. Lengerke.

Mr. Lengerke: Just a question with respect to the people applying: how many people have applied for a subsidy, in comparison, like this year to the previous year? Is it up or down or is it holding its own?

Mr. Deputy Chairman: Mr. Sherlock.

Mr. Sherlock: Mr. Chairman, I have a break-down by community if you would like that? Okay.

Beaver Creek, 1977-2, 1976-nil.

Carcross, 1977-12, previously 13.

Carmacks, four and four.

Dawson City, 72 and 79.

Destruction Bay, one and nil.

Faro, one and two.

Haines Junction, one and nil.

Mayo, 15 and 18

Pelly Crossing, one and nil.

Ross River, one and two previously.

Tagish, nil and four.

Teslin, five and two.

Watson Lake, three and twenty.

Watson Lake was the main one this year and was reduced as a result of the fact that they can get fuel from Pacific Petroleum.

Mr. Lengerke: Thank you.

Mr. Deputy Chairman: Any further discussion? Mrs. Watson?

Mrs. Watson: I knew that type of comment was going to come across, and I just have to stand up and make the re-

marks on it.

Mr. Chairman, because of the reason that there have been so few, we have to look at the structure of the, probably the government has something to do with what has been built up into our communities, and people who are in government housing are not eligible to apply for the equalization. We must remember that in many, many of our communities, there are only one or two people who own their own homes. The businesses, the commercial enterprises do not qualify to apply for this. **Mr. Chairman,** it might be that we have people in some of these small commercial enterprises in some of these outlying areas that maybe should come under this scheme. It is something that should be considered, but it certainly isn't a needed scheme for the people who own their own homes, it is most unfortunate that some of our policies have not made it feasible or that there hasn't been enough incentive given for people to, in fact, own their own homes in these small communities.

Mr. Deputy Chairman: With Committee's concurrence, shall I report progress on the White Paper on Heating Fuel Equalization?

Some Members: Agreed.

Mr. Deputy Chairman: Very well. I would just draw to the Committee's attention that after recess we will complete Bill 103, then we will proceed on to Mr. Fleming's items 22 and 23 on the Order Paper, that is the Fourth Report on the Standing Committee on Statutory Instruments and the Fifth Report on the Standing Committee on Statutory Instruments, after the completion of Bill 103, this is after the recess.

I will declare a brief recess.

Recess

Mr. Deputy Chairman: I call Committee to order.

We go back to Bill Number 103, there is one item left outstanding, prior to recess, which is Section 11.(1). There is a proposed amendment, which you now have before you.

I will read the amendment and the intent of the amendment in subsection (f).

It has been moved by Ms Millard, seconded by Mr. Lengerke, that Bill Number 103, entitled *Animal Protection Ordinance* be amended as follows:

in paragraph 11.(1)(f), at line 21, by deleting subparagraph 1 thereof and reparagraphing 2 accordingly, which would read as follows:

11.(1)(f) prescribing with respect to animals kept for sale, hire or exhibition, a standard of care with which the animals shall be maintained.

Mr. Lang.

Hon. Mr. Lang: Mr. Chairman, just out of curiosity and I don't want to prolong the debate, is there a piece of legislation in the books now, in respect to somebody that does have, say, for an example, an animal shop, this is what I understand we are referring to here, isn't there stipulations now, maybe in the *Health Ordinance* or some place, in respect to what standards have to be kept?

Mr. Deputy Chairman: Ms Millard.

Ms Millard: Mr. Chairman, as far as I know, no, there isn't. Public health matters would deal simply with one type of animal, being man. I don't think there are regulations anywhere dealing with animals.

Mr. Deputy Chairman: Ms Millard?

Ms Millard: Mr. Chairman, I would think that if an animal were so dirty to pass along an infection to a human person, that would be a public health matter, under those circumstances. But it wouldn't be simply something, you know, there is a fine line, for sure.

Mr. Deputy Chairman: Mr. Lang?

Hon. Mr. Lang: Mr. Chairman, I am just saying as far as this piece of legislation coming in, surely there must be something dictating the standards that have to be maintained. For an example, if last year someone wanted to establish an animal shop in Whitehorse, you mean you wouldn't agree, other than for building standards, they wouldn't really have to apply, it would just be to their discretion. I would have thought health or something should come into the picture.

Mr. Deputy Chairman: Ms Millard?

Ms Millard: Mr. Chairman, just another reason why this Bill is so urgently needed.

Mr. Deputy Chairman: Mr. Cosman?

Mr. Cosman: I would like to point out something that has come to my attention, if I may, the definition of animal includes mammal. I believe human beings are mammals and very likely we should exclude human beings as well as wildlife from this definition.

Mr. Deputy Chairman: Ms Millard?

Ms Millard: Mr. Chairman, we have it covered by the Section in 14.(1) where any other Ordinance dealing with other rights and powers supercedes this Ordinance, so that if there was a *Public Health Ordinance* or whatever else, well neglect of children for instance, *Child Protection Ordinance*, you wouldn't have to work under this Ordinance to protect the children. There is already an Ordinance which supercedes this.

Motion agreed to

Mr. Deputy Chairman: Shall Section 11.(1) as amended carry?

Some Members: Agreed.

Mr. Deputy Chairman: We now go to Section 15, subsection (1).

Section 15 agreed to

Mr. Deputy Chairman: The Government of the Yukon Territory, by and with the advice and consent of the Council of the Territory, enacts as follows: *Animal Protection Ordinance*.

Shall the preamble carry?

Some Members: Agreed.

Mr. Deputy Chairman: Shall the title carry?

Some Members: Agreed.

Mr. Deputy Chairman: Shall I report the Bill out of Committee as amended?

Some Members: Agreed.

Mr. Deputy Chairman: We now go on to the next item of business. As I said, prior to recess, we will now deal with Items 22 and 23. First, the Fourth Report on the Standing Committee on Statutory Instruments, presented December 7th.

Mr. Fleming.

Mr. Fleming: Yes, Mr. Chairman. As the House well knows, the Fourth Report was brought to the House and returned for some of the sections to be deleted, which has been done and the Report was also, at that time, read into the record, and I don't think I would have to take long in any long explanation, only to the effect that we have deleted, I think, any sections that the Honourable Members in the House were opposed to at that time, due to the fact that they were actually dealing, probably, with the Ordinance, rather than the regulations.

I would say at this time that there is no way that a member could actually find anywhere where we have not deleted any of these sections which we were asked to do and, on the Fourth Report, that is all I have to say.

I would hope that the House concurs in the Report. There is a lot of work in it. It is a new Committee. I think, by reading it over, you will find it is quite comprehensive, but we are really trying to help the situation, as far as regulation goes.

Mr. Deputy Chairman: Thank you, Mr. Fleming. Any further discussion? Mrs. Whyard.

Hon. Mrs. Whyard: Mr. Chairman, I have now had time to review both reports and there are a number of recommendations in both of them, addressed to the Government, I presume, for which there is no opportunity to make any comment prior to acceptance of the Report.

My point is, Mr. Chairman, that in a number of cases, some of the items brought up by the Committee are already dealt with, or changes have already been made, or there are good reasons for certain situations and there is never any opportunity to comment on these sections of the Report and justify what the Government is doing in these areas.

I am wondering, Mr. Chairman, if you wish to take time to go through this Report because, if so, I would be happy to make a few comments.

Some Members: Agreed.

Mr. Deputy Chairman: Is that the Committee's wishes?

Some Members: Agreed.

Mr. Deputy Chairman: Very well.

Mrs. Whyard.

Hon. Mrs. Whyard: Mr. Chairman, if I could just quickly go through the Fourth, we have no problem with the first page of the Fourth Report.

We agree, that as a general policy, there should be one set of regulations. The reason, as we all know, that three sets were presented for study were that they were preliminary drafts and have not been consolidated. You know, there is no allowance made in this Report for the situation in that particular instance.

Regarding the comments in Sections 5 to 25 of the Regulations, we will be using marginal notes, there is no problem there.

On page 2, Section 5 of the Regulations is unnecessary, the Report says, and simply restates Section 8 of the Ordinance. Mr. Chairman, our comment there is that this is not an uncommon procedure, as the public more often refers to the Regulations than to the Ordinance and that is why they are there.

In Section 6, Mr. Chairman, the reference should be to Section 10.(1), classifications subject to national review in 1978. These may be changed in 1978 and '79, Mr. Chairman. There is no certainty about that at this time but we accept the suggestion that the whole list of written test questions be prescribed by Regulation and this can be done, Mr. Chairman.

Section 9, yes, Mr. Chairman, we agree this should be placed in the Ordinance if Section 6 is also placed in the Ordinance.

On the comment on Section 11, that "this section should be rewritten to fit the proposed bill." The standards here, Mr. Chairman, are national, and they must be stated. We agree that Sections 14, 15, and 16 should be considered for inclusion, and do not disagree with your remarks commenting on Sections 18, 19, 20 or 21.

Section 22, we do not feel is a valid comment. We don't know of any section in the Ordinance dealing with that particular item as the Committee points out.

We agree that Section 23 should be in the Ordinance if that policy is approved.

Section 24 will be inserted in the final draft of the Regulations as Committee members realize. It was a preliminary draft. All references, of course, to other sections of the Ordinance

will be checked before the final draft is prepared.

Under Part II, regarding Registration of Motor Vehicles and Trailers, the recommendation that this be considered for inclusion in the Ordinance does not seem a practical one to the government, because if we have to change plate designs, it would require opening the Ordinance to amend each time, and it has been handled this way in a satisfactory manner.

Section 30, of course, is an unimportant reference there that changes had been pencilled in and that is why they are illegible.

Section 32.(3) and (4), this information is required for an agreement with a company which gathers bulk data for the Motor Vehicle Manufacturer's Association which publishes data books about certain types of vehicles and this is an ongoing commitment.

We do not disagree with your comments regarding Section 34.(5) or 35 subsections.

In Section 37, the reference will be verified in the final draft and it should be 86.(1).

The question regarding what stand is going to be applied to the exemption in Section 39.(1)(d), the answer to that is none.

Section 41, Mr. Chairman, at the bottom of that page, the standards are to be available for viewing in the Motor Vehicles Office and they are too lengthy to be incorporated into the regulations. That is our comment there.

Section 45 is redundant, the Committee Report says and we feel that we do require that detail in the regulations and that applies also to Section 46.

Section 47, when the Committee questions why passenger carrying liveries are totally exempted, we checked on this again, Mr. Chairman, and we do not feel strongly about it, if that is the wish of Committee.

Section 48 is necessary.

We agree that Section 49 could be included in Part 13 of the Ordinance.

Section 50 to 52, we feel the standards there are very lengthy to be included.

The same objection applies to the comments Section 53 to 59.

Section 60, the reference there should be to 128.(1).

Section 61 to 63, the standards there are also very lengthy for incorporation.

Section 64, we agree should be included.

Section 66 and 67 is another very lengthy document.

Section 68 can be redrafted for the phrase required by this division.

Section 69 to 81, the suggestion is it should be considered for inclusion in the Ordinance and this could be done but it may require eventual amendments to the Ordinance.

Sections 82 to 86, the comment in the Report is that they appear to be redundant and, again, we say these are inserted for public convenience.

Under School Bus Regulations, it is the preference of the Government that these be covered as regulations. We feel that the comment that these regulations involve a considerable change in the laws that have been enforced and the Committee recommends that the whole of the regulations be placed in the Ordinance and, if it is necessary to allow implementation time to include them as sections which will be proclaimed into force separately, that, we feel, is a policy decision.

Section 88.(4), is the applicable section in the next paragraph. The comment regarding consideration being given to including Criminal Code Sections, we feel is a policy decision.

There are very few comments to make on the Fifth Report, Mr. Chairman, do you wish me to run through them just

ly?

Mr. Deputy Chairman: No, Mrs. Whyard, we are dealing with the Fourth Report first. I would like to move through that with general comment before I report progress and then go on to the Fifth Report after that.

Mr. Fleming?

Mr. Fleming: Mr. Chairman, I am very happy to hear the comments from the government side as to the Report. I am also happy that she had no big difficult problems. As you know, the Committee is not really asking the House to force an issue in this case, as we have no right. We are a Committee which recommends only to this House and then it goes to the government, and this is where I myself, and I think some members of the Committee too, we have a problem as to just how to have somebody concur in a long, lengthy report.

However, as I say, we are only making these recommendations. I think that possibly some of the questions or comments that the Minister made, I may be able to explain. I don't think it is needed. There are things that she referred to that possibly the government doesn't feel is exactly the way they want it so they won't be doing those, however, I am very happy to see that they did go along with almost everything. I would hope on this that the Committee here would concur with it.

Mr. Deputy Chairman: Thank you, Mr. Fleming. Any further discussion on the Fourth Report? Mr. Lang?

Hon. Mr. Lang: Mr. Chairman, I would just like to make one comment. I think the members on the Statutory Instruments Committee have to be commended for the work that they have done. Unless a person has been involved in the drafting of regulations and going through them and attempting to figure out what everything means with a fine toothed comb, you don't realize the work that has to go into it, and I respect the fact that the members are prepared to spend many noon hours and a lot of their time going through these kind of things trying to come up with suggestions and ideas that are compatible with the legislation in the past. I think the members should be commended for the work that they have done.

Mr. Deputy Chairman: Mr. Fleming?

Mr. Fleming: I might add too, that I didn't quite finish there, I should have. Some of the draft Reports that we do study, I understand there will be times possibly when we will make some remark to those regulations. In the meantime, the government would possibly be changing them themselves at the present time. I would hope that any little things like that that we have suggested be changed, you are changing now, and we are not inferring that the government is not doing it, we are just merely stating what we found in the regulations.

Mr. Deputy Chairman: Shall I report progress on the Fourth Report? Mrs. Watson?

Mrs. Watson: Mr. Chairman, one more question and maybe I misunderstood the Minister when she was making the government's comments. Is it my understanding on page 2, Section 6 that it is the intention of the government to put the standards for obtaining each class of license within the Ordinance itself as it was recommended in the Report?

Mr. Deputy Chairman: Mrs. Whyard.

Hon. Mrs. Whyard: Mr. Chairman, I am sorry, I just read Section 6 again and I don't see that the test was to be put into the Ordinance. You asked that they be prescribed by regulation.

Mr. Chairman: My comment when I went through the Report was that they could be, this could be done and the prior comment was that these classes and standards are subject to national review next year, and they could be changed in 1978 and 1979, which is one of the factors there.

Mr. Deputy Chairman: Mrs. Watson.

Mrs. Watson: Mr. Chairman, that was my understanding of the comments.

I think, though, that, Mr. Chairman, one reason I would like to see them put into the Ordinance is the fact that when the new standards in classes are changed, then they are drawn to the attention of the House, especially if you have to bring in some amendments to the Legislation and while I don't think we are specialists in this area, I know that there was a great deal of confusion and sort of upheaval when the certain classes were changed by regulations just a year or so ago. Sometimes it is politically wise to take the heat off in the House rather than to do it by just a signature and to have them changed by regulation.

Mr. Deputy Chairman: Mrs. Whyard.

Hon. Mrs. Whyard: Mr. Chairman, I would certainly assume that if these changes do come about in 1978-79 we would follow that procedure.

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

Mr. Deputy Chairman: Shall I report progress on the Fourth Report on Statutory Instruments?

Hon. Mr. Lang: Mr. Chairman, I just have a question on interpretation here. When you report progress, does that mean it is still staying in Committee, or—?

Mr. Deputy Chairman: Yes, it does, Mr. Lang.

Hon. Mr. Lang: Well, I can't see much point in it staying in Committee. I would just as soon see it go out of Committee, whatever you are supposed to do with the Report.

Mr. Deputy Chairman: The Motion was to concur in the House and it was then referred to Committee. It has to be referred out of Committee to complete that Motion in the House.

Hon. Mr. Lang: Well, Mr. Chairman, possibly the Member sponsoring the Report would move a motion out of Committee right now.

Mr. Deputy Chairman: Proceed.

Mr. Fleming: Yes, as I haven't had much practice at this, Mr. Chairman, but, I think the proper thing..

Mr. Deputy Chairman: A motion to move it out of Committee.

Mr. Fleming: ...to move that the Fourth Report on the Standing Committee on Statutory Instruments be moved out of Committee without amendment.

Ms Millard: I second it.

Mr. Deputy Chairman: It has been moved by Mr. Fleming, seconded by Ms Millard, that the Fourth Report be moved out of Committee.

Motion agreed to

Mr. Deputy Chairman: We will now deal with the Fifth Report on the Committee on Statutory Instruments.

Mr. Fleming?

Mr. Fleming: Yes, Mr. Chairman, as you will notice, this Report is comprehensive and quite a lengthy report as I stated before. The other one wasn't actually quite this long. I think that possibly, because this one was not read into the record, if Committee would permit me, I would wish to read the summary. I would not mind at all, I would do that. If Committee wishes, if not I might say the same thing for this report as I did for the other one. We did a lot of work on it and I think there is nowhere that I really could find, and I don't think anybody else could find, where we referred to anything we should not refer to.

Mr. Deputy Chairman: Mr. Fleming, would you allow me to ask the Committee if they wish to allow you to read the summary into the record?

Mr. Fleming: Yes, I would ask the Committee if I could read the summary into the record.

Mr. Deputy Chairman: Is Committee agreed?

Some Members: Agreed.

Mr. Deputy Chairman: Carry on Mr. Fleming.

Mr. Fleming: Yes, Mr. Chairman, it is short.

"Your Committee recommends that C.O. 1974/25 be revoked when Bill 9, (1977 2nd) is in force.

Your Committee recommends that careful consideration be given to its comments on C.O. 1976/278.

Your Committee further redommends that a complete consolidation of the regulations and orders made under the *Workmen's Compensation Ordinance* be undertaken to create one set of Workmen's Compensation Regulations, indexed and divided into parts with all "Orders" made under sections of the Ordinance, other than the general regulation making section, included as separate "parts or schedules" to the regulations and that such drafting and style changes as are necessary be made.

Your Committee recommends that this House study carefully the recommendations and comments of your committee on sections 3, 4, 5, 6, and 38 of the Occupational Health & Safety Regulations with a view to advising the Administration as to whether this House believes the powers granted to the Accident Prevention Officer by regulation are compatible with the purpose and intent of the *Workmen's Compensation Ordinance*.

Your Committee has reviewed the Occupational Health & Safety Act and Regulations of Alberta and suggests the House consider together with the powers of the Accident Prevention Officer as set out in the Occupational Health and Safety Regulations, the provisions of the Alberta Occupational Health and Safety Act which provides for:

- 1) an appeal procedure
- 2) an Occupational Health and Safety Council with power to recommend safety standards, review industrial practices, make binding recommendations for safety improvements on job sites in industry and carry out ongoing educational programs.

Your Committee recommends that all technical standards set by scientific bodies be included in the regulations.

Your Committee further recommends the House request a report from the Workmen's Compensation Administrator on:

- 1) standards used to determine the content of the hazard requirements of these regulations - Sections 38(14) - 38(41).
- 2) Procedures used to determine assessments.
- 3) The standards used to determine the content of the first aid regulations.
- 4) The state of readiness of the Accident Prevention Regulations or the Occupational Health Regulations to deal with the activity directly related to the building of the Pipeline.

Your Committee further recommends that a copy of the report be transmitted to Mr. Doug Bell, Executive Committee Member responsible for Workmen's Compensation Branch, for his consideration and action.

Respectfully submitted, Bob Fleming, Chairman.

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

Is there any further discussion on this Report.

Mrs. Whyard.

Hon. Mrs. Whyard: Mr. Chairman, just one or two very brief comments.

On page 2 of the Fifth Report, we agree to the revoking of that section, of course, which would be redundant.

Mr. Deputy Chairman: Which section is that, Whyard?

Hon. Mrs. Whyard: Which is referred to as Section 12 of Bill 9, coming into force.

The Commissioner's Order 1975/165, we feel is within the intent and scope of the Ordinance.

Commissioner's Order 1976/279, down in the lower half of the page, was done in order to give adequate notice to employers.

We feel that the actuary's report explained the item which you deal with at the top of page 3.

Our date, Mr. Chairman, in the middle of page 4, regarding Commissioner's Order 1953/1, Accident Prevention Regulations, is dated January 3, 1963, rather than 1962, as quoted in the Report.

In the next paragraph, Section 4 and 5 of the regulations, the Accident Prevention Regulations are being rewritten, as Occupational Health and Safety Regulations.

I think, Mr. Chairman, that is all I need to say, because the only other comment was, again, on page 8, regarding the Occupational Health and Safety Regulations, that they are being redrafted.

I appreciate the recommendations from the Committee, contained in this summary. I would ask some co-operation from the Committee in the timeframe that they might impose upon this because you are asking for a number of time consuming reports and consolidations to be carried out and you are also asking for reports from the Administrator on a number of matters here, which will take a considerable amount of investigation and work.

We all realize there are a certain number of changes which have just been authorized in that Ordinance, so it will be a pretty busy section for some weeks and months to come. I would see no objection at all to having that information provided, and I trust that it will be available within a reasonable length of time. I had one problem on page 14 with the recommendation that all technical standards set by scientific bodies be included in regulations. There are an awful lot of scientific bodies, Mr. Chairman. We may need a little further direction on that one.

Thank you, Mr. Chairman.

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

Mr. Lengerke: Thank you, Mr. Chairman, I have just one comment. Again, I think the Committee should be commended. They certainly did do an indepth analysis and it is too bad that possibly we didn't give it the right consideration or the time that it should have been given. One of the things in the Summary that I would hope that the government would look at as a priority item, as the Minister has said, she was looking for some time constraints, and I would hope that the priority item would be that the complete consolidation of the regulations and orders under the *Workmen's Compensation Ordinance*, I think would be very, very important. I think it is a priority item to have this done and I would hope that the Minister would concur and say that this would be an undertaking.

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

Mr. Fleming: Thank you Mr. Chairman. There is no problem, speaking for the Committee, myself, I don't feel that we would be crowding the Minister. We realize also that the timeframe means a lot in our own work too and trying to get forwarded to the House sometimes even. As for the last part of, "Your Committee recommends that all technical standards set by scientific bodies be included in the regulations." I think that there is, possibly maybe the wording, because I

... we meant dealing with the one, well you might say Ordinance, which I am not supposed to deal with here, but this is what we are speaking of. It may be we could have worded it a little better.

Mr. Deputy Chairman: Thank you, Mr. Fleming. Any further discussion on the Fifth Report? Mr. Lang?

Hon. Mr. Lang: Mr. Chairman, I would like to have a ruling from the Chair in respect to the Fourth Report as well as this Report in respect to moving it out of Committee. I am curious, what is the reason for having to move it back to the House for further discussion or whatever? I thought maybe the Committee could maybe make a decision here.

Mr. Deputy Chairman: Actually, it wasn't moved out for further discussion. The motion originated from the House itself and there was a further motion to refer it to Committee for further discussion so that leaves you with a situation where you have a motion originating from the House. If you want to concur in it in the Committee of the Whole, that's fine, I mean that is the wishes of Committee. But the question was brought up a moment ago on the Fourth Report as to how you wanted to handle this. It was suggested a motion to refer it back into the House to conclude the motion which originated from the House, that is to concur in the Report.

If you move it out, it is concurred in anyway.

Hon. Mr. Lang: Mr. Chairman, the only reason I raise it is that it is really the first time we have had a report from a Committee. I know that you cannot amend it.

Mr. Deputy Chairman: That's not the first time, Mr. Lang.

Hon. Mr. Lang: It is the first time referring it to Committee of the Whole, Mr. Chairman.

Mr. Deputy Chairman: Any further discussion on the Fifth Report? Is it the Committee's wishes that we concur in the Fifth Report without moving it out of Committee?

Some Members: Agreed.

Mr. Deputy Chairman: Then it would be the same with the Fourth Report?

Some Members: Agreed.

Mr. Deputy Chairman: Mr. Lengerke.

Mr. Lengerke: Yes, I would move that Mr. Speaker do now resume the Chair.

Hon. Mr. Lang: I second that.

Mr. Deputy Chairman: It has been moved by Mr. Lengerke, seconded by Mr. Lang, that Mr. Speaker do now resume the Chair.

Motion agreed to

Mr. Speaker resumes Chair

Mr. Speaker: I call this House to order.

May we have a report from the Chairman of Committees?

Mr. Deputy Chairman: Thank you, Mr. Speaker. Mr. Speaker, the Committee of the Whole have considered Bill Number 103, *Animal Protection Ordinance* and directed me to report the same with amendments.

The Committee also considered a motion considering White Papers on Arctic Winter Games and on Heating Fuel Equalization and directed me to report progress on the same.

The Committee has adopted a motion respecting the Fourth Report of the Standing Committee on Statutory Instruments and directs me to report the same.

The Committee has adopted a motion respecting the Fifth Report of the Standing Committee on Statutory Instruments and directed me to report the same and ask leave to sit again.

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

Some Members: Agreed.

Mr. Speaker: Leave is so granted.

May I have your further pleasure?

The Honourable Member from Whitehorse Riverdale.

Mr. Lengerke: Mr. Speaker, I move that we do now call it five o'clock.

Hon. Mr. Lang: I second that.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse Riverdale, seconded by the Honourable Member from Whitehorse Porter Creek, that we do now call it five o'clock.

Motion agreed to

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

Adjourned

**The following Sessional Papers were Tabled
(December 14, 1977)**

77-2-37

Green Paper Housing Strategy for Pipeline Impact

77-2-38

Green Paper Rent Stabilization

77-2-39

Yukon Rental Survey/November 1977

77-2-40

Green Paper on the Appointment of a Fourth Elected Member of Executive Committee



GREEN PAPER ON

Decentralization of Y.T.G. Government Offices

Mr. Speaker
Members of the Assembly

On April 28, 1977, during the 8th session of the 23rd legislature, the Yukon Legislature Assembly passed the following motion:

"Resolved that it is the opinion of this House that the philosophy expressed in the White Paper on Decentralization be rejected on the basis that the conclusion within the Paper are based on incomplete data; and further, it is the opinion of the House that the Economic Research and Planning Unit should be requested by the Commissioner to determine the merits or otherwise of fully implementing a policy of reasonably decentralizing Territorial Government offices from Whitehorse to other centres in the Yukon.

The Economic Research and Planning Unit has complied with the request of the legislature and produced the report, "The Decentralization of Y.T.G. Government Offices From Whitehorse", which appears as Appendix A of this paper.

The report breaks the resolution of the legislature into four questions. First it determines what a reasonable policy for decentralizing government offices would be. Secondly, it lists the merits of decentralization; thirdly, enumerates the incremental costs and fourthly, suggests what would be involved if such a policy were fully implemented.

To prepare the report, a number of assumptions were required. These were as follows:

- (1) It was assumed that Whitehorse would continue to be the capital of Yukon and that the executive and legislative arms of government would also remain there.
- (2) It was assumed the decentralization of government offices that had successfully occurred in other jurisdictions was by definition reasonable. In addition, government decentralization would not be considered reasonable if the efficient delivery of government service would be jeopardized.
- (3) It was assumed that the scope of the report did not include determining where government departments should be relocated to or the timing of such moves. In other words, it would require further investigation at the direction of the legislature to determine what communities were most suitable and when the actual relocation could take place.

Based on the findings of this report, the following observations and conclusions may be made.

- (1) The Federal Government initiated a major decentralization program in 1975 based on the fact that 27 percent of its staff was in the Ottawa region. In Jul. 1977, approximately 79 percent of the permanent Y.T.G. full-time staff (excluding teachers) was located in Whitehorse.
- (2) The issue of decentralization can be highly subjective. An appropriate forum must be presented for each Minister responsible for the Y.T.G. departments involved, to debate the suggestions put forward in this report.
- (3) Decentralization of Y.T.G. government departments would involve relocation of staff, authority or both from Whitehorse. Decentralization is assumed to be reasonable decentralization of a government department if it had been done elsewhere.
- (4) There are two types of decentralization: the relocation from the capital city or major metropolitan area of a government board, agency, or crown corporation; and a move of government department, in whole or in part. Regionalism is not decentralization, but only the normal growth of government to meet certain regional needs.
- (5) Based on similarities found in cases of decentralization elsewhere, plus some consideration for local conditions, a reasonable decentralization policy for Y.T.G. offices would be if:
 - (1) It is capable of functioning independently of government, or functions as a private institution or corporation;
 - (2) Its operations must not be influenced by the political whim of government;
 - (3) It would not result in a significant loss in the efficiency of the services provided;

- (4) It was not directly involved in the political, judicial, or financial aspects of government;
- (5) It is not critical to the formation of government decisions or policy;
- (6) It has mainly a clerical or statistical function;
- (7) It was set-up to provide service to a specific part of the territory; and
- (8) It consists of at least four individuals.

(6) Applying this policy to the existing Y.T.G. government offices, the following positions within Whitehorse could theoretically be decentralized:

Department	Number of Positions
Economic Research and Planning	4
Yukon Housing Corporation	9
Yukon Health Insurance Plan	12
Yukon Liquor Corporation	20
Department of Wildlife	7
Library Services	5
Department of Tourism and Information Services	4
Department of Local Government	11
Department of Territorial Secretary	19
Department of Education	6
TOTAL	97

(7) The benefits associated by the relocation of these employees could be as follows:

- (1) To facilitate a greater identification with the public of government presence.
- (2) To stimulate economic activity in areas of slow growth and high unemployment.
- (3) Decentralization may provide the opportunity to reorganize government departments, increase productivity, reduce staff turnover, and increase staff morale.
- (4) Decentralization may be a solution to the current problem of overcrowding in the Territorial Government building in Whitehorse.

(8) The estimated cost to relocate each government employee would be as follows:

(1) Incremental Capital Cost	\$89,250.00
(2) Incremental O & M Costs	\$7,015.00 - \$27,015.00
(3) One-time costs of relocation	6,500.00

With regards to these costs, it should be kept in mind that some of the costs of decentralization are also benefits of decentralization. The problem is that these benefits accrue to specific communities only, whereas the entire population must pay the additional costs.

In addition, decentralization may not be appropriate now, because communities may not be able to cope with the additional demands put on them by the pipeline plus a government decentralization plan.

(9) If the Y.T.G. were to fully implement the decentralization program outlined in this report, it would involve an estimated incremental cost for capital and moving expenses of approximately \$9.3 million and between \$680,455.00 and \$2,620,455.00 incremental O & M expenses. By the time the program was fully implemented (allowing for inflation), probably some \$12 - 13 million additional funds for capital and moving expenses would be required, and about \$2 million incremental O & M expenses per year. The result of the implementation of this program would reduce the percentage of full-time permanent Y.T.G. staff (excluding teachers) in Whitehorse from 79 to 69 percent.

(10) Implementation of this program would be phased over the next five years. Before decentralization would take place, however, the Y.T.G. should form a Decentralization Committee whose responsibilities would include:

- (1) Identification of the most desirable relocation sites;
- (2) Negotiate with the staff involved to determine who is willing to be relocated and under what conditions;
- (3) To realistically assess the incremental costs involved and make the necessary budgetary changes;
- (4) To develop a plan for full implementation that would consider the buildings required, housing and other capital equipment, and the actual timing of each move.

The objective of this report was to provide more complete information upon which this subject can be debated. We hope it meets the expectations of the legislature.

9 Dec. 1977

GREEN PAPER
HOUSING STRATEGY FOR PIPELINE IMPACT

1977 (Second) Session



Mr. Speaker
Member of the Assembly

The Yukon Housing Corporation, through the Yukon Housing Corporation, is a body corporate created by the Yukon Housing Corporation Act, 1975, to provide housing for the people of the Yukon.

To meet the housing needs of the Yukon, the Corporation has developed a housing strategy to address the housing needs of the Yukon.

A full description of the strategy, its objectives, and its implementation is attached in Appendix A "Housing Strategy for Pipeline Impact".

The long-term objective of the strategy is to ensure an adequate supply of housing and stability of the local housing market and to ensure the orderly growth of the Yukon residential building industry in response to projected market demands.

The methodology of the strategy is to affect housing supply and thereby influence housing demand and price levels within the local housing sector. The approach is one of providing the stimulus and support, in so far as possible, through financial and technical assistance in the delivery of housing units by the private sector in pipeline corridor communities.

This government is prepared to take a direct initiative in areas where the private sector is unable to respond to the anticipated housing demands.

A detailed emphasis is therefore placed on the supply of housing in certain of the following strategies:

1. Pipeline Corridor

- Strategy A: That Yukon Housing Corporation take a lead role by initiating a coordinated planning process in each community directly affected by the pipeline.
- Strategy B: That Yukon Housing Corporation, in discussion with the City of Whitehorse, pursue the possibility of a conversion program and if acceptable, develop the necessary program mechanism.
- Strategy C: Where private sector redevelopment together with development in new properties is not sufficient to meet demand for rental housing, Yukon Housing Corporation in conjunction with the City of Whitehorse would enter into a redevelopment program in areas designated by the City.

2. Finance

- Strategy A: That Yukon Housing Corporation will initiate negotiations with CMHC and chartered banks in regard to extending mortgage amounts to levels deemed necessary from time to time.

3. Delivery of Housing

- Strategy A: That where the private sector is unable to provide accommodation housing in pipeline corridor communities, the CMHC undertake measures to either encourage the construction of housing for sale.
- Strategy B: That Yukon Housing Corporation encourage the private sector to construct new apartment accommodation in the communities of Watson Lake, Whitehorse and Whitecourt.
- Strategy C: That Yukon Housing Corporation will encourage housing investors with financial resources where there are limited means of meeting housing demands in the pipeline corridor.
- Strategy D: That the Yukon Housing Corporation ensure that an adequate number of temporary accommodations be available to the private sector in order to meet the expected demand that the Corporation will participate with private companies to meet the demand in filling this void through the required housing directly.

As a complementary strategy, consideration has been given to low income persons centers around the issue of affordability. The Rent Supplement Program is seen as the main vehicle to provide these income persons with an alternative. In addition various existing social housing programs could provide another alternative where the Rent Supplement is seen unavailable.

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A detailed emphasis is therefore placed on the supply of housing in certain of the following strategies:

In summary the Assembly has before it a housing strategy with various elements to mitigate the pipeline impacts on housing. It is imperative that the necessary planning and development of strategy programs proceed immediately in order that the required initiatives can be in place before actual construction of the pipeline.

13 December, 1977

Da laing

GREEN PAPER
RENT STABILIZATION
1977 (Second) Session



Mr. Speaker
Member of the Assembly

During the coming period of economic expansion, there could be a severe shortage of housing. This in turn would likely cause substantial increases in rental rates, making housing unaffordable to certain segments of the population. Because housing demand is virtually unalterable, some type of consumer protective legislation in the area of rent stabilization would be considered if this situation were to develop.

In the long run, it must be recognized that the real problem is a shortage of housing. Rising rents being merely a symptom of this problem. It is important to recognize that stabilizing rents is only a short term solution. Rent stabilization can only be considered as a component of a much broader strategy for housing as a whole.

Nevertheless, it is the view of this government that the local landlords will generally continue to operate in a responsible manner and refrain from taking advantage of a temporary shortage. However, if it becomes obvious that rents are being increased at unrealistic rates, rent stabilization may have to be invoked.

The following discussions outline your government's views on the policies which could be encompassed in rent stabilization legislation as well as a mechanism for implementing the legislation developed.

Alternative Approaches to Stabilizing Rents

Various rent control/stabilization systems were reviewed and it was found that all systems were merely variations of the following approaches to implementing the policies adopted by various jurisdictions:

- 1. Rent Freeze

A freeze on rents at one particular level could only be considered as an emergency measure. This type of rent control was invoked during World War II. During the time that those controls were in force the only construction of rental accommodation was through Wartime Housing Ltd., the predecessor to CMHC. This system is illustrative of the fact that rent controls can succeed in controlling rents, but the government would also have to take on the responsibility of supplying rental housing.
- 2. Rate of Return Approach

Basically this approach is a profit control measure which allows an investor to set the rents at a level which will give a certain return.

This type of approach has certain advantages in that it controls rents to some extent while at the same time, not making rental housing too unattractive to investors. The problems with this approach stem from two basic causes. It makes it easier for the landlord to be inefficient in terms of operations and maintenance and to reap under the table profits while adhering to the official profit level. Therefore, the tenants can suffer from a low standard of maintenance while the landlord loses nothing and may possibly gain financially. It also can cause a slowdown in investment in rental property. With a fixed rate of return investors may not be interested if there are other sources of investment which will provide a higher rate of return.

3. Comparative Approach

The comparative approach to controlling rents is generally based on the theoretical concept of removing the supply/demand factor from the rents charged. That is, an estimate of what the free market rent of an equivalent rental unit that was not in short supply, is utilized to set the rent for a controlled unit. This approach is extremely theoretical and as such is basically (or might as well be) an arbitrary decision by the powers that be. Support for this type of rent control could come from either the tenant or the landlord sector dependent upon each individual decision. Administratively, this system would be difficult to justify and time consuming to apply.

4. General Adjustment

This approach allows for a certain percentage increase in rents in a given time period. This is the system that has been in force in British Columbia for the past few years. The basic argument in favour of this system is that it is relatively easy to administer while providing some degree of controlling the levels of rents charged. The argument against this approach come down to the fact that it is all encompassing - landlords that have expenses rise too quickly will lose a portion of their previous profits (assuming that there were profits) while tenants of buildings where expenses did not change or even went down still receive the "benefit" of the flat percentage increase. In general, this system imposes rent increase maximums which quickly become the minimums. This is illustrated by the fact that during the early '70's rent controlled Vancouver's rental rates showed an overall increase greater than non-controlled Toronto's rents.

5. Individual Adjustments

The individual adjustment method is basically a system of rent review with adjustments to rents being approved and/or adjusted by a rent review authority. This system is heavy on administration as each rental adjustment must be investigated and ruled on by the authority. However, it has the advantage of being flexible and adaptable to individual situations. The success of this type of system depends on basic formula adopted for deciding rent adjustments and objective application of the formula.

Mechanism for Yukon

If it is found that a form of rent stabilization is necessary, this government recommends that the individual adjustment system be utilized in Yukon. The greatest liability of this system in other jurisdictions has been its heavy administrative requirement. However, in Yukon the relatively small number of rental units and landlords would appear to make this a minor concern which is far outweighed by the advantages of the individual approach.

Basically this system is seen to be made up of three levels.

Firstly, the administrative level responsible for gathering and disseminating information, keeping records, etc. Secondly, a "Rentalsman" type of position, responsible for investigating and ruling on rental increases. And thirdly, an appeal board of representative citizens at large, to review the decisions and actions of the "Rentalsman" as required on an appeal basis.

Approximate costs of such a mechanism would be as follows:

Salaries - Rentalsman (range \$30,000-\$35,000)	\$32,500	
Clerk/Administrator (range \$15,000-\$18,000)	\$16,500	\$49,000
Fringe benefits		4,410
Office space (at government rates)		1,750
Review Board (honorarium & expenses)		4,000
Special and Professional services		10,000
Other expenses		3,000
	Total	\$74,160

Please note that the special and professional expenses outline are intended to cover review of the market situation plus review of the methodology employed to review rent increases which must be done periodically to insure the viability of the system.

Policies to be Encompassed in Legislation

This government feels that the objective of rent stabilization legislation in Yukon must be to prevent the increase of rents to unreasonable levels during a period of low availability of accommodation. To the greatest extent possible, private investment in housing development must not be hindered. The following proposed policy framework was developed on the basis of these objectives:

- Rental units to be covered by rent stabilization legislation would include single detached accommodation through to the largest apartment projects and from the oldest to the newest buildings. Only exceptions are public housing projects where rents are geared to income and projects where rents are controlled through NHA financing arrangements.
- Rental increases will be reviewed upon tenant or landlord request. Upon such a request from a tenant, the Rentalsman may initiate review of rental increases in all of landlords rental holdings in Yukon. Landlords must seek approval prior to implementing any rental increases.
- Initial rents in newly constructed units will be exempted from rent stabilization.
- Rental rates will be subject to review upon change. The rent levels will not be reduced below existing rents, but the increase will be reviewed and ruled upon. Existing rent means rent as of date established by legislation or thereafter approved increase. Date established by legislation as "base rent day" may be retroactive (note that retroactive implementation will not effect initial rents established in newly constructed units, only increases).
- Forced price increases allowed on a cost pass through basis (i.e. increased landlord costs can be passed on to tenants on an equitable basis) to be developed as regulations to the legislation.

6. Increases to rents presently over and above existing market levels will have to be justified completely rather than strictly on cost pass through. This means that units which are rented at higher than normal market rents could not be increased unless landlord could demonstrate to the Rentalsman that the change would not be increasing his profits to unreasonable levels. In other words the landlord would have to open his books completely to the Rentalsman.

7. Eviction of tenants must be based on identified cause (i.e. breach of tenancy agreement). Conversion of existing rental units to ownership (i.e. strata-title) will be subject to any existing tenancies, that is eviction of tenants so that unit may be sold is not allowed.

8. Extra profits through reduced maintenance and repairs will not be allowed, that is if a landlord is not maintaining his rental property to the accepted local standard, rental increases will not be allowed.

9. Entrance fees, key charges and other under-the-table arrangements will be illegal.

10. Suitable penalties for breach of legislation would be incorporated in legislation.

11. Legislation would be enacted for certain period of time with free market system to be resumed at the conclusion of the life of the Ordinance.

Conclusion

In response to public concern in respect to the possibility of substantial rises in accommodation rental rates during the coming period of economic expansion, this government has developed this paper separately from the overall housing strategy paper in order to assure in depth discussion of this highly sensitive aspect of the strategy. However, due to its short-run effectiveness and the fact that it deals only with one symptom of a housing shortage, it is important that rent stabilization be considered as only one component of an overall strategy for housing.

In order to maximize the benefits of rent stabilization, this government proposes that the necessary legislation be developed but not implemented until such time as the need is clearly demonstrated. The effectiveness of this can be assured through the establishment of a retro-active date of implementation. The rental market will continue to be carefully monitored by the Economic Research and Planning Unit who will update rental information on a regular basis.

13 December, 1977

D. Faulkner

GREEN PAPER ON

The Appointment of a

FOURTH ELECTED MEMBER OF EXECUTIVE COMMITTEE

1977 (Second) Session

Mr. Speaker

Members of the Assembly

The Minister of Indian and Northern Affairs, the Honourable Hugh Faulkner, has authorized me to expand Executive Committee to six members and to increase the number of elected members to four. A vacancy therefore currently exists on the Executive Committee for a member designated by the Legislative Assembly from among its members.

The establishment of a fourth elected position on Executive Committee represents the fourth major advance during the three years of this 23rd Legislature in the development of Executive Committee toward a more complete system of responsible government. You will recall that in January, 1975 a third elected member was added. In January 1977 one appointed position was dropped thereby creating a majority of elected members. In July of 1977, the second appointed position, that of Deputy Commissioner, was filled by a long-time Yukon resident. Currently all five positions on Executive Committee are filled by people who have lived at least ten years in the Yukon.

Mr. Faulkner, and his predecessor, Mr. Allmand, had agreed in principle to a fourth elected member but had heretofore envisaged such a development coinciding with the expansion of this Assembly from 12 to 16 members. Following representations from members of this Assembly, from Executive Committee and from the Commissioner, however, he agreed to advance this step after receiving clarification as to how expansion would relate to this government's need to plan for the pipeline and to reflect the needs of the Yukon Indian community in government processes, policies and programming.



By way of response to this request from the Minister it was noted that:

"In the past year, the Government of the Yukon Territory has been presented with, and accepted, two significant challenges. The first was to take steps to ensure that the Yukon Indian community was represented in and the structure and processes of this government. The second challenge was to prepare for and manage the impacts of an enormous construction project which will soon pass through Yukon Territory and society.

In the past year, initial steps have been taken to respond to these two challenges. Because of the load being borne by the present elected members of Executive Committee, the burden of responsibility for policy and action in these two areas has fallen to the Offices of Commissioner and Deputy Commissioner. This arrangement has resulted in less than full-time dedication to these important areas and the strong feeling in the Legislative Assembly that these sensitive areas are being managed outside the sphere of political responsibility.

To cope with expanding workload and changing priorities, a reorganization of the public service was announced during the Speech from the Throne. Included in this reorganization are the creation of a new Office of Pipeline Co-ordination, a Department of Consumer and Corporate Affairs and a Department of Manpower. The Office of Native Advisor was created earlier this year."

It is the Commissioner's view, and that of Executive Committee, that with this expansion of Executive Committee, responsibility for policy co-ordination with respect to both the pipeline and native concerns would be placed in the hands of an elected member. To this end, elected members would have direct responsibility for the Native Advisor, Office of Pipeline Co-ordination and the two new departments.

In this regard it is important to note that not only will more policy and departmental responsibilities be in the hands of elected members, but more elected members, and a greater percentage of Executive Committee than ever before will be responsible to this Assembly for their actions and performance.

Because of the importance of this step for both the evolution of responsible government and for the promise of better administration for the citizens of Yukon, I ask the Legislative Assembly to give this matter their early and serious consideration.

Dec. 14, 1977
Date


Signature





