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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: We will proceed at this time with the Order Paper. Are there any Documents for Tabling? The Honourable Member from Whitehorse West.

ROUTINE PROCEEDINGS**TABLING OF DOCUMENTS**

Hon. Mrs. Whyard: Mr. Speaker, I have for tabling a Green Paper on Decentralization of Yukon Territorial Government Offices.

Don't get your hopes up.

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

Reports of Committees? Introduction of Bills? Petitions? Notices of Motion for the Production of Papers? Notices of Motion or Resolution?

The Honourable Member from Ogilvie.

NOTICES OF MOTION

Ms Millard: Mr. Speaker, moved by myself, seconded by the 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.

Speaker: Are there any further Notices of Motion or Resolution? The Honourable Member from Mayo.

Mr. McIntyre: Yes, Mr. Speaker, I would give Notice of Motion regarding an appointment to the Water Board.

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

Statements by Ministers?

This then brings us to the Question Period. The Honourable Minister of Education.

QUESTION PERIOD

Hon. Mr. Lang: Mr. Speaker, I have for tabling an answer to an oral question, asked by the Honourable Member from Kluane, concerning use of Xerox machines in libraries.

Mr. Speaker: The Honourable Member from Hootalinqua.

Question re: Hansard Distribution of "Hansard"

Mr. Fleming: Yes, Mr. Speaker, I have a question this morning, I don't really know who to address it to, however, anyone of the Ministers that could answer, dealing with the publication and the distribution of the "Hansard", in the Yukon Territory.

Does a Member of this House for instance, if he goes and asks that somebody be put on the mailing list at this time, will that person receiving the copies have to pay a fee for these copies?

Mr. Speaker: Perhaps, if I may say from the Chair, this would appear to be an in-House legislative matter and if it would satisfy the Honourable Member, the Chair would undertake to get that information for him.

Honourable Member from Hootalinqua?

Mr. Fleming: Yes, Mr. Speaker, I have a supplementary question as to this. Does the government have any policy in

regards to whether you should pay for it? I have a direct question, too, as to at the present time why do approximately I would say 10 per cent of the people that are receiving them, are billed for them, and the remainder is not.

Mr. Speaker: Perhaps the Chair will also take that under advisement because it is a matter of the Legislature.

Mr. Fleming: Thank you, Mr. Speaker.

Mr. Speaker: The Honourable Member from Ogilvie?

Question re: ERPU Constitutional Plan for Yukon

Ms Millard: Mr. Speaker, a question for Mr. Commissioner, or his Assistant. In our budget session we were advised that the Economic Research & Planning Unit were studying the constitutional position of the Yukon Territorial Government in relationship to fully responsible government for the Yukon and that they were developing a constitutional plan for the Yukon. May we have the study of the constitutional position and a copy of the constitutional plans?

Mr. Speaker: The Honourable Member from Kluane?

Question re: Commissioner's Vacation

Mrs. Watson: Yes, Mr. Speaker, I have a question for the Deputy Commissioner. It is an oral question or he can take it under advisement. Before the Commissioner of the Yukon Territory embarks upon an annual leave or vacation, does he have to seek permission from anyone within the Department of Indian Affairs and Northern Development?

Mr. Speaker: I am not too sure of the validity of that question, because it refers to a government other than our own, however, I will permit it at this time if Mr. Administrator wishes to answer it.

Mr. Deputy Commissioner: I think, Mr. Speaker, I should confirm and bring you an answer tomorrow morning if that would be all right.

Mr. Speaker: Are there any further questions?

This then brings us to the end of the Question Period.

The Honourable Member from Pelly River?

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

Mr. Speaker: The Honourable Member from Whitehorse West?

Hon. Mrs. Whyard: Mr. Speaker, I am sorry if I am delaying the House on this matter, but I had intended to rise to move, seconded by the Honourable Member from Whitehorse Porter Creek that the amendments to Bill Number 9 be now read a first and second time.

Mr. Speaker: Sorry, I apologise. It was omitted on the Order Paper and it slipped by me.

Would the House agree that we revert to Public Bills before receiving the Motion to leave the Chair?

Some Members: Agreed.

Mr. Speaker: We will then proceed to Public Bills.

PUBLIC BILLS

Hon. Mrs. Whyard: Mr. Speaker.

Mr. Speaker: The Honourable Member from Whitehorse West.

Amendments to Bill 9: First and Second Reading

Hon. Mrs. Whyard: Mr. Speaker, I move, seconded by the Honourable Member from Whitehorse Porter Creek, that the amendments to Bill Number 9 be now read a first and second time.

Mr. Speaker: It has been moved by the Honourable

Member from Whitehorse West, seconded by the Honourable Member from Whitehorse Porter Creek, that the amendments to Bill Number 9 be now read a first and second time.

Are you prepared for the question?

Order please, this is non-debatable.

Motion agreed to

Mr. Speaker: The Honourable Member from Whitehorse West.

Bill 9: Third Reading

Hon. Mrs. Whyard: Mr. Speaker, I move, seconded by the Honourable Member from Whitehorse Porter Creek, that Bill Number 9 be now read a third time.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse West, seconded by the Honourable Member from Whitehorse Porter Creek, that Bill Number 9 be now read a third time.

The Honourable Member from Whitehorse West.

Hon. Mrs. Whyard: Mr. Speaker, there has been a considerable amount of debate as this Bill proceeded through Committee, with a great deal of contribution from private Members, particularly one who went to a considerable amount of effort to bring in amendments which he felt were required for the proper administration of the Workers' Compensation Fund for the people of this Territory.

Because it was the wish of all Members of Committee that this was the way in which we should proceed, the Government went back and got policy approval for including the amendments to provide for an independent administrative Board, controlling the operations of the Workers' Compensation Fund.

There has been some disagreement in Committee, Mr. Speaker, regarding those amendments. There has been a difference of opinion, Mr. Speaker, on the validity of some of those amendments. I would like to assure all Members of this House this morning, that this Government is just as concerned as any Private Member, that the Workers' Compensation should not be hindered nor hobbled in any way in the Yukon Territory.

I have been assured again this morning, by the people who have the day to day responsibility of administering this Ordinance, that it is a workable Ordinance and that they are ready to establish the new Workers' Compensation Board at the first of the New Year.

I would ask for the support of all Members in the passage of this Bill through the House.

Mr. Speaker: The Honourable Member from Pelly River.

Mr. McCall: Thank you, Mr. Speaker. I am rising in debate on Bill 9.

It is with regret, Mr. Speaker, that I have to vote against these particular amendments to the Bill. The structure of the Bill that this House is considering shows a complete lack of consistency. If Bill Number 9 passes this House, Mr. Speaker, in its present form, it will, in effect, destroy any proper appeal procedure.

I make reference for a moment, Mr. Speaker, to the Fifth Report from the Standing Committee on Statutory Instruments and we stated in that particular report that there is no provisions for these regulations, in these regulations for an appeal by either the employer or the employee.

These regulations are dealing with Workmen's Compensation. These regulations allow neither the employer nor the employee of procedure by which the decision of an inspector can be contested, either.

What we will be doing, Mr. Speaker, in effect, we will be giving the Commissioner the all encompassing power which

he already has in the present Workmen's Compensation.

I make reference again to a Commissioner's Order in 197 and it goes on where he created a corporation, Mr. Speaker, through Regulations and now through Workmen's Compensation. I quote: "by creating a corporation, the administration expanded the view of a referee by including representatives of business and labour, as well as the public. However, since the choice of appointees still rests with the Commissioner, he in fact contains control of the referee who has vast powers and discretions under the provisions of the Regulations." I was concerned with that Mr. Speaker when I proposed amendments where Members of this House could consider appointments to an independent Workmen's Compensation Board. This, Mr. Speaker, has been destroyed.

I make reference to the broad scope of Section 81.(1) of the Ordinance where it permits Regulations, such as the one I mentioned, and the Committee points out that this Commissioner's Order involves the broadest possible use of the power granted and in fact deals with the subject so far removed from the terms of the present Ordinance, it should have been presented as a legislative amendment so that it could receive full attention and debate in this House.

This was incorporated, Mr. Speaker, in my proposed amendments, which, as I said a moment ago, have been destroyed. Bill Number 9 does not advance any consideration with respect to the business sector or working person that may have been involved in the claim through Workmen's Compensation.

What we have done in one irresponsible sweep, Mr. Speaker, is that we have destroyed an Administrator's position and replaced it by a Secretary. We have taken away and made redundant the Advisory Committee. We do not have a properly constituted Workmen's Compensation Board with five members. We have taken away any consideration this House would have had with respect, as I said a moment ago, to appointments to the Workmen's Compensation Board. Why are we passing this type of legislation in its present form? I don't know, Mr. Speaker. I think it is contrary and in conflict to the true spirit and intent of good legislation.

In effect, we have created a jigsaw puzzle, with many important pieces missing and I believe that some other Members do not realize the ramifications even now, as to what we have done.

I must say at this time, Mr. Speaker, that my actions yesterday were not proper and I would like to apologize in front of all Members to Mr. Hibberd, the Chairman of the Committee of the Whole, for my remarks to him in Committee and out of Committee. They were completely unwarranted on my part.

But my convictions, Mr. Speaker, tell me that we have done something radically wrong in trying to piece together a very, very important piece of legislation, which affects not only the working people in the Yukon, but a substantial amount of the private business sector. We have taken away any concept that we have come to know as the Workmen's Compensation.

I know the Statutory Instruments Committee worked very hard to put forward a lot of questions dealing with regulations, that should either be taken out or put in as legislation and that was part of the structure of my proposed amendments, which have now, shall we say, been torn apart.

I cannot support Bill Number 9, Mr. Speaker, for that reason.

Mr. Speaker: The Honourable Member from Hootalinqua.

Mr. Fleming: Yes, Mr. Speaker, I also rise in non-support of Bill Number 9 for the very reasons that the Member from Pelly has spoken of, and also some other personal reasons that I feel justified in not voting for the Bill in this case.

I have stood so many times in this House on Bills and asked

questions, and I know I am not terribly smart, but if I can't get those questions from our legal advice answered in a definite way that says yes or no, and there is some doubt as to whether I am going to vote for something and the legality is there or not there, then I can't vote for that type.

I didn't get those answers here in this House on Bill Number 9 and on the amendment that the Government brought forth for the amendment to the amendment that the Honourable Member brought in, which I was supporting.

So, with that, I just cannot support the Bill, and, as an example, Mr. Speaker, I would like to just think back, have the Members think back, of another Bill in this House that was presented in more or less the same fashion and we couldn't get any answers, and they didn't want us to have our way. They wanted their way and no other way.

Even if we accept, if they change, we accept, that is fine, as long as we change their way and I am speaking of the Liquor Bill, quite some time ago which was the same thing and we have in the Territory today which is, I would say, possibly as bad as this one or maybe even worse. It has brought this Territory into the same type of thing as this Bill is going to bring: controversies that you can't settle, the rights of the people to have an appeal where they should have it, which the Honourable Member has already spoken on, so I won't move to elaborate on it. I will end with saying that I cannot support this type of legislation.

Mr. Speaker: The Honourable Member from Kluane?

Mrs. Watson: Yes, Mr. Speaker, I think all Honourable Members in the House realize the position I have taken on Bill Number 9, and I am inclined to believe and agree with the Honourable Member from Pelly River who stated that we have put together a jigsaw puzzle and he is afraid that some of the pieces are missing.

I am not an expert in statutory law by any means, but I am afraid that may have been what has happened. I sincerely hope it is not, and that the administration of the Bill is at least possible to some extent.

Mr. Speaker, my big exception to the Bill was the almost ruthless way that the Government handled the Compensation Fund and the insensitivity of the government to the requirements of the workers and of the people who contribute to the Fund.

When the original Compensation Bill was brought in in 1973, provision was made at that time for escalation clauses which applied to the maximum level for assessments, which applied to the benefits that were received as compensation, both medical compensation and which applied to pensions. Those were part of the Bill so that every year the benefits would increase, the assessments would increase; it wouldn't have to be a political decision that would have to be made year after year within this House. It wasn't left as an administrative decision to be brought in by Regulations. We set the terms of the escalation in the legislation.

However, the Bill that was brought in here increased some of the benefits above and beyond the escalation in the neighbourhood of 20 to 25 per cent. Then we were also told by the actuary that the Compensation Fund was in trouble, and the actuary also said that the assessment really did not affect the rate structure that the employers would be paying. But I think that we all realize, whether it affects it directly it certainly directly has an effect on the rate structures that the employers would be paying.

I know, Mr. Speaker, that you can't go to Government and say, you have to fund this deficiency. I know that Government's money is people's money and before they spend it they have to be very careful. But I would have hoped, when Government was faced with the situation that the Compensation

Fund needed to be stabilized that they would have taken a much broader view than what they did.

I wish they would have considered the fact that Compensation costs in the Yukon are higher than other jurisdictions. Our medical costs are more. When the Medicare scheme was established in the Yukon Territory, the fee structure which was adopted for the medical profession at that time, was the B.C. fee structure, plus 20 per cent.

So, from that you know that the medical fee structure has to be higher in the Yukon. We know that because of the lack of medical facilities in many of the outlying areas that the Compensation Fund is going to be faced with transportation costs at a level greater than what other jurisdictions are having to pay.

We also know that our Compensation Fund, basically, only has contributions from a minimal number of employers. We have a minimal number of employees compared to other jurisdictions.

So, we have a very small base to work from. These things all have to be taken into consideration and these are the political considerations that have to go into a decision regarding how we help the Compensation Fund.

At that time, I would have hoped that the Government would have taken a very thorough review of YTG's involvement in Compensation coverage. See, YTG is not now a contributor like other employees. YTG is only self-insured and they pay the benefits directly, or through the Compensation Fund, for any of the compensation that is required of any of their employees.

We were told yesterday that YTG was just now embarking upon a determination of what in fact compensation did cost, compensation for YTG employees did cost the Territorial Government.

The administrator, yesterday, informed us that YTG employees who receive compensation, receive total pay, total disability pay which is different than the level of benefits that you receive under the Compensation Fund.

I would have hoped very, very much that when the Bill was considered and the changes that were considered, they would have taken into it how can YTG contribute? Would it be fair to the Yukon if they came under the Compensation Ordinance just as every other employee because they are the biggest employer in the Yukon?

So Mr. Speaker, apparently none of this had been done, and what we have is an increase in the benefits beyond the escalation. We have an increase in the maximum assessment beyond the escalation, and we have the Bill being passed on to the employers. I am not arguing with the fact that benefits shouldn't be increased. I realize that our benefits are not in line with what other jurisdictions are paying. But there are other means of increasing those benefits for people in need, rather than on an across the board 25 per cent increase.

I am disappointed that there is any lack of initiative or innovation in this legislation. So Mr. Speaker, because of that, I am afraid that I cannot support Bill Number 9, the *Amendments to the Workmen's Compensation Ordinance*.

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

Hon. Mr. Lang: Mr. Speaker, in speaking to the Third Reading of this particular Bill, I find it unfortunate that the Member from Kluane can't support the Bill in respect to the intent and principle of the Bill that was presented to this House. I think it is very basic, Mr. Speaker, that the government had to make a very major political decision when it made the decision to come into the Legislature with that piece of legislation. Obviously it was brought in for one reason and one reason only, and the fact was that the Fund is in trouble. If

there was a major disaster, we were told that we would not be able to cover the costs. So very plainly, Mr. Speaker, it is a case of if the Honourable Members, the majority in this House want to carry on a Fund similar to the, what I understand the Federal Canada Pension Plan is presently at, where they take money out and if everybody were to collect at one time there wouldn't be enough money into it, fine. But I think that the government has made a very responsible decision to come forth with the necessary legislation so that this could be done.

At the same time, as we all know, the increases to workmen that have been injured has increased. Subsequently, we had to recognize that fact as well.

I should point out, unfortunately, the Members that criticized the Bill and everything, they failed to bring out the fact that there is a merit rebate system or section, provision in the Ordinance for employers so that if an employer has an accident free record, he gets 25 per cent rebated back to him of the assessments that are assessed to that particular employee. So in other words, if an employer follows the necessary procedures and safety precautions, the increase in his assessment will be nil if not minimal.

At the same time, Mr. Speaker, the costs that will accrue to the Workmen's Compensation is going to be, in this coming year, comparable across Canada. The way I understand it, all provincial jurisdictions across Canada are going to be raising their assessment rates to about the same rates they are in the Yukon.

At the same time, I would like to point out, Mr. Speaker, that the Honourable Member from Kluane did not point out that during debate of the pertinent sections when we were asked why the YTG was not a contributor to the Fund, it was pointed out that it would cost the taxpayer of Yukon approximately \$125,000. That was the information that was given to the Government when the decision was made not to include YTG at this time, in respect of the plan.

I think overall, Mr. Speaker, that it is a Bill that is very controversial, but, at the same time, I think it has been a responsible action on behalf of the Government to bring forth this legislation because we knew it was necessary. It was the case that, once again, if there was an accident or a disaster of any magnitude, we were informed, and you can read the actuary's report, we were informed to the extent that we would not be able to cover any major disaster with the Fund where it presently is.

Sure, Mr. Speaker, we could have said, no, we don't want to touch that piece of legislation. We don't want to bring it into the Legislature. But, I feel that if we had we would have negated the positions that we have here as responsible, elected Members to bring forth necessary legislation to ensure that the people of the Yukon are protected adequately.

Mr. Speaker: Is there any further debate.

The Honourable Member from Whitehorse North Centre.

Hon. Mr. McKinnon: Mr. Speaker, I sometimes wonder when we get into debate on these bills, whether we are all talking about the same Bill.

I remember full well when my colleague, the Honourable Member for Health and Human Resources, first started raising the point with her fellow elected colleagues on the Executive Committee that she was bound and determined that there was going to be a change in the *Workmen's Compensation Ordinance*, because she had been inundated with complaints about the monies that were being paid to widows and other dependents in Yukon, which were set in the legislation.

She brought some very heart-rending stories to the Members of the Executive Committee of the problems that were being faced by the low rates that were in the Ordinance.

My colleague, the Honourable Member from Porter Creek

and my self knew full well, knew full well of the total controversy that was going to come about at the Minister's insistence of opening up this Ordinance because of those tragically low rates that were being paid to widows and other dependents of workers who had deceased.

We accepted that there would be controversy, that there would be problems, but she was adamant that it had to be opened, because it was the worst in the country and it had to at least come up equal with the rest of the jurisdictions in the country

We hear nobody speaking about that benefit which is incorporated in this amendment to the Worker's Compensation Board and the Honourable Member from Porter Creek is exactly right on. You can always duck a hard political decision for a year with actuarial reports and there was no way that the Executive Committee had to bring the truth of the actuary's comments to the people of the Yukon Territory and to this Legislative Assembly, with amendments at this time to take into consideration that actuary's comments. That is the easy way out. Sure, sluff it off, dump it.

That is not the way, Mr. Speaker, that these elected members on this Executive Committee work, and we don't think that that's the way the members of this Legislative Assembly nor the public of the Yukon want them to work. So we brought it in, and of course there had to be increases not to get in the same political problems that other Compensation Funds have across the country because politicians didn't have the guts to deal with the political issues of the moment.

Mr. Speaker, there was an increase in rates, but there was also a merit rebate system introduced to hopefully take some of the sting out of those increase in rates. We feel that that was a responsible political decision and I don't think one that is getting enough credit by all Honourable Members in their discussion of this Bill.

Mr. Speaker, also one of the other areas which is extremely important, which was a political decision, was that Section 83 was amended to allow the maximum wage rate to be 100 per cent of the annual earnings of a worker, paid at the weekly rate established by Statistics Canada as the weekly earnings of a worker pursuant to the industrial composite of average weekly wages and salaries for the Territory. If the proposed amendment, Mr. Speaker, is passed by this Assembly, the maximum wage rate for the Yukon Territory will be \$17,000 for the year 1978 and that will be the highest in Canada, Mr. Speaker, reflecting the Yukon's position. I think that those are great benefits that are incorporated into the amendments of the Ordinance and one that this government should be congratulated for, rather than condemned for.

Mr. Speaker, the decision not to have the YTG involved in the Compensation funding at this time was strictly another political decision taken because of the bill that would be put upon all Yukon taxpayers if the YTG was not self-insured. That bill would be some \$125,000 for the next fiscal year.

Mr. Speaker, that is a decision that the government made that right now with all the other impacts of funding that are responsible from the Yukon taxpayers at another \$125,000, was about the last thing that they would want to handle at this time. I say, Mr. Speaker, that that was another responsible, though it may be a tough, political decision to make.

Then we were left, Mr. Speaker, with the problem of the independent Board and once again economics flatly entered into it. We saw the advantages of some kind of an independent Board as did other Honourable Members. We knew that the full-time independent Board was going to be a fund directly against the businessmen of the Yukon who already are being hit hard enough by the increase in the funds to the tune of another \$50,000. We said they could not afford it at that time, and this time the part-time advisory board was only costing us

some \$7,000 and that is the way that we should go with a number of cases that were being referred to the Board at this time.

We went part way, we went half way, and we compromised, which I think is sensible government again. You can't get everything you want at every given time. We all know that, so we compromised on the Board, making it a completely independent Board reflecting the Yukon's position still on a part-time basis.

Well, Mr. Speaker, I think when all is said and done, with all of the debate on this controversial bill, which we knew and we make no bones about it, we knew that it would enter into this type of controversy and this type of debate, because of what it did to both beneficiaries and to the people who had to pay those beneficiaries, for the Yukon at this time. We think that we accepted those responsibilities. We think we came up with good amendments, which take into consideration all of the factors which are mentioned, and there is a darn lot more good in this Bill and there is a lot of good to the workers of the Yukon Territory in this Bill, than there is anything detrimental and we are not ashamed of the amendments we have brought.

We are proud of those areas which make up some of the best in Canada, as far as benefits are concerned and, Mr. Speaker, I am going to find it very difficult to see the Honourable Member from Kluane and the Honourable Member from Pelly at both ends of the spectrum of the political scale, not supporting the Government on this Bill, Mr. Speaker.

Mr. Speaker: Is there any further debate?

The Honourable Member from Whitehorse West.

Hon. Mrs. Whyard: Mr. Speaker, one of the Honourable Members has referred to this Bill today as a jigsaw puzzle with missing pieces.

I think that all of us have to admit that, at our present stage of transition, where we are neither fish, flesh nor fowl in this Government, there will always be jigsaw puzzles going through this House until we reach the final stage and can plunk the last piece into the vacancy and that is provincial status, where we are a provincial government, with an elected government right to the top, with the ability to have provincial boards with provincial authority and rule our own House.

Mr. Speaker, as far as I am concerned, those are the only missing pieces in this Ordinance at this time. I just want to say once more to the Honourable Member who is concerned about the appeal procedure, that the appeal procedure has not been changed. The avenues are still open to workers.

We are not going to establish a full-time chairman, at this time, Mr. Speaker.

Mr. Speaker, we know we don't need a full time Chairman and we are not going to have one until we need one. This Government would have preferred to wait until next year when the terms of the present members of the Board had expired to establish this new independent statutory body, but we have complied with the wishes of this House and it is being done now.

Mr. Speaker, I have no more to say on this Bill. It stands on its own merits.

Mr. Speaker: Division has been called.

Madam Clerk would you kindly poll the House.

Hon. Mr. McKinnon: Agreed.

Hon. Mrs. Whyard: Agreed.

Hon. Mr. Lang: Agreed.

Mr. McIntyre: Agreed.

Mr. Hibberd: Agreed.

Mr. Fleming: Disagree.

Ms Millard: Agreed.

Mr. McCall: Disagree.

Mrs. Watson: Disagree.

Mr. Lengerke: Agreed.

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

Motion agreed to

Mr. Speaker: Are you prepared to adopt the Title to the Bill? The Honourable Member from Whitehorse West?

Hon. Mrs. Whyard: Mr. Speaker, I move, seconded by the Honourable Member from Whitehorse Porter Creek, that Bill Number 9 do now pass and that the title be as on the Order Paper.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse West, seconded by the Honourable Member from Whitehorse Porter Creek, that Bill Number 9 do now pass and that the title be as on the Order Paper.

Motion agreed to

Mr. Speaker: Bill Number 9 has passed this House. The Honourable Member from Whitehorse North Centre?

Amendments to Bill 2: First and Second Reading

Hon. Mr. McKinnon: Mr. Speaker, I move, seconded by the Honourable Member from Whitehorse West that the amendment to Bill Number 2 be now read a first and second time.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse North Centre, seconded by the Honourable Member from Whitehorse West that the amendments to Bill 2 be now read a first and second time.

Motion agreed to

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

Bill 2: Third Reading

Hon. Mr. McKinnon: Now, Mr. Speaker. I move, seconded by the Honourable Member from Whitehorse West that Bill Number 2 be now read a third time.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse North Centre, seconded by the Honourable Member from Whitehorse West, that Bill Number 2 be now read a third time.

The Honourable Member from Kluane?

Mrs. Watson: Yes, Mr. Speaker, I would like to speak on third reading to Bill Number 2 as I find this Bill one of the greatest insults to my intelligence that has ever been displayed by any government anywhere, I am sure. When you get a Bill in this House which asks you to let the administration to change any dates, any deadlines as they so see fit with an assessment roll which affects the property taxes of the people in the City of Whitehorse, I just can't go along with it. Yesterday, when we debated this Bill in Committee, and again this morning when we were talking about Bill Number 9, the Minister of Local Government repeatedly told us what wonderful political decisions they have made, what brave people they are for making political decisions.

I wouldn't be so proud of those political decisions. They have to be made but political decisions should be made on fact and after a thorough investigation is made, and after you realize and when you know that your political decision is going to correct a problem, then you can stand up and expound on the political decision that you have made. Mr. Speaker, I don't think the political decisions that were made with Bill Number 9 and Bill Number 2 now, were based on fact and proper research and based on the fact that they would be correcting and taking care properly of a problem.

Bill Number 2, last Budget Session we had a Bill, with just one small section, which gave the Commissioner the right to extend, using the assessment roll, for six years rather than five. It didn't limit it, it said beyond the five years. At that time I questioned it, but it went through. It said this is just for one year's, just one year because we haven't got the assessment done for the City of Whitehorse. That is all we need it for, just one year and we want to do it by Commissioner's Order.

So that Bill passed. So they used the assessment roll beyond the five years, without the Commissioner's Order. That is how sure they are of themselves. This year, now, we get this Bill, which makes provision, which gives them licence to do almost anything within the *Taxation Ordinance*, if it refers to any date or any time period, for the City of Whitehorse.

Mr. Speaker, I recognize that there is a problem getting the assessment done, within the five years. I recognize they are faced with a very severe problem at this time, but, Mr. Speaker, they knew that problem last year, or they wouldn't have come in with the amendment.

Corrective action was in fact not taken last year or they wouldn't have had to come in with the amendment this year. This year we are getting just a bigger band-aid.

Mr. Speaker, what will they come in with when their next five year term is over, when they are scrambling now in the sixth and seventh year to finish the assessment. What will they do when the next five years is over?

Mr. Speaker, I know that there is a problem, but I also know that the *Taxation Ordinance* and the assessment in the Territory as it is, as it is defined by legislation now is a very carefully structured set-up so that you can use your uniform school rate throughout the Territory and a uniform basic property tax rate in the areas where the Territorial Government is the taxing authority.

If you start tampering with this and setting it off balance, uniformity and equalization and the fairness to all people is going to be destroyed. What is happening is we are gradually going this way and I don't like it.

I am not the taxation expert by any means. I just know that we cannot go much longer without facing the problem that is there regarding assessments and do something constructive and concrete that will, in fact, solve the problem.

One of my biggest concerns, Mr. Speaker, is the fact that the deadline of October 15th, for the assessment roll, is long gone and they are not expecting that assessment roll until some time in February, so you know how the dates are all going to be thrown back and they can't meet those deadlines at a normal time, as the legislation is programmed, and they are trying to squeeze it into a smaller timeframe even still.

Mr. Speaker, I wonder will it even be able to meet the deadline that they are proposing in the schedule?

Even if they do, the people in the City of Whitehorse are going to be given an assessment based on 1976 market value of land. You can rest assured, 90 per cent of them are going to have a substantially increased jkthey are going to be given that with a shorter term in which to consider it and come up with the dollars to pay their tax bill than they would normally. Some of the areas in the City of Whitehorse, particularly in the older areas and particularly in the commercial area, the assessment change is going to be pretty radical almost, and people are going to be faced with quite a different situation than they did under the old assessment.

I said yesterday, and I will repeat it today, the Province of BC went into a new method of assessment and they spent a lot of dollars, this is true. Many dollars, to make the people of BC familiar with the type of assessment, to warn them, to know what they could expect.

I am not expecting this government to spend money like that or anything like that, but before you go with the new assessment, surely you have an obligation to the property owners and to those property taxpayers to make them familiar with what you are doing in the new assessment. This time around, they are not even going to get the normal notice, much less a notice ahead of time of what the assessment is going to be.

Mr. Speaker, I do have concern for the people of Whitehorse in this regard and I would hope, and it probably won't be done, but when the smaller communities in the Territory are reassessed, that the government will undertake to explain and warn them what they can expect.

Mr. Speaker, the Minister, when he spoke in the House yesterday said we were not supposed to talk about taxing, we are talking about assessment, and that's fine, but the Honourable Member went on to say he thought that the City Council was a very, very responsible body and they would in fact be reviewing the mill rate, in the light of the new assessment. We can't give that assurance. We would hope they would, but we certainly can't. That is their decision, but you can't deny that probably some of the areas will not have a review of the mill rate.

I recall when Porter Creek had the land, property owners in Porter Creek in 1976 had their land reassessed, and the terrible shock that these people received. There was a lot of noise and there were a lot of committees, but there was no change in the mill rate for the people of Porter Creek.

Some of those people in Porter Creek went into shock and they will really go into shock when they get a re-assessment notice on the improvements.

Mr. Speaker, we weren't supposed to be talking taxing yesterday and I don't plan on it, but the Minister said that the municipal governments will have the opportunity to review their mill rate and I am sure they will.

But when I stood up and asked whether the Government of the Territory planned on reviewing the 16 mills mill rate for education purposes, I got a lecture on how much money the Government of the Territory needs for these things, like equalization and I wondered then whether they planned to fund some of these things, from the dollars that they are getting for school tax.

Surely, when the Government expressed such grave concern for the homeowner in the Yukon Territory and the inequities of property taxation, surely, their political decision will be okay, we have increased the assessment, what are we going to do with the school mill rate then? They are expecting the municipalities to do that with their property mill rate, what are they in fact going to do with the school mill rate?

Mr. Speaker, these are all things that are very relevant to this Bill and these are all questions that come up, because this Bill is side-stepping the actual question that the Territorial Government and the municipalities, because the Territorial Government is their assessing agency, have not faced realistically.

Last year we band-aided. We knew then we were in trouble. They knew they were in trouble and nothing constructive has been done. The Honourable Minister is going to stand up and make a passionate plea and say he made a good political decision and I say he made a rotten political decision because he is not correcting the problem.

I feel very sorry for anyone who goes in and takes over a local government the next time round with the next election, because they, in fact, are going to have such a mess with this taxation and assessment, that it is going to take the whole term of office to get it corrected.

Yes, Mr. Speaker, I wouldn't touch it with a ten foot pole. It has gone that far.

Mr. Speaker, I can't support this kind of legislation. It sidesteps the question.

Thank you, Mr. Speaker.

Mr. Speaker: Is there any further debate?

The Honourable Member from Whitehorse North Centre.

Hon. Mr. McKinnon: Well, Mr. Speaker, I can only tell why I am in such a mess is because I got the portfolio responsibilities of the Department of Local Government, January 13th, 1975, the year in which there was to be a general assessment done for the City of Whitehorse and surrounding areas. My staff and the people involved in the assessment at that time were completely honest and open with me. They said, we are in a mess as far as assessment is concerned because nothing has been accomplished by the previous government and the previous administration, as far as assessment is concerned for the City. We have real problems.

I have been open, honest, candid, and honourable with all members of this Assembly since that point in time. I have come before them in every session and explained to them the mess that we were in, and the methods that we were using to correct the mess we found ourselves in in order to come up with the first proper logical, sensible, assessment that has been done and will be a base on which to build future assessments in the City of Whitehorse.

Mr. Speaker, if that is being incompetent and that is putting things in a mess instead of trying to cure a mess which was there when I arrived, then I stand guilty on all those points, but I don't think the people of the Yukon, and particularly the elected members of the City of Whitehorse consider that to be the position I find myself in. Rather it is facing a very difficult problem that was found, and trying to cure it to the best of your ability.

When I see the charges of incompetence laid along with the other charges which the Honourable Member just throws so easily around this House, they don't bother me at all, because I am used to her charges, but it does really disturb me on behalf of my officers in the department for which I hold portfolio responsibilities, because they have sweated blood with me on this one, and I think that the charges reflect, Mr. Chairman, on those people in the department who have been attempting to cure this situation and coming up with solutions to the problem, along with me and in order to get this assessment question straightened out once and for all and to get the assessment timetable in the Yukon, back on base for the first time, Mr. Speaker, and I am positive that we will be in that position by next year with the passage of this Ordinance.

Mr. Speaker, just the opposite of what the Honourable Member from Kluane says takes place when you have a proper assessment. It takes care of those inequities of taxation which we know everybody is facing in the Yukon Territory and the only way that we can build a legitimate base to cure the inequities of the taxation which is present thrust upon the people of the Yukon is to have a proper and legitimate base for the assessment and that is what we will have with the assessment which will be available for the City of Whitehorse by February 15th.

Mr. Speaker, we can go on and on in debate and political rhetoric about this subject, the facts of the matter are, that there is not an assessment for the City of Whitehorse at the present time. We can do one of two things, we can accept the old base with an up-date, and get our assessors working and all the time that they are preparing the new assessment base and bring it up to that point in time where we need amendments to the Ordinance anyway so that we have an assessment for next year or we continue with the work that we are presently just about at the point of finishing on a new assessment, get the other assessment schedules on to time, and also have a new

assessment in the City of Whitehorse for the year 1978. That is the method that we are choosing in most jurisdictions. That the ability to do that is already there in present legislation and no matter how much the Honourable Members rant and rave that that is not what different jurisdictions, that is exactly what other jurisdictions do.

It was the recommendation of our department and the legal department that we come in with this type of legislation which is available in other jurisdictions, and as I told Honourable Members, I would not have insulted the mood and the intelligence of my colleagues in the House with coming in with that type of legislation, so instead was honest and open and brought in a one time Ordinance for a one time problem.

Mr. Speaker, there is just one other point that I want to make, and it is a darn good point. That is the point of what happened with the increased assessment, with the fixed mill rate on the school mill rate and the school taxation.

I can only stand here, Mr. Speaker, and use the strongest word possible, and that is guarantee, that is, as a result of this assessment, that the homeowner taxpayer, the single residential taxpaying Whitehorse citizen is further out of pocket, further out of disposable income as a result of this assessment, as a result of the taxing that is done by the City of Whitehorse, and as a result of that tax mill which is set, that the Territorial Government doesn't do anything about it to make sure that that guy's disposable income does not diminish further, then I will stand here publically in this House and tell all Honourable Members that I have failed in a job which I was elected by the people of Whitehorse North Centre to do and that was to make sure that their disposable income was not further eroded.

Mr. Speaker, I know the problems that are facing the people in the Yukon right now and I think all Honourable Members do, and I can go no further than that than to say that we will have a proper or sensible assessment. I am positive of that, through what is happening, through the *Assessment Ordinance* and this Government has to take firm measures as priority and we are will to take those measures, Mr. Speaker, to make sure that there is not a further diminishing of the Yukon taxpayers' income at this present, very hard and trying inflationary time in Yukon.

Thank you, Mr. Speaker.

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

Hon. Mr. Lang: Yes, Mr. Speaker, in respect to this particular piece of legislation, I can understand the problems that the Minister is under at the present time and I know that he didn't want to bring in the legislation, but he had to, he had no choice.

The easiest thing in the world to do is just to duck it and decide, well, you are not going to do it this year, we will wait until the next year.

The Honourable Member from Kluane said we should wait until next year to do the assessment. Well, if we waited until next year, Mr. Speaker, it is my understanding that we would be using the market value prices of 1977. That means that the inflated prices that have come to the Yukon, or, to a certain extent inflated, would be taking into account when that assessment was done.

The way that the assessment is being done at the present time, it is my understanding that they have taken 1976 figures, which has not taken the pipeline into account. I do believe that the assessment will be fair.

At the same time, Mr. Speaker, I would just like to say on behalf of this Government, that we are concerned about the disposable income of the individual, residential homedweller. I think that was evident with the inception of the Homeowner Grant. I recall very vividly when the Member from Kluane

voted against it. She wasn't talking of the people from Porter Creek at that time. She completely forgot about them.

So, I think it is fair to say, Mr. Speaker, that on behalf of this Government we will be bringing in a package this coming budget session and that is when it should be discussed a good package, to attempt to alleviate the inflationary costs on the people of the Yukon.

I think it is going to be, I wouldn't be a bit surprised to see the Honourable Member from Kluane vote against it, because everything we do is wrong. But, at the same time, we will be bringing in a package which we hope will alleviate the situation in respect to the people of the Yukon, the homeowner of the Yukon, who has to suffer the inflationary costs of 1977.

At the same time, I should point out that if the roll was updated rather than a new roll being presented, it would cost the taxpayers of the Yukon \$50,000 just to update the roll; \$50,000 to avoid the inevitable. That's exactly the situation that would exist.

Mr. Speaker, at the same time I would like to point out that the Honourable Member talks about a public relations job. We know we don't have the money, the Honourable Member would vote against the Minister of Local Government taking \$400,000 or \$500,000 to do a full scale private firm consultant public relations job, and understandably so. I think the Yukon in respect to the people of the Yukon that we can adequately explain it to them, and I think they will see it on their tax bill this coming spring, after we have presented the tax package to the Legislature here, that we are out to alleviate the problems that face them.

Mr. Speaker: The Honourable Member from Hootalinqua?

Mr. Fleming: Yes, Mr. Speaker, I am rising not in support of the Bill, but against it on many principles. I can feel very much for the Minister of Local Government, I have some sympathy with this problems, which I guess are really large problems, and possibly going to be larger ones.

The Minister of Education has just remarked you know that they have to use 1977 figures if they wait another year. I often wonder why the government has to do, in defence of one of their programs, use that figure. Now they can use 1976 or 1970 or 1965 or whatever, because actually the government is in that position which they could do so.

Hon. Mr. McKinnon: You would have to change the *Taxation Ordinance*.

Mr. Fleming: Possibly. Good idea. However, as I say, I sympathize with the Member and his problem, but I also do not sympathize with government that can't do their job that is supposed to be done when they have a time limit to do it, because Mr. Speaker, I live under that old addage, you know: do unto others as you would have done unto you, more or less, or whatever way you want to put it.

When they have a job to assess taxes at a certain time, and that is not done, that is their problem. They never seem to have a problem if they are going to charge me taxes on the 31st of July of any year coming. There is no problem there. If the legislation is not quite right to do it, it will be done right quick, you know, there is no problem. But when they get something like this, they have a problem, and then they want sympathy, I can't go along with that.

The people in Whitehorse, I don't know, it's hard for me to speak for the people in Whitehorse, but I know a few of them. I spoke to a few of them, and they are not very well aware of what is actually going to happen to them. I find this amazing. I don't really appreciate something coming out of the blue that forces you to put your hand in your pocket and pay out possibly more money.

Now the Minister is saying that this is not going to happen. I find that on every tax bill that ever came to this House or anywhere else that I have heard of, the same defence was put up, we just have to change things but we are not going to charge any more money in the long run.

Mr. Speaker, I can't agree with that because I know that when the time is up, there will be more money put out and I think, as I suggested to one member yesterday, after we had a vote in this House, that if he had had his hand in his pocket, where it is going to be for the next few years, instead of up there, he may have saved himself a lot of money.

You know, the philosophy of bringing in legislation and asking for time to tax people, I can't go along with and I just don't intend to.

Mr. Speaker: The Honourable Member from Whitehorse Riverdale.

Mr. Lengerke: Thank you, Mr. Speaker, I appreciate all the comments and I really marvel at some of them, but, really, we have to get down to where the action has to be taken and we have to take the most practical step.

I have assessed the situation in my own mind and I just can't see us going with more band-aids and more band-aids, so I guess I have taken the position that I guess one last band-aid, or the band-aid that is least objectionable to me is the one that I am going to pick, so I feel that the route we are going is, as I said, maybe not desirable, but I think is the best one that, the best option we have got at the moment.

If we don't go ahead with the re-assessment, as has been said in this House, we just have to pick up the old roll, we have to spend \$50,000, we have to go through a lot of action, spinning our wheels, and I just don't think is necessary at this time, because it looks and it appears and we are being assured, and that is my only concern, is that that assurance we have been given, because we have been given that assurance before but we are told we are going to have a new roll by February 15th, somewhere in there.

So, that isn't too many months to go. We are going to have another Session sometime between now and then or after that, so we have got another opportunity to kick this thing around. But, I just hope the Minister, you know, does come through, that his people do come through, and I am sure they are trying.

Because, if it doesn't happen, and I suggest that we had better change some other rules. I know very well that, you know, the tax situation has been in trouble since 1973, never mind, because there has been some real crazy things going on and a lot of people have expressed concerns, better concerns than have been expressed here.

There has been inaction and then there has been action and it is a compounded situation, but we have an opportunity now, I think, to wait it out a little while longer and see if we can fulfill that reassessment, because there are a lot of inequities and there are, believe me, the Member from Hootalinqua said, you know, people don't know what is happening.

I don't quite agree. I think we have got a lot of astute business people and we have got a lot of alert citizens who know exactly what is happening and who have expressed that reassessment has to be done as well.

Don't worry, they know what the court of last resort is. If they have to go to an appeals board, they can make a pretty good case and I have seen a lot of decisions overturned there, too. On the merits of good solid argument put forward.

So, I am not too concerned that we have got to hold the hands of a lot of people that way and I just suggest, you know, as I say, I hope the Minister and I hope his people listen good and hard and in February we do see a roll delivered, on a re-assessed basis.

Mr. Speaker: The Honourable Member from Pelly River.

Mr. McCall: Thank you, Mr. Speaker.

I have listened with interest on the debate. Just a few comments I would like to make. The Minister at the end of his remarks made reference to a guarantee. He knows full well that he is not going to be able to keep that guarantee unless he ever becomes elected again. Because by the time all this mess has surfaced, it will be the unfortunate position of the new elected body that is going to have to contend with the problem.

The reason why I am objecting to Bill Number 2, Mr. Speaker, I was involved in a change of assessment in British Columbia where I owned property. I have seen problems arise. The Minister is not correct where taxation is stable or decreases. He is completely incorrect. Taxation increases when a new assessment takes place, and it has never ever decreased. I stated that yesterday, Mr. Speaker.

We heard a comment also by the Minister of Education attacking the Honourable Member from Kluane. All I have to say to his remarks about the self-confession he made about we never seem to be able to do things right, or we always seem to be doing them wrong, the day something is done right by the government, it will be an achievement in itself, and it would be able to stand on its own two feet I think. I think the Honourable Member knows what I am talking about.

I can see a lot of ramifications at this point in time in the introduction of this particular Bill. The Minister for Local Government said he has had the portfolio since 1975, and it is now 1977 and we are playing around with the assessment roll. Discussions are going on right now within the municipalities as far as increasing the mill rate, probably a good excuse to hide behind the assessment roll so you can see taxes are being prepared to be increased, so the property owner is going to get hurt. One way or another, he is going to get hurt. This only enhances that position, and I don't think the Minister realizes this. If he does, he is not going to let on, I don't think.

I will not support this Bill.

Mr. Speaker: The Honourable Member from Whitehorse West?

Hon. Mrs. Whyard: Mr. Speaker, I am not going to prolong this debate, I merely rise to thank the members from the hinterland for their sympathy for those unfortunate few of us who happen to be property owners in Whitehorse, I am one of them. I hope that we can be as generous in their situation if it ever happens to be reversed. I have no problem in supporting this Bill, I know it has to be done. There is no other way to do it, and I don't know why we are wasting time here arguing about whether or not we are going to do it.

I have only one last thought, Mr. Speaker, for all the mothers in the Yukon, and that is I think the one clear thing which has emerged from the discussion of this Bill is that there is a great dearth of qualified assessors in this country, entirely across Canada and I would hope that they would raise up their sons to go out and take training to become assessors. Thank you, Mr. Speaker.

Mr. Speaker: Division has been called.

Hon. Mr. McKinnon: Agreed.

Hon. Mrs. Whyard: Agreed.

Hon. Mr. Lang: Agreed.

Mr. McIntyre: Agreed.

Mr. Hibberd: Agreed.

Mr. Fleming: Disagree.

Ms Millard: Disagree.

Mr. McCall: Disagree.

Mrs. Watson: Disagree.

Mr. Lengerke: Agree.

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

Motion agreed to

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

The Honourable Member from Whitehorse North Centre.

Hon. Mr. McKinnon: Yes, Mr. Speaker, I move, seconded by the Honourable Member from Whitehorse West, that Bill Number 2 do now pass and that the title be as on the Order Paper.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse North Centre, seconded by the Honourable Member from Whitehorse West, that Bill Number 2 do now pass and that the title be as on the Order Paper.

Motion agreed to

Mr. Speaker: Bill Number 2 has passed this House.

The Honourable Member from Pelly River.

Mr. McCall: Thank you, Mr. Speaker. I would move Mr. Speaker do now leave the Chair and the House resolve into Committee of the Whole.

Mr. Fleming: I second that.

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

Motion agreed to

Mr. Speaker leaves Chair

COMMITTEE OF THE WHOLE

Mr. Deputy Chairman: I call this Committee to order and declare a brief recess.

Recess

Mr. Deputy Chairman: I call this Committee to order. On December 5th we reported progress on the Green Paper on Establishment of a Yukon Pipeline Impact Centre, and we will now go back into discussion on this particular Green Paper.

Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, I thank Committee for raising this question at this time. I have, of course I am sure other members have received quite a bit of input from the public as to just what in fact was going to happen to the proposal to create a pipeline information centre, or a pipeline impact centre, if you prefer.

Perhaps by the defeat of one Resolution or one approach to the problem in the House, the public did get the idea that the matter may have been dropped and of course this is not the case, as I am sure all members would agree.

I have given a great deal of consideration to this question and have done some research on it. I would like to propose at this time, a Resolution in Committee of the Whole the following, Mr. Chairman, for Committee's consideration: It has been moved by myself, seconded by the Honourable Member from Whitehorse South Centre that it is the opinion of this Committee, a pipeline information centre be located at or near Main Street in the City of Whitehorse to be staffed by at least one person provided through YTG's Pipeline Co-ordinator's office to disseminate information and receive inquiries relating to pipeline;

and that the library system provide similar pipeline information to Yukoners living outside of Whitehorse;

and that one of the first responsibilities of the elected Executive Committee members be to initiate and regulate this prog-

ram.

Mr. Chairman, I have copies of this Resolution for all members.

Mr. Chairman, in the Green Paper that we have received from the Government on the Pipeline Impact Information Centre, there were two or three proposals suggested. One of those proposals, I think in the form of a resolution from the Honourable Member from Whitehorse Rivedale, was turned down, in part, because of the cost of the study. It was pointed out that if we went along the lines, as suggested perhaps in the Lysyk Inquiry, that the cost would just be staggering and we just, of course, don't have that kind of money at this time.

It is pointed out in this Green Paper, that the Government has the great responsibility with respect to identifying impact, and indeed to respond to impact problems.

It was pointed out in the Green Paper that measurement of social economic impact is clearly a responsibility of Government, and it seems at present there is one person, Mr. Chairman, somewhere in YTG. I believe this person is related to the pipeline co-ordinator's office, and has been for the past several months, researching through archives, researching information and data related to the forthcoming pipeline project.

It seems to me that this is the person who could well staff a centre in the City of Whitehorse and disseminate news and receive news from concerned or interested groups of the public, and also to insure that, through the library system in the outlying communities, Watson Lake, Haines Junction, Carmacks or wherever interest arises in the hinterland to pipeline, to be able to use those facilities to get information back and forth from this impact centre, or this information centre, I would prefer to call it, in Whitehorse.

Now, also, it was pointed out by Foothills the other day that they would be interested in participating in an information establishment such as this, and also the City of Whitehorse have expressed a great deal of interest in perhaps getting into the information business, relating to the pipeline.

This seems to me to be an acceptable solution to the problem, and the nucleus by which all three units could perhaps come together and make this operation function.

The only other question is that I feel it is important that in operating this facility, that the elected members of the Executive Committee take this under their wing to ensure, to monitor it shall we say, to ensure that it is functioning properly, to ensure that if there is a need that we, in this Legislature or YTG themselves, could attempt to meet any needs that are unforeseen at this time. I think that is important.

The other thing is, of course, is the financial considerations. This would be, I think, producing something for the people of the Yukon as a start, which Yukoners could afford. I don't see any huge outlays of capital, because we are, at this time paying a person to do this particular chore within government. It would mean moving that person to the office on Main Street and making this information available to the public. So there is no great expense there. I am sure if Foothills come along that they would no doubt, by negotiation with YTG, find some way that they could participate, either financially or with information or whatever. I think this would be left to the elected members of the Executive Committee to determine.

Generally speaking, Mr. Chairman, I would hope that Committee would give serious consideration to the Resolution I have presented. I think it is in the best interest of the people of the Yukon who are asking for information. I would think that the Government of the Yukon would certainly agree that this has to be provided, and I think we also owe it to the public of the Yukon at this time to do it with the least financial impact upon the taxpayer of the Yukon. I think that this is the answer.

Mr. Deputy Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, I wonder if we could get a ruling. It has always been my understanding that you don't deal with the same question twice in one session. We have already dealt with a motion regarding the impact information centre and here we have another Resolution on the same topic. I wonder whether the Chairman has looked into this and whether we can have some, I am not trying to cut off debate or stop someone from bringing in a Resolution, but I think we have to be uniform in our dealings with things like this, business that is brought before the Committee.

Mr. Deputy Chairman: Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, the subject material of these two Resolutions are entirely different. The subject material of the Resolution suggested by the Honourable Member from Klwane related to a proposal as recommended in the Lysyk Report. This Resolution that I present has no bearing on this Resolution and it is completely different material.

Mr. Deputy Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, but the former resolution does not deal with the Lysyk Inquiry. The former resolution does deal with the question of an impact information centre in the Yukon and this is precisely the topic that is being addressed in the resolution that the Honourable Member has brought forward.

Mr. Deputy Chairman: Mr. Taylor.

Hon. Mr. Taylor: Mr. Chairman, just for the edification of the Honourable Member and just to clearly point out the difference, the resolution that had been discussed in Committee was to implement a Yukon impact information centre similar to that as recommended by the Lysyk Report to be funded by the Federal Government and so forth. This bears no relation too that. This is a completely separate question and an in-government proposal.

Mr. Deputy Chairman: Mrs. Watson.

Mrs. Watson: Mr. Chairman, it is most unfortunate that the Member from Watson Lake doesn't attend all of our sittings of Committee, because, if he had, if he had wanted to change the nature of that resolution at that time, he should have amended the resolution to bring forward what he wants to do in a new resolution now. Mr. Chairman, no one else is permitted to do this within this House. I wonder why the Honourable Member from Watson Lake, he feels, in fact, he can do it now. He should have been present and amended the original one.

Mr. Deputy Chairman: Mrs. Watson, you point is well taken and I will take this particular motion under advisement, along with the previous motion and I will bring back a ruling this afternoon on the particular matter you aptly pointed out.

Mrs. Watson: Thank you, Mr. Chairman.

Mr. Deputy Chairman: Committee will recess until 1:30.

Recess

Mr. Deputy Chairman: I call this Committee to order.

Prior to recess we were discussing the matter of the Green Paper on the Pipeline Impact Information Centre and there was a Resolution put forward by Mr. Taylor. Mrs. Watson brought a matter up and sought a ruling from the Chair dealing with this particular Resolution. I would like, if I may, with the Committee's concurrence provide a ruling from the Chair for all members.

This morning a question was raised as to whether a Resolution before Committee of the Whole was not substantially the same as a Resolution which had been defeated earlier in this Session. The Resolution which was defeated was proposed by the Member for Whitehorse Riverdale and read as follows:

"THAT it is the opinion of this House that immediate action be taken in connection with the Alaska Pipeline Project to implement a Yukon Impact Information Centre similar to that as recommended by the Lysyk Report to be funded by the Federal Government and such a centre be controlled by a board of directors composed of representatives of community interest groups, industry, labour and government.

Further that such a centre be initially staffed to a maximum of 3 persons with a review to be carried out with respect to the operation and effectiveness of such a centre by the Government of Yukon after 12 months operation."

This Resolution was defeated on December 5th, 1977.

The Resolution proposed this morning in Committee of the Whole by the Honourable Member for Watson Lake, Mr. Taylor is as follows:

"That it is the opinion of this Committee a pipeline information centre be located at or near Main Street in the City of Whitehorse, to be staffed by at least one person provided through YTG's Pipeline Co-ordinator's Office to disseminate information and receive inquiries relating to the pipeline;

and that the library system provide similar pipeline information to Yukoners living outside of Whitehorse; and one of the first responsibilities of the elected Executive Committee members be to initiate and regulate the program."

In dealing with the question of whether the Resolution proposed by the Honourable Member for Watson Lake is in order, I have had reference to various parliamentary guides, Erskine May, 19th Edition of Parliamentary Practice states, and I quote:

"A motion or an amendment may not be brought forward which is the same in substance as a question which has been decided in the affirmative or negative during the current session."

The rule may be further stated as follows:

No question or bill shall be offered in either House that is substantially the same as one on which its judgment has already been expressed in the current session".

This point is repeated in the Fourth Edition of Bourinot's Parliamentary Procedure.

"It is however, an ancient rule of Parliament that no question or motion can regularly be offered if it is substantially the same with one on which the judgment of the House has already been expressed during the current session".

The old rule of Parliament reads:

"That a question being once made and carried in the affirmative or negative cannot be questioned again, but will stand as a judgment of the House, unless such a rule were in existence at the time of the House might be used in the discussions of motions of the same nature and contradictory decisions will be sometimes arrived at in the course of the same session".

These references are repeated in Beauchesne's Parliamentary Rules and Forms, in paragraphs 194 and 200. It is clear from these parliamentary guides that motions may not be offered to the Assembly, which are substantially the same as motions which have already been decided in the same session.

The question that remains, therefore, is to, is as to whether the motion of the Honourable Member from Whitehorse Riverdale, which was defeated, and the motion of the Honourable Member for Watson Lake proposed this morning, are

substantially the same.

In reviewing the two motions, it is my judgment that the main point in each is the creation of a pipeline information centre. I would therefore, in my opinion, that the motions are substantially the same and I seek direction from Committee.

Mrs. Whyard.

Hon. Mrs. Whyard: I will defer to the Member from Watson.

Mr. Deputy Chairman: Mr. Taylor.

Hon. Mr. Taylor: Mr. Chairman, I certainly can't agree, but I must be bound as all Members of the House by the ruling at this time.

Now that my resolution has been out of order, and in order to accommodate these requirements—

Mr. Deputy Chairman: Mr. Taylor, I have not ruled any motions out of order. I have sought the direction of the Committee of the Whole, in order to allow each member an opportunity to discuss this matter. I have not ruled any motion out of order.

Hon. Mr. Taylor: Oh, I am sorry, I misinterpreted your ruling.

I am sorry, mr. Chairman.

Mr. Deputy Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, I think it is the wish of all members of Committee to reply in some way to a Green Paper which is before us. If Committee agrees at this point that this second Resolution proposed today is not to be considered, can you suggest how this Committee then proceeds to answer the Green Paper?

Mr. Deputy Chairman: This, Mrs. Whyard I have left at the discretion of each member of the Committee and that is why, as I said a moment ago, and I will repeat it, I did not make a firm ruling on the present Resolution that Mr. Taylor put forward this morning, in order for the opportunity for it to be considered by each member.

Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, perhaps you could give a ruling as to whether you feel in your opinion that the Resolution is out of order or is in order, and if it is out of order, I have a further Resolution which may clear up this problem.

Mr. Deputy Chairman: As I said in my remarks, Mr. Taylor, that I believe both these Resolutions are substantially the same and I am still leaving it open for the members to discuss.

Mr. Lengerke?

Mr. Lengerke: Thank you, Mr. Chairman, I would just like to make these remarks with respect to the first motion that I presented was indeed unfortunate that we didn't consider the Green Paper first. I know it is very easy to go back in time, and make all kinds of observations. I had hoped, and I should have got up at that time and certainly objected to the fact that we were dealing with the motion on the pipeline impact centre first, rather than dealing with the Green Paper, because I am sure, as a result of examining the Green Paper, that other ideas would have come forth and possibly some further consideration given to the Resolution or the motion that I put forward and some amendments brought to it.

I think you or all members will recall, and I have said it a number of times in the House, that the motion I put forward, I take exception to some remarks that it was poorly drafted. I think it was well drafted. I think maybe the concept in some member's minds was not right and that's what they used as an excuse to say it was poorly drafted. That doesn't bother me, but I think it is an important subject, and I think it is one that needs to be answered.

I think the general public have indicated by many ways that they would like some kind of a centre set up, and then also I see in the Speech from the Commissioner that one of the main statements, Mr. Chairman, was that another immediate priority is the establishment in Yukon of a Pipeline Impact Information Centre. When I see the kind of discussion that we have around this House or in this House the other day, I really begin to wonder, so I would have no objection, Mr. Chairman, if Committee wished to deal with this Resolution again so in fact that we can save something in accord or in setting up an impact centre. I would have no problem dealing with the Green Paper and then having Committee make a decision to any new Resolution. Thank you.

Mr. Deputy Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, I find it very difficult to speak, because if I speak my point of view, which I am going to do, I am going to be accused of trying to block the resolution from being dealt with by this House at this time.

But, I think that it is a little bigger than that. We are looking at some precedent setting, if the Chairman does, after the discussion in this House, let this resolution be dealt with in the House, it really is contrary to the rules. The decision was made that a resolution, once the question is dealt with in the House it should not be brought back in a different form and the Chairman has determined that the two resolutions have substantially the same question before them.

If we make the exception today and let this resolution be debated and make a decision on it, then, you know, next time round, someone else is going to come in with a resolution and we are going to be morally bound to give them the opportunity to have their resolution dealt with and what could happen, we would be going over the same question in one Session several times. It's not unrealistic to see what this could easily lead to.

So, Mr. Chairman, I know that the Green Paper was brought in by the Government as an information paper. Whether it was the type of paper that people expected, I think that a lot of people expected it to make some recommendations and they brought it just as an information paper and the only way that we could possibly get around dealing with the subject again, without, in fact, using the resolution and voting on the resolution, would be to have a debate on the Green Paper.

From the debate on the Green Paper, then the Government could come forward with a White Paper and make some very specific recommendations for an information impact centre, or a gauge and what they in fact feel would have the support of this House.

If they came back with a paper such as this, I think there would be no problem then, for this House to vote on the acceptance of the paper. That would be the only way that I can see where the problem could be addressed again in this Session.

But, I would like, I would not like to see us not rule the motion out of order, not to block it, but the simple fact that it is precedent setting, if we do it this time.

Mr. Deputy Chairman: Just hold on for a second, Mr. Hibberd.

As Committee is aware, the Green Paper that was presented to Committee, I should say, to the House, which was moved subsequently into Committee by Mr. Lengerke's motion, was in the House at the time that the motion was defeated.

I asked the concurrence of the House, I believe, at that time, to report progress on the Green Paper in case there was further discussion to take place.

But, one must consider that a motion has already been defeated, dealing with the subject matter at hand and you must consider this.

Mr. Hibberd.

Mr. Hibberd: I don't have Mr. Lengerke's Motion before me, but if my memory serves me correctly, his Motion was to the effect that he was designing a centre that was not only going to disseminate information but it was going to gather information, collate it, as a major function of the centre and also to receive input from areas of the community. In other words, it was performing a much larger and different function than what is suggested by the Motion of Mr. Taylor's.

Mr. Taylor is merely suggesting in his Motion that there is an outlet of information, pipeline information to be available to the people of the Yukon as a civil dissemination centre, whereas, in contrast to that, the centre suggested in Mr. Lengerke's Motion, did a good deal more than that. It was to put the information together; it was to make use of that information in various ways. It was a data centre and it was also to receive input from other sources.

I would suggest, from that, Mr. Chairman, that, in substance, they are quite different motions.

Mr. Deputy Chairman: Any further discussion? Mr. McIntyre?

Mr. McIntyre: Yes, Mr. Chairman, it is my opinion that the two Motions in analysis bear little relation to each other. I think the only similarity between the two is that they both refer to a centre, but Mr. Taylor's Motion should more properly describe what he is suggesting is an office. As the Member from Whitehorse South Centre has indicated, Mr. Lengerke's Motion dealt with a much grander thing to be called a centre where there would be a great deal of information gathered and produced by that centre. There would be research people and the amount of money involved would be quite expensive, whereas in the Motion before you by Mr. Taylor, he is merely suggesting an adjunct to the Pipeline Co-ordinator's Office which would be available to the public for information that had already been gathered by some other source.

So, as far as I am concerned, the two motions bear no resemblance to each other whatsoever.

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

Mr. Fleming: Yes, Mr. Chairman, I am not legal beagle enough to understand all of the things as to whether this is actually a legal motion at this time, however, I feel it does in some way relate to the other Motion by Mr. Lengerke. However, I have a feeling we are, as many times before, going around it the wrong way, because I think we should have been discussing, as members have said, the information we have from the Government in the Green Paper and after discussing that and deciding we didn't want it or didn't want any part of it or wanted some section of it or whatever, then the motion should have come forward. I think we are just jumping the gun a little all the time as some members are with their motions.

I have no problem with this motion of Mr. Taylor's entirely, I would be opposing some of it possibly, but I think there possibly is another solution whereas the member actually could withdraw the Motion and bring forth another motion and the Green Paper still would remain here and we would be discussing it. This opportunity is actually there, if you read 200 in Beauchesne, it is there, the opportunity for the member to withdraw that Motion and, as I say, the Minister of Human Resources said what would we do with the Green Paper. Well the Green Paper would still be here, we could still discuss the Green Paper, and if we can find a motion that would properly fit in, they could still come forward with it.

Mr. Deputy Chairman: Ms Millard?

Ms Millard: Mr. Chairman, my vote goes for they are

different. I really find it curious that once a member asks for a ruling from the Chair that the Chair has come back and asked us for the ruling. I find that very strange, I don't know whether that is common practice or not but I really think that we are wasting an awful lot of time. Let's get on with this Motion and hopefully defeat it.

Mr. Deputy Chairman: We will try to run the Committee along democratic lines, Ms Millard. I did not make a ruling and I did not come back to the Committee for a ruling. I asked the Committee for their wishes and to discuss the matter. Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, I would like to see the proposals in this Green Paper debated in Committee.

I think there will be full opportunity for the Government then to have on record all the opinions of all the Members of this Committee and their various preferences in the way in which we should go.

If Committee does not debate the proposals in this Green Paper, then you are leaving it completely up to the Executive Committee to decide which way to go.

I would prefer to have the wishes of the House.

Mr. Deputy Chairman: Thank you.

Mr. Hibberd.

Mr. Hibberd: Just one more point, Mr. Chairman. In actuality, in going about it this way, we did deal with the Green Paper. The Green Paper gave us several alternatives.

The Motion proposed by Mr. Lengerke was following one of those alternatives. This Committee, in their wisdom, decided to turn it down and it is now suggesting that it take another route that is also suggested by the Green Paper.

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

Mrs. Watson.

Mrs. Watson: Mr. Chairman, the Honourable Member, Dr. Hibberd just defeated his own first argument, that the Green Paper was debated and the question of the Green Paper was addressed to the motion which was voted on the other day. So, I think that is certainly quite conclusive.

Mr. Deputy Chairman: Mr. Taylor.

Hon. Mr. Taylor: Mr. Chairman, I feel that much time is being lost here. I think that, first of all, that the laws of parliament were never intended to be construed as to prohibit a decision by any parliament on any matter.

I think it has been pointed out by many Members the differences between these two resolutions. As I say, perhaps I have used the word "centre" when I should have said "office". In fact, the resolution that I present rejects any of the proposals in the Green Paper, but the Green Paper is a matter that has been placed before us for resolution, seeking advice by this Government.

We know for a fact the people of the Yukon are crying for information. I am not asking for an impact centre. I don't agree with an impact centre. As I said this morning, that is a matter that Government has to deal with.

If we have every independent body in the Territory all doing the same work, we are going around in ever diminishing circles. Government are the ones to assess impact and to react to impact. That is the duty of Government.

All I am asking for is an office downtown. This is what the people ask for, where they can get information, where they can express concerns and find out what the devil is going on.

So, you know, unless a decision can be made, as I said before, Mr. Chairman, rather than going around in circles, I would very strongly recommend that a decision be taken on the resolution and, if it is not acceptable, I have another resolution to propose, which may clear this thing up.

Mr. Deputy Chairman: Mr. Taylor, you are putting the Chair in an untenable position. I am not prepared to make a ruling on the resolution put forward, because in one effect it would set a precedent which could perhaps interrupt the procedures that we have in place now.

I have come back to the Committee and I am seeking their advice on this particular matter, without being forced into making a ruling that would set a precedent.

If it is the Committee's wishes that we set aside this resolution or ask you to withdraw it or want to carry on with that, that is fine, but I am seeking that advice and you have to give the Chair that opportunity.

What are the wishes of Committee?

Is it the wish of Committee that we carry on with this resolution?

Some Members: Agreed.

Mr. Deputy Chairman: Mrs. Watson.

Mrs. Watson: No, I can't agree with that because we would be setting a precedent, Mr. Chairman, and the next time a question is resolved in this House, and I want to get another try at it, I am going to have another try at it.

Mr. Deputy Chairman: That is right.

Mrs. Watson: And we are going to be doing this time and time again. We are setting precedents and where there is a go around, the Honourable Minister of Human Resources suggested a method that we could debate the Green Paper and while we are debating the Green Paper, we could in fact be debating the Resolution that the Honourable Member has before us without in fact debating the Resolution and voting on it. From the debates, the government should get some idea of the feeling of this House regarding that Green Paper and it would then give them an opportunity to develop their position to present to the House in a White Paper. I would suggest that we go this route Mr. Chairman.

Mr. Deputy Chairman: Mr. McKinnon?

Hon. Mr. McKinnon: Mr. Chairman, I am to understand that if the Resolution were withdrawn, we could discuss the Green Paper that is presently in Committee, the Honourable Member from Watson Lake or any other member could make any suggestion that he wanted to government and then we would come back with a White Paper, either incorporating or not, those suggestions. I have no problem with that approach.

Mr. Deputy Chairman: That's a logical course of action.

Hon. Mr. McKinnon: There is one, of course, method of getting around this problem that no one has suggested, yet which would be the easiest way, we could prorogue the House, Mr. Chairman, we could all go home and have a nice Christmas and come back after New Years.

Mr. Deputy Chairman: It has been suggested by Mr. McKinnon, a route we should take. I am waiting for advice from Mr. Taylor on his Resolution.

Hon. Mr. Taylor: Mr. Chairman, it is difficult for me because I have never seen a situation where there was no ruling. As I say, if it is the wish of Committee, I will withdraw this Resolution with the concurrence of my seconder in Committee, but I will then propose another Resolution which will solve this problem. My purpose is that we need an information service to the public of the Yukon Territory yesterday. Waiting for green papers, pink papers, White Papers, or that other kind of paper that comes in rolls does not solve this problem for the people of the Yukon Territory who we are here to serve, Mr. Chairman.

All I am looking for is a decision as well. If it is the wish that I withdraw this motion, Mr. Chairman, I will do so, but if it is the wish of Committee, as many said, to proceed with it, then we

will proceed with it, that's all.

Mr. Deputy Chairman: Mr. Taylor is prepared to withdraw his motion. Mr. Hibberd, are you in concurrence with that?

Mr. Deputy Chairman: Does Committee agree?

Some Members: Agreed.

Mr. Deputy Chairman: The motion is withdrawn. We will now discuss the Green Paper. Yes, Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, now that I have withdrawn my Motion, I wish to propose another Resolution which I believe is my right, which should clear up this situation.

Mr. Deputy Chairman: By all means. Mrs. Whyard? Oh, I am sorry, are you going to give us a motion.

Hon. Mr. Taylor: Well, I wish to propose another Resolution in order that we may...

Mr. Deputy Chairman: Could I see it, Mr. Taylor?

Hon. Mr. Taylor: My motion would be that Committee rejects at this time the proposals contained in the Green Paper on Yukon Pipeline Impact Centre, but recommends that an Information Office is provided under the administration of the Pipeline Co-ordinator.

That is clearly in order, Mr. Chairman.

Mr. Deputy Chairman: Let me decide that, Mr. Taylor.

Hon. Mrs. Whyard: Mr. Chairman, I had hoped that the Honourable Member would allow a moment before introducing the new one, for me to point out that we should discuss the paper before we introduce any new motions.

However, I have missed the boat, Mr. Chairman.

Mr. Deputy Chairman: I will read out the Resolution.

It has been moved by Mr. Taylor, seconded by Mr. Hibberd, that the Committee rejects at this time the proposals contained in the Green Paper on the Yukon Pipeline Impact Centre, but recommends that an Information Office be provided under the administration of the Pipeline Co-ordinator.

Your motion is in order, Mr. Taylor.

Hon. Mr. Taylor: Mr. Chairman, I think that two things can be noted out of this Resolution.

One is that we reject at this time, and the reason I say that in the Resolution is that the proposals contained in the Green Paper all require some, at least some significant expenditure of funds, of public funds, in order to implement Plan A, or I should say Appendix A, Appendix B, or Appendix C.

You will note figures of \$192,000, et cetera, et cetera, et cetera.

The proposal does not restrict us to creating an impact centre at any time. That is why that wording was used and all the proposal does is offer as a stop-gap measure between now and the time that any future activity is taken in respect of impact centres, just simply put out not an impact centre, an information office on Main Street, in Whitehorse, where people can come and go and get their information, express their concerns, and have this under the YTG Pipeline Co-ordinator. As I say, there is already someone in the employ of Government doing this work and then take it from there and if it is desired to expand it, expand it, but let us get the information to the people.

I think this is really what all members want. It is certainly what the public wants.

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

Mrs. Watson

Mrs. Watson: Mr. Chairman, I am rather disappointed in this resolution, because it is absolutely a nothing thing because it gives absolutely no guidance, because if you do start

giving guidance then you are in conflict with the other resolution again.

It recommends that an information office be provided under the administration of a pipeline co-ordinator, which is, you know, it doesn't give any arguments, no opinions at all, to the Government.

Regardless of what they did, somebody would, somebody or everybody would be complaining about the information centre that is now being established under the administration of a pipeline co-ordinator and I think that is most unfair to the Government people.

I would like to see this resolution defeated and proceed and debate the Green Paper.

Mr. Deputy Chairman: Mr. Taylor.

Hon. Mr. Taylor: Mr. Chairman, let us get down to the nitty-gritty of this thing.

It has taken us a great deal of time, at a great deal of expense to the public of the Yukon Territory, just to get this Resolution before the House, because all we are getting over here is flack, flack and more flack.

I don't understand why and perhaps I never will understand why. But every time that this government, or myself, or some of the other members produce something which is of benefit to the people of the Yukon, something the Yukon people need or expressly desire, it seems we get wound up in procedural debates, we get flack, everybody,—

I don't know. I can't explain it. I say to you, Mr. Chairman, this is important to the public of the Yukon. It is the public of the Yukon we serve. I personally, as the elected representative of the people of Watson Lake, have every confidence in the ability of these three elected members who sit in this House and work on our behalf on a day to day basis who have had the guts to accept the challenges that have been thrown to them by this Assembly to do the work of this Assembly. They haven't reneged or backed off at any time that I have known. I support them, and if they do wrong, I will not support them. So far, they haven't shown me any wrong doing and they have done a very, very good job.

I say again, as the elected representative of the people of Watson Lake, I support them wholeheartedly, and they are working in the interests of the people of the Yukon. I don't support the Green Paper. I don't support the Green Paper, Mr. Chairman, because it is just too expensive at this time. I think if we start with an office and get information to the people and get information from the people, at least we have got a fighting chance. We are not going to solve this one by Thursday. As every member knows, we had hoped to be able to recess this Thursday, and I am not prepared to walk out of here without at least making a good fight for the people of the Yukon to have at least something on the books.

What I am saying is let these elected members make those decisions as to how they are setting it up. We are going to be back here in a month or two months or whenever it is, we might be back tomorrow, who knows. The question is, let's get something started. Let's get some action instead of fiddly-faddling around here over what is law and what is precedent and what isn't. Let's do something positive, and that's what this Resolution asks Mr. Chairman.

Mr. Deputy Chairman: Mr. Fleming?

Mr. Fleming: Yes, Mr. Chairman, that's very interesting. The Member from Watson Lake is actually defeating his own purpose in so many cases where he is speaking of how good the government is and everything of doing things. They have brought something for us and want some advice as to how to do that. Now I have got to go along with that in the Green Paper, not as the Paper itself possibly, but giving that advice as to how I think this should be done, very much so.

It is very strange, the first proposal of the Member was, in my opinion, was much better than the one we have now, although because of the problems he has just said, we are having another problem. We can't even go along with it if we want to. Now we have something in front of us that really, you know, when we reject the Green Paper, I think we have rejected what the government actually wish to do and what the members on the Executive Committee wish to do. I feel we are doing this, if we reject that Paper at this time.

I just can't really go along with the motion as it is here, because I had and wished and wanted to discuss that Green Paper, come up with an idea not to spend a pile of money, but to have something similar to what they had proposed. Give them some advice and hopefully most of the members in this House would probably give them some good advice. Mine might not be worth listening to, but I am sure somebody else's would have. We aren't even going to have that opportunity. You now are going to reject the Paper, this is all there is, and this really doesn't tell me how much money is going to be spent or whether there is going to be a million or half a million or just what goes on. All it says is that you reject the proposals there, you have come up with an impact centre, no impact centre really, but recommends an information office which, in my opinion, again, goes right back to the first two motions we had, so I would think it is probably out of order too, even though it has been ruled okay, under the administration of the Pipeline Co-ordinator, which I am not quite prepared to go along with either.

I sympathize with the Member very much so, but I just can't go along with the motion.

Mr. Deputy Chairman: Ms Millard.

Ms Millard: Yes, Mr. Chairman, I quite agree with the Member to my right.

The sentence itself doesn't make sense. How can you, on one hand, reject something that is totally different from what you are offering.

An impact centre is: an impact centre consists of gathering data, analyzing data, making recommendations and another dozen purposes other than simply informing people on what they intend to—, on informing people on what? I would really like to know from the Member from Watson Lake, what kind of information is going to be given out of an information office, when that office or centre doesn't even gather any information in the first place.

Are we going to have a nice little tourism bureau? We have already got one. Why not have the Department of Tourism look after this, if all we are going to do is sit there and hand out maps of the Yukon and say that's where the pipeline is?

What are we going to do with this information centre? It's a ludicrous motion.

Mr. Deputy Chairman: Mr. Taylor.

Hon. Mr. Taylor: Mr. Chairman, I have never heard such stupidity in all my life as what I have just heard right now. That just has to be incredible.

I am not offering bus tours, just to assure the Honourable Member that I am not suggesting this at all. Look at your Green Paper, Mr. Chairman. Plan A, \$132,700 of Yukon taxpayers' money. Plan B, \$192,000 of Yukon taxpayers' money. Plan C, \$172,000 of Yukon taxpayers' money. Money that we just flat-out don't have at this time.

I would suggest that if you were to go to this Government, in the Spring, and say how much money do we have to dig up this year? How much do we have to go to the people of the Yukon for tax revenue? You are going to find that it is going to be a pretty substantial amount of money and these people are going to be charged with the responsibility of finding that

money, either out of our pockets and the pockets of the taxpayer of the Yukon, or affect every economy they can to prevent some of this over-expenditure in Government.

The proposal that I lay before you is sound. It is dealing with a man year which is already contained in the budget.

Foothills have said, if you people get something going we will be in there somewhere. I don't know whether they, I can't honestly say whether they are talking about financially or physically, but they said they would be there.

Okay, great, the City of Whitehorse, who are as deeply concerned as the other people in the Yukon Territory, have said, we will participate and I know and I have talked to some of the people from the City Council and they are really concerned, as is the man in the street and the man in the street is the man we have got to give this assistance to. He doesn't necessarily want an impact centre, but he wants information. He wants to be able to go and if he has got a concern, he wants to go somewhere and talk to somebody and make his concern known to somebody that will listen and pass it along, Mr. Chairman.

That is what I am talking about in this Resolution. He doesn't want this hung out for days and months and find out that maybe next April he can get some information related to a pipeline.

In my personal circumstance I get inquiries every day, or at least every second day, I will have at least one inquiry related to the pipeline so I phone up the Pipeline Co-ordinator. Now right now this morning I can't get hold of the Pipeline Co-ordinator, because he is out in Ottawa doing the service of this government and this Legislature.

So I can phone Foothills. This morning I am on the phone to Foothills to ask a question. I get it answered. If we had an office downtown, all this could be done through one coordinating person, and I am informed that within this government, there is somebody that has worked month after month after month compiling this information through the Archives department who is extremely capable, I am told, fully knowledgeable, and just do a lovely job by making this person available to the public through an office in Main Street. I am not looking for an impact centre, I want an information office at this time. This House is going to sit for perhaps another two or three months. If it is necessary, then change the thing, improve upon it, do anything with it, but let's start somewhere. Let's start with something we can afford and something the people want. That's what I am saying, Mr. Chairman, I am not running tour buses.

Mr. Deputy Chairman: Mr. Lengerke?

Mr. Lengerke: I concede to Mr. McIntyre, at this moment.

Mr. Deputy Chairman: Ms Millard?

Ms Millard: I am really happy to see the Member from Watson Lake confirm my suspicion that he wants a nice little tourism bureau, because he has obviously said he does not want an impact centre, he doesn't want anything more than what information he himself can give if somebody phones up. So it is very clear to me that the Resolution he is setting forward now is not an impact centre. So it has nothing to do with this Green Paper at all, because this Green Paper states: "A Green Paper on the Establishment of a Yukon Pipeline Impact Information Centre". I would suggest, Mr. Chairman, that this motion is out of order if we are not talking about an impact centre. If we are talking about a straight information centre, which can be established in anybody's back yard, then it is quite different from what the implications are in this Green Paper.

It confirms to me what I was saying the other day, is that nobody here is understanding what the public is asking for. They are not asking for nice little information about the pipeline, they already know that, all they have to do is read the

paper. They can find out an awful lot from simply reading the paper. What they are asking for is data concerned with inflation, data concerning rent controls, possibilities of recommendations to the government, things that are very serious and very important and we are not taking them seriously today by talking about a nice little tourism bureau.

I am insulted by anything that suggests we should be putting in a nice little office with a nice little girl in it with pamphlets, when what we need is some research now. We need to research now what is happening in the Yukon, not fool around with funny little tourism bureaus.

Mr. Deputy Chairman: Mr. McIntyre.

Mr. McIntyre: Mr. Chairman, I should point out that this particular resolution rejects, at this time, it doesn't reject it forever. It still leaves it open for consideration at our next Session.

Secondly, I would like to point out that in the Green Paper, not in the proposals contained in the Green Paper, but in the factual information that comes in the preamble, it says, "We have a pipeline co-ordinator's office, which has, for approximately one year, been compiling data and pipeline impact, pipeline impact information. We have a qualified staff person in Archives, working under the pipeline co-ordinator, who is collecting, co-ordinating and cataloguing pipeline information and data.

"We have Mr. A. Wright, presently representing YTG at any pipeline meetings here and in Ottawa and providing data from these sources. We have a network of community libraries competent to establish rural community data centres, for dissemination of pipeline information, if needed.

"The YTG Information Branch is available to mount information campaigns to assist in the distribution of information."

Now, that is an awful lot of impact gathering ability right there and the ability to disseminate it and all we are proposing is that all this information that has been collected for a year be released to the public through an office and I don't see anything wrong with that Resolution.

Mr. Deputy Chairman: Mrs. Whyard.

Hon. Mrs. Whyard: Mr. Chairman, I was going to rise to point out that the information that has been gathered is available now, to anyone who wishes to ask for it, in this building.

I cannot accept a motion at this time, before full discussion of a green paper, which rejects the green paper. I had asked the Honourable Member if he could withhold this motion until we had full debate on all the proposals here and then address himself to the information in the green paper or his rejection of it or his proposals for it.

I still think that is the best way to go. I think we have got the cart before the horse here, again. Mr. Chairman, I would ask the Honourable Member if he would agree to withhold vote on this motion until this Paper has been discussed. I said this a week ago on another motion and pointed out that there was additional material coming before Committee and it has come and we have heard new information and there is still more to come, as far as that goes. There is still two more very important papers coming before you which will tell you additionally what is being done by this Government in the collection of data for impact assessment.

I still feel it is premature, at this moment, in this Committee, to vote for or against such a motion as the Honourable Member has presented. I would ask all Members to please give consideration to all the factors which are going to enter into this decision, prior to addressing instructions to your Executive Committee.

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

Mrs. Watson?

Mrs. Watson: Mr. Chairman, not very often do I change my mind after listening to debates, but on listening to the debates today and to reviewing the suggestions that were made by the Honourable Member from Watson Lake and by the Honourable Member from Mayo and the analysis that they have put into the Resolution, I am inclined to think that they don't have such a bad Resolution after all. Actually, what they are saying is that at this time, I don't think the word "reject" is good, at this time we not discuss the Green Paper. As the Minister of Resources said that there is more information coming but that an information office be provided under the administration of the Pipeline Co-ordinator in the offices there now.

One of the big things that I think we are sort of going ahead before a great deal of information is available. I don't think that until the legislation is introduced into the House of Commons that the specific information that so many of us are seeking will be available. Until that is tabled in the House of Commons and until we get some more specific direction in the type of regulatory agency that we are going to have, that really much of the decision can be made on an impact information centre.

The more I read over this Resolution of the Honourable Member's from Watson Lake, I don't like the word "reject", because it means that you don't want to ever discuss it again. I don't think that is exactly the intent. At this time, you are rejecting it at this time, but the word "reject" seems very conclusive. But just at this time the proposals and he recommends that until further discussion can be held, that this officer within the administration of the Pipeline Co-ordinator, the information that they have been made available to the public. It might be the route we should go until we have the other information that is required and until we have this specific information and we know the direction of the pipeline itself.

So, Mr. Chairman, I don't very often change my mind, but the two Honourable Members made some very good arguments and I am inclined to support the Resolution.

Mr. Deputy Chairman: Mr. Fleming?

Mr. Fleming: Mr. Chairman, I don't very often change mine either, however, my problem is a little bit different that I overcame and saw some merit in the Resolution, and I think, I don't know, but I feel that maybe the Honourable Member almost got us where he wanted us when he wrote out this Motion, because we are continually bringing in amendments and resolutions and motions until we are out of order so many times that pretty soon we can't continue on with the work of the House. If you read this motion, if we don't go along with it, I am sure that we can't make any more motions as far as information offices or information centres or impact centres of any kind. I am sure we are absolutely beat there, and of course if this Motion is defeated, and it does say it rejects the Green Paper, and even though it is defeated, possibly we could discuss the Green Paper, but I am not so sure that it doesn't defeat that too and we would have no course of action to take at all. We are absolutely beat.

That is my concern. If the Honourable Member has done this knowingly or maybe just by accident, it is all well and good, I give him credit.

I guess I'm going to, possibly change my mind, too, because I don't want to lose, entirely, the concept of having some type of information centre for the people of the Yukon Territory. I don't want to cost them a whole lot of money and, hopefully, this won't, and hopefully the Executive Committee, the Government can control it and keep it under their thumb and not let it get out of hand and that is all I can say at this time.

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

Mr. Lengerke.

Mr. Lengerke: Thank you, Mr. Chairman, I am not going to change my mind on it. I think it is a cop-out. I certainly won't support this Motion at all.

I didn't mind the idea of going back and discussing the Green Paper and seeing what comes out of that, maybe the Government could come up with something.

I think we are really taking a horse and buggy approach when you have got a project, a pipeline project in the multi-millions and you have got to start making some decisions that are in the 20th Century and believe you me, if people in Alberta make decisions like we do here and are afraid to spend a dollar once in awhile, they wouldn't be where they are either.

I am really disgusted by what I hear, because, you know, I am just frightful of the day that some place along the line, somebody is going to have to make a decision as to the prices and the rents and if I was assured, if I knew that you individual Members would take a stand, if I came in with a resolution and said today is the day that the prices are too high in this country, I would like to see it.

All we are really trying to do is provide some independent baseline data that is required. I don't think you have got an idea of what an impact information centre is to do and if you want an information centre, then fine, go ahead and get an information centre and put it under the pipeline co-ordinator. You don't have to do anything, you have got it now.

The people of Yukon will still wonder exactly what the heck is going on. You are going to have discussions by interest groups everyday of the week, saying, oh, gee, we can't get information out of the Government, we don't know what trends are happening today, costs, rents, my gosh.

As I said, I am really sorry to have to get up and say that I just totally disagree and I am not going to vote for this Motion at all.

Mr. Deputy Chairman: Ms Millard.

Ms Millard: Well, Mr. Chairman, the Member from Whitehorse Riverdale certainly said it eloquently.

I feel that with this motion what we are doing is avoiding the issue. We are rejecting an idea of an impact centre without even discussing the idea of an impact centre. We are discussing an information centre, which is quite a different thing altogether and does not fulfill the needs that we feel now, that many people feel now are needed in the Yukon.

Some time ago I asked the Commissioner, how was our taxation money going to be spent, whether, was it going to be in the regular budget or was it going to be defined as pipeline impact and because it makes quite a difference on who is going to pay for what and whether or not we get a heritage fund and everything else. He said that the Executive Committee is going to decide what is an impact.

Now, what are they going to do? Are they going to stand out on Main Street with a little book and count how many new faces they see? What are we going to do to find out about in-migration or inflation or even wages? What is a proper wage for somebody on the pipeline? What about our labour standards?

You know, how can we do this with a nice little information centre. I think the Government has brought forward a crazy paper, but I think we should discuss it.

We are not even discussing it with this Motion, if this passes.

Mr. Deputy Chairman: Mr. Lang?

Hon. Mr. Lang: Mr. Chairman, it is interesting to hear various members. I almost get the impression that the Honourable Member from Ogilvie wants to start another government, which I find rather alarming. Therefore she more or

less has divested the responsibility that she has been authorized through the electorate. At the same time, Mr. Chairman, the idea that I am getting from various members is that what they would like to see is more accessibility to information, a place to go to get information that is already compiled. I think there is something very basic here, Mr. Chairman, and the fact is that everybody has looked at this \$200 million that is supposed to be available. Well to our knowledge, as of today anyway, we don't know what the terms and conditions of that \$200 million is going to be, what the interest rate is going to be.

We don't know exactly what the legislation is going to read that is going to be presented to the House of Commons so I think it is a case that we have to wait just to see exactly what is going to transpire with Ottawa in respect to the regulatory body and the authority that it is going to have.

At the same time, Mr. Chairman, I think it is fair to say that we do have a lot of data compiled, but it is in various departments and this kind of thing which sometimes makes it difficult for the public to get access to because they don't know where to go. I think that if it is co-ordinated through one body, one individual and an information collecting area in respect to totally pipeline, that accessibility will be there. If they don't have any information, they will be able to direct the individual requesting information to the particular department if they want to go further into depth on a particular subject.

Mr. Chairman, I may be wrong, but the feeling I am getting is that they want a preliminary concept of more public accessibility to the people that we have at the present and at a later time review it. I couldn't agree more. I want to find out just exactly what the financial situation is going to be in respect to this, which we don't know at the present time. We know, we had various members inquiring prior to the Session starting about a pipeline information centre, we had it compiled looking at the Alaskan base, and I think that the people within the administration attempted to do a fair job in respect to it, but at the same time, it is our job to ensure that the public monies are spent in a wise manner. So, I have to agree with the Honourable Member from Mayo. I think that, at least at the present time, we could go with what we have and at a later date assess it.

Mr. Deputy Chairman: Mr. Lengerke?

Mr. Lengerke: Mr. Chairman, I just would like to ask somebody on the Executive Committee a question. I would like to know what they meant when they said in the speech from the Commissioner, another immediate priority is the establishment in Yukon of the pipeline impact information centre. What was the concept that day? That day, not today, that day.

Mr. Deputy Chairman: Mr. Lang?

Hon. Mr. Lang: The concept was to look at three or four options, bring them before the House and have a general debate in respect to what people wanted. We were getting fifteen or twenty different stories from various avenues, we felt that we had a responsibility to bring a paper in here, which we did, and subsequently are debating it. We do feel it is important that the public have better access to the information that we have compiled at this time.

At the same time, in respect to costs in this, it was agreed with the three elected Members that we were very concerned about the costs and this is why we brought it to the House, to get some direction.

Mr. Deputy Chairman: Mr. Lengerke.

Hon. Mr. Lang: And as outlined in the Paper, it points out what we have within the Government at the present time.

Mr. Deputy Chairman: Mr. Lengerke.

Mr. Lengerke: Mr. Chairman, further to that is why did it

take three weeks, almost four weeks to deliver us a Green Paper? Why wasn't the Government ready on that day, the next day, to deliver the information that they had, if they had thought about it? What was the delay? Why did we have the delay?

Hon. Mr. Lang: Mr. Chairman, I think it is a case of a point in respect to getting all the necessary information compiled and trying to get the three or four options together, which we did.

Mr. Lengerke: How did you establish that as a priority then to have a pipeline impact information centre?

Hon. Mr. Lang: I don't want to carry this on.

Mr. Deputy Chairman: Mr. McIntyre.

Mr. McIntyre: Mr. Chairman, I have a suggestion that, if it meets the approval of the House, might make the Resolution a little more palatable.

I am not making a motion at this time for amending it, but I just suggest that if we change the wording to "that the Committee defer consideration at this time of the proposals", rather than "reject". It will put the whole thing in a different prospective and enable us to pass the motion and still leave the whole thing open for further discussion.

Mr. Deputy Chairman: Mr. Taylor.

Hon. Mr. Taylor: Mr. Chairman, I would agree with that.

It was my intention that the Green Paper would not be, that the Green Paper would remain in Committee, as I stated earlier, for further consideration as new information becomes available. So, I would agree.

Mr. Deputy Chairman: Are you suggesting you made a typographical error, Mr. Taylor?

Hon. Mr. Taylor: I leave it to Committee, Mr. Chairman.

Mr. Deputy Chairman: Yes, Ms Millard.

Ms Millard: Mr. Chairman, it is not very often that someone in this Session has come out in support of what the Government is trying to do, but I would like to do that right now.

They came to us with this Paper and they wanted some information to act upon. If we defer the paper, what are we accomplishing? All we are doing is avoiding the issue that people of the Yukon want us to discuss and come to some conclusion on.

Today, yesterday, the day before, not in January or next Session. They want to know right now whether or not they are going to have the information that they need as businesses, as professional people to act within the pipeline prospective.

Deferring the Paper is just, again, ludicrous.

Mr. Deputy Chairman: Mr. Fleming.

Mr. Fleming: Yes, Mr. Chairman, I have to rise in rebuttal on that.

There has been an opportunity to study the Green Paper. The only thing I am sorry that it wasn't in the House in the proper form and that had to study the Paper and then come forward with the motions. I am sorry that happened.

However, for a Member to say that, you know, we haven't studied the Green Paper and so forth and so on, that is a little bit, in my opinion, out of order.

I have studied the Green Paper, and, as far as I am concerned, I don't care for the proposals in it and I don't mind saying that in the House today.

Let us hope they will give us something else. We have the motion before us now and I am prepared to go along with that one.

Mr. Deputy Chairman: Mr. McIntyre?

Mr. McIntyre: Mr. Chairman, contrary to what the

Member from Ogilvie has said, the government doesn't seem to be anxious to proceed on the basis of the Green Paper because they said they have additional information that they want us to consider before we act. All that this Motion would do, if it is amended as I suggested, is defer this at this time. That means today.

Mr. Deputy Chairman: Ms Millard?

Ms Millard: Mr. Chairman, I really have to agree with the Member from Whitehorse West that we have gone about this in the wrong direction. This motion should have come after discussion of the Paper, we haven't discussed the Paper as far as I am concerned.

What I would like to see, if we are fooling around with this Motion, is that everything is deleted up to, "but recommends," and that the Motion just reads "that an information office be provided under the administration of the Pipeline Co-ordinator", because in my mind, an information centre is quite different from what an impact data-gathering centre is, and I could agree with an information centre being set up, easily. But if that is all there is going to be, I would be very upset and I think a lot of people in the Yukon would be very upset. Sure we need an information center, but to me that is a minor detail of the seemingly big problem.

I thought an impact centre was something that everybody understood and was willing to support. Obviously not, for various reasons, and I think mostly the reason is we don't know what it is. We really haven't done our homework on what research needs to be done, what we can use the research for in the government. I am not against an information centre, information office that is even better put, because it would be only an office with a nice little girl sitting in it with all her information and she would be friendly to all these in-migrant people and then we can get down to the basis of what is in the Green Paper, which is what I would like to discuss, not this business of information office.

Mr. Deputy Chairman: Mr. McKinnon?

Hon. Mr. McKinnon: Mr. Chairman, everybody is willing to support an impact centre and felt it is the time to come down for which jurisdiction is going to have to pay for it. The municipal council of the City of Whitehorse, in their All Candidates Debate, came on for an impact centre like motherhood as long as the City of Whitehorse and the taxpayers in the City of Whitehorse didn't have to pay for it.

I was all in favour of the biggest impact centre you could put in the Yukon Territory, as long as the Yukon taxpayer didn't have to pay for it, and as long as it wasn't coming out of a charge of that fund that can be set up if we absolutely need it, of \$200 million by the Applicant to mitigate socio-economic things that could happen as a result of the pipeline.

We were told by the Minister no, you guys want it, the pressure is all coming from the YTG, you guys pay for it. That was the only clear unequivocal statement that has been made on the pipeline since day one in the Yukon. If the Yukon Territorial Government wants an impact centre and wants it under their control, you pay for it. All right, we said we wanted an impact centre and then we were told that that was the way that we had to pay for it. We tried to cut our cloth accordingly and come up with the suggestions of the different types of pipeline impact centre and there had already been suggestions by private groups and individuals.

Well, Mr. Chairman, it appears that none, from the reading I get of those suggestions, even though they were scaled down considerably from the private organization was acceptable to the members of this House, unless my reading and the mood of consensus of this House is all wrong, that's the reading I get from it.

That is exactly what we had the responsibility, we were

charged with doing and I think that we did accept and fulfill that responsibility.

Now, Mr. Chairman, if at this moment that is the mood and feeling and consensus of the House, which I feel it is unless somebody is telling me different, then at this time we don't deal with a, b, c, d, or e, or any of those suggestions that were in the Green Paper. We are probably going to need them at some time, probably the Members of the House at some time are going to say take a, b, or c in that Green Paper and initiate it, because it is needed now. They say, start immediately with an information centre under the pipeline co-ordinator's office, leave the Green Paper in Committee so that we can deal with it when we feel the time is necessary to go the next step in an impact centre, at this point in time we simply need an information centre.

If the motion says that and it says that, the Committee defer at this time the proposals contained in the Green Paper, then, Mr. Chairman, I think the House and the Committee has given us direction, and I think that they have given us direction that they don't want to go the whole-hog at this point in time.

I think, with the exception of one or two members, that is the reading that the Executive Committee Members have, and the direction that they have taken from any of the debates that have transpired up to this point in time.

Now, if I am wrong, Mr. Chairman, I hope the House will get up en masse and tell me at this point that I am not getting the correct reading from Committee or from the House at this time.

Mr. Deputy Chairman: I will read out the motion.

It has been moved by Mr. Taylor, seconded by Mr. Hibberd, that the Committee defer at this time the proposals contained in the Green Paper on the Yukon Pipeline Impact Centre, but recommends that an information office be provided under the administration of the pipeline co-ordinator.

I will ask for a show of hands in favour of the motion.

Against the motion.

The Motion is carried.

I declare a brief recess.

Recess

Mr. Deputy Chairman: I call this Committee to order. As the Green Paper on the Pipeline Impact Information Centre has been deferred by a motion, I will move on to another item of business which will be Bill Number 103, *Animal Protection Ordinance*.

As Committee is already aware, we have already gone through the first review of Bill 103. I will now proceed in clearing section by section. Do you wish the Chair to read out the sections as we move through them, I will oblige. Ms Millard?

Ms Millard: Mr. Chairman, I have replies to the questions that were brought up in the last review of this Bill. Should I give them to Committee now, or wait until we come to them in the sections?

Mr. Deputy Chairman: Is it Committee's wishes to hear the answers to the questions put forward in the first review, or would you prefer to wait as we go through section by section.

Some Members: As we go through.

Mr. Deputy Chairman: As we go through the sections. Is it the concurrence of Committee?

Some Members: Agreed.

Mr. Deputy Chairman: Very well.

On Clause 1

Mr. Deputy Chairman: Mr. Lang?

Hon. Mr. Lang: Mr. Chairman, may I please have time to find my Bill.

Mr. Deputy Chairman: Mr. Lang, I will advise the Committee once we have completed Bill 103, we will be dealing with the White Papers on Arctic Winter Games and Heating Fuel Equalization. So members kindly take reference of that next item of business.

Mrs. Watson?

Mrs. Watson: Mr. Chairman, are you dealing with 1, subsection (1) or 2, subsection (1)?

Mr. Deputy Chairman: We are dealing with 1, subsection (1) at this point in time. It is open for general discussion on that section. Very well, Mr. Lang, we will carry on.

Any discussion on 1, subsection (1).

Clause 1 agreed to

On Clause 2

Mr. Deputy Chairman: Any discussion?

Ms Millard.

Ms Millard: Mr. Chairman, there was some question last time on the distinction between mammals and wildlife, the definitions. I have since then discussed it with the Wildlife Department and come up with some answers and I would like to give them out.

It is unfortunate Mr. Lang's question and I will remind him that he could read it in "Hansard".

According to the Wildlife Branch, mammals is a zoological term. It refers to a wide range of species, for example, men, mice, moose, horses, house cats, et cetera. In other words, Mr. Chairman, animals other than birds or fish.

Wildlife refers to species that are normally not domesticated. Unlike the term big game or game, it may refer to small wild animals for example, chipmunks and squirrels and furbearers.

Game and big game tend to be older terms, developed when there was more emphasis on hunting and little interest in small mammals. For example, moose, grizzly, caribou, et cetera.

The *Game Ordinance* defines game as big game, furbearing animals, game birds and small game, which are wild by nature.

There is overlap in the terms and the way that people tend to use them.

Also, a question emanating from Mr. Lang on this discussion about the difference between the definitions was whether or not the Game Branch had jurisdiction over game farms. Definitely, the *Game Ordinance* applies to game farms, as stated in paragraph 91.(f) of the *Game Ordinance*, it provides authority for the Commissioner to make regulations respecting the operation of private game farms.

Section 74 of the *Game Ordinance* provides authority for issuance of fur or game farm licenses.

Section 75 of the Ordinance provides authority for conservation officers only to enter fur or game farms.

Section 77 of the *Game Ordinance* provides authority for issuance of licences to keep wildlife in captivity.

So, that is pretty clear.

Mr. Deputy Chairman: Thank you, Ms Millard.

Mr. Lang.

Hon. Mr. Lang: Mr. Chairman, would this particular piece of legislation allow a peace officer, appointed by the Commissioner from the Humane Society, to go into a, say, for an example, a game farm?

We are still on the interpretation of the section, I understand. What I am saying is that this piece of legislation, does this allow that to happen?

Mr. Deputy Chairman: Ms Millard.

Ms Millard: Mr. Chairman, no. In my understanding, the *Game Ordinance* would take precedence in Section 14.(1), "Nothing in this Ordinance shall be construed as affecting any right, power, duty or prohibition relating to animals conferred or imposed by or under any other Ordinance..."

Mr. Deputy Chairman: Any further discussion on Section 2.(1)?

Mrs. Watson.

Mrs. Watson: Mr. Chairman, I have a question regarding an enforcement officer of a municipality who has been appointed as a peace officer, pursuant to the *Municipal Ordinance*, or, I think there was some question there and that was brought up by the Honourable Member from Mayo, regarding whether the municipal officers were in fact peace officers and whether they would have to have a special appointment and there was going to be some research done on that.

Mr. Deputy Chairman: Ms Millard?

Ms Millard: Yes, Mr. Chairman, the question was answered by Mr. Cummings who said that, yes, the municipal by-law enforcement officers are peace officers, and are sworn as such. I believe the Law Clerk was going to do further research on it, if he is available at this point, I don't know.

Mr. Deputy Chairman: With Committee's concurrence, may we ask that Mr. Cosman be available.

Some Members: Agreed.

Mr. Deputy Chairman: We will stand over for the moment 2, subsection (1) and carry on to 3.(1).

On Clause 3

Mr. Deputy Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, again I think there was going to be some research done whether there was a conflict with the *Pounds Ordinance* in this section, because the *Pounds Ordinance* also does deal with the care of animals.

Mr. Deputy Chairman: Ms Millard?

Ms Millard: Yes, Mr. Chairman, I would prefer to give all these answers at the beginning, because I have all the answers and this is just confusing to me in the order of my papers here as well as to other members who have to remember what was asked and everything else. So should I just go through the questions and answers now? I do have them.

I believe, actually, this section 3 will cover all the answers, in one way or another, so I will just go ahead and finish my answers.

Mr. Deputy Chairman: Proceed.

Mr. McKinnon?

Hon. Mr. McKinnon: Mr. Chairman, on a Point of Order, it is very nice to see the shoe on the other foot, but I attempted, or any of my colleagues attempted to give all the answers at the beginning instead of the sections that we were pertaining to, I don't think that would be accepted by members of Committee because it would be confusing to them, and I would think that it would be. If specific questions were asked on specific sections, surely that is where the answer should be forthcoming, Mr. Chairman.

Mr. Deputy Chairman: I think Ms Millard was about to attempt to do that on Section 3, subsection (1).

Ms Millard: Mr. Chairman, in the Debates & Proceedings and my reading of it, most of the questions were emanating

from the definition section and from the second and third sections, as far as I can see. All the questions were on the two pages, and I am certain that the concept is involved in 3.(1) the things that I want to answer to, if I may just go ahead.

Mr. Deputy Chairman: Proceed.

Ms Millard: Mrs. Watson asked at one point in the discussion about whether or not an injured moose or deer or other wildlife on the highway, who would deal with that. I answered that the Game Branch has jurisdiction to that, which is apparently what it is. The answer from the Game Branch is that normally this could be done by a Conservation Officer who has the authority to do so under Section 24 of the *Game Ordinance*. Clearly, however if no Conservation Officer is available and an SPCA person is, the latter would destroy the creature. The Game Branch would be required to be informed, but the Branch would not, for obvious reasons, pursue such an incident with the charges. Injured animals that are destroyed are the property of the Crown. Destroying them to put them out of agony does not entitle anyone to meat, hides or horns.

Pursuing that, also one of the two Conservation Officers says that in his opinion we must not permit the option of allowing this authority to be granted to a biologically untrained individual to dispatch any wildlife he may suspect is injured or diseased.

To use the example of if, for instance an RCMP officer comes along and finds an injured bear, he may not even have the ammunition or the gun that would facilitate the dispatching of the bear, so that they would find themselves in rather a lot of danger and they would prefer the conservation officers who are trained to deal with wildlife, will deal with wildlife.

However, they also concede there are many times when a conservation is not available and many times an RCMP officer is phoned, so I questioned that and Inspector Petit of the RCMP says that, although there is nothing written in law against or for the RCMP getting involved in dispatching an animal, they say that they go by a reasonable policy. If the animal is injured and dying, they go ahead and deal with it and that it is an individual RCMP officer's opinion whether or not that is needed and they allow him to go ahead and make that decision. So far, they have never had any problem with it.

If there is anyone available, of course their first effort is to find the conservation officer.

So, I think Mr. Berger was the one who was bringing up some of those questions under the definitions here.

The last item is about the *Pounds Ordinance* and the *Pounds Ordinance* is very limited. For one thing, it does not apply within a municipality, it applies without a municipality.

The definition of animal in the *Pounds Ordinance*, obviously only covers farm animals: horse, mule, jack, goat, neat cattle, swine or geese so, they are certain specified animals involved and there are certain specified areas.

The *Pounds Ordinance* deals with land surrounded by a lawful fence and a lawful fence is defined and certain people are allowed to capture trespassing animals, farm animals and deliver them to a pound keeper. So that a pound keeper has to be appointed by the Commissioner.

The pound keeper can keep the animal, sell it, destroy it if it is injured, but it is within very limited range of possibilities.

Also, the Game Branch said that they are finding a great deal of difficulty in finding anybody who wants to be a pound keeper, because there is nothing involved in it, no money or anything else, something like the dog catcher in Dawson, I think.

Mr. Deputy Chairman: Any further discussion on Section 3.(1)?

Mrs. Watson.

Mrs. Watson: So, in 3.(1), the *Pounds Ordinance* would take precedence over 3.(1), because the *Pounds Ordinance* deals with animals that are a nuisance, not necessarily animals in distress, but it could include animals in distress.

So, a peace officer, appointed special constable appointed for the purposes of this Ordinance could only take action under Section 3.(1), if someone was not taking action under the *Pounds Ordinance*. Is that correct?

Mr. Deputy Chairman: Ms Millard.

Ms Millard: Yes, I would believe so. Of course, it would mean that a pound keeper would have to be available, too, which I believe is not the case in most places.

Mr. Deputy Chairman: Clear on subsection (1) of 3? Mrs. Watson?

Mrs. Watson: Mr. Chairman, it is important though, I think this is where there should be some clarification. If there is a pound and a pound keeper and the pound has been established, and there is a jurisdictional area for the pound, which I think they have under the *Game Ordinance* or under the *Pounds Ordinance*, they have the maps outlined, and an animal is found in distress, well what should a citizen do. Do they have a choice of taking it to the pound keeper, or to the Special Constable established under the *Animal Protection Ordinance*, because clearly under the *Pounds Ordinance* you can deal with animals in distress. They may be strays, but they may be half starved too.

Mr. Deputy Chairman: Mr. Cosman, you wish to lend assistance on this matter?

Mr. Cosman: Yes, if I could answer generally. I don't believe that it is a matter of one Ordinance or the other overriding each other in specific cases. It is a matter of under which Ordinance a particular person would find his authority for acting. If a person happened to capture an animal running at large and delivered it to a pound keeper, then he has authority for doing so under specific cases under the *Pounds Ordinance*, and that would be the Ordinance under which they would go.

Otherwise, under the *Animal Protection Ordinance*, it is a special person, a Constable, or a peace officer or so on who draws authority to capture the animal and in this case he probably would take him to a Humane Society. That same peace officer might in fact take the animal to a pound keeper and then the *Pounds Ordinance* would apply. We have a similar situation with RCMP enforcing drinking-driving laws under a *Motor Vehicle Ordinance* or pursuant to the *Criminal Code*. They can proceed under one or the other as they choose.

Mrs. Watson: Mr. Chairman, that is fine, and that brings up another question though. We talk about the peace officers under this, and we name the Royal Canadian Mounted Police and an enforcement officer of the municipality who has been appointed as a peace officer. Are we giving him the authority to act outside of the municipality as a peace officer under the *Animal Protections Ordinance*. Does that mean peace officers in the City of Whitehorse could in fact deal with an animal that is outside the boundaries of the City of Whitehorse?

Mr. Cosman: Taking the definition and the operation of the Ordinance literally, yes, it would mean that any person who was a by-law enforcement officer sworn or appointed as a peace officer pursuant to the *Municipal Ordinance* could in fact pick up an animal on the Mayo Road, well outside the City limits of Whitehorse, for example, and follow the Ordinance.

Mr. Deputy Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, I think this puts that in a different light completely. I don't know whether members of the House want the municipal peace officers to have jurisdiction under this legislation outside of the municipality.

Mr. Deputy Chairman: Mr. Lengerke.

Mr. Lengerke: Just a question then, Mr. Chairman, in fact, I would think that a municipal enforcement officer, his terms of reference do not allow him to be working outside the municipality anyway, so, when he is outside the municipality he is not a peace officer.

Mr. Cosman: No longer a peace officer.

Mr. Deputy Chairman: Mr. Lang.

Hon. Mr. Lang: Mr. Chairman, what is the object of giving the authority in this legislation for a by-law officer to be a peace officer, because he already is one in other legislation, the way I understand it?

Well, this is what I understood that the Honourable Member said a little earlier, that they already had that authority under the *Municipal Ordinance*.

Possibly we need a legal interpretation, if my understanding is not correct, but my understanding was that under the *Municipal Ordinance*, they are peace officers.

Now, does it state that specifically in the *Municipal Ordinance*?

Mr. Cosman: Mr. Chairman, under Section 40.(1), I believe, of the *Municipal Ordinance*, there is provision for enforcement officers to be sworn as peace officers and where that happens, where they are sworn as a peace officer, then he is a peace officer for the purposes of the *Municipal Ordinance*.

The question comes whether he is still a peace officer when he is on vacation in Hawaii or whether he is one half mile beyond the Whitehorse city limits. I don't know how, in legislation, we can get around that because we have defined the person, the peace officer as a person who is sworn as a peace officer and that being the case, regardless of where he is, he could, under this Ordinance, and I don't know how we can limit it by drafting terminology, he could pick up an animal in distress a half mile outside the City limits of Whitehorse, even though he is only a by-law enforcement officer for the City of Whitehorse.

We have included this classification of people in our Ordinance, you see, and the Ordinance has territorial jurisdiction.

Mr. Deputy Chairman: Mrs. Watson.

Mrs. Watson: Mr. Chairman, to me, that has fairly far-reaching ramifications, when a municipal enforcement officer, who has been sworn as a peace officer, has jurisdiction over any area in the Yukon Territory. I just can't agree with that, even though it is just to be able to act under the *Animal Protections Ordinance*.

We are naming the RCMP as peace officers for this Ordinance and we are also naming special constables, appointed for the purpose of this Ordinance, as peace officers, but just because they are an enforcement officer within a municipality, I don't know whether that gives them any qualifications to be a peace officer under this legislation, outside the municipality. There is no control then.

Mr. Deputy Chairman: Mr. Cosman.

Mr. Cosman: Mr. Chairman, we could attempt to draft within the definition, with respect to the effect that an enforcement officer, while acting as such, you still have the same problem with respect to a member of the RCMP. Is he a member of the RCMP when he is off-duty and on vacation in another area of the Territory and so on?

An attempt could be made to do this, but I suggest the problem arises because we have included these enforcement officers, as a class of persons able to operate under the Ordinance. It is a matter of them being in or out, really.

Mr. Deputy Chairman: Mr. Taylor?

Hon. Mr. Taylor: Yes, Mr. Chairman, I think I must agree with the suggestion made by the Honourable Member from

Kluane, and I have been sitting here thinking about that a little bit as it would apply to the City of Whitehorse. I know that there is some distaste for the City of Whitehorse by those who live outside its boundaries, or fairly close to them, in terms of some of these jurisdictions. Like you say, a policeman is a policeman certainly 24 hours a day, if he is an RCMP Constable, wherever he is as long as he is within that jurisdiction of Canada.

I would suppose if he was elsewhere, then the jurisdiction of Canada, he would have to have special approval to function as a policeman, but certainly I wouldn't feel it would be in the best interests of anybody to take a municipal by-law officer from a municipality and permit him to exercise any powers under this Ordinance outside of his own jurisdiction, and I think that would have to very, very, finely spelled out and very, very clearly spelled out before I could ever accept it.

Mr. Deputy Chairman: Mr. Lang?

Hon. Mr. Lang: Mr. Chairman, I have to agree with the Honourable Member from Watson Lake. Can I refer back to Section 2.(1)?

Mr. Deputy Chairman: Well that seems to be the general discussion that has been going on, although we are dealing with Section 3.(1). We are still dealing with Section 3.(1) Mr. McKinnon. The general discussion has been going on dealing with definitions so carry on, Mr. Lang.

Hon. Mr. Lang: Thank you, Mr. Chairman. In respect to the Humane Society, I am looking at the intent of the Bill and the appointment by the Commissioner of a Special Constable. I should have maybe asked this of the witnesses when they were here, but does the Honourable Member know just exactly what is the financial situation of the Society. Is the Territorial Government expected to pay the salary of a Special Constable, or what is the intent of the appointment?

Mr. Deputy Chairman: Ms Millard?

Ms Millard: Mr. Chairman, no, the Humane Society members are all voluntary and they will be doing this on a voluntary basis.

Mr. Deputy Chairman: That was already explained I think. Yes, Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, yes, that was a very crucial question really because it must be clearly understood then, that if the government are not to participate in the payment of any salary or remuneration to this Special Constable at any time in this Ordinance, that the Humane Society would be precluded from coming to the Government of the Yukon Territory for any grant monies or anything whatsoever, as long as that is understood. Otherwise, that would make this Bill quite out of order, because it would make it a money bill.

Mr. Deputy Chairman: Mr. Taylor, in the first review you will find in the Votes & Proceedings that that was very properly clarified by the witnesses who were in attendance at that time.

Since we have been discussing Section 2.(1). Are you prepared to clear section 2.(1)

Mr. McKinnon.

Hon. Mr. McKinnon: I have some problems with the definition of wildlife and I wonder if I could have an explanation. I understand from the Bill, and I am sorry that I wasn't here for the days that it was discussed in Committee, is excluded from the terms of this Ordinance.

Could the Honourable Member who is proposing the Bill tell me what happens to a wildlife animal, under the definition, who has been domesticated? Who protects it?

Mr. Deputy Chairman: Ms Millard.

Ms Millard: Well, Mr. Chairman, that was in the reply where they would be considered still wildlife.

The Game Department is responsible, under a section of the Ordinance.

Hon. Mr. McKinnon: Could the Honourable Member tell me which section, so I could check it myself? I have seen some very kind things, I have seen some very cruel things done with members of the wildlife species who have been domesticated. It would seem to me that they should have the same protection of any cat or dog and I just would like to check the section that they are protected.

Mr. Deputy Chairman: Ms Millard.

Ms Millard: Yes, Mr. Chairman, I believe it would come under Section 77, which provides authority for issuance of licences to keep wildlife. I believe you have to have a licence in the Territory to have a wild animal in captivity.

If not, if there was not a licence, then the Game Branch would, by definition, be responsible.

Mr. Deputy Chairman: Any further discussion of 2.(1)?

Mr. Lang.

Hon. Mr. Lang: It is my understanding that the Honourable Member was going to take another look at the definition of peace officer, so I don't think you can clear this.

Mr. Deputy Chairman: Very well, we will.

Ms Millard: Mr. Chairman, could I have a clear direction from Committee, then, is it Committee's agreement that the intent is that a by-law enforcement officer of a municipality operates even under this Ordinance, only within the municipality. Is that the direction that Committee wants to go?

Mr. Deputy Chairman: Agreed? Is that the direction that Committee is seeking on that particular definition, that it be properly defined within the municipality?

Mrs. Watson: Mr. Chairman, that would certainly be my view. I would like to see them only act within the municipality that appoints them as enforcement officers, when they are within their own municipality.

Mr. Deputy Chairman: Is there concurrence of Committee on that matter?

Some Members: Agreed.

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

Ms Millard: Yes, Mr. Chairman.

Mr. Deputy Chairman: I will stand over 2.(1).

We will now deal with 3.(1) and (2) and (3).

Mr. Fleming: What section is that?

Mr. Deputy Chairman: Section 3, subsections (1), (2), and (3).

Mr. Fleming: Thank you.

Mr. McIntyre: Yes, Mr. Chairman, I bring information regarding peace officer in the City of Whitehorse. By-law enforcement officers after a period of probation are sworn as peace officers and their jurisdiction extends within the City limits, and extends no further. So they would have absolutely no jurisdiction as peace officers outside the limits of the City of Whitehorse.

Mr. Deputy Chairman: Thank you, Mr. McIntyre, very useful information.

Mrs. Watson:

Mrs. Watson: Mr. Chairman, as this Ordinance is written, they would have, would they not?

Mr. Deputy Chairman: It has already been taken under advisement, Mrs. Watson.

Mrs. Watson: Thank you.

Clause 3 agreed to

On Clause 4

Mr. Deputy Chairman: Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, I don't think that I could agree with 4.(1), certainly in the section where a peace officer may without a warrant and by force if necessary enter a premise. I just find that totally unpallitable.

Mr. Deputy Chairman: Mr. Fleming?

Mr. Fleming: Mr. Chairman, this was brought up before, very definitely, and I thought that the mover of the Bill was intending to check into this too and see if she can at least make it a little more pallitable to us, for some members anyhow. While I was speaking on this Section, I don't think it should be in here at all. I don't think we need it at all. You go over to 11.(c) and this section would not be needed anyway if the Commissioner can make any type of regulations he wants, and some of them could be to this effect, which I don't agree with either. Then you go to 13.(1) and no action lies against a peace officer or the Humane Society or any officer or employee of the Humane Society for anything done in good faith.

I think if you check, and the Honourable Member from Mayo enlightened me a little on this, you will find that that Section is all that is needed, and really maybe it is not needed because in the *Criminal Code* there is a section that covers any person, the peace officers and so forth here, if it is a necessity and they act in good faith. I don't think we need a section that really just steps right out and gives them the right to step into anybody's home without any warrant whatsoever, just because some certain person feels that unless he is responsible afterwards and proved he was acting in good faith.

Mr. Deputy Chairman: Any further discussion on Section 4.(1)?

Mr. Deputy Chairman: Mr. Lang.

Hon. Mr. Lang: It was my understanding that the Honourable Member was going to look into this Section. I am just wondering what she came up with?

Mr. Deputy Chairman: Ms Millard.

Ms Millard: Well, Mr. Chairman, I did look into it when we drafted it and it is an essential part of the Bill.

It applies to many circumstances in many other cases. For instance, if a peace officer is looking for evidence, you can enter, as far as I believe, on premises other than a dwelling place without a warrant. That is simply what it says here. For instance, if a social worker knows that a child is in distress, a child is being neglected, they can enter premises, even dwelling places, without a warrant, but here it simply says "premises other than a dwelling place and a vehicle or other chattel a peace officer may enter if they have reasonable and probable grounds for believing an animal is in distress".

Without this section, the Bill seems to be inoperable, to me, because if a peace officer is not allowed to actually go and see if an animal is in distress, it is unreasonable to expect him to do anything about it.

Mr. Deputy Chairman: Thank you, Ms Millard.

Mr. Fleming.

Mr. Fleming: Thank you, Mr. Chairman, but I can't go along with where he has reasonable probable grounds, because I can't even go along with that. I can't go along with any part of the section, however, I would hate to see this Bill defeated just because of one section, which is not, really, a necessity, I find, anyway and I just can't go along where he has reasonable and probable grounds, to exercise his powers. No way can I go along with that at all.

Mr. Deputy Chairman: Ms Millard.

Ms Millard: Mr. Chairman, again, in practice, what usually happens is a warrant is gotten if there is any possible

opportunity to get a warrant, a warrant is gotten to enter any premises, even other than a dwelling place.

So, that, in fact, the original draft of this and the draft that is in the Alberta Act says with or without a warrant, and I like that because it had the emphasis, okay, you can do it with a warrant, and that the presumption is that you first of all go and get a warrant, and maybe that would be better if we put that back in, with or without a warrant, because then it emphasizes to the person who is operating under the Ordinance that they should first of all look for a warrant.

Certainly, that is the way that the SPCA operates, and the Humane Society in the Yukon will be operating under those provisions, that there are certain ways you go about things, and the first thing you do is try to get a warrant, if at all possible.

Mr. Deputy Chairman: Mrs. Watson.

Mrs. Watson: Mr. Chairman, I do have a problem with Section 4.(1), where you are giving a tremendous amount of power for someone, just because they themselves, with a specific point of view, feels that they have grounds and that they can enter into a premises, vehicle or chattel, without a warrant, and in fact it does give them the authority to use force, like breaking a door down or breaking a window.

I don't have too much problem with subsection 2, or subsection 3 is a little bit of a stop-gap, but number 1 is a lot of power to give to a person who is just a person who is appointed, in many instances, because they are dedicated to the animals and making sure that animals are not in distress.

Sometimes the judgment of the person who doesn't know the animal may interpret the condition of the animal completely differently and go in to the premises and the premises could be a garage, they could be a workshop, they could be a business, though a house or dwelling is separated, but it could be a business, and this is tremendous power that you are giving.

Mr. Deputy Chairman: Mr. Cosman, could you lend assistance on this?

Mr. Cosman: Yes, the words "reasonable and practicable" appear throughout many Ordinances throughout many statutes. The *Criminal Code* for example, gives RCMP officers or a peace officer many, many powers that he needs to carry out the law where he needs to make a decision on the spot. He can't find a judge, he can't do this and he can't do that. He, on reasonable and probable grounds can do a lot of things that would surprise you, search your car for liquor, what have you. Things probably not nearly as serious as seeing an animal dying in the heat in a locked car for example. This Section 4 necessarily in my mind has to have a provision where the officer can have some discretion to operate sooner or later on his own on his own initiative, and rather than striking out the idea of reasonable and probable grounds, perhaps you could consider restricting where he can exercise his discretion, at least private dwellings are excluded from that.

This is a policy decision.

Mr. Deputy Chairman: Mr. Lang?

Hon. Mr. Lang: Mr. Chairman, the way I read the intent of this Ordinance, in respect to Section 13.(1), it could even be in a dwelling place the way I read this, and if the officer can just say that he was operating in good faith, there would be no recourse against him for going into private property for all intents and purposes, the way I read this Ordinance.

At the same time, I would like to ask out of curiosity, how long does it take to get a warrant?

Mr. Deputy Chairman: Mr. Cosman?

Mr. Cosman: Mr. Chairman, I have no experience in actual timing as to how long it takes to get a warrant. I suspect that wherever you can find a judge, a justice, you can get a

warrant right away. Generally the RCMP officer is equipped with the blank warrant, he is waiting for the signature of the judge and generally speaking, that can take place 24 hours a day. He can go to the judge's house and get him out of bed to sign the warrant if necessary in most jurisdictions. I suggest that is probably the situation here.

In answer to the other part of your question, where Section 13 gives protection to a person who has operated in good faith and purporting to do it under the Ordinance, however, if that premise were a dwelling place and yet the officer had reasonable and probable grounds for believing there is an animal in distress, if he went in there knowing that it was a dwelling place, he would not have the protection of the Ordinance.

He knew it was a dwelling place and yet he went, thinking that he could get the protection of the Ordinance. It would only be if he thought that it was a dwelling place and, in fact, it turned out not to be a dwelling place that he could seek the protection of Section 13, where he exercised powers under 4.(1).

Mr. Deputy Chairman: Mrs. Whyard.

Hon. Mrs. Whyard: Mr. Chairman, this was the problem area that I questioned the last time we went through this, and my point at the time was are we giving more authority to an employee of a private agency, then we do to inspectors who operate as public servants.

I drew, at that time, the attention of Members of Committee to a section in the new amendments to the *Municipal Ordinance* which was before us at this Session, and on page 9, 13.(3), the section reads: "Where any officer of the municipality has reason to believe that any person is carrying out any work or doing anything contrary to the provisions of any by-law mentioned in subsection 1, on any premises within the municipality, he may enter on to such premises for the purposes of making an inspection, but where such premises are used as a dwelling place, such officers shall not, without the consent of the owner or occupant, or without a warrant issued by a magistrate, enter such premises between the hours of 9 pm through 9 am.

Then, Mr. Chairman, my point was that I could not, in conscience, give more authority to an officer of the Humane Society, well-meaning as he might be, and so forth, then we do to public servants. But, on reading this section again, carefully, I find that the section applies only to structures which are not dwellings, and this is the same condition which is now being applied to the special officer of the Humane Society.

I would suggest that we watch with every caution possible the number of people who are given this authority, and I would also suggest, to strengthen 4.(1), that the sponsor of this Bill might consider adding the three words to the first line "where he has reasonable and probable grounds for believing, and does believe", which is one form legal people take, I believe, of assisting in that area.

I still have very dubious feelings and there are so many buildings in the Yukon Territory which double as both business and dwelling places. You could discuss a motel or a lodge or all kinds of places where you live above a store or behind a garage.

I think you are getting into a very difficult area.

Mr. Deputy Chairman: I think that is a very interesting point, Mrs. Whyard, when you talk about a family dwelling and a business, like a lodge.

What happens in a case like that? You seem to be very familiar with inspections? You brought up a very valid point. Could you expand upon that? What actually happens?

Like if a person is going on the property, and it is a very valid point, there is a private dwelling combination, i.e. perhaps a

lodge as an example, does any inspector have the right to enter that property, the combination property? Does he have that right to enter under any specific legislation we might have on the books, as an inspector?

Hon. Mrs. Whyard: Well, Mr. Chairman, we are about to give him permission to go on those premises with the consent of the owner or occupant or with a warrant, if it is a place which people are using as a dwelling.

Mr. Deputy Chairman: Say for example he did not have both.

Hon. Mrs. Whyard: Mr. Chairman, this applies to the hours between 9 p.m. and 9 a.m. in this particular municipal context. I am not in any position to rule on what a decision of any court would be regarding a Special Constable going into a combined dwelling.

Mr. Deputy Chairman: You are coming to the point that seems to be concerning many members, this is the going on the property, you are dealing with a single dwelling, and a combination business. What is—I am curious for my own information. Mr. Lang?

Hon. Mr. Lang: Mr. Chairman, looking for more information, it is my understanding that an RCMP can go onto private property at the present time, if he feels or does believe that an animal is in distress and at the present time without this particular Bill, without special constables, is the Humane Society having trouble contacting the RCMP or are the RCMP being made available to come down and investigate a problem?

Mr. Deputy Chairman: Ms Millard?

Ms Millard: Mr. Chairman, no, I don't think that they are having any trouble when they do contact the RCMP. It is just a matter first of all, availability of RCMP to do this sort of thing, because in most jurisdictions they do have the SPCA or somebody like that doing the work, and so it is not a priority with the RCMP. As well, in charging somebody under the *Criminal Code*, they are reluctant to do it, because it leaves someone with a criminal offence, a criminal record, and the RCMP would rather charge someone for an animal offence under a Territorial Ordinance.

Mr. Deputy Chairman: Mr. McIntyre?

Mr. McIntyre: Mr. Chairman, I was wondering if the intent in the Ordinance was that a dwelling place has the same definition as it has under the *Criminal Code* because it is well defined under the *Criminal Code*.

Mr. Deputy Chairman: Mr. Lengerke?

Mr. Lengerke: Thank you, Mr. Chairman, I just would like to say that this Section doesn't give me any problem at all. I can't see a comparison of an inspector as the Minister of Human Resources has pointed out because that is a different situation. That is not a life, we are talking of an animal in distress. We are not talking of a 2 by 4 or some contravention of a building code or something.

I think a little common sense prevails as well. An officer is not just going to roar in and do something. They usually try to find the owners, at least certainly my experience has been that, that they try to find the owner, they try to take every reasonable step to make sure that these people are notified, and if they have done that and they are satisfied in their own mind, then they go in and correct the situation. I can see nothing wrong with that.

I don't know. We seem to get alarmed at a lot of things. We can spend a lot of time on areas like this and we are not concerned of some other matters that are much more important.

Mr. Deputy Chairman: Mr. Lang.

Hon. Mr. Lang: Mr. Chairman, one area that concerns me

is "by force if necessary". That is a, Mr. Chairman, with, you know, and I think the Member from Klauane and the Minister of Human Resources have said it very well, that that is the part that concerns me, giving authority to somebody and people being people you don't know what they are going to do.

I don't know, I find it very difficult putting in legislation the ability without a warrant to go and break into a person's private possessions.

Mr. Deputy Chairman: Mr. McIntyre.

Mr. McIntyre: Well, I was just going to say I don't have much of a problem with somebody breaking in a door of a car to get an animal out if it is obviously dying in the car and parked out on the street here on a hot day.

But as far as getting a justice is concerned, there are justices all over the place and especially in Whitehorse. There is no problem, really, in getting a warrant, if that is what the members want, because the term "justice" would include justices of the peace, and there are lots of them around.

Mr. Deputy Chairman: Mr. Fleming.

Mr. Fleming: Mr. Chairman, I am looking at it in the view that we know that people aren't prepared to do any bad things to us. I think everything should be all proper and this section shouldn't even have to be used.

However, what I find very repugnant is the idea of us putting it in legislation, setting it right out forth that people can do just whatever they wish and I just can't go along with it, where a person could come in to a service station, where there is a tourist car, I'm giving you an example of what can happen, a tourist car is sitting there being worked on by the owner of that station. There is possibly nothing in that car that is having any trouble at all, but possibly there could be and you are giving the power of a peace officer, not only the RCMP, but every person in a municipality that is called an enforcement officer of a municipality, which is, if the Ordinance in this Territory all go through, just the way they are written today, there might be quite a few of them.

I just can't see us giving power to everybody in the Territory to do something like this, to break into that car, possibly find nothing in there that is a problem anyway, when he gets there, for some probable grounds he had, and finding the owner of the garage being responsible to the person who owns the vehicle and saying, look buster, it is in your garage, it happened to me, you pay it. So, we have a law suit.

This fellow is protected, he's just fine. He doesn't have anything to worry about.

You don't have to go that far in any ordinance. The fact remains that if there is an animal in distress, I am sure that there will be some reason that that person should get into that car somewhere or somebody should get into that home or something somehow, without somebody absolutely, you know, having the power of just doing whatever he likes. Just people, we are giving the power to everyone now, and I don't know, everyone of us are going to be an enforcement officer sooner or later, if we keep on.

Mr. Deputy Chairman: Ms Millard, it seems to me that subsection (1) is giving many members great concern and with the concurrence of Committee, would you be prepared to take a look again at that subsection (1)?

Ms Millard: Yes, I would just like some further direction because the idea that I have this possibly to stress in the legislation that the peace officer has to make an attempt to get a warrant first that it is written down that there would have to be an awful lot of evidence for going without a warrant.

Mr. Deputy Chairman: This is giving the Committee a great deal of concern.

Ms Millard: The first attempt has to be made and if a

judge is available and he has not got a warrant and he goes ahead and does, it means he would be in trouble. I would like to see how the Committee feels about that, which means that it would narrow the whole prospect down to only being, for instance, I remember Mr. Cummings was saying there was some difficulty 50 miles out of Whitehorse. If a peace officer goes and finds this situation, by the time they come into town and get a warrant and go back out again to do something about it, the animals could die, or any other things could happen, for instance, well I don't know for instance, but under those circumstances if it is extremely difficult and the animal would be in much greater distress if a warrant is having to be sent for 100 miles away and to find the judge on a Sunday when he is out at Marsh Lake or something, then there should be those circumstances where the peace officer takes the responsibility to put the animal out of his distress or pick him up. It seems to me only humane to be able to do that.

I am certainly willing to redraft it to read that a warrant must first be pursued, because that is what happens in practice.

Mr. Deputy Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, I would welcome that, and it is a slight amendment, I think it could be done in a word or two in 4.(1)(b) "may without a warrant if...", but I can understand what the Honourable Member is trying to get through and that is in 99 out of 100 cases, there will probably have been a complaint laid by concerned citizen who calls the Humane Society and says Mr. Zilch is maltreating his dog, his horse or whatever, nobody worries about why. They will then have proper time to go and do this in an official way which is not going to worry anybody, but it is the one time out of 100 where you have to act in a hurry and this is all that concerns us, to make sure that he is protected and the public are protected and there could be no doubts in anybody's minds of his authority.

Mr. Deputy Chairman: With the concurrence of Committee, we should allow Ms Millard to take back subsection (1).

Mr. Lang?

Hon. Mr. Lang: Mr. Chairman, subsection (2), I am just curious where it appears to a justice, is that the normal terminology or should it be justice of the peace?

Mr. Deputy Chairman: Mr. Cosman?

Mr. Cosman: The *Interpretation Ordinance* defines justice as including justice of the peace, there is no problem.

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

Okay, clear on subsections (2), (3), and (4)? Ms Millard?

Ms Millard: Yes, Mr. Chairman, something I just ignored or forgot as we were going along, just to emphasize what we were talking about, 4.(3) states that "Before entering any premises, vehicle or chattel pursuant to this section a peace officer shall take reasonable steps" and reasonable steps are defined by regulations so that things are done in a very proper way.

Mr. Deputy Chairman: Thank you.

Mr. Deputy Chairman: Clear on subsections 2, 3 and 4 of Section 4?

Mr. Lang.

Hon. Mr. Lang: I am just curious if the Honourable Member, does she have a draft or any regulations that would be attached—

Hon. Mrs. Whyard: May we see the regulations, please, before we make any...

Hon. Mr. Lang: —to this particular piece of legislation?

Hon. Mrs. Whyard: We must see regulations before we study the Bill.

Hon. Mr. Lang: I have heard reference to the regulations three or four times and I am just curious if the Honourable Member has a rough draft of what regulations might look like, because there seems to be a lot of authority being given to regulations.

Hon. Mrs. Whyard: And we don't approve of that.

Mr. Deputy Chairman: Mr. Lang, for your own information, if this Bill is adopted by the Government, the onus is on the Government to bring in the regulations, not the person responsible.

Hon. Mr. Lang: Mr. Chairman, Mr. Chairman—

Mr. Deputy Chairman: Ms Millard.

Ms Millard: Mr. Chairman, the last time I talked to Mr. Cummings he was beginning to draft proposed regulations, you know, and they are available, other regulations, from other jurisdictions that we would be following, I am certain.

So that there are some things available, I think, if the Members would like to have them.

Hon. Mrs. Whyard: Oh, yes, please.

Hon. Mr. Lang: The Honourable Member referred to Section 4.(3) and you are just saying about taking reasonable steps to find the owner or person, you refer to regulations. Just exactly what do you have in ideas as to what are reasonable steps?

Mr. Deputy Chairman: Ms Millard.

Ms Millard: Well, Mr. Chairman, those are defined by precedent in other regulations in other jurisdictions. I am certain that whoever is drafting the regulations will be looking at other—, it really seems strange to be on the other side of the room, doesn't it?

I think the point has been made.

Hon. Mrs. Whyard: Let's see the regulations.

Ms Millard: Yes, I will bring in what regulations at this point are available.

Mr. Deputy Chairman: Perhaps when you bring in your considerations that you have been asked to look at?

Ms Millard: Indeed.

Mr. Deputy Chairman: Clear on 2, 3, and 4 of Clause 4?

Some Members: Agreed.

Mr. Fleming: I am very enlightened to see that the Member from Ogilvie has learned the tricks of the trade, bringing in the Ordinance and after almost being all the way through it, and finally there are some regulations that may be looked at. I think she is learning. I think we have got to give her credit.

Ms Millard: Thank you, Mr. Chairman, everybody should sponsor a bill, I think.

Mr. Deputy Chairman: Mr. Fleming.

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

Ms Millard: I second it.

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

Motion agreed to

Mr. Speaker resumes Chair

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

Mr. McCall: Yes, Mr. Speaker, the Committee of the Whole have considered a certain Resolution respecting the

Green Paper on Yukon Pipeline Impact Information Centre and directed me to report as follows: that the Committee defer at this time the proposals contained in the Green Paper on the Yukon Impact Centre but recommends that an information office be provided under the administration of Pipeline Coordinator.

The Committee have also considered Bill Number 103 and directed me to report progress on same, and asked leave to sit again.

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

Some Members: Agreed.

Mr. Speaker: Leave is so granted, and may I have your further pleasure? The Honourable Member from Whitehorse Riverdale?

Mr. Lengerke: Mr. Speaker, I move that we do now call it 5 o'clock.

Ms Millard: I second that Mr. Speaker.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse Riverdale, seconded by the Honourable Member from Ogilvie that we do now call it 5 o'clock.

Motion agreed to

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

Adjourned

**The following Legislative Return was Tabled
(December 13, 1977)**

77-2-44

Xerox Machines in Libraries
(Oral Question - Page 473 - December 7, 1977)

**The following Sessional Paper was Tabled
(December 13, 1977)**

77-2-36

Green Paper on Decentralization of Y.T.G. Government Offices

LEGISLATIVE RETURN # 44

(1977 Second Session)

Mr. Speaker

Members of the Assembly

On December 7, the Honourable Member from Kluane asked an oral question concerning Xerox machines in libraries. She referred to the new policy of YTG which says you can only pay up to a maximum of \$5.00 worth of copies. Apparently anything over \$5.00 has to be billed from Whitehorse. Mrs. Watson wants to know why the libraries can't be paid for services as they are used.

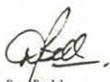
The answer to the above question is as follows:

1. This is not the policy.
2. Policy is - a) collect all you can in cash;
b) insist on cash up to \$5.00;
c) over \$5.00 can be billed.

The intent is to avoid expensive invoicing procedures for small amounts.

3. A letter of instruction sent to the Haines Junction Branch Library was misinterpreted.
4. Several weeks ago the intent of the policy was clarified by phone with the Haines Junction librarian.

December 12, 1977



P. Bell,
Deputy Commissioner

