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Debates & Proceedings

Monday, November 7, 1977

Speaker: The Honourable Donald Taylor

ERRATUM

Issue Number 1 dated Saturday, November 5, 1977, Page 6, left-hand column, line 22: Delete the words, "An Ordinance to Amend the Motor Vehicles Ordinance" and substitute the words "Motor Vehicles Ordinance."

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Whitehorse, Yukon Territory

November 7, 1977

Mr. Speaker: At this time I will now call the House to Order.

We will proceed at this time with prayers.

Prayers

Mr. Speaker: Before going to Routine Proceedings this morning, I would like to introduce to the House, Jane Steele, our First Clerk Assistant.

Also, a correction for page 6 of the Debates & Proceedings in which reference was made to an *Ordinance to Amend the Motor Vehicle Ordinance*. This should read *Motor Vehicle Ordinance*.

Are there any documents for tabling?

TABLING OF DOCUMENTS

Mr. Speaker: I would at this time, from the Chair, table, before the House, the Report of the Electoral District Boundaries Commission.

Are there any further documents for tabling?

Are there any Reports of Committees?

Are there any Petitions?

Introduction of Bills? The Honourable Member from Whitehorse North Centre?

BILLS: INTRODUCTION AND FIRST READING

Hon. Mr. McKinnon: Mr. Speaker, I move, seconded by the Honourable Member from Whitehorse West, that a Bill entitled: *An Ordinance Respecting Assessment in the City of Whitehorse* be now introduced and read the first time.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse North Centre, seconded by the Honourable Member from Whitehorse West, that a Bill entitled: *An Ordinance Respecting Assessment in the City of Whitehorse* be now introduced and read a first time.

Motion agreed to

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

Hon. Mr. McKinnon: Mr. Speaker, at the next sitting of the Assembly.

Mr. Speaker: The Honourable Member from Whitehorse North Centre?

Hon. Mr. McKinnon: Mr. Speaker, I move, seconded by the Honourable Member from Whitehorse West, that a Bill entitled: *An Ordinance to Amend the Municipal Ordinance* be now introduced and read a first time.

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

Motion agreed to

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

Hon. Mr. McKinnon: Mr. Speaker, at the next sitting of the Assembly.

Mr. Speaker: The Honourable Member from Whitehorse North Centre?

Hon. Mr. McKinnon: Mr. Speaker, I move, seconded by the Honourable Member from Whitehorse West, that a Bill entitled: *An Ordinance to Amend the Local Improvement District Ordinance* be now introduced and read for a first time.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse North Centre, seconded by the Honourable Member from Whitehorse West, that a Bill entitled: *An Ordinance to Amend the Local Improvement District Ordinance* be now introduced and read a first time.

Motion agreed to

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

Hon. Mr. McKinnon: Mr. Speaker, at the next sitting of the Assembly.

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

Hon. Mr. Lang: Mr. Speaker, I move, seconded by the Honourable Member from Whitehorse North Centre, that a Bill, entitled *An Ordinance to Amend the Society of Industrial Accountants Ordinance* be now introduced and read a first time.

Mr. Speaker: Is the seconder North Centre?

Hon. Mr. Lang: Yes.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse Porter Creek, seconded by the Honourable Member from Whitehorse North Centre that a Bill entitled *An Ordinance to Amend the Society of Industrial Accountants Ordinance* be now introduced and read a first time.

Motion agreed to

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

Hon. Mr. Lang: At the next sitting of the Assembly, Mr. Speaker.

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

Hon. Mr. Lang: Mr. Speaker, I move, seconded by the Honourable Member from Whitehorse North Centre, that a Bill entitled *Labour Standards Ordinance* be now introduced and read a first time.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse Porter Creek, seconded by the Honourable Member from Whitehorse North Centre, that a Bill entitled *Labour Standards Ordinance* be now introduced and read a first time.

Motion agreed to

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

Hon. Mr. Lang: Next sitting of the Assembly, Mr. Speaker.

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

Hon. Mr. Lang: Mr. Speaker, I move, seconded by the Honourable Member from Whitehorse North Centre, that a Bill entitled *Metric Information Ordinance* be now introduced and read a first time.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse Porter Creek, seconded by the Honourable Member from Whitehorse North Centre, that a Bill entitled *Metric Information Ordinance* be now introduced and read a first time.

Motion agreed to

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

Hon. Mr. Lang: Mr. Speaker, next sitting of the Assembly

Mr. Speaker: The Honourable Member from Whitehorse West.

Hon. Mrs. Whyard: Mr. Speaker, I move, seconded by the Honourable Member from Whitehorse Porter Creek, that the following Bills be now introduced and read for the first time: *An Ordinance to Amend the Partnership Ordinance and An Ordinance to Amend the Municipal Ordinance.*

Mr. Speaker: Is that *An Ordinance to Amend the Municipal Ordinance*?

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

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse West, seconded by the Honourable Member from Whitehorse Porter Creek, that Bills entitled *An Ordinance to Amend the Partnership Ordinance and Municipal Ordinance* be now introduced and read a first time.

Mrs. Watson: A point of order, Mr. Speaker, hasn't the *Municipal Ordinance* been introduced and read a first time already?

Mr. Speaker: Yes, I believe that is correct, it has already been given. Is this a different Bill?

The Honourable Member from Whitehorse North Centre.

Hon. Mr. McKinnon: No, Mr. Speaker, it is not. The introduction and first reading for *An Ordinance to Amend the Municipal Ordinance* has already been given.

Mr. Speaker: The Honourable Member from Whitehorse West.

Hon. Mrs. Whyard: Mr. Speaker, I move, seconded by the Honourable Member from Whitehorse Porter Creek, that a Bill entitled *An Ordinance to Amend the Workmen's Compensation Ordinance* be introduced and read the first time.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse West, seconded by the Honourable Member from Whitehorse Porter Creek, that Bills entitled *An Ordinance to Amend the Partnership Ordinance and An Ordinance to Amend the Workmen's Compensation Ordinance* be now introduced and read the first time. Do I have this correct?

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

Motion agreed to

Mr. Speaker: When shall these Bills be read a second time?

Hon. Mrs. Whyard: At the next sitting of the Assembly, Mr. Speaker.

Mr. Speaker: Are there any further bills for introduction at this time?

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

The Honourable Member from Whitehorse Riverdale?

NOTICES OF MOTION FOR THE PRODUCTION OF PAPERS

Mr. Lengerke: Mr. Speaker, moved by myself, seconded by the Member from Kluane, that a copy of the draft Agreement-in-Principle between Canada and the United States with respect to the Alaska Highway Pipeline Project be tabled.

Mr. Speaker: Are there any further Notices of Motion for the Production of Papers? The Honourable Member from Kluane?

Mrs. Watson: Yes, Mr. Speaker, I would like to give Notice of Motion, seconded by the Honourable Member from Riverdale, that Yukon Electric's franchise proposals to the Territorial Government regarding the supplying of electrical

energy to the communities of Beaver Creek, Destruction Bay, Burwash, and Haines Junction be tabled.

Mr. Speaker: We will then now proceed with Notices of Motion or Resolution.

The Honourable Member from Kluane?

NOTICES OF MOTION

Mrs. Watson: Yes, Mr. Speaker, I would like to give Notice of Motion, seconded by the Honourable Member from Riverdale, that copies of the Government of the Yukon's reply to Motion 15, which passed this House on November 30th, 1976, regarding the cost and policies for the education of Indian children in the Yukon, be forwarded by the Department of Education to all school committees constituted under the School Ordinance, and to the Council of Yukon Indians, the Yukon Native Brotherhood, and the Yukon Association of Non-status Indians.

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

Are there any Statements by Ministers?

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

QUESTION PERIOD

Question re: Pipeline Fund Allocation

Mr. Lengerke: Yes, Mr. Speaker, I have a written question that could be addressed to the Commissioner or any of the Ministers. The question is: by department or activity, how many dollars of the \$200 million pipeline fund has been allocated or earmarked in their five year forecasts as a result of Federal-YTG intergovernmental discussions and negotiations with respect to the pipeline project.

In other words, what expenditures by Federal or YTG departments that would normally take place through annual budget requirements, have now been identified as pipeline related, and will be financed from the fund?

Mr. Speaker: Are there no further questions?

The Honourable Member from Ogilvie.

Question re: Remedial Tutoring Program

Ms Millard: Mr. Speaker, a question for the Minister of Education: could the Minister tell this Assembly—this is an oral question, Mr. Speaker, could the Minister tell this Assembly, what the current status on the Remedial Tutor Program is, who is responsible for funding the program, who is responsible for administering the program, when will a decision be made on it, and when will the decision be communicated to those involved in the program?

Mr. Speaker: The Honourable Minister of Education.

Hon. Mr. Lang: Mr. Speaker, the question of the Remedial Tutoring Program is very much a concern to this Government and I'm sure to the remedial tutors whose pay is in question. I think for the record, Mr. Speaker, I would like to clarify the position of this Government and let the public become fully aware in respect to the stand this Government has taken since August of this year. If I could take the liberty, Mr. Speaker, I would like to read, for the record, a few letters that were sent in respect to this particular issue in the education field.

The letter was addressed on August 30th, Mr. Speaker, to Mr. Joe, and it states:

"This letter will confirm the discussions which took place on August 29th, between representatives from the various native organizations, officials from the Department of Education, and myself, concerning funding

for the Remedial Tutor Program for the 1977-78 school year.

You will recall that a final approval from Treasury Board was granted on the condition that any future funding depended on the evaluation during the 1976-77 school year. In late June of this year, the evaluation was received and my departmental officials reviewed the results and recommended that the program be officially incorporated in the school system. It is my understanding that the educators in the Department attributed the success of the program last year to the organizational change which insured that the remedial tutors were involved almost solely in the classroom situation as opposed to operating in self-contained areas.

At the meeting, the funding procedure for the program for the past year was briefly outlined and it was noted that if we were to follow a similar route this year, implementation of the program could be delayed for a number of months.

To preclude another unwarranted delay, the following procedure was suggested to the representatives of the native organizations:

1. The Government of Yukon would provide funding for the program from its working capital. I think it is necessary to point out that it is beyond our authority, under the Yukon Act, to expend this money without the approval of the Legislative Assembly and the Department of Education assuming overall responsibility for the program. Subsequently, the program administrator and the tutors would become employees of the Government of Yukon and would remain employees so long as the program is viable and demonstrated needs existed.
2. In order to insure that parents of the children enrolled in this program have a substantial say in the overall operation and management of the program, it was suggested that an advisory committee be formed with representatives from the native organizations. At the same time, there was some discussion on the terms of reference being broadened for the committee to advise the Department of Education on any or all programs affecting Indian students.

Upon reviewing the submission that would have to go forward to Treasury Board for the necessary approval, I note that if the program was incorporated within the Department of Education, there would be substantial saving of administrative cost.

I am sure you will agree that if the costs of the program can be reduced at the same time, it can be delivered with the maximum educational benefits, this would be in the best interests of the taxpayer.

At the same time, if the program is to continue over a number of years, it seems logical to have it under the aegis of the Government of Yukon, which according to the Yukon Act, has overall responsibility for education in Yukon.

In closing, I think it is fair to say that a solution such as this will bring an end to the political confrontations of the past, which undoubtedly had an adverse effect on the educational system in general and on the students in particular.

This letter, Mr. Speaker, was dated on August 30th, 1977.

Another meeting had been called for the 31st of August to discuss this proposal that was put forward, and subsequently, it was cancelled. I would like to read for the record, Mr. Speaker, a letter directed to Mr. Joe.

"I must express my dismay at the cancellation of our meeting scheduled for Tuesday, August 30th, when we were to continue discussions on the remedial tutor program.

Since the school year is about to begin, I feel it is essential that we meet as soon as possible to discuss this subject.

I would appreciate very much if you would please contact my departmental officials to arrange a mutually convenient meeting."

Subsequent to that, Mr. Speaker, another meeting was organized at a later date for September 6th. I have a letter to Mr. Joe when that meeting was cancelled within hours of the meeting to take place, and it states:

"Dear Mr. Joe: With reference to my letter of August 31st, 1977, Mr. Andrew Cherniak contacted my office this afternoon with reference to setting up a meeting to discuss the remedial tutor program. I directed my departmental officials to arrange a meeting for Wednesday, September 6th at 11 a.m."

Subsequent to their arrangements being made, Mr. John Ferby, Superintendent of Education, was notified by Miss Sharon Jacobs that she had been directed by Ms Easterson to cancel the meeting.

"I must, once again, express my dismay over this further cancellation, as I believe the subject to be discussed, the future of the remedial tutor program, is very important to all parties.

I would appreciate it very much if you would contact my departmental officials to arrange another meeting which is mutually convenient to all concerned. Awaiting your reply,"

Needless to say, Mr. Speaker, there weren't any replies, and subsequent to that, we had another meeting with the native organizations on September 16th, and I would like to read the contents of that letter that was sent to all parties involved to clarify the position of everybody that was there. This letter is dated September 19th, and states:

"Dear Mr. Joe: This letter is to review the present situation, and confirm the position of the Government of Yukon in relation to the above program. On Friday morning, September 16th, 1977, various officials from the Indian organizations and the Government of Yukon met to discuss the remedial tutor program. In this meeting the Government of Yukon reiterated its offer of August 29th to fund the tutor program for the current school term. This offer of funding was based on the premise that the Administrator and tutors would become employees of the Government of Yukon and the overall administration of the program would become the responsibility of the Department of Education.

It was understood that this offer included the retention of Miss Sharon Jacobs as Program Administrator, with the possibility of relocating her office to the Government building. Also the Government offered to set up a management committee to ensure that the program continues to operate in the successful manner of the '76-77 school year.

The offer for funding the program on the basis outlined above is felt to be in keeping with the objectives of the Indian organizations and within the policy of the Department of Education, i.e. Indian people developing and monitoring special programs for Indian students and the Government of Yukon fulfilling its mandate to deliver education service to all citizens of Yukon.

The management committee structure, even though

it hasn't been specifically formulated, is intended to ensure the program continues to meet the needs of students requiring special services and would guide the program development along its present direction. The positive results of the evaluation and change in program direction from working in isolation from the classroom teacher to becoming in-classroom teacher assistants have caused the Government of Yukon to re-examine its stand from last year, and make the offer for funding.

Also with the understanding that financial arrangements with the DIAND we could find ourselves each year at the same insecure position with the consequent negative effects on the classroom situation.

The Friday morning meeting was adjourned after the offer and rationale for making the offer was explained and discussed. On the afternoon of Friday, September 16th, 1977, Mr. Weninger, Assistant Superintendent of Education, again met with officials from the Indian organizations to further discuss the offer. The reply was disheartening in that in essence it just further delayed and confused the issue. The reply stated that native organizations are prepared to look at a mechanism whereby we are ensured meaningful input into all education programs that are of native interest and will not consider transferring until this mechanism is put into place and that the terms of reference, et cetera, be incorporated under a separate section under the School Ordinance until the time the School Ordinance opened, we will accept the Commissioner's Order in Council.

While the above reply makes reference to a mechanism whereby the Indians are assured of meaningful input, which the Government of Yukon suggests in the first place, the response fails to recognize the urgency of the matter with reference to the individual remedial tutors. Thus, the attached offers of employment have been forwarded to the individual remedial tutors, and the invitation is once again extended to you to help develop suitable terms of reference for a management committee for the remedial tutor program and/or an overall management committee to advise the Superintendent of Education on the special needs of Indian students in the Government of Yukon school.

Officials from my department will be in touch with you to arrange meetings to formulate terms of reference for both committees. Hopefully, the first meeting can be arranged in the next week or two, at which time you are invited to make a proposal as to areas where the Indian people will feel input is necessary."

I would just like to add in this area of the letter, Mr. Speaker, after this letter was sent out, over the past month and a half, my officials contacted the people involved in the native organizations on numerous occasions, and asking whether or not they wanted to discuss this particular area, and in all cases were turned down. In the latter part of the letter it states:

"I trust a positive reaction can be expected from our action in dealing with the remedial tutor program from our offer to set up a meaningful input system into the Department of Education. Both offers are made keeping in mind the best interest of all Yukon students.

Unfortunately, Mr. Speaker, this was not good enough and I find it rather confusing and I know the Government does as well, in respect to the stands taken by the native organizations and by the Federal Government, for that matter, in respect to education, and for that matter in many of the dealings with the Indian people.

I just want to take a few minutes, Mr. Speaker, and point out the statements that were made in the past, one specifically by

the Chairman of the CYI which was made in this Legislature on September — I forget the date now, but the last time that he appeared in this House, and he stated specifically:

"The issue which we would and, in fact, must deal with is that of how Indian and non-Indian people can possibly grow and develop under a new government system at the territorial level."

At the same time, Mr. Speaker, I recall very vividly Mr. Allmand, who attended this Legislature and, if you will recall, gave a speech to the members of this House. He stated, and I would like to reiterate, he emphasized that Indian people need to have, and I quote:

"...assured access to the decision-making processes of government in relation to those policies and activities that directly affect the life of native groups concerned".

Mr. Speaker, I think maybe we should go a little further back in history, and I think the Honourable Member from Kluane well knows the statement that Mr. Chretien made when he was Minister. I believe, in 1973 the statements was made and I would like to reiterate that for the record as well, Mr. Speaker. It stated:

"For the bands in the Northwest Territories and the Yukon Territory, the new policy must be viewed in the context of the territorial system of education. The Commissioner for each territory will continue to be responsible for the education of territorial residents, including native people. In recent statements on education policy—"

Mr. Lengerke: Point of Order, Point of Order, Mr. Speaker. I don't think this is in reply to the question that was asked.

Mr. Speaker: I was just about to remark that for a Question Period, this reply is rather lengthy and would more properly would have its place under Statements by Ministers. Perhaps the Honourable Minister could shorten his reply.

Hon. Mr. Lang: Well, Mr. Speaker, all I can say is that I think that it should be on the record of this House in respect to this Government's stance in respect to education.

I just wanted to say that the policy—

Mrs. Watson: Point of Order, Mr. Speaker, maybe the Honourable Member could make his speech tomorrow when the Minister has an opportunity—we would love to hear it, but it should be in order.

Mr. Speaker: Order please.

The Honourable Minister of Education? The Honourable Member has no Point of Order. The Honourable Minister of Education

Hon. Mr. Lang: Mr. Speaker, to maybe further get back into the question of the Member from Ogilvie, I'd just like to point out that the end of the September, apparently in the officials of the Department of Indian Affairs and Northern Development Regional Office in Yukon, transferred \$6,000 over to the YNB to pay the salaries of the Yukon Native Brotherhood.

So, at this present time, I would suggest that the program is limboed, not in respect to this Government, but in respect to the native organizations as well as the Federal Government, because it was our understanding that the Federal Government wanted to see the program under the Government of Yukon, but there appears to be a change now in respect to their position.

I will be meeting with the Minister on Tuesday evening. I will be discussing the Remedial Tutoring Program and also education, the future of education in Yukon, as well, Mr. Speaker, and I hope to be delivering a statement to this House on Wednesday morning.

The situation, as far as I am concerned, Mr. Speaker, must be resolved one way or the other.

Mr. Speaker: Are there any further questions?

The Honourable Member from Pelly River.

Question re: Consumer Association Survey

Mr. McCall: Thank you, Mr. Speaker.

I have a question for the Commissioner. Recently, the Consumer Association completed a cost-of-living survey for this Government, in the latter part of summer. I would be most interested if the Commissioner could provide this House with that information dealing with the cost-of-living in the communities in the Yukon.

Mr. Speaker: Mr. Commissioner.

Mr. Commissioner: Mr. Speaker, I'd be pleased to present the finding of the spatial price index survey to this House, and that is what we took, just that, not a cost-of-living index, but a spatial price index and certainly, all Members will get copies of that survey.

Mr. Speaker: The Honourable Member from Kluane.

Question re: Price Waterhouse Analysis

Mrs. Watson: Mr. Speaker, I have an oral question for the Minister of Local Government. He may take it as a written question if he so desires. On March 2nd, in '77, in a letter to me, and later in Budget discussions, the Minister stated that Price Waterhouse Associates has been engaged by the Territorial Government to carry out a detailed analysis of franchise agreement proposals submitted by the Yukon Electric Company to the Government of the Yukon for the communities of Beaver Creek, Destruction Bay-Burwash, Keno City, Old Crow, Pelly Crossing, Stewart Crossing, Swift River, Tagish, Ross River, and Haines Junction, for boundary extension.

My first question: has the analysis been completed by Price Waterhouse?

Hon. Mr. McKinnon: Mr. Speaker, can I take the question as notice?

Mr. Speaker: Are there any further questions?

The Honourable Member from Kluane?

Mrs. Watson: Mr. Speaker, I have supplementary questions as part of that. The first question: has the analysis been completed by Price Waterhouse; will their Report be tabled in the House; has the Government of Yukon entered into any franchise agreements with Yukon Electric for the supplying of electrical energy to any or all of the communities named, and if not, does the Government of Yukon plan on entering into any of the franchise agreements which were proposed?

Mr. Speaker: The Honourable Member from Whitehorse Riverdale?

Question re: Block Land Transfers

Mr. Lengerke: Yes, Mr. Speaker, during the last session of this Assembly, a Resolution was passed with respect to the matter of block land transfer, and I am just wondering if there has been any response from the Minister with respect to that matter. Did he respond to our Resolution? I will address that Mr. Speaker, to the Minister of Local Government.

Mr. Speaker: The Honourable Minister of Local Government?

Hon. Mr. McKinnon: No, Mr. Speaker, there has not been an answer from the Minister to this point in time. It is a subject that will be raised once again by myself with the Minister when he appears in Yukon on Tuesday, and I have every indication, Mr. Speaker, that the Honourable Member from Kluane may be raising the matter with the Minister also.

Mr. Speaker: The Honourable Member from Kluane?

Question re: Special Education Needs for Indian Students

Mrs. Watson: Yes, Mr. Speaker, I have a written question for the Minister of Education. The Government of Yukon's reply to motion 15, which was passed by this House, on November 30th, 1976, regarding the costs and policies for the education of Indian people in Yukon states in the last paragraph: "A conscious decision will have to be made by all parties as to whether or not they are prepared to continue in an integrated system which allows for special needs of native students or whether they want to divide the Yukon into a system of segregated schools."

My question: would the Department of Education identify the special needs of Indian students which need to be accommodated or allowance is made for in an integrated school system in the Yukon.

Mr. Speaker: Are there any further questions?

The Honourable Member from Whitehorse Riverdale?

Question re: Force of Senior Government Officials

Mr. Lengerke: Yes, Mr. Speaker, I have a question for Mr. Commissioner this morning. It comes from the Speech from the Throne. The speech referred to a force of senior government officials had been established to prepare a proposal on an impact information centre. My question to the Commissioner would be: what government officials, are these senior government officials of the senior government, the Federal Government, or YTG officials involved? Could he identify the departments that they might be from?

Mr. Speaker: Mr. Commissioner?

Mr. Commissioner: Mr. Speaker, I note that that falls from the Speech from the Throne, and if I may take the liberty to congratulate this House at this time on their beautiful new table, the relationship is to the Speech from the Throne, and I would like to get that in before we go on to answer the question.

Mr. Speaker, the group that we referred to of senior government officials, are all government officials of the Yukon Territorial Government, but notwithstanding that, we recognize that some liaison will be needed eventually with the Federal Government, and with the private sector, because an impact and information centre is a very important thing with regard to impacts of this pipeline.

I will have to answer the second part of your question, if I may bring back that answer for tomorrow. I'm not certain myself as to which senior government officials are involved and how many.

Mr. Speaker: The Honourable Member from Whitehorse Riverdale?

Mr. Lengerke: Supplementary to that, the force has been established though, is that correct? The task force?

Mr. Speaker: Mr. Commissioner?

Mr. Commissioner: Mr. Speaker, that is true. The task force has been established and they have met on several occasions to discuss the concepts and the options. That is all that I know about results to this time.

Mr. Speaker: The Honourable Member from Whitehorse South Centre?

Question re: Implementation of Ordinance to Amend the Legal Professions Ordinance

Mr. Hibberd: Mr. Speaker, I have a question for the Commissioner this morning. In the Third Session, 1975, this House dealt with an Ordinance to Amend the Legal Professions Ordinance, and we found out in our deliberations in the First Session of 1977 that this Ordinance had never been implemented.

I am wondering if the Commissioner can give us any infor-

mation as to whether this has been implemented as yet, and if not, why not?

Mr. Speaker: Mr. Commissioner?

Mr. Commissioner: Mr. Speaker, in answer to that question, the answer is no, it has not been proclaimed to this time. The reasons are not at all totally clear to me, but the fact is that when the amendments were discussed and passed in this House, it was on the understanding that the B.C. Law Society would undertake to act in the capacity of a discipline committee for the Yukon Government. Subsequent to that, we discovered that, indeed, we never had such a commitment from the B.C. Law Society. If we did, they have changed their mind, and as a result, we never were able to reach an agreement with them.

As a result, this Government went to the Province of Alberta, and we now have before us a list of names of people for a discipline committee established under the auspices of the Alberta Law Society.

It is my hope that we will be able to proclaim that Ordinance within ten day's time.

Mr. Speaker: The Honourable Member from Whitehorse South Centre.

Question re: Special Socio-economic Impact Expenditures

Mr. Hibberd: Yes, Mr. Speaker, I have another question for the Commissioner this morning, with reference to the Speech from the Throne, and I would like to quote one sentence from that.

"I am pleased to announce to you today that the only special socio-economic impact expenditures that will be repaid from the pipeline property taxes are those legislated by the Members of this Assembly."

Mr. Speaker, am I to understand from this that this fund so established is to be legislated by this House and that no other agencies will be able to avail themselves of this funding?

Mr. Speaker: Mr. Commissioner.

Mr. Commissioner: Mr. Speaker, that is a difficult question to answer. The fund itself in the agreement-in-principle between Canada and the United States, or the money value, the two hundred million dollars, was to be made available to government. Now, it must be pointed out that the two hundred million is not a definite figure that must be spent, but that is the maximum amount of money to be made available to government by the Applicant.

Now, there was nothing in there about the interest, there was nothing in there about the terms, just that there would be an amount up to a maximum of two hundred million dollars made available as and this money would have to be paid back and, it's our understanding that money spent by this Government and this Government alone, legislated by this Assembly, would be repaid out of taxes accruing to this Government from the pipeline, after 1979, no, 1980 is the first year we accrue taxes.

I don't know whether the Federal Government will want to use the line of credit established by Foothills to mitigate their costs and then pay it back out of their own revenues, or whether they would prefer a far more preferential interest rate, which I'm sure they can get on the open money market, but I don't know the answer to that. The Federal Government, it is their decision.

Mr. Speaker: The Honourable Member from Whitehorse South Centre.

Mr. Hibberd: Mr. Speaker, supplementary to that: am I lead to understand that there has been no negotiation or no agreement between this Government and the Federal Government regarding the dispensation of this funding?

Mr. Speaker: Mr. Commissioner.

Mr. Commissioner: No, no, this fund is just money sitting there available to us, which means that if we have, when we have socio-economic impacts that this Government feels we must mitigate, we must develop programs and we must spend money, we don't have to raise the taxes of Yukon residents, we don't have to search for money, the money is available and it's there and we can draw on it as required. That's all it is. It forms another method of obtaining funds to off-set or to implement programs to off-set socio-economic concerns, but it will have to be paid back.

Mr. Speaker: I'll perhaps permit one further supplementary.

Mr. Hibberd: Supplementary to that, Mr. Speaker, if there are socio-economic impacts accruing from the pipeline and these are seen as expenditures of a Federal Department and that Federal Department does utilize funds for the purpose of that impact, will they be paid out of this fund and, if they are, who is responsible for re-payment of that funding?

Mr. Speaker: Mr. Commissioner.

Mr. Commissioner: Well, Mr. Speaker, my understanding is that I don't think it is really clear whether they will come out of the fund or not, but if they are spent by a Federal Government Department as a legitimate requirement under their responsibility in the Yukon, then those funds will not be repaid by this Government out of their tax revenues, accruing from the pipeline.

Mr. Speaker: The Honourable Member from Kluane.

Mrs. Watson: Mr. Speaker, further supplementary on the same line of questioning: the Commissioner stated that there was no agreement between the Government of the Territory and the Government of Canada regarding this fund. Is there any letter of understanding or anything specific on which the Government of the Yukon can operate or are we waiting, in fact, until the Pipeline Bill becomes law and then renegotiate the agreement, or is it necessary to get this in the Bill, the Pipeline Bill?

Mr. Speaker: Mr. Commissioner.

Mr. Commissioner: Mr. Speaker, I'm afraid I can't answer exactly when and where that formal, if a formal agreement is needed, will come, whether it will come in the Bill passed through the House of Commons, or whether we will need an official letter from the Prime Minister or an understanding. We have now, in discussions with Honourable Members of the Government of Canada, reached this understanding and it is simply a matter now of working out the details on down the line.

Mr. Speaker: The Honourable Member from Hootalinqua?

Question re: Highway Maintenance

Mr. Fleming: Yes, Mr. Speaker, in reference again to the Speech from the Throne, on the some \$30 million that would be used for highway maintenance, or upgrading, or whatsoever, it was very vague, I am wondering if that is considered to be the over 6,000 miles, the entirety of the pipeline, the 1,200 and some miles from Dawson Creek to the end of the pipeline, or is that money considered for the 500 and some miles of the Yukon Territory?

Mr. Speaker: Mr. Commissioner?

Mr. Commissioner: Mr. Speaker, I prefer that the Minister of Local Government answer this or the Minister of Highways and Public Works answer this. He is far more familiar with the discussions that have been going on with Ottawa than I.

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

Hon. Mr. McKinnon: Mr. Speaker, the \$30 million is available for those portions of Yukon roads affected by the pipeline construction.

Mr. Speaker: The Honourable Member from Whitehorse Riverdale?

Mr. Lengerke: Supplementary to that, is that for just strict maintenance or capital works?

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

Hon. Mr. McKinnon: Mr. Speaker, if members have read the agreement which has been public since it was signed, it was not specified in the agreement. We immediately, on our own initiative, sent in a shopping list for the Alaska Highway only, because we want to see which of the monies that we would like to see allocated for the upgrading of the Alaska Highway for pipeline construction will be acceptable for expenditures out of this \$30 million. We are trying to force the issue in every instance because of Federal Government inaction up to this point in time.

Mr. Speaker: The Honourable Member from Ogilvie?

Ms Millard: Mr. Speaker, further on that item, to the Minister of Highways. Why were we assured, especially in the YTG-Lysyk presentation that there wouldn't be any need for expenditure on highways, that there would be no need for improvement and now you are requesting funds for it?

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

Hon. Mr. McKinnon: Because, Mr. Speaker, the figures that were provided to us by our own counts in the construction of the Alyeska pipeline showed a much greater traffic count over the Alaska Highway at that time, than is projected by any of the figures of the applicant, Foothills.

If we feel that we can upgrade the Alaska Highway because of proposed pipeline activity, then we feel that it would be irresponsible of this government not to attempt to upgrade that Highway, because of proposed pipeline activity and get it in as best a shape as we possibly can on the area of curves, of alignments, so that there will be less danger to the travelling public during the busy time of highway construction.

Mr. Speaker: The Honourable Member from Whitehorse Riverdale?

Mr. Lengerke: Mr. Speaker, I wonder if the Minister of Highways and Public Works would clarify this. I believe the \$30 million is over and above the \$200 million. Is that correct, Mr. Minister?

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

Hon. Mr. McKinnon: Mr. Speaker, it is a specific separate part of the agreement.

Mr. Speaker: The Honourable Member from Whitehorse South Centre?

Mr. Hibberd: Supplementary to that, Mr. Speaker, is this funding of \$30 million going to be used to mitigate the normal budget of that department, or is it in addition to the normal budgetary requirements of the Department of Highways?

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

Hon. Mr. McKinnon: It will be in addition, Mr. Speaker. We know of all kinds of sections of the Alaska Highway that we would like to see the alignment straightened and we hope that for safety factors, and because of the increased traffic where we have been refused under the Engineering Services Agreement, our long outstanding desire is to straighten out these sections and to make the highway more safe, that perhaps because of this funding, over and above our normal Engineer-

ing Services Agreement funding, that we will be able to do those things that we have wanted to do on behalf of the people of the Yukon for quite a considerable period of time.

Mr. Speaker: The Honourable Member from Hootalinqua?

Question re: Maintenance of the Annie Lake Road

Mr. Fleming: Yes, Mr. Speaker, to the Minister of Highways, while we are on the large subject of pipelines, a very small subject, but very important to some people, the Annie Lake Road, and we know it is a recreation road and therefore not to be maintained in the wintertime; but due to the increase in children on that road and people living there, has the Minister thought of doing any maintenance whatsoever there this winter?

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

Hon. Mr. McKinnon: Mr. Speaker, this is an annual question at school time, that comes up in the House and I took the opportunity of doing some research into the subject.

They are all federal properties on the Annie Lake Road that were given. There's thirty taxable properties in that area, all under federal leases or title. The tax revenue to the Yukon Government on the improvements on those properties is \$3,435 a year. Of those thirty properties, there are squatters, titled property, cancelled leases, et cetera, involved. There's nineteen valid leases and the federal leases all contain a clause saying that Her Majesty assumes no liability, expressed or implied, to provide access to the said land.

Mr. Speaker, presently, the parents on the Annie Lake Road are given a transportation subsidy to bring those students to the Carcross Road where they are picked up by a school bus. The annual cost to the Government of the Yukon for that transportation subsidy paid to the parents just to bring the children to the Carcross Road, is \$5,778. There are ten students this year. Then it costs another \$2,690 from the Carcross Road into Whitehorse, for a total, just for transportation subsidy of school bus, \$8,468. If we put that into perspective from the taxation revenue that we receive, of \$3,435, you'll see that we're some \$5,000 in the hole already on nothing but school bus transportation.

If the residents applied only some—it would take about \$300 to plow the road once per month. This is based on one grader and one man completing the seventeen miles in one eight hour day. If they did that once a month during school months, it would cost the residents of that road approximately \$1,500 to rent, as third party equipment, Department of Engineering grading. They are already receiving a subsidy from this Government, some \$5,000, to be able to take those kids from the properties to the Carcross Road. There are many other parents in the same circumstances and many other areas where access is required in the winter that go through the third party agreement to be able to get the Department of Engineering to provide access to the properties on a year-round basis and, from what I see, it's rather reasonable.

However, if the policy is changed that all recreational roads and all those types of roads are now going to be kept open summer and winter, we would be looking at an extra cost of \$4,675 for the Annie Lake Road, exclusively, and \$18,617 for all such related roads throughout the Yukon Territory.

So I think we have to be very realistic about what the Government is spending, what it would cost if the parents got together to just take a small portion of their transportation subsidy to keep the road open and what would be the total cost upon the Government of this Yukon if we were to change the policy, the people have already signed leases for title saying that they do not, and they do not want or desire or will not be asking Government for these services if they are allowed land

in these areas, that we should bring the whole equation into perspective and see what is available and what is possible and what the cost to the total taxpayer would be if we changed the philosophy and provided year-round maintenance on all the recreational roads.

I think the monies are there for the parents on that that are given by the Department of Education already. If they want to apply just a small portion of those monies to cleaning the road where many other parents in the same circumstances would do exactly that, Mr. Speaker.

Mr. Speaker: The Honourable Member from Hootalinqua.

Mr. Fleming: Supplementary to that, Mr. Speaker, I'm a little confused as to the subsidy, actually how and who receives that subsidy of \$5,000.

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

Hon. Mr. McKinnon: Mr. Speaker, each parent receives, depending on the miles that they have to travel from their property on the Annie Lake Road to bring their students to the Carcross Road, a mileage allowance. Using the base of ten students in this year's rates, the costs for 1977-78 breakdowns as follows: transportation subsidy paid to parents at \$577.80 per month times ten, is \$5,778.00. This is paid to parents to transport the children from the Annie Lake Road to the Carcross Road.

Mr. Speaker: The Honourable Member from Kluane.

Mrs. Watson: Yes, Mr. Speaker, a supplementary question to the Minister of Highways on this. I wonder if the Minister of Highways could calculate the cost of the school busing in the City of Whitehorse, within the City of Whitehorse limits, and the revenue which the Government of the Yukon derives from the taxpayers in the City of Whitehorse, taken on a percentage of the total school population and the number that are bused. It would be an easy calculation and I'm sure I would like the Minister to do this so that we can see whether the cost of busing is borne by the total taxpayers in the Yukon, not just for urban areas, but for rural areas, but also for urban.

Hon. Mr. McKinnon: Mr. Speaker, I think that question should be properly directed to the Minister of Education. The department officials would supply those figures to the House if so requested.

Mr. Speaker: The Honourable Member from Kluane?

Mrs. Watson: Mr. Speaker, if the Minister of Education would prepare a reply to my question.

Mr. Speaker: The Honourable Minister of Education?

Hon. Mr. Lang: Certainly, Mr. Speaker, that can be arranged. I just want to make one point in respect to the Regulations in this area. As everyone is probably aware, people within a two mile radius of the school, the parents do pay \$3 per student in respect to using the facility.

Mr. Speaker: The Honourable Member from Kluane?

Mrs. Watson: Mr. Speaker, my question pertained to the children living beyond the two mile limit.

Mr. Speaker: The Honourable Member from Whitehorse Riverdale?

Question re: Calling of Highway Contracts

Mr. Lengerke: Mr. Speaker, a question for the Minister of Highways and Public Works — back to the \$30 million again. If in fact arrangements can be made and finalized with respect to those expenditures, will the Minister of Highways and Public Works be calling contracts in connection with work relating to the \$30 million this spring?

Question re: Two Mile Hill Upgrading

Mr. Lengerke: The other question is, in that \$30 million

shopping list that you said the government put forward, is the upgrading of two mile hill, the turnaround, is that included in that?

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

Hon. Mr. McKinnon: Mr. Speaker, naturally, and logistically, and sensibly, we would like to have all of the major construction on the realignment of the Alaska Highway done within the next two years prior to the actual construction of the pipeline itself. All that we can do is to try and force the issue and take the initiative as to how and when and how quickly the money can be allocated.

Yes, we would like to be calling contracts next spring; no, we don't know whether it is possible at this point in time.

The shopping list has not contained the \$30 million, as the Honourable Member would seem to imply. We have said these are major projects that we would like to see undertaken immediately, and they hopefully will come from a portion of that \$30 million, which we hope will be allocated for that purpose.

Mr. Speaker: Order, please. I think at this time I have to regretfully advise all members that the time allotted for Question Period has now been used up.

We will now proceed to Orders of the Day.

ORDERS OF THE DAY

MOTIONS

Item No. 1

Madam Clerk: Second reading of the Motor Vehicles Ordinance, standing in the name of the Honourable Mrs. Whyard.

Mr. Speaker: The Honourable Member from Whitehorse West.

Bill Number 1 - Second Reading

Hon. Mrs. Whyard: I move, seconded by the Honourable Member from Whitehorse Porter Creek, that Bill Number 1 be now read a 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 Bill Number 1 be now read a second time.

Motion agreed to

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

Some Members: Agreed.

Mr. Speaker: The Honourable Member from Pelly River.

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

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 solve into Committee of the Whole.

Motion agreed

COMMITTEE OF THE WHOLE

Mr. Chairman: I will now call Committee for order and declare a brief recess.

Recess

Mr. Chairman: I will now call this Committee to Order.

The only business as yet before the Committee is the Motor Vehicle Ordinance. It has been requested that Mr. Doug Spray, the Territorial Secretary, be present as witness during our consideration of this Bill. Is Committee in agreement?

Some Members: Agreed.

Mr. Chairman: Mr. Bell, the Executive Committee member for this department and Mr. Doug Spray, the Territorial Secretary, are present as witnesses this morning.

Motor Vehicles Ordinance.

On Clause 1(1):

Mr. Chairman: Is there any general debate on this Ordinance? Mr. McCall?

Mr. McCall: Yes, Mr. Chairman, I wonder if the witness could give us a brief, quick breakdown of the total intent of the *Motor Vehicles Ordinance*, because I find it rather surprising, it being introduced at this point in time.

Mr. Chairman: Mr. Spray?

Mr. Spray: Mr. Chairman, the *Motor Vehicles Ordinance* is amended from time to time, since it was first enacted. What we are doing is bringing it up to date with all of the jurisdictions that neighbour the Yukon. We must in this case be compatible with other legislation as we have a great deal of traffic moving in and moving through the Yukon Territory.

We've removed certain items from the *Motor Vehicles Ordinance* at this time, which we feel are better placed in the *Transport Public Utilities Ordinance*. We must metricate (that's the best word for it) the *Motor Vehicles Ordinance*. We are one of two jurisdictions, I believe, in Canada, that have not moved to metrification of our highways and this Ordinance will allow us to do so by the beginning of 1978.

Generally speaking, we are putting in items that have not appeared in our legislation before, which we must control, which have been controlled in other jurisdictions. So we are consolidating and updating our motor vehicle legislation, which we feel is quite necessary with the increased traffic into and through the Yukon in the next few years.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, it is customary when a Bill is given second reading, that a member of the government usually speaks to the Bill on second reading and outline any, particularly in the area of any philosophical change, in the intent of the Bill.

I am a little concerned about this. The witness has given us some of the intent, the specific intent of the Bill. Whether the philosophical intent of this Bill is to be more restrictive, to derive more revenue, or what was the philosophical intent of the revision to the Bill?

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, it is difficult for me to be philosophical about motor vehicles, but I would say that one of the main intents of this Bill is to provide the mechanics in order for this government to have greater control in this area. You will see from reading the new Ordinance as we proceed, that there are a number of boards that we hope to establish, a number of mechanisms we hope to implement, not at this particular time, but we now have the enabling legislation to provide the procedure to do so when we reach the point where it is required.

I think that we have already heard, in committee, the main reasons for bringing it at this time. It's probably going to be a broken record by the time we are through this Session of this House, that a number of pieces of legislation are appearing before us now so that we can get everything in order and be prepared for additional influx of people, not only in motor vehicles, but in other areas.

There are a number of, I suppose we could say there have been a number of weak sections in previous Ordinances which did not give us authority to control motor vehicles and all their equipment and regulations regarding their operation.

Now we are trying to strengthen those weak areas in this new Ordinance.

Mr. Lengerke: Yes, Mr. Chairman, just a question of the Secretary. The Territorial Secretary, in his remarks, said that the *Transport Public Utilities Ordinance*, he referred to, saying that some of the sections would be lifted out of this and put into that, or is it vice versa? Could I have some clarification on that and would we be expecting to get a *Transport Public Utilities Ordinance* this Session, or not, because I think we made mention of that last Session as well?

Mr. Chairman: Mr. Spray.

Mr. Spray: Mr. Chairman, there are certain aspects of control of motor vehicles which are best handled in the transfer of *Public Utilities Board Ordinance*, or the *Transport Public Utilities Ordinance*, because we have a specific board to look at the applications from the people in the transportation industry. My department has received instructions from the Executive Committee to look at that particular Ordinance, the *Transfer of Public Utilities Ordinance*, and it is on the schedule of legislation which I am to review in consultation with the Executive Committee, or I'm to bring forward points to them.

Mr. Lengerke: Mr. Chairman, was the Transfer of the *Public Utilities Ordinance* not to be on the agenda this Session? I understood from last Session that we had a semi-commitment that it would be, and especially if sections are being lifted out of the *Motor Vehicles Ordinance* to put into that, how then do you look after those particular sections, how are they enforced, or whatever?

Mr. Spray: Mr. Chairman, the *Motor Vehicles Ordinance* it will be able to be brought into force in portions. It's not going to repeal the way the Bill is drafted. It doesn't repeal the existing *Motor Vehicle Ordinance* all at once. We would like to bring in the licensing sections in the spring in order to handle the new licensing year.

The Transfer of *Public Utilities Ordinance* is, we feel, quite important, in view of increased economic activity and it is going to take quite some time to prepare it. In drafting the other legislation for the Executive Committee's review this summer, we really haven't had time to put the importance on it that we should. We want to make sure that we have enough input into it and that we draft one that will handle all of our anticipated activity in the Territory.

Mr. Chairman: Mr. Lengerke.

Mr. Lengerke: Mr. Chairman, one further question: was there some consultation with the transportation society or association, the Yukon Transportation Association, with respect to changes in the now *Motor Vehicles Ordinance* before us. Was there any consultation there at all on specific points?

Mr. Spray: No, Mr. Chairman, we have not had consultation with the Transportation Association on the *Motor Vehicles Ordinance*, in any detail. We have received a submission from them with respect to changes that they would like to see in the *Transport of Public Utilities Ordinance*, and I believe that they will continue to be consulted on the points that they wish to submit into that Ordinance.

Mr. Chairman: Mr. McCall.

Mr. McCall: Thank you, Mr. Chairman, I was just wondering if the witness could give us a breakdown as to the improvements, if any, of the licensing section, which is proposed or suggested for introduction this spring. What improvements are there? Is there a tightening up of the licensing procedures? Could you give us a brief explanation on this, Mr. Chairman?

Mr. Spray: Mr. Chairman, I assume this relates to the *Transport Public Utilities Ordinance*, or the *Motor Vehicles Ordinance*?

The *Motor Vehicles Ordinance*, in actual fact, there is no tightening up of the licensing functions. We are providing, in this Bill, for establishment of a demerit point system on operators' licences. We are providing authority for motor vehicle inspections. We are establishing a drivers' control board and a medical review board.

Now, these may not be implemented immediately but it is our hope that we will be able to put them into place in the next licensing year which takes some of the final authority away from the Registrar of Motor Vehicles. Right now it is rather a situation where the Registrar has a great deal of authority on an individual basis. Some of these items are best left in the hands of boards such as the Driver Control Board or a Medical Review Board.

The demerit point system is quite common system in the provinces and it establishes, in Legislation, the system whereby a person would lose their operator's licence. Right now, the only way that we can take away a person's operator's licence is by Commissioner's Order. This is done, obviously under the recommendation of the Registrar

Mr. Chairman: Mr. McCall?

Mr. McCall: Yes, just a supplementary to this type of questioning, Mr. Chairman. In dealing with licensing, I see in the Bill itself an area where there is a prohibition of air-cushioned vehicles, which are not really motor vehicles, per se, dealing with the particular Bill.

I am quite concerned that in the twentieth century that we do have a lot of air-cushioned vehicles. Are you preparing to introduce some legislation later on dealing with air-cushioned vehicles?

Mr. Spray: Well, Mr. Chairman, the only reference we make to air-cushioned vehicles, I believe, is that they may not be operated on our highways. They may be operated, I believe, across our highways. We have had this in our legislation up until now. It has been done by means of amendments and regulations. All we are doing is incorporating them into the Bill.

If it is necessary to make special provisions for operators of air-cushioned vehicles, this will be done by Regulation.

Mr. Chairman: Mr. McCall?

Mr. McCall: Mr. Chairman, I find that hard to believe that it can be done by Regulations when we prohibit them out of the piece of legislation. I can't see where you can do that, unless we are making some special rules and regulations which deal with this particular Bill, yet we are exempting the air-cushioned vehicles from motor vehicles. It is not a motor vehicle.

So you are saying you want the right to establish regulations to govern air-cushioned vehicles, and yet they are not part of the parent Bill. What are we doing here, Mr. Chairman?

Mr. Spray: The definition of "vehicle", Mr. Chairman, "is a device upon by or which a person or thing may be transported or drawn upon a highway. No person may operate a vehicle on a highway unless he is the holder of a subsisting operator's license." If we do prohibit the operation of air-cushioned vehicles on a highway, then it is not necessary for the individual to have an operator's license and we have no control over that individual or that unit under the *Motor Vehicles Ordinance*. We do not require that any vehicle that is not operated on a highway, be licenced at this time. So, if we are prohibiting air-cushioned vehicles from operating on our highways, then we need not touch on the operation of them under this Ordinance. We do not have the authority to do so.

Mr. Chairman: Mr. McCall?

Mr. McCall: Mr. Chairman, I don't want to belabour this, I would prefer to wait until the appropriate sections in the Bill

come up.

I would just like to say one thing. I don't see any logic whatsoever from this government to introduce a Motor Vehicles Bill, with the exemption of air-cushioned vehicles, and then you turn around and say we still want the right to make Regulations to govern that vehicle, but they don't have the right to operate under this particular piece of legislation. There's no logic, as far I'm concerned, Mr. Chairman.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Yes, Mr. Chairman, my comments are going to be very brief, and they are not going to be to the witness, they are going to be to the government regarding this Bill, this Bill generally and some of the other Bills that we received for this session.

I have a concern, and that is the fact that in our haste, and possibly too, in our necessity to prepare for the pipeline "the rules of the game are being changed" in many instances. We say we are doing it to prepare for this pipeline to protect the people who are here, but still we are changing the rules of the game, completely and exclusively, and in many instances quite drastically, so that the people who are operating under the Motor Vehicles Ordinance, and I'm talking about people who make their living under the Motor Vehicles Ordinance, and again, the Labour Standards Ordinance, they are two good examples, people in the Yukon are going to have to adjust the rules of the game, for these two are being changed, and they are going to have to adjust and accommodate these changes.

The government, the administration of this, are going to have to adjust to these changes, and in their adjustment they could be deficient in this area and in that area. I am wondering whether the government is being very, very careful at this time to make a decision, and it has to be a political decision. This legislation really needs amending, this needs amending, this needs amending; but politically, how far can we go in changing the whole operation in the Yukon as it exists now? Our function primarily is to protect and to provide services for the residents of the Yukon Territory, particularly those who make the Yukon their permanent home.

I hope that the Government does heed my words and not embark upon a frantic exercise to amend all the legislation that needs to be amended, because heaven knows, there's many of them that need to be amended, but is it advisable to do it now, in the light of the people that this Government is supposed to serve.

Mr. Chairman: Mr. Berger.

Mr. Berger: Thank you, Mr. Chairman, I would like to ask the witness when we can expect a regulation to this Bill. It was promised to us in the last Sessions that, whenever possible, the new regulations will be coming forward with the Bill. I think since this is a very important Bill and the regulations following up are going to be very important to the Bill also, I would like to see, personally, the regulations come in with the Bill to this House, because there is already questions asked about regulations and I would like to see, before we even go any deeper in this Bill, to see the regulations on this Bill.

Mr. Spray: Mr. Chairman, as we were drafting the *Motor Vehicles Ordinance*, we have also drafted outline regulations for the Ordinance. These regulations have not been discussed outside of our own department, they are internal ideas for the regulations and we do have some of the basic outlines for these regulations available, but not detailed regulations.

Mr. Chairman: Mr. Berger.

Mr. Berger: Yes, Mr. Chairman, I was just wondering if we could get a copy of these draft regulations, if possible?

Mr. Spray: Mr. Chairman, our working papers on these

regulations are most certainly available as far as I'm concerned.

Mr. Chairman: Will these be made available to Committee then?

Mr. Spray: Yes, Mr. Chairman.

Mr. Chairman: Mr. Lengerke.

Mr. Lengerke: Yes, Mr. Chairman, I have some comments something similar to the Member from Kluane, or some concerns. One of them is, I note in this new Ordinance that we do have the establishment of a Driver Control Board and I just really wonder if maybe a Member of the Government could tell me, is this strictly, the idea behind it, to set it up to take functions away from the Territorial Secretary at this time, to try and make more efficient some appeals and representation that are made or had formerly been made, will these now be made to a Driver Control Board, is this the idea behind it or are we going to envision or see the establishment of a board of paid people that will encumber, really, the enforcement of this legislation? What is the cost going to be, how many more people are we going to require?

Mr. Chairman: Mr. McKinnon.

Hon. Mr. McKinnon: Mr. Chairman, these are all political decisions that are going to be made in the political arena, which is the Yukon Legislative Assembly.

The Honourable Member from Kluane hit the whole problem of what the YLA is going through and the whole of the Territorial Government, right on the head. Do we take into consideration the advice from all of the people who have been giving the Government of the Yukon advice, that things are going to change and change very dramatically in the Yukon Territory over the space of the next few years. Do we do nothing, do we not take that professional advice that we're paying for, that we have to enter the twentieth century in sophisticated legislation that is like to the provincial jurisdiction, or can we continue with the legislation which is presently on the books, which suited the Yukon without the huge economic expansion that is going on?

We have provided, to this Legislature, in those major areas, where our best advice was, there are going to be traumatic and very great changes immediately in Yukon because of related great economic activity and we have brought them forward to this Assembly for the Members, the political people in the Yukon to say, "We had to have this type of legislation because this is what is going to happen." No, this goes too far at this point in time even with the pipeline, with related economic activity, we do not need in place all of these functions, boards, sophisticated technical things that the provinces are going into at the present time.

I think we would have been irresponsible, could rightfully have been blamed by the Members of the Legislature if we had not at least attempted to bring these concerns of the Government to all Members. Now, it is the duty of the political people, the elected Members of the Assembly to walk that fine line and make that decision whether we have to really leap, whether we should look before we leap, or perhaps it should be a combination of some intervening measure at the present time.

These are hard and tough political decisions and one that the elected members on the Executive Committee have said that the elected members of the Legislature have the ability and the confidence to make these decisions on behalf of the people that they represent.

That's exactly what we are doing at this Session, and I think from just a cursory reading of things like the *Motor Vehicles Ordinance* and the *Labour Standards Ordinance* and the *Worker's Compensation Ordinance*, you see what we are into in the ensuing years in the Yukon Territory. This Legislature

is in for an awful lot of hard, tough, sophisticated technical type legislation that other legislators can depend on committees, on expertise, on different methods of preparing and also passing that legislation.

There are really tremendous challenges facing the members of this Legislature at this present time. My colleagues and I say that we are up to facing them and we will do a good job of the legislation that is before us, but I think, not only the rules of the game are changing in the Yukon, but the rules of this game of this Legislature as to how they conduct their affairs and how they are going to be able to keep on top of the absolute number of bills that are coming before them, and will be coming before them is something that this Legislature is going to have to decide.

I know the Commissioner didn't address himself to it in the Speech from the Throne, but I think that other members, in speculating upon the amount and type of legislation that are coming, said that probably we won't be thinking of just a spring and a fall session any longer, that there is going to be a lot more legislation and it's going to be a lot more difficult and a lot more important than it has been in the past and we can see an increasing activity also in sessions of this Legislature as to the timing and the number. You are absolutely right, things are changing and they are changing dramatically. Are we going to be able to keep up with them? Are we going to be able to meet them? Well, that's a challenge that we all have at the present time.

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: Thank you, Mr. Chairman. I am glad I prompted those remarks from the Minister, because that is exactly what I wanted to hear and I'm sure members of the Assembly did as well. Those were very good opening remarks and we now know the intent and I think we can get to work on this legislation. Thank you.

Mr. Chairman: Mr. McCall?

Mr. McCall: Thank you, Mr. Chairman. I don't concur with my colleague on my left. I have heard this recital before. I heard it back in 1974. I've heard it in '75, I have heard it in 1976. The three particular Bills that the Minister has just mentioned, all I am left with is the opinion that they are job creation bills, that is all they are.

You are going to have migraine headaches with each one of them. I concur with the Minister's remarks about the ability of this Legislature. Yes, we have the ability, if we were all narrow-minded because each piece of legislation you keep giving us, most of it is completely out of this world. Completely.

I have a question, Mr. Chairman, for the witness. I see nowhere in this particular Bill, where there is any consideration given to the handicapped people in the Yukon as to their ability to drive on the highways. I would like an explanation.

Mr. Chairman: Mr. Spray?

Mr. Spray: Mr. Chairman, standards for issuance of operator's licenses have been in the past included in Regulations and basically, they will be included in the Regulations again. We follow the standards that are set in all of the Provinces, because our operators' licences are reciprocal pretty well across Canada. We now do license handicapped people, depending on the type of handicap and depending on the method by which their automobile or motor vehicle has been adapted. We will continue to do so on the same standards as are used in the Provinces.

Mr. Chairman: Committee will recess until 1:30 p.m.

Recess

Mr. Chairman: I call this Committee to order.

Mrs. Whyard?

Hon. Mrs. Whyard: Prior to our noon recess, Mr. Chairman, the question of bringing before this Committee the draft regulations for the *Motor Vehicles Ordinance* has been raised and I would like to report to Committee that we have investigated the status of these draft regulations at this particular time and there are now draft pages prepared, covering the subjects of operators' licences, vehicle licensing, school bus regulations and the demerit point system. In fact, the main bulk of our regulations has been prepared by a public servant in the Territorial Secretary's office. These drafts have not yet received any legal or legislative review. I am asking the pleasure of Committee, at this time, do you require the seventy pages of draft regulations to be provided to you for study at the time the Ordinance is being considered? If you do, they can be made available.

My question to the Committee, Mr. Chairman, is, are they proposing that these regulations shall be reviewed at the same time that the Ordinance is being studied in Committee and then reviewed by a standing committee of this House later? I would like information from the Honourable Members as to their opinion on this subject because, as I have said, at this stage, these are drafts, there may be some changes required between now and the final drafting because they have not been reviewed outside of one office of this Government. Are you going to have the first draft reviewed here and then a final draft reviewed by the Standing Committee? I would appreciate some clarification from the Honourable Members who would like these regulations before them at this time.

Mr. Chairman: Mrs. Whyard, I think the consideration was that in order to adequately interpret the *Motor Vehicles Ordinance*, not necessarily to review the draft regulations but to have them in context with the *Motor Vehicles Ordinance*. It would make for a better understanding of the Ordinance itself. That's the purpose of having the regulations available.

Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, with respect, that is what I am saying. They are available in this form. You may also find changes taking place in the sections of the Ordinance as we proceed which would affect the drafting of the Regulations. I'm not trying to imply that you are not going to have these or that they will not be made available to you, I'm just asking if you wish to have them now in this draft form, and also again later before your committee in the final form.

Mr. Chairman: Mr. Fleming?

Mr. Fleming: Yes, Mr. Chairman, I was going to speak on this subject a little while ago, before dinner. I think they should definitely be made available, however, I still don't like the idea of them—not in just draft form now, because after all, that can be changed too. This is something we have been fighting for years, is to try and get some of these Regulations into the Ordinances, in many instances, so that the Commissioner may not just make Regulations of any type he wishes.

I'm going to give you an example of what I mean by that, right now. I'll speak of another Ordinance for a moment. There's the Labour Relations Ordinance, a past one, whereas the Commissioner can take—and although we have laws in that Ordinance, they can make Regulations taking away some of the rights of people, such as holidays that they are entitled to by prescribing another Regulation that says so and so can operate differently than what we have in our Ordinances.

Now, this is exactly the same thing that is going to happen here. I find in the Ordinance before us that there are many things such as my colleague from Faro spoke of this morning, the handicapped, and such things that should be in the Ordinance, not in the Regulations. You don't have to change that every year, you don't have to change it every day, or whenever you like; it's something that should be permanent and be in there.

I for one, would like to see those drafts before going any further.

Mr. Chairman: Mr. McCall?

Mr. McCall: Thank you, Mr. Chairman, I cannot but help but concur with the previous speaker, Mr. Fleming, because we have seen many problems with the Regulations that have been presented to the Statutory Instruments Committee. I think it was one of the suggestions of that committee that when you present future legislation, you bring along the Regulations that go with it. I think the Minister of Education presented us with some legislation the last session, along with the Regulations, which really assisted us in going through the parent bill. We are not here to actually deliberate on the Regulations per se, we are looking at the legislation itself. The point I brought up this morning in dealing with the air-cushioned vehicles—here we are, we have a piece of legislation exempting air-cushioned vehicles, yet we are allowing the government to implement Regulations to government air-cushioned vehicles.

I say again, this does not make any sense whatsoever. The legislation itself is the Bill, if you are into a position to introduce Regulations, fine, but you keep them to the bare minimum, because the legislation itself is the enforcer, not the Regulations. This is one of our concerns. I think that now is your opportunity, if you have done your homework, as Ministers, with the proposed Bills you have introduced, that you provide us with all documentation. That is the Regulations that will accompany this Bill, whether it be seventy pages or seven thousand pages, it doesn't matter. We want to see what you are embarking on as far as implementation, as far as Regulations, once the Bill gets passed by this House. We may have 170 pages by the time this government is finished with it, dealing with Regulations.

This is what we are concerned about, and I think now is the time to present us with these Regulations so we know where we are going.

Mr. Chairman: Mr. Berger.

Mr. Berger: Thank you, Mr. Chairman. I have to wholeheartedly agree with the two previous speakers here. I would like to add one further point in it, too, is that this House, or this Committee, may find that they want to put some of the regulations in legislation and now would be the time to do those things, not to re-introduce the Bill again at a later date. This is why we are asking for the regulations to be presented, whenever possible, with new legislations. I think now would be the time to do so because the Committee on Statutory Instruments found a lot of things, reviewing the regulations, where they should be actually in legislation. I think this is the reason why I have requested the regulations in the first place.

Mr. Chairman: Is it Committee's wish that we have these draft regulations with regard to this Bill? If so, would someone propose a motion to that effect?

Mr. McCall: I would so move, Mr. Chairman, that the regulations be now presented to this Committee, dealing with the *Motor Vehicles Ordinance*.

Mr. Berger: I second that.

Mr. Chairman: It has been moved by Mr. McCall, seconded by Mr. Berger, that the draft regulations, with respect to the *Motor Vehicle Ordinance*, be presented to this Committee for consideration at this time.

Motion agreed to

Mr. Chairman: When could these draft regulations be available to the Committee.

Hon. Mrs. Whyard: Mr. Chairman, I can't say. It's up to the Secretarial staff to provide twelve copies of 70 or 75 pages.

Mr. Chairman: Mr. Lengerke.

Mr. Lengerke: Mr. Chairman, I certainly concur with the resolution that has been put forward, but I would hope that we could continue with this Ordinance now in anticipation of the draft regulations being provided to us. I'm sure they will be available to us tomorrow.

Mr. Chairman: I see Mr. Bell is nodding his head. We will continue.

Is there any further general debate?

Mr. McCall?

Mr. McCall: Being a mover of the motion, Mr. Chairman, I don't object to that suggestion.

Mr. Chairman: Is there any further general debate on this Ordinance.

Are there any amendments to Clause 1?

Shall Clause 1 carry?

Mrs. Watson?

Mrs. Watson: Mr. Chairman, yes, I agree. I was looking at, I thought you were trying to go through Clause 2.

Clause 1 agreed to

Mr. Chairman: The interpretation, Clause 2(1). Is it Committee's wish that I read all this or merely call out the definitions?

Mr. Berger?

Mr. Berger: Mr. Chairman, just a question, it is my understanding that we are going to continue this Ordinance as it is before us now, but we are awaiting the arrival of the regulations and I would like the assurance of the Chair that if we want to make any changes at a later date, that we can still do so, without having to go through all sorts of rigamaroles and the right date.

Mr. Chairman: Yes, Mr. Berger, the Chair will give you that assurance.

Mr. McCall.

Mr. McCall: Mr. Chairman, I would suggest that maybe we should consider general discussion on each section as we go through it without putting you through the difficulty of reading it Clause by Clause, knowing that you have considerable difficulty keeping up most of the time.

Mr. Chairman: Thank you, Mr. McCall.

Is it Committee's wish then that we merely discuss clause by clause without reading the whole Bill?

In view of the lack of response, I will consider that as affirmative.

Interpretation, Clause 2(1).

Mrs. Watson: Mr. Chairman, I wonder if I could ask why the definition for 'highway' is the same definition as that used in the *Highways Ordinance*, but then it has an extra section added to it?

I have the *Highways Ordinance* here. The definition of highway does not include a, b, c, d, and e.

Mr. Chairman: Mr. Chairman, I'll read that out. On Page 2, line 36, "Highway means any thoroughfare street, road, trail, avenue, parkway, driveway, viaduct, lane, alley, square, bridge, causeway, trestleway or other place, whether publicly or privately owned, any part of which the public is ordinarily entitled or permitted to use for the passage or parking of vehicles; and includes:

- (a) a sidewalk (including a boulevard portion thereof),
- (b) where a ditch lies adjacent to and parallel with the roadway, the ditch and
- (c) where a highway right of way is contained between fences

or contained in a cut-line or between a fence and one side of the roadway, all the land between the fences, all the land in the cut-line or all the land between the fence and the edge of the roadway, as the case may be;

(d) all the land shown on a registered plan of survey of a highway right-of-way;

(e) where a highway right-of-way is not shown on a registered plan or survey or is not contained between fences or cut-line all the land within 30 metres of the centre line.

Mr. Chairman: Mr. Spray.

Mr. Spray: Mr. Chairman, the *Highways Ordinance* controls the vehicles on the highway. The *Motor Vehicles Ordinance* is meant to regulate the operation of those vehicles by individuals. It also grants certain powers to municipalities for by-laws and we felt it was necessary to very carefully and adequately define highway, in order that there be no question of where jurisdiction of, not only the Territorial Government fell, but the municipalities as well. Many of our municipalities have highways or roads within them that are not bounded by curbs, they indeed have fences, cut-lines, ditches. It's just an expansion of the definitions so that there be no doubt in anyone's mind what we meant.

Mr. Chairman: Mrs. Watson.

Mrs. Watson: But, Mr. Chairman, a further question: this definition does not justify a municipality. It applies in all of the Territory, the way the definition is written, and that would mean that your *Motor Vehicles Ordinance* would cover, for example, the operation of any vehicle on this vast area defined as a highway.

Mr. Spray: Yes, further along, Mr. Chairman, we define traffic lane, we define roadway, which is all part of the highway. "Roadway is that part intended for use by vehicular traffic". However, we do wish to control the operation of vehicles within the entire highway right-of-way.

If someone has care and control of a vehicle and it is off the roadway, it is still within the highway and it still falls under the parameters of the *Motor Vehicles Ordinance*.

Mr. Chairman: Mr. Fleming.

Mr. Fleming: Mr. Chairman, in other words, I take it that this, under the *Highway Ordinance* now, any ski-doo, for instance, on the Alaska Highway, where there is a large right-of-way and whereas they haven't been able to drive there before without licencing, I'm sure, if I'm not wrong, will now be considered, have to be considered as a vehicle on the highway and will have to be licenced if they are driving on the outside of the right-of-way.

Mr. Spray: Mr. Chairman, I would like an opportunity, I think, to clarify the existing definition of "highway" in the *Motor Vehicles Ordinance*, which now includes any thoroughfare, street, road, or trail, any part of which the public is ordinarily entitled or permitted to use for the passage of vehicles. I think that a legal definition perhaps might be in order because I would include a trail in the ditch along the highway as being part of that highway right now. All we are doing is further clarifying that particular definition.

From an administration point of view, we find it rather awkward, Mr. Chairman. The public may find it awkward as well, and what we are trying to do is set it down in black and white exactly what we mean.

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: Yes, Mr. Chairman, I just want some clarification on public service vehicle. Does that include loaders, freighters, this type of construction equipment? Under what definition would those vehicles appear, Mr. Chairman?

Mr. Spray: The definition of motor vehicle, Mr. Chairman, does not include vehicles used exclusively for mining, forestry, construction, road maintenance or farming opera-

tions. Therefore, a public service vehicle which is defined as a motor vehicle would not include those vehicles which are used exclusively for highway construction.

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: Mr. Chairman, do they not come under the jurisdiction of the *Motor Vehicles Ordinance*?

Mr. Spray: There are references to them, Mr. Chairman, throughout the Ordinance. In some cases they are exempted; in some cases they are included.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, for further clarification, I wonder if I could, maybe I should know this, but I don't, what is the difference between a cut line and a right-of-way?

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: I could perhaps clarify that to some degree. A cut line could well be a line cut for survey purposes, location of a highway, and then not necessarily used as the final right-of-way for that particular highway, so there could be a difference.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, in (c), the definition of highway, I think, you are almost saying anything that is cleared on either side of the road is called the road. Now is that what you really mean, where a highway right-of-way is contained between fences, or contained in a cut line. Now that cut line might be 500 feet beyond the right-of-way. Is that still going to be called a highway; or between a fence on one side of the roadway all the land between the fences, all the land in the cut line or all the land between the fence and the edge of the roadway, as the case may be.

I know that there is a surveyors' cut line about two miles off from where the proposed highway is to go. Does that mean that all right-of-ways are going to be defined highway because you have your right-of-way and then you have your cut line about two miles over on the other side. I think we are taking in a great deal of territory in (c) in the way it is worded. Do we want to declare all that highway as far as the motor vehicles are concerned?

Mr. Spray: Mr. Chairman, it was intended to mean all the area within the cut line or area cleared for the use of the travelled portion of the road, and the protected area. In most cases we anticipate either a registered plan of survey showing the highway, or at the very least, a reserve of land for the purposes of that highway.

However, we are dealing in highway in other than what we call territorial highways. We are talking in terms of trails, we are talking in terms of any area of land where vehicular traffic may go and we have just felt it necessary that we must be very specific in this. When we talk of cut line, we talk of cut line for that specific path or highway, most certainly not intending to broaden it out to cut lines that are for hydro purposes or other purposes.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, I really do think that this should be looked at again, because if you have a road and you have your right-of-way and you have someone who owns property beyond the right-of-way, within the cut-line, which is not inconceivable at all, then that portion of their land would be a highway and that's not inconceivable in some of the Territory. I don't think that we can presume that all land within the cut-line beyond the right-of-way, should be called a highway. I think we should, you know, try to limit ourselves to a certain number of feet, rather than, you know, indiscriminately say that is all highway.

Mr. Spray: Mr. Chairman, we most certainly would be

pleased to re-examine that particular definition. **Mr. Chairman:** In light of the difficulties here, would it be Committee's wish to have the legal advisor called in at this time?

Some Members: No, later.

Mrs. Watson: Mr. Chairman, I'm quite satisfied if they are prepared to look at it again to see whether they can define it a little bit.

Mr. Chairman: Mr. Fleming.

Mr. Fleming: I would agree with that. I was going to say something on the same line. I would moreorless propose a question now, when it says "just cut-line", which it does there, and which I would take would mean the cut-line, as an example, between B.C. and the Yukon, and you, in the sense here, are laying down the law as to what you do along a cut-line, worded as it is here. If that cut-line is ten feet wide, you're not going to have any jurisdiction on the other side of it. Furthermore, it is only a line and I say we shouldn't have any jurisdiction at all as far as the use of the cut-line in this sense.

Mr. Chairman: Mr. Spray.

Mr. Spray: Mr. Chairman, we have defined cut-line as being a cleared area in which a roadway is constructed. We have defined roadway as that part of a highway intended for use by vehicular traffic, so we are only dealing with those cut-lines in which a roadway has been constructed and in which vehicular traffic may travel. However, we will re-examine that particular definition and the related ones.

Mr. Chairman: Mrs. Watson.

Mrs. Watson: Mr. Chairman, another question that comes to mind on this: abandoned roads, not necessarily abandoned roads where you have realignment of a road. Now, will the existing road—or, you know, if when you realign and use a new route, will the original road, will that still continue to be under the control of the *Motor Vehicles Ordinance*? When is a road a road in force and when isn't it? Because there is going to be quite a bit of realigning done, if we listened to the Minister of Highways this morning, and will those roads that are abandoned or left or not being used still roadways under the *Motor Vehicles Ordinance*?

Mr. Spray: Mr. Chairman, it is my understanding that a roadway only ceases to be a roadway if there is a Commissioner's Order closing it to the public. On a realigned highway, if the road is not closed to the public, and the public still has access to it, then we would still consider it a highway. I have seen many Commissioner's Orders, though, closing a portion of a highway to the public. Otherwise, it is still classed a highway under the *Motor Vehicles Ordinance*.

Mr. Chairman: Mrs. Watson.

Mrs. Watson: Mr. Chairman, one other question: "Highway", it says, "whether publicly or privately owned, means any thoroughfare, street, road, trail...", is that my own driveway?

Mr. Spray: No, Mr. Chairman, it also states that where the public normally has access to that particular highway, it is a highway even if it is privately owned. The public does not normally have access to an individual's driveway, however, the public does have access to a parking lot at a public building or a public store such as the parking lot at the Qwanlin Mall, and that is a highway in the sense of the meaning in the *Motor Vehicles Ordinance*.

Mrs. Watson: Mr. Chairman, so the *Motor Vehicles Ordinance* does not apply in a private driveway?

Mr. Spray: Mr. Chairman, it is not meant to apply in a private driveway, no.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, if I have a vehicle sitting in

my own private driveway and do not have it licensed, there is no prosecution that can occur under the *Motor Vehicles Ordinance*?

Mr. Spray: Mr. Chairman, I am not on very safe ground here because I believe there are provisions under the *Municipal Ordinance* relating to powers that the municipality may have and I am really not aware of those.

Mr. Chairman: The question was whether it was under the *Motor Vehicle Ordinance*. Mrs. Watson?

Mrs. Watson: Mr. Chairman, I would suggest the two sections be looked at in this regard.

Mr. Chairman: I will declare a brief recess.

Recess

Mr. Chairman: I call this Committee to order.

Mr. McCall?

Mr. McCall: Thank you, Mr. Chairman. I would like to go through the interpretation of the word moped, which is an abbreviated name for motor pedal cycle. I have just been perusing through the Black's Law Dictionary and I do not see it so I am having great difficulty in this interpretation, because if the interpretation is correct in the proposed legislation, it would then make the interpretation of bicycle redundant.

When you look at (a) of the interpretation of moped, "it is propelled by muscular or mechanical power, or partly by muscular power or mechanical power" and then when you go to the interpretation of bicycle, bicycle means a device "propelled by human power upon which a person may ride". Is the suggestion in the interpretation of moped that you run alongside of it? There is no explanation in the interpretation.

Secondly, would it not be of, I would say, legal content as a word, per se. What is it doing in the legislation? I think it has been taken from perhaps some legislation of the United Kingdom where the principal moped as a device for transportation is used extensively, but I also believe it comes under the interpretation of motorcycle. But here we have a separate interpretation which does not, in my point of view, make any sense. If you are to be propelled along by muscular power it is not a moped, it is a bicycle. If you are being propelled along by mechanical power, it is a motorcycle and not a bicycle.

We have an interpretation here that, to me, does not make sense, because we are suggesting both, and we would be licensed for both. I would suggest, Mr. Chairman, that maybe we should look at the definition of law in this particular interpretation dealing with moped.

I would like a proper explanation of where it was derived from and introduced into this particular legislation. I have yet to see one in the Yukon, a moped, there probably is some because I see one of my colleagues across the way there shaking his head and laughing his head off. There must be some device that comes under one or the other interpretation, that is bicycle or motorcycle, so I would like some proper explanations on this interpretation because I don't feel it should be in this legislation.

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: I know that we are going to get a reasonable explanation to this, but I would just offer to the Committee the fact that we knew that if we didn't put this in here, and relied upon the bicycle and motorcycle covering it, the Honourable Member would have pointed out our negligence in this respect.

Mr. Chairman: Mr. Berger?

Mr. Berger: I would like to help the Honourable Member from Faro. He must be behind times, because this is an old term used for over forty years already, and it is also used in

the German language, in the French language and in the English language. It is a vehicle, a bicycle; it is derived from a bicycle mounted with a motor either in front, the middle or in the back.

You can propel it with a motor electrically or gasoline powered, or you can also propel it by pedal power. This is what you call a moped and it is known all over the world as a moped.

Mr. Chairman: Thank you, Mr. Berger. You can understand that, being only forty years, perhaps it hasn't come to Mr. McCall's attention yet.

Mr. McCall.

Mr. McCall: I would like, with all due respect to my colleague, for a translation of what he has just said because under Black's Law Dictionary here, "A motorcycle or bicycle propelled by a gasoline engine located in the frame between the wheels". A moped is not what the Honourable Member just said. A moped is a vehicle where the motor is mounted either in the wheel or on the wheel, not between the two wheels or in the frame of any kind. It is mounted either in the wheel or on the wheel.

Mr. Chairman: Mr. Berger.

Mr. Berger: Mr. Chairman, I would like to get away from this. I have a question on trailers. Further along there is an interpretation of trailers and it says, "but does not include machinery or equipment used in the construction and maintenance of highways", and my question would be, does, and I see them quite often, and I think other members have seen them also, is mobile crusher units that are towed behind a tractor or a truck. Under what category would those units fall under? They are towed behind the vehicle.

Mr. Chairman: Mr. Spray.

Mr. Spray: Mr. Chairman, that would not be defined as a trailer, it would fall into the same category as other equipment used primarily for construction or maintenance of highways.

Mr. Berger: Mr. Chairman.

Mr. Chairman: Mr. Berger.

Mr. Berger: Mr. Chairman, could I get an explanation why not? I mean, they're using the highway. To me it should, because they could also endanger other vehicles on the highway, because, not being properly equipped with proper lighting or anything, where would you find them, where would you control things like this?

Mr. Spray: Mr. Chairman, these vehicles, or these units would most properly be controlled under the *Highways Ordinance*.

Mr. Chairman: Mr. McCall.

Mr. McCall: Thank you, Mr. Chairman. I don't intend to move on to any other item until I've got the proper clarification dealing with this principle of moped and, under this particular proposed legislation, it's going to be a licenced vehicle, I take it. And the second point is that if it is, then it will also have to include bicycles, per se, and I would like some proper clarification.

Mr. Spray: Mr. Chairman, we are moving into the area of mopeds as other jurisdictions are. The word moped is the word commonly used in the trade, whether or not it is a correct word, it is one that is in common usage and it is a unit that may be powered either by a motor or by pedal power. It differs from a bicycle which is purely by pedal power, or a motorcycle which is solely by motor power and this is a combination unit. I'm not aware whether there are any in the Territory right now, however, I most certainly anticipate that there will be these units in the Territory. They are being controlled in other jurisdictions and we feel that they should be controlled

here. They have different capabilities than a bicycle, they travel on the roadway, therefore they are part of our traffic and should be controlled, should be licenced.

Mr. Chairman: Mr. McCall.

Mr. McCall: I take it then, Mr. Chairman, the way the witness has explained, that all future bicycles on the highways are going to have to be licenced before they can be operated on the highway. Is this true?

Mr. Spray: No, Mr. Chairman, a bicycle which is propelled solely by human power need not be licenced. There are certain restrictions on bicycles included in, starting at section 215.

Mr. Chairman: Mrs. Watson.

Mrs. Watson: Mr. Chairman, I would suggest that they add the word that the witness used in the definition of a bicycle. I think that this would clarify it. Bicycle means a device propelled solely by human power and that would distinguish it from the moped.

Mr. Chairman: Mr. Fleming?

Mr. Fleming: Yes, I am still interested in the motor vehicles that is not primarily designed to carry a load and is used exclusively for mining, forestry, construction and maintenance or farming. As the Member, Mr. Berger, has explained, in the case of a crusher or this type of thing, under motor vehicles, this would be allowed to go without a license without any insurance, without anything. Then you go over to trailer and I am presuming that this should then be under trailer.

It is still absolutely free. It does not include machinery or equipment in the construction or maintenance of highways. How do they get just construction or maintenance of highways there and over in motor vehicle, they have farming operations and mining, forestry, all sorts of things. If they are going to put them one place, surely they should have them in another.

My understanding is that you could take a bushhome and if it was forestry or mining, you could still use it and be legal without a license on it. It does not say that you can't under "trailer".

Mr. Spray: Mr. Chairman, we would like to have another look at the definition of trailer. The point is well taken that we have excluded additional things under motor vehicles, additional items, and we would like to re-examine the two definitions, if we may.

Mr. Chairman: Thank you, Mr. Spray.

Mr. Fleming?

Mr. Fleming: Also, under municipality, I would like a little clarification as to why "municipality" is included in this Ordinance, the definition of municipality?

Mr. Spray: Why?

Mr. Fleming: Why.

Mr. Spray: Mr. Chairman, there are certain by-law powers given to a municipality under the *Motor Vehicles Ordinance*.

Mr. Chairman: Mr. Fleming?

Mr. Fleming: As I understand it then, there are by-laws that the municipality can use under the Ordinance. I think if I'm not wrong again, that we are bringing forth an L.I.D. Ordinance that is going to let them have the power to regulate speed, I think two things, I can't remember them all now, but some in there, so I'm wondering why wouldn't that L.I.D. supposedly be in here too, if we are going to do this? Should the definition of L.I.D.'s not also be there?

Mr. Chairman: Mr. McKinnon?

Hon. Mr. McKinnon: Mr. Chairman, we attempted to keep the three pieces of legislation in line as we went along and I

think that if my memory serves me correctly, that there is no conflict presently with this legislation between the L.I.D.'s and the municipal authorities, we thought that perhaps it would be better at this time, by the present amendments to the *L.I.D. Ordinance*, that although the L.I.D. can certainly be a suggestion and a Resolution-making power to the government as to the control of the streets and lanes in the L.I.D.'s, it would be unfair at this present time to give that responsibility the same as in the municipalities to the L.I.D. districts.

Mr. Chairman: Mr. Taylor.

Hon. Mr. Taylor: Yes, Mr. Chairman, I had a question relating to page 2, line 35, Financial Responsibility Card, means a card as prescribed. Prescribed by who? What is not expressed is not implied?

Mr. Chairman: Mr. Spray.

Mr. Spray: Mr. Chairman, the financial responsibility card is authorized by the *Insurance Ordinance* and is prescribed pursuant to the *Insurance Ordinance*.

Mr. Chairman: Mr. Taylor.

Hon. Mr. Taylor: Well, Mr. Chairman, what it is intended to do should be described in the Ordinance. You should say that very thing in the *Interpretation Ordinance*, because all you say here is "financial responsibility card means a card as prescribed". Prescribed by whom? If this is what is intended, then obviously it should form part of the interpretation section of this Ordinance.

Mr. Spray: Mr. Chairman, this may very well have been dropped in one of the drafts as we went along. I quite agree that it should read "prescribed pursuant to the *Insurance Ordinance*".

Mr. Chairman: Mr. McCall.

Mr. McCall: Yes, Mr. Chairman, I'm having difficulty again with this interpretation. The definition dealing with boulevards says that, "a boulevard means that part of a highway that is not a roadway", and I believe that you have boulevards over in Riverdale subdivisions expressly put up by government signs, so and so boulevard, and that is a roadway, and if an accident should take place, can you imagine what it would be like in court?

I would like a far better clarification, Mr. Chairman, with the definition of boulevard and, further, when we go down to the principle of highway, I also believe that the word "cul de sac" is used also, which is exempt or excluded from the principle interpretation of "highway" and that that should be included.

I think there is a word missing when you go on into the interpretation, "publicly or privately owned", I think it should then be included "and any part". You've got a word missing there somewhere, a typographical error, I presume.

But I think cul de sac and boulevard should be included as part of any roadway system in the Yukon for insurance point of view and if it's being used by the public and a vehicle is being operated in a boulevard or cul de sac, it should expressly be provided in the legislation.

Mr. Spray: Mr. Chairman, in re-examination of these particular definitions, we will have a look at those points as well.

Mr. Chairman: Thank you, Mr. Spray.

Mr. Berger.

Mr. Berger: Yes, Mr. Chairman, under "Motor Vehicle", Mr. Chairman, the longer I read this section, the more confused I'm getting. I cannot find anything in the interpretation saying anything about dump trucks, which is primarily designed to carry a load and under "Motor Vehicle", this type of vehicle or truck is exempt of anything. I wonder if there is any other section in this Interpretation Section where it would cover a thing like this?

Mr. Chairman: Mr. Spray.

Mr. Spray: Mr. Chairman, I could say that a dump truck is covered under the definition of vehicle, that we intended to pick it up under Commercial Vehicle, Public Service Vehicle, with the idea that a dump truck would only be used commercially, however, there is a possibility that it could be used as a private vehicle and I would like to have a look at that definition of motor vehicle. It quite possibly is that we have left the point out.

Mr. Chairman: Mr. Fleming?

Mr. Fleming: Thank you, Mr. Chairman. A little word like "stop", I would like to have an explanation on "stop" where it doesn't mean stop.

Mr. Chairman: It would be helpful if members would name the line and page to which they are referring for other members' assistance. I think you are referring to page 5, line 25, Mr. Fleming?

Mr. Fleming: Yes, Mr. Chairman. Twenty five, 2.

Mr. Chairman: Mr. Spray?

Mr. Spray: Mr. Chairman, there are two aspects of this definition. If you are at an intersection where you are required to stop your vehicle, it is a complete cessation of movement. When you are on a roadway or a highway where stopping is prohibited, it means even any temporary halting, except in the case where you are to avoid conflict with other traffic.

You may have signs along the highway prohibiting you from stopping between point 'a' and point 'b' that is even to pull over and let a passenger off your vehicle.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Yes, Mr. Chairman, I refer to page four, line 22. "Peace officer" means a member of the Royal Canadian Mounted Police. I simply wanted to determine, was it intended that municipal police forces are not to be provided for in this Ordinance?

Mr. Spray: Mr. Chairman, municipal police forces would come under the definition of officer. There are certain powers in the Ordinance given to officers and certain powers given to peace officers, and we have defined peace officers as being only those members of the Royal Canadian Mounted Police.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Yes, still and all, under the definition of officer, I see no mention of a municipal employee.

Mr. Spray: Mr. Chairman, municipal employees such as by-law enforcement officers in Whitehorse do hold specific appointments pursuant to the *Motor Vehicles Ordinance* as officers under the *Motor Vehicles Ordinance* and they are appointed as such granted by Commissioner's Order.

Hon. Mr. Taylor: By Regulation then.

Mr. Spray: Well all appointments are by Regulation, Mr. Chairman.

Mr. Chairman: Mr. McCall?

Mr. McCall: Thank you, Mr. Chairman. Staying on the same page four, lines 24 and 25 of the interpretation of "pedestrian". Here again, I think there is inadequacy. We say, "pedestrian means a person on foot, and includes a person in a wheelchair". Supposedly we have an unfortunate accident where you have a stretcher case, and you have another accident on top of that. Where does that person lie with the law? He's lying out on the stretcher and was a pedestrian to start with.

We seem to be covering adequately the wheelchair concept, but what about the person on the stretcher that was perhaps involved in one accident, and just as an example, we have another accident right at the same time, where does he fit with the law?

Mr. Chairman: What you are really saying is you are no longer a pedestrian if you get on to your hands and knees. Is that it, Mr. McCall?

Mr. McCall: I didn't say that, Mr. Chairman.

Mr. Chairman: Any comments, Mr. Spray?

Mr. Spray: No comments, Mr. Chairman, I will have to look at it.

Mr. Chairman: Mr. Fleming?

Mr. Fleming: I think the Member is absolutely right. What is he if he is riding a horse? Are you no longer a pedestrian?

Mr. Spray: Mr. Chairman, we do have a part in this Ordinance, allowing for animals and persons riding animals.

Mr. Fleming: That has nothing to do with a pedestrian.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, I wonder whether I could have an example of a commercial vehicle. We have the definition of a motor vehicle, a private vehicle, and a public service vehicle. Where does the commercial vehicle fit in there? How does it differ from the public service vehicle?

Mr. Spray: The commercial vehicle, Mr. Chairman, is used to transport or distribute the owner's own goods, whereas a public service vehicle is used to transport those goods owned by a person other than the owner of the vehicle.

Mrs. Watson: Thank you, Mr. Chairman.

Mr. Chairman: Mrs. Watson.

Mrs. Watson: One further question, under the Officer, the definition of Officer, and it does concern me because, as you state, that under the *Municipal Ordinance*, by Commissioner's Order, you designate members of the law enforcement agency within the municipality as officers under the *Motors Vehicles Ordinance*, but you haven't made any provision in the definition of officer to do that, and if you plan on doing that, then I believe you must make some provision in your definition of officer.

Also, officer is a member of a public service employed in the administration of this Ordinance, which is very broad.

Then we go to page 6, 3(1), and we say "The Commissioner may appoint a Registrar of Motor Vehicles, a Deputy Registrar of Motor Vehicles and such other officers and employees as may be required for the administration of this Ordinance". Where is the difference between an officer and an employee under this Ordinance, and both of them would be members of the public service employed in the administration of this Ordinance. Where is the line?

Mr. Spray: Mr. Chairman, notwithstanding the definition of officer, the authority for the appointment of employees of the municipality does lie under section 3(1). Where we are dealing with employees, we are referring to those persons employed in the operation of the weigh scales, which is established by a different ordinance, the *Highways Ordinance*.

I think that in the definition of officer, if we took the words "Public Service" and put them into lower case, it would then refer to public service, it would be a broad enough term, it would not only be the government, but it would be the municipalities as well.

Mrs. Watson: Mr. Chairman. Then, Mr. Spray, under 3(1), do you mean to say that under this *Motor Vehicle Ordinance*, there would only be the two officers, the Registrar and the Deputy Registrar appointments, and then the people who are employed in the operation of the weigh scales? That would be the only officers that would be appointed under this Ordinance?

Mr. Spray: No, Mr. Chairman, we appoint many other officers under this Ordinance, not only members of the

municipalities. We have certain other inspectors that we appoint under this Ordinance and this gives the Commissioner that authority.

We appoint examiners of speed measuring devices, which are not always resident in the Yukon Territory, persons who are qualified to test your speedometers on the vehicles. These are an example of some of the officers that could be appointed.

Mrs. Watson: Mr. Chairman, what is the criteria for being an officer in the administration of this Ordinance, and for being an employee in the administration of this Ordinance?

Mr. Spray: Mr. Chairman, there really is not a great deal of difference. The employees may be restricted in their powers. We could drop the word "employees" quite easily and use the powers provided to appoint the members of our Public Service who operate the weigh scales as officers. It is an internal reference, I suppose, that we are using.

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: Mr. Chairman, my point has been covered, thank you.

Mr. Chairman: Mr. Berger?

Mr. Berger: Yes, Mr. Chairman, I think we also need a better interpretation of a wheelchair, because I can see it is quite conceivable with the paving going on in the City of Whitehorse that you eventually will end up with motorized wheelchairs, like they have all over Europe and under those conditions, I would say that a motorized wheel chair is no longer a pedestrian. I think it should fall under special interpretation. I think that now is the time to put things like this into the Ordinance?

Mr. Chairman: Comments, Mr. Spray?

Mr. Spray: We will look at that suggestion, Mr. Chairman.

Mr. Chairman: Mr. Fleming

Mr. Fleming: Mr. Chairman, in the old Ordinance, we had a section covering a recovery vehicle, and I don't actually see it in this one. If you could point it out to me, fine and dandy, but I see nothing at all actually covering a recovery vehicle. It may be included in some of the other parts, but I myself would like to see something definite in this Ordinance that covers recovery vehicles, because they are not only a hazard and many times are doing dangerous work along the highway, but they are, in the Yukon Territory, a business, many of them are businesses. There is a problem on the highway today which you are probably not entirely aware of, over recovery vehicles. I would like to know why it is not in here somewhere?

Mr. Spray: Mr. Chairman, I would like to check, but I believe that the recovery vehicles will be covered under the *Transport Public Utilities Ordinance*.

Mr. Chairman: Mr. McIntyre?

Mr. McIntyre: Mr. Chairman, I would like to go back to the appointment of officers, again. That wasn't clarified for me. It seems to me that Section 3, dealing with the appointment of officers is limited by the application of the definition of officer and an officer can only be a member of the Royal Canadian Mounted Police or a member of the Public Service of the Yukon Territory. There is no provision in these two sections for the appointment of a municipal bylaw enforcement officer to be an officer under this Ordinance.

In the former Ordinance you said that an officer is a person who is appointed under this Ordinance, and that is a different thing altogether.

You have no authority in those two sections to appoint anybody but a Public Servant or a member of the RCMP who is *ex officio*.

Mr. Spray: We will examine that one, Mr. Chairman. As I commented before, public service and municipalities, I feel if

we dropped "Public Service" into lower case, it would cover that, but I would like to check that with our Legal Advisor.

Mr. Chairman: Mr. McIntyre?

Mr. McIntyre: The capitalization of Public Service certainly indicates they refer to Public Service of the Yukon Territory.

Mr. Chairman: Are there any further comments at this time on the Interpretation section?

Clause 2 stood over

On Clause 3:

Mr. Chairman: We will carry on then to Administration, Clause 3.

On Clause 3

Mr. Chairman: Mr. Taylor.

Hon. Mr. Taylor: Yes, I had a question relating to Clause 3, Mr. Chairman, and I'm just wondering, is a territorial agent, in fact, a deputy registrar?

Mr. Chairman: Mr. Spray.

Mr. Spray: Mr. Chairman, under the present Ordinance, there are no deputy registrars. Under the proposed Ordinance, there would only be one Deputy Registrar. It would not necessarily be one of the territorial agents, no.

Mr. Chairman: Mr. McIntyre.

Mr. McIntyre: Yes, Mr. Chairman, in this section dealing with microfilming, indicates that the microfilm itself shall be the original document and that the microfilm shall be admissible as evidence in any court of law. I think it is the copy that is made from the microfilm that you mean to be introduced. It certainly would be very difficult to take your microfilm everytime you needed evidence in a court, and you had to take a roll of microfilm down.

Mr. Spray: Mr. Chairman, I would like to clear this with the Legal Advisor. It was my understanding that it was actually the microfilm, unless we could certify that the copy was actually made from the original microfilm. This is a legal thing that I would very much like to check.

Mr. Chairman: Mr. Taylor.

Hon. Mr. Taylor: Mr. Chairman, under 4:1, is it established, then, or is it not established, that any documents with perhaps the exclusion of medical information, would be available to the public at any given time, as referred to in 4?

Mr. Spray: Mr. Chairman, the documents referred to in 4, as all government documents and files, are under the authority of the *Archives Ordinance* and it really gives us our guidelines.

Hon. Mr. Taylor: Mr. Chairman, what I'm getting at is that if any citizen wished to get any information relating to registration of motor vehicles, anything, as you say, any documents, class of documents, or copies of documents filed in the Office of the Registrar, under this Ordinance, has the public access to those documents upon request?

Mr. Chairman: Mrs. Whyard.

Hon. Mrs. Whyard: Mr. Chairman, I think the Honourable Member will find a number of sections dealing with that item as we proceed further into the Bill.

Mr. Chairman: Mr. Taylor.

Hon. Mr. Taylor: Mr. Chairman, I thank the Honourable Member from Whitehorse West, but I still haven't had my question answered. I'm asking the Registrar, Mr. Chairman, if he could advise me as to whether these documents filed, as referred to in 4(1), are indeed available for public scrutiny at any time? Any reasonable time?

Mr. Spray: Not in all cases, Mr. Chairman.

Hon. Mr. Taylor: Mr. Chairman, then in what circumstances?

Mr. Spray: There are certain documents, Mr. Chairman, such as, for an example, a medical report, which would be available only to certain interested parties, not to the public in general.

Hon. Mr. Taylor: Mr. Chairman, but I had mentioned that earlier. I would have assumed that that would have been excluded, but then may I assume that pretty well all the other documents will be available to the public?

Mr. Spray: Mr. Chairman, in generalities, I would say, yes, if we are dealing with registrations of motor vehicles and actual operator's licences. The information which is on computer print-outs, which is in the hands of the RCMP, the municipalities and in our own office, in general terms, yes.

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

Mr. Chairman: Mr. McCall.

Mr. McCall: Yes, Mr. Chairman, I would like in 4, some clarification here. I'm having difficulty with Section 3(1) of this Administration and Section 5(1). I'd like some clarification here just what or both mean.

Mr. Spray: Mr. Chairman, the general administration of this Ordinance is in the hands of the Registrar of Motor Vehicles. It is necessary, in our estimation, to appoint a Deputy Registrar of Motor Vehicles for continuity of administration. There are certain powers that are stated as being the Commissioner's powers in the Ordinance, which again, for the purposes of administration, may well be handled by the Registrar, or they may be turned over to a medical referee or to some other board that we establish pursuant to the Ordinance.

Mr. Chairman: Mr. McCall?

Mr. McCall: I'm accepting that clarification, Mr. Chairman. I am just wondering if the witness can give us a clarification on Section 5(1)?

Mr. Spray: Mr. Chairman, I can't give an exact example under 5(1), however, we use the term "Commissioner" in the Ordinance, instead of "Registrar" in order that if the Commissioner wishes, he may delegate these certain powers to the Registrar, he may decide to delegate it to some other officer of the government or some other more qualified person in a specific area.

Mr. Chairman: Mr. McCall?

Mr. McCall: Well that, in essence, Mr. Chairman, blows back in your face, really, because in Section 3(1), it says: "The Commissioner may appoint a Registrar of Motor Vehicles, a Deputy Registrar of Motor Vehicles and such other officers and employees as may be required for the administration of this Ordinance."

Once a person accepts that, Mr. Chairman, as to the administration, it goes further down into Section 5(1): "The Commissioner may delegate all or any of the powers conferred upon him by this Ordinance to such person or persons as he considers advisable."

One or the other is redundant from my point of view. The witness, a moment ago, used the words "general administration" well, maybe we should include the words "general administration" or prior to administration. Otherwise, I would suggest that Section 5(1) is redundant because there is no point in having Section 3(1) and (2) if we are going to have Section 5 there.

Mr. Spray: Mr. Chairman, I would not like to see Section 5(1) taken out at this time. There are certain specific responsibilities laid on the Commissioner in this Ordinance, and if he does delegate these powers, he is delegating only specific powers, not general administration powers.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, I think, though, that you can't leave 5(1) as broad as you have it where he may delegate all or any of the powers conferred upon him by this Ordinance, because 3(1), he could delegate the responsibility of appointing a Registrar of Motor Vehicles and I believe under your *Public Service Commission Ordinance* and under your *Public Service Ordinance*, he is the manager and director of the Public Service. I think there is a requirement under that legislation for the Commissioner to appoint department heads and this type of thing. If you are going to give him the power to delegate, you certainly cannot give him the power to delegate the appointment of the Registrar. I think you should look at that under the *Public Service Commission Ordinance* and the *Public Service Ordinance*.

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, there are a number of other areas that 5(1) is intended to cover, I am sure and it will deal with boards and consulting bodies and advisory bodies which are not appointed and are not Public Servants, but must have some delegation of authority from the Commissioner.

Mr. Chairman: Mr. McCall?

Mr. McCall: That's what it is saying in Section 3(1). It says "and employees". What do you want? Almighty power? I don't think so, because this is what you are saying in Section 5(1). One is good and one isn't. There is no clarity at all in this language.

Mrs. Watson: Mr. Chairman, you can have both, but one will contravene the *Public Service Commission Ordinance* then. Mr. Chairman, I can certainly understand why they need Section 5(1), but I think maybe they should refer to the sections for which it is required.

Mr. Chairman: Mrs. Watson.

Mrs. Watson: Mr. Chairman, that is very interesting, 5(1). As it is written now, the Commissioner could be able to delegate his power to prescribe regulations. I wonder whether that would be legal, if he did that?

Mr. Spray: Mr. Chairman, I think that there are certain limitations placed on the interpretation of Section 5(1). That probably is one of them, very definitely, prescribing regulations. However, appointments are generally done by Commissioner's Order. In some cases, they may not be done by Commissioner's Order, if we are appointing such persons as testers of speedometers. We do do them by Commissioner's Order. In the case of an emergency, we may do it in a delegation of power to the Registrar of Motor Vehicles, as an example. But really, what we are talking about here is providing the power, the Commissioner has a decision which he may make under this Ordinance. We wanted the provision to have that power delegated, if we so wished, to a board or another group of persons who may be more qualified to examine the particular aspect of it. I will agree that we are not very specific and we will re-examine that particular section.

Mr. Chairman: Clause 5 will be stood over, then. Is there any further debate on that before it is?

Clause 5 stood over

Mr. Chairman: Clause 6.

On Clause 6

Mr. McCall: I don't want to sound too facetious, Mr. Chairman, does this include also radar traps?

Mr. Spray: Yes, Mr. Chairman, it includes any speed measuring device.

Mr. Chairman: Mr. Lengerke.

Mr. Lengerke: Just for curiosity, do we have any qualified people in Yukon as testers of speedometers or speed measur-

ing devices, recognized people?

Mr. Spray: Mr. Chairman, we have two persons in the Yukon and two persons in Edmonton, who are appointed under the Ordinance.

Mr. Chairman: Mrs. Watson.

Mrs. Watson: Mr. Chairman, "without proof shall be received as evidence of the facts stated therein and of the authority of the person issuing the certificate without proof of appointment or signature". What does "or signature" refer to?

Mr. Spray: Mr. Chairman, it means that we need not attach affidavits to the certificate certifying that the signature of the appointed tester is indeed the signature of that tester.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, is that required at the present time?

Mr. Spray: Mr. Chairman, I don't believe it is. This is a common wording for a section such as this.

Mr. Chairman: Is there any further debate on Clause 6? Clause 6 agreed to.

Mr. Chairman: I will declare a brief recess.

Recess

Mr. Chairman: I call Committee to Order.

On Clause 7:

Mr. Chairman: Mrs. Watson?

Mrs. Watson: I refer to 7(1). My question is: 7(1) states that "No person shall operate a vehicle on a highway unless he is the holder of a subsisting operator's licence authorizing him to operate that class of vehicle. Okay, he has got a licence. Are we saying that if he has a proper licence, he can operate the vehicle on the highway, when the highway includes a boulevard, the ditch, the right-of-way? I'm sure that we don't want to make a statement like that across the board because that would mean if you have a license for a car, you can drive on the boulevard, the way this is stated.

That is my interpretation of it. Maybe if the Law Clerk were in here, he would be able to interpret it, or maybe there is a different meaning to it. You are using highway, rather than roadway.

Mr. Spray: Mr. Chairman, the restrictive provisions of the Ordinance are detailed. I take this to imply that, subject to the provisions of this Ordinance, no person shall operate a vehicle on a highway.

Mrs. Watson: That is better.

Mr. Chairman: does the witness mean then that they would probably put that extra section in?

Mr. Spray: Mr. Chairman, I most certainly will refer it to the Legal Counsel and ask him.

Mr. Chairman: Any further debate on Clause 7?

Mrs. Watson:

Mrs. Watson: Mr. Chairman, I wonder if we could have a brief explanation of (5), because you seem to be referring specifically to students that are defined in Regulations, students who are out of territory students, if they are authorized by law of his place of residence?

Mr. Spray: Mr. Chairman, it will be our intention to define a student, and primarily, they may not be what we would term out of territory students if they are persons from Yukon, who, because they are attending school outside of the Yukon Territory, have been required by the laws of that province to obtain an operator's licence in that jurisdiction, and therefore they

may not hold one in our jurisdiction and they come back for the summer months, they could operate here without being required to obtain another licence here because no person may hold more than one driver's licence.

Mr. Chairman: Mr. Berger.

Mr. Berger: Mr. Chairman, in this particular section, shouldn't we put on a time limit, because the way it reads right now, this student could be appearing for an indefinite period and saying, "I'm a student"? Shouldn't we say that he can operate a vehicle during his school holidays or university holidays or something like this?

Mr. Spray: Mr. Chairman, the definition of student, which we had planned on placing in the regulations, will have to be broader than simply saying, "a student who is in the Territory during the period of his holidays". Many of your universities or colleges operate on the semester system and it may not indeed be a holiday, but the student may have chosen to stay out of school during a particular semester in order to come back to the Yukon to work, so it may not be a regular school holiday as such. We have to be very careful that we pick up all eventualities.

Mr. Chairman: Mrs. Watson.

Mrs. Watson: Mr. Chairman, I believe, would you not also have to be very careful about the type of licence that they have in the other jurisdiction. If it is a five year licence, they may be able to operate in the Yukon under this for four years under their B.C. driver's licence. So you'd have to be very careful in the regulations.

Mr. Spray: Well, Mr. Chairman, normally, if a person moves into the Yukon Territory and takes up employment here, he must obtain a Yukon operator's licence. This is a new portion of the Ordinance to make an exemption for students who are here only on temporary employment.

Clause 7 agreed to.

Mr. Chairman: Licence of Licence, Clause 8.

On Clause 8:

Mr. Chairman: Mr. Fleming.

Mr. Fleming: Yes, Clause 8(2), "Every person to whom an operator's licence has been issued shall, in his application for a subsequent licence, state that he has been so licenced." I don't believe the word "state" really covers that because it is very, very simple for anybody to state on an application form, or anything, that he has been so licenced, without any proof whatsoever, and in fact, I think it has been done before. I would sooner say, possibly, "show proof that he has been so licenced".

Mr. Spray: Well, Mr. Chairman, in subsection 8(1), the application is to be made in the form and contain those particulars as prescribed and where we state that he must indicate the previous operator's licence, we do so by number. If he's had an operator's licence, he must indicate the number of that operator's licence, which allows us then to check back, regardless of the jurisdiction where it was issued.

Mr. Chairman: Mr. Fleming.

Mr. Fleming: I understand then that it is on the application form that he must show proof that he did have a licence? It doesn't say it here anywhere. It doesn't say it in (1) or (2).

Mr. Spray: No, Mr. Chairman, he need not show proof that he has had a licence. He must state, by giving us the number of the licence, that he has had a licence. Under our current rules, if an individual is making application for a Yukon licence and holds a subsisting licence, he may obtain a Yukon licence of the same class without test. If he is unable to show proof, then he is retested as a new applicant, but if he has held a previous licence, he must give us the number of that licence in order that we may check a driver's record, if we so wish.

Mr. Chairman: Mr. Lengerke.

Mr. Lengerke: Does the government in fact check out every individual application?

Mr. Spray: No, Mr. Chairman, we do not obtain a driving abstract on every individual.

Mr. Lengerke: So, if you can give a number, you're in?

Mr. Chairman: Mrs. Watson.

Mrs. Watson: Mr. Chairman, I do have some doubts, as the Honourable Member from Hcotalinqua brought out, I would hope that when they review this with the Legal people, that we look at the word "state" to see whether it does state what you want it to state.

Clause 8 agreed to

Mr. Chairman: Clause 9, is there any debate on Clause 9.
Mrs. Watson.

On Clause 9

Mrs. Watson: Mr. Chairman, why would there need to be any discretion on the part of the Registrar? In what area would the discretion be required?

Mr. Spray: Mr. Chairman, the Registrar would wish to have the right or the discretion to obtain drivers' abstracts, to refer the individual to medical examination, such other reasons for not issuing the licence.

Mr. Chairman: Mr. Berger.

Mr. Berger: Yes, Mr. Chairman, I presume we are on Clause 10 and—

Mr. Chairman: We're on Clause 9.

Mr. Chairman: Mr. Fleming.

Mr. Fleming: Just a quick question. "No person shall apply for or procure or attempt to procure the issuance of an operator's licence to himself," does that include him or her?

Mr. Spray: Yes, Mr. Chairman.

Clause 9 agreed to

Mr. Chairman: Clause 10. Mr. Berger?

On Clause 10

Mr. Berger: I'm kind of puzzled why we may require one applicant to be photographed and another applicant does not need to be photographed? I was wondering if Mr. Spray could give an explanation for this.

Mr. Spray: The provision for photographing applicants is in the Ordinance in the event that we are able to implement a program of placing operators' photographs on the licences. It is permissive because at this point we are not ready to proceed with this. When it is implemented, it would be either for all persons holding operators' licences, or it may be implemented initially for certain classes of operators' licences as we progress with the capabilities of handling this particular program.

Mr. Berger: Mr. Chairman?

Mr. Chairman: Mr. Berger.

Mr. Berger: It's not the way I'm reading it right now. The way it says right now, that he may require the applicant to be photographed, and it does not say that we are talking about all applicants. The way I interpret it, it says one applicant may be photographed, the other may not be photographed.

Mr. Spray: Mr. Chairman, that is precisely the way it reads, in order that, as I say, we may implement the program by class of operators. We may require all operators of Class 5 licences to be photographed, but we may not require operators of Class 1 licences to be photographed, or vice versa.

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: Mr. Chairman, what is the timetable then

on the equipment and the methods and everything else required to do the photography? When is this system going to be implemented? What really is this case?

Mr. Spray: Mr. Chairman, we have no timetable at this point. It has not been considered a high priority item simply because of the complexities of photographing people who do not live in the City of Whitehorse. We haven't obtained a program yet that would enable us to do this without calling the people back into a territorial agent's office twice in order to obtain their operator's licence. Right now it would be extremely inconvenient to the public if we implemented it.

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: Well, would the timing not then be something with the issuance of the next licence? Would this not be the case? I would hope that what the witness is saying, Mr. Chairman, is that really there isn't an appropriate time. Somewhere along the line we are going to have to get into it. So maybe we had better be making a decision.

Mr. Spray: Mr. Chairman, at the present time, examinations for operator's licences in the areas other than Whitehorse are done by the RCM Police. We do not have our own examiners. We are working on a program of expanding our examiner staff in order that they can carry out the examinations for operators' licences in other municipalities and in other areas of the Territory. At that time, in all likelihood, yes, we would do it, at the time of renewal of the licences, but we must have the equipment available in every municipality, in every area of the Territory, so that when a person renews their licence, they would not be inconvenienced.

Right now, they may renew their licence by mail.

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: Mr. Chairman, then I am led to understand that we do not have the equipment available at this time.

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

Mr. Chairman: Mr. Berger?

Mr. Berger: Mr. Chairman, I would like to make a suggestion to strike section (2)(b) out of this present legislation altogether, because I can foresee possible hardships coming up for people in the Yukon, for some sections of people in the Yukon.

Either we have photograph equipment for everybody, or none at all. There is no use having something like this written in there that we may require. Either it shall be required to everybody or don't make classification to certain people, and say, "yes, because we don't like your face, we have to have you photographed."

Mr. Chairman: I take it, Mr. Berger, that is an editorial comment and you don't want to propose a motion to amend?

Mr. Berger: No, Mr. Chairman, I will propose a motion to strike section (2)(b) out of this legislation the way it reads right now.

Mr. McCall: I will second that, Mr. Chairman.

Mr. Chairman: I didn't understand the wording of your motion, Mr. Berger.

Mr. Berger: Mr. Chairman, I propose a motion to strike section 10 (2)(b) out of the legislation as proposed to us.

Mr. Chairman: It has been moved by Mr. Berger, seconded by Mr. McCall that section 10.(2)(b) be struck from the *Motor Vehicles Ordinance* as presented.

Mr. Lang?

Has Mr. Lang: Mr. Chairman, it is my understanding that what is proposed here is what has happened in all the provinces in respect to the identification of people for one thing, and also at the same time, in respect to their licences. If

my memory serves me correctly, I think there is something in one other piece of legislation in respect to this. I think it is in the *Liquor Ordinance*, is it not?

The point of the matter is, Mr. Chairman, that we do have some of the equipment here. I think it is a fairly expensive area that we are going into, but I think it is one that we do have to go into over a period of time. As the witness has pointed out, in respect to this particular section, presently we are able to reach the needs of the people within the municipality of Whitehorse and are attempting to reach the outlying communities, so it is a gradual process and I would imagine within a two year timeframe or whatever, that section would be up before the Legislature at that time and possibly become mandatory.

I think the Honourable Member from Kluane said it very well this morning in respect to legislation coming into effect, a person doesn't want to go pell-mell into an area where you are not completely sure whether or not you can render this service. This is just one of the particular areas as far as we are concerned as a government.

Possibly the witness could add a little bit more to this, in respect to it.

Hon. Mrs. Whyard: Mr. Chairman?

Mr. Chairman: Mrs. Whyard.

Hon. Mrs. Whyard: Mr. Chairman, this section is taken verbatim from the Alberta Act, *Motor Vehicle Administration Act*. If I may quote, it is Section (8) of Part I, dealing with operators' licences, and members may wish to follow the wording.

"Subject to the restrictions contained in this Act, the Minister may, in his discretion, upon receiving an application for an operators' licence and the licence fee prescribed by the Regulations, issue or cause to be issued through a licence issuer, an operators' licence as applied for and in the form prescribed by the Regulations.

(2) Before issuing an operators' licence to an applicant, the Minister:

(a) shall require the applicant to satisfactorily identify himself as being the person named in the application, and,

(b) may require the applicant to be photographed by equipment provided by the Registrar and that photograph shall form a part of the licence being issued."

Mr. Chairman, we are trying to draft an ordinance here which will be in line with the laws of our neighbouring jurisdictions. I think all members have heard the difficulties of trying to get these automatic plastic cards and photo identification equipment pieces into every part of the Territory. We have always heard the complaint here, Mr. Chairman, that if it is done in Whitehorse, it has got to be done everywhere else and unless Members can come up with a satisfactory way in which we can proceed to do so, we would ask that they leave this section until we can.

Mr. Chairman: Mr. McIntyre.

Mr. McIntyre: Mr. Chairman, I would guess that before Alberta introduced that section, they had the equipment in place so that they could carry out the provisions of the Act. I think it would be quite simple for us to delete this section and when the government has the equipment in place, then we can amend it, at a convenient Session. To me, this is just another way that the bureaucracy could subvert the actual intentions of the Ordinance and have certain people photographed at their discretion. I'm supporting the deletion of this section.

Mr. Chairman: Mr. Fleming.

Mr. Fleming: I, too, support that same idea.

The idea of the photograph is fine, I don't think any of us had any problem with that, but the idea and the clarification that we got from the witness is what struck me as being the wrong thing when he said that some classifications may be photographed and some would not and I disagree with that. It is either the whole thing or nothing, and in this case, I would support the motion to remove it entirely at this time.

Mr. Chairman: Mr. Lang.

Hon. Mr. Lang: Mr. Chairman, as I said earlier, it's my understanding that we do have some equipment within the government presently being utilized in some areas in respect to this, and it just seems rather ludicrous that the Legislature at this time would vote out a section of this nature, and at the same time, vote money during the budget for this particular area, which is one of the duties of one of the people, I understand, within the Territorial Registrar. Is that not correct, Mr. Spray?

Mr. Spray: Mr. Chairman, the Motor Vehicles' staff do not do any photographs at this time. It is under our security people, which is another department. It's an adaptation of that particular equipment, to put the photograph on the licence and the licence then must be laminated at the same time. Our licences have to be redesigned. When I stated that we might apply this program to one class of licences at a time, it is simply to bring the program into force over a period of time in such a manner that we would not inconvenience all the public.

Mr. Chairman: Mrs. Watson.

Mrs. Watson: Mr. Chairman, this section is certainly very different from the Alberta section. In this one, we are giving the Registrar the authority, and the Alberta section gives it to the Minister and he could, by regulation, then define the various groups, but we're leaving it just to the discretion of the Registrar.

I agree, and I know that three years ago, I think, we voted money for this type of thing and we were informed later that it became a very expensive undertaking to have photographs of every licensee on his driver's licence. At that time, three years ago, I believe it was, I was under the impression this was the program that we were going into. So, unless we're prepared to do it for everyone, I certainly agree with dropping it.

Also, I'd like to pick up a couple of the things that the Minister said, and this was the fact that we might be able to bring it in in Whitehorse and then later on we'll get it for the rest of the areas. That really bothers me all the time and, if you have any way of getting into the other areas, we'd certainly like your advice. Take it in, that's the way to do it. You know, this is absolutely ridiculous, that we can do it in Whitehorse, but it's going to take time to take it outside of Whitehorse. If it's a program, let's do it for all of the Territory, or if it's just for Whitehorse, let's say so in our legislation.

I'd certainly support removing it. I think that Mr. Spray has a very good argument also, there may be some certain classes that require it, but let us amend the legislation and indicate that now and not just classes in Whitehorse, classes all over the Territory if they require it. Let's do it, but let's not just leave it open at the Registrar's discretion.

I'm sure that if I were the Registrar, I'd be very happy to have that taken out, because I wouldn't want to be put in the position where it would be my discretion who I take a picture of, especially when the equipment is under the security people. That in itself has a little bit of stigma with it. We must be very careful.

Mr. Chairman: Mr. McCall?

Mr. McCall: Thank you, Mr. Chairman. The last remark the Minister made, it might be from Rogues' Gallery, I don't know. As a seconder of the motion, I don't agree with this type

of thing anyway, because I have two daughters at school who have to have their photographs taken. I have an I.D. Card, which I had to have taken to come into this building, and I have one I.D. Card to go to a mine site. Where is it going to end? We are now looking at licencing. I don't believe that it is necessary.

Maybe one of the Ministers might come up with photographs for your birth certificate. In that case they don't need those changed for at least twenty years, not on a yearly basis anyway, but I think, as the Minister pointed out, the Minister of Education, we should try it in Whitehorse and then the outlying communities, if you can get by Whitehorse. I don't support that concept. I don't believe we should have a franchise on photography in the YTG. I don't think it is really necessary.

As the Minister for Health and Welfare pointed out, the Alberta Legislation says "shall", not "may", "shall".

It was also pointed out that we don't actually have the equipment in place yet. It has been pointed out, it has been budgeted for, where is the equipment? Are we going with the horse and cart type of situation again? Let's be fair. We are dealing with legislation. If it is going to be for one, it is going to be for all. None of this separation trip. We are not criminals, we are not second class citizens. Let us start treating everybody equal, and if you are going to use it for one person, you are going to use it for all, or not at all. It is as simple as that.

Mr. Chairman: Mr. McKinnon?

Hon. Mr. McKinnon: Mr. Chairman, I know that most of our legislation in the *Motor Vehicle Ordinance* came from the Alberta Statutes and I was just wondering whether the House is being misinformed or if I have the wrong *Motor Vehicle Administration Statute*, which is 1975, of Alberta, because the Alberta Statute in this area, and the section as it appears in the Yukon Territorial section, are exactly verbatim. They are both not mandatory. They are "may".

Mr. McCall: On a Point of Order then, I think the Minister misquoted what was in the Alberta legislation, because the Minister quoted "shall" and not "may".

Mr. Chairman: Mr. McKinnon?

Hon. Mr. McKinnon: Section 8(2) of the Alberta Statute says "before issuing an operating licence to an applicant, the Registrar:

- (a) shall require the applicant to satisfactorily identify himself as being the person named in the application, and
- (b) may require the applicant to be photographed by equipment provided by the Registrar and that photograph shall form a part of the licence being issued."

The only difference is that instead of a Minister, which we do not have, of Motor Vehicles presently, that that power and authority is given to the Registrar under our legislation, but the wording is exactly the same.

Mr. Chairman: Mr. Berger?

Mr. Berger: Yes, Mr. Chairman, I don't care where the legislation came from, Alberta, Ottawa, or Newfoundland, or from China. It is a bad piece of legislation and we do not have to copy bad pieces of legislation. I think it is our job here to straighten bad pieces of legislation out and make a good piece of legislation out of it, we can. This is the point of my motion. With this type of thing, it can be used in discriminatory forms, and we have examples recently in the House of Commons of what can happen if we give certain people certain powers. This is one of the powers we can give to a certain person. This is what I begrudge and this is what is really bad. Either we spell it out and say what we want, or we don't touch it at all, and leave it alone.

Mr. Chairman: It has been moved by Mr. Berger, seconded by Mr. McCall, that Section 10(2)(b) of the *Motor Vehicle Ordinance* be struck.

Motion agreed to

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, while you are dealing with section 10, I would certainly suggest that in 10 (1), leave out the words "in his discretion". They are not needed at all. The implications of it are not very good.

"The Registrar may, subject to the restrictions..."

He may, upon receiving an application. His discretion has nothing to do with it really, subject to the restrictions that we have outlined and just take it out, it is not needed.

Mr. Chairman: Point of Order, Mrs. Watson, after amending this subsection, we can't go back over that part of the section that has already been covered.

Mrs. Watson: Mr. Chairman, here we go again. I thought we had the understanding that we would be able to go back. I was a little alarmed this afternoon when we started rolling in, "agreed, agreed." I thought, well, what does this mean? Does this mean that we cannot go back?

I distinctly think Mr. Chairman said that we should have the right to go back in this Legislation.

Mr. Chairman: I am merely referring to our Standing Orders, Mrs. Watson, where if we do have an amendment to a clause, then we cannot go to the part of the clause that has already been covered, again.

Mrs. Watson: Mr. Chairman, we didn't agree to that part.

Mr. Chairman: If it is Committee's wish then, we will carry on with further consideration of Section 10.

Mr. McCall: I think maybe we should clarify that point Mrs. Watson brought up a moment ago. I think that was the general understanding, when the Chairman was asked at the commencement of reading of this Bill, that the opportunity would be given to come back to any particular section in dealing with the Bill and it would save you considerable amount of time in reading through these sections, item by item. That was the understanding this morning, the way I read the discussion on that matter.

Mr. Chairman: Yes, that is what I just said, Mr. McCall. Is there any further consideration of Clause 10 at this time?

Clause 11.

On Clause 11

Mr. Chairman: Ms Millard?

Ms Millard: Mr. Chairman, I was very interested in this section because I was trying to find out what the present age limit is and I phoned Motor Vehicles and they said that you have to be fifteen to get a learner's licence and you have to be sixteen to get a full licence. I could not find any Legislation that supports that. I couldn't find anything in the Regulations and I couldn't find anything in the present *Motor Vehicles Ordinance*. I was just wondering where it might be.

Mr. Spray: Mr. Chairman, I don't have the Ordinance and Regulations here but I most certainly will do the necessary research and bring that answer back.

Mr. Chairman: Mr. Fleming?

Mr. Fleming: Yes, Mr. Chairman, I have a question on 11. "An operator who is licensed in the learner's category shall be stated to entitle and shall entitle the licensee to drive a motor vehicle of the type specified while the licensee is accompanied by a person who is at least 18 years of age and who holds an operator's licence, valid for the operation of the vehicle being used and is sitting immediately beside the licensee as engaged in teaching him to drive or is engaged in conducting a driver's examination."

That part, when the licence is issued, can any category of

licence be issued to a learner? In other words, 4, 5, 6, or is it just one category?

Mr. Spray: Mr. Chairman, it could be for any category but the person who is sitting beside the learner must hold the licence of that category.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, then that does mean, and it so states, and this is what I do have some concern over when we are talking about someone fifteen years or over who has the right to apply for any type of Motor Vehicle. Now, that is quite extensive, for any class of motor vehicle. We are looking at a fifteen year old. I think that some of us are a little concerned about that.

Mr. Spray: Mr. Chairman, there are certain restrictions. I must qualify my previous answer to the Member. There are certain restriction on a class of licence as to age. If you are dealing with a class 1 licence which is for heavy trucks, buses, it may state that only a person 18 years of age may drive that.

Obviously, then you may not have a learner's licence for that class at age 15. This would be qualified in the Regulations regarding classifications of licences which will be coming forward tomorrow.

Mr. Chairman: Mrs. Watson.

Mrs. Watson: Mr. Chairman, should that not then say, "subject to other restrictions in the Regulations or in the Ordinance", rather than say, "may apply to the Registrar in respect of the operation of any type of motor vehicle". That's just applying. And then it says, "the applicant may be issued an operator's licence of a learner's category".

Mr. Spray: Mr. Chairman, I would hope that the draft regulations, would clarify this. If not, we may very well have to go back and amend this section.

Mr. Chairman: Clause 12?

Mr. Chairman: Mr. Berger.

Mr. Berger: Mr. Chairman, I would like to propose an amendment to 11(2). I would like to see "who is at least 18 years of age" struck out, and I would like to add after "vehicle being used", "for at least two years", because I can quite easily see, the way it reads right now, that a person who just received a driver's licence, who has no idea about driving, could try to teach somebody to drive, and it could actually be quite dangerous and I think we would achieve exactly the same thing, but we are assured that this person has had a driver's licence for at least two years, if we followed what I suggest.

Mr. Chairman: Mr. Berger, was that in the form of a motion or a suggestion.

Mr. Berger: Yes, Mr. Chairman, I'm just writing it out, Mr. Chairman.

Mr. Chairman: It has been moved by Mr. Berger that Bill 1 be amended in Clause 11(2) to reflect the following: to strike out, "who is at least 18 years of age", and add, "after being used for at least two years".

Mr. McCall:

Mr. McCall: Just for clarification on that, how would that section read?

Mr. Chairman: "An operator's licence of a learner's category shall be stated to entitle and shall entitle the licensee to drive a motor vehicle of the type specified while the licensee is accompanied by a person who holds an operator's licence valid for the operation of the vehicle being used for at least two years, and who is sitting immediately beside the licensee and is engaged in teaching him to drive or is engaged in conducting a driver's examination of the licensee."

Is there any further debate?

Hon. Mr. McKinnon: Mr. Chairman, I find that much too restrictive and I cannot accept it. I could in the case of certain classes, where it would be school busses or perhaps a semi, but for an ordinary vehicle, where a person has to have had a licence for at least two years sitting beside the learner, I just don't think it practical.

I know of so many instances here where young people of 18 years of age, or more, have just recently obtained a driver's licence and I know that they are better drivers than I am, who has been driving for a great many number of years, because of their interest in mechanics, because they have been driving their old man's car in the back roads for years and years and that guy has the perfect ability and the right to teach his younger brother or something, the rules of normal driving in the family automobile and to take that type of right and privilege away from the young people of the Yukon is just unacceptable to me. I think you're going a way to restrictive in one area and becoming lenient in others. It just doesn't, I'm sorry, make sense to me.

Mr. Fleming: Mr. Chairman, on seconding the motion, I had a few reservations, but nevertheless, we are talking about things that could kill people here, not just going to school to learn how to carpenter. We are talking about a vehicle that is on the highway that is going to be driven there and the person is learning. With a couple of years of experience, I must say that I think the Minister probably has a very valid argument in the fact that we do not want to take away the rights from the young people.

We also will have the other people who have never driven, possibly only a day or two, who can pass an exam and get a licence, I am sure. In this case it could be very, very harmful to the public. I for one, see no taking of any rights away from anybody actually being experienced enough to have driven a couple of years before he goes teaching other people how to do it. I'm sure we wouldn't have a school teacher in our school teaching grade ten that probably hasn't had any more than two days experience.

Hon. Mrs. Whyard: How are they going to get the experience?

Mr. Chairman: Is there any further debate?

Mr. Berger:

Mr. Berger: Yes, Mr. Chairman, in answer to the Honourable Minister, this person he is describing probably got his driver's licence at the age of 16 and he is quite capable at age 18, as it says right now in the legislation, to teach somebody. I am not taking this person's rights away from him, but I want to be sure, that as it happens right now, and I have seen it every day, and I think other members must have seen it also, but they close both eyes, because they were afraid what possibly would happen and they are afraid to face the facts. I have seen kids learning to drive, their father and mother teach them how to drive and two days later after they get their licence, they teach other kids to drive.

This is what I am objecting to right now. I am not restricting the person who was really interested at the age of 13, 14, 15, when he drove his old man's car, like the Minister said, in the back roads, because this person would have a legitimate licence at age 16, and at 18 he would have been legitimately, with my amendment, able to teach some other kids.

All that I am trying to do is make the highways and byways in the Yukon a little bit safer than they are right now.

Mr. Chairman: Is there any further debate?

It has been moved by Mr. Berger, seconded by Mr. Fleming, that Bill Number 1 be amended in Clause 11.(2) to strike out "who is at least 18 years of age" and add after "being used",

"for at least two years".

The amended paragraph will read: "An operator's licence of a learner's category shall be stated to entitle and shall entitle the licensee to drive a motor vehicle of the type specified while the licensee is accompanied by a person who holds an operator's licence valid for the operation of the vehicle being used for at least two years, and who is sitting immediately beside the licensee and is engaged in teaching him to drive or is engaged in conducting a driver's examination of the licensee.

Mr. Lang?

Hon. Mr. Lang: Mr. Chairman, I would like clarification in respect to that amendment. The way you read it out it would appear to me that in order to be able to teach somebody to drive you would have to own the car for two years. You couldn't have a different vehicle.

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, I think this is another example of trying to change something without taking all considerations into study here in this Committee. If the wording, as I understand it is a proposed amendment, what the sponsor means, is he is going to bar everybody unless they have had a Yukon licence for two years from teaching someone.

In the definition of this Ordinance, subsisting licence means under the terms of this Ordinance. You could come in here from any other part of Canada, or the rest of the world, having been a competent driver all your life, unless you have been here two years as a Yukon driver, you couldn't teach your kids to drive. I don't think that is the intent of the Honourable Member's amendment.

Mr. Chairman: Mr. Fleming

Mr. Fleming: Mr. Chairman, I think that the witness could clear this up, but the operation of the vehicle being used means that that licence that is held by that person is of that category. Am I not right? The amendment is merely changing the 18 years to two years of holding a licence and the wording is the same after that.

Mr. Chairman: Mr. McCall

Mr. McCall: I'm having a little difficulty with the Minister's remarks there, a moment ago. The way I read Section 11.(1) and (2), we are dealing with licences and licensees, and the only place they can get those licences is in the Yukon, not in British Columbia or Timbucktoo, so whether they come flying in here on a Saturday trip, which they only have as far as out of the territory licence, it means exactly people, in the Yukon, holding any licence. If you are a licensee you are going to teach somebody to operate that is under the registration of the Government of Yukon. nobody else.

Mr. Chairman: Mrs. Whyard.

Hon. Mrs. Whyard: Mr. Chairman, with respect, the definition of a subsisting licence, or a licence, means, under the terms of this Ordinance, a Yukon licence. So, you are going to eliminate everyone except those who have had a Yukon licence for two years or more from teaching anyone to drive in the Yukon. Is that the intent of this amendment?

Mr. Chairman: Mr. Lang.

Hon. Mr. Lang: Mr. Chairman, in respect to these amendments being put towards the bills, I thought that we had determined, I believe last Session, that if members wanted to bring in amendments to a bill, that they would put them into the Clerk the day before and then members get the opportunity the following day to look at them and then, subsequently, make decisions on them. I find this very difficult to accept that, in a minute's notice, we're going to vote on an amendment which we haven't even read, we've just heard being

read from the Chair. I do think that this is fairly important, in respect to the fact that we are writing legislation here, and I think that, possibly, a copy of the proposed amendment would be appropriate to all members.

Mr. Chairman: It is not necessary to have a copy of the amendment available if it has been read from the Chair. If you do not have a copy you can have it read at any time from the Chair, but it is not necessary to have a copy for it, and a motion proposed in Committee does not have to be proposed the day previously.

Hon. Mr. Lang: I thought, Mr. Chairman, I thought that we had come to some consensus around here that if amendments were to come into Bills being presented here, members would have written copies available to them the following day. The section would be left over and then subsequently, each member would have the opportunity of looking at the proposed amendment. Is that not the case, or at least it was the case, I believe, last Session?

Mr. Chairman: That is the route that has been the most accepted route, Mr. Lang. I don't—

Hon. Mr. Lang: Well, Mr. Chairman, I would like a copy of the proposed amendment.

Mr. Chairman: I don't think we're obligated to follow it. Mr. McCall.

Mr. McCall: Thank you, Mr. Chairman, I take exception to what the Minister has said. It sounds to me like some things are not quite acceptable. I'm taking the position that this legislation is very hard to swallow in its present form, because of the sloppiness of putting it together. Why are we making amendments right now? Why are we, you know, are we to put forward amendments because of the structural content of the language presented to us today?

Hon. Mr. Lang: Well, Mr. Chairman—

Mr. Chairman: Order, please.

Mr. McCall: The situation here, Mr. Chairman, is that we are noticing, giving back the government's medicine they have been dishing it out to us. I received this two weeks prior to this sitting. I'm sorry, I've got the letter dated in my office, and I am seeing the government again floundering around like a beached whale.

Now, we have this pettiness now about how you can't accept the amendments. Well, it's too bad, really, it's too bad. It's about time you got, you know, a taste of your own medicine you've been dishing out to us for three years.

Yes, you mention an item in last Session. We asked the government before if they have any amendments, give them to us about 24 hours prior to the suggested changes. We asked the Ministers, we asked you guys. You didn't come and ask us. Now you're asking us to reverse that. I'm sorry, you put these legislations together. You're going to stand by it, otherwise accept changes.

Hon. Mr. Lang: Mr. Chairman.

Mr. Chairman: Mr. Lang.

Hon. Mr. Lang: Mr. Chairman, in respect to what the Honourable Member has said, I'd just like to make a few points.

The Honourable Member stated that he did have the legislation two weeks prior to coming into the beginning of the Session. He did have the opportunity to go through and review the legislation. Granted, he may have found some mistakes, which is fine. That is why we're sitting here today, to go through legislation and try to make the best legislation we possibly can. But I would like to point out that on the motion that has been proposed here, none of the other members here, including the government side, have had the opportunity of looking at it and reading it and seeing what effect it has on the

legislation. I would also like to point out that last Session, the consensus here was that if there was to be amendment proposed, we would wait until the following day to consider it, instead of trying to make decisions in the space of two minutes and I think it is just out of courtesy to all members that that procedure should be followed, because it's fairly important. Just because you are standing up on a point of principle, all of a sudden you are just going to rush through a piece of amendment that might quite conceivably not even go with the legislation, as the Honourable Minister pointed out a little earlier. There is some question of whether it is valid or not, in respect to the intent of the motion.

Mr. Chairman: Mr. Berger?

Mr. Berger: Yes, Mr. Chairman, I would just like to put in my two bits worth. I received my proposed legislation--draft legislation, as it is called, less than two weeks ago, because the mail to Dawson City takes a little longer.

What guarantee do we have that this legislation in front of us is exactly the same as the proposed legislation we have received?

My memory is not so good as to remember word by word and page by page, and I don't believe the government when they assure me that it is the same thing. This is why we have to go through this exercise of sitting in the House. This is why this government has to accept proposed amendments from the House.

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, I have no objections to any amendments the Honourable Members wish to put through this House, but I would like a legal opinion on the interpretation of this amendment.

Mr. Chairman: Mr. Fleming?

Mr. Fleming: Yes, Mr. Chairman, I can not really see what we are all arguing about. We could not put in an amendment yesterday, I am sure of that. It is a very small amendment, even though it is a very important amendment. As for some clarification as to what the Minister said about a person having to hold a Yukon licence, that I cannot clarify because it says "valid for the operation", any valid licence, it doesn't mean he has to be a Yukoner when you interpret our change in the Ordinance now. I see no reason why we don't just have the question, and get the problem over and go ahead to work.

Mr. Chairman: I think what we did try to establish in the last session was that if we did have proposed changes, the form was so made that those proposed changes could be given to government so they could bring forth changes.

That's not necessarily to prevent the Committee from bringing forward their own changes at the time and they can so do it. There is nothing to stop that, Mr. Lang.

Mr. Lang?

Hon. Mr. Lang: Mr. Chairman, I am not saying that we shouldn't amend any of the legislation. All I want is the opportunity of reading it and some time, as the Honourable Member to my left has said, that somebody with a legal opinion can look at it and see how it does affect the legislation.

I'm not saying that the amendments should not come up from the floor of this House, I am just saying that we should be careful in respect to them and have the opportunity of studying them, just like you have had the opportunity of studying this legislation.

Mr. Chairman: Mr. Berger, do you wish to continue with this amendment now, or would you prefer that it be given the consideration that members wish?

Mr. Berger: If the Committee so wishes it, we will let this amendment stand until tomorrow or the day after. I am willing to do so, but I would hate to let this amendment go without

it being voted on.

Mr. Chairman: I would suggest then, Mr. Berger, that you do withdraw your motion and make the submission so that it can be given legal interpretation, but you would have to withdraw your motion at this time and re-present it, if necessary, tomorrow.

Will you withdraw your motion now?

Mr. Berger: I will withdraw my motion then.

Mr. Chairman: Mr. Fleming, do you agree?

Mr. Fleming: Yes, on that understanding that we can come back.

Mr. Chairman: Mr. McKinnon?

Hon. Mr. McKinnon: Mr. Chairman, there are two points that I would like to raise that I have heard raised in the debate surrounding this proposed bill to this point in time.

One of them is, and this is a fact of the matter, that this is the only Legislative Assembly, which sends Bills out prior to them being introduced in this House, of the all the Legislative Assemblies in Canada. We try, and it is prepared, a month before. Don't blame me for the mail. I take responsibility for a hell of a lot of things that don't go right in the Yukon, but that's one that I refuse to accept responsibility for.

We find that there is a lot of pressure on time to be able to meet this commitment. It's one that we feel is necessary so that people can come to the Assembly with as much knowledge of the Bills and the legislation that is going to be presented. I think it is an attempt to make the debates as good as they possibly can be, and I don't think we should be condemned for being the only government in Canada who make that attempt on behalf of all members.

The other point is, I can't accept the sloppiness of the legislation. As I told Honourable Members prior, that we look to the neighbouring jurisdictions for the most progressive, most up to date legislation that, with differences, could be applied to the Yukon. Generally, we look to B.C. and Alberta for that type of help in the drafting of the legislation. This legislation which is presently before the House is with Yukon differences. The combination of the Motor Vehicle administration and the Highway Traffic Acts of Alberta of 1975, which we found the most contemporary and also progressive type of legislation in a neighbouring jurisdiction that we thought that we would like to be associated with for all kinds of reasons which are obvious.

We were told by the people that we were in contact with in the Province of Alberta that it was working relatively well. The concept of photographs and things of that nature worries me as much as it does other members and I have no problem if the majority of members think that we are not ready for that at this time.

Remember, what we are trying to do is, deal with the influx of people that will be using our highways, trying to provide some control in the future. There is no doubt in my mind, the Alberta Government and the Alberta people running their motor vehicles will say that with the number of licensees and the number of operators, that they would find it difficult to control and administrate and police without that photograph on the operator's permit. All right, the Members of this Legislature have made the decision that we are not ready for that yet. That's fine with me too, and I don't mind the amendments that are coming in as they do because I can stand up and say my piece and say I think this is too restrictive as I do, in the amendment that the Honourable Member from Klondike has initiated. I cannot accept the charge that (1), we are not trying to get the legislation to members as quickly as possible, and (2) that this is not well drafted legislation, because if Honourable Members want, and we're certainly willing to provide a person from the Motor Vehicles Branch in Alberta, who the

Act is modeled on, to explain the legal ramifications of the Regulations and of the Ordinance to all Honourable Members, just give us the word and we would be more than willing to provide that person before the bar so that he can explain the reasons, in a legal and a technical way which I am incapable of doing, and admit it readily, to Honourable Members and we would be willing to provide that service.

I must say that I find a little problem in the way that some of the charges in the debate seem to be going, that we are trying to pull something off on Honourable Members. That just isn't so.

Mr. Chairman: Is there any further debate on Clause 11? Clause 12.

On Clause 11

Mr. McCall: Thank you, Mr. Chairman. In view of what the Minister said a moment ago, I would just hope that everybody takes record of his remarks.

In Section 12.1, we go three steps backwards and one step forward, as to the power to the administration. If everybody looks at Section 27.1 of the Ordinance, which is being replaced, dealing with Motor Vehicles, here I think you will see language which is more appropriate and more understanding than the language in Section 12.1 of the proposed new legislation and I would take out of context, Section (b) of 1, and it says "cause special conditions or restrictions, or both, to be stated upon an operator's licence". For what purpose? For what ulterior motives is the administration looking for in this type of language?

Go again down to sub (b) of Section 1, "require a holder of an operator's licence or an applicant for a licence to submit himself for a medical examination to such persons as he may designate". What person? Are we dealing with quacks? Or is this in reference to the *Medical Ordinance*, because I see no reference here as to that type of a definition. What person? Who? I would like some clarifications, Mr. Chairman.

Mr. Chairman: Mrs. Whyard.

Hon. Mrs. Whyard: Mr. Chairman, earlier today we heard the Honourable Member complaining because we didn't have conditions which would permit handicapped people to operate motor vehicles. This is exactly what he wanted. We have always made special conditions for people who are handicapped and their ability to drive or their impairment from driving is assessed individually. Each person may have a different type of physical handicap and they are required to show the inspector or tester that they can, by means of certain adjustments or additional equipment in the vehicle, operate it to the safety of themselves and the public, and in order to do this they must also have some kind of medical assessment, and there is no problem here with the wording, as far as I am concerned.

All kinds of people, including people who wear glasses have to provide an assessment for corrective lenses if they are getting a driver's licence. We require a medical certificate and we use medical referees. Now, there is a section later on in this Ordinance which would establish a medical review board so that you will not have to just limit yourself to the opinion of one medical practitioner or even two. You can have a board of one, two or three, it's up to this Legislative Assembly when we get to that section, to say how many people they want on this review board.

I don't really understand the Member's problem with this Section. It has to do with medical competency and the attempts of this government to co-operate with handicapped people in the provision of an Ordinance, in the provision of a permit under this Ordinance, and also, at the same time, to safeguard the public. What is the Honourable Member's problem?

Mr. Chairman: Mr. McCall.

Mr. McCall: I'd like to thank the Minister for re-emphasizing a point of concern I had dealing with the interpretation and definitions of this Ordinance, dealing with the handicapped people. I see nowhere where you make reference to handicapped people in your interpretations. Where does it say that? This section 12.1 can mean anybody. Fine, I accept, I'm not disputing that point, but, to impose special conditions or restrictions. You don't spell it out to unfortunate people that may be disabled. It doesn't say that in your interpretation. I've already asked that question. Where in the interpretations do you make reference to handicapped people of any kind.

Mr. Chairman: Mr. McIntyre?

Mr. McIntyre: Mr. Chairman, I think it is 12(1)(c): "to such persons as he may designate". In the old Ordinance, the applicant would refer to a medical practitioner. In the present one, he is referred to anybody; a person is anyone, not necessarily qualified and I think that that should be straightened out. It could be the same person that is designated in (d) who is appointed as an examiner. What kind of an examiner? Is that the medical examiner, or is that the driver examiner?

It's not a very exact wording in my opinion, and it should be amended to make it clear what the legislation intends.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, I would agree that it needs redrafting. However, (a) refers to the issuing of an operator's licence and before he issues the licence, he can ask for an examination, physical or otherwise. Then (c) and (d), a person already has an operator's licence, and what we are saying is that the Registrar may require the holder of a licence, or an applicant for a licence, to submit himself for medical examination. I'm wondering why. I can see possibly the competency as a driver, but I am just wondering why they have required the holder of an operator's licence. What would trigger it, when they come in to have it renewed?

Mr. Chairman: Yes.

Mrs. Watson: Well, why don't they say that? Or when they reach 65, or what is the triggering thing? Is it just that you could get a letter today and say you are the holder of a licence, I want you to take a driver's test, that is what this says, or, I want you to go for a medical, or for an examination by persons designated. You know, that could be almost anything.

What's the triggering for someone who already has one?

Mr. Spray: Mr. Chairman, we have three year licences in the Yukon. A medical practitioner, by the terms of this Ordinance, in examination of an individual, if he finds that that person may not be medically competent to operate a vehicle, must report that fact to the Registrar. The Registrar may then require that the applicant undergo a medical examination. He may be referred to a medical referee for a second opinion. The Registrar of Motor Vehicles, the office, reviews accident reports submitted to the RCMP. In some cases, perhaps, there may be some indication that an accident was caused by a medical problem of the driver and in order to protect the travelling public, it may be required that that individual submit himself for medical examination at the expense of the government in order to ensure that he is medically capable of operating that vehicle.

Mr. Chairman: Mr. Fleming?

Mr. Fleming: Yes, Mr. Chairman, I need a little more clarification here. I have an example, myself. On the 13th of November I will have had a three year licence. Now I received a letter from the government and I will be going to have an examination, I don't know why now, according to this, but it was passed before then. But however, that is in (a) and (c), and then you go down to (2): "The Commissioner may pay any fee which he considers proper for any medical examinations required by the Registrar pursuant to paragraph(1)(c)."

In other words, who is going to pay my examination now? Is there a possibility the Commissioner may pay for that first examination?

Mr. Spray: Mr. Chairman, if the medical examination is required by the Registrar, then the government pays the fee. If it is a medical examination which we have required, then we pay the fee.

Mr. Chairman: Mr. Fleming?

Mr. Fleming: Mr. Chairman, I don't know when this happened, but we always had to pay our fee before. I had an examination when I got my last three year licence and many other people did. In fact, I think some of them went to court because they wouldn't pay. We fought this very thing in the House last year.

If the government says you have to have an examination to renew your licence, or to get a licence, we had to pay. Is it the case now that the government pays for that licence.

Mr. Spray: Mr. Chairman, there are two categories, one where you must have medical clearance in order to obtain the licence; the other one where we send you back and will not issue a licence unless you have a medical clearance. These are the ones I am talking about, where for some reason we doubt your medical competency to operate that vehicle. Those are the ones that we pay.

If we put in "medical examination by a medical practitioner", then we are requiring that if it is an examination of your sight, that it must be done by a person who is licenced pursuant to the *Medical Professions Ordinance*, which means that you could not go to an optometrist for an examination of your eyes. You would have to go to a medical practitioner. If we put in "medical practitioner", which is defined under one of our Ordinances.

Mr. Chairman: Mr. McCall.

Mr. McCall: I think the more we discuss Section 12(1) and other relevant sections, it is getting more and more difficult to be consistent with other pieces of legislation, and all I can suggest, Mr. Chairman, is that, first of all, Section 12(1), all sub-sections should be taken back and redrafted and that would stop the Minister of Education jumping out of his chair and breathing fire and smoke.

Further, I would like to ask a question, Mr. Chairman, to any of the Ministers, as to why we are changing this language in the first place? Could they give us, or present this House with some examples where, recent examples, where this has created problems, or, are we just changing it because, like the Minister of Local Government says, well, there's some new legislation in Alberta, let's try that on for size and see how far we can get? I don't know. You know, I would like some explanation or some examples where this particular language in the old legislation is giving us problems. Give us some examples, then we might sympathize with you.

Hon. Mr. McKinnon: Well, Mr. Chairman, I guess we may as well admit that we got found out and that the reason that we really had this piece of legislation is that we were trying to, by some method under the table, get some examination into the mental competency of the Honourable Members.

Mr. Chairman: Mr. McCall.

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

Mr. Fleming: I second that.

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

Motion agreed to

Mr. Speaker resumes Chair

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

May we have a report from the Chairman of Committees?

Mr. Hibberd: Mr. Speaker, the Committee of the Whole considered Bill Number 1, *Motor Vehicles Ordinance*, with Mr. Doug Bell, Deputy Commissioner, and Mr. Doug Spray, Territorial Secretary in attendance as witnesses. I have been directed by your Committee to report progress on Bill Number 1 and to ask for leave to sit again.

Mr. Speaker: You have heard the report of the Chairman of Committees.

Are you agreed?

Some Members: Agreed.

Mr. Speaker: Leave is so granted.

May I have your further pleasure?

The Honourable Member from Whitehorse Riverdale.

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

Ms Millard: I second that.

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 five o'clock.

Motion agreed to

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

Adjourned

