



The Yukon Legislative Assembly

Number 5.

9th Session

23rd Legislature

Debates & Proceedings

'Thursday, November 10, 1977

Speaker: The Honourable Donald Taylor

ERRATUM

A typographical error in the Thursday, November 8, 1977, issue of Debates and Proceedings misplaced a block of copy beginning with the words, "Mr. Commissioner: . . ." at the beginning of the second paragraph in the second column on page 42, and ending with the words, "... on that basis.", at the end of the sixth paragraph in column one on page 43. This entire sequence of copy should have been inserted in the first column on page 41, following the words, "... million dollar fund.", at the end of the thirteenth paragraph in the column.

Whitehorse, Yukon Territory

November 10th, 1977

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

We will proceed at this time with prayers.

Prayers

Mr. Speaker: We will proceed at this time to the Order Paper.

ROUTINE PROCEEDINGS

Mr. Speaker: Are there any documents or correspondence for tabling this morning?

Reports of Committees?

Petitions?

Introduction of Bills?

Are there any Notices of Motion for the Production of Papers? The Honourable Member from Ogilvie?

NOTICES OF MOTION FOR THE PRODUCTION OF PAPERS

Ms Millard: Mr. Speaker, a motion by myself, seconded by the Honourable Member from Hootalinqua, THAT the annual report of the Northern Yukon Research Project be tabled in this House.

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

Are there any Notices of Motion or Resolution? The Honourable Member from Whitehorse Riverdale?

NOTICES OF MOTION

Mr. Lengerke: Mr. Speaker, I give Notice of Motion, moved by myself, seconded by the Member from Ogilvie with respect to pipeline impact.

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

FURTHER THAT such a centre be initially staffed to a maximum of three persons with a review to be carried out with respect to the operation and effectiveness of such a centre by the Government of Yukon after twelve months of operation.

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 Hootalinqua.

QUESTION PERIOD**Question re: Teslin Subdivision**

Mr. Fleming: Yes, Mr. Speaker, I have a question for the Minister of Local Government on the subdivision in Teslin, proposed and started subdivision in Teslin. How far have we advanced to date on the preparation of this property and how many lots actually will be available?

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

Hon. Mr. McKinnon: Mr. Speaker, I will take that question as notice.

Mr. Speaker: The Honourable Member from Hootalinqua.

Question re: Block Land Transfers in Rural Areas

Mr. Fleming: Yes, Mr. Speaker, I would like to answer the Honourable Member from the Kluane's question yesterday of

the signing of the Commissioner's Order changing Galena Road to a collector road, the Commissioner's Order was signed on the eleventh day of October of this year, Mr. Speaker.

Mr. Speaker: The Honourable Minister of Education?

Hon. Mr. Lang: Mr. Speaker, I have for tabling a Legislative Return to question number six concerning appointment of the Chief Mines Inspector.

I also have for tabling a Legislative Return to a question asked by Mr. McCall concerning the cost of living survey.

Mr. Speaker: We will now proceed then to Orders of the Day to Motions.

ORDERS OF THE DAY**MOTIONS**

Madam Clerk: Item 1, standing in the name of the Honourable Member Mrs. Watson.

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

Mrs. Watson: Yes, Mr. Speaker, on a Point of Privilege.

Mr. Speaker: Proceed.

Mrs. Watson: Mr. Speaker, I would like to refer the attention of the House to the Tuesday, November 8th copy of the "Debates & Proceedings" to pages 40 and 41. There is part of the Motions, Orders of the Day mixed up with the Oral Question and answer period and I would hope that this correction can be made so that the record is more accurate to reflect what actually happened in the House.

Mr. Speaker: All right, at this time we will proceed with Item 1.

It has been moved by the Honourable Member from Kluane, seconded by the Honourable Member from Whitehorse Riverdale, THAT Sessional Paper 77-2-5 be referred to Committee of the Whole.

Motion agreed to

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

PUBLIC BILLS

Mr. Speaker: The Honourable Member from Hootalinqua?

Mr. Fleming: The Minister said the block land transfer. My question exactly: has there been application made to the Ministers in the past for outside rural areas, other than municipalities, L.I.D.'s and unorganized districts?

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

Hon. Mr. McKinnon: Yes, Mr. Speaker, every application has been outside of the land which we already have inside municipalities, L.I.D.'s and unorganized districts. It would be folly for us to ask for further land transfers in the land where we already have been given under block land transfers, so everyone of request has been to extend those areas outside of the land that we already control within municipalities, Local Improvement Districts, and unorganized areas.

There is a list of the return from the Minister saying that these are the areas of block land transfers which you now control.

I fail to understand how the Honourable Member can see that there was a willingness to give further block land transfers when the letter specifically states that they will be reviewing block land transfers in light of Indian land claims, which is a nice way of saying no, as far as I understand it.

Mr. Speaker: The Honourable Member from Whitehorse Riverdale?

Question re: Carcross-Skagway Road

Mr. Lengerke: Yes, Mr. Speaker, a question for the Minister of Local Government. During the last session, a resolution or motion was passed with respect to the Carcross-Skagway Road, and I think that resolution did call for some consultation between the Yukon Government and the State of Alaska to arrange for investigation and a report dealing with year round maintenance for that road. I was just wondering if this was initiated or if there was any progress that the Minister could report on that matter?

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

Hon. Mr. McKinnon: No, Mr. Speaker. I know that it has been a matter at the Federal Interdepartmental Coordinating Committee, of which the Commissioner is Chairman. Whether he has anything to add verbally or whether we could bring in a written answer to what progress has been made to this time, I would be willing to do either.

Mr. Speaker: The Honourable Member from Ogilvie.

Question re: Clinton Creek Mine Closure and 60 Mile Highway

Ms Millard: Mr. Speaker, a question for the Minister of Highways, concerning the Clinton Creek Mine closure and the 60-Mile Highway. Are there any plans in the Department at present to continue maintenance on the 60-Mile Highway after Clinton closes and to maintain the 24 hour service of the ferry at Dawson?

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

Hon. Mr. McKinnon: There has been no indication to me at all, Mr. Speaker, that there will be any less operation and maintenance on the 60-Mile Highway with the closure of Clinton Creek, nor have I seen anything across my desk that would curtail the present ferry service across the Yukon River.

Mr. Speaker: The Honourable Member from Whitehorse Riverdale.

Question re: Selkirk Street School Gymnasium

Mr. Lengerke: Mr. Speaker, a question for the Minister of Education: I wonder if the Minister could advise as to the progress of the Selkirk Street School gymnasium. I am wondering if that project is on time, is on schedule? I am sure that he has got some comments.

Mr. Speaker: The Honourable Minister of Education.

Hon. Mr. Lang: Mr. Speaker, I did a tour of that particular facility here a couple of weeks ago. They are just in the process of putting in the concrete for the new gymnasium. I do not know what has taken place in the last couple of weeks and I will bring back a reply to the question at a later date.

Mr. Speaker: The Honourable Member from Whitehorse Riverdale.

Mr. Lengerke: I was just wondering if there has been any changes in the budget requirements for that particular project, are the estimates on or...?

Mr. Speaker: The Honourable Minister of Education.

Hon. Mr. Lang: Mr. Speaker, I do not have the figures right here, so I will have to bring that in as well.

Mr. Speaker: The Honourable Member from Kluane.

Question re: YTA Collective Agreement

Mrs. Watson: Yes, Mr. Speaker, I have a question for the Minister of Education. I understand at the present time, the Yukon Teachers Association and the Government of the Yukon are involved in the process of arbitration in order to determine a collective agreement. Could the Minister tell us when we could expect a report on this arbitration process.?

Mr. Speaker: The Honourable Minister of Education.

Hon. Mr. Lang: Mr. Speaker, it is my understanding that it is going to arbitration at the end of November, but I will have to check and make sure that that is the date, so I would expect that a report would be brought in early December some time.

Mr. Speaker: The Honourable Member from Klondike.

Question re: Dawson City, YHC Rent Structure

Mr. Berger: Yes, Mr. Speaker, a question for the Minister responsible for Yukon Housing Corporation. I wonder if the Minister could supply us with the current rent structures, especially in the Dawson City area, of all government owned accommodations?

Mr. Speaker: To whom was the question directed again?

Mr. Berger: Mr. Speaker, to the Minister responsible for the Yukon Housing Corporation.

Mr. Speaker: Perhaps one of the Ministers could take—the Minister of Education?

Hon. Mr. Lang: Mr. Speaker, I will have to bring that information in.

Mr. Speaker: The Honourable Member from Ogilvie?

Question re: Old Crow School Gymnasium

Ms Millard: Mr. Speaker, a question for the Minister of Education. Could he comment on the progress of the school gymnasium in Old Crow?

Mr. Speaker: The Honourable Minister of Education?

Hon. Mr. Lang: Mr. Speaker, it's my understanding that the preliminary work in respect to the levelling of the land and that kind of thing is taking place at the present time. In respect to the actual construction, I would imagine there would be further work this coming spring, in respect to the foundation and whatever.

Mr. Speaker: The Honourable Member from Kluane?

Question re: Taxation of Whitehorse-Skagway Pipeline

Mrs. Watson: Yes, Mr. Speaker, I have a question for the Minister of Local Government, and it is a written question. What property tax revenue, pursuant to the *Taxation Ordinance* for the taxation year 1976 was paid to the Yukon Territorial Government for that portion of the Whitehorse-Skagway Pipeline which crosses the Yukon Territory?

Mr. Speaker: Are there any further questions.

We will then proceed at this time—the Honourable Minister of Highways and Public Works?

Hon. Mr. McKinnon: Mr. Speaker, I have for tabling, Legislative Returns in answer to written question number five, asked by Ms Millard on November 8th, and the question from Mr. Fleming concerning the sewer system at Dawson.

While I am on my feet, Mr. Speaker, I would like to answer the Honourable Member from the Kluane's question yesterday of the signing of the Commissioner's Order changing Galena Road to a collector road, the Commissioner's Order was signed on the eleventh day of October of this year, Mr. Speaker.

Mr. Speaker: The Honourable Minister of Education?

Hon. Mr. Lang: Mr. Speaker, I have for tabling a Legislative Return to question number six concerning appointment of the Chief Mines Inspector.

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ORDERS OF THE DAY

MOTIONS

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

Mrs. Watson: Yes, Mr. Speaker, on a Point of Privilege.

Mr. Speaker: Proceed.

Mrs. Watson: Mr. Speaker, I would like to refer the attention of the House to the Tuesday, November 8th copy of the "Debates & Proceedings" to pages 42 and 43. There is part of the Motions, Orders of the Day mixed up with the Oral Question and answer period and I would hope that this correction can be made so that the record is more accurate to reflect what actually happened in the House.

Mr. Speaker: All right, at this time we will proceed with Item 1.

It has been moved by the Honourable Member from Kluane, seconded by the Honourable Member from Whitehorse Riverdale, THAT Sessional Paper 77-2-5 be referred to Committee of the Whole.

Motion agreed to

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

PUBLIC BILLS

Madam Clerk: Third reading of Bill 5, *An Ordinance to Amend the Society of Industrial Accountants Ordinance*, standing in the name of the Honourable Mr. Lang.

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

Bill Number 5: Second Reading

Hon. Mr. Lang: Yes, Mr. Speaker, I move, seconded by the Honourable Member North Centre, that Bill Number 5 be now read a second 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 Bill Number 5 be now read a second time.

Motion agreed to

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

Some Members: Agreed.

Mr. Speaker: So ordered.

Madam Clerk: Bill 6, *Labour Standards Ordinance*, standing in the name of the Honourable Member, Mr. Lang.

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

Hon. Mr. Lang: Yes, could we leave this until the next sitting day, Mr. Speaker, please?

Madam Clerk: Bill 7, *Metric Information Agreement Ordinance*, standing in the name of the Honourable Mr. Lang.

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

Bill Number 7: Second Reading

Hon. Mr. Lang: Mr. Speaker, I move, seconded by the Honourable Member from Whitehorse North Centre, that Bill Number 7 be now read a second 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 Bill Number 7 be now read a second time.

The Honourable Member from Whitehorse Porter Creek?

Hon. Mr. Lang: Mr. Speaker, in respect to this particular

Bill, I think, possibly, some background should be given to the Members.

You will recall during the Budget Session last year, a man-year was included in the Education budget, in respect to the hiring of a metrication officer, depending whether or not we would get an agreement with Canada, in respect to this area for metric conversion.

The Department of Education had the responsibility for metrication in the Government, through the work of the Assistant Superintendent, for over a year. We have taken the opportunity over the summer to analyse just exactly what the Department of Education's work was in, in respect to the metrication. It was felt that it should be transferred to another department, and which it now rests in the Territorial Secretariat.

The present agreement that is before you will provide Yukon with a funding for a program over a three year period, from April 1st, 1977, through March, 1980. The sum of \$14,000 is payable for the period of April 1st, 1977, to March 31st, 1978. The following two years, at \$13,000 per year, will be paid with an adjustment to compensate for change in the Consumer Price Index.

The Metrication Information Officer's duties will be to provide a much needed public information program, as well as co-ordinate within the Government, conversion to metrication.

Mr. Speaker: Is there any further debate?

Motion agreed to

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

Some Members: Agreed.

Mr. Speaker: So ordered.

Madam Clerk: Bill Number 8, *An Ordinance to Amend the Partnership Ordinance*, standing in the name of the Honourable Mrs. Whyard.

Mr. Speaker: The Honourable Member from Whitehorse West has informed the Chair that she will be unable to be with us due to illness today so perhaps we will have Bill Number 8 and Bill Number 9 stood over to the next sitting day.

Madam Clerk: Bill 10, *Elections Ordinance, 1977*, standing in the name of the Honourable Mr. Lang.

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

Hon. Mr. Lang: I would like to proceed with this on the next sitting day, Mr. Speaker.

Madam Clerk: Bill 11, *An Ordinance to Amend the Interpretation Ordinance*, standing in the name of the Honourable Mr. Lang.

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

Hon. Mr. Lang: I would like to proceed with this as well, Mr. Speaker, on the next sitting day.

Mr. Speaker: This brings us then to Private Members' Public Bills.

Madam Clerk: Second Reading, Bill 101, *An Ordinance Respecting the Legislative Assembly*, standing in the name of the Honourable Member, Mr. Hibberd.

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

Mr. Hibberd: Next sitting, Mr. Speaker.

Mr. Speaker: The Honourable Member from Pelly River?

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

Committee of the Whole.

Mr. 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 the House resolve into Committee of the Whole.

Motion agreed to

COMMITTEE OF THE WHOLE

Mr. Chairman: I call this Committee to order. We will be continuing with the consideration of the *Motor Vehicle Ordinance*.

I will declare a recess.

Recess

Mr. Chairman: I call this Committee to Order.

For the record, Mr. Spray and Mr. O'Donoghue are present as witnesses.

We were on page 14, Section 20.

Mr. Lengerke?

Mr. Lengerke: Mr. Chairman, if we are going to carry on with this Ordinance, I was just wondering if Committee would reverse their decision to read the Clauses in silence, but rather have the Chairman read each Clause. I think it's a little more effective that way in dealing with it. Further to that, I just really wonder if maybe at this point we should also again determine from the Members, I know there is a bit of reluctance, at least I sense it, to carry on with this particular Ordinance.

I really wonder if it should be sent back for redrafting.

I would hope the Chair will determine that.

Mr. Chairman: I haven't really had that undercurrent, Mr. Lengerke, but I will be willing to hear what members have to say.

Mrs. Watson?

Mrs. Watson: Yes, Mr. Chairman, I hadn't some very specific thoughts on this when we started discussing it, the Bill, in Committee. I have now, and I personally feel that it would be wrong at this time to completely change and bring in a new *Motor Vehicles Ordinance*.

I gave some reasons the other morning. We are changing the mechanics of licencing, operator's licence, registration of vehicles, not completely, but we are bringing in a Medical Review Board, we are bringing in a demerit system, we are bringing in an advisory group to the Commissioner.

These in themselves, will bring administrative changes within the administrative arm of the Government of the Territory which they will have to adapt and gear up to. That in itself, is going to take some time. It might even mean additional employees. So we're looking at new forms, new rules, making sure that everyone is acquainted with it within the administration. Then we are also looking at the people of the Territory getting used to being able to function under a revised *Motor Vehicles Ordinance*.

At this time, I wonder whether we should be doing it, and I am more concerned, Mr. Chairman, not about the pipeline project, which will not begin construction, active construction, until 1981, I believe.

But I am concerned about the Shakwak project, which is supposed to begin work next year. Their plans, at the present time, are to do as many things as possible to that area of the road that will be required for the pipeline project.

So motor vehicles, and equipment and this type of thing are a very, very important part of the Shakwak Project, even more so, I believe, than the pipeline, because the pipeline has a more specific type of equipment that is required.

So, Mr. Chairman, with all due respect to the people who have worked on this piece of legislation, I would suggest, and I would be prepared to make a motion in this regard, that, at this time, we ask the Administration to take the Bill back and to come forward with the areas of the existing *Motor Vehicles Ordinance*, where they can see a glaring problem and there must be a few instances. Let us correct those glaring problems, but let us leave the rest of it as it is.

I believe that our attention, at the present time, should not be focused on motor vehicles. The time we are spending in this House, it would be much better spent if we were reviewing the *Transport Public Utilities Ordinance* and that Ordinance, I think, is much more important to the Yukon today, to get that properly in place, and it will have to be reviewed, as far as what we want the actual Transport Public Utilities Board to do, the actual philosophy of the Bill and that is going to be a very big political decision that is going to have to be made by us, and then the mechanics of how it can be used within the Territory. I think there is a requirement, because of the Shakwak Project beginning next year, to have that *Transport Public Utilities Ordinance* as we would like to see it at this time, and for the next five years or so, in place and ready to go by Spring.

Now, we can not do both. We can not have both the Motor Vehicles, a new Ordinance completely passed, all the administrative structure and everything set up and a new *Transport Public Utilities*. It is impossible to have them both in place. As far as I am concerned, the *Transport Public Utilities Ordinance* is required much more, is a higher priority than the *Motor Vehicles Ordinance*.

Mr. Chairman: Mr. McCall?

Mr. McCall: Thank you, Mr. Chairman, I tend to concur with the previous speaker on this matter. I am not happy at all with this piece of Legislation. We have only completed thirteen sections of this Bill and we have run into a considerable amount of problems. It is very obvious that in this area that there has been considerable amount of over-type as far as the printout on this particular legislation, sections in the wrong places, et cetera, et cetera.

I think the government should take this Bill back and perhaps look at the areas that are giving us problems and come forward with, you might say, a reduced version of this Legislation. I don't think that we are going to get through it. I think it is going to collapse some where a long the line. There are so many innuendoes involved in this Bill. I think it is pretty dangerous to try to introduce it all at this time.

I don't think they could even enforce it. Once it was adopted, they could never enforce it. We don't have the manpower, we don't have the facilities, yet they want to set a number of items into place like the demerit system. It is just not going to work.

We'll probably finish up with some piece of legislation that is not in force. Mr. Chairman, I would like to move that this particular Bill, be withdrawn at this time.

Ms Millard: Mr. Chairman, I can only agree with the Members speaking prior to this. I find the drafting is very bad, particularly in the beginning part. It becomes a lot better when the situation is clearer towards the end of the Bill, and also I feel a lot of the questions could have been brought to us in a Green Paper, and should have been brought to us in a Green Paper, the demerit system particularly, and the various boards. I feel we would just have more time to really try to understand it. It's been gone about in totally the wrong manner.

Mr. Chairman: Mr. Lang?

Hon. Mr. Lang: Mr. Chairman, all I can say is that I find it rather confusing that at the opening of the session, everybody,

was accusing the government of not doing anything, and now we are accused of going too far. At the same time, in respect to some of the comments made by the Members, they say take it back, have the administration have a look at it, and find the glaring areas that have to be corrected as of now, and then bring it back in.

I think it is fair to say, Mr. Chairman, I think that the Members in the House have a responsibility to go through the Bill, have a look in respect to the areas that they find possibly maybe too progressive for 1977. I think that there are areas that have to be corrected in respect to the immediate construction that will be taking place in the Skakwak Valley Project, and also hopefully, maybe other developments taking place in the very near future. I find it very difficult how you expect the government to take the Bill back and look at where you feel that the glaring areas are in respect to the Bill, and then you come back in here and accuse us of possibly going too far once again. I would like to hear the Members on the various areas for example, the demerit system. If you are not in agreement with it at that time, that's fine.

The point is, I don't want to go through an exercise of going through the Bill once again in the legislative programming and then coming back in and then having to go back in again, I would like to hear what the Members comments are on the particular sections as we go through it. I don't think it's too much to ask. I found in the last two days, I have seen members stand up and say the same thing ten times.

The point is, the government is prepared to look at if they want a section set aside, fine, no problem, but we want to hear what the Members have to say or else it is just going to be a useless exercise for us, as far as I can see, to go through the Bill again. At the same time, if you leave the *Motor Vehicles Ordinance*, you are leaving the Registrar of the Territorial Government in a difficult position, because as you know, right now, as he stated yesterday, a lot of the areas of the present *Motor Vehicle Ordinance* is left to his discretion, which he feels should be put into legislation.

So I think you do have a responsibility instead of shifting it back on to the government and coming back in and doing another critique and then coming back in again, and going through this exercise four or five times. Unless we know what you want, there is no point in going through the legislation again. That's the purpose of sitting here, otherwise we just pass it all through by regulation.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, it's unfortunate that the Honourable Member misunderstood what we were saying, and as he said, we have saying it ten times, and how often do we have to say it until he gets it straight.

I don't recall hearing one member of this House asking for a new *Motor Vehicles Ordinance*. Let's get that straight. Not one Member.

However, it might be that the people who administer the Ordinance see some areas where they are having difficulties, grave difficulties which they would like to have corrected in order to carry out the legislation that is in force today. My remarks were not to take this Bill that is before us today, Bill Number 1, and look at the glaring errors there. My recommendation was that you look at the existing *Motor Vehicles Ordinance* and if the administration has some areas in there that they are concerned about, let them bring them back into the House.

Now, to this piece of legislation that we are considering at the present time. I think that that is what all of us are saying. None of us asked to have a *Motor Vehicles Ordinance*, and I really do not like the idea that the Government is saying that we are irresponsible in not facing up to the responsibilities of

the Government of the Yukon Territory. We have not asked for that legislation, and had we, then we would be duty bound to go through every clause, but it is the administration's idea, to tell us why, specifically, and maybe we can amend the existing one.

Mr. Chairman: Mr. Fleming.

Mr. Fleming: Yes, Mr. Chairman, I wholeheartedly agree with the last speaker, as to the Government's response to our wanting to have it this way. I have the same feeling myself. I think the last legislation needs some repairs. We know that, we have looked at it, some of us, and it does need some amendments, and possibly, there is a chance that there should be, in time, a new Ordinance, but I feel that this Ordinance is one of the things may happen to many things, due to the pipeline happening. All of a sudden, we have to have something that has got to be thrown out quick, get done, get it there, because we think this big thing is coming to us. I say, no, we do not have to hurry with anything. If we want good legislation, we are not going to let a pipeline or anything else interfere with it.

For myself, and I would admit that I can not understand many things, but, in looking just this morning at the next page or two that we are going to, there is a complete repeat again of pages out in the front end of that Ordinance. On page 17 you have the use of licences. It goes right back to pages that are previous. I have read through and, as another member has said, it is a little more comprehensive as you get to the end of it, because you have read these things three or four times all through it.

I will be voting for the motion that is on the floor now, because I can not see the need to spend as much time as we are going to, and debate as many issues as we are going to debate in this Ordinance. If we carry on with it, we may be here yet after the pipeline is finished.

I think it would be the simple way, as the members have said, to possibly take a look at it and maybe the old Ordinance does need some amending, and possibly we may get some advice from this House, one of these days, on how to amend that. We have committees looking into these things. Maybe we can not divulge what we have done to date. I think you will get, probably, some help in that respect, but to just run through this one and say that it is okay, just because the Government has put it on the table here, no, I do not agree.

Mr. Chairman: Ms Millard.

Ms Millard: Mr. Chairman, without making the Member across the way feel that I am throwing it back in his court, I would like to do just that. I think this is a really complex Bill, with a lot of new concepts, and I would like to emphasize that I feel that these new concepts should have been brought to us in green papers.

The Member beside me has mentioned the next page. I have a lot of concerns about this Driver Control Board that are not explained in the legislation, and things have not been explained very clearly as we go through this Bill. I think that we should have a green, several green papers on this, even, to explain the demerit system, what is happening in other jurisdictions, how much is it going to cost us, how much control has the Board going to have over the demerit system? All of these complexities have to be thought out and thoroughly digested before we can just simply pass such a complex bill.

Mr. Chairman: The Chair requires some direction as far as this motion is concerned, Mr. McCall. Is the intent of your motion that this Bill be withdrawn for this Session, or that direction is given to the government to bring it back to this Committee during this Session?

Mr. McCall: Let's try and clarify my intent behind the motion, Mr. Chairman. The intent is to allow the government

an opportunity perhaps to completely go over this piece of legislation and perhaps present, to us, a piece of legislation that will solve what is giving the government problems at this point in time. If we are to proceed, wasting time going through this piece of legislation, I don't think it's going to see the end, it will probably get clobbered, because I'm not prepared to pass it.

There are too many areas here. I think we are taking one giant leap here and not realizing where we are going.

The way I see this particular legislation, you will never be able to enforce it under the present circumstances, and I think we have got better things to do with our time.

If the Committee is not prepared to accept the motion itself to allow the government—I don't know if the motions in order, Mr. Chairman, but if it is, I think it would give the government an opportunity to withdraw the Bill. If not, then there are other areas that can resolve the problem. I think.

Mr. Chairman: Mr. McCall, I still don't have an answer to my question. Are you requesting the government to withdraw this Bill and return it to this Committee during this Session, or do you wish the Bill withdrawn and to be reintroduced at another Session?

Mr. McCall: No, Mr. Chairman. I think the intent the motion is to allow the government to withdraw and perhaps reintroduce proper amendments without us going through this whole mess. This is what your question is—if they want to bring it back in this Session, that's fine, but that's not the intent of the motion. The motion is to withdraw the Bill, and bring back amendments, proper ones.

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: Mr. Chairman, I feel that maybe I shouldn't have opened up with the remarks that I did now, because we are sitting here again stalemated, not progressing at all. As you know, I am in favour of progress, and I think that certainly we should be moving ahead, one way or the other. If in fact this legislation is now here before us because as we have been told, we have to fill a need with respect to further development taking place in the Yukon, that it is our responsibility to recognize that and maybe get at it. But, there are some good points raised with respect to the legislation that exists. Can it be amended satisfactorily and rapidly enough to take in account the needs of the government, and certainly the needs of the Territorial Secretary's department.

I want to ask a question. If in fact—I understand there is an amendment, there is going to be new legislation with respect to the Transport Public Utilities Board coming forth possibly at the next Session, is it contingent that this *Motor Vehicles Ordinance* be dealt with first before that one. Are these inter-linked, is this going to cause problems of not progressing with that legislation? As the Honourable Member from Klwane said, that's pretty important legislation as well.

We should know those things and I would like to hear some comments from somebody. Can we not implement a metric system in our present Ordinance? Can we not include a demerit system? Can we not put in some new licence classifications a lot faster by amending the old legislation? Or, if in fact this is impossible, I want to hear from the Government some place along the line, no, let's get at it. Just as I say, Mr. Chairman, we have to start progressing here, that's for sure, or we might as well all role up and go home.

Mr. Chairman: Can anyone give direction to Mr. Lengerke as far as the introduction of this other legislation is concerned? Mr. O'Donoghue?

Mr. O'Donoghue: Mr. Chairman, the two Bills are related, but not so directly related that the *Transport Public Utilities Ordinance* cannot be done on its own, adjusted for when the time comes when it is introduced, but the Government will

have difficulty, perhaps, in bringing this back. It could be as much as a year before it comes back.

Mr. Chairman: Mr. Lengerke.

Mr. Lengerke: Mr. Chairman, if this legislation that we have before were passed, is the Government prepared to implement it immediately? Are they ready, with staffing and all other facilities, or would we have the situation, again, where it would not be brought into force for— You know, I think we had a previous Bill that that happened, when everybody said, yes, we need to have it passed, and then they were not able to put it into force for six or eight months.

Mr. Chairman: Mr. Spray.

Mr. Spray: Mr. Chairman, there are certain sections of this Bill that, if it were passed, would come into force for the new licencing year, 1978. There are other portions of the Bill that are permissive and would not come into force until such time as we had the staff and the programs arranged for, and I am speaking along lines of vehicle inspections, as one example.

Mr. Chairman: Mr. McCall.

Mr. McCall: That is exactly what I have been saying, Mr. Chairman, that we are proposing to introduce legislation that, at this time, at least to me, does not make sense. We do not have the staff, we do not have the, we are not in a position to enforce introduction of new legislation, and I said that I am quite prepared to let the Government take it back and bring back those portions of the Bill which can be brought into force, as Mr. Spray pointed out, next year.

I see that there is no seconder for my motion, Mr. Chairman. I am quite prepared to withdraw it, with the consent of Committee, but, if we are going to go back upon slugging this out, I say this, that this Bill is not going to pass this House, because there are so many discrepancies in it you are going to waste us a lot of time.

Like I say, I still would like the Government, on its own initiative, to take the Bill back and come back with the realistic parts of it as can be enforced next year, but you are going to waste a lot of our time.

Mr. Chairman: The motion is in order, Mr. McCall. It does not require a seconder.

Mr. Fleming.

Mr. Fleming: Yes, Mr. Chairman, just one question of the Government as to what would happen if the Bill went back. Would it be possible, or, is the old legislation good enough now to have it for another six months to a year, or would it be a large job, if it is not, to bring in a few amendments at this Session, for the old legislation, that you really need, if it is that necessary?

Mr. Chairman: Mr. O'Donoghue.

Mr. O'Donoghue: To bring in a few amendments is reasonably simple, but that was not the original design. This means a completely new task. It means going back to the old Ordinance and pulling together committees and examining the old Ordinance, section by section, to see what you can do with it at this stage in time. I do not think the Administrative Officers of that department have the time, at the present time. They have spent almost a year at this Bill and the intention was to have one whole, fitting together Ordinance, every part of which is related to the other part.

About 90 per cent of this Ordinance is already in force, but that 90 per cent is fitted in in different places, convenient where for it to be found, convenient for it to be administered and, one of the major intentions is to allow the staff to be able to interpret the law simply, reading exactly what is in here, and the regulations, so that people who come for decisions will get quick decisions and remove the necessity for a person

going to an office in Watson Lake, to telephone up to the Registrar, what will I do now? This has been a throne in their side and, as more and more vehicles come on the road, it becomes more difficult.

But to do this Ordinance again, in the alternative form, could take as much as a year. To review the *Motor Vehicles Ordinance*, it could probably come in the Spring Session, but the Spring Session is a budget Session.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, could we have a copy of the motion in case we wanted to amend it?

Mr. Chairman: In this instance, if it is introduced like this, you can request it be read at any time.

The motion is that Bill Number 1 be withdrawn at this time.

Mr. McKinnon?

Hon. Mr. McKinnon: Mr. Chairman, as an elected member of the Executive Committee who was a part of the decision of bringing a totally new *Motor Vehicles Ordinance* before this House at this time, I will naturally be supporting the reasons and the necessity of this Bill being before Honourable Members at this time.

I think most Honourable Members do know the way that legislation is drafted. Most of it begins a year prior to it seeing the light of day at this Legislative Assembly and in Committee. In this instance, that was exactly what we were looking at, the new Territorial Secretary replaced Mr. Taylor, and immediately upon his new position, looked at legislation which he felt needed updating and needed redrafting to meet the needs of the times.

He looked into the areas of the *Motor Vehicles Ordinance* which were giving him most of the problems, and it was his decision, which was reflected in the Executive Committee document, that it would be folly to try and amend all of the sections needed, because there were so many of the sections needing amending that it would be a much better method and would provide much better legislation for a totally new *Motor Vehicles Ordinance* drafted along the lines of the provincial jurisdictions so that we would be, in effect, come into the same type of legislation and the same consistency of legislation with the provinces, which we agreed.

There are so many areas which need amending at this point in time. One of them, of course, is the metric arrangement, which is a minor part of the amendment which is part of this *Motor Vehicles Ordinance*, one which I am completely in sympathy with and agree with, is that there are real hard political decisions under the present Ordinance which are made by the Registrar of Motor Vehicles.

I find that extremely unfair and I find that an abuse of the democratic system where those decisions are laid for the solution of them on a Deputy Head of this government. Of course to get away from that, you have to go into the concept that the rest of the provinces have to a Driver Control Board which then embraces all the regulations and all the appointments and everything else. It is a difficult and involved process, but you tell me how else you get the political reality of the Registrar making the decisions out of his hands and into the hands of an impartial, supposedly at least impartial, board. In all other areas, that's the direction we have to find to get these political decisions away from a civil servant, which I think all members agree, in principle and philosophy, is not fair and leaves itself open to all kinds of abuses, as we all know.

Mr. Chairman, there are other very good things in the Bill which were pointed out to me on why we needed a totally amended Ordinance. I understand that at the present time that there are certain classes of driver's licences, if you go to another province and present it, they laugh at you. They say,

oh from the Yukon, eh, class such and such, well tough luck, you are going to have to take the examination here, you are going to have to go for all the endorsements and the whole other ball of wax.

We feel that with the mobility of people in the country that it would be very nice to have a consistent type of classification in testing throughout the country so that people can go from one area to another, if they are a truck driver, if they are a bus driver, and continue their occupation without going through the total rigmarole of receiving these type of testing from other provinces. The Yukon enters into this consistency of legislation with the other jurisdictions.

To come up with this consistency, we plagiarize a hell of a lot from amongst the best drafters in the country with legislation that has proven to be extremely effective in those other areas, for a consistent standard.

We felt, at least in the *Motor Vehicles Ordinance*, that we had come up with a piece of legislation that met all of the needs which the new Territorial Secretary had brought before Executive Committee, and that this was the wise and the best way to go, rather than trying to piecemeal amend the present *Motor Vehicles Ordinance*.

So that was the decision that was made. Now, I do not have any problem if Honourable Members, the majority of them, say that was not the right decision to make, and what we should have done is a piecemeal amendment, try and take it back and bring amendments forward when you are capable of doing so, at a Session when you are capable of doing so, in those areas. As I say, it has been a solid year, spent with a lot of people on this Ordinance, so it is going to take some time and a lot of ability, once again, to attempt to amend the *Motor Vehicles Ordinance* in those sections which have to be amended. And even then, I would suggest that it will only then still be a piecemeal Ordinance.

We believe that this addresses the needs of the Yukon, at the time. We believe, and we have made the decision, that a piecemeal amendment is not needed, that we do need, for all of the reasons that have been cited and will continue to be cited, if we continue with this, that we need a totally new *Motor Vehicles Ordinance*, at this point in time in the Yukon's history.

If that is not the feeling of most Honourable Members, of course, the Government will abide by that decision, Mr. Chairman.

Mr. Chairman: Mr. McCall.

Mr. McCall: Thank you, Mr. Chairman. I do not totally concur with the Minister's remarks. I have seen this type of thing happen in the past, in last Sessions. We seem to be hypo-concerned about *Motor Vehicles Ordinance*, which, to me, was all right the way that it was. It still is.

Hon. Mr. McKinnon: It does not turn me on.

Mr. McCall: I do not like to see introduction of things like air brake endorsement systems, when provinces are getting rid of them, finding out that this Government does not do its homework before it introduces something. Now we have a piece of legislation here we are running into problems with.

It was not very long ago, in fact it was this week, when the Commissioner advised this House that the *Legal Professions Ordinance* has still not been assented to. It passed this House two years ago.

I would like some explanation why this Government has not introduced landlords and tenants amendments to *Landlord and Tenants Ordinance*, to protect people living in rented homes, with the on-slaught of construction projects? I would like to know why they have not introduced amendments to the Yukon Health, along the same lines, for the same purpose and

for the same reason? Moreso, now we are talking now of transferring the total health facilities over to the Government of the Yukon from the Federal Government, I would like to know why we do not have better introduction and more amendments dealing with the *Workmens Compensation*. That is in a mess. The regulations are increasing by the month, dealing with Workmens Compensation, and you give us a piece of housekeeping legislation. Yet, you stand up in this Committee and explain to us that, well, it is not a bad piece of legislation, let us slug it out, see how far we get.

I think the Government has already got the message on the *Labour Standards Ordinance*. I do not have to elaborate too much on that.

I do not like sloppiness, not when you are dealing with peoples' lives, and laws that deal with peoples' lives. That is irresponsible. Not irresponsible in your actions, but irresponsible in your presentation. I would strongly suggest that you put your thinking caps on, on behalf of this Government, because you are going to be held responsible for, well, paper-mache, that is what it is going to be.

Mr. Chairman: Mr. McIntyre?

Mr. McIntyre: Yes, Mr. Chairman, to my recollection the previous Council's in connection with this Ordinance is that every time this Ordinance was amended, and it has been amended almost every session of Council that I can remember, and that goes back a long way, the general feeling was, well why bring in another amendment, why not bring in a revised Ordinance and here we have the Ordinance presented to us, a complete revision. Perhaps it has gone too far, but I think the least we can do with it, is to review it and pass judgment on it.

I think the Members who are opposing the reading of this Ordinance, and dealing with it seriously are irresponsible and I will not support that motion.

-Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, I wonder if at this time I can add an amendment to the existing motion?

Mr. Chairman: Yes.

Mrs. Watson: Mr. Chairman, could you read the motion, the original motion?

Mr. Chairman: It has been moved that Bill Number 1 be withdrawn at this time.

Mrs. Watson: My amendment, after the word time add the words: and that necessary amendments to the existing *Motor Vehicles Ordinance* be introduced at the Spring Session.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Yes, Mr. Chairman, I have been listening to this debate, and it seems to me in the first instance, it is not competent upon this Committee to withdraw any Bill or have any Bill withdrawn. This Bill was referred to this Committee by the House and it seems to me the only three courses of action that could be taken upon the Bill would be to deal with it in the normal manner, to leave it die in Committee, or something. I can see no way that this Committee is competent to withdraw anything that has been referred to it by the House.

If the Bill is to be withdrawn, it must be done in the House, Mr. Chairman.

Secondly, while I am on my feet, I would share the remarks made by the Honourable Member from Mayo, and prior, I also share in the expression by the Honourable Minister of Highways and Public Works. It has been pointed out that over many years, these amendments have come in, as the Honourable Member from Mayo has pointed out, and that Houses and Legislatures before this have always said, "My God, why not put together one solid Ordinance, and be done with it."

In terms of voting on this motion, I believe it is out of order, but if a motion, or a similar motion is presented to Committee, which would have the effect of throwing this back at the administration without first giving them some direction, I would be opposed to such a motion.

Mr. Chairman: This Committee, Mr. Taylor, can report back to the House that they are recommending it be withdrawn at this time.

Hon. Mr. Taylor: Yes, Mr. Chairman, as long as the motion states that it is a recommendation to the House, but it is not competent for this Committee to withdraw the Bill.

Mr. Chairman: Mr. McKinnon?

Hon. Mr. McKinnon: I believe that in other instances, just to help Honourable Members along, because I don't mind having a resolution and a vote of the House of what they want to do on it, that if people didn't want to proceed any further, there has been motions which have been passed by this Committee to have Bills die in Committee, which I think is the appropriate motion, if you don't want to proceed any further on a Bill in Committee.

I think for the benefit of all of us, we would certainly like to know what are the wishes of the members of this House. Do we want to continue or don't we? It's as simple as that, so if the proper motion was put in Committee, we could have the vote on it and then proceed or get on to other business.

Mr. Chairman: I would suggest, Mrs. Watson, that your amendment is substantially different from the original motion and I would suggest that we put forward a further motion, because it has quite a different intent than the original motion does.

Mrs. Watson: Mr. Chairman, I don't completely agree with you, but I am certainly prepared to withdraw the amendment.

Mr. Chairman: No further debate? Mr. Lang.

Hon. Mr. Lang: I would just like to make a few points here in respect to the basic principle that is being espoused here.

I heard one Honourable Member, the Member from Pelly, stating that the responsibility of the Bill laid directly with the Government. I would like to point out that when a bill does pass this House, everybody has the opportunity of voting. We are presenting it, you have the opportunity of voting yes or no for a particular bill in question. So, we all share the responsibility. It is not just strictly one or two elected members or whatever. It is the majority of the House that decides what direction the Government is going to take.

I would also like to point out, Mr. Chairman, that, over the summer months, we have been really busy, trying to adjust for the pipeline. We did a lot of work in respect to the Lysyk Report. After that, the question of pipeline was in limbo, we were trying to background work, in our various departments, to find out what the effect would be and, as we know, the decision has finally been made by the United States here, approximately two days ago, and we will subsequently be ratified in Parliament.

As you know, we are trying to get as much information as soon as possible, in respect to the pipeline and just exactly is going to take place.

So, you can see our position, Mr. Chairman, as a government, is that we are trying to get things in place. We have various green papers coming in in respect to rent stabilization so you can see, our position, Mr. Chairman, as a government is that we are trying to get things in place, we have various green papers coming in in respect to rent stabilization, we have a green paper on housing strategy, which is going to be a very important paper.

We have a paper in respect of land development. All these things are key areas in respect to the forth coming economic developments that are happening in the Yukon.

So, Mr. Chairman, I just find it very disheartening to listen to the Members stand up here and make their political statements and their points in respect to the Bills that have been presented and saying that the government hasn't been doing any work. I would like to make one statement, Mr. Chairman, I have been very disappointed in respect to the last four or five months in respect to a lot of the Members. I haven't heard from very many of the members over the summer months or the fall in respect to just exactly what should be done. My phone is always there, I would like to hear what people have to say. I haven't heard anything constructive being said, everybody is saying, "You haven't done anything for the pipeline," but I haven't heard anybody come out and say you should be doing these other things.

Mr. Chairman: Mr. McCall?

Mr. McCall: I take exception to the Minister's remarks, Mr. Chairman. This is a government Bill and you are responsible for it and its presentation and how you address yourself to it.

The point he brought up, Mr. Chairman, about presenting green, White and candy-striped papers into this House, I am talking about Legislation, Mr. Chairman. Where is the Legislation? You can present all the papers galore that you want to, but where is the Legislation?

As I said once before, Mr. Chairman, I am prepared to withdraw the Motion, with Committee's concurrence because it seems to me that even I am advocating wasting time and that is not what I am here for and I would like again, to ask concurrence of Committee to withdraw that motion.

Mr. Chairman: Does Committee concur that this motion should be withdrawn?

Some Members: Disagreed.

Mr. Chairman: Permission is not granted, Mr. McCall. Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, I am becoming very very troubled here at this point. I have heard two comments by the last speaker. One is that this is a government Bill and therefore the government is responsible. I think perhaps some members of Committee have lost sight of the fact that they do have a responsibility, not for their own personal interest or anything else but for the people of the Yukon Territory that sent us to these Chambers.

Now, the government, in fact, were responsible for bringing this Bill in, be it perfect, be it imperfect or be whatever else it is, Mr. Chairman, it is still the responsibility of the House, that if they find it imperfect, to point out to government, in what aspect.

It is the responsibility of all members of this Committee and the House, Mr. Chairman, on behalf of the people of the Yukon Territory, not to create good Legislation, but to ensure that no bad Legislation is put on the Law books that affect the people of the Yukon Territory.

If we are going to take the attitude and the stance that we are to turn down this Bill and that Bill, that the administration have laboured long to produce, hopefully for the benefit for the people of the Yukon Territory, then we are doing an injustice and a disservice to the people of the Territory and I think that maybe, before a decision is made to withdraw this or any other Bill, that Honourable Members should review their position in relation to representing the electors and the citizens of this Territory.

As I say, it is a big Bill, it is going to be a big chore, and there is a lot of sections, perhaps, in the Bill that will not appeal to

Members and for very good reasons and perhaps should be thrown out but it is our responsibility and duty to the people the Yukon and this Government and this Legislature to point out those areas that we are in disagreement of. It may be a painful process but it ought to be done.

To send this Bill back to the Administration would mean hours and hours of more work and review and perhaps we won't see this Bill again, or any Legislature, see this Bill for a year or two, who knows?

I leave those thoughts, Mr. Chairman, with Members Committee. Remember our responsibility to our electors.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, I am rather disturbed by the lectures we have been receiving, because we did make a decision, and I think the Honourable Member from Watson Lake made a very good comment when he said that it's our responsibility to ensure that no bad legislation is on our books, and I think some of the people in this House this morning, and I haven't particularly myself, indicated that it is bad legislation, I have different reasons for not wanting to go along with it, but there are people here who have said they do so sincerely, and they have reviewed this Bill on their own, and I feel sincerely that it is not good legislation. Now are you facing up to your responsibility if you stand up in this House and say, "I feel that it is bad legislation"?

Aren't you equally doing a service to the people of this Territory when you make a decision and say, "In my estimation," and that's what you are elected to do, "I believe it's bad legislation." Don't condemn them, you may not agree with it, but they are not abrogating their responsibility when they make a decision even though it may be a negative decision. We are facing that responsibility.

I have different reasons and I spoke about them distinctly, several times in this House. You can call them political reasons, whatever, but they are facts of life that everybody in the Territory has to live with. That's one thing for us to sit here, closeted, going over something phrase by phrase and talking about our Legislative Assembly and the laws we have passed here and how lofty they are, and what great strides in constitutional reform we have made, but it's another thing to have to live with what comes out of this House, and I am saying let us be very careful about how many rules of the game we start changing now before this pipeline comes in.

As Mr. Fleming said, everything things to—you know, we've got to change it because the pipeline is coming. Maybe the pipeline has to live with us, rather than us live with it. And that is why I am quite prepared to let the Bill either die in Committee, to have it withdrawn, or to have it taken back and if necessary amendments are needed to the existing Ordinance, that they be brought back into the House.

Mr. Chairman: Mr. McKinnon?

Hon. Mr. McKinnon: Mr. Chairman, I'm worried about nothing except the clear direction of this House. I think that the Honourable Member from Watson Lake pointed out that the motion that is on the floor is out of order, so I would like to see a clear direction from the House. I understand the way it has always been handled, the way it should be handled is that a simple motion be put that Bill Number 1 be allowed to die in Committee. So, if the motion is withdrawn, that was it, that's a clear direction of this House of where we want to go, we all know where we stand. I think that's all we want to know at this time.

Mr. Chairman: Well, I have asked the mover of the motion on two occasions, if he would clarify the wording of it. If he wishes it to die in Committee that's fine, but I'm not sure he added his desire. He may merely wish it be returned to Executive Committee for further consideration during this Session.

Now, I would ask the mover of the motion to alter his motion so that it is in order and give it more specific direction.

Mr. McCall: Mr. Chairman, I have already stated my position twice, I am not going to state it again. I have already asked for the assistance of this Committee, what would seem again to be pussy-footing around, I am not irresponsible in my decision. I don't like this piece of legislation, it stinks. Now how crude do you want me to get, Mr. Chairman. I say it stinks, and that's what I am going to stand by to my constituents and everybody else in the Yukon.

I'm not going to sit here and waste time on a piece of legislation that does not make sense to me.

We cannot enforce it, even if we passed it tomorrow. We do not have the staff, the financing, to support this legislation. Now I have stated my position twice on the motion, it is up to this Committee, it is not up to me. They keep asking for a directive, well, give directive yourself.

Mr. Chairman: Mr. McCall, three times the Chair has asked you for clarification on the direction you are trying to give the Chair with your motion, and you have refused, on three occasions, to do it, so I will have to go along with the, Mr. Taylor's recommendation that this motion is now out of order.

If you have another motion, Mrs. Watson.

Mrs. Watson: Mr. Chairman, I would move that Bill Number 1 die in Committee.

Mr. McCall: I second that.

Mr. Chairman: It has now been moved by Mrs. Watson, seconded by Mr. McCall, that Bill Number 1 die in Committee.

Before we do go to question, I am in a difficult position in the Chair, because I would like to offer my own comments.

I feel that the Members are abrogating their responsibilities in not dealing with the legislation. If they do not like the legislation, they should offer their criticisms as they go along so that it can be amended. At least that would give direction to the Executive Committee to where the amendments should be.

I will call for question.

It has been moved by Mrs. Watson, seconded by Mr. McCall, that Bill Number 1 die in Committee.

Motion defeated

Mr. Chairman: We will carry on with Clause No. 20.

Mr. Lengerke.

Mr. Lengerke: Mr. Chairman, could I ask that the Chairman from Committees read the clauses, then? Would this be in order? Can we have that decision?

Mr. Chairman: If it will expedite matters.

Mr. Lengerke: I think it will, Mr. Chairman.

On Clause 20

Mr. Chairman: Mrs. Watson.

Mrs. Watson: Mr. Chairman, when? Upon it being suspended? Upon it being cancelled? Or when it expires?

When should the holder should the holder return the licence to the Registrar if it is suspended? When it is suspended, when it is cancelled, or when it expires?

Mr. O'Donoghue: When the order comes to either suspend or cancel, he has got to return it. As it says in subsection 3, Mr. Chairman.

Mr. Chairman: By the word "forthwith"?

Any further consideration of Clause 20? We will carry on with Clause 21.

On Clause 21

On Clause 22

Mr. Chairman: Mr. Lengerke.

Mr. Lengerke: A question for the Administration: what do you envision as the Board, why not be specific and say three members, or four members or five members? This, again, is a case of, you know, let's get on and be specific about it.

Mr. O'Donoghue: Mr. Chairman, the difficulty is that the members of the Board may be resident out of Whitehorse and may have to have informal hearings in Watson Lake, or Dawson, and they may be spread throughout the Territory, Mr. Chairman.

Mr. Chairman: Make sure that clarifies it.

Mr. Lengerke: Yeah.

Mr. Chairman: Ms Millard.

Ms Millard: Mr. Chairman, I really object to this section. This is one section that I would like to see taken back and amended, if that is what the direction of Committee is, the direction that Committee is going.

My first objection is that one member of the Board constitutes a quorum. I think that is completely dictatorial. A quorum to me means certainly more than one member. There is no detail on the number of people. I think that before proceeding with this Section, we should have the regulations that the Commissioner is thinking of establishing this Driver Control Board and when is it going to be set up. A lot of detail is missing here.

Mr. Chairman: I think this is the feeling of Committee. Is it agreed that this should be returned for consideration?

Mrs. Watson?

Mrs. Watson: Mr. Chairman, not just for reconsideration. I wish the people who introduced this Bill into this House, and that is the elected people on the Executive Committee, would come forward and give us an outline of some of the concepts they are trying to do. What does the Driver Control Board—I never even envisioned it might be someone in Watson Lake or Beaver Creek. This is where we are so uptight about this whole thing. This has nothing. Here's a Bill. The person who administers legislation, and the Legal Advisor sits there, we get no philosophy behind any of it. What are you trying to accomplish? The Medical Review Board—there's three clauses in it. Now I would like to know what is the thought behind it. What are they going to accomplish? How do they operate? There are some political ramifications, and it's the responsibility of those two fellows sitting across there, and they had better start doing their homework and stand up and speak.

Mr. Chairman: Point well taken.

Mr. Berger?

Mr. McKinnon?

Hon. Mr. McKinnon: Mr. Chairman, if Honourable Members think that this Honourable Member is going to have the capability and the knowledge of being able to explain the legal and technical ramifications of every clause in every piece of Ordinance that is brought forward. I have spoken three times now on the policy and philosophy behind this Bill. If I am supposed to be committed and know all of the aspects of every clause of every piece of Ordinance, other than the political and philosophical ramifications behind it, I tell you now, as I have told you before, that I find myself not capable of such an effort, and I cannot serve you as an elected member of the Executive Committee. Anybody who honestly said that they could do that, with all the legislation, would not be telling the colleagues the truth.

That's the simple facts of the matter. Now, if you want me to go into the explanation of why we thought the Bill was needed, why we accepted the advice of the Territorial Secretary on it, then fine. I'll do it again. But I will not be trapped by Honourable

ble Members trying to pretend that they could, or that I should know every reason for every technical and legal part of this Bill, and the Honourable Members are being unfair, because they know darn well that it is a total impossibility for any elected member, even with the wisdom and the astuteness of Honourable Members who are saying that we haven't got our homework done on this.

Mr. Chairman: Perhaps the Territorial Secretary could give us an interpretation of the Driver Control Board, before we go further on this.

Mrs. Watson: Before we go further, can I reply to the Honourable Member?

Mr. Chairman: Yes.

Mrs. Watson: Mr. Chairman, if you will note, I was very specific when I asked of the Honourable Members across there, I asked for the philosophy and the political ramifications. I did not ask for technical or expert advice on drafting, interpretation of sections as far as drafting is concerned. No one expects that of you. But I do expect you to know what the driver control board is supposed to do, what function will they perform, where you are going to have them, many questions that are coming to mind.

The Honourable Member from Ogilvie mentioned it this morning, about the demerit system. I do not know what a demerit system is. Maybe some of the members do, I do not. But it is up to the elected people to have these basic, the background knowledge on these things, not clause-by-clause, but to be able to get up and tell us, now, this is what the demerit system will do. This is the function of the driving control board. You should know. I have got to know before I can accept the Bill.

Hon. Mr. McKinnon: Mr. Chairman, I stated this morning, in my remarks, that one of the reasons that I was supporting this Bill was because of the section of the driver control board. I said, that the reason now that I support the Bill was because, presently, the Registrar has the power, the political power of suspending licences, which is the most important function of the new driver control board, that the Registrar does no longer make that decision on whether he knows the guy, whether he likes the guy, which he doesn't do, but what he can be accused of doing.

You know, that was the political explanation of this section of the Bill, as to why it was necessary to review this most important function from the back of a civil servant, on to an impartial board as is necessary. Now, I am sorry. If that explanation is not sufficient, then I apologise, and I will try anything to bring in a better explanation from my standpoint as an elected member, if the Honourable Member tells me, and directs specific questions as to the philosophy and intent behind the Bill. If I do not have the information, off the top of my head, I will attempt to get it and bring it to the Honourable Member.

Mr. Chairman: Mr. Spray.

Mr. Spray: Mr. Chairman, Section 32 of the present *Motor Vehicles Ordinance* states that "the Commissioner may suspend or cancel an operator's licence issued under this Ordinance, if the licensee violates any of the provisions of this Ordinance or the regulations". The onus is on the Registrar, since the driver records are under his control, to place the information before the Commissioner if he feels that the driving record is bad enough that the licence be suspended.

Also, if I do not feel that the licence should be suspended, regardless of how bad the record is, the Commissioner has no way of knowing what that record is. At this time, under the new Ordinance, if we recommend that a person's licence be suspended because of his driving record, the Commissioner will send it to the Driver Control Board, who would make the

decision after a review of that person's record. It then becomes an outside board that is looking at it.

We have set up one member of the Board as a quorum, because, quite honestly, I do not know how many people we would require on the Board. I feel that, in all likelihood, one person may very well, at this time, serve us as a Board.

We also have the provision to appoint other members of the Board and to keep one member as a quorum in case it is necessary to have this Board sit in Watson Lake, Dawson City, Mayo, or elsewhere, in order that we do not have the people who are being affected by travelling to Whitehorse.

The Board should have mobility, and in many cases you have mobility on boards if you keep your quorum down to one person, and the Board may split off and sit in three different areas at the same time.

The regulations governing the procedures and operations of the board; a good many of our Ordinances now leave the establishment of procedures and operations up to the Boards themselves.

By putting it into regulations, the regulations are made on the advice of the Board, and it is then put into a Commissioner's Order, which becomes a public document so anyone has access to the procedures and operations of the Board.

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

Recess

Mr. Chairman: I call Committee to order.

I think that we should deal with Clauses 22 through 25, together. So, I will read them through.

On Clauses 22, 23 24 and 25

Mr. Fleming: Yes, Mr. Chairman, I have no problem with all of the paragraphs in these Sections, however, I would like to dwell a moment and go back to 22. This is the actual Board, and they are going to—

Mr. Chairman: Yes, we are considering that.

Mr. Fleming: —change that Board. I merely wish to emphasize again that, to come back here with something that is, say, one member of the Board, would absolutely be, that is totally out. I would not accept it at all. There has got to be an actual change in that Board and the figures, and how many people, and what constitutes a quorum, other than one member. I have got to emphasize that. All of these regulations that we have read just now, they are good, but, no way could we have that dropped on one person.

I feel for the Government when they say it is a problem with the Registrar or the Commissioner even, to have these things on him, so if they are going to create a board, let us create it, at least, with three or four members in that board.

Mr. Chairman: I think we have that undertaking. They are going to review Section 22.

Mr. Spray.

Mr. Spray: Yes, Mr. Chairman, we will have a look at Section 22, particularly with respect to the quorum. In addition, we will look at possibilities of having this Board sitting in various locations without the full Board. So, if we had established a three or four man Board, we would like to keep the quorum to the point where the entire Board would not have to be together in another area of the Territory.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Yes, Mr. Chairman, I also have a problem with 23(2), and I am thinking of a situation where the Board may sit in Dawson or sit in Haines Junction or Watson Lake, where provision is made to the person who has been suspended or restricted, to be heard in person or by council.

Now it occurs to me that when you live in these outlying districts, you are just virtually legislating a profit to a lawyer. I think "agent" should be included in this subsection so that a person who, for one reason or another, may not be able to be present when the board sits in the community can have someone to speak on his behalf, other than a lawyer.

I am wondering if the administration would give some consideration to making provision for an agent in this Section?

Mr. Chairman: Mr. McKinnon?

Hon. Mr. McKinnon: Mr. Chairman, I can only go from experience on what I have seen where there is legislation that allows an agent to speak. Following the agent speaking, the client is certainly always of the opinion in any experiences that I have seen that he wished like crazy he had never asked for an agent to appear on his behalf. I don't know of an instance where it has worked out.

I always thought that the common law allowed for a person to appear on behalf of a person, if that person so requested. I have been in court at times where someone has jumped up from the back and said I wish to appear as a friend of the court on behalf—, and in that instance that I remember distinctly that the client sure wished that the client hadn't jumped up and said I want to speak as a friend of the court in this matter.

I haven't seen any successes in my rather lengthy career appearing before the courts where the agent system has worked to the advantage of the person who is appearing before the court or a tribunal. I was just wondering whether that common law did allow for a person to appear on behalf of another person. This is something I had understood.

Mr. O'Donoghue: No, Mr. Chairman, lawyers, that is counsel, have the exclusive right, by law, to appear for people in law courts. But this isn't a law court, so I guess an agent could appear, but we would have no objection to adding in, "in person or by counsel or agent."

Mr. Chairman: Mr. Taylor.

Hon. Mr. Taylor: Yes, Mr. Chairman, with respect, whether or not history has shown that agents are not as successful, as the Honourable Member has pointed, is not the point. I think that the provision ought to be made so that a person could have that right and privilege, because, as I say, in the hinterland, at least, it is rather difficult to get hold of counsel to appear on your behalf without expending many hundreds of dollars and I think this is important.

Mr. Chairman: Mrs. Watson.

Mrs. Watson: Mr. Chairman, with respect to the two Honourable Members particularly, the first one who spoke on the agent in many instances not being very successful in assisting their client, I believe they have a very short memory. A very active and renowned former member of this House used to very, very successfully act as agent for anyone who would have him and he was very successful. If you do not remember the parking ticket episodes, then you have very, very short memories. So, I would certainly like to see "agent" in there.

Also, I have a concern about the ten day's notice. With the mail system as it is today, and if the Board heard a case in Whitehorse and they had to notify someone in some other area, ten days would never give them a chance to get the mail out and a reply back to Whitehorse. I know it is difficult to make it too long, but you have to consider the mail and when you say "notice in writing", that is the only way that it can be done, is by the mails, unless you have courier service.

Also, a question for the people who drafted the legislation and who envisioned the driver control board, I wonder if they are looking at any special qualifications of people, that people would require to sit on the Driver Control Board and how many they think they would appoint to start with, if they are

considering appointing people from various parts of the Territory? How large a Board would you want to have so that you could drain from them to get a quorum of two, in order to hear a case in one of the outlying areas?

Mr. Chairman: Mr. Spray.

Mr. O'Donoghue: Mr. Chairman, I understand that they are thinking of a three or four man board in the first instance, adding more if they need it.

Mr. Chairman, in respect of the other matter, which the Honourable Member from Klwane raised, the ten day's notice here is the person must get the notice in his fist, at least ten days before the time he has got to appear, regardless of how long the mails take, that person must have it in his hand and he has got ten days to arrange his personal affairs in order to be present at the Board. It might take three or four weeks to give him the notice under those circumstances.

Mr. Chairman: Does this actually say that, Mr. O'Donoghue.

Mrs. Watson: No, it doesn't.

Mr. O'Donoghue: Yes, Mr. Chairman.

Mrs. Watson: No.

Mr. Chairman: With reference to 23.(3), what is the necessity of that section?

Mr. O'Donoghue: The necessity, Mr. Chairman, is to allow evidence of previous history in. In a court situation, this would not normally be evidence. A person is presumed to go into a court clean, and his driving record is irrelevant until after they come to the decision. This is a necessary section, Mr. Chairman.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, I would like to pursue further, Section 23 (2) and I would hope that the people look at it. It is not exactly what it says, because it could be that you have a hearing, the witness appears at the hearing, and then the decision to suspend or restrict the operator's licence isn't made until a day or two following. The person who is being considered may have gone back to Ross River. That's how I interpreted it when I read the Section.

Mr. O'Donoghue: Mr. Chairman, the form that that kind of notice would take, would be a person would be handed a notice, we'll say on the first of November, and it would say that the board intends to lift your licence, ten, twelve, or fourteen days from today, the first and then say you may make representations to the Board or arrange a hearing. So, it's up to him to come into the Board, or to take advantage of it, but the intention to take off his licence must be given to him at least ten days ahead of time.

Regardless of the mails, he must get that on the first, and they cannot act then until after ten days.

I imagine that the normal notices would give him two weeks at that point.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, if you look at 23.(1), "At any time he considers an inquiry should be made into whether any person should be permitted to hold an operator's licence," and incidentally, that is the much nicer way of stating it, rather than saying the Board is considering suspending, restricting or lifting your licence. It would permit it to hold an operator's licence.

So that is the triggering there, where the Commissioner, a judge or Registrar reports the person to the Driver Control Board. At that time, that person should be notified. I would want to be.

Mr. Chairman: Mr. Spray?

Mr. Spray: Mr. Chairman, perhaps we could resolve it, if we altered subsection (2) slightly, somewhat along the words of saying that the Board shall not suspend or restrict an operator's licence of a person, without that person receiving at least ten days notice in writing.

In other words, we will reword it in such a way that it is very specific that the person must receive notice ten days prior to the actual suspension. It must be in writing, in his hands.

It's quite possible that there is a Board member in Dawson City, and we are dealing with an operator in Dawson City, that it may be hand delivered over the signature of that particular Board member. We may not be dependent on the mails, but we can set it up in order that the person will have at least ten days notice before the suspension takes effect, which will give him an opportunity to be heard.

The hearing may not take place for thirty days, depending on when they can set it up, but then the suspension would not take place until such time as the hearing had been held.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, wouldn't it be better in 23(1) as soon as the Commissioner or the judge or the Registrar reports the person to the Driver Control Board, they also should advise that person of the action they have taken. They should. If I thought the Commissioner or the Registrar, or a judge, was referring my record as a driver to a Driver Control Board, I would want to know when I was being referred to that Board.

Mr. O'Donoghue: Mr. Chairman, there are no philosophical objections to that being done. But in the first instance, the judge, judge in this instance means a magistrate or justice normally, it will come after a case has occurred, and the judge will normally say, after delivering his find, and I am going to report you to the Driver Control Board with a recommendation.

The Board may not accept the recommendation, but the Board has to think about it. It's only if the Board forms an intention that there is a case to answer, then they say, if you don't come in and explain yourself, we will lift your licence.

Mrs. Watson: Yes, but that's the second step.

Mr. O'Donoghue: As I say, we have no philosophical objection to sending a copy of the substantial recommendation of any of these three people to the person in respect of whom a recommendation has been made.

The form of that would then be in the form of a notice and would also have part of it trigger at the actual hearing or the objections to be made too.

We can engineer it along those lines, Mr. Chairman.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, we are dealing here with two different groups of people in 23, the magistrates or justice of the peace or judge or the Registrar are referring it to the Board. They are making a recommendation to the Board. They should advise the person that this is the decision they have made. Then in the second part, the Board should contact the person and say—maybe the Board, they may say, "we have considered the recommendations and we don't feel there is any validity so we are not going to hear the case."

Or if they want to hear the case, they set a date. But in both instances, the person who is being talked about and considered, should know.

Mr. O'Donoghue: Mr. Chairman, that can be done. We will think about. It means sending a copy to the person, but I think the onus should be—

Mrs. Watson: Good.

Mr. O'Donoghue: —carefully looked at to see that it is

done, because we do not have control over what a judge or a justice does in his everyday—, he may make a note of the thing and have a clerk do it, but we will arrange it such a way that a notice of a recommendation is sent to the person so that he knows a notice has been given and then, if it is of a certain type, it is a notice, plus an order to appear, if he wants to, to make representation.

Mrs. Watson: Then he gets a further notice from the Board.

Mr. O'Donoghue: Well, don't make it too hard, Mr. Chairman. We will look at it, but not too many notices.

Mr. Chairman: Mr. Berger.

Mr. Berger: Yes, Mr. Chairman. I just seem to forget what I was going to say, but I would like to see that this notice be written in such a way as to be like in 21.(1), where it has to be served in registered mail. I think this would stop a lot of arguments of when that notice was received or when the notice was not received.

Mr. O'Donoghue: Mr. Chairman, registered mail is old fashioned. They use certified mail now and, in this kind of thing, we would try to do it by hand. If we are tied to registered mail, it makes it awkward. We have amended a number of our statutes to take out this obligation of only using registered mail. We try to be able to do it by hand, by registered mail, or whatever.

Mr. Chairman: Mrs. Watson.

Mrs. Watson: Mr. Chairman, this the sort of a political afterthought on this one, the structure of the Board, that you would have a Board member sitting at Watson Lake, and if they had a person at Watson Lake whose ability to drive was being questioned, that person at Watson Lake on the Board would be looking in. I, as far as I am concerned, I think that would be the most untenable thing. You are not going to get people in these small communities to serve on that Board. They are going to sit in judgment and they are going to do the dirty work, really. That Board is going to the dirty work and you are expecting some person in a small community to do it to the guy who is living down the street from him and there is 20 people and one has to sit in on judgment on this type of thing, do not think that is going to work.

You are going to have to get someone from some other area to sit in a, I wouldn't sit in my own community, where I know the person personally. That is a very difficult thing to ask people to do and you are just not going to get people to sit on that Drivers Control Board if that is how it is going to operate.

Mr. Chairman: Mr. Taylor.

Hon. Mr. Taylor: Well, Mr. Chairman, just a comment that suggestion. It is difficult, but it is no more difficult than find someone to be a justice of the peace of the community and I am pretty sure we will agree that there are justices peace around the Territory that have been found in a community, and I do not see that this is presenting any barrier.

Mr. Chairman: Mrs. Watson.

Mrs. Watson: Mr. Chairman, I would just like to ask the Legal Advisor if he has trouble getting justices of the peace in small communities.

Mr. O'Donoghue: Not trouble, Mr. Chairman, it is a continuous effort. We keep a man on the road looking for justices of the peace, but he has succeeded in staffing us with an excellent core of justices of the peace, even though, as one of the Honourable Members pointed out, some of our JP's in the South get a hard time from some of the Honourable Members.

Mrs. Watson: Mr. Chairman, good luck on your membership on the Driver Control Board.

Mr. Chairman: Any further consideration, at this time, of the Driver Control Board?

Mrs. Watson:

Mrs. Watson: Would Members of the Legislature be qualified to sit on the Driver Control Board?

Mr. O'Donoghue: It's a question for the Administration, Mr. Chairman. I'm not sure there are any brave souls here who would venture forth.

Mr. Chairman: Ms Millard?

Ms Millard: Mr. Chairman, I would just like to know if any of the provinces have Driver Control Boards, which ones?

Mr. O'Donoghue: Some of them have, Mr. Chairman, but we are not sure which ones. It's not a new thing.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, one more question. Only one. Twenty-four, subsection (4). My goodness. Really, "Subject to the regulations, testimony may be adduced before the Board in such a manner as the Board considers proper and the Board is not bound by the rules of law concerning evidence applicable to judicial proceedings." Now is that a one man Board and he may feel that the proper way to get evidence from the person before him is to kick him in the teeth. That's what you are saying.

The rules of the law don't apply, judicial proceedings. You know, this is quite a novel approach.

Mr. O'Donoghue: Mr. Chairman, we are trying to make it a practical Board. We don't want to fill it full of lawyers and what have you. We don't want to appoint lawyers to the Board, we don't want lawyers appearing back and forth. We are depending on the practical, common sense of ordinary Yukoners to arrive at the truth in an intelligent manner.

There is an appeal, Mr. Chairman. There is an appeal from this Board to a court, and when they get to court, then rules of law there will apply. I think it's reasonably fair, because it's very hard to expect—

Mr. Chairman: Perhaps you could change this name to "Star Chamber".

Mr. O'Donoghue: The "Star Chamber" was a regular court, Mr. Chairman.

Mr. Chairman, a code of evidence is very difficult. I don't really see how we can change it without making it very difficult for the Board to do its work. We visualize it as a sort of a conference with a couple of lay people on one side of the table and the person whose driving record is in question on the other. It will be a discussion, rather like a meeting, rather than a formal court of law. But the person will be able to put his case forward and explain why, merely because he was found guilty of a certain offence in the courts, why they should not add the penalty of suspending his licence to it.

In nine cases out of ten, it's going to be a court decision that has already been taken, with the recommendation that something be done, or it's a question of a person with a disability or a person of any of these things that they could be called upon to deal with it.

It will be an informal gathering around a table, in a committee room, with the person putting forward his view.

Some informality should be permitted. Not to turn it into a full scale court, Mr. Chairman.

Mr. Lengerke: Perhaps that is the way it should read then: subject to the informal conference and discussions that have taken place, and so on—my gosh.

On Clause 26

Mr. Chairman: Ms Millard.

Ms Millard: Mr. Chairman, I must have missed something here, because I thought we were going on to 25, instead of 26, but I do have a question on 25.

Mr. Chairman: You did miss it, I already read it out.

Ms Millard: Oh, I must have been listening to something else.

Mr. Chairman: Carry on.

Ms Millard: My question, on 25, if it is probable that I can do it?

Mr. Chairman: Yes.

Ms Millard: Is that, the way I read it, it is not clear whether or not the person who wants a review has to first go to the Board for the review and then on to the judge, because in that case they could only aggrieve a decision that was for an indefinite period or a period in excess of six months.

In other words, if someone had a suspension of five months, they could not aggrieve it to a judge or to the Board, or am I reading that wrong. Can they go to a judge? It is rather confusing.

Mr. O'Donoghue: Mr. Chairman, the intention of the drafting is that, in the first instance, the Board will act and it is only decisions of the Board that go to a judge under this section. It is any decision that they make in which he feels aggrieved. In other words, if he feels entitled to a three month sentence, but he gets a four month sentence, he can aggrieve that extra month or the totality of it. Any decision which adversely affects the person who is appealing, can be appealed to a judge.

Mr. Chairman: Mr. Taylor.

Hon. Mr. Taylor: Yes, Mr. Chairman. In 26.(2), "no person who holds an operator's licence shall permit any other person to use or be in possession of his licence". I think you have a drafting problem here, Mr. Chairman. I think you are going to have to add "except in accordance with this Ordinance" or something, because, quite often, I think it is a practice to day, a driver or an operator will leave his licence with the Registrar for one reason or another and this would appear to make that illegal until the proper words are placed in that subsection.

Mr. Spray: The point is well taken, Mr. Chairman, the Registrar is not considered to be a person in the meaning of this Ordinance, but the point is well taken, yes, it not only says that, but it means that if a member of your family is ill and you happen to take his licence to take it down for renewal, it is contrary to the Ordinance. It is a drafting problem.

Hon. Mr. Taylor: Ms Millard.

Ms Millard: Mr. Chairman, I think there could be some more clarity in subsection (3) of 26, as well. "No person shall have in his possession more than one operator's licence". I would like to see added, "from any jurisdiction", since I know that that is the case, rather than just "from the Yukon", as it reads.

Mr. O'Donoghue: It is possible to have two, Mr. Chairman. Sometimes I have two because I have got two numbers on the computer somehow, but, it is intended primarily to deal with a person holding an Alberta licence and a Territorial licence and then, when one is suspended, he can drive on the other. This is the intention. It covers both points. He may get it under another name.

Ms Millard: But, Mr. Chairman, that is exactly what I said, was that it should be added, "from any jurisdiction", I think, to make that clear.

Mr. Chairman: Mr. Taylor.

Hon. Mr. Taylor: Mr. Chairman, what happens in the case of people who hold an international driver's licence, plus a provincial or Territorial, or, in this case, a Territorial licence?

Mr. O'Donoghue: I haven't thought of the point, Mr. Chairman. An international driver's licence is not valid in the

jurisdiction within which it is issued. So a person who gets an international drivers licence in Whitehorse may not drive on that licence in Whitehorse. He can only drive in another country. But I agree that it could be a drafting point if somebody raised it.

Hon. Mr. Taylor: Yes, Mr. Chairman, because with respect, you are saying that no person shall have in his possession more than one operator's licence, so we have a drafting problem here.

Mr. O'Donoghue: We can put in an exception, Mr. Chairman.

On Clause 27:

On Clause 28:

On Clause 29:

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, this brings up the interesting point of off-highway driving. If perhaps a parent is teaching one of his youngsters to drive, no on the highway, but out on the farm, or this type of thing, how would this affect that situation where this person is learning to drive, and yet is not driving on a public thoroughfare, or what is known as a public road.

Mr. O'Donoghue: Mr. Chairman, this Ordinance only covers highway driving. It's not intended to cover driving off the highway or on a private place. It's not intended to cover that situation, unless, the mistake was made of permitting the young person to drive along the highway to get to the parking lot or private place that they were going to use for teaching.

Hon. Mr. Taylor: Well, Mr. Chairman, with respect, it doesn't say that. It just says that nowhere in the Yukon Territory "no person shall permit anyone who is not the holder of an operator's licence to drive a motor vehicle", and it doesn't say if it's off-highway. It seems to cover everything. Is it intended to do this, this is what I would like to know?

Mr. O'Donoghue: We will look at it, Mr. Chairman. It's picky, but we will look at it.

Mr. Chairman: For a rental operator, would it not be very difficult for them to control the situation in 29.(1) and (2) if they were renting vehicles out. They would not be giving permission necessarily to the person who is driving it, that that vehicle might be being driven by someone—

Mr. O'Donoghue: Mr. Chairman, what we are talking about is a person who owns or has control of a motor vehicle. Allowing another person to drive, and that second person has not got an operator's licence. That first person commits an offence. But if that second person lends it to a third person, it would be beyond the control of the first person who has not permitted it, the second person is committing an offence. So then the section covers it.

I think it is covered, Mr. Chairman.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, you know, the other day when we were discussing this Ordinance, I asked a question related to snowmobiles, and a snowmobile is considered to be a motor vehicle, but it was pointed out when we were talking about licencing, that that only applied, licencing only applied when they were on a public road, lane, street, trail, et cetera. I'm talking about a situation where they are not in this road, lane, street, or trail and a father wishes to take his son or daughter out on a snowmobile, off a public thoroughfare, and teach that youngster to drive or indeed, let that youngster, no matter what the age, drive the snowmobile, and I think we will all agree there are many very, very young people driving snowmobiles and doing a very credible job. This would infer that that would be against the law to permit that child to drive

that snowmobile, and this is why I don't think I'm being too picky on it, because I think it is important.

Hon. Mr. Lang: Mr. Chairman, I think it would be fair to say that we are prepared to look at that section, Section 29.

Mr. O'Donoghue: Yes, when I suggested he was being picky, Mr. Chairman, I am not suggesting he is being too picky, because there is a definite point made, and, in the other Ordinance, we did cover that point. In the transfer over of the drafting, it was not covered, and we will go through this group of sections to make sure, because it is important, it is not particularly important in motor vehicles, but it is important in snowmobiles.

On Clause 30

On Clause 31

Mr. Chairman: Mr. Taylor.

Hon. Mr. Taylor: Mr. Chairman, if, perhaps I just do not see this, but, "no person shall permit any person who is the holder of an operator's licence of a learner's category to operate a motor vehicle". Well, if the learner cannot operate the motor vehicle, how can he learn. Maybe I misread this, maybe that could be explained to me.

Mr. O'Donoghue: What it is attempting to say, Mr. Chairman, is that, provided the provisions in Section 11 are followed, a learner can drive a motor vehicle. That is the intention.

Mr. Chairman: Mrs. Watson.

Mrs. Watson: Mr. Chairman, when we refer in 30.(1) to "hire a motor vehicle", I notice they have the definition for a leased vehicle, which is when a vehicle is leased for less than 30 days, and then they have a rented vehicle, when a vehicle is leased or rented for more than 30 days. Why would you be having a difference there? Why do you handle them in a different manner?

Mr. O'Donoghue: Mr. Chairman, the hire and lease, strictly speaking in law, have precisely the same meaning.

Mrs. Watson: No.

Mr. O'Donoghue: So that lease tends to refer more to permanent things and real property than it does to chattels, such as is motor vehicles. What we are talking about here is the u-drive cars, where there is an agreement to do it, and this is language that people understand. I agree with the Honourable Member, there is no difference at all between the word "hire" and "lease", but the ordinary man in the street does not know that. When he is hiring a car, he does not realize that he is leasing it. In leasing it or renting it, he thinks it is something else.

Mrs. Watson: That is right, Mr. Chairman, that is the point I am making. Lease, hire or rent all mean the same to the ordinary person on the street, and yet, we have a definition for leased vehicle and we also have a definition for a rented vehicle and a lease vehicle is one that is leased for less than 30 days and a rented vehicle is the vehicle that is rented or leased for a period exceeding 30 consecutive days. My question is, why is there a difference, why are you handling it that way? A leased vehicle and a rented vehicle.

Mr. O'Donoghue: Mr. Chairman, I have answered that question when you come to that section. The section here is talking about hiring and letting.

Mrs. Watson: I know.

Mr. O'Donoghue: So I am not sure exactly what the sections are and how they read. I think this Section is reasonable. We talk about hiring and letting, letting for hire, you have got to understand, in this context. If the member will remember to ask the question when we get to leased vehicles, I would be able to deal with it there.

Mrs. Watson: Mr. Chairman. You know really, Mr. Chairman, really, in order to follow your definition section, you should say "no person shall hire or let for hire, a leased vehicle or a rented vehicle", to make it perfectly clear, really.

Mr. O'Donoghue: That would be tautological, Mr. Chairman.

On Clause 32

Mr. Chairman: Mr. Spray?

Mr. Spray: Mr. Chairman, I should point out in 32.(2) that we have already undertaken to look at subsection 11.(2), which makes reference to 18 years of age. There was some discussion about 18 years of age, or two years possession of a licence. When we look at 11.(2), we will also look at 32.(2)(b) in that regard.

On Clause 33:

On Clause 34:

On Clause 35:

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, just for clarification in (f), do I understand that the "prescribing the cases in which an examination as to competency", blah, blah, blah, "may be dispensed with." Would this infer that this would be the way that you would handle the acceptance of out of territory licences. In other words, someone comes from Alberta and shows competency there that this would be sufficient. What is intended here?

Mr. O'Donoghue: It may be provincial licences, it may be American licences, or it may be army licences, it may be diplomatic licences or an international driver's licence, all of which will be subject to regulations.

Hon. Mr. Taylor: Mr. Chairman, just to further along for a matter of clarification, do we have a policy with respect to reciprocity with the provinces. In other words, if this Ordinance in its final form, is approved, do I understand that our licences are honoured in the same way in the provinces as we would be honouring them here?

Mr. O'Donoghue: Yes, Mr. Chairman. We give reciprocity to all of the jurisdictions in North America. They all give us reciprocity. This will continue. It's across the board. But if it so happened that one State, unknown to us, knocked us out, we wouldn't hear about it, Mr. Chairman.

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

Mr. Chairman: Mr. McCall?

Mr. McCall: I would just like to go back quickly to 34.(1) for clarification. This is in reference to 34.(1) and Section 17, we are talking about duplication. The way I read Section 17, you are not expected to have a duplicate of your licence or carry both. The other one in 34.(1), you are required to produce a duplicate licence, even though you may have a mutilated driver's licence. Could I have some clarification on that, the sort of balance that he is trying to reach there.

Mr. O'Donoghue: I'm not sure exactly what the point being made by the Honourable Member is, Mr. Chairman. Section 17 is a section which deals with the obtaining of a duplicate licence. Sometimes a person will not know they are required to get a duplicate licence until they produce it to a peace officer and he says, "That's illegible, I can't read it, get one." Then he has to go and get one. This is the only point to be made in 33.

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: Mr. Chairman, I just want to go back to 33.(1) and (2) for just a minute, where it refers to any peace officer. My concern here is that, I recall when we were discussing, in the definition sections, peace officer, we were going to

broaden that. I may be incorrect on that, if we are not going to broaden it, then this is fine.

Mr. O'Donoghue: No, Mr. Chairman, there was no intention to broaden the normal definition of peace officer.

Mr. Lengerke: Thank you.

Mr. Chairman: Mr. McCall?

Mr. McCall: I'm not quite clear on this particular point. Under 34.(1), if you are asked by a peace officer to produce a duplicate copy because your original driver's licence is mutilated for various reasons and you are guilty of an offence because you can't produce this duplicate, but under Section 17, you are supposed to return it. Like, if you still have your own person driver's licence, your original is mutilated, and you get a duplicate copy. There is a little, not quite clear language here dealing with 17.(1) and (2) and then you go to 34.

Mr. Chairman: Mr. Lang.

Hon. Mr. Lang: My understanding of Section 34.(1), it specifically refers to the Section 33. I mean, this is where a peace officer, the way I understand it, is asked for a licence, he gets the licence, he sees that it is very badly mutilated, to the point that he can't really understand what it is. So, he says, look, you have two weeks, you go down and get a duplicate and come back into the station at a certain time and produce it for us to make sure that you have done it so that you do not cause more problems at a later date.

The other one is just in respect to what has to be done in respect to an operator's licence and the duplication of it. People cannot have two, the way I understand it, cannot have two licences. Is that not correct, Mr. Legal Advisor.

Mr. O'Donoghue: That is the intent of Section 17, Mr. Chairman. You cannot have two licences. Section 34 imports an obligation, which is the converse of subsection 3 of the previous Section. The officer asks you for your licence, you haven't got a clean licence, it is all dirty, and he says, I will give you seven days to produce a new one, as he would call it, I guess, meaning a duplicate, and then if you do not obey him and produce it within seven days or ten days, you then have committed an offense.

So, it is not an offense in the first instance, to show him an illegible licence and lots of people make their licence illegible by writing notes on them and women's telephone numbers and things like that. They cannot read what is what, so, he would say, get a clean one.

Mr. Chairman: Mr. Spray.

Mr. Spray: Mr. Chairman, the intent, of course, is that if you have in illegible or mutilated licence, and you apply for a duplicate, you will be asked why you require a duplicate, you will state the reason, they will ask you to turn in your illegible or mutilated licence. You will then have only the duplicate licence. You will not have the original, which then gets around Section 17, which states you may not have both.

Mr. Chairman: Mr. McCall.

Mr. McCall: I am not greatly hung-up on 35.(1). All I am saying is that, in 17.(1) it says that "no person shall have in his possession an operator's licence and a duplicate thereof issued under this Ordinance". Then we say, if you get into a problem where you use your licence for other purposes and it is not legible for the peace officer to read, you have got to then produce a duplicate, but you still have your other licence, the original.

Hon. Mr. Lang: Mr. Chairman.

Mr. Chairman: Mr. Lang.

Hon. Mr. Lang: Mr. Chairman, it is my understanding that if you do come in for another licence, you either have to produce the original licence that you have and give it to the

Registrar or the agent of the Registrar, number one, or, number two, what you do is that you have to sign an affidavit to declare that you have lost it and the reason you are there is to get another one.

Mr. O'Donoghue: It is for the lost licence, Mr. Chairman.

I thought that we had won Section 17, Mr. Chairman.

Mr. Chairman: Part 2, Registration of Motor Vehicles and Trailers. Requirement of Registration.

On Clause 36

On Clause 37

On Clause 38

Mr. Chairman: Mr. Fleming.

Mr. Fleming: We are on 38 now, I would presume. We have got at least that far, Mr. Chairman? You bypassed me a back, Mr. Chairman.

On 38.(3), I would like a little explanation. "No person shall apply for or procure or attempt to procure the registration of a vehicle or the name of a non-existent corporation. I would like a little explanation as to how that goes along. If there is no corporation as a person, yet it says "no person shall".

Mr. O'Donoghue: It is possible to register a vehicle in the name of yourself or in the name of a company. If it is not a company, then the Registrar is quite likely to be deceived into thinking that there is a person or a company in existence and then track is lost of the situation. This makes that an offense. It must be a company that is registered.

Mr. Chairman: Mr. Fleming?

Mr. Fleming: Yes, just a question on the 9,100 kilograms, have any of these weights in here been actually changed, because I'm not familiar with these and I don't have a metric converter here. Is any of these being changed as far as you know in the Ordinance from what they were in the old Ordinance?

Mr. Spray: Mr. Chairman, I was of the understanding that all members had the conversion table for this Ordinance. It is a slight change, because it is a soft conversion is 20,061.86 pounds, whereas before it was 20,000 pounds, so there are slight deviations. We have not done a straight hard conversion, we have done a soft conversion.

Mr. O'Donoghue: It's 61 pounds higher than it was, Mr. Chairman.

Mr. Chairman: If there is a vehicle for rent that is over this gross weight, if it is rented out on a daily basis, is it necessary, for the person who is renting it out, to send a copy of that lease to the government every time they lease it?

Mr. O'Donoghue: No, you only file if it's over the certain weight, not if it's under.

Mr. Chairman: Well if it is over that weight?

Mr. O'Donoghue: Then you must file, Mr. Chairman, according to Section 39.(1).

Mr. Chairman: And every time you have a moving van or something of that nature, everytime you rent it out, you would have to send a copy of that rental agreement to the government?

Mr. O'Donoghue: No, Mr. Chairman, that's not a driver's lease. A lease intended to have some permanency about it.

Our joint consensus at this corner of the corridor, Mr. Chairman, is that we made a mistake in the definition section. A lease should be an agreement which carries you past thirty days, more than thirty days.

Mr. Chairman: Is that change going to be made?

Mr. O'Donoghue: Yes. I can't guarantee it, Mr. Chairman. That's our thought, but it needs more thinking to make sure of it.

Mr. Chairman: The same thing applies to the next three subsections as well. You have to buy your own plates, you would have to buy your own insurance, if it's on a one day basis.

Mr. O'Donoghue: It can't be that, Mr. Chairman. It's intended to cover the long term thing which I don't know, we will just have to look at that section and match it against the definition and make sure that we are right. What particular changes that will need, I don't quite know at this time.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, I still insist they should look at that other section at the same time, that I referred to.

Mr. O'Donoghue: We shall do that, Mr. Chairman.

On Clause 40:

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, I must confess, I haven't had the opportunity to go through all the regulations. In the draft regulations that we have, the regulations pertaining to 40.(1), do we have them?

Mr. Spray: Draft regulations, Mr. Chairman, for administration, Section 34 on page 27.

On Clause 41:

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Further then to the regulations on this Section, are you changing the classifications of trailers and the fees payable in your draft regulations?

Mr. Spray: Mr. Chairman, our table of conversion does not cover the regulation and the fees shown in the regulations on page 19 for trailers are gross vehicle weight up to 1,350 kilograms would be \$5 for a full year. I'm also not absolutely conversant with what we are now charging, although it would seem that it must be in about the same neighbourhood, 1,351 kilograms and over, gross vehicle weight, would be \$10 for a full year registration.

I'm sorry I can't give you the conversion on 1,350.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: But you have not classified trailers then, have you into various classes in your regulations?

Mr. Spray: Only the two classes, Mr. Chairman.

Mrs. Watson: Mr. Chairman, I don't see it, what are the two classes?

Mr. O'Donoghue: The fees, Mr. Chairman.

Mrs. Watson: Oh, but not for classification of trailers. You have got the authority to in 40.(1).

Mr. O'Donoghue: No, Mr. Chairman. It's just a big trailer pays \$10 and a small trailer pays \$5, that's the classification in the regulations at this time.

Mrs. Watson: Mr. Chairman, further then, is it the intention of the Government to start further classifying trailers into regarding their carrying capacity construction use or any other circumstances, other than what you have done now in the regulations, in the draft regulations.

Mr. Spray: At this time, Mr. Chairman, we are only classifying for purpose of the registration and apparently the draft regulations. So there are only the two classifications.

I'm not suggesting that we would go beyond that, except perhaps we might classify utility trailers separately and we may drop the registration requirements, depending on the number of utility trailers that we are shown. We may also have to classify home-built trailers separately, since there is no form of identification of them, and we are having a problem with that right now. It's a very small problem, but there is no way of identifying the home-built trailer on the registration form. There is no manufacturer's model style or name.

Mr. Chairman: Mr. Berger?

Mr. Berger: Mr. Chairman, already on page 45 it says in the regulation sections "no person shall construct or manufacture, or cause to be constructed or manufactured, camper, body, tent trailer, boat trailer, unless the camper body, tent trailer, boat trailer complies with the applicable parts in sections of CSA Standards 240.1" Would you carry this a little further on the utility trailers too then?

Mr. O'Donoghue: It doesn't say that, Mr. Chairman.

Mr. Berger: I am asking, Mr. Chairman. Would you carry that over to the utility trailer?

Mr. O'Donoghue: The Registrar is not anticipating doing that, Mr. Chairman.

Mrs. Watson: Mr. Chairman, that means you can't build yourself a camper unless you meet certain standards.

Mr. O'Donoghue: If those regulations go through, yes, Mr. Chairman. That's a camper body, a tent trailer or boat trailer.

Mr. Chairman: Mr. Berger.

Mr. Berger: Mr. Chairman, would it also include just a shell? I mean, there is lots of pickups equipped in the Yukon just with shells and the people just use them as the need arises.

Mr. O'Donoghue: It does not cover a pickup, Mr. Chairman, only a trailer and I would imagine that the CSA Z240.1 is probably a reasonably simple specification with the main thrust on the connections to the towing vehicle and the brake and lighting system.

Mr. Berger: Mr. Chairman, I stand to be corrected, but that is not true, because a camper is usually used on a pickup and we are talking specifically of a trailer a little further on. A camper is definitely only for a pickup.

Mr. O'Donoghue: Yes, a camper body is.

Mr. Chairman: Mr. Spray.

Mr. Spray: Mr. Chairman, if I may, I will report back to the Committee on the CSA standards at 240.1 and I will bring the details of that standard in.

Mrs. Watson: Mr. Chairman, that still doesn't answer the question that Mr. Berger has been bringing up about how can you put a camper body in there when you are talking about trailers?

Mr. Lengerke: Mr. Chairman, while they are finding out, maybe I can find out how a person, after building a trailer such as that, or a camper, does he get that standard? Who does enable him to get it? Are we going to have somebody in Yukon that is going to be able to identify it?

Mr. O'Donoghue: I presume, Mr. Chairman, we already have it.

Mr. Lengerke: Yeah, I think you do, but let us clarify that.

Mr. Chairman: Mr. Berger.

Mr. Berger: Yes, Mr. Chairman, again, I said yesterday and I think I said it the day before, and I will say it again today. This is why I would like to see part of those regulations in legislation, because we have absolutely no control over those things. We are going to be confronted by facts and it is too late by then. There are lots of these draft regulations that we have right now that should be in the legislation and I think it is high time that we demand, from the Government to do so, instead of just sitting here and going through those things without even knowing what is going to come up on the regulations.

Mr. Chairman: Mr. Fleming.

Mr. Fleming: I have to stand up and support my colleague's report on that because there is just too much power given the Commissioner for the purpose of classifying trailers and so forth and so on, to be allowed to just do whatever he considers convenient for who and why and when and

we find in many instances where, in the past, not only in the *Motor Vehicle Ordinance*, but in the many other Ordinances where there has been powers given to people to use things and do such things that are really not good government. It is being done and we do it here again. We continually do the same thing.

I have a question myself. Has there been any substantial changes in the fees that are being charged in these new regulations?

Mr. Spray: Mr. Chairman, there has been a change on private vehicle automobiles, particularly. On page 19 of the Regulations, we now have up to 250 centimeters, the full fee for registration is \$20 and, between 251 and 305 centimeters, \$25 and 306 and over, \$30. Each one of these has moved up five dollars.

Mr. Spray: Mr. Chairman, it is well known now the wheel bases of the automobiles that are now being manufactured are smaller for the same size of vehicle. You know a Cadillac no longer has the same size of wheel base that it used to have. We are having a change in configuration of these wheel bases and we have altered our fee structure.

The CSA Standard Z240.1 is detailed in Section 61 of the Administration regulations on page 44. It is a CSA Standard for a vehicular requirements for mobile homes and recreational vehicles, and it is a safety standard that we feel is a requirement for home manufactured units.

On Clause 41:

On Clause 42:

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: Mr. Chairman, what do they do in that case now?

Mr. O'Donoghue: Well, we haven't had a case yet, Mr. Chairman, that we are aware of, of a home made engine.

Mr. Chairman: Mr. Berger?

Mr. Berger: Forty-two(1), in most cases when you register a vehicle, all you need to do is to bring the proof of the registration card. The way this Section reads right now, with the owner of the vehicle, would he be subject to a fine or something like this, because he doesn't know anything about the serial number they have missing on the vehicle, if somebody checked it out.

Mr. Spray: Mr. Chairman, the purpose of this is, if the vehicle serial number has been obliterated, you make provision for embossing or cutting in another identifying mark which will stand in place of that serial number.

In many jurisdictions, if you register a vehicle for the first time in that jurisdiction, they will actually physically check the serial number on that vehicle. They do not just take your word for it. At this point, if you have a previous registration, obviously, we will just transfer that over. If you say I do not have a serial number for some reason or another, then we will emboss one in for identification purposes. I'm afraid at this point in time, if someone does not have a serial number and states it, in some areas, they may well have the vehicle registered without the benefit of a serial number, in answer to the Member's question.

On Clause 43:

Mr. Chairman: Mr. Fleming?

Mr. Fleming: I need a little clarification in 43.(2) and (4). I'm sort of confused on them. It does not say anything about the other person only once in (2) and then over in (4), it has got the other person removing a licence plate, and in (2), it doesn't say that he should do so.

Mr. Spray: Mr. Chairman, this is similar to legislation we have right now. The registration plates for a vehicle stay with

the owner of those plates on the sale of the vehicle. They do not stay with the vehicle. In (2), we are saying that the owner must remove the plates, in (4), we are saying that if, on the off chance, the owner does not remove them, the purchaser must remove them and return them to the Registrar.

In subsection (3), we have a new point here, and that is that you may transfer your licence plates from one vehicle to another vehicle, you can operate that vehicle for 14 days before we receive notification of the transfer of registration. We have many difficulties now where people perhaps purchase a vehicle on a week-end, and they may not transfer the plates. This gives them a period of time to transfer those plates. It is quite legal to run that vehicle without having notified us for 14 days.

Mr. Chairman: Mr. Fleming.

Mr. Fleming: Yes, Mr. Chairman, I just would like a little clarification on the logic of having to remove the licence plates from a vehicle at all. There are problems, when you sell a vehicle the plates go with a vehicle and stay with a vehicle, such as, I think, B.C.'s was that way and I think they are to this day, and I am wondering what the logic is in having to do all this paraphernalia of taking the plates off and giving them back to the government and so forth and so on, when they could be left with the vehicle until the expiry date and could be transferred, the same as the vehicle has to be transferred. Am I not right on that?

Mr. Spray: Mr. Chairman, it was that way in Yukon until about two years ago when the law was amended to reverse the situation. All you now pay is a transfer fee, if you are transferring your plates from one vehicle to another, rather than purchasing new licence plates for your new vehicle.

It also ensures that vehicles that are traded in to dealers are then sitting on the dealer's lot without benefit of registration plates. Therefore, if they are stolen from the lot, they are readily identified as a stolen vehicle, whereas before they had a registration plate on. We were having difficulties with these vehicles being stolen and being used with that plate. This is a more common practice, to have the plates stay with the owner, rather than vice versa.

Mr. Chairman: I declare a brief recess.

Recess

Mr. Chairman: I call Committee to order.

On Clause 44

On Clause 45

On Clause 46

On Clause 47

On Clause 48

On Clause 49

Mr. Chairman: Mr. Berger.

Mr. Berger: Yes, Mr. Chairman, just a question to the witness, I wonder if the Administration anticipates taking over the same system as described in Section 49, of just issuing tabs instead of replacing the licence plates every year?

Mr. Spray: Mr. Chairman, that system has been contemplated. It is not to be used in 1978, however, we are providing, in the Ordinance, for that system, should it ever be considered advisable to use it here.

On Clause 50

On Clause 51

Mr. Fleming: Mr. Chairman.

Mr. Chairman: Mr. Fleming.

Mr. Fleming: Yes, you got ahead of me again, Mr. Chairman, a little bit. I would like to refer back to 50.(3) and I am

wondering about the "issued as more one place of business in the same municipality". I wonder the word just "municipality" is there, rather than, you know, city, municipality, town, whatsoever?

Mr. O'Donoghue: It is a good point, Mr. Chairman, we will take it up and make the necessary changes.

On Clause 52:

On Clause 53:

On Clause 54:

Mr. Chairman: Mr. Berger?

Mr. Berger: Mr. Chairman, I don't know if this is the proper section to ask this under, but I am just referring to the regulations, Section 33 concerning antique motor vehicles and it only says in here that motor vehicles may only be operated as a collector's item to and from and for use in exhibition, public duties and other like functions. It only covers Yukon vehicles. It does not say, like I saw last summer, and I think lots of other people saw, antique vehicles coming in from the Outside. I was wondering if it is covered under these regulations or legislation, because they have to have a special licence plate marked "antique".

Mr. O'Donoghue: Mr. Chairman, an antique car coming in from the Outside for exhibition purposes should not have to pay \$25.

Mr. Berger: No, Mr. Chairman, it's an antique car that is in the Territory for a trip. There's nothing to do with exhibition, like I saw quite a few vehicles last summer. People are just using antique cars for transportation purposes.

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: Small point. In 52.(1)(a), the owner of the vehicle shall remove the licence plates and retain them in his possession. If this particular person was trading in, or not trading in, just taking a car to a dealer to sell, and then not intending to buy another one, would he retain those licence plates for the balance of that year, or does he take them back to the Registrar? They still are valid plates, are they not?

Mr. Spray: Mr. Chairman, those plates would be returned to the Registrar for refund purposes.

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: On that point, Mr. Chairman, there is nothing on refund or the fact that they should be taken back to the Registrar. That is something that they could look at. Maybe I missed it.

Mr. Spray: Mr. Chairman, it would probably be done by regulation setting the amount. When we prescribe the fees for licences, permits and certificates, we would then discuss it by the percentage of the fee for refund purposes.

Mr. Chairman: Mr. Fleming?

Mr. Fleming: I require a little clarification on this. I am having the same trouble with this. You can also keep the plates, can you not?

Mr. O'Donoghue: Technically, yes, Mr. Chairman.

Mr. Fleming: And transfer it to another vehicle of your own?

Mr. O'Donoghue: Yes, Mr. Chairman, you can retain them and attach them to a vehicle of your own. Technically, you don't have to put them on a car, you can hold on to them, I guess, in a sense, but you would have to hand them back to the Registrar so a person would be able to retain possession of it. If they had a unique value, if you happened to be vehicle number 1 or something, presumably the Registrar might hand them back to you.

On Clause 55:

Mr. Chairman: Mr. Spray.

Mr. Spray: Mr. Chairman, a point on antique vehicles, if I may back up a little bit. The regulations respecting antique vehicles provides for a registration for a vehicle that is 25 years or older and is owned and maintained as a collector's item. It does not mean that a vehicle 25 years or older may not be registered in the normal manner under the Ordinance, and operated in the normal manner, but if you wish a special licence plate on that vehicle, then we can classify it separately as an antique vehicle.

On Clause 56

On Clause 57

On Clause 58

Mr. Chairman: Mrs. Watson.

Mrs. Watson: Why would they be doing that? You are assuming they are guilty.

Mr. O'Donoghue: I am afraid that is so, Mr. Chairman.

Mrs. Watson: Mr. Chairman, is that necessary?

Mr. O'Donoghue: I have no answer to it, Mr. Chairman. If it is clear that the officer has reason to believe that the plates were stolen or otherwise being misused, and he is making a judgment, he checks and then he has the obligation to give them back. I am not sure what other course the House wishes to adopt.

Mrs. Watson: Mr. Chairman, are there alternatives?

It seems a very cut and dried thing. An officer can just—maybe if they want to keep someone under surveillance or something, they can just go that their licence plates away while they are—that is right.

Mr. O'Donoghue: Electronic surveillance, Mr. Chairman?

Mrs. Watson: No, just any kind, any kind. You know, and then they say, well, we have checked into it and you are okay, you can have your licence plates back. They need about three days to do a check on them. This is what they do when they get people from other jurisdictions, you know, coming through, that they might feel have—there is some reason that—you mean they can actually go take their licence plates away and say, I'll check it out, I'll let you know in two or three days?

Mr. Chairman: Mr. Spray.

Mr. Spray: Mr. Chairman, although it seems rather harsh, the one problem is that if they do not seize those licence plates when they are fairly sure of their facts, by the time they have investigated further, the vehicle has left the Territory and left our jurisdiction. They would have to have very good and reasonable grounds to believe that those licence plates were either not issued for that vehicle, or were obtained under false pretences.

You did have a previous section, which stated that registration plates remained the property of the Commissioner. Section 48.(4), "Every licence plate issued under this Ordinance remains the property of the Commissioner and the person in possession of it shall return it to the Commissioner whenever he so requires".

False pretences may be that he is paid for the licence plates with a cheque that has come back to the Government NSF, and will not pay his accounts with the Government.

Mr. Chairman: Mr. McKinnon?

Hon. Mr. McKinnon: May I ask if there is, or what is the legal interpretation of "reason to believe"?

Mr. O'Donoghue: I penciled in, "any officer with reason to believe, and does believe," and then you have got a better factual situation that the officer actually believes it. Because the reason can be very sketchy, but if he is forced into the

witness box in a court, he's asked if he believed it, well then he believed it, and that makes the Section a lot stronger than mere just a mere guess on the officer's part.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, the Section 44 that Mr. Spray referred to, I believe where the licences are the property of the Commissioner, 48.(4), page 26: "Every licence plate issued under this Ordinance remains the property of the Commissioner". Before they are issued, they are the property of the Commissioner, that implies that, right? At the beginning of every licensing year, you must order so many licence plates. Have you any authority to dispose of them if you don't use them that year? You must have licence plates left over?

Mr. Spray: Mr. Chairman, the procedures on licence plates which remain unsold at the end of a licence year, by policy we list them with the Board of Survey and we must obtain approval to destroy those plates or otherwise dispose of them. There is an internal administrative procedure for this.

Mrs. Watson: Mr. Chairman, but wouldn't it be necessary to have something in here. Not necessary? Is there a covering piece of legislation where the Board of Survey can dispose of them?

Mr. O'Donoghue: Yes, Mr. Chairman, the authority is in the *Financial Administration Ordinance* to deal with surplus government property. It's boarded by the Board of Survey and then written off and destroyed in the way set out by the Ordinance.

Mrs. Watson: Thank you, Mr. Chairman.

On Clause 59:

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, 59.(1), in a different part of the legislation, the Registrar has the right to suspend or cancel an operator's licence. Is that correct? And he can do that for a medical incompetency or physical incompetency or not being capable of driving. Now we have here the Commissioner may suspend or cancel an operator's licence or certificate of registration, or a permit issued under this Ordinance for contravention of this Ordinance, the *Fuel Oil Tax Ordinance*, *Transport Public Utilities Ordinance*. My confusion is we have the Registrar suspending or cancelling under this Ordinance. But you also have the Commissioner being able to suspend or cancel, issued under this Ordinance, for a contravention of this Ordinance, who does what for contravention of this Ordinance?

Mr. Spray: Mr. Chairman, the Registrar may refuse to issue an operator's licence until he is satisfied of the physical and other competency. The Registrar should not have the right, and does not, as far as I know, to suspend an operator's licence.

For the Commissioner to suspend the operator's licence, if it is driving competency, it would be referred to the Driver Control Board. If it is for one of the other reasons, it is done by Commissioner's Order, but the Registrar, and I hope I haven't done it, should not have the power, in the Ordinance, to suspend the person's operating licence.

I must point out, of course, that we have a provision in the Ordinance, where the Commissioner may delegate any or all of his powers under this Ordinance, to another person and the Public Service Commissioner has advised me that that is not in contravention of the *Public Service Commission Ordinance*. So, the Commissioner may delegate this particular power to the Registrar if he wishes, but it still means that the Registrar is subject to more controls than he would be if he had the power himself.

On Clause 61

Mr. Chairman: Mrs. Watson.

Mrs. Watson: Mr. Chairman, I am still not clear on that

suspension. Clause 25.(1), Review Board, Review and Appeal, "Where the Board has suspended the operator's licence of a person for an indefinite period for a period in excess of six months", this in on 25.(1), page 16, there the Board is suspending.

Again, on 59.(1), the Commissioner may suspend or cancel, would you actually want the Board to do the actual suspending or cancelling or do they recommend to the Commissioner? The Registrar, I see, does not suspend or cancel. He can refuse to issue or he can issue it with restrictions.

Mr. Spray: Mr. Chairman, it is our intention that the Driver Control Board would actually make the suspension and I would like to look at Section 59.(1)(b), because I am not sure that we should have it in at all.

Mrs. Watson: You have to look at (a), too.

Mr. Spray: Because 59.(1)(b) refers to the physical or driving competency of the holder of the licence and 23.(1) allows the Commissioner to refer to the Driver Control Board, any person's licence who may, should be enquired into and suspended.

I would like to look into 59.(1)(b), I feel that perhaps it should come right out of there. Clause 59.(1)(a) is contravention of the Ordinance for reasons other than driving incompetency.

Mrs. Watson: I know, that is right. That is exactly right, for contravention of this Ordinance. I can understand contravention of the *Fuel Tax Ordinance*, the Commissioner suspends or cancels, but you are saying, in 59.(1), the Commissioner suspends or cancels under this Ordinance, too, and we have also said that Board suspends, under this Ordinance. Are you going to give the Board the authority to suspend, or just to recommend to the Commissioner?

Mr. Spray: The Board, Mr. Chairman, is a Driver Control Board. It has an authority only over operator's licences. Section 59(1) is allowing the Commissioner the right to suspend or cancel, in addition to the operator's licence, a certificate of registration or a permit issued under this Ordinance. It does cross over, and perhaps again we could take out the operator's licence out of that, and that would then read very much clearer.

Mrs. Watson: However, would you take the operator's licence out for contravention of the *Fuel Oil Tax Ordinance*?

Would you be suspending or cancelling an operator's licence if there was a contravention of the *Fuel Oil Tax Ordinance*? You have to be careful if you take that out, as far as this Ordinance is concerned.

Mr. Spray: We will re-examine this section if we may, Mr. Chairman.

On Clause 61:

Mr. Chairman: Mr. Berger?

Mr. Berger: Mr. Chairman, subsection (iii), wouldn't it become apparent that since we struck out 10.(2)(b), we make regulations that may require the applicant to be photographed. I think that in order to be consistent we should do the same thing here again, and strike out (iii).

Mr. O'Donoghue: The section was taken out, making it obligatory to have photographs and driver's licences. There is a wide body of opinion that would like it at least voluntary on photographs, and for the *Liquor Ordinance* it would mean that people could use their driver's licences as a system of identification. This is provided for in the *Liquor Ordinance* itself. The use of a photograph on a driver's licence is proof of age, because the age of the operator was stated thereon. So it may be possible to put it in a system for voluntary use, although, the Section that was lost was the Section dealing with compelling people to have their photographs on driver's licences. It's a very useful type of identification in hotels and for travellers.

Mr. Chairman: Mr. Berger?

Mr. Berger: Mr. Chairman, I have no argument with the Legal Advisor on this subject. I just have a question on (k), "requiring and governing the marking on any class of motor vehicles of the displacement of horsepower of the motors thereof." What purpose would that serve. If you demand from a car owner to display the horsepower on the side of the door or any old place, what purpose would that serve?

Mr. O'Donoghue: I don't know, Mr. Chairman.

Mr. Spray: Mr. Chairman, this is a rather new and unique provision. It's for identification purposes, for licencing purposes, should we increase the licencing fees or put any such provisions into the Territory for energy conservation.

Mr. Chairman: Mr. Fleming?

Mr. Fleming: A question, Mr. Chairman. Would this be, more or less, for the heavier fees that could be charged for possibly larger motor cars in the future?

Mr. Spray: Yes, Mr. Chairman. We put it in. We have no intention of using it at this time, but should we decide to conserve energy in that form, it would be for increased fees for larger vehicles.

Mr. Chairman: Part IV, Financial Responsibility of Owners and Drivers.

On Clause 62:

On Clause 63:

Mr. Chairman: Mr. Berger.

Mr. Berger: Yes, Mr. Chairman. Clause 63.(2), "No person shall operate, and no owner shall permit the operation of a motor vehicle" and so on and so forth. I was wondering what the Government has in mind here with the people coming in from other countries, like the United States, and so forth, and I can see quite an influx of traffic coming up with the construction of the pipeline. Is the Government going to install checkpoints to check the public liability insurance cards on all those vehicles?

Mr. O'Donoghue: I am not aware that the subject has come up for discussion, Mr. Chairman.

Mr. Chairman: Mr. Lengerke.

Mr. Lengerke: Just with respect to the minimum liability insurance, 63.(1), I realize this does not cover construction vehicles such as loaders, graders, this kind of thing, that operate on our highways or that are seen on the highways. Has there been any thought given to providing to that?

Mr. O'Donoghue: I take it, Mr. Chairman, the Honourable Member is talking about the graders which are on the highway for the purpose of repairing the highway, or maintaining it?

Mr. Lengerke: No, no, Mr. Chairman, I am talking of, say, a contractor is moving a loader, a large loader from a to b, and he has to use the highway for that purpose. Where does the financial responsibility lie if that loader were to hit a car? Is there any provision made someplace for those vehicles to carry some financial responsibility, for the owners of those?

Mr. Chairman: Mr. Lang.

Hon. Mr. Lang: In respect to the subject that the Honourable Member has raised, it is my understanding that, number one, a licence plate is not necessary for a particular vehicle to go down the highways, but they do have to have insurance. That is mandatory. The contractor has to have insurance and it is, and I gather it must be PLPD, and, subsequently, if there is an accident, then it is figured out with the insurance company and, subsequently, could go to court, for that matter, but the responsibility, and I would like the Registrar's comments on this, but it is my understanding that it is the responsibility of the contractor to ensure that there is necessary insurance on all vehicles.

Mr. Lengerke: I would like to hear the Registrar.

Mr. Spray: Mr. Chairman, the vehicles referred to by the Honourable Member are not motor vehicle in the meaning of this. Although this is a definition that we are bringing back to the Committee and we will be limiting more of these vehicles, that they are not, that they are used exclusively for these purposes. Therefore, if they are not registered under the Ordinance, then the insurance requirements do not apply to them under the Ordinance, however, it is very difficult for us then, to require insurance when we have no control over the operation of these vehicles. The only way that we can really do it is to require that they all be registered under the Ordinance and if they are all registered under the Ordinance, then they would all require a minimum of \$75,000 liability.

Now, I am not sure that everyone of these vehicles would be, the owners would be insured. They would be very foolish if they did not carry insurance, but we do not have that guarantee, I am afraid, that they do, but it would mean registering everyone of these units.

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: Perhaps, Mr. Spray could tell us the results of discussions with provincial jurisdictions on that. How do they handle that? That is a problem and if we are going to be faced with more construction vehicles on the highway, then, what is the general public's protection in this if in fact they are hit by one of these, or there is damage, and the people operating them have not got insurance?

Mr. Spray: Mr. Chairman, our investigations and our research shows that the provinces, the ones that we have researched, handle it exactly the way we are handling it. You still have, subject to what Mr. Legal Advisor says, civil right against anybody who hits you. As far as cars coming in from other jurisdictions where insurance is not mandatory, we have provisions in the Ordinance for the seizure of that vehicle until financial responsibility is proven, if it is involved in an accident. We do now have that same authority. Vehicles are impounded if they are not insured and they are involved in an accident. They are not released from impoundment until the owner can prove financial responsibility.

Mr. Chairman: Mr. Berger?

Mr. Berger: Yes, Mr. Chairman, I realize that impoundment of a vehicle, but what good is it going to do, a vehicle being impounded when it is a total wreck and has maybe killed somebody. You won't even get \$2 for the vehicle. I'm not only thinking of private vehicles, I was also thinking of an influx of trucks coming in this Territory. Under the regulations, on page 18a, freight vehicle permits, an operator is permitted four (4) permits per fiscal year and there is nothing in the regulations that stipulates that this person has to have insurance in order to operate in the Yukon.

This is what I am concerned about. I think we have to put up with the tourist traffic, because it is our livelihood, but I am concerned with these freight vehicle permits, which could quite easily take the livelihood of other trucking outfits in this Territory.

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: Was there not a definition for freight under this Ordinance that would apply to that, or is that—

Mr. O'Donoghue: It would only apply to that Section in which it was written, Mr. Chairman.

Mr. Spray: Mr. Chairman, at the present time, my interpretation or existing Ordinances that we have no authority to stop a vehicle that is registered in another jurisdiction from entering the Yukon Territory, even though they may not have proper insurance on the vehicle.

It's a point that I am really not prepared to speak on because I don't know whether we should stop these vehicles and turn

them back at the border. There are a good many vehicles from Alaska that travel through the Yukon Territory to the lower States. They may not be insured and if we stop them at the border and told them they may not pass through the Yukon Territory until they obtain valid insurance, there are problems there that I am not able to answer.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, a question, is it not mandatory in the State of Alaska to carry that type of insurance, PL and PD?

Mr. Spray: Mr. Chairman, my understanding of it is, it is not mandatory in all cases. There are certain persons and certain vehicles which must be insured, there are other vehicles which may need not be insured. It is not a straight yes or no situation in Alaska from the information we have received.

Mr. Chairman: Mrs. Watson.

Mrs. Watson: Mr. Chairman, this problem arises quite often along the border, going into Alaska, where accidents occur with some of these vehicles and they give to the peace officer, the name of their insurance company, and then just go on. Now, how can the people whose car was ditched and smashed up, how can they take any action, when the vehicle has just been let go right through into Alaska?

Mr. O'Donoghue: Mr. Chairman, I would be very surprised if— Well, in the first place, the person has a right of action within the Territory, arising out of the crash. If there is another American from Alaska and somehow, by coincidence, a lot of these crashes occur between the Americans...

Mrs. Watson: This is a Yukon person.

Mr. O'Donoghue: ...they can mitigate that question in Alaska or in any other state.

Where it is a Yukon person, he can sue within the Yukon, and he can serve his written statement of claim on the Commissioner, and that, then, allows him to go to court without further service on the people. Then he gets his decision in this court, and I would be very surprised if any insurance company, certainly any insurance company of repute, would refuse to honour the decision of the court in that matter, assuming that they were insured.

There has been cases where difficulties have arisen because the owner, having left the Territory and gone back to the States, has alleged that his car was stolen by somebody who did not know anything about it, but that is a different question.

Mr. Chairman: Mr. Fleming.

Mr. Fleming: Yes, Mr. Chairman. It is all right if there is insurance on the other side, but if there is no insurance, then the person has had the biscuit, because he cannot insure something that is nothing.

I am wondering, whether, in this Ordinance, back further where we issued licences, we are saying that a licence, coming from the State, that these people are carrying, is a valid licence to operate through this Territory, and then we are saying, that if they don't have insurance, there seems to be nothing we can do, and I am wondering why we concur with that valid licence that they have, that really isn't a valid licence because, they don't have any insurance in this Territory, and I am wondering why we will honour that. Why is there not some way we say in this Ordinance, if they do not have insurance, that licence is not valid either, and we might have a better case in court.

Mr. O'Donoghue: It is no question, Mr. Chairman. The Honourable Member has a very sound point. A dispute rumbled around for ten years between my office and Mr. Taylor's office as to what we should do in these circumstances. We maintaining that, whatever about the valid licence, unless the person was insured, he was not entitled to drive on the roads of the Territory, Mr. Taylor saying that he felt otherwise, and he

was not about to test it in court.

So, in the event, nobody has ever faced up to the difficulties that would ensue if we started to clamp down hard, and decide that all cars coming into this Territory, whether from America or B.C. or elsewhere, must have valid insurance during this trip.

I guess everybody has run away from the problem, partly because you might be in an occasional check-point, and partly because it might turn away people who might otherwise come in, and nobody has ever faced the problem and the decision has never been put to the Executive Committee. They have never been faced with the problem.

Mr. Chairman: Mr. Berger.

Mr. Berger: Yes, Mr. Chairman, I would like to get away from cars and I would like to stick with trucks, because they are much easier to control, because they have to go through a check-point and the weigh scales and so, and they would be much easier to control, and we can stipulate that they have to have public liability insurance.

I am really concerned with the four freight permits per year, because the average truck operator's cost for insurance runs up to \$7,500 and more per truck, and a person coming in from the States -- I don't think it is in Canada -- possibly in Canada -- he could, without carrying any kind of insurance, just get a permit in the Yukon to pick up or deliver freight. This is what I am concerned about.

Mr. Chairman: Mr. Lang?

Hon. Mr. Lang: Mr. Chairman, I think it is an important point that members have raised, and I would just like to ask another question. I recall we discussed this a long time ago. In respect to the insurance companies and the Alaska Highway, is it still true that some insurance companies give the insurance to people within the United States, and at the same time, could conceivably have a small print, that it would not be applicable to the Alaska Highway?

Mr. Spray: Mr. Chairman, I have never heard of that stipulation, but it's possible. I have no knowledge of it.

Mr. Chairman: Mr. Lang?

Hon. Mr. Lang: The other point too is, I don't think we have had an answer with respect to trucking. Can they get a permit without insurance to come through the Yukon?

Mr. Spray: Yes, Mr. Chairman, they may obtain a permit, because it is a permit to freight in to or through the Yukon Territory. It's not a licence. It's not a vehicle licence.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, how do they handle it in BC? I'm thinking of the pipe that is going to be hauled through the Yukon to Alaska and they are going to have to haul some of that, likely, through BC. Now how will BC handle it, and are we going to let them? They did it with the Alyeska. They drove through, some of them without insurance, and all we did was issue a permit. We were taking a chance really. Anybody who is on that road, and it's going to get worse. How does BC handle it, or Alberta?

Mr. Spray: Mr. Chairman, at this point I do not know how BC handles it. I do know that the question of American vehicles without insurance is a point for consideration, and I understood possible discussion with British Columbia, to see whether or not they did have the same problem. I do not know the outcome. If these discussions were held, I do not know the outcome. I have raised this point myself a few months ago, when we were preparing this Ordinance. I had no information back.

Mr. Chairman: Mr. Berger?

Mr. Berger: Yes, Mr. Chairman, a question for the witnesses. How many freight vehicle permits issued to one firm

or owner of the vehicle in BC per year?

Mr. Spray: I don't have that information, Mr. Chairman. I will find out.

Mr. Chairman: Mr. Lang?

Hon. Mr. Lang: Mr. Chairman, I would like to ask the witness how long it would take to get the information from British Columbia, because I do think it is an area we should be looking at when we do take the Ordinance back to look at it. It's an area that should be explored in some depth. It seems rather ludicrous that we will give a permit to somebody when they come on our highways who, if they hit one of us, really may not have the ability to pay for the damages that have been rendered.

Mr. O'Donoghue: I'll make telephone calls in the morning before the House sits, Mr. Chairman.

Mr. Chairman:

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, they should also find out the question that the Member from Klondike has been raising about the permits. This is a very good point that has been brought up. Actually, I think these points are much more important than the whole *Motor Vehicles Ordinance*, with due respect.

Mr. O'Donoghue: Mr. Chairman, the question about the number of permits really relates to the *Transport Public Utilities Ordinance*, rather than this Ordinance.

Mrs. Watson: That's what I asked for.

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: Just one question, Mr. Chairman. I too want to follow up the Member from Klondike. I believe that the Yukon Transportation Association has made recommendations with respect to the number of permits and the carrying of insurance and all the rest of it that was to be, I think looked at and taken into account in the *Transport Public Utilities Ordinance* when it was to be amended. But it appears now that we are going to have that problem in this one. I would like to really emphasize just what the Member from Klondike has said.

We should not be allowing trucks without proper insurance, even a permit. I would like to make a strong point on that Mr. Chairman, and hope that the administration will take a look at their notes that they have got from people in the transportation business and maybe come up with some kind of an amendment or recommendation on that account. Otherwise certainly we will be prepared to do so.

I was prepared to do so before we finished the reading of this.

Mr. Chairman: Mr. Lang.

Hon. Mr. Lang: Mr. Chairman, we will take that under advice and have a look at it.

Clause 64

Mr. Chairman: What is "absolute discretion"?

Mr. O'Donoghue: That is full discretion.

Mr. Chairman: It is not expressed in there.

Mr. O'Donoghue: It is just figurative of discretion, figurative of discretion. It means that it is a real discretion, that you can absolutely use. The other discretions, you may have to take advise on, he may have to send back to somebody else, he may have to comply with the law, but with absolute discretion, the court will not interfere under any circumstances with the use of the discretion.

Mr. Chairman: Mrs. Watson.

Mrs. Watson: I think that you are talking of, in looking at 59.(1), again, in the light of this Section, you cannot remove that operator's licence, so you will have to look it over.

Mr. Chairman?

Mr. Chairman: Mrs. Watson.

Mrs. Watson: Six, subsection 6, what does 6 mean? Give me an example.

Mr. O'Donoghue: If a person owns a motor vehicle, he was not actually driving at the time, then he is responsible for the results of the accident and he could be sued because of the bad driving of the driver, and his licence could be suspended. So that, in that particular case, Section 6 can operate to allow the Commissioner to reinstate the licence of the person who owns the vehicle, although the judgment was not satisfied.

Mr. Chairman: Mrs. Watson.

Mrs. Watson: Mr. Chairman, I was quite -- I couldn't understand, with the driver -- what do they call that group of people of 1? Yes, the Board, Driver Review Board, where the judge would refer a case to a Driver Review Board. Why, or give me an instance where, a judge would refer it to a Driver Review Board? Does not the judge, or a magistrate, don't they have the authority, upon evidence that they hear, that they, in fact, can suspend?

Mr. O'Donoghue: Sometimes, yes, sometimes, no, Mr. Chairman.

Mrs. Watson: Why yes and then no.

Mr. Spray: Mr. Chairman, there are times when the judge, and in this Ordinance, judge includes magistrate and justice of the peace, maybe, as part of the evidence presented to him, or as part of the back-up information, have a look at a person's driving record. The offense for which the person was appearing may not be one for which a licence would be suspended, but they may feel that the driving record is such that it should be referred to the Board for possible suspension.

Mr. Chairman: Mr. Fleming?

Mr. Fleming: Just one question, Mr. Chairman. In (6), I'm wondering, can we make a law that goes over the judgment of a judge in a case like that where the Commissioner can turn that around and say no.

Mr. O'Donoghue: Mr. Chairman, the judgment we are talking about here arise from cases where there had been a law case, a civil law case. Somebody has been knocked down on the road, the person who was knocked down sued the owner or driver of the car and that person had been ordered to pay, say, \$3,000 compensation, and has failed to pay. Maybe he is not insured or something. As a form of blackmail, in order to collect that judgment, the person who has not been paid can report him to the Commissioner who will then say you cannot drive a car in the Yukon again, until you pay the amount of damages ordered to be paid by you. He suspends his driving privileges because he has failed to pay a judgment he has been ordered to pay, arising out of an action in a case in the Yukon.

Mrs. Watson: A short cut garnishee.

Mr. O'Donoghue: A short cut garnishee, yes, Mr. Chairman.

Mrs. Watson: Mr. Chairman, that wasn't in the last Ordinance was it? In the old Ordinance?

Mr. O'Donoghue: No, I don't think so, Mr. Chairman.

On Clause 65:

Mr. Chairman: Mrs. Watson?

Mrs. Watson: With your permission, could we go back to 64 again?

Mr. Chairman: Sure, sure.

On Clause 66:

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, does 66 subsection (2)(a) and (b) apply to an instance where a judgment is being re-

ndered against the person outside the Yukon for damages arising out of motor vehicle accidents? The application for relief?

Mr. O'Donoghue: I would expect so, Mr. Chairman.

Mrs. Watson: Mr. Chairman, you are not that lenient, you are not that compassionate, when it's for an accident within the Yukon Territory in 64.(1). Mr. Chairman?

Mr. O'Donoghue: No, Mr. Chairman, they leave the decision to the Commissioner in the case of the person who is resident here.

May I give an instance of a case where this could actually arise in practice. In a case some years ago where a boy of about 21 or 22, 23, ran into a family car and killed the owner, seriously injured the wife, and several children. The wife, who became a widow, stayed in the Territory for several months, and eventually sued. Then it turned out that the insurance carried was only \$20,000, but the amount of the damages were somewhere around \$150,000. She could only collect \$20,000.

In that kind of a case there is an Unsatisfied Judgment, because the insurance company has only paid up to its liability of \$30,000, so the boy owed a hundred thousand dollars. In that case, he could have been suspended from driving until he complied with the judgment, or he could have applied for a leave to have it paid in installments, because that woman was deprived of her relief. All she got was \$20,000, she had lost her husband and she had been, herself, seriously injured and her children seriously injured, but she got just \$20,000.

Mr. Chairman: Mrs. Watson.

Mrs. Watson: Mr. Chairman, just by taking, suspending his driver's licence, how many years would it take him to pay back -- you could be looking at \$60,000, \$70,000 that a person would have to pay back. Suspending or cancelling the driver's licence wouldn't pay that money any faster. You could always garnishee their wages, could you not, to recover a judgment?

Mr. O'Donoghue: In theory you could garnishee wages, Mr. Chairman, but it is an awful, thankless, slippery task, trying to garnishee the wages of a person who is on the move, and who is 22 years old and on the move.

What actually happened in respect to the case was, the boy and his family came forward with a further offer from their own resources. I have forgotten the amount, it might have been about \$5,000, and the lady in question settled the debt of \$100,000 for three or four thousand dollars, and wrote it off. In that kind of a case, that was the sensible thing to do. If there was heavier pressure on the person, she might have gotten more money, because at least she would have paid a little bit more. It's a balance and the sort of thing to do.

Mrs. Watson: Mr. Chairman, I do not like this. I really do not like this section, where, if the judge, because of evidence he heard, recommends that the case be heard before the Board, and they make the decision to suspend his licence because of the kind of a driver he was or because of a physical handicap or something like this, fine, but, just, where we give the Commissioner the right to take away a person's driver's licence, suspend it or cancel it because they are not paying up their judgment, that, you know, I just do not buy that.

It is giving the Commissioner a great deal of discretion when there is the accident in the Yukon Territory and the judgment is in the Yukon, if the accident has been outside of the Yukon, we give it up to a judge to make that decision. It just does not seem fair, does not seem right. There must be some other way that a judgement can be collected than suspending or taking away a driver's licence, when maybe the person was a perfectly good driver, the judgment was handed against them, that is true. But there are always circumstances. What if he had had a blow-out? It could happen to anybody. Because the guy cannot cough up \$50,000 or even \$5,000 or \$6,000, you are going to take his driver's licence away

in order to twist his arm to try and pay. He may need his driver's licence to do his job. It seems like sugar-coated blackmail, not even sugar-coated. I just don't like it.

If you can convince me that it is protecting people by taking this person's licence away, fine. If he is a poor driver or rotten driver, if he was drunk he would have likely had it taken away without, you know, this type of pressure. That is fine, refer it to the Board. The magistrate can, the judge can, the Commissioner can, but not this way.

Mr. O'Donoghue: Maybe the answer is to raise the compulsory level of insurance above \$75,000, to a quarter million dollars, half a million dollars, whatever is normally...

Mrs. Watson: Oh, my God, we cannot afford the insurance now and I am a good driver, even though I have not got my air brakes certificate.

I am certainly going to be opposing this section. I am going to be asking to have it deleted.

Mr. Chairman: I wonder of the necessity of having this section in here.

Mr. O'Donoghue: Rather than hold it up in debate, perhaps we could reconsider the whole section and let the House move on to the next most interesting section.

Mr. Chairman: Mr. Lengerke.

Mr. Lengerke: 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. Lengerke, seconded by Mr. Fleming, that Mr. Speaker do now resume the Chair.

Motion agreed to

Mr. Chairman: The witnesses are excused.

Mr. Speaker resumes the Chair

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

May we have a report from the Chairman of Committee.

Mr. Hibberd: Mr. Speaker, the Committee of the Whole considered Bill Number 1, *Motor Vehicles Ordinance* and directed me to report progress thereon and to ask leave to sit again.

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

Some Members: Agreed.

Mr. Speaker: Leave is so granted. May I have your further pleasure?

The Honourable Member from Whitehorse Riverdale?

Mr. Lengerke: Mr. Speaker, I would 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 Monday, next.

Adjourned

LEGISLATIVE RETURN #4

(Fall Session)

Mr. Speaker,
Members of the Assembly
On November 8th 1977, Mr. Fleming asked the following question:

I would like to know if the Teslin sewer system will be in operation this winter?

The answer to the above question is as follows:

The Contractor, Joe Rabb Plumbing and Heating Ltd., is presently testing the sewer lines and the lift station electrical work is underway (mechanical work is complete), and once finished the lift stations will need to be tested.

The lagoon site is operational but not complete.

The remaining work and testing is estimated at taking one to two more weeks and once completed, the contractor will be able to finish hook-up under the contract and the system will be operational.

Nov 9 1977
[Signature]

LEGISLATIVE RETURN #3

(1977 Second Session)

Mr. Speaker,
Members of the Assembly

On November 8, 1977, the Honourable Member from Ogilvie asked the following question:

"Of the new positions mentioned in the Speech from the Throne, that is, the permanent liaison position in Ottawa, the community liaison officer and the community advisory group:

- (1) who will appoint these positions?
- (2) who will the positions be responsible to?
- (3) what will their duties be?"

The answer to the above question is as follows:

With respect to the proposed positions of Ottawa and community liaison:

- (1) These positions will be created by the Government of the Yukon Territory and will be filled by the Government either through appointment or by contract;
- (2) These positions will report to the Director of the Office of Pipeline Co-ordination;
- (3) Community Liaison Officer: - To maintain liaison with communities throughout the Yukon and particularly along the pipeline corridor, to identify infrastructure or service needs related to or affected by pipeline construction, and to develop, in concert with relevant departments, proposals and plans to meet these needs.

Ottawa Liaison: - To maintain liaison with Federal Departments, agencies and offices with regard to their activities in pipeline matters, to present the views of this Government in interdepartmental or inter-governmental meetings related to the pipeline and to keep this Government informed of pipeline developments in Ottawa affecting Yukon.

With respect to the Community Advisory Group:

The Government of the Yukon Territory has recommended that, in the creation of a pipeline regulatory agency, provision be made for a Community Advisory Group. Specific proposals with respect to the appointment, reporting relationships and duties have yet to be developed, pending a decision on the recommendation.

November 10, 1977.

[Signature]
Signature

November 10 1977

[Signature]
Signature

LEGISLATIVE RETURN #5

(1977 Second Session)

Mr. Speaker,
Members of The Assembly

On November 9, 1977, the Honourable Member from Pelly River asked the following question:

With the recent resignation of the Chief Mines Inspector, who was a Federal Civil Servant, what criteria will the Government be following in the filling of this position.

- (a) Will this person be a Yukoner.
- (b) Will the person have full knowledge of mining.
- (c) Will the person have worked in the mines in the Yukon.

The answer to the above question is as follows:

The position of Regional Mining Engineer (Chief Mining Inspector) has been offered to Tibor Csizmazia subject to the usual Federal Government Public Service appeal period.

Mr. Csizmazia has been working in mining related fields for the past ten years or more and has a full knowledge of mining. During the period 1972-74, he was with the Federal Government in Yukon as a Mining Engineer Inspector; 1974-75 Chief Engineer with United Keno Hill Mines and 1975-77 District Mining Engineer, Federal Government, Yukon. Mr. Csizmazia has held the Yukon Government appointments as Inspector under the Mining Safety Ordinance since October, 1975.

Therefore, the answers to the specific points in the question are:

- (a) yes;
- (b) yes;
- (c) yes.

LEGISLATIVE RETURN # 6
(1977 Second Session)

Mr. Speaker
Members of the Assembly

On November 7 Mr. McCall asked the following question to 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."

THE ANSWER TO THE ABOVE QUESTION IS AS FOLLOWS:

Attached is the Spatial Price Survey referred to. There is unfortunately, one error in the report. The error occurs on page 10. The index number for dairy products reads as follows: 177.1. The correct number has not yet been ascertained. The error resulted when, unable to locate two litre cartons of milk in Dawson City, the surveyor priced one litre cartons. The substitution was duly noted on the data sheet but overlooked by the Alberta Bureau of Statistics who performed the computations.

Milk is a major part of the dairy products bundle thus, the error produced an excessively low index number. Compared to the total "food" bundle and "all items" bundle, milk is relatively insignificant. Thus, index numbers for these categories will be insignificantly affected.

Nov. 9 1977
Date

[Handwritten Signature]
Signature

