



# The Yukon Legislative Assembly

Number 7

9th Session

23rd Legislature

Debates & Proceedings

**Tuesday, November 15, 1977**

Speaker: The Honourable Donald Taylor



Whitehorse, Yukon Territory

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

We will proceed at this time with Prayers.

*Prayers*

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

**Mr. Speaker:** The Honourable Member from Kluane.

**Mrs. Watson:** Mr. Speaker, on a point of personal privilege, I would like to refer to the remarks that were made by the Minister of Human Resources in this House yesterday. I would read those remarks:

"I hope I have the sympathy of some Members of this House when I tell you that when I inquired as to why pensions to widows were so disgracefully low in the Yukon, I was told, Mr. Speaker, that former Members in this House had agreed to those minimum amounts in order to encourage widows to remarry and get off the lists."

Mr. Speaker, I am a former Member of the House, which sat when the *Compensation Board Ordinance* was passed. I certainly was no party or was not aware that the pensions for widows were fixed at the level they were fixed at in order to encourage widows to remarry. The pensions were fixed at a level quite adequate at that time, and if the Honourable Member does not have documented proof to substantiate her remarks, I would suggest, Mr. Speaker, that an apology is due to the former Members of this House, from the Honourable Minister.

**Mr. Speaker:** Perhaps the Chair will consider the Point of Privilege made.

We will now proceed to Routine Proceedings.

#### ROUTINE PROCEEDINGS

**Mr. Speaker:** Are there any Documents or correspondence for Tabling?

Reports of Committees?

Are there any Petitions?

Introduction of Bills? The Honourable Member from Kluane?

#### BILLS: INTRODUCTION AND FIRST READING

**Mrs. Watson:** Yes, Mr. Speaker, I would move, seconded by the Honourable Member from Pelly River that a Private Member's Public Bill entitled: *An Ordinance to Amend the Public Inquiries Ordinance* be now introduced and read a first time.

**Mr. Speaker:** It has been moved by the Honourable Member from Kluane, seconded by the Honourable Member from Pelly River, that a Private Member's Public Bill entitled: *An Ordinance to Amend the Public Inquiries Ordinance* be now introduced and read a first time.

*Motion agreed to*

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

**Mrs. Watson:** On the next sitting day, Mr. Speaker.

**Mr. Speaker:** Are there any further Bills for Introduction?

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

Notices of Motion or Resolution?

Statements by Ministers? The Honourable Minister of Human Resources.

#### STATEMENTS BY MINISTERS

**Hon. Mrs. Whyard:** Mr. Speaker, occasionally there are moments that give some compensation for the efforts that your elected members of the Executive Committee put into their positions, and I have one this morning. Mr. Speaker, it gives me great pleasure to announce that after a considerable amount of travail, we are able to state that the former government building on Wood Street has been offered to the Golden Age Society for their use as a senior citizen's centre, and I know that this Association is going to make very good use of that building for the benefit of senior citizens from all parts of the Territory, not just their own Whitehorse members.

Mr. Speaker, at this time I would like to acknowledge the support and invaluable assistance of the Minister of Local Government in guiding this project through on behalf of our applicant, the Golden Age Society members.

Who, as most Members are aware, because of correspondence they have received over the past three years, submitted their request to have this building for their use some three years ago, and we have been pursuing the course through the shoals ever since.

I would like to extend best wishes from this Government to the Golden Age Society, and hope that they will have many years of fruitful service in that building, not just as senior citizens, but to all members of this community.

Thank you, Mr. Speaker.

**Mr. Speaker:** This then brings us to the Question Period. Have you any questions this morning?

The Member from Pelly River.

#### QUESTION PERIOD

##### Question re: Contractors and Workmens' Compensation

**Mr. McCall:** Yes, Mr. Speaker, I have a question for the Minister of Health. Would the Minister advise this House as to the following: what arrangements have been made between the Government of the Yukon and contractors outside the Yukon, with respect to Workmens Compensation, when contractors are working on jobs in the Yukon.

Further, has there been any, to your knowledge, any contractor from outside the Yukon, allowed any exemptions under the *Workmens Compensation Ordinance*, or other related legislation?

**Mr. Speaker:** The Honourable Member from Ogilvie.

##### Question re: Alcoholism Services

**Ms Millard:** Mr. Speaker, a question for the Minister of Health: have any plans been made or any definitions of roles been made, to have the YTG Alcoholism Service work directly with the several native alcoholism services now being developed?

**Mr. Speaker:** The Honourable Minister of Human Resources.

**Hon. Mrs. Whyard:** Mr. Speaker, this co-operation and joint operation of alcoholism programs has been going on for some time. It would not be necessary to make arrangements to do so, we are doing it.

The Administrator of our Alcohol & Drug Addiction programs, Mr. Cline, is consulting with the native groups, at their requests, constantly. He assists them in the arrangements for their workshops and seminars. I know that he has been of great value to them in their applications for federal finance programming. He happens to be very good in that area, having come from the East.

We welcome every approach from any of the native groups

to work in this common area, because it is a common problem and, Mr. Speaker, once of the most rewarding parts of this program has been that we do get requests from native council bands and from native groups, extending an offer to work with them.

This is a very encouraging part of the program. I don't understand the Honourable Member's question, if there is another reason, perhaps she would like to define it.

**Mr. Speaker:** The Honourable Member from Whitehorse Riverdale?

**Question re: Positions in Health Services**

**Mr. Lengerke:** Mr. Speaker, a question for the Minister of Health this morning. As we near or approach the time when the Territorial Government is going to take over the Health Service from the Federal Government I'm wondering if the Minister could advise if it is the plan to do away with a number of positions and jobs as now established, or will these positions be maintained within the health and medical services as we see them today?

**Mr. Speaker:** The Honourable Minister of Human Resources?

**Hon. Mrs. Whyard:** Mr. Speaker, this Government is not planning to do away with any positions at present occupied by Federal employees of the Regional Health Services. The Territorial Government is committed to making job offers to all of those Federal employees and this will be done by the Public Service Commissioner of the Yukon. Whether or not the Federal employees will choose to accept those job offers is their own individual concern, and I cannot speak for them. I would certainly hope they all will.

We look forward to having a very smooth transfer and with a minimum of dislocation of any of these people. I cannot imagine trying to operate our hospitals and health centres without those employees, and it is certainly not our intention to do so.

Thank you, Mr. Speaker.

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

**Mr. Hibberd:** Mr. Speaker, further to that, for the Minister of Human Resources, regarding the transfer of health care and to give background if I could just quote for a moment. This is a telegram sent to the Prime Minister of Canada.

"We wish most strongly to represent to you, on behalf of the 260 members of PSAC now employed with the Department of National Health and Welfare, Yukon, our considerable concern and dismay that we had no input into deliberation or the impending transfer of Health Services to the authority of YTG. This is in sharp contrast to the input which has been accorded to the minority Indian population. The disinterest of local representatives, of Federal Department of National Health and Welfare, and the welfare and future of departmental employees has been made abundantly manifest and clear and is strongly deprecated. Decisions are apparently being made at a distance by federal authorities located in Ottawa, in collaboration with local officers who prefer to be uncommunicative and unconcerned, although such decisions affect our futures most intimately. Further, we are to be given wholly inadequate time to consider the packages which are to be presented to us on apparently a 'take it, or leave it' basis."

**Mr. Speaker:** Order, please. Perhaps the Honourable Member, instead of making a statement, could get to his question.

**Mr. Hibberd:** The question is here, Mr. Speaker.

"May we remind you that many of us have no alternate place of employment in Yukon. We wish emphatically to protest these procedures and to request immediate rectification."

My comment, Mr. Speaker, I can see that I recognize their problem very clearly, having an indifferent...

**Mr. Speaker:** Order, please. I believe the Honourable Member is ranging into the area of debate. Could the Honourable Member please place his question.

**Mr. Hibberd:** Yes, what is being done about this transfer and their problems? Are these problems being answered to? Can the Minister of Health give us any consideration on this?

**Mr. Speaker:** The Honourable Minister of Human Resources.

**Hon. Mrs. Whyard:** Mr. Speaker, there are federal officials from the Department of Health in Whitehorse, probably in this building today, having consultations with our Public Service Commission officials, and with their own employees, the Federal Health employees, and there is another committee discussing the financial impact of the transfer.

At this stage, Mr. Speaker, on the Territorial side, we are not yet permitted to approach the employees of the Federal Government, regarding this transfer. The ball is still on their side of the court and the Federal employer is presently putting together all the various components in this package, to discuss with their employees.

I can appreciate the concerns expressed by the people the Honourable Member mentioned, and some of them have been in touch with me and I have assured them that as soon as it is possible for us to approach them with job offers, they will be hearing from us, but at this stage we are not permitted to do so by the Federal employer.

I am not an expert in labour relations, Mr. Speaker, but I understand this is a pretty tricky area and for us to transgress at this point, and go and make job offers to people who are not employed by us, but are employed by another Government, would not be acceptable.

We are ready and we have our package ready and soon as we get the green light, Mr. Speaker, it will be known to all those Federal employees. In the meantime, I feel that their problem is with their own employer, and all I can do is sympathize with them and hope that this is going to be resolved within a matter of days. With the Federal officials here, on the spot, I would think that they will be pretty vulnerable and will be hearing from all these people in person.

Thank you, Mr. Speaker.

**Mr. Speaker:** I think in view of the shortness of the Question Period today, in view of the Throne Speech replies, we will permit two more questions.

The Honourable Member from Pelly River.

**Mr. McCall:** I have a supplementary, Mr. Speaker, dealing with the same matter that the Minister was just making remarks on. I was wondering if the Minister could advise this House whether this Government had laid down a condition in the package to the Federal Government, in the transfer of this health services, that the in-put of employees be considered by the Federal Government, prior to the transfer?

**Mr. Speaker:** The Honourable Minister of Human Resources?

**Hon. Mrs. Whyard:** Mr. Speaker, I have not been involved in the Committee discussions on those topics, I don't know whether our Public Service Commissioner has advised the

Federal Government what to do about his employees.

**Mr. Speaker:** The Honourable Member from Ogilvie?

**Question re: Economic Development Programs**

**Ms Millard:** Mr. Speaker, a question for the Minister of Local Government. Has any action been taken concerning establishing programs in the Yukon similar to the Northwest Territories economic development programs now in effect there, particularly concerning funds available to non status native organizations for economic development?

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

**Hon. Mr. McKinnon:** Mr. Speaker, I have asked for that information from the Northwest Territories Government. As I understand it, it is under special ARDA agreements, which we do not have an agreement signed with the Federal Government for. As the Commissioner stated yesterday, what we are attempting to do, is to make any subsidiary agreement that we can sign under the General Development Agreement, take into consideration those type of special programs which are more normally found under ARDA type programs. I have the information that I have received from the Government of the Northwest Territories, I haven't had time at this moment to be able to examine it thoroughly.

**Mr. Speaker:** I will permit only one more question at this time. The Honourable Member from Whitehorse Riverdale?

**Mr. Lengerke:** Supplementary to that, Mr. Speaker, I'm just wondering if the Minister of Local Government could tell me what is the advantage in trying to use the approach that the Territorial Government is using with respect to that matter now? Why not go with special ARDA agreements, agreements that have been established, and we know the workings of them? What is the advantage in the way that you are approaching it?

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

**Hon. Mr. McKinnon:** Mr. Speaker, we find that dealing with the proliferation of government departments all throughout the different government agencies and programs just spread us so thin that we don't do the job that we would hope that we were capable of doing on behalf of the people of the Yukon.

As you know, under the General Development Agreement we tried to continue with the agency handling the Development Agreement being the Department of Indian Affairs and Northern Development who, after years of fighting and pounding the dust with, at least we know another quite well, and know the strength and weakness of the various people involved in dealing with the General Agreement under the Department of Indian Affairs and Northern Development.

We had one subsequent meeting with people from the Department of Indian Affairs and Northern Development concerning the General Development Agreement, and they were amazed at the amount of work and preparation that we had done in the programs that we were trying to initiate under a General Development Agreement and they went home saying they would consider them, and we haven't heard from them any longer. So it appears that if we are going to be successful, that we are going to have to look at different tactics. I must say that at this period of time to make a political comment, it looked like the former Minister wanted the ability of making headlines in the press that he had signed a General Development Agreement with the Yukon and Northwest Territories, and wasn't prepared, Mr. Speaker, to put his money where his mouth was.

**Mr. Speaker:** At this time we will conclude the Question Period. Perhaps Honourable Members, if they have questions

to follow, they could bring them tomorrow at the appropriate time.

We will now proceed, under the Order Paper, to the replies from the Speech from the Throne.

#### REPLIES TO THE SPEECH FROM THE THRONE

**Mr. Speaker:** The Honourable Member from Ogilvie.

**Ms Millard:** Mr. Speaker, I have lived for a dozen years in an area which has felt the complex and overpowering influences of sudden economic and social upheaval. Dawson City is still, 80 years after the gold rush, responding to the cumulative effects of the economic development. Apart from the obvious positive influences, such as the tourism industry, the events of the gold rush have left many scars on our environment and on our native people.

The people in the late 1890's, in Dawson, concerned themselves with nothing more than immediate solutions to their immediate problems. That is why we are still paying for the complex influences of such an uncontrolled, suddenly exploding economy. We cannot afford to make the same mistakes again in the Yukon. We must not become so involved in our immediate problems that we forget the establishment of a solid foundation for our future here.

I sense a great danger that we are presently spending all our time and energy as individuals and as a government, trying to deal with the myriad of details which are already coming to us, as a result of the pipeline development, rather than seeing the larger picture of what is happening to all of us as Yukoners.

It is imperative that we stop now and take stock of what it is we want as a people, and as a Government in the Yukon. We cannot ignore the problems of a regulatory agency, a heritage fund, inquiries, data centres, taxation, and all the rest, but we must put them into a Yukon perspective.

The individual problems are solvable and manageable, if we keep them within a view of long range goals and future needs.

We have an unfortunate future ahead of us indeed, if we continue to allow the immediate details of the challenge in front of us to scatter our thinking, rather than approaching pipeline development with a solid, established view in sight. We must use economic development only as a tool for our social growth, and in the context of a solid plan for a stable economy. We must not allow the greed of the moment to over-extend our economic, social and human resources.

Mr. Speaker, I have a disturbing fear that this Assembly may come away from pipeline development in a much weaker position than when we went in. We must immediately protect and consolidate our constitutional development, as a democratic body within Canada. We must demand greater authority and show greater responsibility as an Assembly. We must never allow a regulatory agency, or a government agency, to take decisions which are ours.

The quasi-legislative ability of the Administration must be lessened and held in check. We cannot tolerate being bound to taxation agreements that were made on our behalf by someone else, particularly when the agreements involve loans, which we have to commit future Yukoners to repay.

We should never allow this Government to buy off negative public opinion by hiring liaison officers, who take the pressure off us who should be responsible for decisions.

But mostly, we cannot allow this Legislature to become the scapegoat for decisions being made by anyone else. If we are to be the final decision-making body approving or disapproving various aspects of the pipeline agreement, we must demand to make those decisions right from the beginning, and

not let the Assembly role be the tool for approval of decisions we had no say in until it was too late.

Let us not become so near sighted as to ignore the facts as they are. We all know that our influence and strength as an Assembly are not as great as we would wish. Now is the time to strengthen our abilities, to test the system to its fullest, to demand our rights and to fulfill our obligation as an elected Assembly. If we are satisfied with less than that, we are truly the scapegoats for decisions which are being made by our colonial governors, the American Government, and the corporations who are stronger than national governments. We are gradually losing sight today of the enormous benefit to all Yukoners of another socio-economic influence which could be of greater positive impact than any pipeline, native land claims.

We are allowing the great benefits to natives and non-natives of the settlement of claims to be eroded away by not forming and solidifying our own role in this situation. Our priority in the Yukon at this time should be land claims, and involvement of native people in our way of life. We should make it a priority and we should make it clear to everyone that that is our priority. We are not even coming close to that.

Instead, I see us bickering over the details of how a data centre should be run, instead of organizing ourselves to cope with the sweeping changes ahead of us, and making sure that Yukoners, as a whole, are assured of solid futures.

Mr. Speaker, we can effectively manage to benefit as the Territory if we do not allow ourselves to be diverted by the influences working against our long term aims today. However slim it is at times, I have hoped that we will see our path through the next few dark years clearly, before it is too late. But we will only succeed if we are willing to make informed decisions now, based on a genuine desire to live the next decade as a united people, and as a strong government.

**Mr. Speaker:** The Honourable Member from Kluane?

**Mrs. Watson:** Yes, Mr. Speaker, I am very pleased to have the opportunity to reply to the Speech from the Throne, and as I sat gathering my thoughts, I had to ask myself really, what is the Speech from the Throne? In my estimation the Speech from the Throne is a report by the Commissioner from the Executive arm of government of their activities, decisions and/or policies, which they acted upon, performed or have undertaken since this House last sat, which was almost ten months ago, and also to make recommendations for the future which requires this Assembly's approval or concurrence.

Mr. Speaker, in considering the Speech from the Throne, I sincerely say, I find very little of substance in the Speech which was delivered by the Commissioner at the beginning of this Session. Evidence is just not there to indicate that there has been any direction to the activity of the Government in the past six to ten months. Also, Mr. Speaker, little evidence that there is any direction for the future.

Very few of the questions which are prevalent in our Yukon society today are being answered by our Government.

I think it is my responsibility, as an elected person, to ask why, and I specifically ask this question of the three Members who sit in this House and who also sit on the Executive Committee: it is true that it is the role of the Commissioner, as the Chief Executive Officer, to provide the initiative for the planning and direction of the Government. It appears to me this is not happening. I do not know why, but, why are the three elected people who sit in this House, prepared to accept this lack of direction and to drift along and, what is worse, to come into this House and sit and defend that lack of direction to the Members of this House and the people of the Yukon?

I am disturbed by this, Mr. Speaker, and, for this reason, I

am making certain observations about the regulatory agency that I hope the Government of Canada will structure, a regulatory agency which will play the role in the Foothills Pipeline construction project.

Mr. Speaker, I hope that we have a strong regulatory agency, with powers. I hope that regulatory agency is made up of two or three persons, one of them must be a Yukoner. One member, at least one member of that agency, the regulatory agency, should operate out of Whitehorse, or the Yukon. The other one or two, in Ottawa.

The regulatory agency should be responsible to the Prime Minister himself, and the regulatory agency should have the power to direct Federal Ministers, whose departments are involved or will be involved in the Yukon Territory, during the construction of the pipeline.

The National Energy Board should be the agency that supervises the actual technicalities of the actual construction of the pipeline and they also should be responsible to the regulatory agency.

What would be our Government's role, under a structure such as I have just suggested? Our Government would continue to operate, to govern the Yukon Territory, under the mandate that we now have under the *Yukon Act*, or under any amendments that may be forthcoming to the *Yukon Act*. But our Government would be able to feed into that regulatory agency, for correction, impact that we are being faced with, as a result, social and economic impact, that we are being faced with, as a result of the pipeline construction project.

I would hope, and in fact, I say that the less intervention we can have by the Department of Indian Affairs and Northern Development during this period, the better, and I would hope that the regulatory agency would have the power to tell the Minister of that Department how and when he should be acting in the Yukon during that period of time.

I think, Mr. Speaker, the thing that is feared more than anything by the people of the Yukon, is not the in-migration of workers who are unemployed people from the rest of Canada, who are looking for work; but they are more afraid of the in-migration of a federal bureaucracy that will regulate and stifle, and who's authority will overlap with each other, and overlap with our authority so that movement or any opportunities that could be available to Yukoners would be stifled, or Yukoners would just throw up their arms in frustration and what really concerns the people in the Yukon is if such a bureaucracy is let mushroom and grow, what will happen when the pipeline is finished? You can rest assured they are not all going to leave.

Mr. Speaker, a pipeline agreement was signed by our government in Ottawa, by Canada, with the United States. I think that the Government of Canada did a commendable job for the Yukon Territory. The property taxation which they were able to negotiate is financially favourable to us. They were able to make provision for some line of credit for emergencies that may arise as a result of the project, and they have also made provision for additional maintenance to the Alaska Highway, \$30 million. But, Mr. Speaker, our government shouldn't be just leaving it at that and saying fine, running back and forth to Ottawa incidentally, and saying fine, that is the negotiated agreement Canada did for us. Our government should also be setting out to negotiate benefits that we should receive as the Yukon, from Canada, because there will be spin-offs. National spin-offs, economic spin-offs from the pipeline, and other sectors of Canada will be receiving benefits from that national spin-off. Have we not a right, as a part of Canada, to also negotiate and go to Ottawa and say these are the things that we see should be our share, proportionate share, of the national spin-off?

I can see where the Government of BC, or some of the,

members in the BC Legislature have asked that their part of it be the paving of the Alaska Highway. What better proposal the Yukon could make with the \$30 million, plus additional negotiations plus the pressure from BC to have the Alaska Highway finally completed as a paved highway.

We should also be negotiating that the Foothills Pipeline compressor stations be so built and so constructed, so that they can switch to electricity, when electrical power is available to them. We have a problem, in the Yukon Territory, the hydro powers that we have available to us is just adequate, just adequate to meet our present needs. If the Yukon is going to expand at all, economically, and establish any kind of a permanent base, we need the hydro power, we need cheaper power and we need a baseload, an assured baseload to use as a bargaining position for the okay, as it were, to go ahead with a larger hydro development.

We have it in the pipeline, in the compressor stations, and we should be asking this, at the present time, before the fact, rather than after. We should be making sure that the natural gas will be made available, that Foothills will be providing the lateral lines to the communities, and to what communities, and at what costs will those lateral lines be installed, so that we, in the Yukon, have an alternative to the fuel oil for our heating.

Mr. Speaker, it is not inconceivable at all, to ask for a percentage share, be it small, of Foothills Pipeline (Yukon) Limited. After all, B.C. owns ten per cent of Westcoast Transmission.

Mr. Speaker, we just cannot sit back and wait for Ottawa to say we are doing this for you. We have to go to them and say, this is what we think will benefit the people of the Territory.

Mr. Speaker, that is one reason I am saying, and I said at the beginning of my address, that there is not very much direction from here, the direction seems to be coming from there.

Mr. Speaker, as the Member representing the North Alaska Highway, I was bitterly disappointed in the Throne Speech. It devoted one sentence to the Shakwak Project. In my estimation, Mr. Speaker, the economic benefits to the Yukon, from the Shakwak Project, will be much greater, over a long-term basis, than the economic benefits from a pipeline. The Shakwak Project is a project that is proposed for ten to eleven years and they are suggesting dollars between the 200 and 300 million at this time.

Mr. Speaker, the opportunities for Yukoners, because it is a gradual spending of money, but a steady spending of money over a period of eleven years, will be such so that the Yukoners will be able to take advantage of those opportunities and yet, Mr. Speaker, our Government devoted one sentence to the Shakwak Project.

Mr. Speaker, it is also interesting to note, that the Shakwak Project and the pipeline project, will both be traversing the same area and it is fortunate that the two projects are doing some co-operative planning so that the impact of both projects will not be felt, at the same period of time, within the next ten years.

Mr. Speaker, I was disappointed that there wasn't a word in the Throne Speech of some government planning for that area so that they could accommodate some of the pressures that we would put on them, for ten years, not just for two years or three years, for ten years, eleven years.

I repeatedly stand in this House and say why hasn't Beaver Creek got a Post Office? I know it is not YTG's responsibility, but, if the federal department does not accept the responsibility and we have space that is being paid for by taxpayers, why can't we use it as a post office? Imagine, these two big projects, and this is the border station between Alaska and Canada, and we cannot even give them a post office or make

some provision, and it has been a year now.

I asked the Commissioner a question about the Customs building. It's disgraceful the facilities that are there now, at a normal time. The Commissioner gave me the answer, fine. Customs have nothing in their budget, however, the Regional Director is hoping and has made representation to have a building for 1978 located outside the middle of the community. But the Commissioner did not say this government will also be making representation to our Minister and to the Minister of National Revenue pointing out the absolute necessity of providing a proper and decent facility. The traffic that is going to be going through that border station, in the transporting of pipe and materials for the Alaska portion of the pipeline will begin next year. We are still sitting with a two storey farmhouse in the middle of Beaver Creek and asking our Customs people to operate out of that. It is not our responsibility, but we should be putting on the pressure.

Mr. Speaker, I have always spoken in this House about the decentralization of the economic growth in the Yukon Territory, and let's face it, up until now, one of the biggest industries in the Yukon has been government, and yet we in this House, and the administration, have been trapped into a route of establishing, growing out from the core, in the Whitehorse area, and government just grows in Whitehorse, and that government service is not going to other areas of Yukon, and growing and giving the other areas in the Yukon the benefit of the economy that goes with the government.

I often think, Mr. Speaker, of the CYI who are establishing quite a large government structure, and they too have fallen into the trap. They are in Whitehorse when so many of their people are in areas outside of Whitehorse. Imagine the economic boom to Carmacks or to Teslin, or to Burwash if the CYI established their administrative headquarters out there. Why should they, YTG doesn't make any effort.

Mr. Speaker, the proposal that came before this House last session, and which we have heard nothing upon since, of moving the headquarters for Tourism to Dawson, becomes more sensible every day.

The Government of the Yukon will be absorbed with a lot of pipeline activity, tourism could will be shoved to one side, but if it won't, goes to Dawson, it won't be because the people of Dawson won't let it be.

Mr. Speaker, the Shakwak Project, at the hearing, I asked where their headquarters would be and guess where they said? Whitehorse. But, Mr. Speaker, I served fair warning on them at that time, that I am going to actively pursue, pre-empt any means, way possible, to have the headquarters for the Shakwak Project established in Haines Junction, the central area for the project, and I am going to enlist the moral and utter support of this Government and of this House, to get that Project established where they should be established and to take the pressure off Whitehorse.

Mr. Speaker, in the Speech from the Throne, there was made reference to the Land Claims Settlement, and I read a sentence: "If all continues to go as planned, a draft agreement in principle should be developed by year end, and, hopefully, a final agreement in principle, by the Spring of 1978". There was nothing in the Speech from the Throne to indicate that a paper would be coming to this House, to the representatives of the people of the Yukon, to give us any idea of what principles had already been agreed to as far as the Territorial Government is concerned. There was absolutely nothing, and yet, we will be party to that agreement, and we will not know what we are party to.

I must congratulate the CYI and the native organizations who said, a few months ago, "Hold, enough of this, the people in the communities do not know enough about the land claims. We have got to have information going back to the com-

munities and we have got to have information coming from the communities to the negotiator and they stopped the whole process. They set up a different structure. They are at least making an effort to get that information out to their people and getting their people's information back to them.

But what are we doing? Silence. Silence. We have nothing. We have had no information and no indication that any is forthcoming.

I guess we have to accept the old adage, "In God we trust", or, in this case, it is the Commissioner.

Mr. Speaker, we heard also a great deal about the restructuring and the re-organization of Government and a lot of this has already been done. The Resource Planning Branch, the Economic Research, which I argued about last time, but there has been nothing from them, there is nothing from the Speech from the Throne to know that they are there, but are we getting anything from them? There doesn't seem to be anything, and yet we are going to do more restructuring, and yet the very obvious areas, where they should be restructuring a government department, they have not done. I would refer to Highways and Public Works. It is high time the Government of the Yukon Territory looked at this large department, whose responsibilities will be increasing very, very much in the next few years, and setting up a structure for Highways, a department of Highways because their work will expand immensely, and for Public Works. For too long, public works has sort of been overshadowed by our Highways.

We have good highways as a result, but what about our Public Works? Should they not be given the importance that they deserve and the recognition from this government that it should be a separate department, because the demands in the Department of Public Works are growing every day. We are thinking of establishing a Department of Manpower. Are they going to be bringing in legislation establishing a Yukon Labour Code? Is that not a necessity at this time? Or, are we going to continue to operate under the Canada Labour Code?

Mr. Speaker, there is also a necessity for some streamlining in the administration of the government, and I give you an example. The question was asked yesterday on the Yukon Health Care scheme. Mr. Speaker, that wasn't a frivolous question, that is a question that is being asked by hundreds of people in the Yukon Territory today. Why did we get a letter saying that if we don't pay X number of dollars, court action will be taken when we didn't even know we owed them any money?

Why don't we set up an administrative structure within there so that at least we get billings every quarter? We are supposed to get the little books, where you tear off the pages when you make your payments. But I haven't had a little book in two and a half years, for all I know, tomorrow I could be getting a letter saying court action will be taken because I haven't looked to see whether I paid my medical, and we are losing money.

Also, Mr. Speaker, every small business that you talk to, and large ones too, get that medicare scheme out of my hair. We think it's a good scheme but administratively the way they have their administration structured for casual employees and employees where there is a turnover is an absolute nightmare, and they say we carry people that left our employment two years ago, medicare is still carrying on their books as my employees. You hear this time after time after time.

Now, when we are going into a time where there could be a lot of turnover of staff, let's start cleaning up that part of the administration.

Mr. Speaker, the comments from the Honourable Member, I would like to defer. I wish I had the opportunity to clean it up. Mr. Speaker, Yukoners are worried about the cost of living,

and they have a right to be. But Mr. Speaker, we are part of a government, and Mr. Speaker, the government could be one of the biggest factors causing an increase in the cost of living in the Yukon. Why? The stepping up of government demands on services that are available here in the Yukon today and that will be available. I'm talking about housing, about extra office space, the whole thing. I'm talking about our government in the Yukon, I'm talking about the federal government.

If this Government grows too large, trying to take care of everyone, their demands on the services could easily be one of the factors that brings the price of the services up to the ordinary citizen.

Another reason, another way that Government could increase the cost of living, is the new assessment on the property taxes, where assessments could be doubling or tripling and property taxes will reflect that new assessment. When businesses are looking at taxes which are again as much as they were last year, they are certainly going to pass it on to the consumer, and we wonder why the cost of food and services increase.

Another way that Government could increase the cost of living is by imposing administrative rules and standards that people have to meet. I was talking to someone within government the other day, who said a building that they were planning on building for next year, the cost of it had increased by 15 per cent, over their budgeted estimate last year, because the Government had changed the standards for heating. Government's change of standards for fire protection, Government's change of all sorts of standards. These are needed in some degree, but we go overboard in this day and age. And we wonder why the business people have to recover their costs that they put in to meet those standards that Government demands of them.

So, Mr. Speaker, that is my concern for the cost of living, that if Government plays its role and tempers its demands of the people of the Territory, we have a hope of controlling and living within a cost of living that would be acceptable to the people in the Territory.

Thank you, Mr. Speaker.

**Mr. Speaker:** Would the Honourable Deputy Speaker that the Chair at this time?

**Mr. Deputy Speaker:** The Member from Watson Lake.

**Hon. Mr. Taylor:** Thank you, Mr. Speaker.

It is not often, Mr. Speaker, that I leave the Chair to debate in reply to the Throne Speech, but on this occasion, I feel obligated to do so, particularly as one can range over the broadest latitude in debate allowable, of course, under such a reply. There are such a broad range of subjects that, to my mind, ought to be discussed, and, of course, the time allowed for this debate does not permit us to deal adequately with all the subjects.

Mr. Speaker, firstly I would like to congratulate all the Members of this House for the effort and co-operation that they have displayed in the development of this Legislative Assembly, particularly over the past year. Most Parliaments in Canada have existed for many years, and therefore, they no longer experience the interest and excitement that accompanies the growth of a Legislature such as ours. The formation of standing and special committees, and the important tasks that have been undertaken by each of these committees does, Mr. Speaker, reflect great credit to each and every member of this House.

Perhaps the public are unaware of the many additional days and hours spent in considering subject material in addition to their duties in the House. Additional material before these committees, and so I feel it is very appropriate at this time to commend all Members. Also the great possible praise must be

given to our three elected Ministers, serving on the Executive Committee, for the important and meaningful contribution they are making in the administration of the Government of the Yukon Territory.

Following the departure of Mr. Merve Miller from the Executive Committee some time ago, these Ministers accepted additional portfolios and responsibilities beyond their original terms of reference. This, in conjunction with their many other general duties, has produced for them a workload which is, of course, at times exhaustive.

When Mr. Miller resigned his office, he cleared the way for the replacement of his position by elected member, and this was heralded across the Territory, and widely touted in the media. However, this has not yet been accomplished, Mr. Speaker, inasmuch as successive Federal Ministers of Canada have not taken the initiative in this regard. They have, on the other hand, ensured that the Commissioner now has a Deputy Commissioner, and a Special Federal Assistant as well. In addition, Mr. Speaker, a native advisor has been provided to Mr. Commissioner, and I believe also a special advisor in the name of Mr. Bilawich. What is going on? In fact, the Federal Government, Mr. Speaker, have become totally preoccupied in reinforcing its presence in the administration of this Territory and have failed to provide, by any means whatsoever, for expansion of the Executive Committee with an additional elected member from this Assembly. This I find both intentional and retrograde and grossly unfair to this House and the Government of this Territory as a whole.

At least two Ministers of Canada have paid lip service to this question in recent times, saying only that such appointment would be given consideration following the next Territorial election in 1978. Any Government of Canada who believes sincerely in the fostering of responsible government, by and for this important region of our dominion, would most assuredly have taken action on this a long time ago. Mr. Speaker, they did not do so, and I must conclude that they are neither sincere nor sympathetic to the needs and desires to the people of Yukon.

Mr. Speaker, where once the appointment of a fourth member to the Executive Committee could be considered a small but meaningful constitutional step, it is now clear that this is no longer a valid proposition. Elected members currently comprise the majority on the Executive Committee. The question now is one of administrative need. The demands by the people, particularly in relation to pipeline activity demands action at this time by this Assembly to ensure that information and direction be provided to our concerned citizens.

It would then be my hope that this House would forthwith provide for a fourth elected Member, to be responsible for, among any other portfolios undertaken, all matters related to pipeline involvement, and all resource activities which pertain to this Territory.

It is this type of action that citizens of the Yukon demand, Mr. Speaker, and they deserve, and I am sure the Yukon citizen will applaud such a move. It is this action that will ease the burden on the Executive Committee. It is this action that would attempt to satisfy the desires of our people and believe me, Mr. Speaker, our citizens are watching this Session very closely indeed, in order to determine, not only this Assembly's efficiency and ability to resolve Yukon problems, but to satisfy themselves as to the credibility of this House and its Members. Remember, Mr. Speaker, this House belongs to the people and we are their servants.

I might say, Mr. Speaker, that much of the indifference some Yukoners have for this Parliament, stems from the lack of information being made available to the public as to what we are actually doing and just what we are attempting to

achieve in the public interest. Unfortunately, some of the blame must rest with the media in this regard, and I refer particularly to the current local management of the Canadian Broadcasting Corporation, and the attitude it exhibits towards this House. The press has no more rights or freedoms than any other individual, but, fortunately, most citizens do not attend public meetings. That puts a special responsibility on the press, for how else can the taxpayers learn what their elected and appointed servants are doing?

CBC has an experienced and knowledgeable group of people on its staff, who are, indeed, doing a great job, in spite of the new policy dictates of an ever-changing management. The policies and attitudes of the current CBC management towards this Assembly are both contemptuous and degrading.

I would hope, then, Mr. Speaker, that CBC will review its important role in this Territory and, in consideration of its captive audience's position, give recognition to the legitimate desire of Yukoners for accurate and meaningful reporting of the affairs of this Legislative Assembly.

Perhaps, then, we may direct the energies expended in fighting the Federal Government here at home, towards a more useful exercise in fighting the Feds in Ottawa.

Mr. Speaker, a few months ago it became apparent that Yukon was to have a portion of the gas pipeline from Alaska to the United States. Since this decision was made, Yukoners have expressed concern respecting the many facets of this major undertaking. Information relating to this project has been painfully slow in coming and gives us cause for alarm.

As the Honourable Member from Whitehorse West said in the House a few days ago, even a pipeline impact office, with a girl and a telephone to listen to questions from concerned public, would have been a good start.

I wish to say at this juncture, Mr. Speaker, that I am not attaching blame to any of our Ministers, in this regard, as I know they are doing the very best they can, under their circumstances, to provide us with information and direction.

The problem, as I see it, lies with the Federal Government, whose motives are unclear and suspect. If little progress can be made, Mr. Speaker, and little information be gained from that quarter, perhaps this House should invite Mr. Blair, of Foothills, or his representative to join with us in Committee of the Whole, for discussions about the pipeline. Perhaps the views and opinions of the Yukon Federation of Labour should be solicited in relation to the involvement of Yukoners in construction of this mammoth project.

Albeit that only small percentage of the total program involves Yukon, but perhaps our Government should be entering into immediate discussion with the other Provincial and State jurisdictions affected, in order to determine and resolve problems common to each other in this undertaking.

Whatever the case, Mr. Speaker, we must take some constructive action now lest we find ourselves more or less out of the picture, and under the complete domination of the Federal Government. The people of Yukon demand answers and action, and as their representatives, it is our duty to ensure that this demand be satisfied at the earliest possible moment. It is a time for unity here at home and, if necessary, a time for confrontation with the Federal Government.

As I see it, we will have to fight hard for every inch of ground we can achieve and we are obligated to begin now.

I regret, Mr. Speaker, that the Throne Speech made no reference to solving the difficult problems relating to block land transfers and the disposition of Crown land within this Territory. If land cannot be made available at reasonable cost, and in all areas of Yukon, almost immediately, speculators will drive costs to a level that no one will be able to afford.

Mr. Speaker, this has long been a serious problem in Yukon, but never so serious as today. I know that this government has continually made representations to the Federal government with little success to date, and so I call once again upon the Federal landlords in Ottawa to immediately release substantial blocks of land to this government so that we may provide to our people, a large measure of relief in what has become an almost desperate situation.

Mr. Speaker, the Throne Speech also failed to offer anything constructive in relation to constitutional reform notwithstanding the hard work and representations made to Ottawa by this House. As I asked the last time I spoke in reply to the Speech from the Throne, just what is going on? Why is the Federal Government so anxious to downplay both our Legislature and our government at this time? And why, just a year ago, in Toronto did the Feds elect to tear down our flag and banish it from a Federal-Provincial Conference room even at a time when this Legislature was raising another flag in Charlottetown, the very birthplace of confederation itself.

Well, Mr. Speaker, it appears that if this performance is to be continued, Yukon must adopt a position of extreme caution in its relations with the current government in Ottawa. The people of Yukon have certainly had enough of the divide and conquer concept. The people of Yukon deserve better. It is to this House that they look for the safeguards and protection inherent in Yukon's constitution.

We have, perhaps, a few months to go before a national election, at which time I anticipate that the Liberal Government will fall, as it deserves to and as it did in Quebec, and that a new government will be formed in Canada. The Leader of the Opposition has made nationally, a commitment to the people of the Yukon, and he now considers the blueprint and timetable to provincehood. Be it seven or seventeen or seventy years to provincehood, we are going to require a willing and sympathetic federal government and Parliament to give effect to the transition from Crown colony to Province. The present government currently appears to be diametrically opposed to the stated views of the citizens of this Territory, as expressed by its elected representatives in this and former Houses.

Mr. Speaker, we must keep inviolate those rights and freedoms that we have wrested from the Federal Government over the past many years for our citizens. With the change of Federal Governments, hopefully, will come a change of attitude towards Yukon, and I am confident, that we, in concert with a new Federal Government, will once again be able to resume our joint pursuit of those constitutional goals we all seek for the people of Yukon, and of Canada.

I thank you, Mr. Speaker.

**Mr. Deputy Speaker:** I would ask Mr. Speaker to now resume the Chair.

*Mr. Speaker resumes Chair*

**Mr. Speaker:** Are there any further replies to the Speech from the Throne today?

The Honourable Member from Whitehorse North Centre.

**Hon. Mr. McKinnon:** Mr. Speaker, I would like to rise and thank all Honourable Members who have spoken today for their contributions to the cause of, I think, primarily, greater responsibility for the elected Members of this House in dealing with the problems facing Yukon at this time.

Mr. Speaker, I would like to preface my remarks by quoting from an address given by Judge Ernest Boychuk, to an inter-agency committee on services to children in juveniles, called, "There Must Be a Better Way", on November 25, 26 and 27, of last year.

Mr. Speaker, Judge Boychuk, at that time said:

"We must not overlook what is happening in our society. People are discovering a shallowness to the affluent society and are coming to see a need for social justice, careful stewardship, and modified lifestyle. The gap between each economic level is not lessening. We are coming to the realization that we must care more, spare more and, certainly, share more.

In our relationships with each other, the trust level is falling and the hate level is rising. People want more harmonious and deeper relationships and friendships. They want to be recognized as persons, and not stereotyped into robots. There is actual spiritual hunger, coupled with religious indigestion, religious practice. There is a growing aversion to bigness in all of our institutions. People feel hemmed in by giant, self-serving systems. They see a virtue in smallness and closer personal contact."

In other words, bigger is better is bunk.

The people feel the leaders are remote from them, while the leaders themselves often feel prisoners of the system that they lead.

In the field of communication, the news media often has a bad news bias. We require more balanced views in our general media. The test of any society is how it treats its weakest members.

We must listen with intelligent hearts, especially to the voices in our society. In brief, we live in a society that is affluent, that is privileged, and yet, we are angry, desperate and puzzled.

How has this come about? The more enlightened people have become, the more demand they place on government. Government has to respond to these demands or fall. We now have a situation where government is involved in every aspect of our social and economic lives. Traditional, parental and family obligations have gradually been transferred to the State."

In many instances, and certainly it is true for the conference that Judge Boychuk addressed, the criticism was not at the existing programs, but at the lack of more programs and services.

"In addition, many of the programs we have today are the direct result of society failing to live up to the needs of society. The public must be better informed of the workings of government at the policy and administrative level. So few of our citizens are aware of budgetary restrictions. They feel if there is a program they desire, they just have to ask the department and suddenly a well of funds comes flowing out and you provide the program. They do not understand what a budget is, they don't understand what Treasury Board is. The civil servant is only allowed to spend so much money in so much time. You have got to inform the public how government works, what it costs and every demand placed on it. Someone must pay for it.

When you consider passing legislation, be ever mindful that we are now legislated from birth to death. We are now regulated in every facet of our lives, the more regulations, the more laws, the more opportunity to break them. It is much better, to my mind, to educate the public to ensure a moral standard in society, rather than try to impose it on them by passing a multitude of laws which will only be transgressed, and eventually lead to the complete and absolute disrespect for the law.

It would be impossible to live with in all of our regulations today, without breaking any of them. So I give you

a word of caution, you can't legislate morals, you can't legislate conduct, you can educate, you can encourage, and you can get involved."

Mr. Speaker, I personally believe that those words of Judge Boychuck more eloquently express, more than I could ever hope to, my feelings about what government should be all about.

Mr. Speaker, in this era that all western democracies face now, the era of the politics of confrontation, the belief that government is the real or imagined cause of every one of our ills, it is difficult as Judge Boychuck pointed out, to become or to desire to remain involved. It's so much easier, Mr. Speaker, not to get involved and to sit and criticize and carp on the sidelines.

Mr. Speaker, the oaths of secrecy that the elected members on Executive Committee take, place my colleagues and myself and former members on the Executive Committee know how difficult a position it places them in, a difficult and a sensitive position.

Mr. Speaker, how I wish, and I mean, God how I wish, on occasions I could go to my colleagues, the elected member, and to the public with the reasons, the backgrounds and the options to decisions that have been made. I can't. The only satisfaction I can have, Mr. Speaker, is in the knowledge that the records will show, when they are available, that my colleagues and I have stood strongly on your behalf and on behalf of all of the people of the Yukon, and what we consider to be continued and unwarranted federal untrusion on matters which we believe members of this Legislature do and should have ultimate authority on, as the duly elected representatives of the people of the Yukon.

I can only tell you that if the rules of the game do not change, I would never accept another appointment for another term on Executive Committee. It is simply impossible.

Mr. Speaker, because of the impossibility of the situation, I wouldn't advise my worst political enemy, at the time, to accept such an appointment, if it was granted to him.

So, Mr. Speaker, if we believe in the rules of democratic government, in the evolution of a true and not a sham, cabinet system of government, and I do, then our number one priority must be of this House to change the rules.

Mr. Speaker, I hope we can address this major and prime problem at a united level, at this Session of the House, away from the normal, petty and disruptive and disunited politics of the day. I think that this is the challenge, that the public of the Yukon expects us to address at this time. If we do not address it, and we do not get it resolved, then, Mr. Speaker, the next five years are going to be totally and absolutely chaotic and disruptive to all of the people of the Yukon Territory. This is one thing that we cannot allow to happen, as responsible elected Members of this Assembly.

Thank you, Mr. Speaker.

Mr. Speaker: Are there any further replies at this time?

Some Members have indicated that they will have their addresses prepared for tomorrow morning so, at this time, I would move to Orders of the Day and Motions.

#### MOTIONS

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

Mr. Speaker: Is the Honourable Member prepared to deal with Item Number 1?

Mrs. Watson: Yes, Mr. Speaker.

Mr. Speaker: It has been moved by the Honourable Member from Kluane, seconded by the Honourable Member

from Whitehorse Riverdale,

THAT the Government of the Yukon comply with the terms of the *Electrical Public Utilities Ordinance*, Section 20.(1) and refer the franchise agreement proposals submitted by the Yukon Electrical Company to the Government of the Yukon for the communities of Beaver Creek, Destruction Bay, Burwash, Keno City, Old Crow, Pelly Crossing, Stewart Crossing, Swift River, Tagish, Ross River, Haines Junction (boundary extension) to the Electrical Public Utilities Board for approval before the Commissioner enters into any franchise agreements with the Yukon Electrical Company for any of the communities listed above.

The Honourable Member from Kluane.

Mrs. Watson: Yes, Mr. Speaker, the motion is before you as a result of the Legislative Return which I received to the questions I asked regarding the franchise proposals that had been submitted by the Yukon Electrical Company, to the Territorial Government.

We discussed these proposals during Budget Session, early in the Spring, and the discussion was brought about by the debate on the \$10,000 item, I believe, in the Department of Local Government, which was allocated to a study to be done by Price-Waterhouse on an analysis of the proposals.

At that time, I questioned whether the money should be spent by the Territorial Government or the money should be reserved so that the Electrical Public Utilities Board should be doing the study and having Price-Waterhouse report to them.

I was informed at that time that it was the Territorial Government's responsibility, I do not agree. However, I didn't get very far with my disagreement. However, we were assured at that time that the reports that Price-Waterhouse did conduct, the analysis on the proposals would be made available to this House. I asked the question if the report had been finished, I was given the reply yes, and I asked if it would be tabled in the House, and I was given the reply no.

I accept the reply no, knowing that the reply would be no when I asked the question. I do understand that this document goes into some confidential financial information regarding the Yukon Electrical Company and I certainly recognize the need to keep this confidential, so I am not too upset, that even though we were promised the report during budget time, I'm not too upset that we can't have it at the present time. I accept this.

However, I did ask whether the government had, since the spring session entered into any of these franchise agreement proposals with Yukon Electrical and the reply was no. And I asked if the government planned on entering into any franchise agreements with Yukon Electrical and my answer was that the government intends to negotiate new franchise agreements for all the areas named.

Now, Mr. Speaker, I'm quite concerned about the last answer that I received, because in reviewing the *Electrical Public Utilities Ordinance* there is a requirement under Section 20.(1) that franchises, proposals, before they are entered into by the Commissioner or by a municipality must be referred to the Board for their approval, and the Legislative Return gave no indication whatever that the government intended to comply with the requirements under the *Electrical Public Utilities Ordinance* and this is why I have this motion before you today.

I want the House to indicate to the government that yes, in fact, the government should comply within the legislation that governs everyone else and refer these proposals to the Board

so that the Board can advertise and receive interventions so that the public have an opportunity to review the proposals, before the fact, rather than after.

I often wonder too, Mr. Speaker, this is not part of the motion, but it is certainly part of the topic that we know that franchise agreements will expire and will have to be renewed at certain times. Now our government, the Commissioner signs these franchise agreements for all areas of the Yukon, other than the municipalities. Our government knows when these agreements will be expiring and yet they never advertise, never indicate to the public that year such and such, the Destruction Bay franchise will expire, we will expect proposals for the supplying of electrical energy in the community of Destruction Bay. That doesn't seem to be done. They just sit back and wait until Yukon Electric, who supplies the electricity at that community at the present time comes forward with a proposal.

It should go to competition and other private enterprise or public utilities, who have, who feel that they can and still be competitive with Yukon Electric, go into that community and offer a supply of energy for the people at that community at competitive prices, should be allowed to bring forth a proposal. What concerns me, if I hadn't asked the questions in the Spring, I would have never known that the Yukon Electric had already made proposals to the Government of the Territory. Nobody would have known.

So, Mr. Speaker, I do not like the procedure that our Government is going through at the present time. I would certainly hope that they do advertise and ask for proposals. I am not complaining about the service of Yukon Electric, I am not complaining about private enterprise being involved at all. I am just saying that, as a government, we have an obligation to ask for proposals and if no one else can compete with Yukon Electric, fine. When those proposals come forward, before you enter an agreement, refer it to the Electrical Public Utilities Board, as you are required to do by law, so that they will advertise, publicize it and receive interventions, if the public so want to intervene.

That is the purpose of my motion, Mr. Speaker.

**Mr. Speaker:** Is there any further debate?

The Honourable Member from Whitehorse North Centre.

**Hon. Mr. McKinnon:** Mr. Speaker, I have some rather lengthy comments, which I am sure will get into discussion on this Resolution. I think probably the best way to handle it, if I could move that the Resolution be moved into Committee of the Whole for discussion, Mr. Speaker.

**Some Members:** Agreed.

**Mr. Speaker:** Is there a seconder?

**Hon. Mrs. Whyard:** I second it.

**Mr. Speaker:** It has been moved by the Honourable Member from Whitehorse North Centre, seconded by the Honourable Member from Whitehorse West, that Resolution Number 3 be referred to Committee of the Whole.

*Motion agreed to*

**Mr. Speaker:** We will now proceed on the Order Paper to Public Bills.

#### PUBLIC BILLS

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

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

**Hon. Mr. Lang:** Next sitting day, Mr. Speaker.

**Madam Clerk:** Second reading, 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:** Next sitting day, Mr. Speaker.

**Madam Clerk:** Second reading, 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:** Next sitting day, Mr. Speaker.

**Mr. Speaker:** We will then proceed to Private Members Public Bills.

#### PRIVATE MEMBERS PUBLIC BILLS

**Madam Clerk:** Second reading, Bill 101, *An Ordinance Respecting the Legislative Assembly*, standing in the name of the Honourable 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*

*Mr. Speaker leaves Chair*

#### COMMITTEE OF THE WHOLE

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

We will have a five minute recess, following which we will continue to deal with the Electoral Boundaries Commission. Recess

**Mr. Chairman:** I call Committee to order.

The Electoral District Boundaries Commission Report. Ms Millard?

**Ms Millard:** Mr. Chairman, I would first like to note that I do not have a motion or an amendment, I thought that would be a nice positive way to start. I am in full agreement with this report. I think that in the discussion of the motion originally that it started to be Electoral Boundaries Commission, we were all in agreement with the principle of changing things so that there would be an opportunity allowed for native people to be represented in this Legislature. We agreed to that principle and I think we made a commitment to that principle, and I don't want to change that principle.

So, I feel that the Boundaries Commission has done a commendable job on the changes that they have done with that principle in mind.

Mr. Chairman, because it is an historical occasion for Old Crow, I would like to spend some time on the changes that have been made in that area.

I am especially proud of the acceptance of the idea that Old Crow should be its own constituency. I have been discussing this with the people of Old Crow for several years now, and there was real enthusiasm there for the idea, and there was real enthusiasm in Dawson and around the Territory, I presented a brief to the Boundaries Commission, which I think more clearly says than I can do at this moment the reasons

why I feel Old Crow should be its own constituency, and with your permission, I would like to quote from that brief, because I feel that it is such an historical occasion for Old Crow, that these things should be on the record.

In discussing the proposed Eagle and Forty Mile Districts, I said:

"From the report of the Standing Committee on Constitutional Development, and from debate issuing from a motion concerning the expansion of the number of members in the Yukon Legislative Assembly, it is clear that there is a great deal of support for allowing as much as possible, the participation of native people in our Assembly. In no other district is this as imperative and as important to Yukoners as a whole as in the district which will include Old Crow.

Old Crow has always been because of its physical isolation a homogeneous entity. The native people there are not associated by language or custom with any other native people within the boundaries of the Yukon Territory. They are related only to Fort Yukon, Alaska, and Fort MacPherson, Northwest Territories. Their communications in the past and still today, adhere to the river systems and they have no north-south connections, their orientation and language being based on an east-west connection.

Old Crow will be the first native area to settle its Land Claims and it will then be treated as an entity, not associated directly with other communities in the Yukon because of that uniqueness.

Government and other bodies, will deal directly with Old Crow, concerning settlement problems and solutions. It will be not only physically a separate entity, once Land Claims are settled there, but also an area which will be a unique structure in the *Land Claims Settlement Act*.

The Council for Yukon Indians has many times stressed the individual nature of the Old Crow area and that its Land Claims settlement will be special to that area. Old Crow is preparing itself to come into its new future, through Land Claims, but also through other means.

Presently, there are at least two candidates who have expressed an interest in running in the next Territorial Election".

And, by the way, Mr. Chairman, I would like to say that, in that regard, at the end of the month, three people from Old Crow are coming down to observe us and I will be giving them instruction over a weekend. They want to see us in action and I am hoping that we will be extending to them all the courtesies of the House.

"Encouragement of this display of interest in our democratic system is important to all of us, since we must particularly acknowledge and stress Old Crow's support of this one government system, in a time of deep questioning of that idea by native leaders.

Old Crow has organized itself, despite the disadvantage of extreme isolation from the rest of the Yukon, and lack of media communication, to act strongly in the native organizations and to participate in organized bodies such as the school committee and the recreation and amateur sports committee.

Old Crow deserves recognition of this support and faith in our white systems of decision making.

There is no advantage to Dawson City to have its north end attached to Old Crow, and even less an advantage for Old Crow to be attached to Dawson. The north end of Dawson no longer has all the native population of the

City, since they are now living in all parts of the community. The split of the north end of Dawson from the rest does not, therefore, encourage native participation.

As MLA for this district, I have experienced a totally different situation in the two communities of Old Crow and Dawson. The residents of the north end of Dawson, native and non-native, associate totally with the rest of Dawson, not with Old Crow. Any MLA for the area, which is not the present Ogilvie district, living in Dawson, and it can be easily predicted that the same would apply to any MLA elected for the district living in Old Crow, will find that it is most cumbersome to rely on telephones and letters for communication.

Very few trips of limited time can be made to the other area on the very limited constituency expenses budget allows, and even then the contact is not as efficient and successful as a member living in that same community would have.

It is probable that this will be the last boundary change for Territorial districts for some years. So we should take into consideration what the distant future might bring to these areas. It is my belief, based on years of experience in the northern Yukon that Old Crow will become an important centre in that area, because of land claims, but also because of mineral and oil exploration, because of transportation importance, and because of the tourism industry.

Their development possibilities should not be hampered at the Territorial level by tying them in with another part of the community which is at a different stage of development. Much is needed at present in Old Crow on a daily basis, in assisting the people to live with the pressures of our very different world, and to help them in making wise decisions for the whole community. This cannot be done satisfactorily by long distance or by infrequent and by inconvenient visits.

With the splitting of Dawson City as presently recommended by the Commission, Dawson takes the risk of having one representative from Old Crow, and one from Clinton Creek, and not have the "advantage" of two representatives. Having two members in residence at Dawson City is an overweighing of balance in favour of that City, as fine and deserving as that may be.

It is indeed a very debatable advantage. I do not feel, in my experience as MLA, that Dawson has gotten twice as much as other areas because of having two representatives. There has been, if anything, confusion on the part of local constituents, and confusion as to which member actually fairly displays the local attitudes at the Territorial level.

The admittedly selfish argument of the advantage to Dawson of the present boundary descriptions is not particularly true. I feel it would be better for Dawson City to assure us one certain representative, than a possible two.

There appears to be complete support from Dawson natives who I have contacted for separating from Old Crow. It appears that they recognize the advantage to natives as a whole in the Yukon for having a native from Old Crow on the Assembly, and also they appear to be aware that the percentage of native Dawson people, living in the north end of Dawson is not significant enough to warrant being separated from the south end of the City.

With Dawson associated in part with Old Crow, there is every likelihood that what happened in the last elec-

tion may happen again, a white person from the south end of Dawson may run and win.

The concept of community of interest and accessibility, as outlined in the Ordinance, clearly applies in this case. There are many significant reasons in favour of Old Crow being its own constituency, so that the problem of its small population must be waived to unite a community of common interests and close association without interference.

The concept is not new in Canadian electoral history, since Labrador recognizes its responsibility in almost the same manner, and the Northwest Territories are now being considered for division along community of interest lines.

Then I proceeded with recommending that Old Crow become its own constituency.

Apart from Old Crow, the report itself, I think, is commendable in other ways. It is about time that Stewart Crossing be joined with Mayo, since a lot of people work in Stewart Crossing who live in Mayo and you couldn't get a better community of interest than that. That has been recommended.

Also, the Campbell and Tatchun districts, I am very pleased with, as far as going along with the principle of native commitment. I think every effort has to be made by this House to include native people in our representation, but we cannot just rely on an electoral district boundaries change. That is not enough. There has to be other means. We have to, for instance, do things in the field of education, political education. We have to encourage administrative participation in this Government, by allowing native people to become trainees in our government system, and by any other means.

We have to show a sincere understanding of native developments and what is happening to them. We have to meet them more than half way. We have to have a commitment by this Legislature to support the native view and aspirations in this Territory. We don't have those things presently.

I think this Report is only one small step towards our maturity as a Legislature.

**Mr. Chairman:** Any further debate?

It has been moved by Mr. Lengerke, seconded by Mrs. Watson, that this Assembly concurs with the proposals outlined in the Report of the Electoral District Boundaries Commission established under the provisions of Section 4.(2) of the *Electoral District Boundaries Commission Ordinance* on May 12, 1977, by Commissioner's Orders 1977/80 and 1977/81 respectively.

*Motion agreed to*

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

*Recess*

**Mr. Deputy Chairman:** I call this Committee to order. We will proceed with the *Motor Vehicles Ordinance*.

*On Clause 102*

**Mr. Deputy Chairman:** Is it Committee's wish for witnesses to be in attendance?

**Some Members:** Agreed.

**Mr. Deputy Chairman:** All right, it was an oversight on my part.

I declare a brief recess.

*Recess*

**Mr. Deputy Chairman:** We now have with us Mr. Spray. Yes, Mr. Fleming.

**Mr. Fleming:** I am wondering about 4, Section 102.(4), where, "the Commissioner may, with respect to any school

zone playground,...prescribe a maximum speed limit less than that fixed by Section 149, but not less than 20 kilometres an hour". I think today, some of the zones now are controlled by ten miles an hour, are they not? I am just wondering why they changed to 20 kilometres, which would be more than that.

**Mr. Deputy Chairman:** Mr. Spray.

**Mr. Spray:** Mr. Chairman, 20 kilometres per hour is 12.43 miles per hour on a hard conversion. On converting to kilometres per hour, we are going in multiples of five, the next lowest would be 15, which would be 9.32.

**Mr. Deputy Chairman:** Mr. McIntyre?

**Mr. McIntyre:** Mr. Chairman, I wonder if we could have explained to us why, in this Section, we refer in 102 to a highway in subsection (2) to a Territorial highway, to subsection (3) in a Commissioner's highway, subsection (4) to a Commissioner's highway, and subsection (5) to a highway? And the same in (6) to a highway. What is the difference between all these different kinds of highways? They are all subject, all the highways in the Yukon, according to the *Yukon Act* come under the management and control of the Territory?

**Mr. Deputy Chairman:** Mr. Spray?

**Mr. Spray:** Mr. Chairman, it is my understanding that there are two different types of highways in the Yukon Territory outside of a municipality under the *Highways Ordinance*. One is that some highways are classified as Territorial highways; others are classified as straight highways. They are all subject to the control of the Commissioner within this Ordinance. That is quite correct, we could just use the term highway, as long as we are dealing outside the municipality.

I do not have a copy of the *Highways Ordinance* with me.

**Mr. Deputy Chairman:** Mrs. Watson?

**Mrs. Watson:** I also wondered about the same question. I wonder why they use the phraseology: "The Commissioner's highway, subject to his direction and control and management". All you have to say is highway as defined under the *Highways Ordinance*, wouldn't that be possible, rather than going through all that phraseology?

**Mr. Deputy Chairman:** Mr. O'Donoghue?

**Mr. O'Donoghue:** Mr. Chairman, I'm not just exactly sure what the question was because I missed the first part of it, but there are Territorial highways specifically set out in the *Highways Ordinance* and the Territorial highways are intended to mean the highways that the Commissioner operates and maintains, as opposed to other highways which are not maintained by the Territorial Government or are maintained by a municipality.

**Mr. Deputy Chairman:** Mrs. Watson?

**Mrs. Watson:** Mr. Chairman, I would like an answer to Mr. McIntyre's question, if he would repeat it for the Legal Advisor. I think it is very pertinent.

**Mr. Deputy Chairman:** Mr. McIntyre, do you wish to pursue that line of questioning?

**Mr. McIntyre:** Well, I was just wondering why there were these various types of highways designated, because in the *Highways Ordinance*, there is such a thing as a Territorial highway, and that means a highway within the Territory that is not under the jurisdiction of the municipality and is not privately owned, but does not include a service or frontage road contiguous to a Territorial highway.

But, in fact, it is a highway, under the direction, control and management of the Commissioner, as are all other highways, with the exception of the ones where he has delegated his authority to a municipality.

So, where you are dealing with the highways that the Com-

missioner is going to set speed limits, they would all be Territorial highways.

**Mr. Deputy Chairman:** Mr. Legal Advisor.

**Mr. O'Donoghue:** In one sense they are all Territorial highways, because they are under the jurisdiction of the Commissioner. In respect of subsection 2, they are intended to be, what we would call, main roads and they will have specific directions for traffic, different lanes occasionally, and so on.

In subsection 3, they are general highways outside municipalities and they would be subject to the normal maximum of, it used to be 50 miles an hour or 60 miles an hour, now it will be in kilometres, and it would be varied, then, by signs posted along the highway.

I am not quite sure why it is so detailed between subsection 2 and subsection 3, other than to try and establish it that way.

**Mr. Deputy Chairman:** Mr. McKinnon.

**Hon. Mr. McKinnon:** Mr. Chairman, I think that you are going to have to delineate by Schedule, those highways that you want to describe different minimum speeds for daytime and nighttime, for different periods of the year, for different traffic lanes on the highway, because, certainly, there is going to be a limited number of highways that will apply under that category and, for the rest of the highways, the generality of the section can apply.

Certainly, I think the Honourable Member from Mayo was right when he says that we are just playing with semantics when we go into Commissioner's highway, Territorial highway, and highway. I think that if we go to two categories, the ones which are main roads, that will be posted and have different rules and regulations outside of all the other highways, which are under the Commissioner's control also, that that is the only sensible way to approach it.

**Mr. Deputy Chairman:** Mr. Chairman, I think we are missing a definition of Territorial highway in this Ordinance, in any event. It is not in the definition section and it should be, because the definition is found in the *Highways Ordinance* and that definition should either be carried forward here, or, a specific reference made to it. The Territorial highway means a Territorial highway as defined in the *Highways Ordinance*.

So far as scheduling is concerned, it may be easy enough to schedule the Territorial highways, because they are specific highways which are maintained and operated in a certain way, but I don't think it would be possible to schedule the highways subject to the Commissioner's direction and control, because these are a multitude of highways and can go down to short-cuts across land. It would be difficult to schedule those.

**Mr. Deputy Chairman:** Mr. McIntyre?

**Mr. McIntyre:** Mr. Chairman, the Section 3 of the *Highways Ordinance* says the Commissioner has authority over all highways in the Territory so that whether on public or private land. So if you are going to say that he has that highway, subject to the direction, control and management of the Commissioner, comes under Section 3 of the *Highways Ordinance* that would mean, include highways on private land. So the whole section is pretty vague.

**Mr. O'Donoghue:** I won't answer that comment, Mr. Chairman.

**Mrs. Watson:** Mr. Chairman, is he going to have this reviewed?

**Mr. O'Donoghue:** Yes, Mr. Chairman, we will review it, together with these sections dealing with the *Highways Ordinance* and make sure that they are a cohesive and reasonable whole.

*On Clause 103:*

**Mr. Deputy Chairman:** Yes, it will be reviewed, Mrs. Watson.

*On Clause 104:*

**Mr. Deputy Chairman:** Mr. Berger?

**Mr. Berger:** Yes, Mr. Chairman, (d) and (h): "prescribing any equipment required and the types and uses therefor on vehicles or by drivers and passengers of vehicles.", and (h): "prescribing and requiring the use of devices and other means to prevent accidents or thefts of motor vehicles." Could those two subsections be used in the regulation making power of the Commissioner to enforce seat belts in this Territory?

**Mr. Deputy Chairman:** Mr. Legal Advisor?

**Mr. O'Donoghue:** I think so, yes, Mr. Chairman.

**Mr. Deputy Chairman:** Mr. Fleming?

**Mr. Fleming:** Mr. Chairman, it could be under 103.(2): "The Commissioner may make regulations prescribing standards of performance of vehicles and vehicle components which must be met and maintained." There is a Section in the Regulations concerning trailers and the standard of trailers, however, I think that is probably under the construction; 241 would be the standard, but there doesn't seem to be anything on a mobile home that says what kind of running gear should be under that home. In other words, what it is on. It just merely gives you the standard of the trailer itself, the construction of the trailer must be under that standard of CSA Standard Z241. I'm sure that's just construction.

I'm wondering why there is nothing there and it hasn't been enlarged to show what type of running gear you must have under the mobile home.

**Mr. O'Donoghue:** I do not know the answer to that question, Mr. Chairman. It does not appear to be covered by Section 103 or 104, as I see it. But, we will check through and see what the situation is.

**Mr. Deputy Chairman:** Mr. Fleming.

**Mr. Fleming:** Mr. Chairman, I have been through the Ordinance from one end to the other, and I have checked these. I do not think it is anywhere that it is clearly set out as to what type of a running gear you should have under a mobile home.

Mr. Chairman, if I may, it ...

**Mr. Deputy Chairman:** It may be in Section 105, the next section that we meet.

**Mr. Deputy Chairman:** Mr. Fleming.

**Mr. Fleming:** Yes, Mr. Chairman. Under...

**Mr. O'Donoghue:** At the foot of page 57.

**Mr. Fleming:** Describing the design and position of lights and reflectors to be used on vehicles.

**Mr. O'Donoghue:** Section 105, Mr. Chairman. Section 105.(1).

**Mr. Deputy Chairman:** We have not reached that point yet, Mr. Fleming.

**Mr. Fleming:** Pardon me, Mr. Chairman, didn't we read 104.(1) and to carry on, well, the 104(b), describing the design and position of lights and reflectors to be used upon vehicles".

**Mr. Deputy Chairman:** Yes.

**Mr. Fleming:** And I am wondering if, in all our wisdom, are we trying to go along with the other provinces, or our neighbouring province, for instance, driving into this country, with clearance lights and this type of thing, and I find in our Regulations, not in the Ordinance, of course, as I can never find anything in the Ordinance, but in the Regulations, that we are coming up with lights that we will need clearance lights almost all the way around a vehicle, and I do not think that B.C. regulations or ordinances call for this many lights.

I am wondering why we divert from that so many times, and have things of our own?

Another would be, in the Regulations, Section 45. (1) page 35, which comes under this Section again, mudflaps for a mobile trailer home. It doesn't say, really, whether you have to have mudflaps, but if you read that section, it infers that there is to be something to stop the mud and on a mobile home, which we know is out, probably, 20 feet behind a vehicle and away out the side of the wheels, there is no actual need of a mudflap whatsoever, but they have them stopped at the scales and have been picked up now for not having them and I am wondering why.

**Mr. O'Donoghue:** Mr. Chairman, I do not know about mudflaps. I just honestly do not know. The Regulations are supposed to cover trailers, they are supposed to cover such things as mudflaps, lights, and what have you, and, in Section 105, which we haven't come to yet, it says that we can make Regulations as to the operation on a highway of trailers and the lighting or other equipment being installed thereon.

I think that covers a multitude of sins in that sentence.

**Mr. Fleming:** Right on, Mr. Chairman.

**Mr. O'Donoghue:** Now, so far as the Regulations are concerned, we are attempting to be national in the sense that we are attempting, in our Regulations, to reflect no more severe, no more tough code of conduct on owners of either trailers or motor vehicles, than they have in B.C. and Alberta. We are just moving into the national scene and, if we had, by accident, put it in more severe than B.C. or the Yukon, it would be re-examined with that in mind.

**Mr. Deputy Chairman:** Mr. Fleming?

**Mr. Fleming:** Another question then, while I look for the one on the first question that I asked. On 104.(1)(i): "prescribing fees for licenses, permits and certificates required pursuant to this Ordinance or the regulations;" under the present regulations, Mr. Chairman, we have pilot cars coming into the Territory from BC and going through our Territory, and they merely have to pick up, I think, it's a business licence if I'm not mistaken, which costs about \$50, and they are in business.

I'm wondering why we have not got something in our legislation whereas we take over at our borders the pilot car situation, because they do have it in BC and these people are driving for approximately \$1 per mile, that's good money, and I find the Yukon is more or less out of the picture entirely due to the position we are situated in.

I had one more, Mr. Chairman, on the same thing, but I'll wait for another section. It will be repeated I am sure.

**Mr. Deputy Chairman:** Mr. Berger?

**Mr. O'Donoghue:** Mr. Chairman, pilot cars are controlled by the *Transport Public Utilities Ordinance* and the Member can take a crack at it, hopefully, in January. But there is an interchange so far as licenses are concerned for operating on a highway, the basic plates that a car purchases. But the reason there is an interchange between British Columbia, there is an interchange between British Columbia, the Yukon, Alberta and all the other Canadian provinces. It would be very restrictive if we stop a pilot car at the border, and did not allow him to use his plates, his normal plates, registration plates, in the Yukon. The question of doing business, as a pilot car, is a question for the *Transport Public Utilities Ordinance* to be debated.

**Mr. Deputy Chairman:** Mr. Berger?

**Mr. Berger:** Thank you, Mr. Chairman. Just a point of interest here, which the Legal Advisor told us here just now we are going to sit in January. I don't know how true it is, but I question the seat belts again, Mr. Chairman. Can we expect

Regulations on seat belts coming forth? All other provinces, have seat belt legislation. Is the Yukon going to be a good friend and come up with Regulations on that?

**Mr. O'Donoghue:** Mr. Chairman, that's really a question for the Honourable Minister to have the courage to answer.

**Mr. Deputy Chairman:** Mr. McKinnon?

**Hon. Mr. McKinnon:** Mr. Chairman, any decision on seat belt legislation will not be made in Executive Committee, but will be made in this House.

**Mr. Deputy Chairman:** Mr. Berger?

**Mr. Berger:** Mr. Chairman, as I pointed out before, there are two sections here under 104.(1)(b) and (h) already, and we are going to pass them if we pass the *Motor Vehicles Ordinance* empowering the Commissioner to come up with Regulations on seat belts. This was what my question was, Mr. Chairman, can we expect Regulations?

**Mr. Deputy Chairman:** Mr. Legal Advisor?

**Mr. O'Donoghue:** Mr. Chairman, the Honourable Minister already said and announced the fact the decision has in fact been taken. But if there is any suggestion that seat belt legislation should be introduced here, either in the Ordinance or in the Regulations, it will first be brought for a decision to this House. No attempt will be made to bypass the Government's decision in that regard.

**Mr. Deputy Chairman:** Mrs. Watson.

**Mrs. Watson:** Yes, Mr. Chairman, a couple of questions, I am looking at 103(i), "prescribing fees for licences, permits and certificates required pursuant to this Ordinance" also, "or the Regulations".

Surely to God you are not going to bring in fees pursuant to a Regulation. You know, it is bad enough when we do fees pursuant to an Ordinance.

**Mr. O'Donoghue:** I cannot really answer what is bad and is good, it is a matter of opinion, but, as the House knows, Mr. Chairman, it is the custom for all changes in fees to be considered out of a taxing nature and for the matter to be brought before this House before it is formally introduced, whether or not it is in the Ordinance or the Regulations.

There is no attempt being made to increase fees unknown to this House.

**Mrs. Watson:** Mr. Chairman.

**Mr. Deputy Chairman:** Yes, Mrs. Watson.

**Mrs. Watson:** There is no need for you whatsoever to have prescribing fees for licences, permits and certificates required pursuant to this Ordinance, period. Now, if you want to put in a section where you want to prescribe fees, you put it in the Legislation, then you can prescribe fees, but you are certainly not going to pin it in a Regulation that says that "pursuant to this Regulation the Commissioner may prescribe a certain fee". I have never heard of it. I don't think we should start leaving that in our legislation.

I would rather think that it was just a slip of the pencil or something. Section 104.(1)(i). A slip of the tongue or a slip of the pencil. I would hope.

**Mr. O'Donoghue:** Mr. Chairman.

**Mr. Deputy Chairman:** Yes, Mr. Legal Advisor.

**Mr. O'Donoghue:** I have no objection to it being regarded as a slip of the pen and having the words "or the Regulations" taken out.

**Mrs. Watson:** Yeah, okay.

**Mr. Deputy Chairman:** Mrs. Watson.

**Mrs. Watson:** Mr. Chairman, I have a little bit of a problem here on 103.(1), (2) and (3). All of this section, where we

can make Regulations prescribing standards and specifications for any vehicle or any equipment material to be installed or used in a vehicle", and providing for the identification and labelling, but I am more concerned about the standards and specifications for any vehicle or for any equipment.

The thing that bothers me, and in 3(2), again, "Any Regulation may adopt by reference", and I don't know what adopting by reference is, "in whole or in part, with such changes, any code of standards or specifications of any any equipment or material". Well, there you are going into a code, but the type of thing that we are saying 103(a), isn't there a great big danger that Government's right, standards and specifications, that are only met by one model. I don't whether I am making myself clear, that only one manufacturer brings forward a vehicle or a piece of equipment that meets full standards and specifications, isn't that a great danger for a government to be in?

**Mr. O'Donoghue:** Mr. Chairman, there is no question the Honourable Member is correct. It can happen with a difficult or rare piece of equipment, such as a specialist type of mobile crane, such as a Merryweather's fire engine, that one single manufacturer may be the only person who is producing, currently, that particular type of equipment. But the intention is not to deal with a single piece of equipment or single manufacturer's lines. This is the basic power given to the government to prescribe, by Regulation, a code of standards of general application. So that the power is given in subsection 1, what in fact will be done is reproduced in subsection 3. A regulation will be made by reference to, usually with the Canadian Standards Association code. If it passed this House we may have to prescribe a standard for seat belts.

We might have to prescribe a standard for chairs for children, which are carried, which may be dangerous. If could be airbags, if we got that far. It could be standards of tires, but, in each case, the standard to be adopted would be uniform, either with British Columbia and Alberta, or with Canada generally.

**Mr. Deputy Chairman:** Mrs. Watson?

**Mrs. Watson:** Mr. Chairman, we often hear where certain standards are written for fire extinguishers and this type of thing, that only one company makes. Therefore, we are almost writing a blank cheque for that company to make money when everyone has to buy that certain standard. This is the thing that I am objecting to.

**Mr. Deputy Chairman:** Mr. Legal Advisor?

**Mr. O'Donoghue:** Mr. Chairman, it can happen because of the special circumstances there may only be one manufacturer who is willing to produce standards which are valid in northern Canada and under the peculiar weather conditions that are found here. It would be exceptional as a risk, but with respect, Mr. Chairman, it is a risk which we have got to face.

**Mr. Deputy Chairman:** Mrs. Watson?

**Mrs. Watson:** Another thing then that comes to mind too. I don't why it happens that you hear of it time after time, where certain standards are written by a government for certain equipment, be it in a vehicle or in fire protection and so on, and the person who is buying that equipment has to invest a great deal of money and usually can't get it in the Yukon Territory. He has to go outside and when there isn't anyone in the Yukon Territory who can install it, and there isn't anyone in the Yukon who can maintain it.

So, you know, this is the type of thing we get into when we go into some pretty sophisticated national type of standards. I know of sprinkler systems and this type of thing that people had to, because of the Building Inspector, and the Fire Protections Regulations, had to install them, a certain kind. They had to, in order to do that, bring someone in from outside to install them, and then when something goes wrong you have to

bring someone in from outside to maintain them. Now we do the same thing with some of the heating plants in our schools.

Are we going to be doing this type of thing with codes of standards for equipment for vehicles? I don't know whether this is applicable here, but the sophistication that we are going into, I just wonder sometimes, we are forever raising these standards, we have got to keep at a national level. I just wonder sometimes whether it is that necessary to keep it at a national level, because we just have people who know how to maintain something here in the Yukon, then we change the rules again.

That section concerns me.

**Mr. Deputy Chairman:** Mr. McKinnon?

**Hon. Mr. McKinnon:** Mr. Chairman, it also concerns me, and I know that when we were going through this in Subcommittee on Legislation, I saw a list of the Regulations that were possible under this Ordinance. I knew, and stated, in that Committee that we were going to have a lot of fun with this type of regulation making process in the House knowing the feelings of Honourable Members.

When one looks at the Regulations, however, when they come to prescribing design and position of lights and reflectors, the standards change. Certainly that type of thing should not be cluttering up a piece of legislation. If you look at these regulation-making powers, there are in the technical field where standards could change and they are pretty well standardized across the country. The only thing that gave me some relief to the arguments that I knew that Honourable Members were making, that in the field of motor vehicles, it is probably in the area where whatever that Committee with the long name is, the Committee on Standardization of Provincial Legislation and Regulations that meets from the Maritimes through the central Canadian provinces to the Western provinces and the Northern territories, that they are probably further along in the standardization of legislation and regulations than in any other field, because of the great amount of inter-provincial and inter-territorial traffic.

So, if there is any, at least, assuaging of the fears that Honourable Members make, it is that not only is the North involved in it, but all of the provinces, including the smaller provinces, and our sister territory is involved in this type of legislation in the attempt to standardize, in the field of motor vehicles, across the country.

Now, I don't know just how far along that the Committee is in the total standardization of these areas and I would like to hear the comments of the Territorial Secretary of whether there is a move and how far along the different provinces are in the inter-provincial committee in the standardization of these Regulations and legislation across the country, taking into concern these smaller jurisdictions that are part of that committee.

**Mr. Deputy Chairman:** Mr. Spray.

**Mr. Spray:** Mr. Chairman, they are not to the point of standardizing because it is a voluntary matter on the part of each jurisdiction. They do come up with standards and recommended standards and recommended items to be put into the legislation, but, because each jurisdiction has problems such as the Yukon does, on moving too far, too fast, it is a voluntary matter as to whether or not we put it into our legislation. But the standards are taking into consideration the fact that you are dealing either with Newfoundland or Northern Quebec, or Northern Ontario, or the Northwest Territories, or the Yukon, and they are trying to keep the standards at a reasonable and yet safe level.

I must agree that, in these Regulation making powers, there is the problem that the Honourable Member raised, that we could possibly end up with a standard that could not be main-

tained in the Yukon Territory, and I would only state that we would hope to be able to be reasonable in bringing these regulations forward, as we have tried, but there is no point in putting in a regulation which may not be enforced, because there is no way of enforcing it if there is no way of maintaining the equipment or installing the equipment.

**Mr. Deputy Chairman:** Mr. Berger.

**Mr. Berger:** Mr. Chairman, in the 103.(1)(d), I would like to possibly get an explanation in "the providing of identification and labelling of such equipment and material or the containers thereof". What would that curtail, containers, what would that, it could be batteries, it could be gasoline, it could be fire extinguishers. What is really in mind in that section?

**Mr. Deputy Chairman:** Mr. Legal Advisor.

**Mr. O'Donoghue:** Mr. Chairman, it has reference to two things. One, it makes for easy inspection when containers are in storage and they can be checked. The second thing is that containers or of an integral part of a number of motor vehicles. The motor vehicle itself is merely a vehicle for moving the container around.

**Mr. Deputy Chairman:** Mrs. Watson.

**Mrs. Watson:** Okay, Mr. Chairman, the explanation on the standards was enlightening, but still very, very worrisome. I would like to ask Mr. Spray how does the Yukon stack up with all the rest of the provinces in the number of national standards that we have adopted, to date, and how many of these national standards do you hope to bring into effect in the new Regulations?

**Mr. Deputy Chairman:** Mr. Spray?

**Mr. Spray:** Mr. Chairman, we are behind many of the other jurisdictions in our standards right now. The necessary standards we are pretty well up to date with, the ones that we consider of high priority. The other standards we want to be able to phase them in as we are capable of administering them, administering the Regulations, and I would expect that as the Territory progresses in a manner which it is progressing right now, that at a guess of within five years, we should be on a par with our neighbouring jurisdictions.

**Mr. Deputy Chairman:** Mr. Berger?

**Mr. Berger:** Yes, Mr. Chairman, to go back to the standards again, with a question. Do all imported cars meet the Canadian Standards Association's requirements?

**Mr. O'Donoghue:** I wouldn't think so, Mr. Chairman. Imported cars from Europe do not sometimes meet the standards. Imported cars from America usually do, because the American standards tend to be moving more rapidly than the Canadian standards.

**Mr. Deputy Chairman:** Mr. Berger?

**Mr. Berger:** In other words, Mr. Chairman, this section could be used against imported cars, or we could possibly create a hardship on people owning vehicles like that?

**Mr. O'Donoghue:** It could.

**Mr. Deputy Chairman:** Mr. Spray?

**Mr. Spray:** Mr. Chairman, there is one other point, the reference was made to seat belts earlier, and it was stated that seat belt legislation would not be brought in except through this House.

It might be requested of the government to prescribe the standards for seat belts that are installed in vehicles and that are being used on a voluntary basis. The jurisdictions are having two standards: either prescribing the standard of seat belts that are installed in vehicles; the other legislation is making the use of those seat belts mandatory. I think the reference here was to mandatory seat belt legislation, but there is a possibility that we would be required to legislate or

make Regulations prescribing the standards for seat belts for those persons who wish to use them voluntarily, to ensure that they are safe.

**Mr. Deputy Chairman:** Mr. Lengerke?

**Mr. Lengerke:** Yes, Mr. Chairman, the discussion on standards is interesting, and I would like to hear further from Mr. Spray's mention that Yukon is behind in some areas. I would like to know what those areas are, because, certainly standards are usually required because of certain problems arising. What are some of the problems that we have been having in Yukon that will require an updating of the standards in Mr. Spray's experience with the provincial jurisdictions?

**Mr. Deputy Chairman:** Mr. Spray?

**Mr. Spray:** Mr. Chairman, could I take that one back to my office and bring back some details on it, please?

**Mr. Deputy Chairman:** By all means.

Mr. Berger?

**Mr. Berger:** Yes, Mr. Chairman, on the standards again, wouldn't it be better for this House and for the people of the Yukon to spell out what standards we are talking about, instead of giving such a broad power to the Commissioner and to the administration as we have it before us right now?

**Mr. O'Donoghue:** Mr. Chairman, the Honourable Minister already explained that point, that it is a highly technical document. It is rather like putting architectural plans into an Ordinance. Not only is it difficult to deal with, but it is difficult even to deal with changes in the future or describe them. Some of them consist of diagrams and what have you.

**Mr. Deputy Chairman:** Mr. McKinnon.

**Hon. Mr. McKinnon:** Mr. Chairman, my concern is who is going to? I am not capable. I do not think Honourable Members are probably capable, excepting those who have a long history in the transportation field, of making sure that any regulations brought in, under this Section, are ones that the public of the Yukon can live with.

I remember, when I first came on Executive Committee, and the regulations just go through, from the different Executive Committee members and their signed. I remember looking at this one, under the *Motor Vehicles Ordinance*, and I said, you know, there is something that just doesn't strike me right in that.

So the next thing, a week later, I was getting the calls from the people who were affected by the Regulation, made under that Ordinance, that had to do with fire extinguishers and it had to do with the size of fire extinguishers, and, they all thought it was a good idea, it was an idea and they had no complaint with the Regulation at all about a certain size truck having to have a certain size fire extinguisher available, you know, if they were delivering fuel oil or something like that. It just stands to reason.

So, anyway, when the Regulation came through, the fire extinguishers were so big that were demanded that you couldn't fit them in the cab and you had to put them outside, install them outside somewhere and all they did was freeze and were useless in the cold weather. So the whole intent of the Regulation was stupid because of the way the Regulation was worded, and yet, they had to abide by it or lose their licence on their truck and everything else.

So that is what really concerns me and worries me in the field of regulation, when they are promulgated, in something as extensive as *Motor Vehicles*, which affects so many people in the Yukon, is it possible that, prior to Regulations being promulgated in this field, that there can be consideration, at least can be the promise of government that these regulations would go to a committee that would be set up to examine them and study them and make comments and make advice.

I know that that is the way that I would do it if it was a department under my control. I would say that these were, you know, some kind of draft ideas that we were trying to incorporate and implement and see whether we could get the type of feedback that all of the various concerns interested in could live with. I think that, then, we would really be doing the people of the Yukon a service and doing all the Members of this House a service, too, by being able to come back and say, so and so and so and so, looked at the regulations, the extensive regulations under this Ordinance, and they have agreed that, if we go along this method, that they will be acceptable, workable, and liveable and are sensible in a Yukon context.

So, I think that before regulations were approved in Executive Committee, coming from the Executive Committee in charge, that would be the approach that I would like to see taken and, perhaps before it comes to that approach, we could get the commitment from the Territorial Secretary that that would be the way in which they would be approaching this very extensive set of highly technical regulations, that will be a part of this section of the Ordinance.

**Mr. Deputy Chairman:** Mr. Spray?

**Mr. Spray:** Mr. Chairman, these Regulations which are presented here with this Ordinance, are draft Regulations that were prepared by the staff in the Motor Vehicles office without the benefit of input from anyone outside of the Government service. Very definitely, before these Regulations are put forward to the Executive Committee, they will be checked against the standards of our neighbouring provinces to make sure that we are not imposing a standard which is not required in BC or Alberta for good and valid reasons, so that we would affect the traffic across the borders.

It will be checked with the RCM Police who are quite conversant and are experts on safety on the highways and we will clear it, or we will have discussion and input with manufacturer's agents and operators in the Yukon as to whether or not this sort of equipment is standard equipment or is possible to be obtained and maintained on vehicles.

I would also like to make the commitment that when it comes to these Regulations, we probably will have input from such associations as perhaps the Yukon Transportation Association which is an operating body and can look at them from the point of view of the people who actually have to operate the vehicles.

**Mr. Deputy Chairman:** Mrs. Watson?

**Mrs. Watson:** Mr. Chairman, this is fine and I can understand the position that Mr. Spray finds himself in. However, just speaking for society generally, whether, I guess I'm presumptuous for doing that, maybe I am speaking for myself, but I think we are just creating our own death knell in many instances. We can't afford ourselves soon.

As I mentioned this morning, the building, the price of a building when up by 15 per cent from last year because the Federal Government changed the standards in their Regulations for heating systems, and this is the type of thing that goes on and on.

The standards for building material, the standards for our vehicles, they are forever being upgraded, and really, we don't really know whether they are better standard, whether they serve as well, and it's a bunch of dummies sitting around the table like us who get sold on something and approve it. That happens time after time.

By Regulation it is done, it is done at the national level by Regulation, well, it is almost sometimes a continuation of their own self-preservation of their own self-being, and it's an absolute ridiculous thing, the requirements that we make. There have to be certain standards I'm sure. But I think we have gone absolutely overboard on this. You can look at your

own home where you have got projectors obsolete, they don't make the films that size any more, they don't make the reels. We have got tape recorders, perfectly good, we can't get a reel. It's obsolete, they changed the standards. This is the type of thing, we are changing standards for certain reasons, because other provinces bring it in. Why do other provinces bring it in: because someone sold them on it, and this type of thing. It goes on and on.

How far do we go? I don't think we are going to change it with our motor vehicles, but I would certainly like to see some control on our Regulations and I would certainly hope that before standards are changed by Regulation that it would be possible to have the Regulations as draft Regulations go to our Committee, or even to every member, if they don't do their homework on it, that's tough, but at least let us know what is going on.

*On Clause 105*

**Mr. Deputy Chairman:** Mr. Berger.

**Mr. Berger:** Section 103.(1), Mr. Chairman. Just a question to Mr. Spray. How is this particular section handled in other provinces?

**Mr. Spray:** Mr. Chairman, if it is questions regarding the prescribing of the standards, it is handled by Regulations.

**Mr. Berger:** What I meant, Mr. Chairman, was, how is the legislation laid out in other provinces, the same way or is it spelled out, what regulations the Minister can make concerning the standards of the *Motor Vehicle Ordinance*.

**Mr. Deputy Chairman:** Mr. Spray.

**Mr. Spray:** Mr. Chairman, I don't know in all provinces. I do know that in some of the jurisdictions the regulation-making powers, such as this, are not as specific and not as detailed as we put into our legislation. They are much broader and more general in nature.

**Mr. Deputy Chairman:** Mr. McKinnon.

**Hon. Mr. McKinnon:** Mr. Chairman, in Alberta, the Lieutenant-Governor in Council may, makes the regulations in all of these classes, including, surprisingly enough, Mr. Chairman, fees pursuant to regulations.

*On Clause 105*

*On Clause 106*

*On Clause 107*

*On Clause 108*

*On Clause 109*

*On Clause 110*

*On Clause 111*

*On Clause 112*

*On Clause 113*

*On Clause 114:*

**Mr. Berger:** Mr. Chairman, you need a rest. On 113.(4) it is quite common now, in the foreign vehicles to have yellow headlights, coloured headlights, I wonder why it was thought that it had to be necessary to be white headlights. Could there be an explanation for that please?

**Mr. O'Donoghue:** It is standard to have white headlights, Mr. Chairman. Auxilliary lamps under certain conditions can emit yellow fog beams, and there may be variations of this colour, but it is standard in Canada to require the two front headlamps to be white.

**Mr. Deputy Chairman:** Mr. Berger?

**Mr. Berger:** Mr. Chairman, I think this issue is before you now. In the Yukon it is quite common to have bubbles over the headlights, would that be outlawed now, under this Section?

**Mr. O'Donoghue:** No, Mr. Chairman, they are supposed to be colourless, when they are clean.

**Mr. Deputy Chairman:** Mrs. Whyard?

**Hon. Mrs. Whyard:** Mr. Chairman, the problem I have with this Section, which I have discussed with the Registrar and got very little satisfaction, which is not his fault, is that if you are driving a compact vehicle, which is low to the ground, there is no way that you can have your headlamps at that height above the ground in your car, and furthermore there is no way to avoid having the lights and headlamps of pick-up trucks and highway vehicles hitting you in the eye. I don't know how you would regulate the height of headlamps, that would be a satisfactory way for all vehicles.

We worked this out and did some scientific tests and the compact I happen to own and drive just doesn't comply. There is no way I am going to be able to avoid getting hit in the eyes by every pick-up driver on the highway, Mr. Chairman.

*On Clause 115:*

*On Clause 116:*

*On Clause 117:*

**Mr. Deputy Chairman:** Mrs. Whyard?

**Hon. Mrs. Whyard:** Mr. Chairman, could we be advised whether or not these requirements are part of the manufacturer's specifications for such instruments or equipment of self-propelled husbandry, self-propelled implements of husbandry, because otherwise how is every farmer going to comply with these Regulations? Are these actually the conditions under which they are manufactured and equipped?

**Mr. Deputy Chairman:** Mr. Spray?

**Mr. Spray:** Mr. Chairman, the units that are equipped with headlamps from the manufacturer, or which may be equipped subsequently as auxiliary units, are subject to being set at different levels, as are the headlamps on any car. They may not be set at these levels when they come from the manufacturer, but they are capable of being so adjusted, and the problem with headlamps on the highway hitting or striking an on-coming driver in the eyes is more from a lack of proper adjustment than from the heights at which they are installed in the vehicle.

When you load a vehicle, you alter the configuration of the lighting, and your vehicle may have the lights adjusted at the right level, when it is unloaded; when you load it, it then alters that adjustment. All vehicles are capable of having the lights adjusted to meet these specifications.

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

*On Clause 118*

*On Clause 119*

*On Clause 120*

**Mr. Deputy Chairman:** What about the indicator lights, Mr. Spray.

**Mr. Spray:** Mr. Chairman, the indicator lights at the rear of the vehicle should also be red.

**Mr. Deputy Chairman:** I believe they are amber.

**Mr. Spray:** The front lights are quite often amber.

**Mr. Deputy Chairman:** And red also?

**Mr. Spray:** But the rear lights should be red.

**Mr. Deputy Chairman:** Okay.

*On Clause 121*

*On Clause 122*

*On Clause 123*

*On Clause 124*

**Mr. Deputy Chairman:** I will declare a brief recess.

*Recess*

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

*On Clause 125:*

*On Clause 126:*

*On Clause 127:*

**Mr. Deputy Chairman:** Mr. Berger?

**Mr. Berger:** Mr. Chairman, I would just like to ask a question on 110.(1)(n)(o) and (p), those three sections, were they put in at the request of the Y.A.M. or was it a necessity to control bicycles in municipalities?

**Mr. Deputy Chairman:** Who are you directing the question to, Mr. Berger?

**Mr. Berger:** Mr. Spray, Mr. Chairman.

**Mr. Deputy Chairman:** Mr. Spray?

**Mr. Spray:** Mr. Chairman, if this was with reference to bicycles in a municipality, we did not receive a direct request from the Yukon Association of Municipalities. We have put these in as provisions for the municipalities because they are currently using, or having bylaws restricting the use of bicycles on the highways.

*On Clause 127*

*On Clause 128*

*On Clause 129*

*On Clause 130*

**Mr. Deputy Chairman:** Mr. Berger?

**Mr. Berger:** Mr. Chairman, two questions. On 129, on engine brakes, I mean there is nothing mentioned in here about engine brakes, like lots of large trucks have, diesel powered trucks have. I wonder why?

The other question was on 130. My understanding of the way I read it now, a car or a truck can have a gong or bell as a horn. Is that right, or do I interpret this wrong?

**Mr. Deputy Chairman:** Mr. Spray?

**Mr. Spray:** Mr. Chairman, on the first question, we are only in this Ordinance dealing with service brakes, unless we reach the point of Regulations requiring special engine brakes on other vehicles. On Section 130 we stipulate that it must be equipped with an adequate horn, gong or bell to warn persons of the approach of that vehicle.

We do not specify that the truck must have a horn. It may have a gong or it may have a bell, if that is considered adequate.

**Mr. Deputy Chairman:** Mr. Berger.

**Mr. Berger:** Mr. Chairman, it may have sounded funny, but the thing is on dump trucks and large equipment, in some other jurisdictions, it is required to sound a gong when you back up in those things. I wonder if this is what really was meant by this type of writing?

**Mr. Spray:** Mr. Chairman.

**Mr. Deputy Chairman:** Yes, Mr. Spray.

**Mr. Spray:** As much as I would like to say, yes, we took that into consideration, that really was not our intention when we drafted the Ordinance. It was that any horns, gongs, or other devices that the vehicle is equipped with would be considered adequate for whatever purpose they required, and if it is necessary to have a special signalling device on a truck, in such circumstances, it would be considered legal, under the Ordinance.

On Clause 131

**Mr. Deputy Chairman:** Mr. Berger.

**Mr. Berger:** Yes, Mr. Chairman, on this Section 131, the whole Section doesn't say anything about emission control, but, under Section 103.(1), we are giving the Commissioner power to put in the regulation, emission control, and I wonder if there is any thought given to that?

**Mr. Deputy Chairman:** Mr. Spray.

**Mr. Spray:** Mr. Chairman, we have not provided regulations governing emission controls. The most common type of regulation would be a prohibition against removing or disconnecting the emission controls from the engine. We have not considered, in the Yukon Territory, making these regulations.

On Clause 132

On Clause 133

On Clause 134

**Mr. Deputy Chairman:** Mr. Fleming.

**Mr. Fleming:** Yes, Mr. Chairman, this is the one I was a little concerned of before and I am just wondering if it shouldn't be clarified a little bit more, unless, it is in the Public Service Vehicles, somewhere, that a mobile home that is being drawn, wouldn't necessarily need mudguards or not need mudguards, or a device to stop the splash.

**Mr. O'Donoghue:** Mr. Chairman, the language of the last two lines of that subsection appear to make it clear. That if the wheels are located sufficiently far forward from the back, a mudsplash or mudguard is not required.

**Mr. Deputy Chairman:** Mr. Fleming.

**Mr. Fleming:** This is not my concern, Mr. Chairman, because I have been informed that they have been stopped and been ordered that they must put on mudguards, on the wheels, in the Yukon Territory, by some people.

**Mr. O'Donoghue:** Perhaps, we have no knowledge of that. It depends on a judgment, really. If the wheels are exactly at the rear of a vehicle, then they require mudsplashes. If they are situated about two feet forward, then they would not.

On Clause 135

On Clause 136

On Clause 137

**Mr. Deputy Chairman:** I have one question there, Mr. Spray, on that question of windshield. "Every motor vehicle, except a motorcycle, moped or a snowmobile, shall be equipped with a windshield". Is it not mandatory for windshields for snowmobiles?

**Mr. Spray:** No, Mr. Chairman, it is not.

On Clause 138

On Clause 139

On Clause 140

On Clause 141

**Mr. Deputy Chairman:** Mrs. Watson?

**Mrs. Watson:** Why 141.(1) and (2)?

**Mr. Deputy Chairman:** Interesting question, Mrs. Watson.

**Mr. Spray?**

**Mr. Spray:** Mr. Chairman, a motor vehicle that is equipped with a television set is one that is designed to have a television set in it. A vehicle which has a television set in it is one that is not so designed. We are referring here, actually, to motor homes, that may not be designed for television sets, but one is installed in that motor home. It is an awkward phrasing perhaps, but we are at losses to know how to word it, in order to

catch actually all possibilities.

**Mr. Deputy Chairman:** Mrs. Watson?

**Mrs. Watson:** Mr. Chairman, would this mean that you can't drive on the highway in your camper if your camper is equipped with a television set?

**Mr. O'Donoghue:** Subsection (3) takes care of that, Mr. Chairman, over the page.

**Mr. Deputy Chairman:** I will just complete this section.

**Mrs. Watson:** Then, actually, the prohibition because it is a distraction, I wondered if it was a technical thing. It's a distraction of the driver if there is a T.V. set on in the vehicle.

**Mr. Spray:** That is the purpose of this section, Mr. Chairman, is to avoid distracting the driver whilst he is operating the unit.

**Mr. O'Donoghue:** Mr. Chairman, he would only be able to drive during the period the ads were on.

**Mr. Deputy Chairman:** Mr. Berger?

**Mr. Berger:** Yes, Mr. Chairman, I was just wondering about this, there are a very few luxury cars that actually do arrive in the Yukon, and I don't know of any luxury cars in the Yukon that have a television installed, but there are cars running around with television in the back seats, and I was wondering how they do it, or how it is taken care of?

**Mr. Spray:** Mr. Chairman, according to the way we have worded this Ordinance, they would not be able to operate on our highways if they were so equipped.

**Mr. Deputy Chairman:** Yes, Mrs. Watson.

**Mrs. Watson:** Why not subsection (2). It says no person shall operate a television set in a motor vehicle while the vehicle is upon a highway. That certainly doesn't mean that the driver can operate if it is in the backseat.

**Mr. O'Donoghue:** As the Ordinance is worded, Mr. Chairman, if they have this James Bond type of car, has a television set in the backseat as part of its equipment, then it would be unable to operate legally because it would be breaching subsection (1) of that Ordinance, whether it is switched on or not.

**Mr. Deputy Chairman:** Mr. McKinnon.

**Hon. Mr. McKinnon:** Mr. Chairman, this is just completely impractical because it is not a James Bond type of thing anymore. You throw the attachment in your cigarette lighter and throw the five inch set over the backseat and you have got television in the backseat and it doesn't distract the driver anymore than the radio or anything. In fact, it is less distracting because it probably keeps the brats quiet while you are driving along.

There is no reason at all why that vehicle should not be allowed to operate while that television set is operating in the backseat. I think the thing that we are trying to do is make sure that the guy who is driving the car is not fiddling with a T.V. set at the same time he is suppose to be paying his total attention driving the car.

As it stands now, you would not be allowed, if such an operation was in effect where there was a small portable T.V. in the backseat operating off of you twelve volt battery, through your cigarette lighter, which is surely not the intent of this Section.

**Mr. O'Donoghue:** Mr. Chairman, subsection (2) can be eliminated and "motor vehicle" can be put into subsection (3) and the two can be squeezed up. The effect then would be that if subsection (1) is let stand, it cannot be permanently equipped with a television set but a person can have a television set in the backseat provided the driver cannot see it.

**Mr. Deputy Chairman:** I was just wondering, Mr. Legal Advisor, why we just have it for television, what about CB

radioes and whatever else, they can create a distraction.

**Mr. O'Donoghue:** This Ordinance has been, at least a year in preparation. CB radioes hadn't become that common.

*On Clause 142*

**Mr. Deputy Chairman:** We now go to Part 11, Rules of the Road.

*On Clause 143*

*On Clause 144*

*On Clause 145*

*On Clause 146*

*On Clause 147*

**Mr. Deputy Chairman:** Mr. Berger?

**Mr. Berger:** Yes, Mr. Chairman, I was wondering if under Section 102, the Commissioner could prescribe a higher speed under the Regulations? It doesn't say thing. Ninety kilometres an hour is 55 miles per hour, and I think I have to speak for myself, but there are hundreds of the people in the Territory right now driving small cars which they cannot use, if we go on with the 90 kilometres an hour to fourth and in some cases to fifth gear. The manufacturer makes those things conserve energy and gas. But here, by prescribing 90 kilometres per hour, the engine has to be kept at a certain r.p.m. and is usually around 4,000 r.p.m. which usually goes up to between 60 and 65 miles an hour.

I am wondering if those things were taken under consideration or did we only think of large North American made cars?

Don't I get an answer, Mr. Chairman?

**Mr. O'Donoghue:** Mr. Chairman, if the Member is asking, was a thorough discussion on analysis of the speeds made by the government before the Bill was in its final form. The answer to that question is yes.

**Mr. Deputy Chairman:** Mr. Berger?

**Mr. Berger:** Mr. Chairman, I am prepared to make a motion to strike out 90 kilometres per hour and replace it with 100 kilometres per hour.

**Mr. Deputy Chairman:** Mr. Lang?

**Hon. Mr. Lang:** Mr. Chairman, the way I presently understand it, that the Alaska Highway is presently 60 miles an hour, as opposed to Territorial highways which is 55 miles an hour, and what we are attempting to do is to bring the speed limits to one common denominator which we felt was applicable in the Yukon to be 90 kilometres, and at the same time, it should be noted that we are investigating the possibilities of the Yukon becoming involved in the insulation program that is being provided by the Federal Government to the various Provincial and Territorial Governments. This is one of their criteria, that they put down for the conservation of energy, is that the speed limit should be at a rate which they feel is applicable for the conservation of energy at 55 or at 90 kilometres per hour.

So, there are some other reasons for trying to get it down to 55 miles, 50 miles per hour, or 90 kilometres per hour. At the same time, I don't know what 100 kilometres would put us at, but I can imagine it would put us well over 60 miles an hour. Would it not? I'm not too sure what 100 kilometres comes out to.

**Mr. O'Donoghue:** Just over 60, Mr. Chairman.

**Mr. Deputy Chairman:** Mr. Berger.

**Mr. Berger:** Yes, Mr. Chairman. The thing is I don't buy this business. I said right at the beginning, because legislation came from another province, is not necessary it has to be good legislation. If the Federal Government hasn't got guts enough to stand up to the manufactured cars and insist on them mak-

ing the cars appropriate with legislation they are going to prepare, let us not blame the consumer for it. Let us not put the onus on the consumer to say, well, you have to have such and such car. They are not made that way.

I am driving a car, for example, which has a fifth gear in it, which is an overdrive, and I can conserve more gas in the fifth gear, than I can driving in third gear, yet, if I use the fifth gear I am breaking the law. This is the whole argument about it.

There are lots of cars on the highways these days and the legislation is not considering these people. We are putting the onus on the people, not on the manufacturers of the cars.

**Mr. Deputy Chairman:** Mr. Lang.

**Hon. Mr. Lang:** Thank you, Mr. Chairman.

I would just like to reiterate one point in respect to the possibility of the Insulation Program applying to the Yukon. This is one of the criteria that would have to be applied to to become eligible for that particular program.

It is my understanding that, approximately in the area of about 200 homes would be applicable for the first part of that program, but this is one of the criteria that has been set down. So, I think all Members should be aware that if we are going to make ourselves available of that program, which we are investigating at the present time, this is one of the criterias that would have to be followed, in respect to becoming eligible for that particular program.

**Mr. Deputy Chairman:** Mr. Berger.

**Mr. Berger:** Mr. Chairman, what has insulation have to do with the speed on the highway? I mean, it is ludicrous and ridiculous.

**Hon. Mr. McKinnon:** Mr. Chairman, there were two or three criteria that were laid down, Mr. Chairman, excuse me, by the Federal Government, if the provinces or the territories could take advantage of the Home Insulation Program that gives you a rebate of a certain amount of money, providing your home is 120 years old or more to start with. Anyway, there is all the whole ball of wax, that these are all the criteria, all the rules, specifications and regulations that you have to follow, the provincial government and the individual, to take advantage and be eligible for this grant from the Federal Government for doing insulation for your home.

One of them is that you cannot have the speed limit over 90 kilometres per hour, or the province or the territory is not eligible for any individual receiving these grants. And you say, what is the logic to that? I agree with you. I don't know what the hell the logic is, but that is one of the criteria that has to be set down and accepted by the government if they want to enter the insulation program.

As the Honourable Member says, there are so many homes, I think, that very few in the Yukon that were constructed before 1945, I think it is, 1941, which is the first date eligible and every year, or every so many years, then it brings up that date. It goes to 50 or to 55 or to 60 or to 65, so, eventually, somewhere along the line, most of the homes in the Yukon will be eligible, perhaps never, depending upon, once again, Federal Government's logic, eligible for a grant for further insulating your home

So, I would be much happier with 100 kilometres per hour. I think it's much more sensible than being in the area of 60, as we were on the Territorial highways than on the Alaska Highway. It's just a point that has to be made, are we going to try to meet the criteria for the home insulation program, or are we going to say to hell with it. It doesn't bother me either, and go up to 100 kilometres per hour.

**Mr. Deputy Chairman:** Mr. Fleming?

**Mr. Fleming:** Yes, Mr. Chairman, that has something to do with in this Ordinance, and in this Section, I might just

follow it myself. I hope we never see the program. So, I would concur with the Honourable Member from Dawson, I would put this to 100 kilometres per hour just so we couldn't see the program, so the Federal Government couldn't get involved.

**Hon. Mr. McKinnon:** Mr. Chairman, I would suggest that we would bring in the criteria for the home insulation programs, so that all members can see where we meet at present, where we don't, where people can take advantage, where they can't. It's rather an interesting little piece of blackmail on behalf of the Federal Government. I think that all members should be aware. Right back to the question, what does this have to do with the home insulation program? I could do this, you get that, that's the way it is.

**Mr. Deputy Chairman:** I might add that I have the same difficulty as the member from Klondike, that I have a machine that cruises at 65 miles per hour, and saves a considerable amount of energy.

**Hon. Mr. Lang:** Mr. Chairman, are you admitting that you have been breaking the speed limit as it stands today?

**Mr. Deputy Chairman:** If White Pass & Yukon can do it, so can I.

*On Clause 148*

*On Clause 149*

*On Clause 150*

*On Clause 151*

*On Clause 152*

*On Clause 153*

*On Clause 154*

**Mr. Deputy Chairman:** Mr. Berger?

**Mr. Berger:** Mr. Chairman, I don't know what the Committee about it, but I look to page 121. We actually are running a driving school by reading out this section by section here, and I think with the concurrence of Committee, Mr. Chairman, you should read out the Section numbers.

**Mr. Deputy Chairman:** If that is the concurrence of Committee, I have no objections. Agreed?

*On Clause 154*

**Mr. Deputy Chairman:** Mr. McIntyre?

**Mr. McIntyre:** I wanted to ask the question about 153. Mr. Chairman, there are a number of roads in the Territory that don't permit driving to the right of the centre line of the road at all times. For instance the Duncan Road, as you know. On the Fish Lake road, in many places you can't drive continuously on the right hand side of the road, and this Section makes no provision at all for the country lane type of road, which we have so many of in the Territory. Why isn't some provision made for that here?

**Mr. Deputy Chairman:** Ms Millard.

**Hon. Mr. Lang:** Mr. Chairman, it is my understanding that the provision is made in (f), "that no person shall drive to the left of the centre of the highway, except upon a one way highway". Doesn't that take that into account?

**Mr. Deputy Chairman:** Mr. McIntyre.

**Mr. McIntyre:** But a one-way highway is one in which you can only proceed in one direction.

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

**Mr. Spray:** Mr. Chairman, the point is well taken and I think we could look at 153.(1), and add in a saving clause that, you know, when possible, the roadway or the highway is so designed for two way traffic, or two traffic lanes, then no person shall drive to the left of the centre line, except of situations.

*On Clause 154*

*On Clause 155*

*On Clause 156*

*On Clause 157*

*On Clause 158*

*On Clause 159*

*On Clauses 160 through 164*

*On Clauses 165 through 168*

**Mr. Chairman:** The business of the Committee is suspended.

*Mr. Speaker resumes Chair*

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

I know that there are strangers in the House, may the strangers at this time withdraw?

May we have a report from the Chairman of Committees?

**Mr. Hibberd:** Mr. Speaker, in the deliberation of the Committee of the Whole, there not being a quorum present, we reverted to the standing of the House.

**Mr. Speaker:** I see at this time, that there is a quorum in the House. May we have a further report of the Chairman of Committees?

**Mr. Hibberd:** Mr. Speaker, it is my understanding that if there is not a quorum present at the time, then the roll was to be called. We could then revert to Committee.

**Mr. Speaker:** If this is the wish of the House, I am wondering if the Clerk would now poll the House?

**Mr. Clerk:** Mr. McKinnon.

Mrs. Whyard.

Mr. Lang.

**Hon. Mr. Lang:** Here.

**Mr. Clerk:** Mr. Berger.

Mr. McIntyre.

**Mr. McIntyre:** Here.

**Mr. Clerk:** Mr. Hibberd.

**Mr. Hibberd:** Present.

**Mr. Clerk:** Mr. Fleming.

**Mr. Fleming:** Here.

**Mr. Clerk:** Ms Millard.

**Ms Millard:** Here.

**Mr. Clerk:** Mr. Lengerke.

**Mr. Lengerke:** Here.

**Mr. Clerk:** Mrs. Watson.

**Mrs. Watson:** Here.

**Mr. Clerk:** Mr. McCall.

Mr. Speaker, there are seven Members present.

**Mr. Speaker:** May we then now have a Report of the Chairman of Committees.

**Mr. Hibberd:** Mr. Speaker, Committee of the Whole have adopted Motion Number 1, respecting the Report of the Electoral District Boundaries Commission and directed me to report same.

Committee of the Whole have considered Bill Number 1, the *Motor Vehicles Ordinance* and directed me to report progress of the same.

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

**Some Members:** Agreed.

**Mr. Speaker:** Leave is so granted, may I have your further pleasure?

The Honourable Member from Whitehorse Riverdale?

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

**Ms Millard:** I second that, Mr. Speaker.

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

*Motion agreed to*

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

*Adjourned*