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Speaker: The Honourable Donald Taylor

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

We will proceed at this time with Prayers.

Prayers

Mr. Speaker: Before proceeding with the Order Paper this morning, I would like to draw the attention of the House to the presence in the Speaker's Gallery this morning, of five distinguished members of the Parliament of Canada. They are: Walter Dinsdale, MP representing the riding of Brandon-Souris; Robert Holmes, MP, Lambton-Kent; Doug Neil, MP, Moose Jaw; George Whittaker, MP, Okanagan Boundary, and Erik Nielsen, MP of our Yukon.

These Federal members comprise the Progressive Conservative Caucus Committee on Constitutional Development for Yukon and have travelled here in order to have discussions with your Standing Committee on Constitutional Development for Yukon.

I am sure all Honourable Members will join me in extending our well wishes to our visitors and every success in their endeavors.

Applause

ROUTINE PROCEEDINGS

Mr. Speaker: Are there any Documents for Tabling?

The Honourable Member from Whitehorse West?

TABLING OF DOCUMENTS

Hon. Mrs. Whyard: Mr. Speaker, pursuant to Section 37.(1) of the *Interpretations Ordinance*, I have for tabling, a report on regulations issued from June 7th, 1977 to October 12, 1977.

Also, Mr. Speaker, I have for tabling, a Report on Health Conditions in the Yukon Territory 1976 prepared by the Yukon Region of Medical Services, Health and Welfare Canada.

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

Reports of Committees? Petitions? Introduction of Bills? Notices of Motion for the Production of Papers? Are there any Notices of Motion or Resolution? Statements by Ministers?

This then brings us to the Question Period. Have you any questions?

QUESTION PERIOD

Mr. Speaker: The Honourable Member from Hootalinqua.

Question re: Housing Corporation in Teslin Area

Mr. Fleming: Yes, Mr. Speaker, a written question to the Minister of Education, re Housing Corporation in Teslin area: what, to date, has been paid out in wages on repair work to these homes this year? What, to date, has been spent on material for the work this year? Could the Minister give me a breakdown on each of the ten low-cost rental homes and also the staff housing?

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

Question Re: Production of Papers as promised in Throne Speech

Mr. Hibberd: Mr. Speaker, I have a question for any Member of the Government Bench who is able to answer this question. The Throne Speech was delivered now almost two weeks ago and, in that Speech, we were promised Green Papers on housing strategies, on land development, on rent

stabilization; White Papers on the *Workmens Compensation Ordinance*, on the delivery system for the 1978 Artic Winter Games, and Green Papers on the production of "Debates & Proceedings", home manufacturing on gambling, on decentralization, and on the Territorial Water Board.

Mr. Speaker, to my knowledge, only two of these have been now tabled and I am asking the Government Benches when these other papers will be introduced, so that we can get on with the business of the House.

Mr. Speaker: The Honourable Minister of Education.

Hon. Mr. Lang: Mr. Speaker, in respect to the areas concerning the housing development strategy and also the rent stabilization, and the land development area, the Minister of Local Government made a statement in the House here approximately three or four days ago, stating that we had had expertise from outside over last weekend, to examine all these areas and, presently, the paper is being developed and will probably be tabled in this House within, I would think, within the next two weeks for consideration.

It is a very important area. We have been doing every thing we can to expedite things, but, at the same time, we feel we should be looking at all the options open to us.

In respect to the Artic Winter Games delivery system, that White Paper will be tabled Monday morning.

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

Hon. Mr. McKinnon: Mr. Speaker, I believe one of those papers is under my portfolio responsibilities. I already have informed the House, I would hope that that would have been available this week, but I intend to work at it over the weekend, which is about the only time that I can find possible and put a huge mass of material which I presently have on my desk into a green paper situation, and have it as close to the beginning of next week as possible, and I certainly would be prepared to find out from the other Executive Committee members who have the responsibilities for the other papers that were promised in the speech, a deadline and a timetable of when those members who are not present in the House expect to have those papers tabled.

Mr. Speaker: The Honourable Member from Kluane?

Mrs. Watson: Mr. Speaker, a supplementary question to the Minister of Local Government.

Why then was not the calling of this Session delayed for two weeks so that the government could have the business that they wanted us to deal with ready for our consideration?

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

Hon. Mr. McKinnon: Well, Mr. Speaker, I have found no problems with the Committee and the House dealing with matters which are already before them. We are going through the *Motor Vehicles Ordinance*. I know that the Honourable Minister responsible for Health and Welfare wants to get on with the *Workmen's Compensation Ordinance*, which is going to take some length and some time, as soon as possible, because she is desirous of getting some of the legislation changed to further benefits for people under her responsibility. So I can't see where in any instance the business of this House has been delayed at this time. Mr. Speaker.

Mr. Speaker: The Honourable Member from Hootalinqua.

Question re: Maintenance of Annie Lake Road

Mr. Fleming: Yes, Mr. Speaker, a question for the Member of Local Government, Minister of Local Government: on the Annie Lake Road, all I am wondering is if there has been any monies from, such as mining concerns in that area, been turned over to the Government for maintenance of,

help in maintenance of the road, in the past year?

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

Hon. Mr. McKinnon: The answer is no, Mr. Speaker, there are no mining companies who pay any monies to the Territorial Government for the maintenance of any road throughout the Yukon Territory, that I know of.

Mr. Speaker: The Honourable Member from Kluane.

Question re: Taxable Property Tax Assessments

Mrs. Watson: Yes, Mr. Speaker, I have a written question for the Minister of Local Government. What fee for assessment services has the Government of Yukon received from each of the municipalities for the taxation year 1976 and 1977? What was the taxable property tax assessment for each of the municipalities for taxation year 1976-77 and what will be the taxable property tax assessment for the municipalities of Dawson and Faro, for taxation year 1978?

Mr. Speaker: The Honourable Minister of Human Resources.

Hon. Mrs. Whyard: Mr. Speaker, two days ago the Honourable Member from Klondike asked a question regarding why this Department was sending threatening letters to children and I would like to inform the House, Mr. Speaker, that the two people involved in the question are teenage residents of Dawson City, who were employed during the summer on summer jobs, and therefore had their Medicare premiums paid by their employer. However, when their job situations ended, they neglected to inform, either through their employer or through their family or through their own volition, our Health Care Insurance Plan office.

Therefore, if you do not notify, Mr. Speaker, of change of circumstances, your change of address, you get lost by the computer and, in the normal course, after payments are not paid for a period of time, you receive a letter. Mr. Speaker, I would like the opinion of all Members as to whether or not this is a threatening letter, if I may read it into the record.

This is the form letter which goes out to all people who are in arrears on Medicare payments:

"You are hereby notified that the amount of outstanding premiums for which you are liable pursuant to Section 24, has been calculated at so much for the period so and such. You are required to remit the aforementioned to the Administrator of the Yukon Health Care Insurance Plan within five days of receipt of this notification. Your remittance may be mailed to the Administrator, Box 2703, Whitehorse, Yukon, or delivered to the Plan office in the Yukon Territorial Government Administration Building, corner of Hanson Street and Second Avenue, Whitehorse, Yukon.

Failure to make payment as required could result in proceedings under the provisions of the *Health Care Insurance Plan Ordinance*. In the event you wish to discuss this matter, please feel free to contact the writer by telephone at 667-5312, or in person at the Territorial Government Administration Building. Please disregard this letter if you have recently paid the above amount. Yours truly.

Mr. Speaker, I submit that is not a threatening letter. Mr. Speaker, all members will have noticed probably in their own home areas that there is a recent determined attempt on the part of our Inspectors to take action on unpaid Medicare premiums.

Mrs. Watson: Is this an answer to a question or are we having a Statement from a Minister?

Mr. Speaker: Perhaps the Minister could complete her report.

Hon. Mrs. Whyard: Are you saying so, or is Mr. Speaker saying so?

Mr. Speaker: Order, please. Perhaps the Minister could briefly answer the question at this time.

Hon. Mrs. Whyard: Well, Mr. Speaker, it is very tempting to go on because it involves the Honourable Member from Kluane, but I shall sit down at this time and give you a written statement later. Thank you, Mr. Speaker.

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

Mr. Hibberd: Mr. Speaker, I have another question regarding the transfer of health care to the Territory. It would have been a supplementary yesterday but for our condensed question period. The Minister stated yesterday that the federal officials now are in the process of putting together a package to offer to these employees for their transfer. I understand, Mr. Speaker, that this package is to be ready for employees' consideration around the middle of January and that an answer is expected some three weeks later.

Earlier this year, Mr. Speaker, these same employees were guaranteed a four month period by which they would have to consider this offer. In view of this much telescoped period to consider the offer, Mr. Speaker, I am wondering if there is any delay being considered in the transfer of Health Care?

Mr. Speaker: The Honourable Minister of Human Resources?

Hon. Mrs. Whyard: Mr. Speaker, I don't know where that information comes from, but it doesn't jibe with what I am hearing. In the first place, Mr. Speaker, it was the Yukon Territorial Government who said they must have five months time to prepare for and activate the transfer from the Federal Department to this government after we got the green light that it was going to go ahead. That was our condition.

I don't know what conditions the Federal Government imposed on their employees, nor what the employees were told, Mr. Speaker. They are not my employees. Secondly, I do not know where the date of January whatever for presentation of their job offers from this government came from, because that is not my understanding either, Mr. Speaker. The Public Service Commissioner of this government is now engaged this week in final talks with the Public Service people from the Federal department, and I certainly am assured that the offer will be made prior to January. I don't know today exactly what date that package will be ready.

I would hope to know by the end of this week.

Mr. Speaker: I should advise the House that, in view of the timeframe set aside for the replies to the Speech from the Throne, that, perhaps we will receive two more questions and proceed.

The Honourable Minister of Education.

Hon. Mr. Lang: Mr. Speaker, I have a Legislative Return, in answer to a question asked by the Honourable Member from Pelly River, concerning an accident at the Cyprus Anvil Mines.

Mr. Speaker: The Honourable Member from Whitehorse Riverdale.

Question re: NCPC Debt Retirement

Mr. Lengerke: Yes, Mr. Speaker, I have a question, this morning, for the Commissioner, and it involves the last, or most recent, visit to Yukon by the Minister Hugh Faulkner. We did have an opportunity, at that time, to question the Minister, and I questioned him with respect to the NCPC matter and the matter of debt-retirement.

I am wondering if the Minister did give our Commissioner any further information, with respect to what the Federal

Government will be doing, with regard to that matter.

Mr. Speaker: To whom is that question directed?

Mr. Lengerke: To the Commissioner.

Mr. Speaker: Mr. Commissioner.

Mr. Commissioner: Mr. Speaker, I am afraid I cannot give anymore answers than the Minister gave himself to the Members of this Legislature when they met, with regard to Northern Canada Power Commission.

Mr. Speaker: Are there any further questions?

The Honourable Member from Whitehorse South Centre.

Question re: Daycare Facilities

Mr. Hibberd: Mr. Speaker, I have another question for the Minister of Human Resources. In the Lysyk Inquiry, much was made regarding the daycare situation here in the Yukon. It is stated in that Report, Mr. Speaker, that the daycare facilities that are now present, will be inadequate to take care of the impact of the pipeline. It also states that there is a necessity that these daycare facilities be available well ahead of pipeline construction.

I am wondering, Mr. Speaker, whether anything has been done to meet these demands?

Mr. Speaker: The Honourable Minister of Human Resources.

Hon. Mrs. Whyard: Mr. Speaker, as all Honourable Members know, this Department came in some two years ago with funds in that year's budget to offer a subsidy proposal for parents, working parents, using daycare centres and, unfortunately, this was rejected at the time, by the Yukon Child Care Association, and also by one Honourable Member of this House, Mr. Speaker, who maintains that if any plan is implemented to subsidize working parents, the mother who stays home should get the same subsidy. We haven't quite solved that one yet, Mr. Speaker.

However, in the past year, we have been working even more closely with the Yukon Child Care Association. In fact, the President of that group has been working out of our office in the Welfare Branch, organizing workshops for daycare, with the assistance of our staff, and trying to come up with another proposal to this Government, which would solve some of the outstanding and long-standing financial problems of these daycare centres. I am completely sympathetic with their approach, Mr. Speaker, and I will do all I can to influence this House, if and when that proposal is made to me, that funds should be made available in order to avoid some of the serious problems we know result from lack of such centres.

We have said, at the Lysyk Inquiry, as the Honourable Member referred to, that we must benefit by the mistakes made by our neighbour in Alaska, and that is one of the most sensitive areas which they drew to our attention.

I would like to assure the Honourable Member, Mr. Speaker, that I am expecting some kind of a plan to come forward from the Yukon Child Care Association, very soon.

Mr. Speaker: All right, at this time we will now proceed to Replies to Speech from the Throne.

The Honourable Member from Whitehorse Riverdale?

REPLIES TO SPEECH FROM THE THRONE

Mr. Lengerke: Thank you, Mr. Speaker. I just am thankful for the privilege of being able to reply to that particular address.

Mr. Speaker, I had hoped that the Speech from the Throne would have provided Yukoners with a sense of direction, a feeling that their needs were being looked after. I am convinced, Mr. Speaker, that for a few moments on listening to

the Commissioner, that many people thought the situation of Yukon's future was well in hand.

I do not totally believe that is the case and that what can be done is being done. I am now convinced, more than ever before that Yukon needs leadership. I am convinced, Mr. Speaker, that leadership will not be witnessed from the present government or from the present Legislative Assembly if we continue as we are.

Leadership does not come from individual loud and long outcries of past performances and previous promises. It does not come from continually being able to criticize the Federal Government and pushing blame. It does not come from using the excuse that action cannot be taken because someone won't let us do it, or by displaying the performance of nit-picking just for the sake of making noise.

Leadership comes from a quiet and continual attack on an issue. It comes from action that is not distracted because of a few obstacles, and above all, it comes when you recognize the wishes and desires of people, a sense for their immediate concerns and the ability to display some action or attempt to do something about it.

Leadership comes by using the tools at hand. Mr. Speaker, even in our ridiculous and unexcusable dark century situation of being a colony to Ottawa, we do have some tools, and we must use them more effectively.

What's wrong? I believe there is no plan, no Yukon dream, if you like, no strategy for the future, for the economic and social future in what we want or what we are going to try to achieve for Yukon. There is no collective commitment.

Mr. Speaker, when I review the Speech from the Throne, I see some window dressing about the pipeline, but very little with respect to other matters pertaining to Yukon's long-range future. I believe action has been suggested, but not committed to in detail. No detailed solution or action with respect to the citizens' immediate concerns.

Certainly the pipeline issue is only a small part of the scheme of things, and when I witness the kind of situation that we see now on waiting for the other guy to do it, I am not happy. I like the days when there was at least some commitment to where we are going, the days when we were prepared to go to Ottawa with facts and figures, when we already convinced the bureaucrats of our position, and then the job of informing the Minister was very easy. The days when most green and White Papers were prepared and signed for submission to the Assembly before opening day and not two or three weeks after.

Mr. Speaker, the Address from the Throne did not tell us anything significantly new or lend direction other than to what most Yukoners were already aware of. Certainly as a result of the speech, more questions are being asked. Maybe that is good. However, the absence of definite answers to those questions about matters under Yukon control is disturbing.

Most Yukoners supported the pipeline proposed, because they knew it would be generally good for Canada. Second, they felt it would provide Yukon with a renewed economic social and constitutional thrust. It would provide an upgrading of our present infra-structure and a new thinking about, and appreciation of, our role as Yukon in Canada, a genuine opportunity, allowing all Yukoners to participate in its future, and, above all, a way, if planned and directed right, Mr. Speaker, to ensure a quality of life just a bit unique to other areas of our country.

We must insure, on their behalf, that those desires are being met to the best of our ability.

The Government says that we are going to have a Yukon presence to protect our interests on pipeline discussion. We are going to expand the pipeline co-ordinator's office with a community liaison officer. We endorse a one window agency

in the area of federal regulatory and licence functions. We are going to create a Yukon community advisory group, to a regulatory agency.

These measures are all fine and desirable, Mr. Speaker, and it is excellent that they have been identified, but, what is the timeframe? In other words, when will they occur and are they not all dependent on the Federal Government's decisions?

My concerns, Mr. Speaker, are the immediate wishes of the Yukoners, as expressed recently on numerous occasions.

Responsibilities that are under the Government's jurisdiction, which have not been provided for specifically, or in detail. An example is the pipeline impact information centre for all Yukon. Sure, the Government is working on it, so they say, but details should have been ready for our consideration for its immediate establishment, and operation of such a centre. This would ensure our citizens that we are listening to them.

Another pipeline related matter is the Heritage Fund. Surely, by now we could have details on this important subject. I certainly would welcome a proposal suggesting that the fund be set up on the basis of at least 65 per cent of the tax revenue that is going to accrue to Yukon from the prepayment of property tax levied on the pipeline. In other words, Mr. Speaker, an initial commitment for \$130 million of the \$200 million, would go to a fund, the purpose or use of which could be identified or decided upon at a later date. At least the citizens of the Yukon would be guaranteed that that amount would not go towards the expense and the not-required establishment of some Federal department or the expansion of a Federal department, under the guise of being pipeline-related and working for Yukon.

Mr. Speaker, perhaps we then could consider and ask the citizens of Yukon for the support in using such funds to create a Yukon Hydro Authority or a Yukon Telephone Corporation. Just a thought, or, perhaps, a plan for the future.

Mr. Speaker, I would be untruthful if I said that the present Executive Committee are doing a good job. I do not think they are. Individually, yes, but not collectively. I firmly believe they are not providing the firm direction they are capable of, as a majority, an elected majority to the present Executive Committee, headed by the Commissioner.

I recognize the constraints of the system under which they operate, but I am not convinced the right approach, with the available tools, is being used, or that they have a pre-determined strategy for Yukon's future.

I know, however, that there is a unanimous accord, with respect to Yukon's constitutional development, or fully responsible government. Perhaps this is all that is required, when one thinks of the benefits to be gained from such a step alone.

Mr. Speaker, in conclusion, I can only say that had I the opportunity to influence the writing of the Speech from the Throne, that I would have included some specific details, not only with respect to the establishment of the Pipeline Impact Centre, and the Heritage Fund, but this Assembly would have been asked immediately to approve the appointment or nominate a fourth elected member to be responsible for those matters of transportation, mining, economic growth and planning, tourism, parks, you name it, native affairs, regardless of what the Minister of Indian Affairs says.

I believe we do now possess the ability to pay an individual such as this, and he or she could be an asset in helping carry out the ever increasing work load. I realize that he wouldn't be on Executive Committee, but my gosh, the Commissioner can have assistance, why not our Ministers?

In addition, information would have been provided with respect to the following: details of a proposal to establish a working committee with the native people of Yukon to deter-

mine their goals or desires for economic development, both pipeline and non-pipeline related so that they can fit into the scheme of things or the total strategy for Yukon's future. Certainly land claims and constitutional development must go hand in hand and we must be ready with our plan.

Details with respect to the work completed in connection with the Federal Department of Manpower, Foothills Pipeline and the Yukon Labour Federation, for a manpower assessment and a Yukon hiring policy. The feasibility of hydro generated electrical energy to power pipeline compressor units and a draft agreement between the Yukon Government and NCPC and Foothills ensuring such a program. I know this was mentioned the other day, Mr. Speaker. Commitments for the supply of natural gas to Yukon communities, the proposals, the proposed prices, and the schedules, details of YTG involvement to encourage Kaiser Aluminum in the proposed establishment of an aluminum smelter in Yukon. I believe, Mr. Speaker, that they have made an attempt to liaise with the Territorial Government and not much response has been forthcoming on that matter.

As the Honourable Member from Kluane asked, establishment of the Shakwak Highway project headquarters in Haines Junction, details as to the scheduling and type of upgrading to the amount of \$30 million for the Alaska Highway. What contracts are to be called and the details of the work to be completed and initiated this coming year.

Mr. Speaker, at the top of Two Mile Hill, the re-development of the intersection up there to accommodate the increased traffic from Porter Creek, Hillcrest, Crestview, the new developments that are soon to come and must be in place; land development, further to the Hillcrest and Wolf Creek development in Whitehorse, but also other recognized centres of Yukon, most certainly those affected by the pipeline; a report on the Dempster Highway study; the impact on the caribou herd, the progress to date, the results of the extra manpower and money that were required; a planner incentive program to encourage, more so today, the mining exploration activity by individual prospectors and companies and a schedule of mining developments that might be, or should be encouraged by the government on the deceleration of the pipeline project.

Potential of year-round operation of the Skagway Road, with respect to freight and tourism, pipeline-related. A preliminary plan for balanced regional growth within Yukon and a strategy to accomplish this by encouragement of decentralization of certain government departments, and the use of economic measures or incentives. Provision of additional public housing, under the Yukon Housing Corporation. Some innovative programs, Mr. Speaker, to commence this Spring. Where, what, how?

Details as to the funding and incentive for establishment of a recreation complex in Whitehorse and satellite facilities in other Yukon centres, methods by which this can be done and accomplished, leadership from YTG, details of representation to the Federal Government for opening up of new lake frontage lots and new general recreation areas, campgrounds.

Mr. Speaker, these are the type of things, or subjects, that need attention now. We must decide so that budgets can be prepared and submissions made. Items, in my estimation, that should be in the Message from the Throne, now. To me, they are part of a plan, an overall strategy, to accomplish the things I have in mind for Yukon. They must be initiated so that the facilities and work that is required will be in place at the commencement of the pipeline project, if we are to ensure the people of Yukon the least adverse impact and the most benefit from a pipeline project, in our overall quest for a controlled economic and social improvement in Yukon.

Thank you.

Mr. Speaker: The Honourable Member from Pelly River.

Mr. McCall: Thank you, Mr. Speaker.

I am not going to run through a prepared speech, Mr. Speaker. I think many of my colleagues have stated our general feelings on many, many issues that are facing us in 1977, prior to a major project which is on the horizon.

As most of my colleagues know, last week, Mr. Speaker, you might say I came out of my corner, with my sleeves rolled up for a very specific reason. The Speech from the Throne, Mr. Speaker, in my humble opinion, is a sad state of affairs, when we give a mandate to three of our colleagues and the Federal Government of this country appoints a person as a Chief Executive Officer, display the total ignorance to what the people in the Yukon are looking for, as far as guidance, from their Government.

When we were given the Speech from the Throne, Mr. Speaker, I think, when I had the opportunity to study it afterwards, I find many inconsistencies with present day problems. I think when the Speech was put together by the Executive Committee, they missed one of the main ingredients, that is recognizing that wasting time only escalates the major problem that we are going to have in a couple of years time.

I will be making reference as I go through my remarks to the Speech from the Throne, Mr. Speaker. The first one I would like to talk about for a moment is, item four it says, and I quote: "the Yukon Territorial Government attaches considerable importance to the early, if not immediate, establishment of the agency since there is an urgent need for the co-ordination of policy development." I do not see the Executive Committee, Mr. Speaker, coming down with a dead set decisive recommendation. I think they must have been sitting on quicksand when they wrote part of the Speech from the Throne.

I go further, Mr. Speaker, and make reference to the following: "We are co-operatively working to develop a manpower delivery program. Guidelines for regional hire policies." Isn't that a shroud, Mr. Speaker? Isn't that a cover-up. Isn't there something more sinister behind that, Mr. Speaker? Like creating a program which would screen Yukoners that are working presently so as to restrict their movement if they wish to go work on the pipeline. Think about it, Mr. Speaker.

"The creation of a Department of Manpower in the Yukon Government will be timely in this regard." I don't think it is necessary. Just another bureaucratic arm, Mr. Speaker. Just another point of ignorance. Give your responsibilities to somebody else, let them worry about it.

Let's go on a little further, Mr. Speaker. It says "A review of all existing Statutes has been undertaken to determine what additional legislation is required. As an initial result of this review, several major pieces of legislation were found to be lacking in their ability to dealing effectively with the pipeline's impact." Mr. Speaker, I say to you that when we have finished this session, they will still be lacking that ability. I say that the legislation that is presently before us is just housekeeping. Nothing.

As you know, Mr. Speaker, we are dealing presently with the *Motor Vehicles Ordinance* and the many suggestions in that piece of legislation to increase the creeping vine in the bureaucracy in this government.

We should be considering regulating it, before it gets out of hand. I do not see that in the Speech from the Throne, Mr. Speaker.

Let us go down to another piece of legislation, the *Labour Standards Ordinance*. As you know, Mr. Speaker, I got a commitment from the Minister of Local Government in the

last Session, that he would try and provide this House with a complete overall consideration of the present *Labour Standards Ordinance*. What we had, Mr. Speaker, presented to us, was an insult. Completely and totally irresponsible of this Government, to present a piece of legislation, which would be law, or would have been law, without any proper input from industry or from the working person.

And yet, Mr. Speaker, our Executive Committee has the audacity to stand in this House and support that type of material.

We go down to Workmens Compensation. "The *Workmens Compensation Ordinance* has been redrafted to insure that Yukon provides the same level of benefits as neighbouring jurisdictions and that provisions of our Ordinance are consistent with those of neighbouring provinces." Well, I wish they were, Mr. Speaker. We would be far better off, but they never will, because, Mr. Speaker, when this Government looks at a piece of legislation, whether it be from Alberta, Newfoundland, British Columbia or whatever, we always make sure to take out the main ingredients, before they present you with the recipe.

The *Workmens Compensation Ordinance*, Mr. Speaker, many years ago, was due for a complete overhaul, in many areas. One of them is the way they handle coroner's inquests. If you look in other Workmens Compensation legislation from the provinces, it is very, very well covered. But what have we done, Mr. Speaker.

Let us stop deceiving the public of the Yukon. This *Workmens Compensation Ordinance* has never and will never be consistent with other provinces, because of the lack of the ingredients.

I would like to know, Mr. Speaker, just where is the momentum that our Executive Committee had once upon a time? I know they do not display it in the Speech from the Throne.

It seems to me that the wind has gone out of the sails. It seems to me they are just playing for time, Mr. Speaker. They seem to be gaining a lot of experience in convincing the public that they are not doing anything wrong. They are doing a lot wrong. It might be a good opportunity, Mr. Speaker, perhaps to see if this government has any confidence at all in the short period of time we have left to perhaps change some of the direction we are going.

I would like to read a section of the Lysyk Report, Mr. Speaker. This is dealing with health and welfare and social impact:

"Efforts to identify social problems requiring new solutions would be seen as a low priority in the face of pipeline demands. To lose these initiatives for the entire three year construction phase would have serious long term consequences. Services that are, at present adequate to meet local needs may deteriorate in quality to be jeopardized during the construction phase. Both the Yukon Government and many private citizens and organizations voiced their concern for maintaining at least the status quo of education, health services and social services programs. The failure to implement planned programs, but to continue the search for new responses to difficult social problems, the elimination of unproved new programs, and the reduction in the quality of existing facilities and services will have serious consequences that cannot be quantified.

Negative impacts of the sort described above will fall most everly on the long term Yukon resident. Persons living here before construction, and all those making their homes here afterwards will be the ones who feel the effects of the stinting, long-term programs in favour of crisis management."

That is what we have here, Mr. Speaker. The Executive Committee is displaying in the Speech from the Throne: crisis management.

Yes, Mr. Speaker, It is a shame, it's a sham. We all know, Mr. Speaker, that we have, this is our last Legislative Session that we have, and we are going to be held responsible for our failure to represent the people in the Yukon.

Thank you.

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

Mr. Hibberd: Mr. Speaker, this session, the Eighth Session of the Twenty-third Wholly Elected Assembly of the Yukon Territory, opened on November 5th with an air of expectancy.

Just one year ago, the economic climate in Yukon was not good. The mood could best be described as one of uncertainty. There have been several crippling strikes, there was no capital expenditure of note.

The policies of this Government appear to be characterized by such phrases as "solidifying our position and tightening our belts". There was no significant economic expansion on the horizon and we were exposed to the reality of an unstable and fragile economy.

But all this has now changed. Now, for better or for worse, the construction of a link between the gas fields of Alaska and the consumers to the South, stands to drastically alter our economy. This one single development will undoubtedly have considerable effect on our way of life.

To many, the benefits of this pipeline are seen as the boom which will not only save a sagging and fragile economy, but also will stabilize that economy. For these people, the future looks bright.

To others, however, this commercial giant is picture as the ogre which will destroy our unique and independent lifestyle.

Added to this, Mr. Speaker, there is an increasing number of us who are uneasy about the potential damages this project could have if its social and environmental effects are allowed to go uncontrolled and unchecked.

It was in this aura of apprehension that this Session opened. A great deal was expected of the Speech from the Throne and of the ability of this Assembly to cope with the massive intrusion into all facets of our society. It remains to be seen whether we can cope with this challenge.

The first step in that direction was taken with the Throne Speech. I view that first step as an optimistic but somewhat empty proposal. On the positive side, the Government has recognized some of the issues and has made some attempt to meet them head on, but, on the other hand, the Throne Speech, in itself, raises many more questions than it answers.

The problem of the funding for special socio-economic impact expenditures is discussed. We are told that an impact fund will be available for use ahead of pipeline construction and that there will be no increased tax burden for Yukon residents.

But actually all that is said here, Mr. Speaker, is that there will be increased expenditures resulting from the socio-economic impact of pipeline construction, and that these expenditures will be paid for from property taxes, which would normally accrue to this Government.

It would appear that we have merely been granted permission to borrow money, which we must pay back, to cope with the detrimental effects of this pipeline construction.

There is no gift here, there is no bonus. We are just granted permission to spend our money to save us from a social and uneconomic annihilation from the destructive effects of this

pipeline.

We are told that only these expenditures legislated by this Assembly will be paid out of this fund. However, one should be reminded that this Assembly cannot initiate any expenditures of public funds. Under the *Yukon Act*, only the Commissioner has the power to introduce legislation to spend any of the public money, and the Commissioner is a Federal employee, acting under the direction of the Federal Minister.

From this, it would appear that the Federal Government will remain the sole authority for directing how these funds are to be spent.

Mr. Speaker, we are told that there will be no increased tax burdens imposed on Yukon residents. I do not agree. We are all aware that there will be heavy additional expenditures to meet the problems associated with the project.

These costs are to be met from public revenue in the form of property taxes. This does represent a direct increase in the tax burden for Yukon. It is only mitigated by an increased ability to meet these costs by the taxing of a new corporate citizen.

There is a further problem posed by this loan, Mr. Speaker. If we are to use these funds, then we must pay interest on the loan until the tax revenues become available to repay it. What interest are we to pay on this loan, Mr. Speaker? How much of our increased property tax revenue will be eaten away by these interest payments? I would suspect that most of the golden egg will be consumed simply to pay interest charges on the loan. This may prove not to be a benevolent fund for Yukon, but rather a millstone around the neck of Yukoners for decades to come.

One further comment on socio-economic impact expenditures, if we do become the recipient of the funds to offset the harmful effects of the pipeline construction, will this source of money be construed by Ottawa as a means whereby a conventional deficit funding from Ottawa can be reduced.

As I see it there will be sharply increased burden imposed on many departments of this government by the project. This fund is proposed as a means to offset this extra burden, but will these funds also be used to assist other expenditures of these departments? Will they be used for normal operating expenditures? Can we have some sort of guarantee that this will not happen?

In summary, Mr. Speaker, one wonders why we should put up with pipeline and its attendant problems, when all the revenue generated by the pipeline may be consumed in merely coping with having the pipeline here.

Mr. Speaker, we are told there is to be a plan for government reorganization, including the introduction of two new departments. We are not yet privy to what reorganization is being planned, but I would add a note of caution. The taxpayers of this Territory are very apprehensive of the ever increasing size of their government. They wonder, and so do I, if the needs of government could not be served just as well without forever increasing the size of government. It is not merely the growing tax burden that is disturbing, important as that certainly is, but also as government grows it becomes more remote and less accessible to the citizens which it serves. We in the Yukon are here because we chose to get away from an overbearing and over-governed society outside. Let's not create the same monster here.

Mr. Speaker, we are all acutely aware that the Yukon has arrived at a crucial time in its economic and constitutional evolution. As a forerunner to a full cabinet system, there is now in place the Executive Committee concept of government. This Executive Committee system should now provide the framework by which the challenges of an economic boom and social upheaval can be met and dealt with.

I ask myself, Mr. Speaker, whether this government, in both its executive and legislative arms, is ready to accept that challenge. In Yukon, the success of the executive arm is dependent on the ability of the Chief Executive Officer, the Commissioner, to work in harmony and in trust with the elected members who serve on that embryo cabinet. The Commissioner's extension of the federal presence here in Yukon and under our present constitutional dilemma, he represents the ultimate authority in government.

He is appointed and he is employed by Ottawa. He is not responsible to us, but rather, to the Federal Minister.

The elected Executive Committee Members, on the other hand, represent the classical democratic presence, here in Yukon. They are elected and they must answer to this Assembly and, ultimately, to the voters of the Territory.

But these elected representatives also share major administrative and policy-making responsibilities. As such, it is crucial to the effectiveness of good government, that the Commissioner and the elected Executive Committee members work together in an atmosphere of mutual trust and co-operation. From such an arrangement, there should flow the necessary legislation to meet today's needs.

Mr. Speaker, judging from the legislative package presented to us so far in this Session, I seriously question whether the system is working. I do not doubt my Executive Committee brethren when they say they have to go with the Federal Government to overcome its inertia and apparent disinterest, but I do wonder how well they are able to meet today's challenge, when they are unable to answer adequately so many of the questions posed to them in this House.

I wonder how well they are being informed, when I hear pronouncements made in Ottawa, and these same questions cannot be answered on the floor of this House.

I wonder, Mr. Speaker, whether the representatives of the Department of Indian Affairs and Northern Development, including our Commissioner, are willing to share their responsibilities in developing territorial policies and legislation, with the persons elected for that purpose by the voters of this Territory.

Is the Department, including the Commissioner, truly interested in responsible government for Yukon? I wonder, and I doubt it.

My doubts are reinforced when I see these Members of this Assembly sitting opposite me, unable to deliver policies for Yukon participation in this pipeline project and, indeed, in many other areas of government responsibility.

Mr. Speaker, the elected Executive Committee members are in an untenable position. They have taken their Oath of Secrecy and I commend them for the loyalty to that Oath, but that Oath serves, as much as anything, as a gag. I would really like to offer them a challenge. How much of what they tell us is government policy devolved on them from Ottawa, and how much of what they tell us is the guts and principle of what they believe.

I am suggesting, Mr. Speaker, that, in my opinion, the Executive Committee form of government is not working well. Once it did work. In the continuing constitutional evolution of the Territory, it has served its purpose, but no longer. As long as we have a federal presence here, receiving dictatorial instructions from Ottawa, and as long as that presence here is unwilling or unable to entrust full responsibility to the duly elected Members on his council, then responsible government will remain at a standstill.

In that atmosphere, all Yukoners, including the elected representatives in this Assembly, will not have an effective voice in forming the laws that will govern this land through the crucial years ahead.

There is a solution, Mr. Speaker. We can have effective government here in Yukon. There are two things necessary to achieve that end. The first issue has been recognized in the Second Report of the Standing Committee on Constitutional Development. I am referring to the terms of reference, under which our Commissioner operates. He is bound by, and must follow the directive of his Minister. If that directive were altered so that the Commissioner was obligated to act on the advise and consent of the Executive Committee, then we would have taken a major step forward to responsible and representative government.

The next step, of course, would be to have an elected chief executive officer, who would be directly responsible to the voters of this Territory and who is not bound by outside instructions. An elected Commissioner would then function as the head of a cabinet composed only of elected representatives. The second issue concerns the method by which this cabinet is appointed. The members must be drawn from the members of this Assembly and they must function with the support of the majority of this Assembly.

I am suggesting, Mr. Speaker, that the time has come for party politics to be introduced into this House. One thing that I have learned in the three years that I have been here, is that twelve persons acting independently, are not able to provide all that is required of good legislating. The co-ordinated efforts and the discipline of party politics is now necessary.

Thank you, Mr. Speaker.

Mr. Speaker: Are there any further Replies to the Speech from the Throne?

The Honourable Member from Whitehorse West?

Hon. Mrs. Whyard: Mr. Speaker, I had expected other members would be responding. I am sorry, I was waiting for them to rise. Have I missed my opportunity to respond, Mr. Speaker?

Mr. Speaker: Proceed.

Hon. Mrs. Whyard: I had not intended to take the time of this House to reply to the opening address, but I have become increasingly concerned in recent days by the mood of doom and gloom and dissention in this House. Mr. Speaker, and it concerns me greatly.

I cannot understand this, because this Assembly and this part of Canada is the envy of every part of the world. Our friends across the mountains in the Northwest Territories, in their replies at the recent session of the Territorial Legislative Assembly, were openly jealous of the Yukon's situation.

In fact, Mr. Speaker, recently I have had serious suggestions made to me that high level talks should be proceeding now to revise the boundaries between the Yukon and the Northwest Territories from Arctic Red River down to the Delta to include Inuvik and the areas of the Mackenzie District, which are oriented towards development. The new border would follow very closely, the route of the Dempster Highway, and we would then include the Delta gas and oil regions in the Yukon's constituency, ready for any future gas pipeline construction to bring out Canadian gas.

Mr. Speaker, our friends in Inuvik are not laughing when they say these things, and they made this proposal very seriously.

I would like to take a moment to accentuate the positive, Mr. Speaker, rather than dwelling on the alleged shortcomings of members of this government, who, I might remind, Mr. Speaker, were placed here by Honourable Members. Since our last session I have personally enjoyed the experience of representing this Yukon government at two meetings of provincial cabinet ministers, in Quebec City and Edmonton, and I have found nothing but complete and sincere acceptance at

their conference tables. The Yukon has been given a seat and a voice in matters which concern our residents and our government every bit as much as they do any provincial government.

There has been a sympathetic audience wherever we have had the opportunity to explain our political plight and I know this applies to my two colleagues who have also attended provincial meetings during the summer recess.

We are getting the message across, Mr. Speaker, that Yukon is ready, willing and able to handle its own affairs, having successfully tackled the hurdles placed in our path by a Federal Government, which is naturally loath to let go, since overseeing and dominating our affairs, provides well-paid employment for several hundred civil servants in Ottawa.

Mr. Speaker, when people in Southern Canada try to understand our position, and I admit it is very difficult to explain in this day and age, that we have an elected government, headed by an appointed civil servant, I ask them if they think it would be necessary to have five hundred people in Ottawa looking over the shoulder of their provincial government, each one, to make sure they are doing things right. Mr. Speaker, they laugh, but it is not a funny situation.

I am very sorry, Mr. Speaker, that the rules of this House do not allow us to debate some of the statements made here by Honourable Members. Some of them were misleading, some of them were mis-statement and some of them were half-truth. We did not hear the sources of some of those quotations. The inference was very unclear to me. I am very concerned at the tone taken by some of these addresses, Mr. Speaker, because there is no opportunity to refute any of those statements at this time.

I have been confused in the last week to ten days, in this House, Mr. Speaker, by the attitude of Honourable Members, when we bring in legislation which they said we should bring in, and then they reject it, saying we shouldn't be making changes at this time. It is a very difficult atmosphere to work in, Mr. Speaker.

There is a very great deal of work ahead of us and it is steady, slugging work, just like going through the *Motor Vehicles Ordinance*, clause-by-clause, hour after hour, and it is the only way I know of to get it done, Mr. Speaker. I would ask the wholehearted assistance of all Honourable Members, in attending to this load of urgent responsibility, throughout the rest of this Session, rather than delaying the affairs of this Government.

Thank you, Mr. Speaker.

Mr. Speaker: The Honourable Member from Klondike.

Mr. Berger: Yes, Mr. Speaker. I did not want to reply to the Throne Speech, because there is nothing to reply to. I have not got any fancy notes and I have not got anything in front of me.

I have no intention of criticising the Executive Committee people, because they have to work in an unfortunate system and it could happen to us too, if we were, as I say today, unfortunate to have been elected in that position three years ago. So, it is not up to us, right now, to criticize them.

But, I would like to make some statements about the Throne Speech, that were not included in the Throne Speech, and I am quite concerned about it. I asked a question in the House the other day, when can I expect a reply on my motion I made last Spring, concerning public insurance, government owned insurance, or associated insurance with other provinces? I am still waiting for a reply. There has been nothing done, I am sure, on it, all summer long. Maybe they cannot even find the motion I made.

But, those are the matters that really concern me, because

they are going to come up when the pipeline is going to be constructed.

The high risk rates, as the *Motor Vehicles Ordinance* in front of us already shows us, will be much greater because of the high influx of traffic coming in from outside. In other words, the insurance rates in the Yukon are going to go up higher and higher.

Those are the controls I am looking for, and they are not in there. So what do I have to criticize? There was nothing in the Throne Speech that we don't already know. The misinformation we talked about a possible heritage fund, with what monies? To my mathematics, if they are correct, if we spend \$200 million out of a full loan at 11 per cent interest, it makes just interest alone is \$22 million a year. How much will we have left of the \$30 million a year, \$8 million dollars? If the federal government decides, in their wisdom, to cut out the deficit grants to the Yukon, we actually will go in the hole. We will have to raise some more money to raise more funding in order to just come up with the day to day operation of this government.

So I think it is very irresponsible of anybody to say a possible heritage fund and raise the expectations of the people in the Yukon of having left over money. I mean those are the things I would like to criticize. They are so many of them. I think we haven't even got the time to stand up and criticize them. There is absolutely nothing in the Throne Speech, and the promises we have, we have had for the last three years. We had three Ministers of Northern Affairs in the last three years. They all said, "I promise to look into that." One went one step further, he said I promise to look into that if you do so and so. I call it blackmail. But there was never anything done, and for sure, unless we are going to take the initiative in this House and come up with legislation and request the legislation from this government, again there is nothing going to be done.

Thank you, Mr. Speaker.

Mr. Speaker: Are there any further replies.

We will then proceed to Public Bills.

ORDERS OF THE DAY

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: The 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: The next sitting day, Mr. Speaker.

Mr. Speaker: We will then proceed to Private Member's Public Bills.

PRIVATE MEMBER'S PUBLIC BILLS

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

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

Mr. Hibberd: Next sitting, Mr. Speaker.

Madam Clerk: Second Reading, Bill 102, *An Ordinance to Amend the Public Inquiries Ordinance*, standing in the name of the Honourable Member, Mrs. Watson.

Mr. Speaker: The Honourable Member from Kluane?

Bill 102: Second Reading

Mrs. Watson: Yes, Mr. Speaker, I would move, seconded by the Honourable Member from Pelly that Bill Number 102, *An Ordinance to Amend the Public Inquiries Ordinance*, be given second reading at this time.

Mr. Speaker: It has been moved by the Honourable Member from Kluane, seconded by the Honourable Member from Pelly River, that Private Member's Public Bill Number 102 be now read a second time.

Is there any debate?

The Honourable Member from Kluane?

Mrs. Watson: Mr. Speaker, very briefly on the principle of the Bill, and I would like the Honourable Members to understand that in the amendment to the Bill, I used the words Council, rather than Assembly, and it is not being done by choice, but by necessity.

I hope the Honourable Members will bear with me because in the existing Bill, the wording is Council, and also, Mr. Speaker, I would hope that this Bill itself that is before us will be judged at this time on the principle of the Bill, not on the implications it has with a certain situation that exists in the Yukon today.

This is a bill that is intended to be on our books permanently. A bill that can be used by other Assemblies that may follow us.

Mr. Speaker, the *Public Inquiries Ordinance*, at the present time, empowers the Commissioner to cause an inquiry into any matter connected with the public business of the Territory, or any matter of public concern. The Commissioner is the only person who can determine if an inquiry is needed, and he is the only person who can initiate an inquiry.

Mr. Speaker, Bill Number 102, *An Ordinance to Amend the Public Inquiries Ordinance*, proposed that this Assembly, the Council, have equal powers with the Commissioner, to determine if an inquiry is in fact, needed, and also, to direct the Commissioner, by recommendation, to initiate an inquiry by establishing a board of inquiry.

Mr. Speaker, the principle of directing the Commissioner to establish a board of inquiry is not unique to this amendment, to this proposed piece of legislation. This principle appears in the *Legal Professions Ordinance* and in the *Medical Professions Ordinance*, and I would refer to the *Legal Professions Ordinance*, the Ordinance that was passed by this House in 1975, but still has not been proclaimed, to Section 28. (1), which reads:

"The Commissioner shall, on the advise of the Chief Justice of the Supreme Court of British Columbia, appoint a discipline committee consisting of a chairman, and not less than eight members".

Mr. Speaker, the *Medical Professions Ordinance*, Section 16. (2), and Mr. Speaker, I would read:

"The Commissioner shall appoint a board of inquiry, pursuant to subsection 1, if he is requested, in writing, to do so, by three members in good standing of the Yukon Medical Association".

So the principle of directing the Commissioner to establish a board of inquiry, certainly is not unique to the piece of

legislation that I have before you today.

Mr. Speaker, the Bill does not ask for greater powers for this Assembly, than the powers which are given to the Commissioner. This Bill is only asking for equal powers with those of the Commissioner, and that is not an unreasonable request to make.

Mr. Speaker, this piece of legislation, I believe, is required on our books, because I am sure that people who sit in this Assembly and who will sit in this Assembly, in the future, will never use that power lightly, the power to ask for a board of inquiry to be established. The people who are here, and who will be here, are answerable to the public of the Territory and it will have to be a situation of grave, public concern, before a majority of this Assembly would chose to exercise the power that is being requested for this Assembly, in this piece of legislation.

However, it is good insurance to have the power there on the books whenever, and if ever, an occasion should arise where it is required.

Mr. Speaker: Is there any further debate?

The Honourable Member from Whitehorse North Centre?

Hon. Mr. McKinnon: Mr. Chairman, there is a principle, and quite an important one, I think, involved in the second reading of the *Public Inquiries Ordinance*. I have been, for about the last two years, speaking against the diminution of executive authority in legislation by putting in Commissioner in Council, or upon the reformation of the Territorial Government, because I have been led to believe over that past ten years that responsible government and the normal cabinet procedures is just around the corner. With that, the Executive, of course, would consist of a Chief Elected Officer with a majority of the House acting as his cabinet. So the argument has been why diminish the Executive authority when responsible government is just around the corner, and we will have to go back through all our legislation and bring that authority back under the normal cabinet system of government.

Well, Mr. Speaker, the more I see of what is happening at the present day, and perhaps it is time for me to change that principle of thinking that perhaps the Yukon is going to have the type of responsible government which is necessary for the successful implementation of elected members' policies in this chamber.

As I say, that is a principle, and it is one that gives me a very great deal of trouble, because I do not know whether this is the time and the place to start writing into every Ordinance, "upon the recommendation of Council or Commissioner in Council", because of the hiatus or the slow-down or perhaps the stoppage of any meaningful constitutional reforms in the past four years in particular. So it is a very difficult principle for me to know on which to vote at the present time.

I would offer one other comment, and that is that I know of no public inquiry that could be conducted at this time that the Government of Yukon, under the present Ordinance, would not be in favour of accepting the advice of the members of the Legislature on. I was wondering, Mr. Speaker, why this wasn't the route that was attempted if Honourable Members feel that there is some need for a public inquiry at the present time, prior to bringing in an Ordinance which could, in the future, have some problems in diminishing the role of the executive, if indeed responsible government were to be coming to the Yukon in the foreseeable future, which I find getting further and further to foresee with every passing day, Mr. Speaker.

So, with those comments, I don't mind seeing the Bill go into Committee for further discussion, because I think there are some real hard principles involved with the acceptance of the Bill in its form at the present time, Mr. Speaker.

Mr. Speaker: Is there any further debate?

The Honourable Member from Kluane.

Mrs. Watson: Mr. Speaker, I would like to reply briefly to the comments made by the Minister of Local Government.

It is true that this amendment would not be required, and is probably not on the books in provincial jurisdictions, for the simple reason that the Chief Executive Officer is supported by a majority, is an elected person, who is answerable to the public, and who is supported by a majority in the Assembly. So, it is quite obvious that if a decision has to be made to have an inquiry, that it is likely a decision of the majority of the people of the Assembly, or the people of the party that support the Chief Executive Officer.

It does not look as though we will be having that type of government for some time yet, and I think, too, that one has to look at the principle of this Bill, that often situations, not often, but it could be that situations arise, where it would have to be a political decision for a Commissioner to take, whether to establish a board of inquiry.

Now, our Commissioner is an appointed person, appointed by the Government of Canada, and political decisions which are being made in the Yukon Territory should be made in this House, because people who make political decisions should be answerable to the people who elect them.

It could be, that by passing an amendment to the *Public Inquiries Ordinance*, this House itself would be accepting extra responsibility and I look upon it as a form of constitutional reform. We are giving ourselves the power to deal with matters that we have never had the power to deal with before. This is what I say, power must be used wisely.

When the check is the public of the Territory, I am sure that it will be used wisely, and I have no misgivings about the capability of any Assembly or Council, whatever you call it, to use it wisely and judiciously. That is why the amendment is here before you today.

Mr. Speaker: Order, please. The Honourable mover of the motion, having twice spoken, has closed the debate.

Motion agreed to

Mr. Speaker: I declare that the motion is carried. Shall the Bill be referred to Committee of the Whole?

Some Members: Agreed.

Mr. Speaker: So ordered.

The Honourable Member from Pelly River.

Mr. McCall: Thank you, Mr. Speaker.

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

Mr. Fleming: I second that.

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

Motion agreed to

Mr. Speaker leaves Chair

COMMITTEE OF THE WHOLE

Mr. Chairman: I call this Committee to order.

Yesterday, following the loss of a quorum in Committee of the Whole, and a subsequent finding of a quorum in the meeting of the whole House, I made a report from the Committee of the Whole. I should like to ask at this time, concurrence of the Committee, in that report.

It stated that this Committee had concurred in Motion Number 1, respecting a report of the Electoral District Boun-

daries Commission, and that Bill Number 1, *Motor Vehicles Ordinance*, was considered and progress had been made on same.

Do I have your concurrence?

Some Members: Agreed.

Mr. Chairman: We will have a brief recess.

Recess

Mr. Deputy Chairman: I call this Committee to order. I must remind members that we have a group photograph scheduled for 1:15 this afternoon, so members are expected to perhaps be here for approximately ten after one for this mug shot.

Committee will recess until ten after one.

Recess

Mr. Chairman: I call Committee to order.

I would like to acquaint members with something of a timetable now we will be addressing the material before Committee.

Bills Number 2 and 3 will be dealt with on Monday, the 21st, when witnesses from the AYM will be present.

On November 22nd, Bill Number 9 will be dealt with. Bill Number 9, *Workmen's Compensation Ordinance*, on November 22nd, Tuesday.

Tentatively, Bills Number 10, 11, and 101 will be dealt with in Committee November 28th.

This is for the purpose of scheduling witnesses primarily.

For the remainder of this week, the intention is to continue with the bills as on the Order Paper with the exceptions already mentioned, and also to deal with Bill Number 102.

Okay?

At the present time, I would like to deal with Item Number 9.

It has been moved by Mr. Lengerke, seconded by Mr. McIntyre, that the Second Report of the Standing Committee on Constitutional Development for Yukon, presented November 8, 1977, be concurred in.

Mr. Lengerke.

Mr. Lengerke: Mr. Chairman, I have a request of Committee, and I would hope they will be favourable to it. I would ask that we be allowed to take that report back to our Committee. There is a drafting problem in the Act, Mr. Chairman, and I would like to clean it up, just to re-present it again. I will say it is of a minor nature, but I wouldn't want Committee to adopt it the way it is.

If I could have that concurrence, I would...

Mr. Chairman: Mr. McIntyre.

Mr. McIntyre: Mr. Chairman, I move that the said report be not now concurred in, but that it be recommitted to the Standing Committee on Constitutional Development for Yukon, with instructions that they have power to amend same.

Mr. Chairman: Seconder?

Hon. Mr. Lang: I'll second that.

Mr. Chairman: The amendment is moved by Mr. McIntyre, seconded by Mr. Lang, that the said report be not now concurred in, but that it be recommitted to the Standing Committee on Constitutional Development for Yukon, with instruction that they have power to amend the same.

Mr. McIntyre, I understand that this amendment that you propose is deleting all words after "that", in the present motion.

Mr. McIntyre: Yes.

Mr. Chairman: Are you ready for the question on the amendment?

Amendment agreed to

Mr. Chairman: The motion now reads, that the said report be not now concurred in, but that it be recommitted to the Standing Committee on Constitutional Development for Yukon, with instruction that they have power to amend the same.

Motion agreed to

Mr. Chairman: We will revert to consideration of the *Motor Vehicle Ordinance*.

We were considering, yesterday, Clauses 165 through 168.

Mr. Lang?

Hon. Mr. Lang: Mr. Chairman, aren't we going to have any witnesses this afternoon?

Mr. Chairman: Oh yes. We will just suspend consideration until the witnesses are present.

Recess

Mr. Chairman: I now call Committee to order.

Mr. Spray is now present as witness.

Mr. Chairman: U-Turns.

On Clauses 169

On Clause 170

Mr. Chairman: Backing.

On Clause 171

Mr. Chairman: Mr. McIntyre?

Mr. McIntyre: Mr. Chairman, in Section 171 it says that "No person shall back up a motor vehicle", and that is on a highway. In subsection (2) it says "no person shall back a vehicle", and that is in a municipality. I'm wondering if there is a difference between backing up on a highway and backing in a municipality?

Mrs. Watson: Mr. Chairman, there is also a further difference: one is a "motor vehicle" and the other is a "vehicle". Is that by error or by design?

Mr. Spray: Mr. Chairman, both comments are by error. No person shall, if we use the current wording, back a motor vehicle unless the movement can be made in safety. In a municipality, no person shall back a motor vehicle.

On Clauses 172 through 181

On Clauses 182 through 186

Hon. Mr. Lang: I have a question for the witness. Who determines whether a stop sign or an electrical mechanical sign device will be placed at a railroad intersection?

Mr. Chairman: Mrs. Whyard.

Hon. Mrs. Whyard: If the Honourable Member is inquiring about a road crossing of a railroad track, he is discussing the authority of three different governments.

If you have a wigwag situation and you want to put up wigwag crossing signals, you have to involve the Federal Department of Transport, as well as the municipality, as well as whatever.

If you are talking about a traffic light, I do not know how you would have it controlling railroad traffic as well as street traffic, but I know that it is a very involved situation, as far as a wigwag. The City of Whitehorse went through months and months of negotiation to get two here.

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

Mr. Chairman: Mr. Lang.

Hon. Mr. Lang: Mr. Chairman, I would take it then, it is

the municipal authority who initiates the action if they do want a mechanical device at a crossing?

Mr. Spray: Mr. Chairman, the municipal authority may start the proceedings. In some cases, I understand, the Federal Department of Transport would make it a condition of certain grants for development of the crossing. In some cases, there is a cost-sharing arrangement on the construction of the crossing and, in that case, it may very well be that the Department of Transport would require that a certain signalling device be installed, but it does become a very involved matter.

Hon. Mrs. Whyard: Mr. Chairman, in addition to the construction costs, you get into agreements for long-term operations and maintenance of that crosswalk, involving the railroad and M.O.T.

It is really quite an involved situation. It goes on for ever.

Clauses 187

Clause 188

Clauses 189 through 194

Mrs. Watson: Mr. Chairman, I have a question for the witness. I believe it is customary to give a written test to applicants who want to obtain a driver's licence for the first time. How much, of this section on driving, is in that written test? Do you try to cover all areas of the *Motor Vehicles Ordinance*?

Mr. Spray: Mr. Chairman, we would not, on a written test, cover all areas in the *Motor Vehicles Ordinance*. We would try and make a selection of the more common rules of the road, that the average driver would be faced with, on the test. We would have, in the Manual, included more aspects of it and then our questions would be selected from the common rules of the road.

There are many of these rules, or these stipulations in this Ordinance that drivers will encounter in the Yukon Territory very seldom. However, they will encounter them in other jurisdictions and, in order to make our licences reciprocal in other jurisdictions, we must try and hit on some of these more common rules that they use.

Mr. Chairman: Mrs. Watson.

Mrs. Watson: Would you be giving a different kind of test for someone who is applying to obtain an Operator's Licence, say, for a motorcycle, that would limit them, or do you have a standard driving test that you give?

Mr. Spray: If the applicant was only requesting a licence for a motorcycle, Mr. Chairman, it is quite possible, and I can't speak with any certainty, that we would give them a different test. In most cases, the request for an operator's license for a motorcycle is in addition to existing operating authority. I am afraid that I can't say that we would definitely give out a different test for a motorcycle.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Yes, Mr. Chairman, I have a general question but it relates in part to 187 subsection (d) where "no motor vehicle or tractor or self-propelled" so and so "...shall be stationary on a highway outside the corporate limits of any city unless the tail lamps with which it is required to be equipped are alight" or that it has reflectors.

You know, it occurs to me there are many vehicles these days that don't necessarily, especially in cars, don't have reflectors. Perhaps the reason the vehicle is along the highway is because it's electrical system has failed, and this being the reason it was parked there.

Would a person be prosecuted in this case?

Mr. Spray: Mr. Chairman, I would have to check into the Regulations in this, because I would assume that our Regula-

tions would reflect the fact that certain types of reflectors or units may be placed on the highway within certain distances, and I quite agree. This particular section indicates that unless it has the tail lamps lit, or the reflectors located on the vehicle, then it would be contrary to the Ordinance, and there should be an exception to that case.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, there are many places around this Territory where people have to park alongside a highway, and I would certainly hope that this section would not be enforced. It would mean that all car owners in the Yukon Territory would have to go out and buy reflectors and tack these things on the back of their vehicles, just to satisfy the needs of this one section, and it seems to me that if that were the case it would be going far too far.

Normally in a car, you just don't pack reflectors. I really think that this should be given a hard look. As I say, I know of many situations where people have to park along the highway because they have no other place to park to go visit people who may live along that highway.

Mr. Spray: Mr. Chairman, we will examine this section.

Mr. Chairman: Mr. Fleming?

Mr. Fleming: Mr. Chairman, I didn't get all the conversation, 194.(1). I think the last remarks were partially toward that one where "No person shall leave a vehicle unattended on a highway if the vehicle has been placed on a jack or a similar device and (a) one or more wheels have been removed from the vehicle, or (b) part of the vehicle is raised." I have the same question as the Honourable Member from Watson Lake.

If the highway is a right-of-way, I mean a highway concludes the whole right-of-way of the highway therefore if the vehicle is off in a flat ditch alongside the highway and the person has a flat tire, he's got to go back to the station to get it, he is alone, under this Section he would be liable, I suppose, to an offence, and I can't quite see it going that far to that extent.

Mr. O'Donoghue: Mr. Chairman, the danger is not primarily to vehicles which are travelling up and down the highway. It is the danger of having a car resting on a jack and pedestrians, children and what have you may touch it, and the car moves and collapses on the children. That's the real danger.

Mr. Chairman: Mr. Fleming?

Mr. Fleming: Yes, Mr. Chairman, I really, however I think it should be clarified more clearly. This would be a vehicle that was on the roadway, on the driver's surface of the roadway, not alongside of the roadway on the highway right-of-way.

Mrs. Watson: Mr. Chairman, the right-of-way is still a highway. It's still illegal to leave your car in the ditch on a jack.

Mr. O'Donoghue: Yes, Mr. Chairman, that's the position. It is illegal to leave your car in the position that it is jacked up with the wheel removed, even in the ditch. It could fall on somebody.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, I would strongly protest such a section as did the Honourable Member from Hootalinqua. This is going far, far, far too far. Every day, virtually every day throughout the Territory, people get themselves into predicaments along our highways where they have broken axles and they have flat tires, and indeed have to leave the vehicle unattended. It is just impossible for them to, if they are alone to leave it attended, and if for any reason, you know, he had passenger, or a lady passenger in this cold, bitter weather, certainly in the wintertime, I am sure that they are just not going to leave people sitting in a vehicle to run out of

gas and freeze to death, on the assumption that the party might be able to get a spare tire and get back to it.

It is so impractical. I don't know, this may have applications in some parts of Canada, but it certainly has no application whatsoever in the Territory, and ought not to be made law.

Mr. O'Donoghue: Mr. Chairman, we considered putting in the travelled portion of a roadway, but the Honourable Member must realize that what we are talking about is a situation where a wheel becomes flat and has to be repaired by the man taking it to some other place to have it repaired, but he has a fifth wheel, there is a spare wheel. So, he can leave one of the flats on the car, in order to render it safe, but people should not be travelling the Alaska Highway, or anywhere else, unless they have a spare wheel.

Hon. Mr. Taylor: Mr. Chairman, in reply to the comments just made by the witness. Obviously the witness has not been long in this Territory, and knows nothing, and has not travelled on our highways and byways, because, if he had of, Mr. Chairman, he would know that all vehicles are equipped with one spare tire, but people can have more than one flat on any given trip, and sometimes their spare tire goes flat in the trunks of their vehicles. It is not sufficient, I do not think, to make an argument like that to bring this into law.

I would protest this section, unless it can be rewritten in such a way to make it more palatable.

It would be unfair to the public to let this stand.

Mr. Chairman: Ms Millard.

Ms Millard: Mr. Chairman, the way I read it, a person could leave their car, placed on a jack, as long as they have got all four wheels on, but if you take one wheel off, it is against the law because it says you cannot leave it unattended when it is placed on a jack, and, one wheel is off. It does not say "or".

So that, the jack could slip and it could fall on somebody just as easily with four wheels on as with three wheels on, I would think. So, I think the whole section should be looked at.

Mr. O'Donoghue: We will look at the Section, Mr. Chairman, but, I have never heard of a person going on the Alaska Highway without a spare wheel.

Ms Millard: Are they going to take these back and look at them?

Mr. Chairman: Yes, they are, Ms Millard.

Mrs. Whyard.

Hon. Mrs. Whyard: We can take it back and look at it, but I may have been taught in another school, in another time, I would never have left a car jacked up anywhere at anytime. It is a foolish and dangerous procedure and I have never been permitted to follow that procedure and I would have expected other drivers to be equally competent.

Mr. Chairman: Mr. Fleming.

Mr. Fleming: These things do happen to people and I, myself, I say, Section 194.(1), if it is not changed to, just to accommodate the person, it can still be made a good law, but if it does not accommodate the people who are on this road, then I am not prepared to pass any of this Section. It is just that simple.

Hon. Mrs. Whyard: May we have direction from Committee as to how they want it changed?

Mr. Chairman: The witness indicated that they were prepared to take it back and review it and I accept that.

Mr. O'Donoghue: As well you might, Mr. Chairman.

On Clauses 195 to 214

Mr. Chairman: Mrs. Watson.

Mrs. Watson: On Clause 196.(1), really, part of it is unen-

forceable, isn't it? "No person shall drive a vehicle upon a highway in a race", that is fine, but a bet or a wager, how can you tell whether they had a bet or a wager. You know, that is not enforceable.

Mr. O'Donoghue: Mr. Chairman, over the summer there have been a number of bets and wagers on certain makes of cars which are run, and there is a special strip on the Mayo Road, which allows a car to run a race and a number of cars have been racing on this.

One person was killed, during a race, I think it was 1976 or 1975.

Mr. Chairman: Ms Millard.

Ms Millard: Mr. Chairman, I am interested in Section 201, "No person shall occupy or permit any other person to occupy a house trailer...". What about a camper? Are there any restrictions on someone occupying a camper as it is going along the highway?

Mr. Spray: No, Mr. Chairman, we are referring here to house trailers which are capable of being attached to and drawn by a motor vehicle, not a holiday camper, which is included on a truck.

Ms Millard: Mr. Chairman, I would submit that it might be wise to look into that, because I have friends who have had a terrible accident, losing one of their children, simply because the child was asleep in the back of the camper. Campers are very poorly made and there does not seem to be any regulations as to the strength of the camper box, so that it would have to be equipped with a steel thing surrounding it so that if it flipped over it wouldn't kill somebody in the back.

I notice in Clause 202, people are allowed to ride in the box of a truck, and that could be interpreted as the camper, as well.

I would really like to see that looked into more.

Mr. Spray: Mr. Chairman, it is extremely unsafe to ride in a great many of the holiday campers that are sold and that are mounted on truck bodies. It is also extremely difficult to enforce provision whereby it is prohibited to ride in a camper.

If the direction is there to re-examine this section, then certainly we will.

Ms Millard: Well, Mr. Chairman, just to...

Mr. Chairman: Ms Millard.

Ms Millard: It may be hard to enforce, but if it were made known that it was unsafe and that it was the government's responsibility to make sure that everyone knew these regulations and knew that it was not only illegal, but unsafe, there may be fewer accidents in that direction.

Mr. Chairman: Mr. Fleming.

Mr. Fleming: Yes, Mr. Chairman, I am wondering if 202.(1) did not have some effect on this same thing with the camper. "No person shall ride or permit any other person to ride on the outside of a motor vehicle". That would mean he could not ride in the back of a camper, of a pick-up truck.

Therefore, if he couldn't ride in the back of a pick-up truck, empty, and a camper was not considered a vehicle, he could not ride in the camper either, could he.

Mr. O'Donoghue: No, Mr. Chairman. This is, I guess, trying to prevent people from using trucks as mammy wagons, as they do with people clinging to the outside during transportation systems, where they do in some other countries. It is not intended to talk about people in campers or inside trucks. It is the outside of a truck, it is a known place.

Mr. Chairman: Mr. Taylor?

Mr. Taylor: Yes, Mr. Chairman, I would like to refer to 198.(1): "No person shall create or cause the emission of any loud and unnecessary noise from the motor vehicle, any part

thereof, or anything or substance that the motor vehicle or part thereof comes into contact with." I just don't quite know what to make out of this Section.

Does it mean if your car hits a bridge abutment and makes a noise, or slams into a side of a mountain or whatever happens to your vehicle, that creates a noise, that is an additional offence to anything else that might have happened? Or does it mean that we are no longer to permit Kenworth trucks on our highways? Just exactly what does it mean, Mr. Chairman?

Mr. O'Donoghue: Mr. Chairman, it is primarily directed towards Hollywood mufflers, and similar devices. There are devices which can be attached to wheels, pieces of plastic, and can make special noises, and some adolescents adapt their car in such a way as to make special whining noises, special whirring noises, and special exhaust noises, and any of these forms are prohibited by this, but it must be an unnecessary noise. A Kenworth truck, if it makes a necessary noise during the course of its journey, is entitled to operate. But the driver is not allowed to remove a part of the muffler so as to make a louder noise than his friend.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Yes, Mr. Chairman, in common use across the country now are Jake brakes, and they make a noise, would this mean that there is no more use of Jake brakes in the Yukon?

Mr. Chairman: Mr. Spray?

Mr. Spray: No, Mr. Chairman, it would not bring that into this Section. It is loud and unnecessary noise, and the reference to a substance of the motor vehicle or a part thereof comes into contact with, is the common practice of driving your vehicle in tight turns in such a way that your tires literally scream, and if you are doing that in the parking lot in the middle of town at 2 o'clock in the morning, it is most annoying to the people of that community, and it is, in most jurisdictions, an offence.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: In line 3 of that Section: "or anything or substance", should that not read: or anything of substance?

Mr. O'Donoghue: No, Mr. Chairman, no. Mr. Chairman, some members of the House should remember that similar effects to this were introduced in honour of a predecessor of the Honourable Member from Watson Lake who was kept awake and unable to stay awake in the House because he complained that there were trucks being parked close to the Yukon River near the Regina Hotel and he couldn't do his work in the House. So a special amendment was made to the Ordinance to ban unnecessary noise at that time. I think it would have been about 1968, Mr. Chairman.

Mr. Chairman: Is that now changed because of a different Speaker, or a different location?

Mr. O'Donoghue: I'm not sure about the state of wakeness of this Speaker, Mr. Chairman.

Hon. Mr. Taylor: Mr. Chairman, I must say, I don't buy that argument, because I believe that is provided for in another section, perhaps up around 208 or somewhere. But I don't buy that as a legitimate argument.

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, I have been trying to get in for some time to go back to what the Honourable Member from Ogilvie raised. I can't recall at the moment, and perhaps the witness can assist me whether or not we have a specific reference to camper vehicles, or is it just to the trailers and holiday vehicles, because I share her concern about the lack of safety provisions in campers and their matchstick proportions and officers of the law who have to pick up the pieces and anyone else who has ever been involved knows how

very flimsy these superstructures are. I would certainly endorse her recommendation that there be a provision prohibiting passengers from riding anywhere except in the seats of that vehicle.

Mr. Chairman: Ms Millard.

Ms Millard: Mr. Chairman, I certainly want to come back to that section and I thank the support of the Minister.

I would be forepassing this section and I would certainly like assurance that either it will be including a camper or else the regulations as to the strength of the camper box be changed.

Mr. O'Donoghue: Mr. Chairman, I think the Canadian Standards for holiday vehicles covers campers, but this would only apply to new construction, not ones presently in existence. So, to meet the point, we would need to include a ban in this Section against travelling in holiday campers, to actually meet the point of the Honourable Member. This will be considered and obviously has support in the right place.

Mr. Chairman: Mrs. Watson.

Mrs. Watson: Mr. Chairman, I find it almost ridiculous that we are prepared to, just like this, that no one rides in a camper, ban people riding in a camper. I think campers are unsafe, myself, and I wouldn't put my children in a camper. Why do we have to have a law? But we are not prepared to say, everyone must wear seatbelts, when the number of people whose lives could be saved because they wear seatbelts, far, far outnumbers the lives that are being saved by banning people riding in campers.

So, you know, let us put our priorities properly in this House, because it is so easy to say, can't ride in a camper. Are you prepared to bring in and support, in this House, mandatory seat belt legislation, at the same time?

Mr. Chairman: Mrs. Whyard.

Hon. Mrs. Whyard: Mr. Chairman, I welcome that offering because, as the Honourable Member knows, we did attempt to bring in seatbelt legislation and it got shot down in this House a year ago and we are very happy to bring in a section regarding mandatory seatbelts, if it is the wish of this Committee.

Mr. Chairman: Mr. Fleming.

Mr. Fleming: Mr. Chairman, I arise, moreorless, to support the Member from Kluane, in this regard, not because it is safe to ride in a camper, because it certainly is not. We have had many of them on the highway and I myself have been there and seen the problem of children riding in them when they are tipped over.

However, I would just caution that you should check into the, your neighbours, to the South and to the North, and to see what their regulations and their Ordinances call for, too, because, if you did not, I would be afraid that if B.C., Alberta and Alaska didn't have these, this regulation, and we put it in, we would be placing, not only one or two here and there into jeopardy, but many, many, many, many tourists and drivers on the highway because there is a very large number of them now that do travel that way who could not, if you stopped them in the middle of the Yukon, get room to put, you know, the children and so forth, that they have in the camper, into the actual vehicle.

So, I would caution on this, when you go into it. That is all. I am prepared to agree with you, it is very dangerous.

Mr. Chairman: Mr. Lang?

Hon. Mr. Lang: Mr. Chairman, I have a question for the witnesses. Do we have any idea what they do in the other jurisdictions in respect to that?

Mr. Spray: Mr. Chairman, it is my understanding, subject to checking further, that they do not restrict passengers in the

camper body on the truck, that it is quite lawful to ride in them with no special restrictions placed on them. We have safety standards, I believe, in the Regulations for holiday campers. The reason we have prohibited it in trailers is because trailers are subject to having the hitch break and disconnect from the tow vehicle, which makes it very hazardous, whereas in a camper you generally must be involved in an accident where the truck actually turns over or goes on to its side.

There are possibilities of accidents in holiday campers where the children, on a sudden stop, will be thrown against the side or a piece of furniture, but there is the point that many of the campers in the Yukon Territory are on trucks where there is only one seat in the truck. One bench seat, they are not on supercabs or full crewcabs and this is going to create problems.

Mr. Chairman: Mr. Lang?

Hon. Mr. Lang: Mr. Chairman, I share the concerns of the Member from Hootalinqua in respect to people coming up who are not aware of the laws that are here and if they are that much different from other areas. This area of concern, I'm sure, could be taken into consideration, for example when the use of CBC Anik during the holiday season that a warning be put out to people, but to legislate it, I think you are looking at a whole different area in respect to enforcement.

It would be bad enough to have your children in a camper and not know that it is against the law, which could quite conceivably be the case, and then subsequently be up for a charge. I think that you have got to crawl before you run. You just don't legislate these things merrily, and then something happens tomorrow. What happens to the parents who are in enough problems as it is without coming under legislation on this kind of this nature, initially anyway.

Mr. Chairman: Mr. Fleming?

Mr. Fleming: Mr. Chairman, just for what it is worth, Mr. Chairman, I would feel that if any legislation would be coming forth to this effect, we should look again as we should have in many other places, to the manufacturers of these holiday trailers and such and as to the equipment they have to fasten them to the vehicle that is being driven. It would save some of our problems. If the manufacturing is good and the trailer won't just fall apart, or the camper, when it hits the ground, or something like this, all well and good, and if the fixtures that place it on that vehicle are good, then I think that would solve part of the problem.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, Section 208, subsection (1), I'm wondering why that wasn't left as a power that the municipality could exercise by by-law?

Mr. O'Donoghue: I don't know, Mr. Chairman, we just picked it up in passing and didn't take it out.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Well, then, Mr. Chairman, why are you just doing it for the municipalities, why aren't you just doing it across the board. There are L.I.D.'s and small communities, unorganized communities, why are you, you know, it just isn't sensible.

Mr. O'Donoghue: We can examine the point, Mr. Chairman, and possibly expand it when we are doing the rest of the examination.

Mr. Chairman: I think—

Mr. O'Donoghue: It is a sound point.

Mr. Chairman: I think the index note was pertinent, where it refers to noise in residential areas, as a generality.

Mrs. Watson:

Mrs. Watson: Mr. Chairman, while they are reviewing the

point, I suggest you look and I believe it is the L.I.D. Ordinance Amendments. I think you are giving the L.I.D. now the power to, in the amended, the one that is before us now.

So, you know, check, keep that in mind.

Mr. Chairman: Ms Millard.

Ms Millard: Mr. Chairman, Section 214, I was just wondering if it is presently possible to have inspections and tests and where are they located?

Mr. Spray: Mr. Chairman, the test referred to under Section 107, are not in effect.

That Section 107 is put into the Ordinance on the event that, possibly, we will be able to implement a program of testing vehicles in the Yukon Territory, either on a voluntary or mandatory basis. If such a program was implemented, then, Section 214.(1) would take that into recognizing it.

Ms Millard: Do you have plans to do that in the near future?

Mr. Spray: Not in the immediate future, Mr. Chairman.

Mr. Chairman: Mr. Fleming.

Mr. Fleming: On 213, Mr. Chairman, "No person shall place or cause to be placed any hand bill or other advertising matter upon...a vehicle without the permission of the owner."

Hand bill, I wonder, does this not cover, possibly, parking tickets?

Mr. Chairman: Mr. Taylor.

Hon. Mr. Taylor: Mr. Chairman, I hesitated to rise in this one, but I see there still is a question here, under 206.(1), and you state there, opening car doors, and it says, "No person shall open the door of a motor vehicle unless it is reasonably safe to do so", and I know of many, many, many drivers in this Territory who have had to jump out of vehicles, under situations which I do not think could be reasonably safe, in order to save their lives, and I am just wondering is this intended to only cover cars, or is it intended to cover trucks, as well?

Mr. O'Donoghue: It covers trucks, Mr. Chairman.

Hon. Mr. Taylor: Interesting.

Mr. Chairman, then I must conclude that if you save your life by leaving a Kenworth truck that is just about roll off into the ditch somewhere, that you should be prosecuted for saving your life. You should really stay in the vehicle and kill yourself. Is that what is inferred?

Mr. O'Donoghue: It is not intended to be inferred, Mr. Chairman, but no prosecution will be brought, if the person was killed.

Hon. Mr. Taylor: Regulations, regulations, regulations.

Mr. Chairman: Mrs. Watson.

Mrs. Watson: Mr. Chairman, I think there is a typographical error in 209.(2).

Mr. Chairman: Where, Mrs. Watson?

Mrs. Watson: Clause 209.(2), and I have a question on 209.(3), where, if a vehicle is abandoned on private property or public property, without the implied consent or express consent of an owner, of a person lawfully in possession of the property, more than 72 consecutive hours, you deem it abandoned.

Mr. O'Donoghue: This is correct, Mr. Chairman.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: One more question on that. What if you have a tenant living in a house that you own or an apartment, and you have an old vehicle, or not even an old vehicle, parked on private property without your consent for more than 72 consecutive hours, that gives me, the landlord, the right to go and

have that declared an abandoned vehicle and towed away, does it not?

Mr. O'Donoghue: Mr. Chairman, there is an implied consent in there, the tenant will have implied consent to use parking at the place he is living or located, if the consent is withdrawn then you are into private law cases, but I don't think it becomes abandoned merely because you overstayed 72 hours when you have got the implied consent.

Mrs. Watson: No, no, Mr. Chairman. It is the owner of the property who gives the consent. For example, if there is hassle between a landlord and a tenant, and the tenant wants to park two vehicles in the parking lot, and the landlord says one vehicle per apartment and so the tenant says tough, I'm going to leave my two vehicles, so the landlord under this, after 72 consecutive hours could have the second vehicle towed away and called an abandoned vehicle. He is the owner of that property. It's not the consent of the owner or the guy that has the car.

Mr. O'Donoghue: That's correct, Mr. Chairman. The landlord would have the problem of deciding which was the abandoned vehicle.

Mrs. Watson: No problem, either one.

Mr. O'Donoghue: It's a private argument between the landlord and the tenant, Mr. Chairman. They would have to settle that in court. But I think if the tenant makes a contract with the landlord, then the contract will include a clause for single parking for the person or perhaps for visitor parking for periods of four hours in the evening, or something like that. If he breaks the contract, he doesn't have any consent, and therefore it is a private rowe between him and the landlord as to the costs of the towing away.

Mrs. Watson: Mr. Chairman, then I wonder why sometimes that the Territorial Government doesn't act under some of the laws that they have. Is this in existence at the present time under the *Motor Vehicles Ordinance*?

Mr. O'Donoghue: Not in this form, Mr. Chairman. We have had difficulties ourselves in many pieces of government property in dealing with abandoned or apparently abandoned property.

Mrs. Watson: Mr. Chairman, how is it different, this different from the existing section?

Mr. O'Donoghue: Mr. Chairman, I'm not sure of the precise difference, but we had difficulty and had to make special regulations dealing with the car and such things which are parked illegally, or semi-abandoned on the airstrips in isolated places, and had to make special regulations for the Department of Highways and Public Works who have a duty to maintain an air strip clear, even though it is not currently in use on an everyday basis.

We have problems with cars around schools. We have got cars on various pieces of government property which are completely abandoned, and we don't have an easy method of dealing with it, because we cannot use the *Highways Ordinance* unless the property is within, I think it is 90 feet of a highway, then we can deal with it. There are a lot of problems.

Mr. Chairman: Mr. Taylor.

Hon. Mr. Taylor: Mr. Chairman, I would refer, at this time, to 210, which has several problems for me. Clause 210.(1), "no person shall park on a highway, a vehicle displayed for sale". It is common practice around the Territory for people who wish to see a vehicle to put a little sign in the side window or somewhere on the vehicle, which proclaims, you know, that it is for sale and this remains as they drive around.

I would hope that it is not intended, this Section, to prohibit

that, and yet an overzealous constable could use that to some advantage.

The next is in subsection (2). "No person shall display any good for sale upon a highway or offer any goods or sell any goods upon a highway", and when you consider that a highway, you know, involves the right-of-way, which, in the case of the Alaska Highway is 150 feet either side of centre, you would then be prohibiting, in some areas, the right of people who bring up market produce, you know, vegetables and this type of thing, who often do, in a safe location, of course, in the right-of-way, indeed, market these products. I think that should be looked at.

Now, if it is in the case of an L.I.D., rather than in an unorganized district, Mr. Chairman, perhaps we could cure that by going to subsection (3), and, on line two, "permit the display", no, pardon me, line one, "Notwithstanding subsection (2), a municipality may", add Local Improvement Districts there. I think you would get rid of much of the problem.

Mr. O'Donoghue: Mr. Chairman, the points made by the Honourable Member are not directly related. I do not think there would be any objection to amending subsection (3) to say a municipality or local improvement district may permit goods to be displayed on the sidewalk. It is quite a different point from parking a truck on a highway for the purpose of using that truck for selling goods. It is quite a different thing and would congregate quite a lot of traffic on or near the highway. It is quite a different problem.

Again, the problem mentioned of displaying a sticker on the glass of a car, which is for sale, is not objected to, unless the vehicle is parked, deliberately parked there and left there so that it can be sold by a person who is acting as his own dealer in the matter. This does not attempt to prevent a person putting a for sale notice on his car, pick-up, which is quite common, and then driving around with it. Perhaps when he goes to the centre or to a hotel with it and leave it outside the door, provided it is not done and left for a couple of days on the highway beside the hotel.

Hon. Mr. Taylor: Mr. Chairman, with respect, that isn't what this says. Mr. Chairman, this says that no person shall park on a highway, a vehicle displayed for sale. It says that. It does not say what the Legal Advisor has just said. If it is intended to make this difference, say it.

Mr. O'Donoghue: With respect, Mr. Chairman, it appears to me to say it, fairly clearly. You must not park on a highway a vehicle displayed for sale. It doesn't say a vehicle which has a for sale sign notice on it, but it is one which is displayed for sale.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, I do have concern about 210 subsection (2): "No person shall (a) display any goods for sale," that is the one. I wonder if you would consider a sign as displaying goods for sale, you know, the big sign on the right-of-way which is part of the highway saying big opening sale at the Bay on Monday. Is this making signs illegal?

Mr. O'Donoghue: No, Mr. Chairman. It may be attacked under a different Section, but the putting up of a notice saying goods for sale in such and such a place is not the displaying of the goods. It's the publishing of a notice or the expression of a sign, but it is not displaying the goods.

Mrs. Watson: Mr. Chairman, all right, now we handle the signs through the Regulations then? Or are we handling it?

Mr. O'Donoghue: I'm not sure if the policies established fairly recently with respect to the signs on the highway. I think it was passed through the House, but there will be a new policy coming through in any event which will deal with this in detail, Mr. Chairman.

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, I might as well get in on this. It's getting kind of cozy here, 210.(1)(b), I am trying to visualize what vehicle would be displaying advertising directing persons to some commercial premise? I am eliminating here the matter of common sense, an ordinary commercial vehicle with the name of the owner or the business on it, that would be directing them to that place. What about a circus in town and the yap wagon or the melodeon or whatnot which is attracting you to that commercial property. Are they going to be illegal? I hope not, Mr. Chairman?

Mr. O'Donoghue: No, Mr. Chairman, they wouldn't be illegal. But if they parked a vehicle which said "circus on number 4 street" or "circus on number 4 block" on the vehicle itself, that would be illegal, but not the parking of the vehicle on the vacant lot saying, "come into the circus".

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

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Back to the point raised by the Honourable Member from Kluane. Is it possible to prosecute a person for having a sign on a highway right-of-way, is it impossible in any way, shape or form to prosecute that person for having a sign advertising goods for sale on a highway right-of-way under subsection (2) of 210 of this Ordinance? Is that possible?

Mr. O'Donoghue: No, Mr. Chairman.

Hon. Mr. Taylor: Well, Mr. Chairman, just not to belabour this too long, perhaps it could be explained to me why, when it says no person shall display any goods for sale, offer any goods for sale, or sell any goods, say display or offer, why you couldn't prosecute a person for this sign under 210(2)?

Mr. Spray: Mr. Chairman, a sign advertising goods for sale is not an offer of goods for sale.

Mr. O'Donoghue: Mr. Chairman, it's an offer to chaffer in the trade.

Hon. Mr. Taylor: Well, offer for gas, Mr. Chairman at so much a gallon?

Mr. O'Donoghue: It is what they call an offer to chaffer or an offer to treat. It is not an offer for sale. There are many law cases on this right back to carbolic smoke bottle case.

Hon. Mr. Taylor: My, it's snowing heavy here today, Mr. Chairman!

On Clauses 215 to 221

Mrs. Watson: Mr. Chairman, if you do not mind, I would like to revert back to 214.(1), because it interests me a great deal.

Is 214.(1), and it includes subsection (2), a section that would be found in other jurisdictions?

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

Mrs. Watson: Mr. Chairman.

Mr. Chairman: Mrs. Watson.

Mrs. Watson: Does that mean I cannot go and sell my car to my neighbour, unless I first—oh, Mr. Chairman.

Mr. O'Donoghue: No, unless the Honourable Member happens to be a dealer, and I did not hear that she was, Mr. Chairman.

Mrs. Watson: Oh, I see, it is a dealer. Okay, fine.

Mr. Chairman: Mrs. Whyard.

Hon. Mrs. Whyard: Mr. Chairman, I would just like to comment of the nostalgia aroused within me by Section 217.(1), because if we are going to bar every kid from enjoying riding around on his bike, I think that the least we can do is

provide bicycle trails where he can ride with one hand or no hands or on his head, if he wants. This is really going to take all the fun out of it. I know that it is for safety reasons and I know that we have had children killed who were riding bicycles, but, you know, you are erasing a beautiful image of youth there. I would just like to promote, perhaps, bicycle trails in the municipality.

Mr. O'Donoghue: How about 219, Mr. Chairman.

Mr. Chairman: Yes.

Hon. Mrs. Whyard: Yes.

Mr. Chairman: Mrs. Watson.

Mrs. Watson: Mr. Chairman, I hope you do not prevent me from asking a question about 213.(1)?

Mr. Chairman: No.

Mrs. Watson: Mr. Chairman, 213.(1), I believe, would not make it possible for the metermaid, or meterman, to place a ticket or a bill on your windshield.

Mr. O'Donoghue: No, Mr. Chairman, it refers to advertising matter.

Mrs. Watson: I know.

Mr. O'Donoghue: It says a hand bill or other advertising matter and other would be an adjective qualifying bills, as well. So, it must be advertising matter of some sort, a hand bill or anything else.

I do not know what a parking ticket is, or a meterman's ticket, but I do not think, with respect, Mr. Chairman—

Mrs. Watson: It is a hand bill.

Mr. O'Donoghue: I do not think it is other advertising.

Hon. Mrs. Whyard: Well, Mr. Chairman.

Mr. Chairman: Mrs. Whyard.

Hon. Mrs. Whyard: If I may draw the attention of Honourable Members, we have a little hope here, you know. If we could induce the municipality just to place a bond of advertising of some kind on their parking tickets, we could all go home free. It shouldn't be too hard to arrange.

Mrs. Watson: Mr. Chairman, 216 subsection (1): "No person under the age of 16 years shall operate a motor cycle, moped or snowmobile on a highway." That means they can't drive in the ditch?

Mr. O'Donoghue: That is correct, Mr. Chairman.

Mrs. Watson: Do we really want to do that, Mr. Chairman. Isn't that where a lot of them ride. I know the dangers when they go back and forth, they go back and forth across the highway, but I believe a lot of them ride along the highway on the outskirts of the community, and you don't want them within the community, and they are not driving through the bush and bumping into trees, they are in the ditches or on the right-of-way. You are driving along and you see them. Now under 16, it says under the age of 16 years, then again, you see some of them are 12, 13, and 14, and I think we must know what we are doing when we do this. Now, what is the reasoning behind this? There certainly must be an explanation?

Mr. Spray: Mr. Chairman, in drafting this Bill, we quite intentionally put in that a person under the age of 16 should not operate these units on a highway which included the right-of-way, it included the ditch, because, in our estimations, they are not considered capable of maneuvering that vehicle in the event of a possible accident, a vehicle which is being forced off the road, they are not able to react quickly enough in the face of an emergency.

One thing that we have not done in our Ordinance or Regulations is something that is quite common in the provinces, and that is that you may not ride a motor cycle or a snowmobile in

a ditch, unless you are proceeding in the same direction as the traffic. In other words, if you are going, you must be to the right of the traffic lane, and you may not go in opposing directions to oncoming traffic. It is a very, very serious hazard, riding snowmobiles in the ditches and we felt that it was necessary to at least restrict it to persons 16 years of age and over.

Mrs. Watson: Mr. Chairman, but you are permitting them if they are over 16 years and have—they can ride on the highway too?

Mr. O'Donoghue: Sixteen and over.

Mrs. Watson: On the highway with a snowmobile? That's what you are saying, on the highway. Not in the ditch, you are saying right on the highway, the whole part of it.

Mr. Chairman: Mrs. Watson, what was that?

Mrs. Watson: Mr. Chairman, I think the big question is, do we want snowmobiles on the highway if they are over 16.

Mr. Chairman: Mr. Spray?

Mr. Spray: From a practical point of view, Mr. Chairman, we are allowing snowmobiles on highways if they are operated by persons over 16. I am not permitted to give my own personal opinions on these. They are allowed in the municipality of Whitehorse, snowmobiles operate on the city streets, which are highways and in the Local Improvement Districts, the streets there are considered highways.

It would be very restrictive, if we prohibited them absolutely from operating on the highways.

Hon. Mrs. Whyard: But they must be licenced.

Mr. Spray: They must be licenced, they must be operated by licenced persons, and they must be insured.

Hon. Mrs. Whyard: Mr. Chairman, isn't that one of the main reasons that, under 16, they would not be licenced and could not be considered competent to be in that area, operating a vehicle, and they wouldn't have insurance, either.

So, the point is that, from 16 up, you would be required to have obtained a licence to be considered.

Mr. Spray: That is correct, Mr. Chairman, although, quite honestly, I question the competency of other people that operate snowmobiles, even though they are over 16 years of age.

Hon. Mrs. Whyard: Agreed, they are all nuts.

Mr. Chairman: Ms Millard.

Ms Millard: Mr. Chairman, this may sound like a funny question, but it really isn't in Old Crow. In Old Crow, the vehicles are snowmobiles and does it mean that, with the passage of this Bill, that everybody in Old Crow is going to have helmets and a licence, driver's licence, because, with the definition of highway, almost any street in Old Crow is a highway.

Mr. O'Donoghue: Mr. Chairman, they have always had to have helmets and insurance, and I thought they had.

Mr. Chairman: Mr. McIntyre.

Mr. McIntyre: Mr. Chairman, 217.(4), "A person who is riding as a passenger of a cycle shall not ride other than upon a regular seat". Would this make these silly little seats that people put their babies in on bicycles illegal, because they are not a regular seat of the cycle? It is something you buy and stick on afterwards.

It seems to me that would make them illegal.

Mr. Spray: Mr. Chairman, we have been very cautious on this one, because many provinces have had this problem, where they have inadvertently outlawed these seats.

Under 217.(1)(d), the cycle may not carry more persons than the number for which it is designed or equipped". Sub-

section 4, "upon a regular seat of the cycle includes seats with which that cycle is equipped".

Now, we are not setting standards for infant seats, but we are, by these, with the wording of these sections, allowing infant seats on bicycles.

Mr. Chairman: Mrs. Whyard.

Hon. Mrs. Whyard: Mr. Chairman, in 217, is not the reference here to the person who is operating the cycle who has to do that. It doesn't say anything about...

Mr. Chairman: Subsection 4 is the passengers, the rest is the operator.

Hon. Mrs. Whyard: Sorry, Mr. Chairman, I was back in the other section.

Mr. Chairman: Mr. Fleming.

Mr. Fleming: Yes, Mr. Chairman, I am wondering, my concern is with the snowmobile, that I haven't seen anything in this Ordinance, or, of course, I do not think in Regulations, pertaining to the braking ability of snowmobiles. I see the light situation is taken care of, I think but nothing in the braking.

Mr. O'Donoghue: Mr. Chairman, to save looking, my colleague here says that it is there, it is somewhere. I can't find it this minute, but it is there.

Mr. Chairman: The Committee will recess.

Recess

Mr. Deputy Chairman: I call this Committee to order. We are now on Part 14.

On Clause 222

Mr. Deputy Chairman: Mr. Fleming?

Mr. Fleming: On 222(1) I might just ask the witnesses, do you have to have a horn, or a gong, or a bell on these?

Mr. Deputy Chairman: Mr. Spray?

Mr. Spray: Mr. Chairman, the parts referred to, XI and XII, are rules of the road, they are not equipment required on the vehicle.

On Clause 223

Mr. Deputy Chairman: Mr. McIntyre?

Mr. McIntyre: Mr. Chairman, in 222.(1), wouldn't it be preferable to say an animal powered vehicle, it's not likely the animal is going to be driving the vehicle?

Mr. Deputy Chairman: Part XV.

On Clause 224

On Clause 225

Hon. Mrs. Whyard: Mr. Chairman, I was going to ask a legal oriented question, and it's not fair to pose to Mr. Spray, but we had an earlier section which said that the driver of the motor vehicle has the right-of-way, but he must at the same time, have due care and attention to the safety of pedestrians. Now we have the pedestrian, but nothing relieves him from the duty of exercising due care, et cetera. At what point do we reach stalemate. Where in the middle of the road do we reach the point where nobody knows whether it was the pedestrian or the driver who has to take the onus?

Mr. Spray: It becomes a shared responsibility, Mr. Chairman.

Hon. Mrs. Whyard: Very good. Thank you, Mr. Spray.

Mr. Deputy Chairman: Mr. Fleming.

Mr. Fleming: I am wondering on 226.(1), "Every pedestrian crossing a roadway, at any point other than within a crosswalk, shall yield the right-of-way to vehicles upon the roadway". I am just wondering, there is not an actual crosswalk, many, many, many hundreds of places, but, I am pre-

suming that these are intersections where that would be considered a crosswalk. Am I right?

Mr. Deputy Chairman: Mr. Spray.

Mr. Spray: Yes, Mr. Chairman, the definition of crosswalk, it means that part of a roadway, at an intersection, included within the connection of the lateral lines of the sidewalk, or, in the absences of curbs from the edge of the roadway or any part that is designated as a crosswalk. It is an extension of what would be a sidewalk, even if there is no marked crosswalk.

Mr. Deputy Chairman: Mr. McIntyre.

Mr. McIntyre: As a matter of style, I was wondering if there is any distinction between the phrase right of way, without hyphens, and right-of-way, with. You have used it in different areas. Some places you say right of way to indicate the right that a pedestrian has or hasn't. In other places, you use right-of-ways, with hyphens, to indicate an actual portion of the road.

Do you intend to use it with hyphens in all cases or in some cases with and some cases without?

Mr. O'Donoghue: Mr. Chairman, I am not precisely sure of which is correct at the moment. I think the correct is, the right of way, without hyphens is the right to pass and having the other person stop. A right-of-way, with hyphens, is a right on land to pass and repass over a person's land.

So, I think the hyphen should be eliminated in its use in these sections.

On Clause 226

On Clause 227

On Clause 228

On Clause 229

On Clause 230

Mr. Deputy Chairman: Mrs. Whyard.

Hon. Mrs. Whyard: Mr. Chairman, do we mean "red" throughout the sections under 230, or is there ever an amber? The local conditions here, it is amber.

Mr. O'Donoghue: No, Mr. Chairman, red is intended. What they are talking about in Section 230, is that when red is showing intermittently, then a vehicle would have to stop, but a pedestrian could cross because the vehicle would stop for him. The red, not amber, is intended.

Hon. Mrs. Whyard: Mr. Chairman, may I put it this way. Do we have any sections here where it does say, oh, yes, yellow. Beg your pardon.

Thank you.

On Clause 231

Hon. Mrs. Whyard: Mr. Chairman, a typo in the first line of (3), word.

Mr. Deputy Chairman: Take notice of that typo, Mr. Spray.

On Clause 232

Mr. Deputy Chairman: There is a matter, Mr. Legal Advisor, in subsection (b) of (3) of 231, it goes on to say: "wait" or "don't walk" shown after "he entered upon the highway". Wouldn't that be better to use, reference to pedestrian?

Mr. O'Donoghue: No, Mr. Chairman, when you are talking about a pedestrian, you are saying there is only person named throughout the section, and that's the pedestrian, and that is 'he'. He is a reflective pronoun referring to the noun that immediately preceded it. There is only one. There is no doubt of that, Mr. Chairman.

On Clause 233

On Clause 234

On Clause 235

On Clause 236

On Clause 237

On Clause 238

Mr. Deputy Chairman: Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, in 238. (1), we say "Notwithstanding anything contained in this Part, a pedestrian who is (a) a Canada lands surveyor or who is in the employ of such a surveyor, or (b) who is in the employ of a municipal corporation, the Government of Yukon, the Government of Canada, or the owner of a public utility" and so forth. First of all, I would like to know if a contractor in the employ of a Canada lands surveyor, or indeed a contractor in the employ of the Government, perhaps of Yukon, doing survey work, would be included as an employee, in the employ of government, notwithstanding that there is a contract out for the work he is doing, which causes him to be on the highway, and while I am on my feet, also, I would like to know if a Crown corporation, such as the CN people who run up and down and park along the highways as they repair our telephone lines and so forth, if they are considered as being employees of the Government of Canada?

Mr. O'Donoghue: The point is well taken, Mr. Chairman. A contractor is not an employee. There is a relationship, but he is not employed, so the language might be happier. CN is a public utility and it is covered, but the point of the contractor, as opposed to a person in employment, is well taken. We will re-examine that Section and design it to include that point.

Mr. Deputy Chairman: Mr. Taylor?

Hon. Mr. Taylor: Yes, Mr. Chairman, if I just might continue here. Also I am having difficulty with, "who is in the employ of a municipal corporation", and as you know, L.I.D.'s also have highways, and L.I.D. employees from time to time have cause to be parked on that highway, and ought not this to be included in this section?

Mr. O'Donoghue: With respect, Mr. Chairman, it is not necessary, because an employee of the L.I.D., as it is presently constituted, would be employed by the Government of the Territory. That would be the true relationship.

Mr. Deputy Chairman: Mrs. Watson.

Mrs. Watson: Mr. Chairman, they are not providing public service to the Yukon. They are employees of the Local Improvement District. It is a separate identity and it is just the same as saying Yukon employees are really Government of Canada employees. You know how you can go around on that one.

Mr. O'Donoghue: Well, perhaps, if we are going to use the law, we had better use tact, Mr. Chairman, and put in L.I.D.

Mrs. Watson: Thank you, Mr. Chairman.

Mr. Deputy Chairman: Mrs. Whyard.

Hon. Mrs. Whyard: Mr. Chairman, I would defer to the opinion of the senior statesman from Mayo, but it is my impression that the actual title, under 238. (1) (a), is Dominion Land Surveyor, and the initials are DLS. Have they changed that?

Mr. Spray: Mr. Chairman, I am advised that it has been changed, or is in the process of being changed, and by the time this Ordinance is enacted, Canada Land Surveyor will be the proper title.

Hon. Mrs. Whyard: Is nothing sacred.

Mr. Deputy Chairman: So, you are quite confident, Mr. Spray, that this Bill is going to be enacted.

Mr. Spray: Mr. Chairman, I said, "at the time this Bill is enacted".

Mr. Deputy Chairman: Oh, okay.

On Clause 239

On Clause 240

Mrs. Watson: Mr. Chairman, 240. (2), it appears there is rather an incorrect cross reference in guilty of an offence under subsection 7, subsection 6. I believe it should be 7, subsection 1, because you are just repeating what you are saying, and subsection 1 actually is the part that has the meat.

Mr. O'Donoghue: I do not think it matters whether you use, in this case, subsection 1 or subsection 6, because you have combined the two. One is a the penalty clause and one is the prohibition clause. It does not really matter, Mr. Chairman.

Mr. Deputy Chairman: Mr. Fleming.

Mr. Fleming: Yes, Mr. Chairman, 241. (3), "A person who is guilty of an offence under subsection 18. (2) "is liable on summary conviction: (a) for a first offence to a fine of not more than one thousand dollars and in default of payment to imprisonment for a term not exceeding six months", and it carries on.

Now, my concern is, that under 18. (2), a person in respect of whom an order has been made under subsection (1), of 18, who drives a motor vehicle or other vehicle on a highway in intervention of that order is guilty of an offence.

Okay, you go to 18. (1) and it says, "The Registrar may at any time thereafter issue an order for any period and subject to any conditions specified in the order declaring that person to be disqualified from obtaining an operator's licence or driving a motor vehicle or any other specified class of vehicle on a highway".

I am thinking of the person, who has been to court, has been charged up to a thousand dollars for an offence, and then is subject to the Registrar alone, and there is no way out, no appeal, no nothing, who can, in turn, at any date, thereafter, take away a licence that would have been issued to the person, for any number of years thereafter.

Mr. Deputy Chairman: Mr. Legal Advisor?

Mr. O'Donoghue: This is going to a Driver's Appeal Board, Mr. Chairman.

Mr. Fleming: What Driver Appeal Board?

Mr. O'Donoghue: Not just the Registrar.

In 18(1), they may refused your license for a good cause, accompanied by an order that that person is not to drive. If the person then drives contrary to that order, nothing to do with the offence of dangerous driving or anything, if the person drives contrary to a written order of the Registrar not to drive, then there should be a heavy penalty, because there are special order directed to that person not to drive...

Mr. Deputy Chairman: Ms Millard?

Ms Millard: Mr. Chairman, in Section 5, since we are going on past Section 1, which I thought we were on, you have penalties under Section 86, and again in Section 8 of 240, it mentions Section 86 again. I think it must be a typographical error in the numbers.

Section 245 and 248 mention penalties to do with Section 86.

Mr. O'Donoghue: Thank you, Mr. Chairman.

Ms Millard: Mr. Chairman, further to that, which one should it be, because one is a very minimal fine and the other is fairly substantial?

Mr. O'Donoghue: I think it should be Section 87, Mr. Chairman, used in subsection (5).

Mr. Spray: Mr. Chairman, subsection (5) is 86 and subsection (8) is 87.

Mr. Deputy Chairman: Ms Millard?

Ms Millard: Further on Section 6, I thought that it was not good law to have a minimum fine, and that we were trying to avoid that. Here we have a minimum fine of not less than \$400, and in the next section, \$750. I know it's a fairly important part, because it has to do with insurance, but I am wondering what the logic is on the minimum fine there, where it isn't used in other places?

Mr. O'Donoghue: Usually, Mr. Chairman, even though we are taking grasp of the problem, we screen out all compulsory minimum fines. We know from experience the feeling of the House on this matter. These have been left in because they are serious offences.

Mr. Deputy Chairman: Any further discussion on 240, all sections?

On Clause 241

Mrs. Watson: Subsection (9), "guilty of an offence under Section 198 of a fine of not less than \$200", and that's for the unnecessary noise. Motor vehicle.

Mr. Deputy Chairman: Mr. Legal Advisor?

Mr. O'Donoghue: I have sympathy with the point being raised. This will be reconsidered, Mr. Chairman.

Mr. Deputy Chairman: Mrs. Watson?

Mrs. Watson: I think that whole Section of 198 could cause some problems, because if motor vehicles, and that includes motorcycles and snowmobiles, ... it's just up to a person in the interpretation of whether the noise from a snowmobile is loud and unnecessary, and a lot of people feel that it is.

So, just by even operating a snowmobile, you are almost saying they are in contravention of 198.(1).

I wonder if what you are trying to accomplish in 198.(1), what the witness referred to in the House, whether you could look at that section and possibly reword it.

Mr. O'Donoghue: Mr. Chairman, what I would prefer to do is to discuss it with the police and see how it is generally interpreted. If it is going to be interpreted wrongly, then we will change it. If it is interpreted in the way that person must deliberately do something to cause noise, which would not normally be caused by the vehicle or devices using it, then we will leave it alone.

If, however, it can be interpreted, that merely because a person has to rev up going up a hill, and it is objected to by his neighbours, if could have committed an offence, then we will change it to adapt to that. If the House will leave it to that point, we will do it.

Mr. Deputy Chairman: Mr. Spray.

Mr. Spray: Mr. Chairman, my notes indicate that subsection 9 should make reference to Section 195, which is careless driving.

On Section 198, Mr. Chairman, the general provision, preventive provision comes in.

Mr. Deputy Chairman: Mr. Spray, I sense there is an element of imbalance when you are talking about the penalties, which apply, when you are looking at the types of fines that may be imposed in comparison to the period of time you may be incarcerated. We are noticing a substantial amount of people are taking the latter as the option.

I wonder if the Administration has looked at this particular problem, because, you know, of its present situation?

Mr. O'Donoghue: You mean, Mr. Chairman, the sense that the period of imprisonment is too short, or the amount of the fine?

Mr. Deputy Chairman: Well, this is the problem I am having when we are saying here, for example, perhaps the max-

imum fine allowable imposed upon the individual that may have committed the act, and, then we see, perhaps, a twenty or a five day option in jail. A lot of people are opting for the five day or ten day option, as to perhaps, \$1,000 or \$1,200 fine.

Mr. O'Donoghue: This is a true situation, Mr. Chairman, and the Chairman states it correctly. It is a position that we find ourselves torn about.

When the fine is very heavy and if the person has money, he can opt to take a short term of imprisonment and he has a free wish in the circumstances, but, when the fine is heavy and the person does not have money, then, he may have to go to jail, and if we lengthen the term of imprisonment, people with limited incomes may be severely hurt.

It is hard to know where to draw the line. It is guesswork. There is no special skill attached to the individual who formulated the length of time attached to the thing. All you can do is aim for consistency as to the deliberateness of the offence, the public nature of the offence, and, as against a trivial offence.

We do our best, Mr. Chairman, but cannot plead perfection.

Mr. Deputy Chairman: Mr. Fleming?

Mr. Fleming: The statement by the Legal Advisor, Mr. Chairman, where a person is driving by not more than 15 kilometres per hour, driving faster than the speed limit by not more than 15 kilometres per hour which is approximately 12, I think, and the speed has really not become dangerous, I would say, in any area. I would like to find an area where that much speed more than the normal would be a dangerous situation actually, such as on the highway or anything, you know, that is not really, I don't think, as big an offence as they have laid down the fine for.

That's an automatic fine of \$50. I think now it is \$20 in the old Ordinance, and I'm just wondering, Mr. Chairman, if they are not just trying to make a lot of money somewhere?

I can see going on to where you are convicted of going 30 or 40 miles more than the speed limit. You really are a hazard and you are dangerous, I can see, whack them as hard as you like, I have no problem, but for every little, small offence, 12 miles per hour less, possibly maybe even 3 or 4 miles over the speed limit that a person might do going down a hill or do anywhere, that could happen, to anyone. I'm not saying that the policeman is going to check these drivers, he wouldn't bother, but there are times when he might do this, and \$50, to my estimation, is just a little rough.

Mr. O'Donoghue: The government is in the hands of the Council in this matter. These are the standards which are fixed, they are fixed because they have become reasonably uniform in an attempt to put safety, compulsory safety on drivers. It is also an attempt to grade the dangerous nature of the driving by increasing the fine, depending on the rate of speed. It is suggested that the fines are reasonable, because inflation has set in, but the government is in the hands of the House.

Mr. Deputy Chairman: Mr. Taylor?

Hon. Mr. Taylor: Yes, Mr. Chairman, I was concerned when I first saw this section as well, as to the severity of the penalties, especially when you consider that there is an awful lot of radar on the road these days and an awful lot of people being stopped for one reason or another. What I would like to know, is firstly, we have been told that this is an attempt at becoming in line with the provinces through uniformity of legislation. How many provinces have adopted these penalties that we are now talking about in Canada, or are we the first, or just where do we sit?

Mr. O'Donoghue: It is hard to say exactly at any one time, Mr. Chairman. There are at least three or four provinces who adopted this scale. We cannot say for sure about the others,

because they are in a state of change. They are, like ourselves, changing their ordinances, their acts, from time to time, but, not always the same group of sections at the same time.

All we can say is that we were satisfied, on examination of the Canadian Statutes, that these are evenly in line with the accepted trend. We cannot say anymore than that. We have attempted to make them reasonable, but, at the same time, to prevent people from speeding.

Mr. Deputy Chairman: Mr. Taylor.

Hon. Mr. Taylor: With respect, three or four provinces, is this Newfoundland, these three or four, is this Alberta, western provinces, eastern, where, where are these provinces.

Mr. O'Donoghue: Speaking without looking it up, Mr. Chairman, I think Ontario, Alberta, B.C., and one other province. I am not sure that they have roads in Newfoundland that you can speed on.

Mr. Deputy Chairman: Mrs. Watson.

Mrs. Watson: Mr. Chairman, I believe it is becoming the trend across the country, as part of energy policy, of the various governments in the various provincial jurisdictions, to really clamp down by increasing the fines on people who are found guilty of exceeding the speed limits that are being posted. I think that we will probably find that, instead of reducing the fines, that, over the next few years, these fines are even going to become greater than what they are.

Also, another thing, and I know specifically in B.C., that they have done this specifically to endeavour to cut down the accident rate because of the drains on their government insurance scheme, and, apparently, it has, some of these measures have had some effect, because they have been able to reduce the premiums for their insurance scheme. So, by looking, it seems very petty, almost, when someone is just exceeding the speed limit a very few miles an hour, to throw him a fine of \$50, but, you know, where do we draw the line, the line has to be done somewhere.

We just do not want to, as a government, want to even appear that we are condoning this type of a law that we are putting in. Condoning the speeding.

Of all of the things in the *Motor Vehicles Ordinance*, this is the one that I think we should be, maybe even becoming a little bit more forceful on. I have been very reluctant in many of the other sections, but, in this one, for the simple reason because of the trends, the safety, and because of the energy.

Mr. Deputy Chairman: Mrs. Whyard.

Hon. Mrs. Whyard: Mr. Chairman, I would remind all Honourable Members that they have also been discussing lowering the limits on our highways, and, if you are going to increase the fine and lower the limit and change the signs to kilometres, we are going to need a real driver instruction and education advertising campaign, which is, probably, a very good idea.

Mr. Deputy Chairman: Mr. Taylor.

Hon. Mr. Taylor: Mr. Chairman, I am just not too clear on just what is inferred here about reducing the speeds on our highways, because I do not recall that we are having the same problems as they are in the Outside, where you have got, you know, had people going at 80 miles an hour and this sort of thing. I do not recall us having any highways posted at those excessive speeds, at this time.

I see no need to reduce speed on highways if that was just what was suggested by the Honourable Member.

Mr. Deputy Chairman: Mr. Lang?

Hon. Mr. Lang: Mr. Chairman, obviously the Member wasn't in the House when we were discussing that particular section. The legislation proposed to bring all our highways

into one common denominator in respect to the speed limits, and it was the equivalent of 55 miles per hour or 90 kilometres that was being recommended. I would imagine that possibly, on further review, we will be discussing this matter a little further, but the Honourable Member to my left is correct. It has been discussed in the House, at least initially.

Mr. Deputy Chairman: Mr. Taylor?

Hon. Mr. Taylor: With respect, I didn't say it hadn't been discussed, I just suggested the Honourable Member had just indicated about reducing all the speed limits at this great saving, I just pointed out that I know of no excessive speed limits in the Territory at this time.

Mr. Deputy Chairman: Mr. Lengerke?

Mr. Lengerke: Mr. Chairman, I am sorry, I was out of the House and I missed the debate on the speeds, but I am of the opinion that speed—if you are speeding, you are speeding, period. It doesn't matter if you are speeding two miles an hour over the limit or fifty, and I am of the opinion that effective fines have been imposed across the country and we have certainly seen the results of that. There is better control, and I would hope that we shouldn't deviate from our role here in asking that these fines be diluted, because really, how effective will it be? I would hope that we can do this from some point of strength, Mr. Chairman.

On Clause 241

On Clause 242

On Clause 243

On Clause 244

On Clause 245

Mrs. Watson: What are we talking about here in 245? We are referring to sections in the *Criminal Code*.

Mr. Chairman: Mr. Spray?

Mr. Spray: Mr. Chairman, Section 234 of the *Criminal Code* is impaired driving. Section 235 is failure or refusal to provide a sample of your breath. Section 236 is driving with more than 80 milligrams of alcohol in your blood.

Hon. Mrs. Whyard: Mr. Chairman, these Sections deal with what happens to the license as well to the convictions and fines. Right?

Mr. O'Donoghue: Mr. Chairman, the discussions arose between the provinces in Canada some time ago, arising out of cases which had been decided: the issue being whether or not under the *Criminal Code of Canada* the power lay for the Government of Canada to deal with suspension of licenses which are under provincial jurisdiction. So changes were made in the *Criminal Code* which required the various provinces and territories to introduce legislation repeating in it, provincial or territorial way, the former power exercised under the *Criminal Code* and this is what Section 245 is attempting to do.

Mr. Chairman: Mr. Taylor.

Hon. Mr. Taylor: Mr. Chairman, it was always my understanding that the *Criminal Code* provided for this sort of thing. This seems to me to be in addition to any provisions in the *Criminal Code*, and I would have thought that the restriction of an operator's licence for an offence under the *Criminal Code* would be dealt with by that Code and by the discretion of the Magistrate hearing the case and hearing all the evidence pertaining to it.

I know that there have been many cases where a magistrate has levied a fine, under these Sections of the *Criminal Code*, and yet, felt that it, in the interests of the situation as related by the defendant, that it was not in the best interests of justice to take away the licence.

I think that I would like to have a second look at this 245.(1). I see, I can find no real reason for it being here as long as the *Criminal Code* is in existence and the magistrates have that right.

Mr. O'Donoghue: Mr. Chairman, we are quite prepared to re-examine the situation and check that our information is accurate.

We will be re-examining the other sections anyway. We will check back into it and make sure that what I say is the technically correct position, as of this time.

Hon. Mr. Taylor: Mr. Chairman, as I say, I think this is exceedingly important, and I hope that Members of Committee do not overlook this when we do the final review of the Ordinance.

I have a feeling that this 245.(1) ought to be deleted from the Ordinance.

Mr. Deputy Chairman: Mr. Spray.

Mr. Spray: Amendments were made to the *Motor Vehicles Ordinance*, at the second Session, in 1976, putting these offences and these into the *Motor Vehicles Ordinance*, because, at that time, it was required as the *Criminal Code* had been amended.

What we are doing here is picking up these sections from the existing *Motor Vehicles Ordinance*.

Hon. Mr. Taylor: Mr. Chairman, I still maintain that it should be deleted.

Mr. O'Donoghue: Mr. Chairman, I am not sure if that is in the form of a question. If we delete them, and the power has been taken out of the *Criminal Code*, Mr. Chairman, we are in Queer Street.

Mr. Deputy Chairman: Yes, Mr. Taylor.

Hon. Mr. Taylor: With respect, Mr. Chairman, you are saying, if, if, if. To date, the power is under the *Criminal Code* to deal with these sections, to my knowledge, and, until it is not in the *Criminal Code*, we ought not to have it on our books.

Mr. O'Donoghue: Mr. Chairman, the Honourable Member's information reflects him great credit, but, I think it is out of date.

Hon. Mr. Taylor: Mr. Chairman.

Mr. Deputy Chairman: Mr. Taylor.

Hon. Mr. Taylor: With respect, I do not have a *Criminal Code* in front of me, or current *Criminal Code*. We are relating, in Section 245.(1), to Sections 234, 235, or 236 of the *Criminal Code*. Well, if they are not in the *Criminal Code*, then what are we doing discussing them in this Legislation?

Mr. O'Donoghue: Mr. Chairman, the impression I wanted to convey to the House was, Canada dealt with the *Criminal Code* in a special way, to remove certain provincial powers which considered to be objectionable when used by Canada and to transfer them into provincial hands or territorial hands.

We set up this system in, the last time we amended the Ordinance, it was explained at that time what we were doing. These are virtually a reproduction of the existing *Motor Vehicles Ordinance* sections, which were made at that time, not completely identical. As I said, we checked that they are precisely up to date and required, because, if they are required, and if our check shows that they are still required, then we would have no power to suspend licences after impaired driving convictions and this, Mr. Chairman, is required.

We will check it back.

Mr. Deputy Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, the Legal Advisor has answered the question. I was only going to rise to say that all

Honourable Members must recall two years ago when we had to do a quick patch job because of the change in the *Criminal Code* which left a gap there for impaired driving charges, and this Ordinance is picking up and putting it together.

Hon. Mr. Taylor: We will wait and see what comes back. Mr. Chairman.

On Clause 246

Mr. Deputy Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, since you have to review all of Section 245, I would presume then that you will have to review some of the sections that follow 246 and 247, and then we go to a different section of the *Criminal Code* in 238.(3).

Mr. O'Donoghue: No, Mr. Chairman, I would point out to the Honourable Member that Section 246 is new.

Mrs. Watson: Yes.

Mr. O'Donoghue: And it is a departure from the existing practice.

Mrs. Watson: I was going to comment on that, Mr. Chairman.

Mr. Deputy Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, on 246, subsection (1), it is quite a departure from what we have had before where a peace officer is able to make a judgment suspecting that a driver of a motor has consumed alcohol or drugs in such a quantity to affect his physical or mental ability, and at that time the peace officer may require the driver to surrender his operator's license to the peace officer.

Mr. Chairman, what do we hope to accomplish by bringing this Section in?

Mr. Deputy Chairman: Mr. Legal Advisor?

Mr. O'Donoghue: Mr. Chairman, briefly what would be accomplished is that a peace officer who has reason to believe that a person is somewhat impaired can suspend his license for 24 hours, right now, and the man can get a cab and go home and then go back and pick up his car and that's it. He doesn't have to go to court and what have you, provided he is not required to.

Mr. Deputy Chairman: Mr. Lang?

Hon. Mr. Lang: I think it's fair to say too, and maybe I will refer to the Legal Advisor on this, that if somebody has consumed drugs that it is very difficult to take to a medical officer or doctor to check and see whether or not the individual is capable of driving, and I think if one takes too much of the drugs that are available now that they can be dangerous on the highway, yet the officer can't prove whether the person is under the influence of drugs. Is that not correct, Mr. Legal Advisor?

Mr. O'Donoghue: It's both drugs and alcohol, Mr. Chairman.

Mr. Deputy Chairman: Mr. Lang, you are making reference to prescribed drugs or the others?

On Clause 247

Mr. Deputy Chairman: Mrs. Watson.

Mrs. Watson: Mr. Chairman, what code under the *Criminal Code* are we talking about in 247? They obviously are not the same as the alcohol one. It is *Criminal Code*, Section 223, and then in subsection 2, we go to 203, 204 and 219.

Mr. Spray: Mr. Chairman, Section 233 of the *Criminal Code* is criminal negligence in the operation of the motor vehicle. Section 203 is causing death by criminal negligence. Section 204 is causing bodily harm by criminal negligence. Section 219 is manslaughter, and Section 238.(3) is driving whilst disqualified.

On Clause 248

Mr. Deputy Chairman: Yes, Mr. Fleming.

Mr. Fleming: Section 248, Mr. Chairman?

Mr. Deputy Chairman: Section 248, all subsections.

Mr. Fleming: Section 248.(1) "...the convicting judge may order that the certificate of registration of the motor vehicle ...at the time of the latest offence be suspended for a period of 30 days in accordance with this section". Is this, under the *Criminal Code*. In Section 238.(3), is the judge not allowed to give more or less or anything. Are we telling the judge what he may do nowadays?

Mr. O'Donoghue: That has always been the case in this House, Mr. Chairman. The judge has always told the judges what they may do.

This House makes the law, Mr. Chairman, not the judges.

On Clause 249

On Clause 250

On Clause 251

On Clause 252

Mr. Deputy Chairman: Mr. Legal Advisor.

Oh, I am sorry, Mr. Lengerke.

Mr. Lengerke: Does that mean if a traffic control sign was not put up in its proper way, that it still would be proof that there was a traffic control offence committed if charged under that?

Mr. O'Donoghue: No, Mr. Chairman, it arises because somewhere, at some time, some smart defendant contested whether or not a parking sign which said, No Parking on This Side of the Street, was, in fact, put up by the municipality. So, the judge found the man not guilty. So, in future cases, they had bring the person who put down the sign to say he put it there, and a bylaw was passed.

Mr. Lengerke: Thank you.

Mr. Deputy Chairman: I am having difficulty with 252.(1), Mr. Legal Advisor. I am just wondering if this is a trick subsection?

Mr. O'Donoghue: It is not intended to be a trick subsection, Mr. Chairman. It is intended to deal with the situation where lines are painted, apparently being proper lines painted, and an engineer hands in a certificate that he measured the distances between the lines, or between the stop marks and that they are such and such. Then unless the defendant can contest that by saying that is in error, or that is not the engineer's signature, then the court can accept the certificate as proof without further adieu. Otherwise you would have to call the engineer, and for a case in Watson Lake, we would have to call a highway engineer from Whitehorse.

Mr. Deputy Chairman: Thank you for the comments on 253.(1). I am concerned with 252.(1). Maybe I should read it out: "In a prosecution for contravening this Ordinance, the *Highways Ordinance* or the regulations or a municipal by-law the existence of a traffic control device is a *prima facie* proof that the device was properly designated and erected by the proper authority without other or further proof thereof." Now I wonder if you could give the Committee an explanation on that. I am having difficulty with it.

Mr. O'Donoghue: A traffic default device would include road signs, such as a speed limit for passing by a school, such as a series of lights showing red, green or arrows and suchlike. When the police officer gives evidence and says there was a traffic light at such and such a place, then merely because he says it was there proves, it was there. But the question arises, who put it there. Was it put there by the municipality or by the government highway authority, or did some sneaky person in

the middle in the middle of the night go out and trap him by putting in a false traffic light. It's existence is taken as *prima facie* proof. If he wants to contest it and say my neighbour did it as a practical joke, he can do that. But otherwise he has to admit that it was put there properly by the municipality or the highway authority.

If he has proof to the contrary, he can prove it.

Mr. Deputy Chairman: It happens all the time.

On Clause 253

Mr. Deputy Chairman: Mr. McIntyre?

Mr. McIntyre: Yes, Mr. Chairman. I wonder if we could have an explanation as to why a certain class of persons has been selected for this particular treatment, because, in this section, most of the people involved in these transgressions will be people between the ages of 16 and 25, and is there some attempt to select them as a particular group of the population to have this type of restrictive—legislation passed against?

Mr. Deputy Chairman: Mr. Legal Advisor?

Mr. O'Donoghue: I don't know, Mr. Chairman. Maybe it's the top, but if they haven't been fined, they shouldn't be put in jail, and this is a method of, what they call in some families, gating them, or there are various nicknames for keeping a person indoors and away from his motor bicycle or moped a week or two. I wouldn't say it's intended to happen for the whole winter. That's fine, Mr. Chairman. I guess. It was only a suggestion.

Mr. Deputy Chairman: Mr. McIntyre?

Mr. McIntyre: Mr. Chairman, I am not in favour of this type of a section. If you want this kind of a section it should apply to automobiles as well, all motor vehicles, not just select the types that young people use. I'm the oldest man in this House and I just can't accept this kind of discrimination against the young people.

Mr. Deputy Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, the Honourable Member has raised a point of view which certainly didn't occur to me, because in reading court reports, I see a number of offences against drivers of snowmobiles who are certainly over the age of 16.

I was thinking in particular of the community of Old Crow, where many of the adult males are being cautioned regarding the way they are using their equipment, their vehicles. If he sees some intention here to discriminate against an age group, I would certainly suggest that we have another look at it, because that was not uppermost in my mind.

Mrs. Watson: Mr. Chairman, I am sure because you put in the words "person as parent or guardian." And, we do not have that in any other section, or his parent or guardian. So, you anticipated that it was going to be an under-age groups.

Mr. O'Donoghue: We will review it with good grace, Mr. Chairman.

On Clause 255

Mr. Deputy Chairman: Mrs. Watson.

Mrs. Watson: I just don't know what 255.(1) is implying. What is it doing? Purporting. It has something to do with what you were saying before, but how does it apply here?

Mr. O'Donoghue: Well, Mr. Chairman, it means that when you are charging a person with failing to have a licence, you have a check made in the Registrar's office and you get a certificate saying, "there is no licence registered here in the name of Joe So", you can hand that straight to the judge and it proves itself. You do not have to call down the Registrar to prove the fact a person doesn't have a licence or whatever happens.

It is saying, in a long form, that a certificate of a public officer, as to facts of which he has record, proves itself.

Mrs. Watson: Mr. Chairman, without proof of the signature or official character of the person signing the certificate. That would be to get him down there himself, would it?

Mr. O'Donoghue: Well, otherwise, you have got to bring, the Registrar would sign the document and you have got to call some witness to prove, do you know Mr. Spray's signature? Yes. Is that Mr. Spray's signature on the document? Yes. You still have got to have a witness. It is to avoid the necessity of bringing a witness to prove something which is simple and is never, in fact, contested in a court.

Mrs. Watson: Mr. Chairman, this certificate would usually be handed in by a peace officer, then, would it? At the court?

Mr. O'Donoghue: No, it is just handed in from the floor, Mr. Chairman. You just hand in a certificate and say, I am handing in a birth certificate, I am handing in a driver's licence and the judge would then say, "Show it to the witness. Do you admit that?" "Yes," and it is handed in. That kind of thing.

On Clause 255

Mrs. Watson: Is that the same thing?

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

On Clause 256

Mr. O'Donoghue: This is a straight repeat from the old Ordinance, Mr. Chairman.

I can remember this because we forgot to type it the first time around.

On Clause 257

On Clause 258

Mr. Deputy Chairman: Mr. Legal Advisor?

Mr. O'Donoghue: Two fifty eight and 259 are in a slightly unusual form in that we have got to provide for a staged phase out of one Ordinance into the other. It's not the precise form that the House is used to.

Mr. Deputy Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: I would remind Honourable Member that Mr. Spray advised during earlier considerations of the Bill that it was the intention to bring in the licensing provisions, effective February 1st, I believe, and that other sections would come into force as required.

Mr. Deputy Chairman: With the exception of 259, which is the subsections dealing with proclamation that concludes the first review of the *Motor Vehicles Ordinance*. We are aware that the administration is looking at a substantial number of areas of this particular Bill, but at this point in time, I think we can, with the concurrence of Committee, we can set it to one side until these other matters are brought back from the administration, if that is in agreement with Committee?

Mrs. Watson:

Mrs. Watson: Mr. Chairman, I just have one question on the Interpretation section if I may ask it now so they can look at it.

Mr. Deputy Chairman: By all means.

Mrs. Watson: Mr. Chairman, on the definition, I am really quite confused on traffic control device and traffic control signals.

Now, a traffic control device means any sign, signal, marking or device placed, marked or erected. Now, traffic control signal means a traffic control device. You are saying the device is a traffic control signal and then the traffic control

signal is a traffic control device. Are you not using common terminology or is one a noun and the other a noun, too, yes.

Mr. O'Donoghue: They are both nouns, Mr. Chairman. The intention is to have some descriptive method of differentiating between the stop and start control signal and all of the others. The control signal directs traffic to come and go, to stop or to proceed, that is all it does.

The traffic control device includes all of the signs, speed limits and what have you, on the highway as a whole.

Mrs. Watson: Mr. Chairman, thank you, because I thought the traffic control device was the electrically operated red and green lights and that is the very opposite, then. The traffic control signal and the signs of the traffic control device, they are the ones that are put up on highways, stop, yield, this type of thing.

Mr. O'Donoghue: Yes, but they also may consist of things which move and work and light up and light down, but traffic control signal is a traffic control device which tells traffic to stop or go.

You have got a device, but when a device is used to tell you to stop and go, it becomes a signal.

Mrs. Watson: Well, is a yield sign a device?

Mr. Deputy Chairman: Mr. Legal Advisor.

Mr. O'Donoghue: Yes, Mr. Chairman, it is a device. It can never be a signal.

Mrs. Watson: Well, the only signals I know are stop and go, slow, now, what are the other ones, yield, yes.

Mr. O'Donoghue: No, yield is not a signal, Mr. Chairman, yield is a device.

Mr. Lengerke: What is a stop sign in a guy's hand?

Mrs. Watson: Mr. Chairman, I am rather confused on this. I wonder if the...

Mr. O'Donoghue: Basically, the lights are going to be the signals.

Mr. Deputy Chairman: Mrs. Watson, would it satisfy you if the Legal Adviser got some further advise on this particular matter, before we go into second review on this?

Mrs. Watson: Well, Mr. Chairman, it appears it is a little bit like the rented vehicle and the leased vehicle.

Mr. O'Donoghue: It is not in that class, Mr. Chairman. There is no confusion here, except in the minds of some of the observers, at least not in my mind. In the lease and other ones, there was some confusion, because the Member made a good point on that one, in that it was a question of renting, leasing and what have you and there was difficulty on that one.

I won't give her this last point, Mr. Chairman.

Mr. Deputy Chairman: With the concurrence of Committee, can the Chair report progress on this Bill?

Some Members: Agreed.

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

Mr. Hibberd: I second that.

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

Motion agreed to

Speaker resumes the Chair

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

May we have a report from the Chairman of Committees?

Mr. Hibberd: Mr. Speaker, the Committee of the Whole considered a motion respecting the Second Report of the





