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Debates & Proceedings

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Speaker: The Honourable Donald Taylor

11

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**Mr. Speaker:** I will now call the House to order. We will proceed at this time with morning prayers.

*Prayers*

**Mr. Speaker:** I would first, this morning, like to introduce to the House the pages who will be with us for the balance of this Session. They come from Christ the King High School. This morning we have with us David Alexandrovich and David Bruce.

I would further introduce at this time the other pages who will be joining with us, and they are Claude Rousseau, Annette Harris, Cindy Macara, Lyn Laniuk, James Needlay and Clara Shorty.

I would also draw to the attention of Honourable Members that I have received a letter of resignation addressed to myself. Dear Mr. Speaker, Please accept this as my letter of resignation from the position of Deputy Speaker and Chairman of the Committee of the Whole of the Yukon Legislative Assembly. This is signed Dr. J. Hibberd, the Honourable Member from Whitehorse South Centre. I wonder at this time if I could have your direction in this regard.

The Honourable Member from Whitehorse Riverdale?

**Mr. Lengerke:** Mr. Speaker, with respect to that matter, I have the pleasure this morning to present a Resolution, moved by myself, seconded by the Member from Hootalinqua, that Mr. Gordon McIntyre, member for the electoral district of Mayo, be appointed Deputy Speaker and Chairman of the Committee of the Whole.

**Mr. Speaker:** There is a seconder.

**Mr. Fleming:** I second that.

**Mr. Speaker:** It has been moved by the Honourable Member from Whitehorse Riverdale, seconded by the Honourable Member from Hootalinqua, that Mr. Gordon McIntyre, the Honourable Member for the Electoral District of Mayo, be appointed Deputy Speaker and Chairman of the Committee of the Whole.

*Motion agreed to*

**Mr. Speaker:** I shall declare the Motion as carried.

We will now proceed to the Order Paper. Under Routine Proceedings, are there any Documents for Tabling? The Honourable Member from Whitehorse West.

**ROUTINE PROCEEDINGS****TABLING OF DOCUMENTS**

**Hon. Mrs. Whyard:** Mr. Speaker, I have for tabling the Commissioner's Annual Report for April 1st, '76 to March 31st, 1977.

Mr. Speaker, may I just take a moment to congratulate the staff who have been involved in the preparation of this Report. I think it is beautiful and it is a credit to this Government, and I understand it is largely a local product.

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

Reports of Committees? Are there any Petitions? Introduction of Bills?

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

The Honourable Member from Whitehorse Riverdale.

**NOTICES OF MOTION**

**Mr. Lengerke:** Mr. Speaker, Notice of Motion: Whereas the Minister of Indian Affairs and Northern Development, the Honourable Hugh Faulkner, recently indicated to Members of this Legislature that the Government of Canada would consider financial relief or some form of debt write-off with respect to the Northern Canada Power Commission, therefore be it resolved that this House requests, via telegram to the said Minister, the full status report with respect to this matter.

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

Are there any Statements by Ministers? The Honourable Minister of Education?

**STATEMENTS BY MINISTERS**

**Hon. Mr. Lang:** Mr. Speaker, it is the intention of the Government to proceed with the legislation that is now in Committee and consider the green papers in Committee, if time permits. The 1977 Second Session will continue until March 1st, and at the end of that day we will prorogue. On Thursday, March 2nd, the formal 1978 Session will begin the Speech from the Throne to the Legislature and subsequently we will proceed with the deliberations of the budget.

**Mr. Speaker:** Are there any further Statements by Ministers?

This then brings us to the Question Period, have you any questions? The Honourable Minister of Education?

**QUESTION PERIOD**

**Hon. Mr. Lang:** Mr. Speaker, I have for tabling an answer to written question number 40 relating to housing requirements to 1985.

I also have for tabling an answer to an oral question asked by the Honourable Member from Whitehorse South Centre concerning the Frantic Follies tour of Canada.

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

**Hon. Mr. McKinnon:** Mr. Speaker, I have for tabling a Legislative Return in answer to written question number 14 concerning the Yukon Indian Land Claims negotiations.

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

**Hon. Mrs. Whyard:** Mr. Speaker, I have for tabling Legislative Returns in response to written question 33 by Mr. Fleming, an oral question asked by Mr. Berger on December 5th regarding the speed limit in the Yukon, and an oral question asked by Dr. Hibberd regarding drugs for the recent strep throat infection.

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

**Hon. Mr. Hibberd:** Mr. Speaker, I have for tabling this morning, Legislative Returns in response to written question numbered 21 asked by Mr. McCall on November 23rd concerning the Commissioner's entertainment fund, and written question number 30 asked by Mr. Fleming on December 5th concerning Workers' Compensation; written question number 35 asked by Mrs. Watson on December 12th concerning White Pass & Yukon Route freight rates; written question number 38 asked by Mr. McCall on December 14th concerning inspectors entering private property; an oral question asked by Mr. Fleming on December 13th regarding distribution of "Hansard".

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

**Question Re: Pipeline Project-YTG Responsibility**

**Mr. Løngerke:** Mr. Speaker, I have a written question to the Minister responsible for pipelines. The question is: the Government of the Yukon recently submitted to the Federal Government, requests for research funding dealing with fourteen specific areas that are YTG responsibility in connection with the Alaska Pipeline project. What fourteen specific areas were identified in this regard and what amount of funding was requested in each specific area.

**Mr. Speaker:** Any further questions? The Honourable Member from Hootalinqua.

**Question Re: Teslin Swimming Pool**

**Mr. Fleming:** Yes, Mr. Speaker, I have a question for the Minister of Education, this morning, dealing with the swimming pools programs.

The Teslin pool, as we all know, was in bad shape last year. Due to health hazards, it wasn't up to standards, and the Minister had promised in this House, at one time, to upgrade the facilities there and I am wondering just what, to date, has been done and what will be done before the first of May, this year.

**Mr. Speaker:** The Honourable Minister of Education.

**Hon. Mr. Lang:** Mr. Speaker, I will have to take that question under advisement.

**Mr. Speaker:** The Honourable Member from Pelly River.

**Question Re: Yukon Heritage Fund**

**Mr. McCall:** Thank you, Mr. Speaker. I have a question for the Minister for Local Government. In view of the fact that what seems to be a line of credit with respect to the so-called Yukon Heritage Fund, can the Minister advise this House of the following:

will the 200 million line of credit interfere with the budget estimate for the '78-'79 period and is the Government of Canada trying to force the Government of the Yukon to tap into the Heritage Fund for reasons which would reduce the direct funding available from the Government of Canada for budget purposes

**Mr. Speaker:** Are there any further questions?

**Hon. Mr. McKinnon:** Yes, Mr. Speaker.

**Mr. Speaker:** Are there any further questions? The Honourable Member from Klondike.

**Question Re: First Ministers' Conference-Yukon Representation**

**Mr. Berger:** Yes, Mr. Speaker, in the recent First Ministers' Conference in Ottawa, this question is directed to, I would think, anyone of the Executive members, what representation did the Yukon receive at this particular conference, and what was the outcome, if there was any representation at all, at Ottawa?

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

**Hon. Mr. McKinnon:** None, Mr. Speaker, we used to be invited as observers, but we are not even invited as observers any longer to First Ministers' Conferences.

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

**Question Re: Yukon Act Amendments**

**Mr. Berger:** A further question to the same Minister, Mr. Speaker. Maybe the Minister could inform the House: when was the *Yukon Act* amended? I am thinking especially of Sections 16 and 19 and if it was amended, why wasn't this House informed about it?

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

**Hon. Mr. McKinnon:** Mr. Speaker, I did not know that it was amended. I would certainly like to hear if it has been.

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

**Mr. Berger:** Mr. Speaker, a supplementary on the same question. The Honourable Minister for Indian Affairs and Northern Development took it on his own to declare that the Yukon is going to have a \$50 million Heritage Fund, and financial matters for the Yukon raises the taxation under Sections 16 and 19 at the sole authority of this government. In order to do so, to declare the Heritage Fund, I would assume that the *Yukon Act* has to be amended.

**Hon. Mr. McKinnon:** Mr. Speaker, the Minister also declared unilaterally that there was going to be a maximum up to which property taxes could be put on to the pipeline, which I understood was the authority of the House. I have made statements over and over again and public pronouncements that I am frightened with the federal intrusion and interference in Yukon matters. I certainly hope that all members will support me when I make these matters public and when I inform the Minister that I feel our rights and our privileges are being abridged by unwarranted federal intrusion in what should be territorial prerogative.

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

**Question Re: Health Services Takeover**

**Mr. Fleming:** Yes, Mr. Speaker, a question to the Minister of Human Resources this morning, dealing with the takeover of the Health Services. In reading the media, I find that there is some conflict with the Federal Government and the Yukon Native Brotherhood as to whether they should do this immediately. I am also reading in the paper that the Minister or the Department and the Yukon Territorial Government, and National Health and Welfare and the Yukon Native Brotherhood had come to some sort of an agreement before this time as to what their rule was going to be. I would ask the Minister this morning: was there a written agreement between Yukon Native Brotherhood, the Health and Welfare in the Yukon Territory, in other words, your department, before or at any time and could it be tabled in this House?

**Mr. Speaker:** The Honourable Minister of Health and Welfare?

**Hon. Mrs. Whyard:** Mr. Speaker, I would welcome an opportunity to make clear what has happened in the last week or two regarding the proposed transfer of delivery of Health Care in the Yukon from the Federal Department of Health and Welfare to this government. If you will allow me, Mr. Speaker, I will take a moment or two just to review the last two years which led up to the action of last week.

As you all recall, some two years ago now, the National Health and Welfare Department named a senior consultant to coordinate the proposed transfer of the delivery of Health Care in the Yukon from federal to territorial responsibility.

The matter had been under discussion for some years, prior to that action being taken and it was at the constant urging of this Government that the Federal Department did finally initiate discussions and negotiations.

From the very beginning, the Yukon Government has had the statutory authority to operate and deliver its own health care, as any province does. The *Yukon Act* gives us responsibility for operating hospitals and, in fact, for many years, we did so. However, with the construction of the Whitehorse General Hospital, some twenty years ago, which was financed capitally by three federal departments, the majority of the capital, administration was assumed by the National Health and Welfare and, somehow or other, in the years since, we have lost more and more of our control over the deliver of

health care, for which, Mr. Speaker, we have continued to pay the bill. This Government is paying the bill for health care, as does any province, but we do not have the administrative control of those dollars.

The Federal Government had done a study some years ago, and had agreed on the recommendation that there should be a transfer of the responsibility to this Government and that we should have input into how these dollars were spent since they were our own dollars.

With the appointment of Mr. Fleming as the Federal transfer negotiator, discussions were set up in a three-way committee which involved the Federal Government, this Government and the Yukon Native Brotherhood. It was made very clear, Mr. Speaker, in the correspondence between the two federal ministers involved, Indian Affairs and Health and Welfare, that there would be a special contract for the payment and deliver of special health care to the native people of the Yukon. This would be a cornerstone of the master agreement between Canada and Yukon for the transfer.

Two years ago, in January, a year ago in January, we had our first meeting with the Native Brotherhood and with the Federal Health and Indian Affairs, to begin the discussion of this contract. For some months, that was the main item of discussion and, in fact, the only item, because the National Health and Welfare informed this Government that we could not proceed to establish committees to discuss matters of personnel transfer, nor of finance, nor of inventory of equipment, nor any other matters affected by the proposed transfer, until the contract for special health care had been agreed to by the Yukon Native Brotherhood.

This agreement came not until October, of '77, at a meeting of all chiefs council in Carmacks, at which time there was a written resolution approving, in principle, the contract, which had been negotiated for native health care.

This was a green light, finally, for this Government then to proceed and its Public Service Commission to proceed with all the details of classification and job transfer, and finance, and it was a big job, Mr. Speaker. I would like to go on public record today as saying that it was very well done by the people on our staff. We had a very competent group in Public Service Commission and in our health branch and working with Treasury officers, who worked with their opposite numbers in the Federal Health and Welfare personnel and Finance departments and covered an amazing amount of work in the next two months because by December, we made specific job offers to every Federal health employee in the Yukon. On December 20th, they got specific, individual job offers in writing with all their classifications, payment, leave, all the factors affecting their terms of employment if they came over to us.

The deadline set for the proposed transfer, Mr. Speaker, was March 31st, 1978. This, we all felt, was going to be accomplished very efficiently. We had the machinery in place, everything was ready to go, but two weeks ago in Ottawa a meeting called at the request of the Yukon Native Brotherhood and their telex said for the purpose of discussing certain sections of their contract which they wanted clarification on, the Yukon Native Brotherhood pulled out of the transfer and said they would no longer discuss the matter in any shape or form.

This left the Federal Government and the Yukon Government in a difficult position. Our Public Service Commissioner had imposed a deadline of last week as the final date for the actual implementing of the transfer, because if we were to find that a number of federal health people were not coming over to join us, and this was perfectly understandable, Mr. Speaker, because a number of them are career federal health workers who would like to continue in their professions at other levels than this government can offer, if there were career health people leaving the service, we must have suffi-

cient time to recruit and fill those empty positions between the 17th of February, which was their last date for acceptance, and March 31st, when we had to take over the responsibility for carrying on health care delivery at the same excellent level of care.

Mr. Speaker, the agreement was not forthcoming as of last week in time for this government to implement the transfer without a native contract. Without the contract for native health care, Mr. Speaker, we had absolutely nothing in place to guarantee who was going to provide those services or who was going to pay for them on behalf of the native people of the Yukon.

Therefore, to answer your question by the Honourable Member from Hootalinqua, is quite right in assuming that there was no agreement in place because two clauses of the master agreement between Canada and the Yukon specifically deal with the fact that there will be a contract signed by the Yukon Native Brotherhood with Canada and YTG for their special health care. Because that contract was not signed, there was a large gap in the master agreement. We have no master agreement.

I cannot table it at this time, because it has never been signed or approved, Mr. Speaker. I am very disappointed, as I think all Members are, that this Government has not been permitted to take on its rightful responsibility in this area at this time, but I am very hopeful that, as the Federal Department has said, that we will now re-group and re-organize and re-negotiate, that this transfer will, Mr. Speaker, be a matter of historic record by this summer.

I think it is for the benefit of all Yukoners to have their health needs and priorities assessed and responded to at a Territorial level, rather than having all decisions affecting health programs or health care, going through a Regional-Federal budget, and other decisions taking priority over our needs.

I know it's a good plan, Mr. Speaker, and I know that the contract offered to the native people was a very good contract. I am very sorry that we have been unable to continue at this time.

Thank you, Mr. Speaker.

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

**Mr. Lengerke:** Supplementary to the topic, I'm certainly disturbed by the statements that have been made, Mr. Speaker, with respect to the fact that there would be a deterioration of health services if YTG did, in fact, take over, and my question to the Minister is, am I true in assuming that 90 per cent or better of the personnel now involved in the delivery of those services would still be involved, so how could there be great deterioration of services?

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

**Hon. Mrs. Whyard:** Mr. Speaker, we certainly never would accept the implication that there would be a grave deterioration in the standard of care or we wouldn't have proceeded to the turn-over. We had every assurance that these standards would continue to be maintained. In fact, they would have to be.

There are powers beyond this Territorial government which would ensure that they would have to be, or our hospital accreditation, for example, would not be permitted. We have to maintain standards and we know that we could.

I would like to add, Mr. Speaker, that no one ever told me that there were any large percentage of federal health workers planning to leave this service and, unfortunately, I don't have all their job offers here to count, because the job offers were withdrawn before the final deadline, but they were cer-

tainly coming in at the rate of ten acceptances per day and I know that we would have had a majority of good health care workers continuing to serve in the Yukon, in the same hospitals and nursing centres where they are now living in their own homes and working with Yukoners.

I would just like to add, Mr. Speaker, that we have had every indication from National Health and Welfare senior personnel and the Deputy Minister that they will continue to provide professional expertise and back-up for us, as they have through the years, whether or not they are administratively in control here. We will always have their medical experts, their legal experts, their health care experts, all the national support that we wish to call upon.

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

**Mrs. Watson:** Mr. Speaker, I would ask if the Honourable Minister of Health would request that she table, for the benefit of this House, the master agreement the Territorial Government was prepared to enter into with the Government of Canada for the transfer of Health Services?

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

#### Question re: First Ministers' Conference Communique

**Mr. Berger:** Yes, Mr. Speaker, a question to the Minister of Local Government. After the First Ministers' Conference in Ottawa, a communique was issued, and I have to quote the press on it, because I have never seen it and I don't think anybody has seen it, but I quote the press has stated that "environmental requirements will be relaxed for industry". My question to the Minister is, will this relaxation of environmental requirements also apply to the municipalities, especially municipalities in the Yukon who are in the process right now of needing to build new sewage systems with sewage treatment facilities?

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

**Hon. Mr. McKinnon:** I have no idea, Mr. Speaker, but I will undertake to find out what was meant by the communique that was issued.

**Mr. Speaker:** The Honourable Member from Pelly River?

#### Question Re: Stratton Inquiry

**Mr. McCall:** Thank you, Mr. Speaker. I would like to project a question to the Minister for Local Government and get his assistance on this matter. This is in reference to the Stratton Inquiry and the importance of it, which is seemingly being constantly being adjourned.

I was wondering if the Minister could assist me in establishing the proper explanation as to this constant adjournment so that the onus is not projected towards this House with respect to the running up of the costs of this stop and start inquiry?

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

**Hon. Mr. McKinnon:** This is getting in where angels fear to tread, I am afraid, Mr. Speaker, to say anything about anything to do with the Inquiry for fear that we probably will be under inquiry ourselves for saying anything about the Inquiry. I can only state to the Honourable Member that I find the constant adjournment of the Inquiry as upsetting as I think all Honourable Members of the House do. I know that all of our concerns were that we get the inquiry, get it over and get down to the business of the people of the Yukon.

**Mr. Speaker:** Are there any further questions? The Honourable Member from Whitehorse Riverdale?

#### Question Re: Pipeline Bill - Block Land Transfer

**Mr. Lengerke:** Mr. Speaker, a question to the Minister of Local Government. In view of the fact that the recently tabled northern pipeline Bill enables the Federal Government to

withdraw lands already granted to the Territorial Government, I am wondering has the Government of Yukon made very strong representation lately to the Minister of Indian Affairs with respect to that problem and how to solve the block land transfer situation. Just what is the status of that now? Are we moving to resolving it?

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

**Hon. Mr. McKinnon:** Mr. Speaker, we are constantly making representations in the strongest terms possible and we are constantly being rebuffed by the federal government. I just cannot remark to all Members of the House and the people of the Yukon how disappointed I was that our written statement to the Minister that we thought that this was an ideal situation of a *quid pro quo* settlement that took nothing away from anybody except the Federal Government. We had something the Federal Government wanted and we wanted something that the Federal Government had, exchange of land for communities for industrial, commercial, residential use along the pipeline right-of-way that some of the lands that were presently under Commissioner's control that they needed for right-of-way that we would be happy to sit down and exchange in a bilateral agreement, land for land.

I was as surprised and shocked and disappointed, I think, as anybody to see that the legislation just unilaterally said, without a by-your-leave or without any agreement or indeed a response to this Government that the legislation would take Commissioner's land wherever they needed it for pipeline purposes. I can't understand the reason, I can't understand why the Federal Government wanted to stomp on the YTG like this when we had already asked and said that we were willing and responsible to enter into a bilateral agreement with the Federal Government and exchange land for land.

And, my representations were made by letter and made directly to the Minister and the Federal Government itself, and they were ignored.

**Mr. Speaker:** The Honourable Member from Pelly River?

**Mr. McCall:** Yes, Mr. Speaker, I have a supplementary to the previous question I asked in the Stratton Inquiry. I see that the Minister could not advise me too well, or too clearly, as to the answer.

I was wondering if the Minister could assist us in finding out the exact cost, to date, of this Inquiry and is the Minister aware that it may cost us an extra supplementary in this up and coming Budget for this Inquiry to carry on the way it is going?

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

**Hon. Mr. McKinnon:** Mr. Speaker, I am scared to ask, but I will, for the figures.

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

#### Question re: Custodial Worker 1 - Job Descriptions

**Mr. Fleming:** Yes, Mr. Speaker, a question for the Minister of Education, this morning.

On the hiring, Custodial Worker Number 1, in the Department of Education, the nature of the work starts out to say, "Unskilled manual work in the cleaning and care of buildings and premises", and then it goes on to explain a few things that are to be done. And then it gives illustrative examples of work, which is cleaning floors, so forth and so on, which I agree with. And it carries on to where it says "electrical fixtures and other equipment. Also the maintenance of furnaces and motors", and I find this not really in the unskilled area.

I am just wondering, Mr. Speaker, if this Custodial Worker 1, in applying for a job, if he was not a Journeyman Electrician and his job would be in contravention with the *Electrical Pro-*

tections Act, is this not true?

**Mr. Speaker:** The Honourable Minister of Education?

**Hon. Mr. Lang:** Mr. Speaker, I can't answer the latter part of the question. I will have to take that under advisement, but I would like to point out that an attempt is made in the outlying small communities to get somebody that is handy in the various areas that the school would be affected. For an example in the area of furnaces, we should have somebody there that has an idea how to fix the furnaces, because if the furnace were to go out and we had to wait for somebody from Whitehorse to go out and fix it, you could really be in trouble with respect to the water pipes and whatever. Mr. Speaker, the only thing I can say in respect to the advertising for that position, we are trying to get somebody that has had experience in various areas so that they can cope with situations as they develop and don't have to depend on big brother in Whitehorse.

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

**Mr. Fleming:** Mr. Speaker my question is: if this person does not have a journeyman's ticket and takes this job and does the work that is asked for in these qualifications, will he or will he not be in contravention of the *Electric Protections Ordinance*?

**Mr. Speaker:** The Honourable Minister of Education?

**Hon. Mr. Lang:** Mr. Speaker, when I began answering the question earlier, I said I would take that part of the question under advisement.

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

**Mrs. Watson:** That was my question, Mr. Speaker.

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

**Question re: Pipeline Impact Management Agreement**

**Mr. Lengerke:** Mr. Speaker, a written question to the Minister responsible for Pipelines. Does the Yukon Government envision or has it identified the need now or in the near future, the necessity to enter into a formal impact management agreement between the pipeline company and the Government of Yukon and conceivably the Federal Government and possibly CYI which would provide for: (1) the negotiation of responsibility during the life of the project for impact related measures and compensation, (2) responsibility for specific impact terms which could be identified at the outset and possibly some limits on compensation for other items not yet identified, (3) provision for binding arbitration should the negotiations fail on any item, (4) provision for a necessary permit and enabling legislation from the Yukon Territorial Government, (5) provision for the control of funds, payments, pursuant to the agreement, (6) provision for financing the information gathering program development and negotiation structure, and if not agreement is envisioned or planned, how is the final legal responsibility to be determined in terms of Yukon requirements and impacts?

**Mr. Speaker:** Are there any further questions? This then will conclude the Question Period. Under Orders of the Day we find no Bills, motions or matters for attention of the House at this time. May I have your direction?

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.

*Motion agreed to*

**COMMITTEE OF THE WHOLE**

**Mr. Chairman:** It is our intention to deal today with Bill Number 1 and prior to going into that, I will declare a brief recess so I can get organized.

*Recess*

**Mr. Chairman:** The Committee comes to order.

**Hon. Mrs. Whyard:** Mr. Chairman, all Members have now received copies of the proposed amendments to *Motor Vehicles Ordinance*, Bill Number 1, which have been distributed during the break, and you will note that there are some 95 amendments for us to receive and either approve or whatever.

A majority of these have been prepared at the request of the Members during discussion of the Bill in Committee, in November, and I hope that there will not have to be any particular delays. I think that we have followed the instructions of Committee throughout and if it is, meets with your approval, Mr. Chairman, I would just introduce each one individually and proceed.

**Mr. Chairman:** Yes, thank you, Mrs. Whyard.

My recollection is that we have gone through the Ordinance for the first time, reviewed it from beginning to end and we are now going to proceed with the second reading of it, in which the amendments will be introduced by the Government. We are now considering Clause 2.

Mrs. Whyard?

**Hon. Mrs. Whyard:** Mr. Chairman, this amendment, the first one, was done at the request of the House, for clarification and, if you will look at line 11, in subsection 2.(1), on page 1, we are adding the words "solely", between the words "propelled" and "by".

This amendment is moved by myself, seconded by Mr. Lang.

**Mr. Chairman:** Any discussion? Are we agreed?

**Some Members:** Agreed.

**Hon. Mrs. Whyard:** Mr. Chairman, also in subsection 2.(1) on page 2, immediately after the definition "commercial vehicle" we are adding the definition of "Commissioner". "Commissioner" means the Commissioner of the Yukon Territory or any person authorized by him to act on his behalf with respect to the administration of this Ordinance pursuant to Section 3.

Mr. Chairman, this definition, it was felt is required in order that where the Commissioner is authorized to do any act, he may delegate to an operational officer. This received some discussion when we were going through the Bill.

I would move, seconded by Mr. Lang, this amendment be approved.

**Mr. Chairman:** Any discussion? Mrs. Watson?

**Mrs. Watson:** Yes, Mr. Chairman, how would the Commissioner authorize someone to act on his behalf with regard to this Ordinance? Would it have to be done by a Commissioner's Order?

**Hon. Mrs. Whyard:** Mr. Chairman, it is my understanding that this includes people who are members of the Public Service whose terms of reference instruct them to do specific acts, and their authority is in their appointment to that position. Perhaps I could ask Mr. Cosman for clarification?

**Mr. Cosman:** No, Mr. Chairman, I don't believe a Commissioner's Order would be necessary. Reference is made to Section 3 of the Bill, and there Section 3.(1) "The

Commissioner may appoint a Registrar of Motor Vehicles, a Deputy Registrar of Motor Vehicles and such other officers and employees as may be required for the administration of this Ordinance."

I would take it that a Commissioner's Order per se would not be necessary under this Ordinance, however, there is nothing denying that he could make the appointment in that manner. It is a matter of policy, I would think.

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

**Mrs. Watson:** Mr. Chairman, then we could be looking at a great many people would be enforcing this Ordinance or acting on behalf of the Commissioner.

Would it not be beneficial to the public if they had some idea who had the authority to enforce this piece of legislation?

**Hon. Mrs. Whyard:** Mr. Chairman, with respect, I think it is abundantly clear to the public if they are stopped by a police officer or any other authority enforcing the legislation. However, if, if Members feel they need a list of everybody in the Yukon who is going to enforce the *Motor Vehicles Ordinance*, I would listen to that request.

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

**Some Members:** Clear.

**Mr. Chairman:** Are we agreed on this amendment?

**Some Members:** Agreed.

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

**Mrs. Watson:** Mr. Chairman, I would request that we don't move too quickly. We've just had the amendments and we have to cross reference to definition of officer, to definition of peace officer so, with the concurrence of this House, I would hope that we're given the opportunity to fully review these amendments.

**Hon. Mrs. Whyard:** Mr. Chairman, I move, seconded by Mr. Lang, that Bill Number 1, entitled *Motor Vehicles Ordinance*, be amended as follows: In subsection 2(1), at page 2, by deleting the definition "cutline" and substituting therefore the following definition: "cutline" means an area cleared of natural obstructions for the purpose of constructing a roadway.

Mr. Chairman, this was amended at the request of the House, who wanted clarification of this type.

**Mr. Chairman:** Any discussion?

**Some Members:** Clear.

**Mrs. Watson:** Mr. Chairman, if I may, with the concurrence of Mr. Chairman and the House, pursue the definition for Commissioner a little further, and my question is why was it necessary to have the definition of Commissioner, when Section 3 takes care of it?

**Hon. Mrs. Whyard:** Mr. Chairman, with respect, the amendment was passed. Do you require unanimous approval of this Committee to go back to it, or what is the wish of this Committee?

**Mr. Chairman:** Yes.

**Mrs. Watson:** Mr. Chairman, I specifically stood up and said let's not rush these through. Certainly, give us an opportunity. These are law we're passing. Let's not kid ourselves and it's very, very important that everyone of us understand the amendments. I'm certainly not trying to bluff that I'm going to be answerable to the people of the Territory for every section that's in this Bill, so even though that section was passed, I'm asking the concurrence of the House and the concurrence of the Chairman to let me ask a further question.

And my question was, why was it necessary to add the definition of Commissioner in the definition section, when Section 3 is in the Bill?

**Mr. Chairman:** Mrs. Whyard, I think that is a fair question. This particular amendment may be redundant to Section 3 and there may be no necessity for it.

**Hon. Mrs. Whyard:** Mr. Chairman, the definition was requested the last time we went through this Section. I would ask Mr. Cosman to clarify once again.

**Mr. Cosman:** If I may, Mr. Chairman, this is a device that is being used in the case where sections that empower the Commissioner to do certain things. We will see some proposed amendments a little later on where only the Commissioner is named to do certain things and there are, existing in the Bill as well, I believe, sections that empower the Commissioner to do certain things by the device of definition plus Section 3 empowering the appointment of other people and so on. We are able then to delegate powers under these sections that refer only to the Commissioner to administrative people. In other words, the Registrar of Motor Vehicles could act in the place of the Commissioner where he is so appointed under Section 3.

This definition allows that section to operate. It allows the Registrar to act under Section 67, for example, where only the Commissioner is named. So without amending the entire Bill and striking the word "Commissioner" and inserting "Commissioner or Registrar" we have done it by way of definition. I feel it is a useful device.

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

**Mrs. Watson:** Mr. Chairman, then a further question: are there any sections in this Bill where only the Commissioner has the authority to act?

**Mr. Chairman:** Mrs. Watson, we have just been advised that there are sections.

**Mrs. Watson:** Well, Mr. Chairman, if there are and you have this definition for the Commissioner, then you are giving the authority to the various people authorized to act on his behalf. If you want only the Commissioner to act, then you must state in the section, "It shall only be the Commissioner."

**Mr. Chairman:** Yes, Mr. McCall?

**Mr. McCall:** Yes, Mr. Chairman, I would like further clarification as to a useful device - for what?

**Mr. Cosman:** I believe that is a question that should more properly be answered by the Honourable Member. From a drafting point of view, it saves me going through the Act and, as I said, striking the word "Commissioner" and inserting particular types of people, "Registrar, Deputy Registrar, Weigh Scale Officer", that sort of thing. That is what is a useful device for from a legislative point of view. If there is any other reason, I am not aware of it.

**Mr. McCall:** Well, if that is correct, accepting the opinion on that, I don't see why we need Section 3.(1), when it makes reference to Administration, if we're going to use a definition of Commissioner in the interpretation.

**Mr. Chairman:** Any further discussion.

**Hon. Mrs. Whyard:** Mr. Cosman.

**Mr. Chairman:** Pardon me?

**Hon. Mrs. Whyard:** Mr. Cosman.

**Mr. Cosman:** Yes, Mr. Chairman, if I may answer to the Honourable Member from Pelly River's question, it's not a good idea to try to empower, in a definition section, the power to, in the Commissioner, to delegate or appoint.

We generally speaking have a section that does say, such as Section 3, the Commissioner may appoint and may delegate, et cetera. The definition is only used, such that where the word "Commissioner" appears in a section, and as I've said before, we will see some of those sections, especially in the amendments that have been prepared, where just the word "Commissioner" has been used.

I feel that both are necessary, that both Section 3, the appointment powers, and this definition, "Commissioner", to include such persons as are appointed, under Section 3, are necessary.

I would like also, Mr. Chairman, if I may, to answer Mrs. Watson's earlier question. There will be, as the Member will soon see, a floor amendment amending Section 3, which delimits the power of any person who is appointed by the Commissioner, pursuant to Section 3 and the definition, to only those powers as are delegated. This, you will see this a few floor amendments down.

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

**Mrs. Watson:** I'm prepared to accept that.

Mr. Chairman, I have a further question on page 2, that isn't being dealt with in the amendments. I wonder if I can bring it up at this time?

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

**Mrs. Watson:** Mr. Chairman, I have a very unique situation in my riding and it involves the definition of highways and it involves the definition of highway, as is outlined in our *Highways Ordinance*.

I'm wondering whether the *Motor Vehicles Ordinance*, would apply to this particular road. Under the *Highways Ordinance*, we, by regulation, designate various roads in the Territory which come under the jurisdiction of the Territorial Government, but under the *National Parks Act of Canada*, all roads within a national park are classified as national park roads and they come under the jurisdiction of the National Park authority. The same road has been designated in our regulations, in our Commissioner's Order, as being a Territorial road.

Now, if National Parks should hope, and actually some of these are abandoned roads, practically abandoned roads, if the National Parks should desire, over a period of time, to close down these roads, and this is a very real thing, they could probably be desirous of doing that to direct traffic in through the areas where they are having, for access to the park, designating for access to the park. Now, would that road be under the jurisdiction of the *Motor Vehicles Ordinance*? Now, these roads are often being used for skidoos, in the winter time, dog teams, and this type of thing.

Would that road then be under the jurisdiction of the *Motor Vehicles Ordinance*? Because *Highways Ordinance* says "any part of which the public is ordinarily entitled", but if National Parks say they are not entitled, would the *Motor Vehicles Ordinance*?

**Mr. Chairman:** I think, Mrs. Watson, that that particular question is not appropriate at this time because we are dealing with the *Motor Vehicles Ordinance* and I think your question should be properly addressed to perhaps the Commissioner during Question Period to determine whether or not the *National Parks Act* would be superior to any Ordinance passed by this government, which I believe it would.

It has been brought to my attention that I neglected to read the first two amendments before having them voted on, so I will proceed to do that now.

It is moved by F. Whyard, seconded by D. Lang that Bill Number 1 entitled *Motor Vehicles Ordinance* be amended as follows: In subsection 2(1), at page 1, by adding the word "solely" between the words "propelled" and "by" in line 11. Are you agreed?

*Amendment agreed to*

**Mr. Chairman:** The second amendment was moved by F. Whyard, seconded by D. Lang, that Bill Number 1, entitled *Motor Vehicles Ordinance* be amended as follows: In subsection

2(1) at page 2, by adding immediately after the definition "commercial vehicle" the following definition: "'Commissioner' means the Commissioner of the Yukon Territory or any person authorized by him to act on his behalf with respect to the administration of this Ordinance pursuant to Section 3." Are you agreed?

*Amendment agreed to*

**Mr. Chairman:** And the amendment which we had just been discussing, moved by F. Whyard, seconded by D. Lang that Bill Number 1, entitled *Motor Vehicles Ordinance* be amended as follows: In subsection 2(1) at page 2, by deleting the definition "cutline" and substituting therefor the following definition: "cut-line" means an area cleared of natural obstructions for the purpose of constructing a roadway. Are you agreed?

*Amendment agreed to*

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

**Mrs. Watson:** Yes, Mr. Chairman, I have a question for anyone who wants to answer it and they can bring back the answer. Does the *Motor Vehicles Ordinance* apply to roads within a national park that have been closed to public use?

**Mr. Chairman:** The Honourable Mr. McKinnon?

**Hon. Mr. McKinnon:** Mr. Chairman, I know the Honourable Member has had correspondence with the Director of Highways and Public Works on this matter which has been brought to my attention and has been referred to the Legal Department for advice, because it is a complex, as I understand, and a highly legal question. We haven't been getting such answers and advice from our Legal Department as expeditiously as we usually do for some concern of which I know nothing about. Hopefully we will have this type of legal answer to this question as quickly as the Legal Department is able to supply one to us.

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

**Mrs. Watson:** Mr. Chairman, but it is important, not only to get an interpretation of who has jurisdiction over the road under the *Highways Ordinance*, but even the application of the *Motor Vehicles Ordinance* and this is why I am bringing it up at this time.

Does a peace officer have authority on one of these roads? I think that this should be clarified and I would appreciate it if the Honourable Members in the government could see whether we could in fact get an answer to it.

Thank you, Mr. Chairman.

**Hon. Mrs. Whyard:** Mr. Chairman, I move, seconded by Mr. Lang, that Bill Number 1, entitled *Motor Vehicles Ordinance*, be amended as follows: In subsection 2.(1), at page 2, by deleting the definition "financial responsibility card", on line 35, and substituting therefore the following definition: "financial responsibility card means a card in a form approved by the Superintendent of Insurance."

Mr. Chairman, this correction was required to comply with the provisions of the *Insurance Ordinance*.

**Mr. Chairman:** Any discussion? Yes, Mrs. Watson.

**Mrs. Watson:** Mr. Chairman, may I ask what section of the *Insurance Ordinance*, that we have to comply with? Just so that we can cross reference it.

**Mr. Cosman:** Yes, Mr. Chairman, without being aware of a specific section in the *Insurance Ordinance*, to which this applies, I'm sure that the former definition, as it exists in the Bill, that financial responsibility card means a card as prescribed, does not quite tie into the financial responsibility card as it is contemplated under the *Insurance Ordinance*.

In other words, it is now meant, it is now defined as a card in a form approved by the Superintendent of Insurance.

That form may change from time to time and it is a card that is issued under the *Insurance Ordinance* that is being referred to and not a card as prescribed under the *Motor Vehicles Ordinance*. That's why the tie-in to the Superintendent of Insurance and, obliquely, the *Insurance Ordinance*.

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

**Mrs. Watson:** But it would still be a card which will be prescribed and which will be part of the regulations, not of the *Motor Vehicles Ordinance*, but of the *Insurance Ordinance*. Is that correct?

**Mr. Cosman:** That's my understanding, yes. One approved by the Superintendent of Insurance. We are merely adopting that card in the *Motor Vehicle Ordinance*. Through this definition, where we refer to financial responsibility card, we mean that card that is approved by the Superintendent of Insurance.

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

**Some Members:** Agreed.

**Mr. Chairman:** Moved by Mr. Whyard, seconded by D. Land, that Bill Number 1, entitled *Motor Vehicles Ordinance*, be amended as follows: In subsection 2, on page 2, by deleting the definition "financial responsibility card" and substituting hereof the following definition "financial responsibility card means a card in a form approved by the Superintendent of Insurance." Are we agreed?

**Amendment agreed to.**

**Mr. Chairman:** Mrs. Whyard.

**Hon. Mrs. Whyard:** The next amendment before us, if Mr. Chairman would care to read it before we discuss it, perhaps it would expedite matters.

**Mr. Chairman:** Well, I've been advised that a Member of the Government is to introduce all the amendments and I've been told that I have to read the amendment before it can be voted on.

**Hon. Mrs. Whyard:** Very well, Mr. Chairman. The next amendment before us deals with subsection 2(1), at page 2, in line 36 we are adding the words "cul-de-sac boulevard" between the words "any" and "thoroughfare" and during discussion of this section in Committee, in November, we were asked to expand upon this definition, as we have done.

**Mr. Chairman:** Any discussion? If we all agree that it is not necessary for me to re-read the amendment before calling for the vote, we can proceed along the lines suggested by Mrs. Whyard.

**Mrs. Watson:** With all respect, I feel you should be reading the amendments. That is the procedure that we should be following and I think that we should read the amendment before we vote on it.

**Mr. Chairman:** So, in other words, the amendment will be read twice. It will be introduced by the government and re-read, okay.

**Hon. Mrs. Whyard:** Mr. Chairman, I move, seconded by Mr. Lang, that Bill Number 1, entitled *Motor Vehicles Ordinance* be amended as follows: In subsection 2(1) at page 2, by adding the words "cul-de-sac, boulevard" between the words "any" and "thoroughfare" in line 36.

**Mr. Chairman:** Any discussion? Mrs. Watson?

**Mrs. Watson:** Again, Mr. Chairman, I have a rather unique situation in my area and I am sure that other areas too where highway right-of-ways where people have built homes and businesses and they are infringing upon a highway right-of-way but they have had a lease, the Government of the Territory and the federal people have been kind enough to give them a lease so that they can, in fact, have some right to that

right-of-way on which their buildings or their gas pumps are situated. Does the *Motor Vehicles Ordinance* then cover that lease part of a right-of-way or is that private land?

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

**Hon. Mrs. Whyard:** Mr. Chairman, that is another question of the same type which requires a very serious in-depth legal interpretation which I don't think is the business of this Committee to provide but I am sure that the Minister of Local Government and our own counsel will be pursuing it for the benefit of the Honourable Member.

**Mr. Chairman:** Any further discussion? Yes, Mr. Berger?

**Mr. Berger:** Mr. Chairman, I am seemingly quite ignorant and hate to show my ignorance, but I would like to know what are we gaining by adding "cul-de-sac" and "boulevard" on this thing. What is the difference between a boulevard a thoroughfare, street, road, trail, avenue. Are we going bilingual here or are we making ridiculous situations? My interpretation of boulevard is the same thing as we already have in the definition?

**Mr. Chairman:** Mr. Cosman?

**Mr. Cosman:** Yes, Mr. Chairman, if I may, we are simply adding a couple of more words that describe whatever "highway" means under the definition and it is my understanding that these words were added at the request of Committee in November. We are enumerating various types of roadways under their common names and I think cul-de-sac and boulevard were two that were pointed out that were not there and it doesn't hurt to add as many descriptive words as possible to expand on the genus or the type of thoroughfare that we are speaking of.

**Mr. Chairman:** Yes, Mr. Berger.

**Mr. Berger:** Mr. Chairman, but you're using the English meaning of boulevard and cul-de-sac, not the French meaning of it.

**Mr. Chairman:** Mr. Berger, we would be using the meaning as given in the Oxford Dictionary.

**Hon. Mrs. Whyard:** Mr. Chairman, with respect, this is not the same nor interchangeable. I would rather meet somebody on a boulevard than in a cul-de-sac.

**Mr. Chairman:** Any further discussion? Mr. Fleming?

**Mr. Fleming:** Before we go farther, Mr. Chairman, I'd like to get a little more clarification on the "trail". I take it, myself, that a trail sometimes is a very small, in other words, even a footpath could be considered a trail and I'm just wondering if that doesn't cover a little more than it should be, as far as highways are concerned.

**Mr. Cosman:** Yes, Mr. Chairman, if I may, I believe all the words enumerated, street, road, trail, avenue, et cetera, are modified by the words "whether publicly or privately owned, any part of which the public is ordinarily entitled or permitted to use for the passage or parking of vehicles". So, where the trail has those attributes, then it is deemed, by the definition, to be a highway for the purposes of this Ordinance.

**Mr. Fleming:** Clear.

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

**Mrs. Watson:** Mr. Chairman, actually what we are trying to do in this, to define where the *Motor Vehicles Ordinance* has authority and it's between private and public land, and if it's private land and if it's normally used by the public, then the *Motor Vehicles Ordinance* has authority.

So I don't, my question has been answered, where you are defining right-of-way, and part of it is private land under a lease, and that is a question I would like to have answered, because it is private land and yet it is part of the right-of-way.

You can call public lane anything you like: boulevard, quai-de-sac or anything, but this is a basic question. Is it private lane not normally used by the public, so does the *Motor Vehicles Ordinance* apply, even though it is part of a right-of-way of a highway, and possibly the Clerk would have a chance to fool that up, and possibly he would come back with that tomorrow or when we're discussing it again.

**Mr. Chairman:** Any further discussion? Mr. Fleming.

**Mr. Fleming:** Mr. Chairman, I'm wondering if possibly they wouldn't find some definitions for this in the lease agreements, which I have read some and I think you are well aware of. In some cases the Federal Government lease states very clearly that any road through that road can be used by certain people and vehicles.

**Mr. Chairman:** It has been moved by F. Whyard, seconded by D. Lang, that Bill Number 1 entitled *Motor Vehicles Ordinance* be amended as follows: In subsection 2 (1) at page 2 by adding the words "quai-de-sac boulevard" between the words "any" and "thoroughfare" in line 36.

*Amendment Agreed to*

**Hon. Mrs. Whyard:** Mr. Chairman, I would move, seconded by Mr. Lang, that Bill Number 1 entitled *Motor Vehicles Ordinance* be amended as follows: In subsection 2 (1) at page 2, by deleting the words "right-of-way" and substituting therefor the word "right-of-way" in line 1.

This is a typographical correction, Mr. Chairman.

**Mr. Chairman:** Any discussion? It has been moved by F. Whyard, seconded by D. Lang, that Bill Number 1 entitled *Motor Vehicles Ordinance* be amended as follows: In subsection 2 (1) at page 3 by deleting the word "right-of-way" and substituting therefor the word "right-of-way" in line 1.

Are we agreed?

*Amendment Agreed to*

**Hon. Mrs. Whyard:** Mr. Chairman, I move, seconded by Mr. Lang, that Bill Number 1, entitled *Motor Vehicles Ordinance* be amended as follows: In subsection 2 (1) at page 3, by deleting the definition "leased vehicle" and substituting therefor the following definition: "leased vehicle" means a motor vehicle rented or leased with or without a driver, by a person, firm or corporation for a period exceeding thirty consecutive days."

Mr. Chairman, this is correcting an error which was brought to our attention by members during the last discussion of this Bill. It reverses the definition of leased and rental vehicles required.

**Mr. Chairman:** Mr. McCall?

**Mr. McCall:** Could we have an explanation as to why, Mr. Chairman?

**Hon. Mrs. Whyard:** As to why what, Mr. Chairman?

**Mr. McCall:** Why you reversed the definition.

**Hon. Mrs. Whyard:** It was a matter at the time of the length of the lease, as I understood it, Mr. Chairman. It was thoroughly discussed in Committee and it was agreed that the leased vehicle should be for a period over thirty consecutive days and we had defined it to the reverse effect. Mr. Cosman, is that the correct interpretation?

**Mr. Cosman:** That is the interpretation, Mr. Chairman.

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

**Mrs. Watson:** Mr. Chairman, as I recall, the rest of the legislation assumed that leased vehicle was more than thirty days, but your definition didn't coincide with the rest of the legislation and that's why it was changed. But while I am on my feet, I wonder if I could ask a question. Are we giving any specific title or category to a vehicle that is leased for less than

thirty days? Are we referring to it in any special way?

**Mr. Cosman:** Yes, that would be included under the term "rented vehicle" which is defined later.

**Mrs. Watson:** Thank you, Mr. Chairman.

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

It has been moved by F. Whyard, seconded by D. Lang, that Bill Number 1 entitled *Motor Vehicles Ordinance* be amended as follows: In subsection 2 (1) at page 4, by deleting the definition "leased vehicle" and substituting therefor the following definition: "leased vehicle" means a motor vehicle rented or leased with or without a driver, by a person, firm or corporation for a period exceeding thirty consecutive days."

Are you agreed?

*Amendment Agreed to*

**Hon. Mrs. Whyard:** Mr. Chairman, moved by myself, seconded by Mr. Lang, that Bill Number 1 entitled *Motor Vehicles Ordinance* be amended as follows: In subsection 2 (1) at page 4, by adding the words "by muscular power" after the words "to propel it" in line 34. I think there was some discussion, Mr. Chairman, about what kind of power was going to propel it and there were visions of dog teams or something floating through the Committee, so we have amended this at the request of members for clarification.

**Mr. Chairman:** Any discussion? It has been moved by F. Whyard, seconded by D. Lang, that Bill Number 1 entitled *Motor Vehicles Ordinance* be amended as follows: In subsection 2 (1) at page 4, by adding the words "by muscular power" after the words "to propel it" in line 34. Are we agreed?

*Amendment Agreed to*

**Hon. Mrs. Whyard:** Mr. Chairman, I move, seconded by Mr. Lang, that Bill Number 1 entitled *Motor Vehicles Ordinance* be amended as follows: In subsection 2 (1) at page 4, by deleting the definition "motor vehicle" and substituting therefor the following definition: "motor vehicle" means a vehicle that is designed to be self-propelled in any manner except solely by muscular power, but does not include (a) a vehicle operated exclusively upon rails, (b) a vehicle operated exclusively off-highway, (c) a vehicle not primarily designed to carry a load and operated exclusively for purposes of road maintenance or construction, mining, forestry, or farming, or (d) a tractor engine or power-assisted wheel chair.

Mr. Chairman, I believe that we have opened out this definition and broken it down into more understandable sections and our counsel has now included everything that everyone in the Committee wanted, I believe. And it's a pretty comprehensive definition.

**Mr. Chairman:** Yes, Mr. Lengerke.

**Mr. Lengerke:** Well, can I have some clarification what a "traction engine" is?

**Mr. Chairman:** Mr. Cosman.

**Mr. Cosman:** Mr. Chairman, I'm afraid I don't have a complete concept of what a traction engine is. I think it's something similar to a donkey engine that is somewhat moveable. Perhaps someone does know what a traction engine is.

**Mr. Lengerke:** Mr. Chairman, if we don't know, why is it there?

Perhaps the Minister of Consumer Affairs could tell us that, or—

**Hon. Mr. Hibberd:** Mr. Chairman, I believe it is something like a locomotive without being on the rails, or a tractor, something of that variety.

**Mr. Chairman:** Any further discussion? Yes, Mr. Fleming.

**Mr. Fleming:** Mr. Chairman, I think the traction engine, they've got traction engine here, they're speaking of a traction vehicle, which was a caterpillar, and such matter as this, not a traction engine. I don't think anybody ever heard of a traction engine, myself.

**Hon. Mrs. Whyard:** Mr. Chairman, I think we had better do a little looking at that one. Could we set it aside for the moment?

**Mr. Chairman:** Let's stand this amendment over for a checking on "traction engine".

**Hon. Mrs. Whyard:** Mr. Chairman, I move, seconded by Mr. Lang, that Bill Number 1, entitled *Motor Vehicles Ordinance*, be amended as follows: in Section 2. (1), at page 4, by deleting the definition "officer" and substituting therefor the following definition: "officer means a member of the Royal Canadian Mounted Police or a person appointed pursuant to Section 3 to administer or enforce all or any portion of this Ordinance, including those persons employed in connection with the operation of Weigh Scales established by the Commissioner, pursuant to the *Highways Ordinance*."

Mr. Chairman, the point in this change is that we amended it to ensure that municipal and L.I.D. officers are included in the definition at the request of Members.

**Mr. Chairman:** Any discussion? Yes, Mr. Fleming.

**Mr. Fleming:** Just one thing that the Minister mentioned, it goes right down to the level of the L.I.D.'s being able to enforce any portion of this Ordinance, just how far we are going. I'd like just a minute or two to check it with Section 3. (1) and (2), also.

Section 3, "The Commissioner may appoint a Registrar of Motor Vehicles, a Deputy Registrar of Motor Vehicles and such other officer and employees as may be required for the administration of this Ordinance". I can understand that, however, just to say that all employees of the Government, in other words, it's more or less, this does, I don't think it really says anywhere in there that every employee of the Government, such as L.I.D. members and so forth and so on, would be allowed to enforce all of this Ordinance. And, if so, I would like you to read that Section to me that does say that, or that portion of this Section, which states that.

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

**Hon. Mr. McKinnon:** Mr. Chairman, it has no intention of that at all, that is why it says to administer or enforce all or any portion of this Ordinance. Now that means where there are municipal, L.I.D. portions, where there are responsibilities under the municipal and under the obligations in municipalities and L.I.D.'s that the Commissioner will only appoint for those sections which apply and gives a responsibility under those sections that he has the power to enforce those sections or the Ordinance dealing with the municipality or the L.I.D. That is why it is mentioned that all or any portion of the Ordinance that he will be entitled to enforce and it will mean just those portions that we give him the power and we have to give him the power to enforce it also, but not the broad aspect of the whole Ordinance. That is not the intention at all.

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

**Mrs. Watson:** Mr. Chairman, but it does not refer to L.I.D.'s or municipal employees. If you read Section 3. (1) and the amendment, that does not, because the definition in Section 3. (1) says "Motor Vehicles and such other officers and employees may be required" and L.I.D. employees are not employees of the Government of the Yukon Territory and I would hope that employee there means employees of the Government of the Yukon Territory. The definition of "officer" says absolutely nothing about— If you are going to interpret it in the broadest way, he can appoint anybody off the street to

enforce the *Motor Vehicles Ordinance* and I don't think that is right.

The public has a right to know who is going to have the authority to enforce the *Motor Vehicles Ordinance*. You can appoint half the population of the Yukon Territory and God help the other half.

**Mr. Chairman:** Mr. Cosman?

**Mr. Cosman:** Mr. Chairman, again, I have to remind the Member that we will be looking at an amendment to Section 3 in a few moments when it is introduced by Mrs. Whyard that will delimit the powers of any officer or employee that might be appointed pursuant to Section 3 of this definition and so on, so that what we have here is a very broad definition which could mean any officer or any person who is appointed by the Commissioner as an officer to administer this Ordinance or portion thereof which could include a member of the Local Improvement District, a by-law enforcement officer or what have you. But that person's powers will be limited in the same document that appoints him, will be limited by the Commissioner under the amendment that we will see to Section 3.

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

**Mrs. Watson:** But that brings up something else, Mr. Chairman, and I really am getting just a little bit more on the guard about this thing with the definition of the Commissioner, reverting back to that, "any person authorized by him to act on his behalf". The power, again, that we are giving to the Commissioner in this legislation is absolutely tremendous.

That person doesn't have to have any authority under any other legislation, doesn't have to have any authority whatsoever. Any person, just anybody to enforce the *Motor Vehicles Ordinance*. That is the authority we are giving to the Commissioner and I think, as far as I am concerned, that is too much. If you said any person within the employ of a municipality or an L.I.D., but you are not. It can be any employee of the Territorial Government, anyone defined as an officer as any person. I am also looking at the amendment that we are talking about and that isn't restricting it any more.

I'm quite prepared to leave it until we come to the amendment of Section 3 and to discuss it further then, but those are the misgivings I have about it.

**Mr. Chairman:** Yes, Mr. McCall.

**Mr. McCall:** Mr. Chairman, I concur with Mrs. Watson. I have my reservations with this particular language we're dealing with right now and when Mr. Cosman made reference to Section 6 being changed, it looks like you retrograde type of legislation again, where we're going to have everything wrapped up in regulations and nothing in the Bill and just what is going on here? One minute you want to put in a definition in for a Commissioner, all sweeping powers to authorize anybody to authorize anybody else to enforce this Bill and is being spelled out very, very nicely, very nicely. We're right back to the regulating making powers and this is what you're giving the Commissioner, with a broad expanse, to authorize anybody to authorize anybody to be officers within this Bill. I think that's totally ridiculous.

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

**Hon. Mr. Lang:** Mr. Chairman, I think that the Honourable Members are missing a little bit of the Section that has been passed and that is with respect to the administration of this Ordinance, pursuant to Section 3, and you have to be dealing with this particular item in Section 3, because it defines and qualifies the definition of Commissioner.

So, Mr. Chairman, I think that we're pursuing a line of debate here that really has nothing to do with what we're discussing at the present time. I would ask if you would read the amendment accordingly.

**Mr. Chairman:** Moved by F. Whyard, seconded by D. Lang, that Bill Number 1, entitled *Motor Vehicles Ordinance*, be amended as follows: in subsection 2.(1), at page 4, by deleting the definition "officer" and substituting therefor the following definition: "officer" means a member of the Royal Canadian Mounted Police or a person appointed pursuant to Section 3 to administer or enforce all or any portion of this Ordinance, including those persons employed in connection with the operation of weigh scales, established by the Commissioner, pursuant to *Highways Ordinance*.

Agreed?

*Amendment Agreed to*

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

**Mrs. Watson:** I prefer the old definition. It's a little more specific.

**Mr. Chairman:** Well, we've already passed it.

**Mrs. Watson:** I know, but I would just like to say that I do prefer the older definition because it is more specific and doesn't give the sweeping powers that we're all so afraid of.

**Mr. Chairman:** I declare the amendment carried and we will recess now until 1:30.

*Recess*

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

We are still on the *Motor Vehicles Ordinance* and were prepared to receive an amendment from Mrs. Whyard.

**Hon. Mrs. Whyard:** Mr. Chairman, prior to our break at noon, there were some questions being asked about what is a traction engine. Traction engine has been in the present Ordinance for some years, it is nothing new. There is nothing different implied by it, and it still means a moveable steam engine used for driving heavy loads. I don't know whether the Honourable Member who was worried about it is present with us, but that is the explanation of the word.

Mr. Chairman, if I may proceed, I move, seconded by Mr. Lang, that Bill Number 1, entitled *Motor Vehicles Ordinance* be amended as follows: In subsection 2.(1) at page 5, by deleting the definition "rented vehicle" and substituting therefor the following definition: "rented vehicle" means a motor vehicle rented or leased with or without a driver by a person, firm or corporation to a person, firm or corporation on a day to day basis, but not exceeding thirty consecutive days. Members will realize that this is the other half of the reverse definition leased and rented.

**Mr. Chairman:** Any discussion? It was moved by Mrs. Whyard, seconded by D. Lang that Bill Number 1, entitled *Motor Vehicles Ordinance* be amended as follows: In subsection 2.(1) at page 5, by deleting the definition "rented vehicle" and substituting therefor the following definition: "rented vehicle" means a motor vehicle rented or leased with or without a driver by a person, firm or corporation to a person, firm or corporation on a day to day basis, but not exceeding thirty consecutive days.

*Amendment agreed to*

**Hon. Mrs. Whyard:** Mr. Chairman, I move, seconded by Mr. Lang that Bill Number 1, entitled *Motor Vehicles Ordinance* be amended as follows: In section 3 at page 6, by adding immediately after subsection (2) thereof the following new subsection: (3) Any officer or employee appointed pursuant to subsection (1) except the Registrar of Motor Vehicles or the Deputy Registrar, shall have only those powers and duties with respect to the administration of this Ordinance as the Commissioner may prescribe.

This amendment was prepared at the request of the House, to ensure that proper limitations were placed on the powers of

officers.

**Mr. Chairman:** Any discussion? Mr. Fleming.

**Mr. Fleming:** What's happening here with that section if it's stated somehow that the powers that could be was according to this Ordinance, rather than the administration of this Ordinance as the Commissioner may prescribe. I know the Commissioner can prescribe these things, but I just feel that we are turning him completely loose, when we say "with respect to administration of this Ordinance, as the Commissioner may prescribe."

I would sooner say that under the terms of this Ordinance is the only way that the Commissioner may do any of these things, which might control it to at least that department, other than turning it loose to the whole Territory, which I can see here, and everybody in it.

**Mr. Chairman:** Mrs. Whyard.

**Hon. Mrs. Whyard:** Mr. Chairman, with respect, that is spelled out, "appointed pursuant to subsections of this Ordinance".

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

**Mrs. Watson:** Yes, Mr. Chairman, the three sections don't really tie together and I think that they're meant to, because the Commissioner, under the definition of Commissioner, it says "the Commissioner, or any person authorized by him to act".

Then, in the amendment to 3 that you've got before the House now, you're saying any officer or employee appointed, pursuant to subsection 1" have only those powers.

And then your definition of "officer", "any person appointed pursuant to Section 3". I think what you're doing, if you tied down the definition of Commissioner to say it means the Commissioner of the Yukon or any person or any officer or employee authorized by him to act, then you would tie the three sections together, and I think they should be tied together.

**Mr. Chairman:** Mrs. Whyard.

**Hon. Mrs. Whyard:** When we discussed this Section in our first Committee work on this Bill, the Honourable Members were concerned about including employees of weigh scales, L.I.D. and so on, and giving them certain authorities and how this should be done, and they asked us to prepare an amendment which would provide for that concern.

And, at that time, we explained that we were trying to make three Ordinances consistent here, the *L.I.D. Ordinance*, and the *Motor Vehicles* and the *Highways*, and this is our attempt to do so.

I really cannot see what other refinement Honourable Members are asking for in this particular section, if they want it to include those other employees.

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

**Mrs. Watson:** Mr. Chairman, if you want to include the other employees, say so, don't leave it that wide. I agree with the member from Hootalinqua when he says that you are giving limitless power to the Commissioner. I must say here and now that we must ensure from now on that the powers of the Commissioner are specifically defined, very specifically defined in the legislation. I don't like to see this, this broad. Certainly it is convenient. There may occasions arise where you may have to give someone the authority to enforce the *Motor Vehicles Ordinance* and I am thinking of construction workers, people who are stopping traffic during reconstruction of a highway. You may have to do that, but say so. I am not prepared any more. I used to do this in good faith, but faith just went out the window. I want it in black and white and if you want to give specific powers which might be required, enum-

erate them, don't say "any person."

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

**Mr. Berger:** Mr. Chairman, the Honourable Member has, for the second time now mentioned the L.I.D. and there is no place in the *Motor Vehicle Ordinance* to describe anything about an L.I.D. and the L.I.D. employees are not employees of the Territorial Government. I would like an explanation why she insists on L.I.D.'s be included in those things.

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

**Hon. Mrs. Whyard:** Mr. Chairman, the explanation, which we gave before, which members have now forgotten, is that resolution-making power is given regarding the control of streets and lanes in municipalities and L.I.D.'s. That brings in the subject of motor vehicles and the controls and the enforcement of this Ordinance. There is a connection here, if Honourable Members, with respect, Mr. Chairman, are going to start questioning the authority at every level throughout every Ordinance, it is going to take a very long time to get through even one piece of legislation. There has got to be an authority and there has got to be someone with the power to enforce these pieces of legislation. If Honourable Members are implying to this Committee that they do not think that the Commissioner should have any such authority perhaps they would like to inquire upon that and tell us who should and perhaps they would like to rewrite this section to their own satisfaction.

Mr. Chairman, this is what we have brought in at the request of this Committee.

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

**Mrs. Watson:** Mr. Chairman, I think I was quite specific. I said if you were going to give the Commissioner authority, specify the authority you're giving him, don't leave it as broad as you have. And if I have to be more clear and blunter than that, I will be.

If the L.I.D.'s can close streets and lanes, who enforces it? Who are the peace officers in L.I.D.'s? The RCMP, and you've made provision there and if you want L.I.D. employees to be peace officers to enforce the *Motor Vehicles Ordinance*, say so in here and say so in the *L.I.D. Ordinance*.

This is one thing, putting it in the *Motor Vehicles* then for goodness sakes, put it in the *L.I.D. Ordinance* and tell the L.I.D. people that you expect them to enforce the *Motor Vehicles* or certain sections of the *Motor Vehicles Ordinance*, within their L.I.D. district. Don't hide it in an obtuse way—

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

**Hon. Mr. Lang:** Mr. Chairman, on a point of privilege—

**Hon. Mrs. Whyard:** That's not the amendment we're discussing, Mr. Chairman.

**Mr. Chairman:** Yes, Mr. Lang.

**Hon. Mr. Lang:** Mr. Chairman, we are not discussing the *L.I.D. Ordinance*. I think that the Honourable Member has a valid point. I think there are some sections pertinent to this particular *Motor Vehicles Ordinance* that will be discussed when we're discussing amendments to the *Local Improvement District Ordinance*.

All I can say, Mr. Chairman, is that we have done a lot of work, trying to come up with a qualifier. I believe we have come up with a qualifier in the amendment here, in Section 3, stating "appointed pursuant to subsection 1" and qualifying it by saying "the powers and duties in respect to the administration of this Ordinance". In other words, the principles of this Ordinance, and I don't think we can be any clearer unless we bring a comic book into this House for every member to have a look at.

**Mr. Chairman:** Now, what's that got to do with anything?

**Mr. Chairman:** Mr. Taylor?

**Hon. Mr. Taylor:** Yes, I was just going to make much the same point, Mr. Chairman.

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

**Mrs. Watson:** Mr. Chairman, and the point I am making, whether you like my terminology or finding it in the *Motor Vehicles Ordinance* and take offense at it, well, that is unfortunate, the point I am making, is your legislation has to be very specific and when you have the L.I.D.'s and you have certain functions that you want them to perform, say so in the *L.I.D. Ordinance* also and tie it in with the proper Ordinance.

Now you have it in the *Motor Vehicles Ordinance* that if you want L.I.D. employees to be able to enforce the *Motor Vehicles Ordinance*, or certain sections of it, then for goodness sakes, say so specifically in the *L.I.D. Ordinance* because I don't think people realize—

**Hon. Mrs. Whyard:** We are not—

**Mrs. Watson:** Yes, you are, you're leaving provision for it. You're making—Mr. Chairman, on a point of privilege, I'm being interrupted, rudely.

**Mr. Chairman:** I wonder if the Honourable Member could be more brief in her remarks? She has repeated herself a number of times.

Yes, Mr. Lengerke?

**Mr. Lengerke:** Mr. Chairman, I just wonder if the Member from Kluane, if she has a definite amendment to make, why doesn't she make it?

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

**Mrs. Watson:** Mr. Chairman, I will be as brief as possible. I have an amendment and I am suggesting that the definition section for Commissioner can mean the Commissioner of the Yukon—

**Mr. Chairman:** You can't, we have cleared that.

**Mrs. Watson:** But this is one way we could overcome it.

**Mr. Chairman:** I am sorry, we have cleared that. Any further discussion.

*Amendment agreed to*

**Mrs. Watson:** Disagree.

**Mr. Chairman:** Shall the Clause carry?

**Some Members:** Agreed.

**Mr. Chairman:** In the Interpretation Section, we stood over one Section dealing with a traction engine.

**Hon. Mrs. Whyard:** I don't believe all members were present when I made my earlier remarks on this subject and that is that I would draw to their attention that traction engine is already included in the Ordinance and has been for some years, and the definition reads "traction engine means a self-propelled vehicle designed primarily for traction purposes and not constructed itself to carry a load, but does not include a truck tractor". The simple definition of a traction engine is a moveable steam engine used for dragging heavy loads.

**Mr. Chairman:** I did wonder if the Committee is prepared to give unanimous consent to go back to the definition of "motor vehicle".

**Some Members:** Agreed.

**Mr. McCall:** Disagreed, Mr. Chairman, I object going back to a definition when you just squashed a previous discussion on a definition.

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

**Hon. Mr. Lang:** Mr. Chairman, I would just like one clarification. It is my understanding this particular Section had not been cleared, it had been stood over, correct. That is

correct is it not?

**Hon. Mrs. Whyard:** Mr. Chairman, I believe that we said that we would look again at the words "tractor engine" and I have pointed out to members of Committee that that is the meaning, a moveable steam engine used for dragging heavy loads. It has been in the Ordinance for some time. Is there any further clarification required? Mr. Cosman, do you have any more to add to that?

**Mr. Chairman:** I am sorry Mrs. Whyard we can't go back without unanimous consent.

**Hon. Mrs. Whyard:** I thought we had it Mr. Chairman, I am sorry.

**Mr. Chairman:** No, Mr. McCall disagreed.

**Hon. Mrs. Whyard:** Mr. Chairman, are you informing me that we were never going to pass that Section then if we can't go back to it?

**Mr. Chairman:** We will go back to it in the next reading.

**Hon. Mrs. Whyard:** Mr. Chairman, I move, seconded by Mr. Lang, that Bill Number 1 entitled *Motor Vehicles Ordinance* be amended as follows: In section 4, page 6, by deleting subsection (1) and substituting therefor the following subsection 4.(1) The Commissioner may authorize that any document, class of document or copies of documents filed in the office of the Registrar under this Ordinance be reproduced by photograph or microfilm, and thereafter that the document or documents may be destroyed or otherwise disposed of in accordance with the provisions of the *Archives Ordinance*, and the reproduction for the purposes of this Ordinance shall be admissible in evidence in any court of law in like manner and for all purposes as are the documents so reproduced.

Mr. Chairman this was amended at the request of the members for clarification. There had been some questions about the terminology regarding microfilm.

**Mr. Chairman:** Any discussion? It has been moved by F. Whyard, seconded by D. Lang, that Bill Number 1, entitled *Motor Vehicles Ordinance*, be amended as follows: in Section 4, at page 6, by deleting subsection 1 and substituting therefore the following subsection:

4.(1) The Commissioner may authorize that any document, class of document or copies of documents filed in the office of the Registrar under this Ordinance be reproduced by photograph or microfilm, and thereafter that the document or documents may be destroyed or otherwise disposed of in accordance with the provisions of the *Archives Ordinance*, and the reproduction for the purposes of this Ordinance shall be admissible in evidence in any court of law in like manner and for all purposes as are the documents so reproduced.

Yes, Mr. Berger.

**Mr. Berger:** Just a question of clarification of this. I think that I don't know if the question came up when we read the Bill before, already, how long does the Government intend to keep the original documents and does this Ordinance make this microfilm document, or reproduced document also admissible in a court of Canada?

**Mr. Chairman:** Mrs. Whyard.

**Hon. Mrs. Whyard:** Mr. Chairman, the policy regarding the length of time that various official documents are retained depends upon the type of document. There are certain records, medical records, personnel records, health, social welfare records, which are required to be kept for certain statutory lengths of time and they all differ. I understand that when a person leaves the employ of this Government, for example, his personnel record, with his health record, is required to be kept for so many years, for the purposes of reference for Workmen's Compensation, and so on.

I cannot tell you at this very moment the time requirements for saving of every kind of Government document, but I know that they do vary. That information is valuable to you. I can obtain it for you.

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

**Mrs. Watson:** Yes, Mr. Chairman. The original section in the Bill provides that the original document, or the copies, will be admissible as evidence in any court of law. The amended section does not specify that the original document will be admissible as evidence in a court of law. Is this done by design, or what was the thinking behind this amendment?

**Hon. Mrs. Whyard:** Mr. Chairman, I know of no design to change the intent of this section, but the words or what the need for microfilm to be introduced as evidence are based, are that the documents may be destroyed or otherwise disposed of, so you do still have microfilm, therefore you do not need the original document.

I don't know what the particular difficulty is, Mr. Cosman.

**Mr. Cosman:** If I may Mr. Chairman, at common law the courts apply what is called a "best evidence" rule. If you have an original and a photocopy of that original, the courts will not look at the photocopy. They tend to ask for the original. If the original is not available, it has been photocopied and the original destroyed then, in some cases, they will go to the photocopy and accept that as evidence.

Here we are stating that the photocopy or microfilm shall be acceptable as evidence for purposes of this Ordinance, so the court would look to this section and so decide that the microfilm is fair.

I don't think anything need specifically be said about the original, so far as evidence. If it exists, the court will accept the original.

**Mr. Chairman:** It was moved by F. Whyard, seconded by D. Lang, that Bill Number 1, entitled *Motor Vehicles Ordinance*, be amended as follows: in section 4, at page 6, by deleting subsection (1) and substituting therefor the following subsection 4.(1) The Commissioner may authorize that any document, class of document or copies of documents filed in the office of the Registrar under this Ordinance be reproduced by photograph or microfilm, and thereafter that the document or documents may be destroyed or otherwise disposed of in accordance with the provisions of the *Archives Ordinance*, and the reproduction for the purposes of this Ordinance shall be admissible in evidence in any court of law in like manner and for all purposes as are the documents so reproduced.

Yes, Mrs. Watson?

**Mrs. Watson:** Mr. Chairman, one more question. The documents may be documents on the health record of a person, their ability to drive. Could they be used as evidence in a court case that had nothing to do with the *Motor Vehicles Ordinance*?

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

**Hon. Mrs. Whyard:** Mr. Chairman, with respect, if it has nothing to do with the *Motor Vehicles Ordinance*, I don't think it is within the capability of this Committee.

**Mrs. Watson:** Mr. Chairman, this Section does not say any court of law under this Ordinance. What I am saying is because it is open, could the documents be used under the *Motor Vehicles Ordinance* documents could be used under a charge under any other law other than the motor vehicles and this gives them the right to do that.

**Hon. Mrs. Whyard:** Mr. Chairman, I would think that they have that right in any case.

**Mrs. Watson:** Mr. Chairman, I was hoping that the Legal Advisor, who is familiar with a court of law and the type of

evidence that is admissible—

**Mr. Cosman:** If I may, Mr. Chairman, the use of microfilm or photographed evidence for purposes of the *Motor Vehicles Ordinance* is clearly admissible under this proposed 4.(1). Whether or not the court would accept for other purposes, for purposes of other Ordinances, a microfilm is questionable. We bring into play the *Canada Evidence Act*, which, for purposes of federal courts and criminal procedure and that sort of thing, requires originals to be kept up to six years. Most provincial jurisdictions have a similar *Evidence Act* and I know we have an *Evidence Ordinance*, which I believe requires six years. This is a uniform Act across Canada, six years for the keeping of original documents for certain purposes in proceedings in courts and so on. So putting them all together as an amalgam, I think the court would have to look at all its evidentiary common law, all the *Evidence Ordinances*, like the *Canada Evidence Act* and even the *Motor Vehicles Ordinance* to see what kind of document, whether original or microfilm is admissible. The court would make a discretionary choice at that time or determination at that time when it had a matter before it as to whether something was admissible or not. I think for the purposes of this Ordinance, 4.(1) as amended by the Honourable Mrs. Whyard, does what we want it to do for purposes of evidence in the prosecution of an offence under the *Motor Vehicles Ordinance*. It may have that wider application, but I think many other things would be involved.

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

**Mrs. Watson:** Mr. Chairman, I was concerned because we don't say, "for the purposes of this Ordinance documents" and so on. We do not say that. We leave it wide open, or we don't say, "shall be admissible in evidence in any court of law, pursuant to this Ordinance" under the *Motor Vehicles Ordinance* and this is my concern.

**Mr. Chairman:** We do say, "for the purpose of this Ordinance", Mrs. Watson.

**Mrs. Watson:** But, Mr. Chairman, it doesn't say that a court of law, charges laid under the *Motor Vehicles Ordinance*. Could they be used, charges laid under some other Ordinance, and, if we said it specifically, the *Motor Vehicles*, could the *Canada Evidence Act*, or our evidence act overrule and, if they wanted to use these documents in another court of law, would the other laws supersede this?

**Mr. Chairman:** Mrs. Watson, I don't think that's relevant to our discussion of this particular Ordinance. You're discussing the *Canada Evidence Act*.

**Mrs. Watson:** Mr. Chairman, with respect, we're saying, we are saying that any of these documents, reproduced or the originals, can be used in any court of law and I don't know whether we should be using this freedom or not, and it's a very pertinent question.

In the *Motor Vehicles Ordinance*, there's a lot of information in these documents that is not public information. Do we want it to be able to be used in a court of law against someone, under something other than the *Motor Vehicles*, and it is very relevant to people's rights.

**Mr. Chairman:** Yes, Mr. Lang.

**Hon. Mr. Lang:** Mr. Chairman, I have to agree with your statement earlier, we shouldn't be discussing Federal Legislation. I think the Honourable Member should have read a little further, and it says "in like manner", and that's in reference in respect to whether the original copy, so, subsequently, Mr. Chairman, all this section does is give the ability for microfilm and put it into the place of storage as far as the Government's concerned and I can't see why we're carrying on any further on this particular section.

**Some Members:** Agreed.

**Mr. Chairman:** I have already read the amendment. Shall the amendment carry?

*Amendment Agreed to*

*Clause 4 Agreed to*

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

**Mr. Chairman:** Have you an amendment to Section 5? Should we go on with Section 5, and then the amendment? Or do all the amendments first?

We have a Section which has no amendment to it, that wasn't agreed on when we read it the first time. Section 5.(1), the Commissioner may delegate all or any of the powers conferred upon him by this Ordinance to such person or persons as he considers advisable.

Any discussion?

**Hon. Mrs. Whyard:** Mr. Chairman, I believe the question asked at that time was whether or not this would contravene the *Public Service Ordinance* in any way, or whether there was any conflict and we've examined that section and found that there is no need to change it.

**Mr. Chairman:** Any discussion? Yes, Mr. McCall.

**Mr. McCall:** Yes, Mr. Chairman, I believe that Section 5.(1) should be deleted, because you have already expressed the Commissioner's powers in Section 3.(1) as we've already been through, through 4.(1), through 6.(1) and 6.(2). I don't see why we need Section 5.(1), period, in this particular Bill.

I would move an amendment if there is no further debate on that.

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

**Hon. Mrs. Whyard:** Mr. Chairman, I think there are valid reasons for leaving these sections in, I would ask Mr. Cosman's advice.

**Mr. Cosman:** Yes, Mr. Chairman, I don't see that 5.(1) gives any additional powers to the appointment of persons or officers or employees, that we have not already dealt with in the amendment to section 3, the sub-amendment.

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

**Hon. Mrs. Whyard:** Mr. Chairman, if I could refresh the Honourable Members on the discussion of the particular point the last time we went around when Mr. Spray was with us as witness on November 7th, the summary of the discussion at that time, I am quoting Mr. Spray: "Mr. Chairman, I think that there are certain limitations placed on the interpretation of Section 5.(1), however, appointments are generally done by Commissioner's Order. In some cases they may not be done by Commissioner's Order if we are appointing such persons as testers of speedometers who are not, Mr. Chairman, members of our Public Service. We do then, by Commissioner's Order, in the case of an emergency, we may do it and the delegation of power to the Registrar of Motor Vehicles, as an example, but really what we are talking about here is providing the power the Commissioner has a decision which he may make under this Ordinance. We wanted the provision to have that power delegated if we so wished to a board or another group of persons who may be more qualified to examine that particular aspect of it."

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

**Mrs. Watson:** Mr. Chairman, there certainly is a great deficiency because this certainly doesn't tie in with the other things that have been passed or it gives a lot more powers to the other sections which we couldn't refer to but this is certainly beyond what the other sections have placed limitations upon. Here we go again, I have asked, and it brings up the question the notes I had, is it done by Commissioner's Order, is it prescribed? I asked that when we had the definition of the

Commissioner, and I was advised that not necessarily, however, in subsection 3.(1) it is prescribed. It delegates this authority to officers and employees as he may prescribe. Yet, here again, we have the delegation and we are being told sometimes they are prescribed and sometimes they don't, and in the definition of the Commissioner, it is left loosey goosey, so I would rather like to have some specific direction in this regard.

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

**Hon. Mrs. Whyard:** It is not loosey goosey, Mr. Chairman. One section covers delegating authority to members of the Public Service and this section covers delegating authority to people who are not members of the Public Service, as I have just explained, they may well be members of a board, which is established under this Ordinance.

**Mr. Chairman:** Mr. McCall?

**Mr. McCall:** Yes, Mr. Chairman, you now have my amendment which is before you at this time. Would you read it out please?

**Mr. Chairman:** Moved by Mr. McCall, seconded by Mr. Fleming, that Bill Number 1, entitled *Motor Vehicles Ordinance* be amended as follows: That subsection 5.(1) be deleted.

**Hon. Mr. Lang:** Mr. Chairman, I'm just wondering about the procedure in respect to putting amendments into the House. It is my understanding that there had to be a written copy to all Members in respect—

**Hon. Mrs. Whyard:** We don't have it before us.

**Hon. Mr. Lang:** And if there are amendments being contemplated by Members, I think that that procedure should be followed, even if it is minor.

**Mr. Chairman:** I don't think it's necessary to have a written copy. This is a very simple amendment.

**Hon. Mrs. Whyard:** Removing what, Mr. Chairman?

**Mr. Chairman:** That the amendment is, moved by Mr. McCall, seconded by Mr. Fleming, that Bill Number 1, entitled *Motor Vehicles Ordinance*, be amended as follows: that subsection 5.(1) be deleted.

Yes, Mr. Fleming.

**Mr. Fleming:** Before the question is put, I would like to state one of my reasons for seconding that motion, that, as some of the Honourable Members have explained, there is sections in this covering it and now they want to cover something else and it comes down "to the Commissioner may delegate all or any of the powers conferred upon him by this Ordinance to such person or persons as he considers advisable". Now we get into the advisable.

Why not just as he feels fit or just as he may want to do or anything else. We just carry on with powers and powers and powers until, presently, we have nothing but regulations over us. So, I think we have had enough powers given to the Commissioner in the Ordinance already to deal with the Ordinance and the law, so let's keep it that way.

**Hon. Mrs. Whyard:** Mr. Chairman.

**Mr. Chairman:** Yes, Mrs. Whyard.

**Hon. Mrs. Whyard:** Mr. Chairman, if I could share the Honourable Member's opinion, I wouldn't worry about deleting this Section, but I must really ask for caution on this one, because I must be assured that, without this Section 5.(1), there still would be power to appoint members to the Drivers Examining Board, the Medical Examining Board, the boards which members have approved, including in this Ordinance.

Now, would we have the power, without Section 5, since these other sections refer to officers and employees of the public service?

Mr. Cosman, could you clarify this, please?

**Mr. Cosman:** Yes, Mr. Chairman, if I may speak to it, the original definition of the word "officer" may be the clue to what is happening here. The original definition, as it appeared in the Bill, specified, among other persons, a member of the public service, employed in the administration of this Ordinance such that, when we spoke of officers or employees, we were distinctly directing our minds to only those persons in the employ of YTG or under the *Public Service Ordinance*.

We have now widened our definition of officer such that it now could include any person, not just a public employee, that the Commissioner might appoint, pursuant to Section 3.

Then, under Section 3, under our proposed sub-amendment, proposing a new subsection 3, we put a limitation or give the Commissioner power to put limitations on those persons appointed under Section 3. Therefore, I feel that Section 5 probably is redundant now, because we now are no longer tied only to public service employees by our definition of officer but we are wide open to any person appointed, therefore, the purpose of Section 5 had been to embrace other persons, that is persons other than employees, is now unnecessary.

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

**Hon. Mrs. Whyard:** Mr. Chairman, may I ask, as the Honourable Members so frequently do, that we be given the courtesy of time to study this amendment proposed by the Honourable Member so that we may come in prepared to vote upon it?

**Mr. Chairman:** We will stand this Section over.

**Hon. Mrs. Whyard:** Thank you.

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

**Mrs. Watson:** I hope the compassion is shared and is to be reciprocated across the floor for the rest of the afternoon.

**Mr. Chairman:** Yes, Mr. McCall?

**Mr. McCall:** I did not agree for that to be stood over. If that is the case, then the Chair should give consideration to the rest of these amendments to be stood over until I have had a chance to read them and study them. I only got them this morning.

**Mr. Chairman:** We will now go on to Section 6.

**Mr. McCall:** Mr. Chairman, you did not answer my question. I asked that these be stood over just the same as my amendment to give me time to study them as I only received these amendments from the government this morning.

**Mr. Chairman:** I think, Mr. McCall, that we would be wasting the time that we should be spending this afternoon if we don't continue with this Ordinance. Many of the amendments were amendments that this House requested when we read it the first time. In fact all of the amendments are, or else they are amendments that have been suggested by your Committee, so you must be very familiar with most of them.

We will go on to Section 6, any discussion?

**Mrs. Watson:** Mr. Chairman, would you give me a minute?

**Mr. Chairman:** It is not an amendment, Mrs. Watson, it is a Section which we didn't adopt. We have read it before but we haven't cleared it.

**Mrs. Watson:** Could we have the opportunity just to review it? This is ridiculous.

**Mr. Chairman:** Well, we have read this before, Mrs. Watson.

**Mrs. Watson:** Yes, Mr. Chairman, I know I have but you don't memorize it from December.

**Mr. Chairman:** Yes, Mr. Taylor?

**Hon. Mr. Taylor:** I wonder if at this time we can now

proceed with the business of Committee.

*Clause 6 agreed to*

**Mr. Chairman:** Now, Section 7 was cleared before our Christmas recess, but there are amendments to it and we will require unanimous consent of the House to proceed with the two amendments.

**Some Members:** Agreed.

**Mrs. Watson:** Mr. Chairman, I didn't quite catch that.

**Mr. Chairman:** Section 7 was cleared at the Session before Christmas, without amendment, but Mrs. Whyard has amendments to it and we will require unanimous consent of the House to proceed with the amendments to this Section.

**Hon. Mr. Lang:** Mr. Chairman, may I raise a point of order? It just occurred to me, at the end of the day if we could check the rules, but it's my understanding that it's the majority of the House, and not unanimous consent to go back on a section. I think maybe that should be clarified, Mr. Chairman.

**Hon. Mr. Hibberd:** Mr. Chairman, I believe the House itself does require the unanimous consent, but Committee has the power to direct its own affairs by a simple majority.

**Mr. Chairman:** The book that we follow says that "a Bill must be considered clause by clause in consequential order. Once a clause is carried, there may be no further debate or amendment on it, however, it can be reopened by unanimous consent". So we will require unanimous consent to reopen that section of the Bill.

Do we have unanimous consent?

**Some Members:** Agreed.

**Mr. McCall:** Disagree.

**Mr. Chairman:** Mr. McCall has disagreed, so we can't open reopen Section 7.

**Hon. Mrs. Whyard:** Oh, Mr. Chairman, the Honourable Member wasn't even here to know what Section we're referring to. Look.

**Mr. Chairman:** Yes, Mr. Taylor.

**Hon. Mr. Taylor:** Yes, in the interest of good and responsible legislating, I just wonder if I might direct a question to the Honourable Member opposite Mr. McCall, and ask him if he could tell me what he just disagreed to.

**Hon. Mrs. Whyard:** Mr. Chairman—

**Mr. McCall:** Section 7.(1) amendment.

**Hon. Mrs. Whyard:** Mr. Chairman, please, Mr. Chairman.

**Mr. Chairman:** Yes, Mrs. Whyard.

**Hon. Mrs. Whyard:** If I may draw to the Honourable Member's attention, the amendment I wish to introduce was one proposed by his Standing Committee.

**Mr. Chairman:** I know, I realize that. That's why the matter is dropped. He's disagreed to something that he's proposed.

**Mr. Chairman:** Section 8, Issue of a Licence. Any discussion?

**Mrs. Watson:** Mr. Chairman, is there an amendment?

**Mr. Chairman:** There are no amendments to Section 8. Yes, Mrs. Watson.

**Mrs. Watson:** Mr. Chairman, again, I think that the concerns were expressed when we went through the Ordinance the first time and it's unfortunate that an attempt hasn't been made to bring an amendment in and I would like to voice my concern, again. It says, "Operators licence shall be made to the Registrar containing those particulars as prescribed". And they could, you know, you're giving them the authority to

perscribe any particulars that they want and particulars that are required for a licence, an operator's licence.

We are giving them an authority to ask anything. We are asking them to put anything on there, to ask you, and by law you could put anything on that application form and before you got your motor vehicles license you would be bound to fill in that application form, whether it has anything to do with it or not. Can't you tie it in so that the information that is required to operate a motor vehicle or something, they could put anything in there.

**Mr. Chairman:** Yes, Mr. Lengerke?

**Mr. Lengerke:** Mr. Chairman, a question to the Member from Kluane, I just wonder what kind of information she would object to being on there that she thinks is on there. As I understand it, this is a form that is appended to part of the Regulations. It is straight forward, I can't see any problems with it, but she may well have some real concerns, and I would like to know what those concerns are with that particular application form. If she has some let's hear them.

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

**Mrs. Watson:** They could easily ask you very specific questions on your health which have nothing to do in certain instances whether you have the ability to get an operator's licence or not. There are some requirements for motor vehicles to have an operator's licence, but they could go beyond that and I recall just using an analogy under the *Liquor Ordinance* some of the information that they require under the *Liquor Ordinance*, public health information and the whole bit which really does not apply and they don't have the authority to ask under the *Liquor Ordinance*. I would like to see it tied down. I don't know whether it is possible to, but I do not like to see that wide open.

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

**Hon. Mr. Lang:** Mr. Chairman, I think the Honourable Member's concerns are answered later on in the Bill in Section 16 and subsequently further on in respect to the medical side that one has to disclose. I don't think really there is any cause to worry.

**Mrs. Watson:** Mr. Chairman, I have, and I think a lot of people do, have an aversion where governments, and they may have to, they have a legitimate reason, collect a really great deal of information on individual people and every time you give them the authority to ask any questions that they want and you have to answer them, I think you are taking away the right of the person. All the information that should be on there is something to do with a motor vehicle operator's licence, nothing else. We are saying that you can ask anything, not just health, it is anything.

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

*Amendment agreed to*

**Mr. Chairman:** Section 9 was carried previously, and we will go on to Section 10 and there are amendments to Section 10.

**Hon. Mrs. Whyard:** Mr. Chairman, I move, seconded by Mr. Lang that Bill Number 1, entitled *Motor Vehicles Ordinance* be amended as follows: In Section 10 at page 9, by deleting subsection (2) and substituting therefor the following: (2) Before issuing an operator's licence to an applicant, the Registrar shall require the applicant to satisfactorily identify himself as being the person named in the application.

This is a renumbering, Mr. Chairman, required by paragraph 2.(b), which was struck by motion of the House on the 7th of November, 1977.

**Mr. Chairman:** Any discussion? Yes, Mr. Fleming.

**Mr. Fleming:** I'm wondering, Section 10.(2), now, and ac-

tually you are referring to Section 10.(2)(b). Why the reference to 2.(b), if this is 2?

And I notice that the Committee found that 10.(2) was a reasonable Section and that 10.(2)(b), of course, the House killed that Section, but, I'm wondering why you were referring to 10.(2)(b) now?

**Mr. Chairman:** We're not, we're just referring to 10.(2).

**Hon. Mr. Lang:** Mr. Chairman?

**Mr. Chairman:** Yes.

**Hon. Mr. Lang:** Mr. Chairman, the reason that it is is because the Members of this House passed a resolution deleting (b), so it's just a case of renumbering, in that particular Section. That the request for photography had been deleted by Committee, so, subsequently, it's just a change in numbering. Isn't that correct, Mr. Cosman?

**Mr. Cosman:** Mr. Chairman, if I may, it's simply removing the paragraph (a), which was not struck and the word "and", following paragraph (a).

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

*Amendment Agreed to*

**Mr. Chairman:** There is an amendment to Section 11.

**Hon. Mrs. Whyard:** Mr. Chairman, I would move, seconded by Mr. Lang, that Bill Number 1, entitled *Motor Vehicles Ordinance*, be amended as follows: In subsection 11.(1), at page 9, by deleting, where they appear in Line 28 thereof, the following words: "Notwithstanding subsection 13.(1)".

This is amended at the request of the House.

**Mrs. Watson:** Mr. Chairman, I wonder if any of these that have to be cross referenced to different sections, whether we could just have the opportunity to go over them this evening, so that we don't take the time and deal with them tomorrow.

**Mr. Chairman:** Would you like that 11 set over?

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

**Mr. Chairman:** It's only the next page.

**Mrs. Watson:** Mr. Chairman, if you'll give us time to go over it thoroughly, fine.

*Amendment Agreed to*

**Mr. Chairman:** Do we have another amendment? Okay.

**Hon. Mrs. Whyard:** Mr. Chairman, this continues with the next section of 11.

I move, seconded by Mr. Lang, that Bill Number 1, entitled *Motor Vehicles Ordinance*, be amended as follows: In section 11, at page 9, by deleting subsection 2 and substituting therefor the following: an operator's licence of a learner's category, shall be stated to entitle and shall entitle the licensee to drive a motor vehicle of the types specified while the licensee is accompanied by a person (a) who hold a subsisting licence for the operation of the vehicle being used; (b) who has held such licence for a period of not less than two years; and (c) who is seated immediately beside the licensee and is engaged in teaching him to drive or is engaged in conducting a driver's examination of the licensee.

Mr. Chairman, this was amended at the request of members as paragraph (b) requires licensing for two years rather than the age requirement, and I think that perhaps this is what Mr. Berger wanted.

**Mr. Chairman:** It was moved by Mrs. Whyard, seconded by D. Lang, that Bill Number 1, entitled *Motor Vehicles Ordinance* be amended as follows: In Section 11 at page 9, by deleting subsection (2) and substituting therefor the following: (2) An operator's licence of a learner's category shall be stated to entitle and shall entitle the licensee to drive a motor vehicle of the type specified while the licensee is accompanied

by a person (a) who holds a subsisting licence for the operation of the vehicle being used; (b) who has held such licence for a period of not less than two years; and (c) who is seated immediately beside the licensee and is engaged in teaching him to drive or is engaged in conducting a driver's examination of the licensee.

*Amendment agreed to*

*Clause 11 agreed to*

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

**Mrs. Watson:** Yes, Mr. Chairman, I have a question on that section. How long could a person have a learner's licence. Could you have it for a full twelve months and could they be driving a vehicle for twelve months and if they had someone sitting beside them and they were supposed to be teaching them how to drive, is there any limitation on the length of time under a learner's licence?

**Mr. Cosman:** Yes, Mr. Chairman, if I may, as I understand the question, could a person who has just turned 15 end up in the position of driving and operating a motor vehicle for the full year without obtaining an operator's licence and without having persons beside him who have licenses and this sort of thing?

**Mrs. Watson:** Mr. Chairman, I am saying, could a person, a 15 year old, get a learner's licence and he could drive for twelve months as long as he has someone sitting beside him who has had an operator's licence for at least two years and if that person said, "I am teaching him to drive," so actually that learner could be driving for twelve months, is that correct?

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

**Mr. Lengerke:** Mr. Chairman, a learner's license is only issued for twelve months, is that not correct?

**Hon. Mrs. Whyard:** Mr. Chairman, could I undertake to provide that information to the Honourable Member during the break because I don't know and obviously none of the other members here know the exact length of time the learner's licence is valid.

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

**Mrs. Watson:** Mr. Chairman, if I am reading my amendment correctly, is it going to be necessary to have a, b, and c typed on each learner's licence?

**Hon. Mrs. Whyard:** We will provide the information. These questions should have been asked the first time around.

**Mr. Chairman:** We'll go on to Section 12 and there is an amendment to Section 12.

**Hon. Mrs. Whyard:** Mr. Chairman, I move, seconded by Mr. Lang, that Bill Number 1, entitled *Motor Vehicles Ordinance*, be amended as follows: In subsection 12.(3) at page 10, by deleting the word "may" in line 30 thereof and substituting therefor the word "shall".

Now, Mr. Chairman, if I may, before Members decide that they would like it the other way around, this is amended at the request of the House to make it mandatory that a medical review board be established.

**Mr. Chairman:** Any discussion? Yes, Mr. McCall.

**Mr. McCall:** Yes, Mr. Chairman, whatever happened to the considerations pointed out by the Committee dealing with Section 12.(1), Section 12.(2), and all of Section 12.(3)? I see there is only one consideration being given by the Executive Committee, dealing with one word, which is changing it from "may" to "shall", which is more positive.

But, whatever happened to the considerations when they were prepared to review this particular section, as to why we were not given considerations as to Section 12.(1)(a), dealing

with the question and other competency, which was pointed out, I believe, by the Committee and members of the Committee. That is such a lateral observation in language. I would like to know, or have some clarification on that.

The second point, dealing with Section 12.(2), giving the Commissioner sweeping powers to set fees, which I believe was also a topic for previous debate.

And, dealing with Section 3, Section 12.(3), the last subsection, which is subsection (c), "to act in such other capacity as may be required". What has that got to do with a medical review board.

And all these questions were brought up in the previous debate and, seemingly, this is all we've got out of it is one word.

I would like an explanation, Mr. Chairman.

**Mrs. Watson:** Mr. Chairman, 12.(1) and (2) were never cleared. I don't have them cleared.

**Mr. Chairman:** No, they're not cleared.

**Hon. Mr. Lang:** Mr. Chairman.

**Mr. Chairman:** Yes.

**Hon. Mr. Lang:** I just want to correct one thing that the Honourable Member said, and I think he should read subsection (2) of that particular section. It says: "The Commissioner may pay any fee", not charge a fee.

**Mr. Chairman:** I think if we can vote on this one amendment, which I think is acceptable to everyone, then we can go back and have a general discussion of the whole section.

Okay? Yes, Mrs. Watson.

**Mrs. Watson:** Mr. Chairman, I can't agree with (3). I think we questioned whether it was necessary to leave (c) in, (3).(c) in. Apparently it's being left in. "Establish a medical review board to act in such other capacity as may be required". Here we go again.

**Mr. Chairman:** Any other discussion?

**Hon. Mr. Hibberd:** Mr. Chairman, I think we can still proceed with this amendment before discussing what Mrs. Watson is concerned about.

**Mr. Chairman:** Any further question? Shall the amendment carry?

*Amendment Agreed to*

**Mr. Chairman:** Now, we will go back and ask for general discussion on the whole section. Yes, Mr. Lengerke?

**Mr. Lengerke:** Mr. Chairman, I was just looking at my marginal notes as well from the first time we went through it. We did agree to delete 12.(3)(c) and then that, when we agreed to that and we were asked if that could be done, the government then said that we would review the whole thing because it did have some reflection on 12.(2), because you say "required by the Registrar pursuant to paragraph (1)(c) and if we had taken (1)(c) out, well then that would apply then. So there was going to be a general review of that entire section. I do have a note to that effect, Mr. Chairman.

**Mr. Chairman:** Yes, Mr. McCall?

**Mr. McCall:** While we are dealing with in the general debate on this, the questions were brought up at that time dealing with Section 12.(1)(a) dealing with the wording there "and other competency", we wanted a far better opinion on that and that was also taken back under review because of such of the importance and intent of this particular clause of Section 12 that is, dealing with the medical review board and its lateral power. We wanted a proper clarification or better language established for Section 12.(1)(a) and that they were to come back with further considerations from government. This I see we haven't received at this point, along with what Mr.

Lengerke has just pointed out.

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

**Mrs. Watson:** Mr. Chairman, I would also, and I don't recall, and I may be incorrect, the composition of the medical review board, if there is any section which defines the composition of the medical review board and that is most unusual not to say that the Commissioner may appoint so many people and who they shall be. I have beside here, "composed of medical practitioners" and I have question marks and exclamation marks all over it. Surely some lay person should sit on that board too.

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

**Mrs. Watson:** Mr. Chairman, with respect, I would be quite happy to leave this and give the government the opportunity to go over Section 12 again and review their notes and see what they are. I agree with Mr. Lengerke, I have to ask (3)(c) and it says "leave out" and it says "okay" beside it. We agreed to it.

**Mr. Chairman:** Mr. Taylor?

**Hon. Mr. Taylor:** Mr. Chairman, I am just a little concerned as a member of this Committee of the Whole as to how we are ever going to legislate if we adopt the procedures and accept the suggestions made by the Honourable Member from Kluane. It seems that we have spent a great deal of time, we have had this Bill in our possession for quite a number of days and it seems that by now if anyone had any amended changes, for instance as suggested by the Honourable Member from Kluane, she would have had the amendments prepared and ready to go in Committee at this time during a point by point discussion of this Bill.

I don't think it is fair to the other members or to the Committee or to the interests of good law making to be having these long delays because one member can't figure something out or is not yet prepared to do something about this bill. I think as long as the other members of Committee are to be considered, I think we should proceed. The government have obviously looked at the Bill as a result of our first review, what they felt they could properly present to us as amendments are before us now, we consider them. If they are not before us, obviously the government did not consider that they wished to present them. It is that simple.

I am saying, let us follow, if the Chair and the Committee would agree the normal processes and get on with the work of this Committee.

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

**Mr. Fleming:** Yes, if the Honourable Member doesn't want to waste the public's time, then let's get on with the Bill. But, after all, if there were suggestions made before, when this Bill was before us, and we could not pass it because of its— or, hopefully, we wouldn't pass it because of its inconsistency and all the rest of it. And there are some problems that haven't been dealt with yet, why cannot we deal with them now just because some members don't want them, but some members do want to deal with them and I don't think we're wasting anybody's time if we make a good bill of it when we finish it.

And because some members, maybe across the table, wish, that this thing would just slip through and be done with and everything, everybody's happy, not necessarily so. I don't happen to be happy. I'm going to disagree anywhere where I feel I should disagree.

**Mr. Chairman:** Mr. McCall.

**Mr. McCall:** I would like to caution the Honourable Member from Watson Lake and remind him that some of the times when we were going through this Bill, he was not even in this House and at the time Section 12 was being debated, the Government agreed to take it back for review and the Gov-

ernment has not brought forward any explanations as to their satisfaction dealing with this part of the Bill, which is a very important part of this Bill. And the only amendment we have is dealing with one word which the Member already has him.

And now to get up and make a statement like that, I find that a little absurd and rather insulting.

**Mr. Chairman:** Mrs. Whyard.

**Hon. Mrs. Whyard:** Mr. Chairman, I've been reading very carefully the Hansard report of our discussions on Clause 12, last November, and I can find no commitment here that says we were going to rewrite this section and bring in amendments, except the one instance that we have done. And there is nothing here to justify any revisions.

If Honourable Members would like me to read this whole thing back into the record again, you would probably agree with me.

The discussions ended at five o'clock on November 7th, and I would very much like to read you the final comment from the Government's side, which was Mr. McKinnon, who, after hearing all these speeches by various people, which were answered in turn by Mr. Spray, with the reasons why the legislation was the way it is, Mr. McKinnon said, "Well, Mr. Chairman, I guess we may as well admit, we got found out and the reason we really have this piece of legislation is that we're trying to, by some method under the table, get some examination into the mental competency of the Honourable Members".

And that concluded the discussions, Mr. Chairman, and I really, in all good faith, have nothing in my notes to indicate that there was a requirement for revision. I will discuss this again, with Mr. Spray, to see if he has any additional information which didn't come forth in the amendments, but, to my own knowledge, there was no such amendment.

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

**Mr. Berger:** Thank you, Mr. Chairman. In all fairness to the Committee, I think you should also quote Mr. McIntyre, our present Chairman of Committee, who says: "Mr. Chairman, I think it is 12.(1)(c), 'to such persons he may designate'. In the old Ordinance the applicant would refer to a medical practitioner. In the present one it is referred to anybody.

"A person is anyone, not necessarily qualified and I think that it should be straightened out. It should be the same person that is designated in (d), who's appointed as an examiner. What kind of examiner? Is that the medical examiner or the private examiner?"

I think this is where the whole thing was taken back by the Government. Maybe the Government in this particular day didn't give us their assurance they were going to take a look at it, but I'm sure it was one day they did say they were going to take a look at that whole section again.

**Mr. Chairman:** Mr. Taylor.

**Hon. Mr. Taylor:** Oh, it's all right, I'll wait.

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

**Mrs. Watson:** Yes, Mr. Chairman, with respect, the Honourable Member from Watson Lake wondered why I didn't come in with amendments, and this is fine, we can come in with amendments, but I think we have an understanding within this House that when the Government is prepared to take a section back to review it, they come forward with amendments.

Now, if they do not come forward with amendments, certainly give us the opportunity then to bring forth our own amendments. I think this is a procedure that we have waited, we thought there should be amendments to this, and if you would give us the opportunity, we will bring our own in.

**Mr. Chairman:** We will stand Section 12 over and declare a recess until 3 o'clock.

*Recess*

**Mr. Chairman:** We have stood Clause 12 over and are now on Clause 13 and I believe we have an amendment to it.

**Hon. Mrs. Whyard:** I have had additional information. I arranged to get, during the break, for Honourable Members on previous clauses but I will give it to them personally rather than read it into the record. It is unfortunate, because it is good.

Mr. Chairman, I move, seconded by Mr. Lang, that Bill Number 1, entitled *Motor Vehicles Ordinance* be amended as follows: In subsection 13.(1) at page 11, by adding immediately before the words "an operators licence" the following words: "Except as provided in Section 11". This was amended at the request of the House.

**Mr. Chairman:** Discussion?

It was moved by F. Whyard, seconded by D. Lang, that Bill Number 1 entitled *Motor Vehicles Ordinance* be amended as follows: In subsection 13.(1) at page 11 by adding immediately before the words "an operators licence" the following words: "Except as provided in Section 11".

*Amendment agreed to*

*Clause 13 agreed to*

**Mr. Chairman:** We now have a new Section as an amendment to the Ordinance, 13.(1). Mrs. Whyard?

**Hon. Mrs. Whyard:** Mr. Chairman, if I could just say a word for the benefit of the Honourable Member from Klwane regarding the last amendment, we didn't provide for additional time to study it, because it is exactly the same section we covered in 11 as we came through, having reference to 13.

Mr. Chairman, I move, seconded by Mr. Lang, that Bill Number 1, entitled *Motor Vehicles Ordinance* be amended as follows: In Part I at page 11, by adding immediately after Section 13 thereof the following section: 13.1(1) An operator's licence issued under this Ordinance shall be valid, unless otherwise suspended or revoked, for a period of: (a) in the case of a first application, when the application is approved, for three years from the anniversary of the applicant's birthdate nearest the date of issue, or (b) in the case of a renewal of licence, for three years from the date of expiry of the preceding licence.

(2) Notwithstanding paragraph (1)(a), where the birthdate on an operator's licence is shown to be the twenty-ninth day of February, the operator's licence shall expire on the first day of March of the year of expiry as indicated on the operator's licence.

(3) Notwithstanding subsection (1), the Registrar may issue a licence for a period of less than three years for any reason he considers appropriate.

(4) For the purpose of this Section, any licence which is not renewed within six months from the date of expiry shall be considered to be a first application.

Mr. Chairman, this amendment is produced today on the recommendation of the Standing Committee.

**Mr. Chairman:** Any discussion of this clause?

Yes, Mrs. Watson.

**Mrs. Watson:** What's in subsection 3? "...less than three years for any reason he considers appropriate". I wonder if I could get an example of what would be an appropriate reason, that, if you approve a licence, operator's licence, that you're prepared to only approve it for one year, rather than the three?

**Mr. Chairman:** Mrs. Whyard.

**Hon. Mrs. Whyard:** Mr. Chairman, this is to provide for people who are up here on a short term job or assignment only, and do not require a three year period.

**Mrs. Watson:** Mr. Chairman, what about price? When you pick up your licence, you pay for it on a, for a three year licence. In Number 3, would there be a discount for just picking up a one year licence?

**Hon. Mrs. Whyard:** I don't know of it, Mr. Chairman, I don't know.

**Mr. Chairman:** Yes, Mr. Lengerke.

**Mr. Lengerke:** Mr. Chairman, why, why wouldn't they just issue the licence, as they normally do, for three years. That person would stay in the Territory for the year, or six months or whatever they're going to, they'd leave and the thing would expire through normal course? This is what happens in the provinces.

I've experienced myself, personally, where I worked in a province and got a licence there and then went back to the other one in six months, you know, I didn't need it. It was still issued in the same manner as a resident's.

Wouldn't this be a little more administrative problem?

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

**Hon. Mr. Lang:** Mr. Chairman, if one refers to Section 16, later on in the Bill, in respect to the eyesight, be it a person over the age of 70 years, or whatever, the Section could be pertinent to that particular area of the Bill, because they may want to have an optometrist checking one's eyesight on an annual basis to ensure that that individual does have the capabilities of driving and not endangering the public.

**Hon. Mrs. Whyard:** Very good, very good.

**Mr. Chairman:** Mr. Taylor.

**Hon. Mr. Taylor:** Again, my point, Mr. Chairman.

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

Are you ready for the question?

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

**Mrs. Watson:** Mr. Chairman, it really is quite redundant, that section as far as medical reasons are concerned because the provision is already made in (4)(b) on the next page, "may issue a licence under those conditions and for any period that he considers advisable and require ensuring reports and visual screening reports at such intervals as he considers necessary." So you have already made provision for it there. If medically is the only reason, why have three, why have "any reason he considers appropriate"? That is the point I am trying to make. If it is medical, well the provision is there.

*Amendment Agreed to*

**Hon. Mrs. Whyard:** Mr. Chairman, I move, seconded by Mr. Lang that Bill Number 1, entitled *Motor Vehicles Ordinance* be amended as follows: In Part I at page 11 by adding immediately after Section 13.1 thereof the following section: 13.2(1) A peace officer or a person employed by the Commissioner as a Motor Vehicle Officer or an Examiner of Drivers, is exempt from the provisions of this Ordinance while driving or operating a motor vehicle on official business in connection with: (a) an accident or other emergency; (b) the inspection of a motor vehicle; or (c) the examination of a driver.

Mr. Chairman, this amendment is provided on the recommendation of the Standing Committee.

**Mr. Chairman:** Any discussion? Yes, Mr. Fleming?

**Mr. Fleming:** Mr. Chairman, I would just like to get a little clarification, if we are not going into something here, "A peace officer or a person employed by the Commissioner",

and that's where I have a little problem with the terms in the definition of a peace officer again. I hope that this does only mean what it implies here and not that because of our definition further back, that any person might be exempt or be able to become exempt when he was driving a vehicle just for the sake because he was working for the Territorial Government.

**Mr. Cosman:** If I may, Mr. Chairman, a peace officer is also defined, we had the definition of officer earlier, which included RCMP and other persons, but in this specific case, the words are "peace officer" and that too is defined in the definition section at page 4. It means a member of the Royal Canadian Mounted Police, that's it.

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

**Mrs. Watson:** Mr. Chairman, with respect, did we vote on the amendment, the additional Section 13. Part I at page 11, I don't think you read it and I don't think we voted on it, Mr. Chairman, that was cleared without—

**Mr. Chairman:** On 13.1?

**Mrs. Watson:** Yes.

**Hon. Mr. Lang:** Mr. Chairman, it is my understanding that we did vote on it.

**Mr. Chairman:** If there is no further discussion on 13.2(1), I will just read it.

Moved by F. Whyard, seconded by D. Lang, that Bill Number 1, entitled *Motor Vehicles Ordinance* be amended as follows: In Part I at page 11, by adding immediately after Section 13.1 thereof the following section: 13.2(1) A peace officer or a person employed by the Commissioner as a Motor Vehicle Officer or an Examiner of Drivers, is exempt from the provisions of this Ordinance while driving or operating a motor vehicle on official business in connection with: (a) an accident or other emergency; (b) the inspection of a motor vehicle; or (c) the examination of a driver.

**Mr. Chairman:** Yes.

**Mrs. Watson:** Mr. Chairman, that means that speed limit doesn't apply to these people.

**Mr. Chairman:** I beg your pardon?

**Mrs. Watson:** When they're on official business. Does that mean that the speed limit doesn't apply to these people while they're on official business.

What about, Mr. Chairman, is there any provision made for an emergency vehicle such as ambulances?

**Mr. Chairman:** Mrs. Whyard.

**Hon. Mrs. Whyard:** I beg your pardon, Mr. Chairman.

**Mr. Chairman:** The question was, would this make the speed limits in, not applicable to a peace officer and so on, under this section.

**Hon. Mrs. Whyard:** Mr. Chairman, that's my understanding. If they're on official business, going to an accident or in other types of duties, specified here, they are exempt from provisions of the *Motor Vehicles Ordinance*.

**Mr. Chairman:** Mr. Lengerke.

**Mr. Lengerke:** Just a matter of curiosity, what other exemptions would there have to be. Why do they have to be exempt of the speed limit. Say, I can see it, certainly, for an accident or an emergency, but why an inspection of a motor vehicle, or the examination of a driver? What other areas? Maybe the Honourable Member could give us an answer.

**Hon. Mrs. Whyard:** Mr. Chairman, I can immediately think of several. If I were a driver instructor examining a driver or a driver examiner examining a driver, I might want to tell him to pull over to the left or make a stop suddenly, or whatever. As long as they are in charge of that vehicle in an official capacity and that may or may not be a contravention

of the *Motor Vehicle Ordinance* at that specific time and place, or that zone.

I can't specify every exemption that this is designed for. I certainly don't see why peace officers should have to slow down when he's trying to get to the scene of an accident.

**Mr. Lengerke:** Mr. Chairman, I wasn't, there was no argument or anything else. I was just kind of curious. I wasn't asking for you to specify every exemption. It was just a matter of pure curiosity and thank you very much for your answer.

**Hon. Mrs. Whyard:** Mr. Chairman, if you would like a list of those exemptions, I will try to get it.

**Mrs. Watson:** I wouldn't want a list, I just want one good example, for (b) and (c). Why would *Motor Vehicles Ordinance* apply to an examination while a peace officer is giving a person, or an examiner driver's licence, or the inspection of a motor vehicle?

**Hon. Mrs. Whyard:** Well, Mr. Chairman, again, if you are examining a driver who is nervous and is making a mistake while driving, are you expected to give them a ticket while they are being examined? I don't know, when I was being given an examination, many years ago, at noon, in a city, in noon hour traffic, the examiner reached over, turned off the ignition and there I was in the middle of a steep slope on a very busy bridge in very busy traffic, and, normally, if I stopped there for any other reason, I'm sure I would have had a ticket, but because it was one of the examination requirements to know how you would react and what you would do, it's exempt.

I can't think of any other examples, off hand. Perhaps other Honourable Members know of some, but I'm assuming this is supposed to be used with some common sense.

**Mr. Chairman:** From the Chair, and in connection with the inspection of a motor vehicle, the person might be driving a motor vehicle that is not properly equipped, such as a stop light and a tail light and so on has been driving as part of his inspection, looking for other defects.

Are you agreed? Yes, Mrs. Watson?

**Mrs. Watson:** Mr. Chairman, you say a motor vehicle officer, the inspection of a motor vehicle, well who is a motor vehicle officer?

**Mr. Chairman:** Mr. Cosman?

**Mr. Cosman:** I don't believe Motor Vehicle Officer is defined or Examiner of Drivers for that matter. However, whoever the person is, that is employed by the Commissioner as such a person, that person would be exempt under, pursuant to this Section.

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

**Mr. Fleming:** Yes, Mr. Chairman, I think in the Committee's report too that we felt that just having an examiner or anybody exempt from these things was not quite right, that was the general principle and has been for some time. Our thoughts in the Committee, when we wished to change this. Now, I see the government has made the attempt to change, however, you have gone further than that, actually, and in turn made it really possible for somebody who is almost anybody to go ahead again and be exempt from our laws, which I really don't agree with, but it looks like it is going to stay the same as it was before. I don't think there are any changes after all.

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

**Mrs. Watson:** I do have some concern about Motor Vehicle Officer, because if they take a Motor Vehicle Officer and apply it with a definition of officer, you are making it quite broad, and you could have somebody, a government employee, or somebody who is an officer under the *Motor Vehicles Ordinance* getting into a vehicle and driving it on the wrong side of the road or something and they would say "oh, I had it out for an inspection". I think I would like to see the government take this and define Motor Vehicle Officer or Examiner

or Drivers. Examiner of Drivers I don't have much problem with, and my other question was, are we going to exempt emergency vehicles from the speed limit, such as ambulances, or is it done, is there provision for it in this legislation? I don't recall.

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

**Mr. Berger:** Yes, Mr. Chairman, just trying to help out a little bit here, what the administration has done here is taken exactly the same wording from regulations and put it in the Ordinance, but you forget in the interpretation sections. I think if they did more things like this in the proposed amendments, I think we had better be very, very careful and take a look at the whole thing a little closer. There were a lot of things going on in the regulations which had nothing to do with the Ordinance.

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

**Hon. Mr. Lang:** We are prepared to take this Section and have a look at it.

**Hon. Mrs. Whyard:** For what reason?

**Hon. Mr. Lang:** Because we don't want a Motor Vehicle Officer.

**Hon. Mrs. Whyard:** We do so.

**Mr. Chairman:** Yes, Mr. Berger?

**Mr. Berger:** The point here is that we have already cleared this section. We can't just say take it back, we have to vote on the thing again.

**Mr. Chairman:** We will stand this section over, 13.2.

**Hon. Mrs. Whyard:** Mr. Chairman, I move, seconded by Mr. Lang, that Bill Number 1, entitled *Motor Vehicles Ordinance*, be amended as follows: In Part I at page 11, by adding immediately after section 13.2 thereof the following section:

13.3(1) Notwithstanding the provisions of this Ordinance, the Registrar may issue a temporary certificate to those persons applying for an air brake endorsement to their operator's licence for such period and under such conditions as he considers appropriate.

This has been added from the regulations on the recommendation of the Standing Committee.

**Mr. Chairman:** Any discussion on this amendment?

Shall the amendment carry?

**Hon. Mrs. Whyard:** Read it.

**Mr. Chairman:** Moved by F. Whyard, seconded by D. Lang, that Bill Number 1, entitled *Motor Vehicles Ordinance*, be amended as follows: In Part I at page 11, by adding immediately after Section 13.2 thereof the following section:

13.3(1) Notwithstanding the provisions of this Ordinance, the Registrar may issue a temporary certificate to those persons applying for an air brake endorsement to their operator's licence for such period and under such conditions as he considers appropriate.

Shall the amendment carry?

*Amendment Agreed to*

**Mr. Chairman:** Fourteen, yes, Mr. McCall.

**Mr. McCall:** Going into the next amendment, am I to understand that now that the clause is carried, 13.3(1), which we have just cleared, am I to understand that under Section 13 now, a person of minimum age can apply for an air brake endorsement for his licence?

**Mr. Chairman:** Yes, Mr. Hibberd.

**Hon. Mr. Hibberd:** No, Mr. Chairman. The basic licence is age 16, but any extra endorsement is age 18.

**Mr. Chairman:** Yes.

**Mr. McCall:** But by moving that 13.3(1) and clearing it,

that's not what it specifies. Read it carefully, the total Section 13.

**Hon. Mrs. Whyard:** I don't understand the question. This is air brakes.

**Mr. McCall:** I just wanted clarification. I think that Mr. Cosman should give us some assistance here, because I don't believe that there's any specification anymore in Section 13 or Section 13.3(1).

**Mr. Chairman:** Yes, Mr. Cosman.

**Mr. Cosman:** Yes, Mr. Chairman, if I may speak to that, notwithstanding the provisions of this Ordinance, the rule applies in 13.3, therefore, any section that states endorsements to the licence cannot be made until age 18, would not apply, according to this Section. In this specific case with respect to air brake endorsements, a person could apply, a 16 year old with an operator's licence could apply for the temporary certificate for air brake endorsement. Now, whether the Registrar would see fit to issue a temporary air brake endorsement under those conditions and so on, is another matter but I do believe it is in the Registrar's discretion under this Section to issue a temporary air brake certificate to anyone who has an operator's licence, be he 16, 18 or 35.

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

**Mr. Fleming:** Yes, Mr. Chairman, I think I am clear on it, but I do believe that the way it stands now that a person with a learner's licence, but he was trying to learn to drive a vehicle with air brakes, even though they were only 16, could apply to the Commissioner for an air brake endorsement to be able to learn to drive that vehicle and possibly procure it, right?

**Mr. Cosman:** Mr. Chairman, not necessarily a person with a beginner's licence. The person, according to this Section, would have to have an operator's licence, but it would be an operator's licence for another class of vehicle, not necessarily for one that was so large and so equipped with air brakes. I don't think a person with a beginner's permit only could apply for the air brake endorsement. He would have to have an operator's licence for the class of vehicle that he is driving and where that class of vehicle had an air brake system, then he would also apply for the temporary air brake endorsement until such time as he can qualify for his full endorsement.

**Mr. Chairman:** Yes, Mr. McCall?

**Mr. McCall:** Thank you, Mr. Chairman. In looking at Section 13, I am of the opinion by reading this and interpreting this, that an individual under the age of 18 requires a normal drivers or operator's licence through the normal process is in a position to collect his air brake ticket endorsement and no Registrar can hold it against him. If he has a valid licence, that is what it says. That's the way I interpreted that section the way it is now put together. That is a very dangerous situation. That's why I looked for clarification, Mr. Chairman. Because if an individual has gone through his due process, acquired his licence prior to the age of 18, he is definitely in a position to acquire his air brake system, and that is really not the intent, I don't think.

**Hon. Mr. Lang:** Mr. Chairman, we have already passed this section, but I would like to make one comment. It is my understanding the reason this particular section is in here is to accommodate people in the outlying communities where the Driver Examiner may not be able to get there at any given time, so a temporary certificate can be issued and subsequently when the Driver Examiner is there, then they can write their test for their air brakes.

Now, it should be pointed out in this particular piece of legislation, Mr. Cosman can correct me if I am wrong, it states under such conditions as he considers appropriate and it can be by regulation if the age has to be 18 years or more, in this particular instance that the Honourable Member from Pelly is referring to.

Is that not correct, Mr. Cosman?

**Mr. Cosman:** With respect to specifying in regulations, it could be in regulations, but I think it could also be just within the discretion of the Registrar. Now there might be some administrative policy within the Motor Vehicles Branch that states we shall not issue air brake endorsements.

**Hon. Mr. Lang:** Mr. Chairman, the point I am getting at and I think the Honourable Member has hit a very dangerous area if it were under 18 years of age, is that if it is by administrative policy or by regulation, one of those two methods, it could be 18 years and over, so subsequently it is to the discretion of the Registrar.

**Mr. Chairman:** Mr. McCall?

**Mr. McCall:** This is my concern, Mr. Chairman, many times we had debated around here about the authority and the wide sweeping regulating making powers Mr. Cosman has appropriately brought up, the government or department policy, which is not in Regulations, it is not in the Bill.

My concern is, when you read Section 13, it is dealing with the minimum age and the application thereof. Now we have slotted in there in subsection 3 of 13, an air endorsement brake registration.

Now, to me that is very, very dangerous and in fact it's a lot different from the original bill and I can't see why you're putting it there in the first place.

**Hon. Mr. Lang:** Because it's on your recommendations.

**Mr. McCall:** Not in Section 13, it isn't.

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

**Mr. Fleming:** Well, Mr. Chairman, I don't think there's really any misunderstanding by the people on this side of the table in what we say, or whatever. On this amendment there is, in the place it is put into the Ordinance, under this Section, and we're actually not, I don't think we are, the Honourable Member, I think, and I am on the same track, but, we're not arguing about that as a, as something valid, the amendment. But we're still saying that here a person can apply for and even 16 years old, apply for an air brake endorsement. And, actually, I don't think he could be refused and therefore would be driving the vehicle at 16 years old and a vehicle of any description, in this case.

**Mr. McCall:** Mr. Chairman.

**Mr. Chairman:** Mr. McCall.

**Mr. McCall:** Mr. Chairman, you know, like Mr. Fleming just brought up, he cannot be refused, once the person has acquired his licence through the due process, you cannot refuse him simply by making a remark here about the Registrar's, what he considers appropriate.

I mean, he can define it anyway he so wishes. The point is this, it's not in legislation and this is our concern. I mean, he can consider it appropriate or not, but he has no rights to deny a person an air brake endorsement if he has a duly qualified operator's licence at the age of 16.

**Hon. Mr. Taylor:** Just on a point of order, I think that the Honourable Member is out of order. The matter has been discussed and decision made upon it. Perhaps we could continue with the other parts of the Bill.

**Mr. Chairman:** I think the time to have brought up the matter of age was before it was passed and if this causes some problem in the future, I'm sure that the Government will be bringing in an amendment to the Ordinance at a later time.

Yes. I hope we're not going to discuss this.

**Mrs. Watson:** No, Mr. Chairman, I'd just like to know, was this 13.3(1) passed?

**Mr. Chairman:** Yes. We're now on Section 14.

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

**Mr. Chairman:** Yes, Mr. Berger.

**Mr. Berger:** With all due respect to the Chair, Mr. Chairman, we're quite easily and readily returning proposed amendments to the Government aside, but we're denying the right of the members of this Committee to review those things. As some member pointed out previously, we just received those proposed amendments. We haven't had a chance to go through those things and I think it should be the right and the privilege of this Committee to review them at their time and not just some member standing up and always saying we have to pass them because we have a time limit set and I think it would be just appropriate if you would have the courtesy and give the members who are demanding this and stand this section aside.

**Mr. Chairman:** Mr. Berger, everyone has an opportunity to discuss this before the question was called and no one chose to discuss it.

Mrs. Whyard.

**Hon. Mrs. Whyard:** Mr. Chairman, if I could just point out that that particular amendment was brought forth from the Statutory Committee asking that that regulation be incorporated into this Ordinance and that is what we have got for it and if there was anything to be added to that recommendation, we certainly didn't hear it until just now after this Section has been passed.

**Mr. Chairman:** Yes, Mr. McCall?

**Mr. McCall:** With all due respect, Mr. Chairman, yes we did, but we didn't suggest you put it in Section 13 which now has made a question of the whole section. We are not disputing the point about the review of air brake endorsement, but we are questioning where you slotted it and that is in a very dangerous position, that is all.

You can't see the forest for the trees, as usual.

**Mr. Chairman:** Yes, Mr. Cosman?

**Mr. Cosman:** If I may, Mr. Chairman, this is a separate and distinct section from Section 13. It is 13.3, it does happen to follow Section 13 sequentially, but regardless of where it would appear in the Ordinance, the words "notwithstanding the provisions of this Ordinance", would still apply so the section as it is worded regardless of where we find it, would have exactly the same effect, although it does follow hot on the heels of the discussion of persons under the age of 16 and so on. I admit it gives the appearance of what you are saying, but it would have that anywhere, that effect, anywhere in the Ordinance.

**Mr. Chairman:** We will go on the Section 14.(1).

**Mrs. Watson:** Mr. Chairman, was this cleared before, or is there an amendment to it?

**Mr. Chairman:** No, I don't believe any successive sections have been cleared. This is open for discussion right now.

*On Cause 14*

*Clause 14 agreed to*

*On Clause 15*

*Clause 15 agreed to*

*On Clause 16*

**Hon. Mrs. Whyard:** Mr. Chairman, I move, seconded by Mr. Lang, that Bill Number 1, entitled *Motor Vehicles Ordinance* be amended as follows: Section 16 at page 11, by deleting subsection (1) and substituting therefor the following: 16.(1) Any person who is making application for an operator's licence shall disclose to the Registrar any disease or disability which may be expected to interfere with his safe operation of a motor vehicle.

This Section, Mr. Chairman, was amended at the request of the House to make the requirements more reasonable. If it is of any interest to Members of Committee the present form,

application for an operator's licence, is fairly simple and straight forward. It requires your surname, your christian name, your address, your birthdate, weight, height, and sex, colour of eyes and hair, and you sign a declaration which states: "I hereby certify that my operator's licence is not presently under suspension and make application hereon for a licence to operate a motor vehicle and declare the information shown to be true.

"My last operator's licence number was, issued in the state or province of, I certify I do not suffer any physical or mental disability affecting operation of vehicles."

**Mr. Chairman:** Any discussion? Mr. Fleming.

**Mr. Fleming:** Yes, Mr. Chairman, when we were in before I brought up this very section and, of course, I find no change in the wording of it now.

16.1 ...shall disclose to the Registrar forthwith any disease or disability which may be expected to interfere with the safe operation of a motor vehicle...". And the Minister has just read, and in her last line, the same thing applies again. The person is responsible to know what's going to happen to him in the future, what he has wrong with him at that time. This was the reason for me bringing it up before and saying at that time, that if it was worded so that the person could say that any disability which he may be aware of, you could take the onus completely off him, not completely off him, not completely off him, but partially off him.

If the Minister of Education can't understand simple words like that then that's his problem, however, this does not say that, it goes on to say the same thing again, "any disease or disability which may be expected to interfere.

In other words, he is supposed to know exactly what's wrong with him, at that time, whether he does or not. You know, he's just signing that he does know, and I don't agree with it at all.

**Mr. Chairman:** Yes, Mrs. Whyard.

**Hon. Mrs. Whyard:** Mr. Chairman, there is another amendment coming, if the Honourable Member has had a chance to look at the next one.

**Mrs. Watson:** Mr. Chairman, I wonder whether I could ask why the terminology "which may be expected". Why don't they use "forthwith any disease or disability which may interfere with his safe operation of a motor vehicle"? Expected is projecting to the future and the amendment, with respect, the next amendment that's there is also, "which might be expected", so you're not only looking at the present, but you're sort of forecasting for the ability of the person to drive in the future.

And is this exactly what is meant to be done, by that wording?

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

**Mr. Berger:** Yes, Mr. Chairman, when we're talking here, Mr. Chairman, about a person who makes application for licence, I can't see anything in there that covers, already, a licence holder, an operator licence holder, who, for example, gets sick during the three year period of holding a licence.

I mean, shouldn't he also be required to report those things?

**Mr. Chairman:** Mrs. Whyard.

**Hon. Mrs. Whyard:** Mr. Chairman, with respect, when I read this application, it refers to those people who already hold a licence, prior to their signing the declaration that they do not suffer and physical or mental disability, to renew.

**Mr. Berger:** Mr. Chairman, I'm talking about the person to whom, right now we're granting a licence for three year period and, say, ten months down the road the person has an accident, he maybe loses a limb or loses one eye or something else, and he has another two years to go before he has to make a new application for a licence.

**Hon. Mrs. Whyard:** Mr. Chairman, that is covered in the next Section.

**Mr. Chairman:** Mr. Berger, the matter you have just brought up is covered in the next amendment. Yes, Mr. Taylor?

**Hon. Mr. Taylor:** Mr. Chairman, the Honourable Member from Klwane raised a question as to why would you presume perhaps that someone might get ill in the future. If you have a person applying for a motor vehicles licence who discloses to the Registrar that he has, on a continuing basis, lost his visibility at the rate of 20 per cent per year, it can logically then be assumed that if that licence was issued in a certain period of time, the person would be a hazard as a driver and would indeed find themselves imperiled in an accident. I mean that is just one of many situations.

As I read this amendment, we are talking about the person disclosing at the time of application whether he has a disability at that time, not whether he intends on having one in the future.

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

**Mrs. Watson:** Mr. Chairman, with respect to my learned opponent across the aisle, you are being asked to disclose any diseases or disability which may be expected to interfere, not which may interfere. I can understand having "which may interfere with the safe operation", but which may be expected to interfere. For example, a person may have arthritis in one finger and so the Examiner says, "oh boy, six months from now you are going to have arthritis in your whole hand", that type of thing. When you go in there, you disclose your disability, the disability you have now that could effect your driving and then because provision is made, if the disability worsens, then you have to report it. But I don't like that "which may be expected". "Which may interfere" would be fine.

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

**Mr. Fleming:** Mr. Chairman, I would just like to give an example as to why I really don't care for the way it is written up now. Simply, if I myself went up there today to get a licence and I am to disclose everything that is wrong with me or that might become wrong with me, I am not going to have anything wrong with me, so I am going to say no, everything is fine and dandy. I am going to drive down the street and at the corner of 5th and Main I am going to have a heart attack and have an accident, under this Ordinance I would be, no matter if I wasn't really at fault or what happened, anything that happened in that accident I would be absolutely held responsible for and that is why I merely said, the recommendations made by the government are fine and dandy but they don't change anything really, as to what I was asking, if a person was aware of this, if he wasn't aware of it at the time you shouldn't be holding him absolutely responsible for the rest of his life for it and leave him where he could be sued for a million dollars. He should have some recourse to defend himself when he goes to court.

**Hon. Mrs. Whyard:** Mr. Chairman, could we give Mr. Cosman the opportunity we have not given him to speak to this point.

**Mr. Chairman:** Mr. Cosman?

**Mr. Cosman:** Yes, Mr. Chairman, I am inclined to agree that the words "be expected to" might be struck from the wording of both the subsections. The intent was 16.1 was the deal with existing diseases of which the person, the applicant, has and is aware of, at the time he makes his application and which could, in his opinion, interfere with safe operation of a motor vehicle. He is to honestly declare them at that point in time.

Later, under the amendment which will be proposed, closely following this one, where he becomes aware of any new diseases, he would make that.

So, I think the present and the future are intended to be dealt with, but not the future in 16.1, necessarily.

**Mr. Chairman:** Mr. Lengerke.

**Mr. Lengerke:** To expedite the matter, then, could we say, in 16.1, that we've got a typo error and we do strike those words and let's carry on?

**Mr. Chairman:** What are we going to strike out?

**Mr. Lengerke:** I would suggest that we strike "be expected to".

**Mr. Chairman:** Agreed?

**Some Members:** Agreed.

**Mr. Chairman:** Any further discussion? Are you ready for the question?

**Some Members:** Question?

**Mrs. Watson:** What are we voting on?

**Mr. Chairman:** On 16.1, with "be expected to" deleted.

I'll read the amendment. "Moved by F. Whyard, seconded by D. Lang, that Bill Number 1, entitled *Motor Vehicles Ordinance*, be amended as follows: in Section 16, at page 11, be deleting subsection 1 and substituting therefor the following: 16.1 Any person who is making application for an operator's licence shall disclose to the Registrar any disease or disability which may interfere with his safe operation of a motor vehicle.

**Some Members:** Agreed.

**Mrs. Watson:** Mr. Chairman, I would also have a great deal of sympathy with the Member from Hootalinqua where he is saying, it is one thing you have to disclose, if you're not aware of something that is wrong with you, how can you disclose it. Where we're making the person to be responsible for any disability or any disease, whether they are aware of it or not.

**Some Members:** Question.

**Mrs. Watson:** Mr. Chairman, if a person has a very bad heart condition, but they're not aware of it and they have a heart attack, now this says you must disclose it. Yes, it does.

**Mr. Chairman:** I don't think so. Shall the amendment carry

**Some Members:** Agree.

**Mrs. Watson:** Disagree.

**Mr. Chairman:** I declare the amendment as carried.

Now, there is another amendment to 16.

**Hon. Mrs. Whyard:** Mr. Chairman, I move, seconded by Mr. Lang, that Bill Number 1, entitled *Motor Vehicles Ordinance* be amended as follows: In Section 16 at page 11, by adding immediately after subsection (1) the following subsection:

(1.1) Any holder of an operator's licence who discovers that he is suffering from a disease or disability which might be expected to interfere with his safe operation of a motor vehicle shall disclose the circumstances to the Registrar prior to operating any motor vehicle.

**Mr. Chairman:** Any discussion?

**Mr. Fleming:** Mr. Chairman, I am wondering why in the one before, 16.(1) why we couldn't have put more or less the same wording into it? A holder of an operator's licence who discovers that he is suffering, he has discovered, he knows, so therefore rightfully he should disclose it to the Registrar, whoever he gets a licence from, I am not in disagreement with this one at all, but I will remain in disagreement with the other one forever.

**Mr. Chairman:** We are not discussing the previous one at this time, Mr. Fleming. Yes, Mrs. Watson?

**Mrs. Watson:** Mr. Chairman, wouldn't it be expected the

typographical error be corrected in this instance also, to remove "be expected"?

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

**Hon. Mrs. Whyard:** Mr. Chairman, I would have to take that under consideration, because you are dealing with another breed of cat entirely here. You now have someone with an operator's licence who discovers that he definitely has a disability which certainly will be expected to interfere with. I can't see any need to delete the words in this one.

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

**Mrs. Watson:** Well, if the same thing applies, you are talking about a disease or disability which might interfere with his safe driving. It is not expected to interfere, which might interfere. You are trying to project into the future and that is the same thing.

**Hon. Mrs. Whyard:** Mr. Chairman, with respect, this is not a closed door. He reveals to the Registrar what the disease or disability is. The Registrar may very well say that he doesn't have to stop driving because of it, but he must reveal to the Registrar what the medical disability is.

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

**Mr. Berger:** Yes, Mr. Chairman, I am sort of puzzled on this thing. Who is going to make a judgment on what disease or disability is interfering with his driving ability? We are putting the onus on the operator here. Is there anything in the regulations, anywhere at all a list of diseases or disabilities that could interfere with his driving ability?

**Mr. Chairman:** Yes, Mr. Hibberd?

**Hon. Mr. Hibberd:** Mr. Chairman, I think that is covered in 12.(3) concerning the medical review board.

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

**Mr. McCall:**

**Mr. McCall:** Mr. Chairman, what the Minister just said a moment ago of what criteria is the medical review board going to use in determining which diseases are going to interfere with the person driving, being a doctor and all, he could probably explain this.

**Hon. Mr. Hibberd:** Mr. Chairman, I think that is up to the medical review board, but we had agreed to take section 12 back and reconsider it.

**Mr. Chairman:** Yes, Mr. McCall?

**Mr. McCall:** In taking that section back would the Minister also consider giving us some sort of criteria as to whether this medical review board is going to apply certain diseases, shall we say, that might interfere with driving and as to whether they may not.

**Hon. Mr. Hibberd:** Am I to understand the member wants in this legislation the whole criteria, medical criteria, by which one holds a driver's licence?

**Mr. McCall:** Mr. Chairman, knowing full well what a medical review board, how it operates, surely you could give some idea as to what type of criteria and diseases would interfere with a person's driving habits.

**Mr. Chairman:** Yes, Mr. Hibberd.

**Hon. Mr. Hibberd:** Well, I could mention blindness, amputations, all sorts of things. If you really want a list we could go on all day, Mr. McCall.

**Mr. Chairman:** Yes, Mr. Berger.

**Mr. Berger:** Yes, Mr. Chairman, but I do think that some sort of a list is going to be necessary, because we are putting the onus on the operator and we're telling him to report any disease or disability. Yet, if he doesn't know what kind of disease or disability he has to report, what's going to happen here?

I mean, is every operator going to go in front of a medical

review board and determine there if he has a disease or a disability which is needed to be reported?

**Hon. Mr. Hibberd:** Mr. Chairman, the whole purpose of a medical review board is to use the competence of those people on the board to make that kind of a decision. I don't think it's up to this Committee to be listing all the various medical conditions by which a person could be disqualified from holding a licence. The whole purpose of a medical review board is to set forth those criteria and to judge the situation.

**Mr. Chairman:** Yes, Mr. McCall.

**Mr. McCall:** Mr. Chairman, we are dealing with other medical ordinances around here. All certain drugs and everything is rhymed off in the Bill itself and I think it's about time we stopped playing games here.

What I asked for, Mr. Chairman, is from a person that is medically proficient, I hope, understanding diseases that may interrupt or interfere with a person's driving habits, and I'm hoping that he can bring forward some sort of list that we may have as drivers ourselves, as well as the public outside who have not even seen this Bill, probably, yet.

And I don't expect any person who is applying for a driver's licence to have a medical book or encyclopedia dealing with diseases, that he should consider that may interfere with his driving habits.

And I mean, to skirt around the actual criteria that would be, have to be considered by any individual dealing with a medical review board, keeping in mind this is a new thing with this particular piece of Ordinance. And the Minister is skirting around it. I want some criteria before I pass this Bill. I mean, surely we must have some sort of opportunity to know what the disease is going to be, Mr. Chairman.

**Mr. Chairman:** Mrs. Whyard.

**Hon. Mrs. Whyard:** Mr. Chairman, if it is any assistance to the Honourable Member, there is already a requirement on the medical profession to report to the Registrar any patient who comes for an examination who is found to be suffering from a disability which would affect the safety of their operating of a vehicle and this is another of the same kind of thing.

We do not provide in that Section a great long list for every doctor to consult to see whether or not that is something he has to report. It is left to his professional interpretation of the seriousness of that disease or disability and I think the same conditions apply to this section.

**Mr. Chairman:** Mr. Lengerke.

**Mr. Lengerke:** Yes, Mr. Chairman, I would suggest that even if we did supply a list that I don't know how a lay person would ever discover that he's got some of those diseases listed anyway, and I think we're just getting a little bit out of the practical realm of this and I would like to return to a little common sense.

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

**Mr. Berger:** Yes, Mr. Chairman, I still think it's not right. I mean, there are people, and I'm one of them, who very seldom go to the doctor. I don't have an examination in maybe two or three years, or four years of so. I rarely go to the doctor and the thing is how do I know that I have a disease that may affect my driving ability. How do I know? And there are lots of people like this in the Territory.

**Mr. Chairman:** Any further discussion? Are you ready for the question.

**Some Members:** No.

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

**Mrs. Watson:** I think that a very good point is being made. You are asked to report a disease that, in your opinion, might be expected to interfere with your driving.

Well, I hope they have a lot of people coming in and report-

ing an awful lot of silly, stupid things, because that is exactly what you are asking them for. That's ridiculous when you don't know. Who knows? Is hardening of the arteries a threat, might it be expected to interfere with your driving? These of the types of things, there are so many things. I can see where the doctor has to notify where there is a person who has a specific disability or disease that could very much so interfere with your driving, but almost any disease could interfere with your driving. You could have a high temperature and it could interfere with your driving. It could.

**Mr. Chairman:** Yes, Mr. Hibberd.

**Hon. Mr. Hibberd:** I would suggest that that is a very reason why you have a medical review board, because you are quite right, almost any disease could and it is within the competence of the medical people involved to say whether you are in a position to drive or not, not by merely naming a disease or a high fever or anything like that, but there are other criteria involved which makes one a competent driver or not. That's where the medical review board comes in, or the doctor in the individual case.

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

**Mr. Berger:** Yes, Mr. Chairman, just a question, maybe I should ask it of the legal advisor or the sponsor of these proposed amendments here. Would this section here open the doors to regulations that could be forthcoming that every operator's licence requires a medical examination before it is issued.

**Hon. Mr. Lang:** I think everybody is missing the point on this particular section and I agree with the Honourable Member from Riverdale who says any holder of an operator's licence who discovers, and then read on from there, I think people aren't reading the whole clause as far as I am concerned we should call question on this particular amendment.

**Mr. Chairman:** Mr. Lengerke, did you have a-

**Mr. Lengerke:** Mr. Chairman, the only other suggestion I might have, because it wouldn't bother me in the least, to handle again another typographical error and just take that "to be expected to" out again. It wouldn't alter the clause that much. If that would clear it up, we can move on.

**Mr. Chairman:** It was suggested that "to be expected to"-

**Hon. Mrs. Whyard:** Perhaps we ought to ask Mr. Cosman whether or not that removes the intent of the section.

**Mr. Chairman:** Mr. Cosman?

**Mr. Cosman:** No, Mr. Chairman, I don't believe it changes the intent of the section.

**Mr. Chairman:** May we consider it a typographical error and delete it? I just want to comment that Mr. Taylor's suggestion that a person who loses 20 per cent of his visibility every year, in five years he would become invisible and wouldn't be entitled to a licence.

Moved by F. Whyard, seconded by D. Lang, that Bill Number 1, entitled *Motor Vehicles Ordinance* be amended as follows and Section 16, page 11 by adding immediately after subsection (1) the following subsection: 1.(1) Any holder of an operator's licence who discovers that he is suffering from a disease or disability which might interfere with the safe operation of a motor vehicle shall disclose the circumstances to the Registrar prior to operating any motor vehicle.

*Amendment agreed to.*

*Clause 16 agreed to.*

**Mr. Chairman:** Seventeen. Any discussion on 17?

**Some Members:** Clear.

*Clause 17 agreed to.*

**Mr. Chairman:** Clause 18.

Yes, Mrs. Watson.

**Mrs. Watson:** Mr. Chairman, in my notations, I have there

is absolutely no appeal. That's quite a unilateral decision of the Registrar and he says you will be disqualified and that's it.

**Mr. Chairman:** Yes, Mrs. Whyard.

**Hon. Mrs. Whyard:** There is provision for appeal, when we get to the section on the driver board, I'm sure that we will find it there.

**Mr. Chairman:** Any further discussion? Are you ready for the question?

*Motion agreed to*

**Mr. Chairman:** Clause 19. Discussion on this clause? Yes, Mr. Taylor.

**Hon. Mr. Taylor:** I believe there is one typographical error in subsection 4 of Section 19, where it states that this section "applied" to suspension. It should be "applies" to suspension. Is that not correct?

**Mr. Chairman:** Yes. A typographical error in 4, "This section applies".

Yes, Mr. Fleming.

**Mr. Fleming:** Who would hold the upper hand here where the court might suspend you for six months or so and the Registrar might suspend you forever.

**Mr. Cosman:** It would depend on who gave the longer suspension. Probably the person would be without a driver's licence for the longest period of time, if the Registrar prescribed the longest period of time. If the court prescribed a longer period of time, then even if the Registrar attempted to reinstate the person's licence, he would be out.

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

**Mrs. Watson:** Mr. Chairman, I'm not questioning 18.1, I just want clarification.

**Hon. Mrs. Whyard:** Eighteen?

**Mrs. Watson:** Eighteen, right. Would that be considered a suspension, the order in 18, because it's quite relevant to 19?

**Mr. Chairman:** Yes, it is the same thing, because in 19 it refers to a person as disqualified and then 18 refers to a disqualified.

**Mrs. Watson:** But then, Mr. Chairman, may I go back then to 19, and if we look at the bottom of 19 approximately from line 35 down, the licence remains suspended or the disqualification remains in effect as the case may be until such time as the person satisfies the Registrar by examination or otherwise of his physical or other competency to drive a motor vehicle, but he could have it suspended because of 18.(1)(b). Right?

**Hon. Mrs. Whyard:** I am sorry, Mr. Chairman, I am not prepared to reply to that particular question, and I am afraid I am having difficulty at this time, because it is my understanding that we had cleared the sections, except those we are bringing in amendments for, and here we are discussing the same things over again that we went around on in November.

**Mrs. Watson:** Mr. Chairman, that is so ridiculous. We want good legislation, don't be so icky-picky constantly. Mr. Chairman, this is a very, very specific thing, and I am sure that the law clerk would want to have a look at that because it does not, section 19, does not tie in with 18.(1)(b) and I am doing you a favour by picking it up. Thank me.

**Hon. Mrs. Whyard:** Thank you very much. Why didn't you pick it up in November.

I am sorry, Mr. Chairman, I can't answer it, maybe Mr. Cosman would like to try it.

**Mr. Cosman:** No, I am afraid at this time I have nothing to add. If the government member is willing to take it under consideration, fine.

**Hon. Mrs. Whyard:** Could we have the question, please, Mr. Chairman, what is the question?

**Mrs. Watson:** Yes, Mr. Chairman, very gladly, I am sorry I have to repeat it, but I will gladly do it, 18.(1)(b), "a person is convicted of operating a motor vehicle without a subsisting operator's licence". The rest of it says your licence can be disqualified, they can be disqualified from driving. So 19.(1) states that if you are disqualified from holding an operator's licence, doesn't matter how long your suspension or disqualification, your licence remains disqualified or suspended until, "by examination or otherwise, of your physical or other competency to drive a motor vehicle without endangering the safety of the general public." How does "other competency" refer back to 18.(1)(b) which is a reason for disqualification and suspension. I think there is going to have to be a little redrafting and renumbering.

**Hon. Mrs. Whyard:** Mr. Chairman, I can see other competency including all kinds of factors which would not necessarily be physical. You are required, for example, to take a special course as an impaired driver following a conviction. Before you are allowed to apply to drive again, you must show your competency as having gone through that period of instruction.

If the Honourable Member keeps on shaking her head, you know, she's going to have a physical disability.

Mr. Chairman, we will review this section and we will bring back in a legal opinion for the Honourable Member on whether "other competency" refers to something already referred to in 18.

**Mr. Chairman:** We will stand over Section 19.  
Section 20.

**Some Members:** Clear.

**Hon. Mrs. Whyard:** It was discussed in November, Mr. Chairman. There should be no problem now.

*Clause 20 agreed to.*

**Mr. Chairman:** Section 21. Discussion? Are you ready for the question?

*Clause 21 agreed to*

**Mr. Chairman:** Clause 22, there's an amendment to section 22.

**Hon. Mrs. Whyard:** Mr. Chairman, I move, seconded by Mr. Lang, that Bill Number 1, entitled *Motor Vehicles Ordinance*, be amended as follows: In section 22 at page 15, by deleting subsection 1 and substituting thereto the following:

22.(1) There shall be a board to be called the Driver Control Board, consisting of a Chairman and four other members appointed by the Commissioner.

Mr. Chairman, this amendment is brought in at the request of the members who asked that we specify the number of members to be appointed to this Board, and we have done so.

**Mr. Chairman:** Any discussion? Yes, Mr. McCall.

**Mr. McCall:** I have a further amendment to you, Mr. Chairman.

**Mr. Chairman:** Moved by Mr. McCall, no seconder, but no seconder is required under our rules, and the sub-amendment is that Bill Number 1, entitled *Motor Vehicles Ordinance* be amended as follows: by deleting subsection 1 and substituting therefor the following:

22.(1) There shall be a board to be called the Driver Control Board, consisting of a Chairman and four other members, appointed by and with the consent of the (Council) Legislative Assembly, by the Commissioner.

**Hon. Mrs. Whyard:** Nice try.

**Mr. Chairman:** That's what it says here. Any discussion of the sub-amendment? Yes, Mrs. Watson.

**Mrs. Watson:** Mr. Chairman, the sub-amendment, does it state that the members appointed by the Commissioner on the

recommendation of the Legislative Assembly?

**Mr. Chairman:** It doesn't say exactly that, Mrs. Watson. I'll read it again. "...by deleting subsection 1 and substituting therefor the following:

22.(1) There shall be a Board to be called the Driver Control Board, consisting of a Chairman and four other members appointed by and with the consent of (Council) Legislative Assembly, by the Commissioner.

**Mrs. Watson:** No, Mr. Chairman, I believe the idea behind the amendment is a valid one. They are asking, actually I think the amendment was intended to ask for the Commissioner to appoint the people, but the Legislative Assembly recommend who he appoints and that is not too far gone. It is not a laughing matter at all. It is all a very important matter.

**Hon. Mrs. Whyard:** That is the way it is going to be done anyway.

**Mrs. Watson:** I would like to give the member the opportunity to cross out the Council, and I would be very happy to second the amendment to clean it up.

**Mr. Chairman:** I think we should give the member an opportunity to discuss the sub-amendment.

**Mr. McCall:** Thank you, Mr. Chairman, we specifically put in the amendment that it is put that way. I have no objections to the Commissioner, or incoming Commissioner, to appoint people to the driver training board, providing it is with the consent of Council. I am not suggesting that we should advocate particularly with this driver training board, that we should be looking for nominees for the board. There is a slight twist around with the language, slightly different than the Workmen's Compensation Board, but I think it is very important that this Committee to consider that if the appointments are going through, that we want to know who they are and if they are of some question, that we have input to, shall we say, look for other appointments, but not actually stall the process of administration which in essence this is what this particular board is, slightly different or of smaller importance than Workmen's Compensation or any other board.

I say this, that if appointments are going to be made then we should know who they are and if they are satisfactory. That is all.

**Mr. Chairman:** Mr. McCall, I wonder if it wouldn't be appropriate to alter your amendment or sub-amendment to say and for other members appointed by the Commissioner upon the advice of the Legislative Assembly?

**Mr. McCall:** I am open, Mr. Chairman, if it makes it easier to read for some of the Ministers, fine.

**Mr. Chairman:** Mr. Cosman?

**Mr. Cosman:** Yes, Mr. Chairman, as your Law Clerk, I feel that I should point out I think legally until the *Legislative Assembly Ordinance* is passed, and until the *Interpretation Ordinance* is amended stating Legislative Assembly, that we should use the word "Council" until such time as it is passed and given assent.

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

**Hon. Mrs. Whyard:** Mr. Chairman, I understand the intent of this proposed amendment and I have no problem with its intent, but I think that all members sitting here in this Committee know full well that nobody is named to such boards now without the approval of elected members of this Council, whether they happen to be sitting in the Executive Committee or otherwise.

I cannot understand why a board's appointment should now have to wait until there is a Session, because that's what you're implying. It would have to be approved by this House, with all members concurring or whatever, in nominations to a board of four people. You are asking to have it approved by this Council and how do you propose to have a list of names

selected. Say you have a proposed number of a dozen or 15 names of people who would be suitable appointees to such a board. Would you propose circulating this in the mail to all members until you finally got agreement on four who had the most sponsors? How on earth do you justify such a process to name people to a board.

There has always been a very straight-forward procedure here. If there is a board to be established or if they require new names to fill in if the terms of office expire, other new ones need to be named. A slate of names is brought forward and your elected members agree on the people who are most likely to be the people you want on that board. They are then appointed by the Commissioner.

Is there some reason, at this time, why the Honourable Member wants to change that?

**Mr. Chairman:** Mr. Taylor.

**Hon. Mr. Taylor:** Yes, Mr. Chairman, this is true. I think that writing in the members of the Legislative Assembly or their involvement at this point in time in this particular matter, is not in the best interest of administration of Government.

Let's face it, we have a government. We've got four Ministers who sit at the pleasure of the House and do the day to day administration of the Territory. To my knowledge, as long as I've been around, and as long as this system has evolved, I have no, at any time, any dissatisfaction over appointments and I am quite sure that other members would agree with me that when appointments to boards are made, generally, the other members have an opportunity to offer suggestions and have input.

I don't think it's in the best interest to write this into this legislation at this time and I don't think that we should support the sub-amendment.

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

**Hon. Mr. Lang:** Mr. Chairman, I just want to echo the words of the Honourable Member from Watson Lake. I think it would be a step backwards in respect to the evolution of government in the Yukon Territory and I don't think that any member in this House should support that concept and I see one or two members making every attempt that they possibly can to destroy the concept of the Executive wing in Government as it relates to the legislative government and I think they should reassess their positions as far as members in this House.

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

**Mrs. Watson:** Mr. Chairman, there are instances that I am not going to be specific on where appointments have been made that I certainly have taken great exception with and I know this may be going in a backward way, but the Executive Committee concept and the information is brought to them and they say that they sit at the pleasure of counsel and I say that the information is brought to you and decisions are made by you, at the pleasure of the Commissioner, and I want to insure that there is input at the political level and it appears, at this time, the best way to ensure that is to enshrine it in legislation and therefore, I would be very happy to second that sub-amendment.

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

**Mr. Fleming:** Mr. Chairman, I'm very surprised today, very, very surprised at some of our Honourable Members here, who, at times in the past have sat up in this House and said whoa, let's not let the Commissioner do everything, let's us have some say as a government. All the members here, not only the members who are sitting on the Executive Committee, who is the Government, who I trust and so forth and so on, but, nevertheless, this is the parliament of the Yukon, if you want to put it that way.

Our water boards and a few other boards go through here

with no problem. I am just surprised today to see some members changing their way and now saying no, we don't want to do this, we want the government to have a say completely in these matters of the Commissioner and I will be standing by that one.

**Mr. Chairman:** Mr. Taylor?

**Hon. Mr. Taylor:** In answer to the Honourable Member from Hootalinqua, perhaps he has not yet noticed that at this point in time, we have a majority of elected members from this House who serve only at the will of this House. If they did not have our support, they would be booted out of office tomorrow and we would have to try and find someone from perhaps the benches across from me to take on these positions, some of whom I know have been refusing these positions, so they obviously serve at the will and pleasure of the House. That situation did not always prevail in Yukon, but it does today, and that is our government and that is the ones we must put our faith into. If we did not have faith in those members, obviously then they wouldn't be sitting as Ministers on behalf of this government. That is why I do not feel, at this time, that it is necessary to write the Legislative Assembly into this Bill.

**Mr. Chairman:** I think we have had a full discussion. Are you ready for the question? Yes, Mr. McCall?

**Mr. McCall:** Mr. Chairman, I have a couple more comments to make with respect to the Honourable Member from Watson Lake. He seems to be becoming as rusty as iron water, maybe he will let his name stand for the next Commissioner, I don't know.

It wasn't very long ago that the Honourable Member from Watson Lake was seeking support of this House for a certain other inquiry which, from his point of view, was going backwards as far as the appointments to that particular incident that took place.

What concerns me, Mr. Chairman, is this, three members of this House are always complaining about the Commissioner having too much power, but very few times they ever say it publicly, but what I am concerned about is that perhaps we are going perhaps retrograde in putting forward a certain little stipulation that if you are to introduce a driver training board, and if you notice in your Bill it is time immemorial, you failed to even look at that. It could be indefinite, that if it is going to be for any period longer than two and three years, which my feeling it is going to be once we establish this board, it could be forever, that we have no input whatsoever to question any of the, you might say ability to act in a responsible manner as a member of that board, and that's all I am spelling out in this particular sub-amendment. If you are not up to it in this modern day and age, I would suggest you get with it, and I am talking about the four blind mice, Mr. Chairman, because we have got legislation before us which is very important and you are just sloughing it off like everything else that has been going on.

**Hon. Mrs. Whyard:** Mr. Chairman, these are personal attacks.

**Mr. McCall:** Well, I'm talking about the Bill, Mr. Chairman. As far as I am concerned, there is no definite period as to time dealing with this particular board and you want to give cart blanche to the Commissioner as to who he appoints. It will come back and haunt you, that's all, Mr. Chairman.

**Mr. Chairman:** I will now call the question on the sub-amendment, which I'll read. Moved by Mr. McCall, seconded by Mrs. Watson, that Bill Number 1, entitled the *Motor Vehicles Ordinance*, be amended as follows: by deleting subsection 1 and substituting therefor the following:

22. (1) There shall be a board to be called the Driver Control Board, consisting of a Chairman and four other members appointed by the Commissioner upon the advice of the Council.

*Sub-amendment defeated.*

**Mr. Chairman:** The amendment is moved by F. Whyard, seconded by D. Lang, in Section 22 at page 15, by deleting subsection 1 and substituting therefor the following:

22. (1) There shall be a board to be called the Driver Control Board, consisting of a Chairman and four other members appointed by the Commissioner.

*Amendment agreed to*

**Mr. Chairman:** Shall the Clause carry?

Oh, there's another amendment to this? Okay, carry on then with it.

**Hon. Mrs. Whyard:** Mr. Chairman, I would move, seconded by Mr. Lang, that Bill Number 1, entitled *Motor Vehicles Ordinance*, be amended as follows: In Section 22, at page 15, by deleting subsection 2 and substituting therefor the following:

(2) Two members of the Board constitute a quorum.

This was at the request of the House that we increase from one to two.

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

**Mrs. Watson:** Mr. Chairman, I do have some concern and are we on the amendment Section 23 on page 15, is that the one we're dealing with now?

**Mr. Chairman:** Clause 22, the same section.

Are your sheets in the wrong order.

**Mrs. Watson:** No, yes, but it's fine.

**Mr. Chairman:** Any discussion? Are you ready for the question?

It has been moved that two members of the Board constitute a quorum.

Yes.

**Mrs. Watson:** May I ask a question? Now, the Commissioner may make regulations governing the procedures and operation of the Board. When you have a board of five members and two of them constitute a quorum, you're going to have to ensure that when a meeting is called that you have to notify all five members, are you not? Because you're leaving something like this open to a great deal of abuse. Your Chairman could let one other fellow know and the two of them could sit down and have a hearing. None of the rest of the members of that board--

**Hon. Mrs. Whyard:** As a board member you are always notified--

**Mr. Chairman:** Is there any further discussion?

Yes, Mrs. Whyard?

**Hon. Mrs. Whyard:** Mr. Chairman, it is always the practice to notify all members of a board before any meeting is held and I don't know how they do things in Haines Junction but I will tell you, if this board was called without all members being notified, there would certainly be hell to pay if I was a member of it.

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

It is moved by F. Whyard, seconded by D. Lang that Bill Number 1 entitled *Motor Vehicles Ordinance* be amended as follows:

In Section 22 at page 15 by deleting Subsection 2 and substituting therefor the following:

(2) Two members of the board constitutes a quorum.

Shall the Amendment carry?

*Amendment Agreed to*

**Mr. Chairman:** Shall the Clause carry?

*Clause 22 Agreed to*

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

**Mrs. Watson:** Mr. Chairman, would it be too much then to ask the government if they could give us some indication and not today, regarding (4) where the government has been given the opportunity now to make Regulations governing the procedures and operations of the board. Surely they must have the operation of another board in mind, the conduct of its hearings and what bother me is, generally respecting the duties and functions of the board and any matter incidental thereto.

Now, there are duties and functions of the board defined as part of the *Motor Vehicles Ordinance* but are there any other duties and functions that the board will be called upon to perform and the Minister of Consumer Affairs, I would hope that since this is part of his portfolio, that maybe he could bring us an information paper on this driver control board because I do have to express the concerns of the Honourable Member from Pelly and it is something I didn't click to until he brought it up. The fact is that it doesn't set any time limit to the life of any appointment and that to me, is dangerous.

You have a chairman and four other members and they may not be functioning well, they don't resign, there is no time limit and you are stuck with them. I think it was sad that we didn't take that into consideration before we passed this Section through.

**Mr. Chairman:** Mr. Lengerke, I would entertain a motion.

**Mr. Lengerke:** Yes, Mr. Chairman, I would move that Mr. Speaker do now resume the Chair.

**Mr. Fleming:** I will second that motion.

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

*Motion Agreed to*

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

May we have a report from the Chairman of Committees?

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

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

**Some Members:** Agreed.

**Mr. Speaker:** Leave is so granted.

May I have your further pleasure?

The Honourable Member from Whitehorse Riverdale?

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

**Hon. Mr. Lang:** I second that.

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

*Motion agreed to*

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

*Adjourned*

**The following Legislative Returns were Tabled  
(February 20, 1978)**

**77-2-50**  
Housing Strategy for Pipeline Impact  
(Written Question No.40)

**77-2-51**  
Frantic Follies Tour  
(Oral Question - Page 591 - December 14, 1977)

**77-2-52**  
Commissioner's Responsibility in Land Claims Negotiations  
(Written Question No.34)

**77-2-53**  
Legal Aid  
(Written Question No.33)

**77-2-54**  
Speed Limit Reduction  
(Oral Question - Page 417 - December 5, 1977)

**77-2-55**  
Strep Infection Treatment  
(Oral Question - Page 612 - December 15, 1977)

**77-2-56**  
Commissioner's Entertainment Fund  
(Written Question No.21)

**77-2-57**  
Worker's Compensation Amendments  
(Written Question No.30)

**77-2-58**  
Transportation Rates  
(Written Question No.35)

**77-2-59**  
Inspectors Entering Private Property  
(Written Question No.38)

**77-2-60**  
Hansard Distribution  
(Oral Question - Page 562 - December 13, 1977)

**The following Sessional Papers were Tabled  
(February 20, 1978)**

**77-2-41**  
Resignation letter of Hibberd as Deputy Speaker

**77-2-42**  
Commissioner's Annual Report - April 1, 1976 - March 31, 1977

LEGISLATIVE RETURN # 50  
1977 (Second) Session

Mr. Speaker  
Members of the Assembly

On December 14, 1977 the Honourable Member from Houtalinqua asked the following written question:

Would the Minister inform me as to the material used in the preparation of housing requirements to 1985 as outlined in Table 3.1 of Sessional Paper 77-2-50?

The answer to the above question is as follows:

The housing demand projected for Teslin to 1985 in Sessional Paper 77-2-50 was based on a number of considerations. Firstly, Teslin has experienced a net loss in population from 1971 to 1976. This trend is not expected to continue, at least not to a major extent, therefore the unaffected growth of Teslin to 1985 is projected to have a net result of zero. Next, Foothills Pipe Lines (Yukon) Ltd has suggested that they will be locating 20 permanent personnel in Teslin. Assuming an employment multiplier of 1.5 (Economic Research and Planning Unit, June 13, 1977) and rounding the figure, a total of 30 jobs is projected for Teslin. Due to the relatively small size of the community a final assumption that each job would require a housing unit was made, making the total new housing requirement 30 units (please note that this figure includes replacement housing and new household formation from within the community).

The distribution of the requirements for housing to the year 1985 in Teslin was done on an arbitrary basis. Consideration was given to the timing of the Foothills requirement with the remaining 9 units being distributed around the peak demand.

6 January, 1978

*D. Laing*

LEGISLATIVE RETURN # 51

Mr. Speaker  
Members of the Assembly

On December 14, 1977, the Minister asked the following oral question:

Recently the Frantic Follies embarked a tour of Yukon. What percentage accounted for the cost of the Frantic Follies tour and what was the total amount of cost of the tour?

The answer to the above question is as follows:

The Yukon Follies Canadian Tour was one element of the tourism marketing program currently being undertaken jointly by the Yukon Visitors Association and the Tourism and Information Branch. Funding for the program is shared jointly on a 50-50 basis by the private sector and government.

The total cost of the tour was \$24,000. Revenues from 5000 tourists amounted to \$12,000 leaving a net cost of \$12,000. Thus the 50% share is \$6,000.

One member of the Division of Tourism staff, a Travel Counsellor, travelled with the show for a period of 30 days. Her travel expenses amounted to \$470.00.

The Follies performed 28 shows in a total of 31 cities and towns before a total audience of 17,000. Two shows in Winnipeg and Saskatoon had to be cancelled due to a blizzard. Three seminars were also conducted for the travel agency and automobile club personnel in Edmonton, Regina and Thunder Bay. Personal calls were also made to travel agents in other cities and towns en route. Newspapers, radio and television coverage was obtained in every community visited.

December 15, 1977

*A. Bell*  
Signature