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Speaker: The Honourable Donald Taylor

Whitehorse, Yukon Territory

February 21, 1977

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

Prayers

Mr. Speaker: We will proceed at this time with the Order Paper. Are there any documents for tabling? Any Reports of Committees? Petitions? Introduction of Bills? Notices of Motion for the Production of Papers? Notices of Motion or Resolution? The Honourable Member from Kluane?

ROUTINE PROCEEDINGS**NOTICES OF MOTION**

Mrs. Watson: Yes, Mr. Speaker, I would like to give Notice of Motion, seconded by the Honourable Member from Pelly River, that the Honourable Hugh Faulkner, the Minister of Indian Affairs and Northern Development, relieve Dr. Arthur Pearson of his duties as Commissioner of the Yukon Territory and appoint an Acting Commissioner who has had experience in and is familiar with, the administering of the Yukon Territory, pursuant to Section 4 of the *Yukon Act*.

THAT the relief of Dr. Pearson as Commissioner of the Yukon continue until the Stratton Inquiry has completed its investigation into the role of the Commissioner and other persons leading to the discontinuance of proceedings in the Supreme Court concerning the alleged professional misconduct of Allen Lueck, a barrister and solicitor of the court, and its decision rendered, and until the investigation by the RCMP regarding possible forgery and falsification of affidavits in which the Commissioner may have been involved is concluded.

Mr. Speaker: Are there any further Notices of Motion or Resolution? The Honourable Member from Kluane.

Mrs. Watson: Yes, Mr. Speaker, I would give Notice of Motion, seconded by the Honourable Member from Hootalinqua, WHEREAS the Commissioner of the Yukon and the Administrator of the Yukon are appointed by the Governor-in-Council and administer the Yukon under instructions given by the Governor-in-Council or the Minister of Indian Affairs and Northern Development, and

WHEREAS an Inquiry was necessitated by certain actions taken by the Commissioner and the Administrator, leading to the discontinuance of proceedings in the Supreme Court concerning the alleged professional misconduct of Allen Lueck, a barrister and solicitor of the court, and

WHEREAS the Commissioner, in establishing the Inquiry, expanded the terms of reference which had been adopted by Members of the Legislative Assembly to include an investigation into the initiation of the aforementioned proceedings, a matter which could have been determined by the Supreme Court,

THEREFORE, it is the opinion of this House that the costs of this Inquiry should be borne by the Department of Indian Affairs and Northern Development, rather than the people of the Yukon.

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

Are there any Statements by Ministers?

This brings us then to the Question Period. Are there any questions?

The Honourable Member from Hootalinqua.

QUESTION PERIOD**Question re: Trophy Fees on Grizzly Bear**

Mr. Fleming: Yes, Mr. Speaker, I have a question for the Minister of Natural Resources this morning. The Yukon Outfitters Association have a brief, entitled "Harvesting of Grizzly Bear, Dall Sheep and Goat in the Yukon Territory", and there is some concern as to the fact the Government may raise the trophy fees or change the quotas, and I would ask the Minister this morning, are there going to be any changes in the regulations concerning the quotas or the trophy fees on grizzly bear?

Mr. Speaker: The Honourable Minister of Consumer and Corporate Affairs?

Hon. Mr. Hibberd: Mr. Speaker, yes, there probably are going to be changes in the trophy fees, as far as the animals are concerned.

Mr. Speaker: The Honourable Member from Hootalinqua?

Mr. Fleming: Yes, Mr. Speaker, I would ask the Minister, before those changes are made, would the matter be brought before this House?

Mr. Speaker: The Honourable Minister of Consumer and Corporate Affairs?

Hon. Mr. Hibberd: They can be, Mr. Speaker, if it is the wish of the members.

Mr. Speaker: The Honourable Member from Kluane?

Question re: Legislative Return Number 59

Mrs. Watson: Yes, Mr. Speaker, I have a question for the Minister of Consumer and Corporate Affairs. It regards the legislative return which was tabled in this House yesterday. The return answered a question that Mr. McCall had asked about inspectors or officers under the various ordinances. I would refer to the Building Inspectors. The Member from Pelly River asked if they had the right to enter private property, such as lodges or the owner's private dwelling.

The answer to the first part of the question was in the affirmative. That was in the legislative return. Then a schedule accompanied this, which gave the legislative authority. The legislative authority and all of the inspectors' names were defined within the legislation with the exception of the Building Inspector, which was the Building Standards Regulation 19, pursuant to the *Building Standards Ordinance*.

My question, and the Minister may take it as a written question: What section of the *Building Standards Ordinance* gives the government the authority to promulgate Regulation 19 of the *Building Standards Ordinance*?

Mr. Speaker: Do we take that that is a written question?

Mrs. Watson: Yes, it is, Mr. Speaker.

Mr. Speaker: Any further questions? The Honourable Member from Pelly River.

Question re: Capital Assistance Program

Mr. McCall: Yes, Mr. Speaker, I have a question for the Minister of Local Government. On November 28th, 1974, the Government of the Yukon introduced a capital assistance program. Would the Minister advise me of the following: which communities have taken advantage of the capital assistance program and how much money is left from the approximately 21 million dollar fund, and would the Minister provide this House with the breakdown of the amount each community has used from the fund since the introduction of the capital assistance program.

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

Question re: Carcross-Land Availability

Mr. Fleming: Yes, Mr. Speaker, a question for the Minister of Local Government, this morning, on the matter of available lands for the residents in the Carcross unorganized district, as we call it.

There has been some concern there, due to the fact that people, many people there are in rented homes, many people there now are living, actually, on land owned by White Pass, on the fringes of the town, and there doesn't seem to be any possibility of any land becoming available immediately for them. They are concerned. I would ask the Minister what plans he may have in the future for Carcross.

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

Hon. Mr. McKinnon: Mr. Chairman, the Honourable Member hit right to the point of the problem in Carcross, that all of the available land for development is owned by the White Pass and Yukon Corporation. We've had negotiations going on now for four years. It is one of the first things that I did when I assumed my portfolio responsibilities, was to open negotiations with the White Pass and Yukon Route, to try and freeze some land in Carcross for development purposes.

The Corporation has taken the stand that the land is extremely valuable, is going to be more valuable and, to this point in time, though we have had long and detailed negotiations, we have not been able to come up with the proper exchange or price that would allow the public to build in Whitehorse on a lot that would be reasonable to be able to purchase.

We will continue to explore all avenues in negotiations with the company, in an effort to free land for building purposes. The problem is that when we get out from the land that is owned by the corporation in the company, then it was not as desirable because it is not close to the area of developable land that we would like to be able to put into lots for normal purchase and development.

So, that is just another one of the many problems that we find in different communities when dealing with land for development purposes. If it is not block land transfers, as far as the chunks of land held in private hands, we are trying to get a portion of in order to be able to develop lots at a reasonable cost in Carcross. We have gone into, as I say, long negotiations. We have yet to effect a solution to the long standing problem, Mr. Speaker.

Mr. Speaker: The Honourable Member from Whitehorse Riverdale?

Question re: Tax Re-Assessment for City of Whitehorse

Mr. Lengerke: Mr. Speaker, a question for the Minister of Local Government. Earlier in this session we discussed taxes and assessments and I am just wondering if in fact the re-assessment has been done pertaining to the City of Whitehorse. I think there was a deadline date of February 15th that was to be met. Has that been met?

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

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

Mr. Speaker: The Honourable Member from Kluane?

Mrs. Watson: Yes, Mr. Speaker, a supplementary question regarding the land situation at Carcross for the Minister of Local Government. In order to relieve the situation at Carcross, has the government given consideration to using the *Expropriation Ordinance*?

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

Hon. Mr. McKinnon: No, Mr. Speaker, not to this time because it will be as a last resort that the *Expropriation Ordinance* will be used. As I said, we are still discussing and

we are still talking. Only as a last resort when there are no further negotiations or there is no room for flexibility or maneuvering or talking any longer will the *Expropriation Ordinance* be used.

Mr. Speaker: The Honourable Member from Hootalingu?

Question re: Enfranchise Cards for Native People

Mr. Fleming: Yes, Mr. Speaker, I have a question this morning for the Minister of Human Resources. On December 12, 1977, page 522 of "Hansard", I will ask an oral question concerning the enfranchised cards for native peoples. I think due to some mistake, Mr. Speaker, at that time, it was headed "Medicare Cards". This was actually not the question, however, I think there may have been a mistake in the peoples involved, not knowing there was such a thing and maybe it is in the enfranchised cards for native people. The Minister at that time, as I say, didn't, I think, really, she said she would look into it and possibly has not had the time or something. I am wondering if the Minister would look into that question for me if she hasn't already and if I could receive an answer.

Mr. Speaker: The Honourable Minister of Human Resources?

Hon. Mrs. Whyard: Mr. Speaker, it is my recollection that following the asking of that question, the Honourable Member had a discussion with me on the same subject and that I advised him to consult the Regional Superintendent for Indian Affairs, who is in charge of enfranchisement of native people in the Yukon. If there is anything further I can do to assist him, I will certainly try to do so.

Mr. Speaker: The Honourable Member from Klondike?

Question re: Pipeline Regulatory Agency

Mr. Berger: Yes, Mr. Speaker, a question to the Minister of Pipelines. Section 29 of the Pipeline Bill states that Foothills, in return to the American consumer, is going to have to pay for the expenses of any regulatory agency established by the Federal Government. Could the Minister tell this House what negotiations went on with the Federal Government in order to convince the Federal Government that the same should happen here in the Yukon? That Foothills, in return to the American consumer, should pay for any social or environmental damages and needs?

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

Hon. Mr. McKinnon: It was an international agreement, signed by the Government of Canada and the Government of the United States, that said that the American consumer was not going to pay for the socio-economic costs, have that as a cost to his energy at the end of the pipeline, an international agreement worked out between the Government of Canada and the Government of the United States, Mr. Speaker.

Mr. Speaker: The Honourable Member from Klondike.

Question re: Highway Number 3 Upgrading

Mr. Berger: Yes, Mr. Speaker, the Minister of Highways, a question of the Minister of Highways. Tourism and everybody else seemed to forecast at this time that there is going to be a lot more traffic on Highway Number 3, between Dawson and the boundary, the Alaskan boundary. What money will there be expended this year to upgrade the Highway from Mile 39 to Mile 68, to the Alaska Highway? There hasn't been crushed gravel on the Highway since the building of the Highway in 1900. Will the Minister for Highways tell me if there will be any crushed gravel on this Highway?

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

Hon. Mr. McKinnon: Mr. Speaker, I'm positive that will raise itself in the question of the budget of Highways and

Public Works, which we will be beginning, hopefully, at the beginning of March and into March.

Mr. Speaker: Are there any further questions?

We will then proceed in the Order Paper to Orders of the Day.

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 Member from Pelly River, seconded by the Honourable Member from Hootalinqua, that Mr. Speaker do now leave the Chair.

Motion agreed to

Mr. Speaker: I declare the motion as carried.

Mr. Speaker leaves Chair

COMMITTEE OF THE WHOLE

Mr. Chairman: The Committee will come to order.

We will continue today on the *Motor Vehicles Ordinance*, and possibly tomorrow afternoon, we will discuss Resolution Number 3, Item 7, on page 2.

I will now declare a brief recess.

Recess

Mr. Chairman: Would Committee come to order. Section 23.1 of the *Motor Vehicles Ordinance*, are there any amendments? Mrs. Whyard?

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 23, at page 15 by adding immediately after subsection (1) the following subsection: (1.1) Upon receipt of a report pursuant to subsection (1), the Board shall notify the person in respect of whom the report has been made as to whether the Board proposes to act upon the report or not, and, where the Board proposes to act upon the report, inform such person of the date, being not less than ten days from the date of notice, and place of the next meeting of the Board at which the report is to be considered, and the person shall be entitled to make representations at the meeting to the Board and be heard in person, by counsel or agent.

Mr. Chairman, these appeal procedures were added at the request of the House.

Mr. Chairman: Is there any discussion? Are you ready for the question?

Some Members: Question.

Mr. Chairman: Moved by F. Whyard, seconded by D. Lang, that Bill Number 1, entitled *Motor Vehicles Ordinance* be amended as follows: In Section 23 at page 15, by adding immediately after subsection (1) the following subsection: (1.1) Upon receipt of a report pursuant to subsection (1), the Board shall notify the person in respect of whom the report has been made as to whether the Board proposes to act upon the report or not, and, where the Board proposed to act upon the report, inform such person of the date, being not less than ten days from the date of notice, and place of the next meeting of the Board at which the report is to be considered, and the person shall be entitled to make representations at the meeting to the Board and be heard in person, by counsel or agent.

Amendment agreed to

Mr. Chairman: Yes, Mrs. Watson?

Mrs. Watson: Mr. Chairman, in the whole clause, in 23, why is it necessary to have the Commissioner make the deci-

sion of whether an inquiry should be made? Why should not the person who is in charge of the *Motor Vehicles Ordinance* and the operator's licensing, the person who is familiar, the Registrar, why should we then include the Commissioner?

Mr. Chairman: Yes, Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, I do believe that 23 is carried, is it not?

Mr. Chairman: The amendment was carried.

Hon. Mr. Taylor: Not the clause?

Mr. Chairman: No, I was just asking the question on the clause when Mrs. Watson came in.

Mrs. Watson: Mr. Chairman, my question is quite proper, I believe. The amendment was carried. That's a new part to Section 23, it's an added part. Now, before we adopt the whole clause, I am questioning the necessity of giving the Commissioner the authority, when the Registrar is the person who has the authority over the *Motor Vehicles Ordinance* and the issuing of operator's licences. Why should the Commissioner be given the ability to be involved?

Hon. Mrs. Whyard: Mr. Chairman, I guess the general answer to that general question is that the Commissioner is given authority throughout this Ordinance, and every other ordinance, to make such decisions, through his functions, and if you begin to remove it from this section, you are going to have to remove it from every section of every ordinance.

Could I read the next amendment, Mr. Chairman?

Mr. Chairman: Yes, Mrs. Watson.

Mrs. Watson: Mr. Chairman, this is very true, what the Honourable Member said, but I am saying that from now on, I would like to be very, very careful where we specifically say, in legislation, that the Commissioner specifically has authority in the administration of various ordinances. We give him the power to delegate that authority to the Registrar. Shouldn't it be the Registrar, who knows the mechanics of the legislation, the one that should ask for an inquiry?

Hon. Mr. McKinnon: Mr. Chairman, I understood that we had amended, or included a definition of Commissioner to mean the Commissioner of the Yukon Territory, any person authorized by him to act on his behalf, with respect to the administration of this Ordinance, pursuant to Section 3.

So, we broadened the term of Commissioner so it will be an administrative officer authorized by him to act on his behalf, with respect to the administration of the *Motor Vehicles Ordinance*.

And, certainly, Mr. Chairman, we can't get confused with the actual function of what the role of the Commissioner will be in the administration of the *Motor Vehicles Ordinance*, that the Registrar reports directly to the Minister of Consumer and Corporate Affairs, and it will be upon that elected Minister's advice that appointments are made, subsequent to the *Motor Vehicles Ordinance*.

We're using the power of the Commissioner in this respect, because that is the constitutional terminology that must be used, under the terms of the *Yukon Act*, and the Honourable Member well knows that it will be the elected Minister in charge who makes those appointments and deals with the day to day administration of the *Motor Vehicles Ordinance* and if the Commissioner interferes with the power of that elected Member, then I would imagine that that elected Member would so say to his colleagues and to this House, because I know that I would if there was an interference in the daily running of the day to day affairs, under which I have portfolio responsibilities.

So, you know, we could make all the nice constitutional speeches that we want, but, under the terms of the *Yukon Act*, "Commissioner" has to be used though the Honourable

Member knows full well what the line of authority will be under the terms and conditions of this Ordinance, Mr. Chairman.

Mr. Chairman: Yes, Mr. Fleming.

Mr. Fleming: Mr. Chairman, I'm just wondering, not in conjunction with our discussion at the moment, because I think that possibly we may have missed something.

I have, in my amendments, an amendment marked just "4", no section whatsoever, and upon reading it, I think it's in 22.(1), and I don't think we passed that yesterday. In fact, I didn't hear it and I'm wondering if we're not just a little ahead of ourselves anyway.

I wonder if the Chairman could confirm that.

Hon. Mrs. Whyard: Mr. Chairman, that amendment had to do with the number of people on the control board and we'd agree to it.

Mr. Chairman, if I could correct a misunderstanding here, this clause has been cleared. The amendment I was going on to, the next one is a new section which has not to do with that clause. You are quite right.

Mr. Chairman: Any further discussion on 23. Yes, Mrs. Watson?

Mrs. Watson: Yes, Mr. Chairman, I certainly realize the constitutional position, and I think we have adequately provided for that in the definition of the Commissioner and his role under the *Yukon Act* and his role under the various Ordinances that we have, but why do we specifically have to, in the subsections, in certain areas, designate that power? It could well be left out without contravening the *Yukon Act* or the constitutional position of the Yukon Territory at all.

When I listen to Honourable Members constantly talking about our constitutional position and strides we should be taking, why do we keep putting these things in legislation? We have one overall section under the definition section and for goodness sakes, let's stop putting "Commissioner" in, because I know perfectly well that as the Honourable Minister of Local Government stated, that the Registrar is under an elected position and the implications there, just by leaving "Commissioner" there, is that the Commissioner can override the Registrar and the elected person. That is the implication by having "Commissioner" in there. You are not hurting your legal rights under the *Yukon Act* at all by leaving "Commissioner" out of this.

Mr. Chairman: I think the Honourable Member has made her point well. Has anyone any further discussion.

Clause 23 agreed to

Mrs. Watson: Mr. Chairman, I would disagree.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, I was reviewing the legislation fairly thoroughly last evening, and I came across a section that we have already gone by and I would like to ask a question, because it appears to me that there is a loophole and I wonder if they would bear with me while I ask the question of members or of Mr. Spray or of whoever, rather than go on and possibly leave a loophole. I might be wrong, but I would like to draw it to your attention.

Hon. Mrs. Whyard: Mr. Chairman, another Honourable Member refused to let us go back, even to pass two of his own regulations yesterday, but it is up to other members.

Mr. Chairman: I think, Mrs. Watson, we will allow a question, but no debate.

Mrs. Watson: Thank you, Mr. Chairman, I would like to refer to 18, subsection (2). It states: "A person in respect of whom an order has been made under subsection (1) who

drives a motor vehicle or other vehicle on a highway in contravention of that order is guilty of an offence."

To me that section reads that if a person is operating a motor vehicle without an operator's licence, it isn't an offence. You are not guilty of an offence, unless an order has been made by the Registrar. Now is my interpretation correct, because I don't think that is how you would—it should be an offence regardless of whether there is an order or not.

Mr. Spray: Mr. Chairman, if we refer to Section 7, of the Ordinance, "No person shall operate a vehicle on a highway unless he is the holder of a subsisting operator's licence authorizing him to operate that class of vehicle."

And subsection 6 of that Section makes it an offence if you contravene subsection 1. There is a separate section in Offense subsection.

Mr. Chairman: Thank you, Mr. Spray. I neglected to mention that we have two witnesses present, Mr. Spray and Mr. Cosman.

Yes, Mrs. Watson.

Mrs. Watson: Would one of the witnesses not agree, though, that subsection 2 should have some rewriting?

Of 18.(2). I just am, Mr. Chairman, I'm concerned. I don't want to debate or anything. I just don't want to see the loophole, especially when if a person is found to be driving without an operator's licence.

Mr. Chairman: Yes, Mrs. Watson. I suggest that the responsible Minister would take that under advisement and look into it.

Do we have a new amendment to the Bill?

Hon. Mrs. Whyard: Mr. Chairman, it is moved, seconded by Mr. Lang, that Bill Number 1, entitled *Motor Vehicles Ordinance* be amended as follows: In Part 1 at page 16, by adding immediately after Section 23, the following section:

23.(1)(1) A person who has been refused a licence by the Registrar, or whose licence has been suspended or cancelled by the Registrar or the Commissioner, may appeal the refusal, suspension or cancellation, as the case may be, to the Driver Control Board.

(2) A person who wishes to appeal a decision of the Registrar under this section shall, within 30 days of the date that person was served with the notification that he was refused a licence or that his licence was cancelled or suspended, serve the Driver Control Board with a notice of appeal.

(3) Upon being served with a notice of appeal under subsection (2), the Driver Control Board shall, within 30 days of being served with the notice of appeal, hear the appeal.

(4) Upon hearing an appeal under this section, the Driver Control Board may confirm a decision of the Registrar, order that the licence be issued, remove or vary the suspension or reinstate the cancelled licence.

Mr. Chairman, these additional appeal procedures were added at the request of the House.

Mr. Chairman: Yes, Mr. McCall.

Mr. McCall: This particular Section 23.1 (1), (2), (3) and (4), really is redundant when you look at 23.(1), because when you have the Commissioner riding roughshod over a Driver Control Board, there's no point in having all this language, because it cites further on that he can suspend the licence whether the Driver Review Board has any discretion or not for the appeal. So, I don't see any logic in putting all this confetti into it because it's redundant language.

Hon. Mrs. Whyard: You don't want an appeal, Mr. McCall?

Mr. McCall: Well, Mr. Chairman, I think Mrs. Watson

already pointed out the concern projected in 23, where it makes reference to the Commissioner and now you want to play with the so-called paper tiger, dealing with the so-called appeal that is non-existent.

The Commissioner can still suspend a licence whether the Driver Review Board says you can put it back or endorse it or whatever.

Mr. Chairman: Any further discussion?

Moved by F. Whyard., seconded by D. Lang, that Bill Number 1, entitled *Motor Vehicles Ordinance* be amended as follows: In Part I of page 16, by adding immediately after Section 23 thereof, the following Section: 23.1(1) A person who has been refused a licence by the Registrar or whose licence has been suspended or cancelled by the Registrar or the Commissioner, may appeal the refusal, suspension or cancellation, as the case may be, to the Driver Control Board.

(2) A person who wishes to appeal the decision of Registrar under this Section shall, within thirty days of the date that person was served with a notification that he was refused a licence or that his licence was cancelled or suspended, served the Driver Control Board with a notice of appeal.

(3) Upon being served with a notice of appeal under subsection (2), the Driver Control Board shall, within thirty days of being served with the notice of appeal, hear the appeal.

(4) Upon hearing an appeal under this Section, the Driver Control Board may confirm a decision of the Registrar, order that the licence be issued, remove or vary the suspension or reinstate the cancelled licence.

Amendment agreed to

Clause 23.1 agreed to

Mr. Chairman: We will now go on to Section 24. Mrs. Watson?

Mrs. Watson: Mr. Chairman, in reviewing, I think we missed one of the amendments that was submitted to us and we didn't deal with it yesterday. It was Section 7 at page 8, regarding the armed forces. I do not believe that this was dealt with.

Mr. Chairman: Mrs. Watson, that was the Section that Mr. McCall refused to deal with.

Hon. Mrs. Whyard: There were two, we were refused permission to be dealt with.

Mr. Chairman: We are now dealing with Section 24.

Mr. McCall: Mr. Chairman, before you go on with Section 24, just a general question I would like to ask the Minister dealing with Section 23. Yesterday you made reference many times to the Committee, the Statutory Instruments Committee and the many requests that were put forward in a report. I would like, just a general question, to ask the Minister—

Hon. Mr. Hibberd: On a Point of Order, Mr. Chairman, that Section has been carried.

Mr. Chairman: We will see what the question is.

Mr. McCall: I will proceed no further, Mr. Chairman, because of ignorance.

On Clause 24

Mr. Chairman: We are now dealing with Section 24 of the Ordinance. Are there any amendments? Is there any discussion? Yes, Mr. Fleming?

Mr. Fleming: On Section 24.(4) "Subject to the regulations, testimony may be adduced before the Board in such manner as the Board considers proper and the Board is not bound by the rules of law concerning evidence applicable to judicial proceedings." At the time we read this in the first reading, or second reading, I did, at that time, have concern over any Board that is not bound by the rules of law. I am just

wondering, is that Section remaining? I have it marked "out" here, so I presume that there must have been a discussion then and the government had agreed to leave that section out or something.

Mr. Chairman: Mrs. Whyard.

Hon. Mrs. Whyard: Mr. Chairman, I have no indication that there was to be a change to that subsection.

Mr. Chairman: Yes.

Mrs. Watson: Mr. Chairman, are we dealing with 24.(4)?

Mr. Chairman: Yes.

Mrs. Watson: What amendment have I got here? It says: "4 be amended as follows: upon hearing an appeal under this section, the Driver Control Board may confirm the decision of the Registrar, order that licence to be issued, remove or vary the suspension or reinstate the cancelled licence". What's that?

Hon. Mrs. Whyard: Mr. Chairman, that's page 2 of the amendment we just agreed to.

Mr. Chairman: We've already dealt with that as part of 23.(1), Mrs. Watson. We're dealing with 24.(4), on page 16.

Mrs. Watson: Then why did they say at the top of the page, "be amended as follows", when it's just a continuation, because that section I wanted to speak to. I think there is a very significant section there, when you're saying, in (1), that a person who has been refused a licence—

Mr. Chairman: Mrs. Watson, we've finished with that one. If you'll look at the amendment down at the bottom, there's a series of dots with a 2 after them, which indicates that it's continued on the next page. We're now dealing 24.

Mrs. Watson: Mr. Chairman, with respect, I find it very, very difficult to act as a responsible Member in this House, reviewing legislation that people in the Territory have to live with. The atmosphere in here is ram it through, don't ask questions.

Mr. Chairman: I think that if the Honourable Members will read Section 4, read Section 1, it's just obvious the discrepancy in there, and yet, if we are able to find things like this when we're reviewing the Bill and the amendments, surely it's our responsibility, whether we are on the Government side or the opposition side, to bring it up and to constantly have fingers snapped at you and have, constantly have people standing up and saying "Point of order, point of order", certainly doesn't lend itself to meaningful debate.

Mr. Chairman: Mrs. Watson, you've made your point. We'll continue with 24.

Hon. Mr. Hibberd: This motion was read by the mover of the motion, it was read from the Chair, and it was voted on. It was read twice. She certainly couldn't have missed it.

Mrs. Watson: Mr. Chairman, on a point of order, I don't believe the Honourable Member has any right to lecture me on the point of order. I would accept the Chairman's ruling. I certainly wouldn't accept the ruling of the former Deputy Speaker.

Hon. Mr. Lang: Mr. Chairman.

Mr. Chairman: Yes, Mr. Lang.

Hon. Mr. Lang: On a point of order, I just think all Members should have a little bit or more courtesy towards the Chair. We all have a list of the rules and I think that we should abide by the rules. The rules were approved by this House and we should follow them. We shouldn't put the Chairman in the position of having to act as a mediator every time we go through a clause, just because the Honourable Member wants to make her political point as an opposition member.

I think the Member should get a hell of a lot more responsibility than she is right now.

Mrs. Watson: Mr. Chairman, are you going to let him lecture me?

Mr. Chairman: I think we've laboured this point for long enough and we'll please deal with Section 24. Are you ready for the question?

Some Members: Question.

Mr. Chairman: I declare Clause 24.(1) carried.

Clause 24 agreed to

Mr. Chairman: Now we will look at Section 25. Are there any amendments?

Hon. Mrs. Whyard: No, Mr. Chairman.

Mr. Chairman, if I could just say a word of explanation, which may assist to the Honourable Members who have had difficulty.

Perhaps the two pages were not stapled together, which mine were, but they should have been. In any case, if I could draw the attention of all members of Committee to the fact that this form on which all these amendments appear is standard and does carry that first line "be amended as follows" so that whether it is a continuation of the amendment or the first page of the amendment, they will all have that wording. That may be of some assistance, Mr. Chairman.

Mr. Chairman: Any discussion on Clause 25?

Clause 25 agreed to

On Clause 26

Mr. Chairman: We will now deal with Clause 26. Are there any amendments?

Hon. Mrs. Whyard: Yes, Mr. Chairman, I move, seconded by Mr. Lang, that Bill Number 1, entitled *Motor Vehicles Ordinance* be amended as follows: In Section 26 at page 17, by adding immediately after paragraph (1)(c), and at the original margin, the words "for unlawful purposes".

This was amended at the request of the House for clarification, and, I think, Mr. Chairman, it is self-explanatory.

Mr. Chairman: Any question on the amendment? Moved by F. Whyard, seconded by D. Lang, that Bill Number 1, entitled *Motor Vehicles Ordinance* be amended as follows: in Section 26 at page 17 by adding immediately after paragraph (1)(c), and at the original margin, the words "for unlawful purposes".

Mrs. Watson?

Mrs. Watson: Mr. Chairman, when you are saying "for unlawful purposes" can you use it for lawful purposes?

Hon. Mrs. Whyard: Mr. Chairman, I think that the point of the request for this amendment. There are times when it is perfectly legal to be in possession of an operator's licence belonging to another person. If it has been lifted in court, if the Registrar has it, if somebody requires it for official purposes, they are not breaking the law by being in possession of it. We asked, or you did, or someone here in this Committee asked that we specify that only if they have it in their possession for unlawful purposes.

Amendment agreed to

Clause 26.(1) agreed to

Hon. Mrs. Whyard: I move, seconded by Mr. Lang, that Bill Number 1, entitled *Motor Vehicles Ordinance* be amended as follows: In subsection 26.(2) at page 17, by adding immediately after the word "licence" in line 12 thereof, the words "for unlawful purposes".

This is the same kind of amendment as requested by members in the previous subsection.

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 26.(2) at page 17, by adding immediately after the word "licence" in line 12 thereof, the words "for unlawful purposes".

Amendment agreed to

Clause 26.(2) agreed to

Mr. Chairman: There's another amendment.

Yes, Mr. Fleming.

Mr. Fleming: Is the whole section carried in this case. You've carried the amendment and is there any discussion on the section, such as 26.(3), for instance.

Mr. Chairman: There's another amendment, 26.(3).

Mr. Fleming: Oh, there's one coming, thank you.

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 26.(3), at page 17, be deleting the words "have in his possession" in line 13 thereof, and substituting therefor the words "hold in his own name".

Mr. Chairman: Any discussion?

Hon. Mrs. Whyard: Mr. Chairman, my notes remind me that this was amended at the request of the House to make the requirements more reasonable.

Mr. Chairman: Moved by F. Whyard, seconded by D. Lang, that Bill Number 1, entitled *Motor Vehicles Ordinance*, be amended as follows: in subsection 26.(3) at page 17, by deleting the words "have in his possession" in line 13 thereof, and substituting therefor the words "hold in his own name".

Amendment agreed to

Mr. Chairman: There is another amendment. Yes, Mr. Lengerke.

Mr. Lengerke: Just for clarification, in the future, could we possibly have the amendments pertaining to a section, a particular section, such short amendments as this, could they all be on one page, because this way then, you could certainly see the continuity. I think this is being some difficulty I'm just wondering if we could do that in the future. I don't want to curtail anything now, but, thank you.

Hon. Mrs. Whyard: Mr. Chairman, I'd be very happy to accept that suggestion. I think that we were under the understanding that, by the rules, we were required to have each one separately presented to the Committee.

Mr. Lengerke: Oh, I see.

Hon. Mrs. Whyard: However, it's certainly a matter that we can try to adjust.

Mr. Lengerke: Thank you.

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 26 at page 17, by adding immediately after subsection 3, the following subsection:

(4) Subsection (3) does not apply with respect to an international drivers licence.

This was amended, Mr. Chairman, at the request of the House, to allow persons to hold an international drivers licence, in addition to a Yukon licence.

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

Mr. Fleming: Mr. Chairman, I'm just wondering, probably the Legal Advisor or the Minister could inform me, is there a possibility anywhere, in the *Motor Vehicle Ordinance*, and in the licence issuing department, where a person may be issued

two licences which are both valid, to drive vehicles in the Yukon Territory. Is there not a possibility this might be? I'm just wondering, you know, because if we say, here, he must now have that, you know, it's unlawful to have two, and yet, I'm trying to think that there may be, possibly, a situation could have been missed where you might necessarily have two licences for two different types of vehicles or otherwise.

Mr. Spray: Mr. Chairman, there is no requirement for a person to hold two licences, two Yukon Operator's Licences. It may happen where a person is issued two operator's licences if he has come in and made application for a second licence and he will obtain an interim licence before we find out that he already holds a licence. The onus is then on him, on that person, to turn back his second licence. But it would be simply through error or through someone applying for a licence when he had no right to apply for a licence. He would obtain it, but there is no requirement to hold two licences.

Mr. Chairman: Mr. Fleming?

Mr. Fleming: Mr. Chairman, just a supplementary then. In this case where there are actually two, an interim licence issued, this is what I was worrying about, and then there is another one coming in the mail or something, you do actually have two licences, but he would not, in this case, be using them for unlawful purposes if he had those two at that time until such time as he— well he has to throw one away or he has to return it here to the office.

Mr. Spray: That is right, Mr. Chairman. The interim licence actually becomes invalid when your permanent licence is issued.

Mr. Chairman: Any further discussion.

Moved by F. Whyard, seconded by D. Lang that Bill Number 1, entitled *Motor Vehicles Ordinance* be amended as follows: In Section 26 at page 17 by adding immediately after subsection (3) the following subsection: (4) Subsection 3 does not apply with respect to an International Driver's Licence.

Amendment agreed to

Clause 26 agreed to

On Clause 27

Mr. Chairman: We will now consider Section 27. Any discussion?

Clause 27 agreed to

On Clause 28

Mr. Chairman: Are there any 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 28. (1) at page 17 by adding immediately after the word "vehicle" in line 20 thereof, the words "on a highway".

This was amended at the request of the House to require an operator's licence only for the operation of a vehicle on a highway.

Amendment Agreed to

Mr. Chairman: We will consider Section 29, are there any amendments?

Hon. Mrs. Whyard: Mr. Chairman, we have two amendments. I would move, seconded by Mr. Lang, that Bill Number 1, entitled *Motor Vehicles Ordinance* be amended as follows: in Section 29 at page 17, by deleting subsection (1) and substituting the following subsection:

(1) Except as provided in this Ordinance, no person shall permit anyone who is not the holder of an operator's licence to drive a motor vehicle on a highway.

This was amended at the request of the House to apply to the driving of a vehicle only.

Mr. Chairman: Any discussion?

Moved by F. Whyard, seconded by D. Lang, that Bill Number 1, entitled *Motor Vehicles Ordinance* be amended as follows: in Section 29 at page 17, be deleting subsection 1 and substituting the following section:

(1) Except as provided in this Ordinance, no person shall permit anyone who is not the holder of an operator's licence to drive a motor vehicle on a highway.

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 Section 29 at page 17, by deleting subsection 2 and substituting the following:

(2) Except as provided in this Ordinance, no person shall permit anyone to drive on a highway, a motor vehicle other than one of the type that his licence permits him to drive.

Mr. Chairman: Any discussion?

Moved by F. Whyard, seconded by D. Lang, that Bill Number 1, entitled *Motor Vehicles Ordinance*, be amended as follows: in Section 29 at page 17, by deleting subsection 2 and substituting the following subsection:

(2) Except as provided in this Ordinance, no person shall permit anyone to drive on a highway, a motor vehicle other than one of the type that his licence permits him to drive.

Amendment agreed to

Mr. Chairman: Shall Clause 29, as amended carry?

Clause 29 agreed to

Mr. Chairman: Clause 30. Shall Clause 30 carry?

Clause 30 agreed to

Mr. Chairman: Clause 31. Shall Clause 31 carry?

Clause 31 agreed to

Mr. Chairman: Clause 32. Are there any amendments?

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

Mr. Chairman: Mrs. Whyard.

Hon. Mrs. Whyard: Mr. Chairman, it's an amendment to subsection 2. Do you wish to clear 1 first?

Mr. Chairman, I would move, seconded by Mr. Lang, that Bill Number 1, entitled *Motor Vehicles Ordinance* be amended as follows: in Section 32 at page 18, be deleting subsection 2 and substituting the following subsection:

(2) A person who is engaged in teaching another person to drive and

(a) does not hold a subsisting licence for the operation of the vehicle being used, and

(b) who has not held such licence for a period of not less than two years, is guilty of an offence.

Mr. Chairman, this refers back to section 11.(2) and we are amending at the request of the House to require two years licencing, rather than an age requirement. I think, Mr. Berger, that will meet with your approval.

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 32, at page 18 by deleting subsection (2) and substituting the following subsection: (2) A person who is engaged in teaching another person to drive and (a) who does not hold a subsisting licence for the operation of the vehicle being used; and (b) who has not held such licence for a period of not less than two years, is guilty of an offence.

Shall the amendment carry?

Amendment agreed to

Mr. Chairman: Yes, Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, just noting that the Bill, which we have already read, of course minus the amendments, is some 134 pages or 135 pages long, I am wondering if it may be a suggestion to Mr. Chairman and to the Committee that perhaps we could proceed on a part by part basis, dealing with all the amendments of that part individually and then adopting the part, or perhaps if that would not be suitable, perhaps Committee would consider dealing with the Bill on a page by page basis in order to expedite the passage of this legislation, inasmuch as we, of course, have considered each of the clauses which are not being amended.

Mr. Lengerke: Yes, Mr. Chairman, we have done that before in the past, so it would certainly be up to the Chair, with concurrence of Committee of course.

Mr. Chairman: Is it the wish of the Committee that we deal with it on a Part basis.

Some Members: Agreed.

Mr. Chairman: Then I think what we will do is go through all of the amendments to a given section and then adopt the section. At this particular time we are dealing with 32, the question has been called and the amendment to Section 32 has been approved. So we will go on now to the next amendment.

Hon. Mrs. Whyard: Mr. Chairman, there are no further amendments in this Part.

Mr. Chairman: There are no further amendments in this Part. Shall Part I, as amended, carry?

Part I agreed to

On Part II

Mr. Chairman: Are there any amendments to Part II?

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 II, at page 20, by adding immediately after Section 36 thereof the following section:

36.1(1) Notwithstanding any other provision of this Ordinance, the registration of motor vehicles and trailers owned and operated by the Government of Yukon shall be valid for as long as the vehicle is registered in the name of the Government of Yukon, and further renewal shall not be required.

(2) Upon the Government of Yukon removing a motor vehicle or trailer from service, the Registrar shall be notified of the fact and shall be informed, in writing, of the make, year and serial number, unit number and licence number of the vehicle or trailer removed from service.

(3) The licence plate of the vehicle or trailer removed from service pursuant to subsection (2) shall be destroyed.

Mr. Chairman, this Section is being added to the Ordinance from the proposed regulations on the recommendation of the Standing Committee.

Mr. Chairman: Any discussion.

Moved by F. Whyard, seconded by D. Lang, that Bill Number 1, entitled *Motor Vehicles Ordinance* be amended as follows: In Part II at page 20, by adding immediately after Section 36 thereof the following section:

36.1(1) Notwithstanding any other provision of this Ordinance, the registration of motor vehicles and trailers owned and operated by the Government of Yukon shall be valid for as long as the vehicle is registered in the name of the Government of Yukon, and further renewal shall not be required.

(2) Upon the Government of Yukon removing a motor vehicle or trailer from service, the Registrar shall be notified of the fact and shall be informed, in writing, of the make, year and serial number, unit number and licence number of the

vehicle or trailer removed from service.

(3) The licence plate of the vehicle or trailer removed from service pursuant to subsection (2) shall be destroyed.

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 Part II at page 20, be adding immediately after section 36.1 thereof the following section:

36.2(1) Miniature motor vehicles of the type known to the trade as "Go Carts" and three or four-wheeled vehicles of like nature and any other three or four-wheeled vehicle which, because of its novel size or operating characteristics, the Registrar considers would present a hazard to other highway users, shall not be registered as motor vehicles.

(2) Notwithstanding the provisions of subsection (1), a miniature motor vehicle designed primarily for the use of a physically handicapped person may be operated on a highway provided that the vehicle:

(a) is registered in the name of the physically handicapped person;

(b) is operated solely by a physically handicapped person who has a subsisting operator's licence issued under this Ordinance; and

(c) is equipped in compliance with the requirements of this Ordinance or the regulations thereunder relating to motor vehicles.

Mr. Chairman, this is added to the Ordinance from the proposed regulations, on the recommendations of the Standing Committee.

Mr. Chairman: Is there any discussion.

Moved by F. Whyard, seconded by D. Lang, that Bill Number 1, entitled *Motor Vehicles Ordinance*, be amended as follows: In Part II at page 20, by adding immediately after section 36.1 thereof the following section:

36.2.(1) Miniature motor vehicles of the type known to the trade as "Go Carts" and three or four-wheeled vehicles of like nature, and any other three or four-wheeled vehicle which, because of its novel size or operating characteristics, the Registrar considers would present a hazard to other highway users, shall not be registered as motor vehicles.

(2) Notwithstanding the provisions of subsection (1), a miniature motor vehicle designed primarily for the use of a physically handicapped person may be operated on a highway provided that the vehicle:

(a) is registered in the name of a physically handicapped person;

(b) is operated solely by a physically handicapped person who has a subsisting operator's licence issued under this Ordinance; and

(c) is equipped in compliance with the requirements of this Ordinance or the regulations thereunder relating to motor vehicles.

Amendment agreed to

Mr. Chairman: Mr. Lengerke.

Mr. Lengerke: Mr. Chairman, seeing as we departed from some of the rules already, I would like to make another suggestion, if I might, and I think it's of a practical nature.

I think we could probably delete having the Chairman read the section again, after having it introduced by the Minister. We are getting just a duplication by the recorders, and I'm sure that Honourable Members can read and follow well enough. I think it certainly be of—

Some Members: Agreed.

Mr. Chairman: Fine. We'll continue in that manner with Section 37.

On Clause 37

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 37.(1) at page 20, by adding the words "state, district" immediately after the word "province" in lines 23 and 34 thereof.

This, Mr. Chairman, this amendment is to allow reciprocal agreements with the USA and was brought up in particular in the context of the State of Alaska.

And if I may, Mr. Chairman, there is another amendment to 37. Would you like me to read it at this time?

Mr. Chairman: Yes.

Hon. Mrs. Whyard: I would move, seconded by Mr. Lang, that Bill Number 1, entitled *Motor Vehicles Ordinance* be amended as follows: In paragraph 37.(2)(a) at page 21, by deleting the words "licence the number plates" in line 6 thereof and substituting the words "licence and number plates". It is a typographical correction, Mr. Chairman.

Mr. Chairman: Any discussion? Shall the two amendments just read carry?

Amendments agreed to

Mr. Chairman: Yes, Mr. Hibberd?

Hon. Mr. Hibberd: Mr. Chairman, it would appear to me more appropriate that if we are going to read the amendments, the obligation is on the Chair to read them, rather than the mover of the motion. Perhaps it would be more appropriate if the Chair read the motion before the vote was taken.

On Clause 39

Mr. Chairman: Section 39, for the benefit of Mrs. Watson who has been absent for a short time, the Committee is dealing with the Bill by part and we are only reading the amendments and when the amendments for one part are finished, then we will vote on the part as amended. We are now dealing with the amendment to Section 39 of the *Motor Vehicles Ordinance* which I am about to read. We have also changed the procedure in order to speed this up a bit, the proposed amendment will be read from the Chair in order to avoid reading it twice.

Moved by F. Whyard, seconded by D. Lang, that Bill Number 1, entitled *Motor Vehicles Ordinance* be amended as follows: In Section 39 at page 22 by deleting subsection (4) and substituting the following subsection: (4) The lease agreement must stipulate that the lessee is responsible for all fees and penalties due under the of (a) the *Motor Vehicles Ordinance*; (b) the *Workers' Compensation Ordinance*; (c) the *Labour Standards Ordinance*; (d) the *Health Care Insurance Plan Ordinance*; and (e) the *Highways Ordinance*.

Is there any discussion of the amendment?

Hon. Mrs. Whyard: Mr. Chairman, this amendment was to correct the name of the *Health Care Insurance Plan Ordinance* and to add the *Highways Ordinance*.

Amendment agreed to

On Clause 42

Mr. Chairman: The next amendment is to 42.(2) at page 23.

Moved by F. Whyard, seconded by D. Lang, that Bill Number 1, entitled *Motor Vehicles Ordinance* be amended as follows: In subsection 42.(2) at page 23, by inserting immediately before the word "thereafter" in line 28 thereof the word "which".

Mr. Chairman: Any discussion of the amendment?

Hon. Mrs. Whyard: Mr. Chairman, that's a typographical

correction.

Amendment agreed to

Mr. Chairman: Looking at the amendment 43.1, on page 24. Moved by F. Whyard, seconded by D. Lang, that Bill Number 1, entitled *Motor Vehicles Ordinance*, be amended as follows: In Part II at page 24, by adding immediately after section 43 thereof the following section:

43.1(1) The registered owner of a trailer may transfer a trailer licence plate from one to another of his own trailers upon completion of the forms supplied by the Registrar and payment of the prescribed transfer fee; but trailer licence plates shall not be transferred from one owner to another.

(2) Notwithstanding subsection (1), a trailer licence may be issued to a manufacturer of, or dealer in, trailers upon payment of the prescribed fee and the licence plate issued shall apply to any trailer which the said manufacturer or dealer may, from time to time during the term of said licence, hold for sale but not for hire.

Any discussion of this amendment?

Hon. Mrs. Whyard: Mr. Chairman, this has been incorporated into the Ordinance from the proposed regulations, on the recommendation of the Standing Committee.

Amendment agreed to

On Clause 48

Mr. Chairman: The next amendment is to subsection 48.(4) on page 26. Moved by F. Whyard, seconded by D. Lang, that Bill Number 1, entitled *Motor Vehicles Ordinance* be amended as follows: In subsection 48(4) at page 26, by adding immediately after the word "requires" in line 6 thereof, the words "for cause".

Is there any discussion of the amendment?

Amendment agreed to

On Clause 50

Mr. Chairman: The next one is in subsection 50.(3) at page 26.

Moved by F. Whyard, seconded by D. Lang, that Bill Number 1, entitled *Motor Vehicles Ordinance* be amended as follows: in subsection 50(3) at page 26, by adding immediately after the word "municipality" in line 38 thereof the words "or local improvement district".

Any discussion of the amendment?

Yes, Mr. Fleming.

Mr. Fleming: Just a moment or two, Mr. Chairman, I would like to study this a moment or two.

Hon. Mrs. Whyard: Mr. Chairman, this amendment is at the request of the House to include L.I.D.

Hon. Mr. McKinnon: It was on the advice and suggestion of the Honourable Member from Hootalinqua.

Mr. Fleming: Yes, Mr. Chairman, I just wanted to make sure it was the way I asked for it to be and thank you very kindly for that.

Hon. Mr. McKinnon: The Honourable Member is most welcome, Mr. Chairman.

Amendment agreed to

On Clause 51

Mr. Chairman: Section 51 on page 27. Moved by F. Whyard, seconded by D. Lang, that Bill Number 1, entitled *Motor Vehicles Ordinance* be amended as follows: In Part II at page 27 by adding immediately after Section 51 thereof, the following Section:

51.1(1) No person engaged in the business of renting or leasing or trailers shall lease or rent any trailer in Yukon without first

having affixed thereto a trailer licence plate issued under this Ordinance.

(2) A trailer licence plate may be issued to the owner of a public service vehicle engaged in the business of towing trailers, who may attach the plate to any trailer towed by his public service vehicle or, in the case of individual trips, a "temporary operation" permit may be issued in lieu of a trailer licence plate.

(3) The trailer licence plate or temporary operation permit shall be placed at the rear of the trailer, in such a position that the lower edge of the plate or permit is not lower than the rear axle of the trailer.

Any discussion?

Hon. Mrs. Whyard: Mr. Chairman, this Section is added to the Ordinance from proposed regulations at the request of the Standing Committee.

Mr. Chairman: Any further discussion? Yes, Mr. Lengerke?

Mr. Lengerke: Mr. Chairman, maybe one of the witnesses could answer this, Mr. Spray possibly. Is this a licence over and above the licence say for instance in the City of Whitehorse that is issued by the City to a mobile home owner?

Mr. Spray: Mr. Chairman, this licence is for the trailer whilst it is on the highway, being towed on a highway. The City licences are under city by-laws that they may not issue licences for the moving of trailers on a highway.

Mr. Lengerke: Thank you, Mr. Chairman. I wanted clarification on that because I looked at the interpretation of "trailer" and I was a little bit concerned. Thank you.

Amendment agreed to

On Clause 58

Mr. Chairman: We will now consider 58 on page 28. Moved by F. Whyard, seconded by D. Lang, that Bill Number 1, entitled *Motor Vehicles Ordinance* be amended as follows: In subsection 58.(1) at page 28, by adding immediately after the word "believe" in line 33 thereof the words "and does believe".

Hon. Mrs. Whyard: Mr. Chairman, this amendment was requested by the House to strengthen the Section.

Mr. Chairman: Any other discussion?

Amendment agreed to

Hon. Mrs. Whyard: Mr. Chairman that completes the amendments for Part II.

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

Part II agreed to

On Clause 59

Mr. Chairman: We will now consider Part III, and the first amendment is clause 59 on page 29. Moved by F. Whyard, seconded by D. Lang, that Bill Number 1, entitled *Motor Vehicles Ordinance* be amended as follows: In Section 59 at page 29, by deleting subsection (1) and substituting therefor the following subsection: 59.(1) The Commissioner may suspend or cancel a certificate of registration or a permit issued under this Ordinance for a contravention of this Ordinance, the *Fuel Oil Tax Ordinance*, the *Transport Public Utilities Ordinance*, the *Highways Ordinance* or the regulations under those Ordinances.

Is there any discussion?

Hon. Mrs. Whyard: Mr. Chairman, the section is renumbered because of the deletion of Section 1, at the request of the House and the reference to the *Highways Ordinance* has been added, as it had been omitted earlier.

Mr. Chairman: Yes, Mrs. Watson.

Mrs. Watson: Mr. Chairman, when we went through the Bill the first time, I objected very strongly to 51.(1), where a contravention of the *Motor Vehicles Ordinance*, for a contravention, not just of the *Motor Vehicles Ordinance*, but of the *Fuel Oil Tax Ordinance*, the *Transport Public Utilities Ordinance*, and now the *Highways Ordinance*, and the regulations, any part of the *Highways Ordinance*, gives the Registrar the authority to suspend or cancel an operator's licence, a certificate of registration or a permit.

I can understand it in certain areas, under the *Transport Public Utilities Ordinance*, but I certainly cannot understand where you unilaterally take a contravention of the *Fuel Oil Tax Ordinance* as a reason to suspend or cancel a certificate of registration or a permit, certainly, Mr. Chairman, under the *Highways Ordinance* a contravention of the *Highways Ordinance*, and I would like to raise my objection to this section again.

Mr. Chairman: Any further discussion?

Yes, Mr. Fleming.

Mr. Fleming: Yes, Mr. Chairman, I also feel the same as the Honourable Member from Kluane in this situation, for the simple reason that a person driving his car, under this Ordinance here, would lose his licence because he has not done something in the *Fuel Tax Ordinance*, which may actually have nothing to do with his personal driving ability or his personal life and it is possible, under this section, because the *Fuel Oil Tax Ordinance* takes in many, many areas that really doesn't involve itself actually with driving a personal car.

Mr. Chairman: Yes, Mr. Lengerke.

Mr. Lengerke: Mr. Chairman, I too recognize the concerns of the Member from Kluane, but, I do think the amendment does cover that when it says, "or a permit issued under this Ordinance for a contravention of this Ordinance".

So, in other words, it really applies, particularly to this Ordinance and how these other areas affect it, I think we're okay there. Is that all that was concerned.

Mr. Chairman: Yes, Mr. Fleming.

Mr. Fleming: Mr. Chairman, it does not say that. It says "for a contravention of this Ordinance, the *Fuel Tax Ordinance*, the *Transport and Public Utilities Ordinance*, the *Highways Ordinance*, or the regulations under those Ordinances".

Mr. Chairman: I agree, Mr. Fleming, you're quite right.

Mr. Fleming: Thank you.

Mr. Chairman: Yes, Mrs. Whyard.

Hon. Mrs. Whyard: Mr. Chairman, I was going to point out that this change, what we have changed in this section, as well as adding the *Highways Ordinance*, is that you do not suspend or cancel the operator's licence, which is Mr. Fleming's concern, you are cancelling or suspending the certificate of registration, which applies to the specific vehicle involved in, perhaps, a *Fuel Oil Tax Ordinance* or whatever, but your operator's licence is still valid to drive your own vehicle or whatever else.

Mr. Chairman: Yes, Mrs. Watson?

Mrs. Watson: Mr. Chairman, that is specifically the point we are making. The certificate of registration or a permit, if a person is in the business of delivering some commodity and because he hasn't paid up to date, his fuel oil tax, they can take away his certificate of registration and take away his livelihood so he can't possibly pay his fuel oil tax. There are penalties under the *Fuel Oil Tax Ordinance* for contravention of that Ordinance and the *Highways Ordinance* is very, very broad. You are giving it that specific scope that a contravention of any part, that's what you are saying, a contravention of any part of the *Highways Ordinance* gives the Commissioner, not

the Registrar, the Commissioner, the authority to suspend or cancel a certificate of registration or a permit.

Mr. Chairman, to me, you have a penalty section for contravention of the *Motor Vehicles Ordinance*, use it for that. You have a penalty section for the contravention of the *Highways Ordinance* and the *Fuel Oil Tax Ordinance*. The *Transport Public Utilities Ordinance* is a different matter because it ties in with certificates of registration and permits.

Mr. Chairman: Any further discussion?

Hon. Mrs. Whyard: Mr. Chairman, I would like to satisfy the members who are asking these questions and I would ask Mr. Spray what the reason is for requiring this section?

Mr. Spray: Mr. Chairman, it is simply to strengthen the enforcement procedures on all of these Ordinances which relate directly to motor vehicle transportation. The *Highways Ordinance* is the Ordinance that controls weights, load limits on the highways. The *Fuel Oil Tax Ordinance* of course does relate to fuel tax levied on operators.

The *Transport Public Utilities Ordinance* insofar as operating authorities are concerned, but it is inserted in here to strengthen our enforcement procedures under these other Ordinances.

Hon. Mrs. Whyard: Mr. Chairman, could I ask Mr. Spray to perhaps give us an example when it might be necessary to suspend or cancel registration for a vehicle for a contravention under the *Fuel Oil Tax Ordinance* which is the one that seems to be bothering most.

Mr. Spray: Mr. Chairman, I would have to go to the Territorial Treasury people and get that sort of example for you.

Hon. Mrs. Whyard: Mr. Chairman, would it be fair to ask though whether this would have to be a very serious and long standing failure on the part of someone to comply with that Ordinance prior to this step being taken. This is certainly not for failure to send in fuel oil tax on a thirty day period or something. We are not dealing lightly with this kind of an offence.

Mr. Spray: Mr. Chairman, I would say that it is a last resort penalty to be used and a last resort method of enforcement. It is certainly not the first stage of enforcement.

Mr. Chairman: Yes, Mrs. Watson?

Mrs. Watson: Mr. Chairman, it does not say that it is the last resort enforcement, and Mr. Spray said it was to strengthen the enforcement of those other pieces of legislation and if you want to strengthen the enforcement of them, strengthen it in that legislation.

The thing that concerns me is that when you are talking about certificate of registration or permit in many, many instances, or most instances, the power is there and you could be taking away a person's means of earning a living. I do not condone an underhanded way of strengthening the enforcement in that legislation. I can see the *Financial Administration Ordinance* being used for the *Fuel Oil Tax Ordinance* but, that is a blanket type of Ordinance. This absolutely repulses me. It might be a last resort but we don't know.

Mr. Chairman: Yes, Mrs. Whyard.

Hon. Mrs. Whyard: Mr. Chairman, I apologize. On reviewing the Votes and Proceedings for the day in November when we discussed these parts of the Bill, I find that I was absent at home ill, and for my own personal satisfaction, I wonder if I could ask Mr. Cosman, Mr. Chairman, just to clarify for me, I have a note regarding the amendment we just read, 59.1, "The Commissioner may suspend or cancel a certification of registration", et cetera, and the note says that it is renumbered as required by deletion of subsection 1, at the request of the House. Did we, in fact, delete that subsection,

which we are now arguing against?

Mr. Cosman: Yes, Mr. Chairman, if I may, I believe it's paragraph (b) that has been deleted and so 59.1 has been restructured, deleting the reference to a paragraph (a). It's simply been rewritten, but paragraph (b) has been struck out, entirely.

Mr. Chairman: Yes, Mr. McKinnon.

Hon. Mr. McKinnon: Mr. Chairman, we've bought the argument the Honourable Member made half way, that we shouldn't attack the guy's operating licence to be able to drive, if he was in contravention of the other ordinances. I agree with her, I think that that was going too far, then you really did deny the person the ability to make a living, if his operating permit, because of a violation under these ordinances, were taken from him.

It so happens, Mr. Chairman, that we live in an extremely imperfect world and I know often, in the field of taxation, that the only hammer that you eventually have for getting the money out of the guy that owes it is by saying that under the *Taxation Ordinance* you're going to lose your land, or something, if you don't comply with the provisions of the *Tax Ordinance* and pay taxes which you have been assessed and which are duly payable to Government.

I know that the City uses this final hammer in all kinds of instances, where a utility bill goes on for months and months without being paid and, finally, they say, look, if you don't pay on such and such a time, we transfer it over to your taxation. You're going to lose your house and your land and everything if you don't pay.

It would be nice to think that you didn't have to use these types of probably extra hard lines in legislation, because everybody finally paid what they had to to Government or did what they were supposed to do, under the normal provisions of any ordinances. Unfortunately, Mr. Chairman, that that just does not follow and certainly that if it comes down to the point, under one of these ordinances, where the threat of losing an operating licence or registration of a permit, not an operator's licence, but the registration or a permit, that that may be the way to get the matter settled, which, certainly had not been before that point in time.

I don't think that anybody likes putting in these sections of this nature. They are there, in many sections of Government, they're not used except when all of the normal courses and circumstances have been gone through, but they're there for, ultimately, being able to do those things which the legislation says should be done.

I agree that, with the suspension of the operator's permit or the removal of the operator's permit, that that was going to far. I think that there are instances where there has been major contraventions and I know of, under the *Fuel Tax Ordinance*, where the only way for the ability to collect for the Government has been the threat of the cancellation of an operator's licence, and I only know of one or two instances since I have been in government where this has reached such a difficulty that the normal provisions of the *Fuel Oil Tax Ordinance* have not applied.

Unfortunately, we get right back to the problem where for one or two that do everything to frustrate the normal course of government, you need some tough legislation in the final analysis. I think that that's all that this is. I am positive that there would be no use of this type of power, particularly now that the operation of the *Motor Vehicles Ordinance* will fall under the aegis of an elected member, who is of course, answerable on a daily basis to the people of the Yukon and in this House.

Mr. Chairman: Yes, Mrs. Watson?

Mrs. Watson: Mr. Chairman, I would point out to the Honourable Member who has said that it is now under a Minister, an elected person, but it doesn't say that the "Registrar may cancel," it says "the Commissioner may suspend or cancel a certificate of registration," regardless of what the Honourable Member said where very tough stands have to be taken in order to collect taxes and to make people abide by the law. There are ways and means within the legislation. The *Fuel Oil Tax* legislation, if you read it very carefully, you will see there are ways and means of enforcing it. There are ways and means under the *Financial Administration Ordinance* that you can collect taxes without going to lifting a certificate of registration.

The point I am making is that you are taking away a person's ability to earn money so that many instances and most instances so that they can pay to the government what they owe them. The sweepingness of the *Highways Ordinance* or all of the regulations, any contravention, what you are saying, any contravention of any clause in all of those Ordinances or any regulations, and there are a lot of them, you could lift a person's certificate of registration or permit and that is pretty wide and pretty sweeping. The Honourable Member keeps standing up and saying it won't be done, it won't be done, we, by accepting this, are giving the government the right to do it and we shouldn't give them the right to do it if we don't want it done.

I am not prepared to use this type of means to enforce the *Fuel Oil Tax Ordinance*, or the *Transport Public Utilities Ordinance*, and heaven forbid, the *Highways Ordinance*.

So, I certainly will be opposing this section and I hope many, many of the Members search their conscience and see whether we should, in fact, be letting this type of authority rest under the *Motor Vehicles Ordinance*.

Mr. Chairman: Thank you, Mrs. Watson. I think we've had a very full debate on this subject and I think we should now call the question.

Mrs. Watson: Disagree. Mr. Chairman, I'd like to very strongly have my disagreement recorded.

Mr. Chairman: I think, Mrs. Watson, your disagreement and your arguments have been well noted by the "Hansard".
Amendment agreed to

On Clause 61

Mr. Chairman: Moved by F. Whyard, seconded by D. Lang, that Bill Number 1, entitled *Motor Vehicles Ordinance* be amended as follows: in Subsection 61.(1) at page 31, by deleting paragraph (g) and substituting therefor the following paragraph:

(g) exempting residents of the settlement of Old Crow, on the request of the Band Council of the settlement, from the provisions of Parts I, II and IV of this Ordinance for the purpose of operating snowmobiles in the settlement;

Hon. Mrs. Whyard: Mr. Chairman, this new paragraph was added respecting snowmobiles in Old Crow, at the request of the Member responsible for that constituency.

Mr. Chairman: Yes, Mr. Fleming.

Mr. Fleming: Yes, Mr. Chairman, just a comment: I was just wondering if the Honourable Members who have worked so hard on this amendment here, had really looked at the Indian Act to see if there was any possibility that they could do anything they wanted to run a snowmobile in Old Crow without a licence anyhow.

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

Mrs. Watson: Mr. Chairman, I'm rather concerned that the Government would specifically designate one settlement. It could well be that other settlements in the Territory would

also want to be exempt from a provision of Part I, II and IV of this Ordinance for the purposes of operating snowmobiles.

I think that you are setting quite a precedent when you name one area specifically. Why can't you include Burwash, why can't you include Ross River? You could have, rather than just make it for one specific settlement, actually there is discrimination showing in the Bill for one settlement. I am sure that if some of the people who live in some of these other settlements realize that the government is prepared to go along this way and are making these concessions for Old Crow, the band councils could well be making the request to the government and then of course the answer would be it has to be in the legislation, and we can't change the legislation.

Mr. Chairman: Yes, Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, this matter was carefully considered and because this is a unique settlement without highways, there was considered to be a valid request or the part of their representative. I cannot think, perhaps I am walking into a trap here, but I cannot think of any other settlements or communities which do not have highways which would come under the applications of this Ordinance. It is entirely up to members if you wish to go against the request of the member for that area.

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: Mr. Chairman, I would like some clarification on this. I am concerned that fine, if we grant an exemption such as this, say one of the members of the settlement of Old Crow, one of the residents is out on a snowmobile thirty miles away hunting or fishing or whatever, are they exempt or not? Is there a defined area for the settlement, because how are we trying to help these people by giving this exemption? Is it just to allow them to run around the settlement of Old Crow free and clear or is it to provide a livelihood? I really question that.

Mr. Chairman: Yes, Mr. McCall?

Mr. McCall: I have some reservations on this discriminatory type of language and I am quite surprised that the Minister should introduce it. I would suggest that the Ministers should concern themselves with perhaps language that would read "exempting residents of any settlement where there is no highway or intrical roadways." That would solve your problem I would think.

Mr. Chairman: Yes, Mr. Fleming.

Mr. Fleming: Yes, Mr. Chairman, I do have problems, and, of course, I won't vote for this motion, and not because the people of Old Crow, possibly, don't need something to the effect, but to put it in this Ordinance, whereas someday we're just going to have to bring the whole Ordinance back to possibly change this, because we don't know what's going to happen to Old Crow and if this was put into a regulation, possibly I might be able to think a little differently about it, but not in the Ordinance, not this type of thing.

The idea of exempting anybody, I don't care where it is or who it is, from something that is in the *Vehicle Ordinance*, I don't go along with.

The Member may think it's very funny, that's very, nice, but I think it's a valid argument. Just what is Old Crow, where is Old Crow, what area is Old Crow, the whole situation. I think it's a stupid amendment and I will vote against it and that is that.

Mr. Chairman: Mr. Lang.

Hon. Mr. Lang: I just want to raise one point, Mr. Chairman, and people say this is a precedent in legislation. I would like to remind all Members, at least some Members that were in the last legislature, that there was some legislation passed in this House that did give some consideration for Old Crow,

due to the uniqueness and the area in which it is situated. But I think it's fair to say, Mr. Chairman, that the whole idea is to attempt to, the only reason Old Crow is specifically named, it's the only area in the Yukon that, as the Honourable Member to my left has said, does not have a main highway or thoroughfare to affect that particular community, all other communities do.

So, subsequently, there's the other side of the coin in areas such as Ross River or wherever, where there is a main highway and would interfere with traffic going to and from if there were exemptions, so, I think that the fact that the exemption is being made for Old Crow in this particular piece of legislation, and the charges that this is the first time it has been put into legislation is not true. The precedent was set some years ago, Mr. Chairman.

Mr. Chairman: Thank you. Mr. Berger.

Mr. Berger: Thank you, Mr. Chairman. I disagree with the Honourable Member who says there's no highway, because the Band members of Old Crow are using the Dempster Highway to go trapping. I would say that I would have to agree with the Honourable Member from Hootalinqua when he said it's a ridiculous amendment.

I would rather see and suggest that to exempt people from Old Crow from the fuel tax and paying their fuel taxes. I mean there, you're at least doing something with the people in Old Crow.

Here we're having snowmobiles and I know as a fact that they're using the Dempster Highway for their trapping purposes and we say they don't have to have any licence plates and those things. How about if you have an accident with another vehicle on the Dempster Highway. Who's going to be at fault? You're going to have some judicial problems, as far as I'm concerned.

Hon. Mrs. Whyard: Mr. Chairman, with respect, it is not exempting them when they are using a highway. If you will read the amendment, Mr. Chairman, it is for the purpose of operating snowmobiles in the settlement. Could we ask for further advice on this from Mr. Spray?

Mr. Spray: Mr. Chairman, the definition of highway in this Ordinance includes any trail, et cetera, where the public has normal right of entry with their vehicles and the snowmobile is a vehicle. It means, therefore, that every snowmobile operated in the settlement of Old Crow must be licensed, insured, and that every person operating it must hold an operator's licence.

The settlement of Old Crow, their main transportation are snowmobiles in the wintertime and this allows them to operate snowmobiles within that community without requiring registration and licencing of the operators. If they go on to a highway, they most certainly have to be licenced. Old Crow also does not have access, is not accessible to other persons other than people living in that community with vehicles on a normal basis, as do all the other settlements, because there are highways immediately adjacent to other communities.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: The more I hear the arguments, the more ridiculous the government's position on this is, because it says "in the settlement" when there are highways within the settlement of Old Crow under the highways definition here and in the *Highways Ordinance*. I can't see why anyone should be exempt the requirement of having an operator's licence to have a registration of a motor vehicle. The minute you throw that whole section out, you are turning your back on age requirements for operator's licences, you are turning your back on the competency of the person who is operating the vehicle and a snowmobile is a vehicle. The government is saying, "do what you want to do in Old Crow on your snowmobiles".

To me, why do we have operator's licences, why are we going through all of these categories of medical competence and qualifications of age, because we know there are aspects of danger involved for the rest of the people, not necessarily the person on the vehicle.

Hon. Mrs. Whyard: No, no, no.

Mrs. Watson: Mr. Chairman, the same thing applies to Old Crow. If that philosophy applies for the Yukon Territory, you are not asking them to have an operator's licence, you are trying to protect them and the rest of the people who live with them. Why should Old Crow be exempt from operator's licences? As Mr. Spray said, it is their only means of transportation. Automobiles and snowmobiles are the only two means of transportation in my community and I would certainly never request that they be exempt from any sections of the *Motor Vehicles Ordinance*. Everyone else has to abide by them, so should they.

I just think it's the most ridiculous amendment that has ever—, well, not the most, but one of the most ridiculous amendments that has come from the Government.

Mr. Chairman: Thank you, Mrs. Watson. We've had a full discussion of this particular topic and I'm going to ask if you want question called.

Mr. Fleming: Mr. Chairman, we haven't had a full discussion.

Mr. Chairman: Okay.

Hon. Mr. McKinnon: Mr. Chairman, I just keep hearing all the time from Members of this House, I can pick it out of the "Votes and Proceedings", how rigid, how inflexible this Government is, we've got to be able to have some maneuverability in the way that rules and regulations are applied, because there are different situations as they affect different people in different parts of the Yukon and when an Honourable Member representing a constituency that is rather unique in Yukon comes to this Government and says, "Look it, I've received representations from my people in Old Crow, from the Band Council there that they would like this because they're having lots of problems in meeting with the problem of snowmobiles in Old Crow because of the unique position", then this Government, as they would for any other member, take a look at the request that is made and try to be flexible enough to be able to get into the Legislation, those exemptions that are asked for by a member representing any of the constituencies throughout the Yukon.

It is upon the request of the Band Council, because the Band Council is extremely worried about what is happening in Old Crow with the running of snowmobiles in any way shape or form, at any time, through the evening, and they feel that they can do a better job than this Yukon Territorial Government sitting in Yukon can do, controlling the use of snowmobiles in the community that they know one heck of a lot better than any of us sitting here.

So, in an attempt to reply, to be able to be flexible in legislation, to be able to respond to the needs of a Band Council and a member representing the Indian people in Old Crow, we came up with this type of amendment to allow the Band Council, upon their request, and seeing and knowing the problems that they are having and feeling that they know the local situation better than we do, it was our attempt to say, right, if you guys want to handle what is a local problem that we know that you're having all kinds of a tough time with, then, if you request it from us and upon the request of the member who represents you, then we're willing to be flexible enough in this legislation to allow you to do that.

And if that's too big a request, now, if we're going to become so homogenous and so rigid that we can't make exceptions in different areas of the Yukon then, goodness gracious, we'd

become just like any other jurisdiction anywhere else in the country and that's the one novel and unique thing that at least members of this legislature had and were able to move in.

Mr. Chairman: if there were exceptions in other areas, asked for by other particular members because of unique situations there, I'm positive that this Government would give them exactly the same consideration as they gave to the Honourable Member from Ogilvie and that they would give to any of the other areas in the Yukon, on the request by Honourable Members, Mr. Chairman.

Mr. Chairman: Yes, Mr. Lengerke?

Mr. Lengerke: Mr. Chairman, my position was somewhat different. I really didn't get an answer to it. I was concerned that by giving the exemption that if we were going far enough, and I want to know, if somebody can tell me, if the request from Old Crow and by the Member, if it asked for the exemption strictly in the settlement, because this poses a bit of a difficulty. I would suggest that you take in the settlement and strike it right off.

Hon. Mr. McKinnon: Mr. Chairman, they do run on the Dempster Highway, and the people of Old Crow know that they have to be fully licenced, insured when they are running their traplines off the Dempster Highway. They perfectly know that the rules and regulations of this government will apply on a Yukon highway.

It was within the settlement where they thought that they could do—and I have been in Old Crow in the winter and I don't know how many people have been in the middle of winter. We are not doing and the RCMP isn't doing and nobody is doing anything about the problem of snowmobiles in the village of Old Crow in the middle of winter.

Here is the band council, it says look, we can do something, it is a local problem that we want to handle. Now will you give us the ability under legislation to be able to handle it? We say good idea, it is obvious we are not controlling the problem you go ahead and try it and let us know if you are successful and maybe the other communities can come and ask for the same exemption knowing that you have been successful or not. Even if you are not, at least you have tried and at least nothing has been lost because I am telling you, you are taking your life in your hands when you walk along the Porcupine River in the dark in Old Crow on a winter evening right now, Mr. Chairman.

Mr. Chairman: This Committee will now recess until 1:30.
Recess

Mr. Chairman: I call the Committee to order.

We were discussing subsection 61. (1), and I think the discussion was completed.

Yes, Mr. Fleming.

Mr. Fleming: Yes, Mr. Chairman, as far as I was concerned, the discussion was not completed. I had a few words I would like to say.

Mr. Chairman: Okay, Mr. Fleming, you are recognized.

Mr. Fleming: In regards to what the Minister of Local Government was saying about this amendment, I have to agree on many of those points, however, in a case such as this, where we are, if this amendment goes through, exempting people from something that is a necessity in their life, which is PL and PD on vehicles, for instance, whereas one of those people could kill a child or something in that area, with no insurance and no licence on that vehicle, there is no protection for themselves.

Mr. Chairman: I can't go along with it in no way, shape, or form, because there is no way that I think this is really doing something for the people. I realize that these people have

asked for it, in this sense, and I realize that the Member, also, who is not here today and I wish she was to give us a little more information on this, probably felt, in this case, that this type of an amendment be all right. But, you know, in this case, we are actually putting people in jeopardy instead of protecting these people. For the lack of a few dollars, somehow or other, I presume this is part of the problem, this could have been settled. It is now the right in the L.I.D.'s and the municipalities to control the vehicles, such as snowmobiles, we have that right to control them, not in licencing area, which is everybody should be licenced, but in the area of how they operate in town. That could have been given, quite easily, to Old Crow. In fact, I don't think they had to come here to get it. They can do it themselves on the reserve. However, it could have been given to them without going to the extent of exempting some people from licencing, which, as I say, putting them in more jeopardy than they would have been.

I can't go along with that amendment in any way, shape or form.

Hon. Mr. McKinnon: Yes, Mr. Chairman. Presently, if you are off-highway, you do not need a licence. You do not need PL & PD and you do not need age considering operation. Because of the Old Crow situation, because of the broad definition of the *Highways Ordinance* that trail in Old Crow is considered to be a highway under the definition of our Ordinance.

The Honourable Member from Ogilvie, with the involvement of the Old Crow band have said that they felt that they did not want that area to be included as a highway under the present *Motor Vehicles Ordinance* because they fully realize that if they are on the Dempster or if they are on any of the other areas which are recognized as bona fide highways in the Territory, then all the rules and regulations must apply.

Mr. Chairman: I dare say at the present time, that the law in most of the areas concerning age of operation, licencing and insurance, are not being met by the snowmobiles which are presently being used in the village and the settlement of Old Crow.

What we are saying is, with the advice of the Honourable Member from Ogilvie, and with the Band Council involvement and the Band Council consideration, that they feel that through the method of knowing the people, the moral suasion they have of a close knit band of people living in the Old Crow area, that they can set up a set of rules and regulations and say, "These are the rules and regulations that are going to be followed which are sensible to control the use of snowmobiles in Old Crow."

They are using the hammer of us, for a change, and if you don't abide by the rules and regulations that we set up as a Band Council in Old Crow, then we are just going to have to tell the Territorial Government that we can't obey the rules and regulations which we have set up by ourselves through the band office and unfortunately, the provisions of the exemptions which they provided for us under Ordinance, cannot be met and we are going to have to ask them to remove those exemptions and of course, we will say that we just haven't been able to handle our own problem in our own way and that all the rules and regulations of the Territorial Government must apply for snowmobiles running in Old Crow.

Mr. Chairman: I say that that seems to be an extremely sensible approach to me, and one that I hope that we follow in all areas, regardless of whether it's land sales. When the Honourable Member says look it, in Watson Lake the land sale is crummy procedure, though the apples in Whitehorse it doesn't apply here, and I say great, you guys know what's better for you. You go ahead and do it and he comes back and says, we did it wonderfully. Everybody was happy and things worked out because you were able to be flexible enough to change the rules and regulations to provide for a specific

instance in our community.

That's exactly what we're trying to do in this instance and I would only hope that Honourable Members would at least let the people of Old Crow take the initiative and at least see whether they can solve a very serious problem, which is prevalent and obvious in the village and settlement of Old Crow today.

That's all we're saying and we've gone to the point in this Legislature where we can't do these things any longer, then I feel sorry for all of us and for the people of the Yukon and this Legislative Assembly, Mr. Chairman.

Mr. Chairman: Yes, Mr. Fleming.

Mr. Fleming: Mr. Chairman, I'm saying that we didn't go to that point. This Government didn't go to that point. They could have gone to that point by letting them control the vehicles, but they didn't go to that point and this is not a situation that has anything to do with a land situation, this is people's lives we're dealing with.

I would ask, at this time, Mr. Chairman, the Legal Advisor to give me the facts of what would happen if I was in Old Crow driving a snowmobile, that possibly had PL & PD on it and licenced, because I'm not a resident, and a resident of Old Crow ran into that snowmobile and I had a child on the back and he was killed in that snowmobile due to the other fellow that didn't have any licence, or any insurance, who is going to be responsible and who will pay the bill?

Mr. Cosman: If I may, Mr. Chairman, liability would attach to either or both of the parties in their degree of fault and negligence, as determined in a court of law. It would have nothing to do with whether one was licenced or not, even if a party that ought to have been licenced did not have a licence, his machine was required to have a tail light and it did not have a tail light, other sections of the Ordinance were not followed, still the financial responsibility and the legal responsibility under the penal sections of the Ordinance, would still apply to either or both of those parties, as their degree of fault or negligence appeared to the court.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, I don't agree at all with the remarks of the Minister of Local Government. He is skirting the issue, he is skirting the amendment as it is before us.

The jurisdiction over the control of the use of snowmobiles in the Village of Old Crow can be exercised by the Band Council, regardless of whether the *Motor Vehicles Ordinance* applies to them. I think this is what the Honourable Member from Hootalinqua is meaning. If they have to have an operator's licence, if they have to have financial responsibilities for their vehicles, the Old Crow Band Council and the settlement can still control when and what hours of the day or night and how they operate their snowmobiles.

It is absolutely ridiculous to say that it is necessary to bring this Section in to exempt them from the requirement for licensing so that they can control it. It is absolutely ridiculous and I cannot support or even believe, or begin to swallow the comments that the Minister of Local Government has been making. Let's face it, this is discretionary, discriminatory Legislation. I just don't think that we should start going into this type of legislation on the basic things in the Territory, such as an operator's licence for a vehicle or the financial responsibility for a vehicle.

The municipalities have the authority for by-laws, L.I.D.s have authority for by-laws regarding the use of snowmobiles within their various jurisdictions, the Band Councils could easily, I am sure, have that type of authority. That is all they would need in order to control the type of problem that they are having. Old Crow is not unique in the fact that they have

problems in their community with snowmobiles, not at all unique. Every community has problems where people are up in arms about it.

Mr. Chairman, I was just trying to recall another argument that I had.

Mr. Chairman: Thank you, Mrs. Watson.

Mrs. Watson: Mr. Chairman, one more point: I don't agree with the Honourable Minister when he says highways under the *Highways Ordinance*. We have a definition for highways under the *Motor Vehicles Ordinance* and it does apply in the settlement because there are trails. It would apply. What are we saying that it doesn't apply, that you don't have to have an operator's licence in the settlement of Old Crow? But if you take that snowmobile out of the community, out of the settlement of Old Crow, you have to have an operator's licence. That's absolutely ridiculous. They could say we are just going to drive it in Old Crow and then they are going to take it out of the settlement onto the Dempster. It is just not being realistic. You are not addressing the problem whatsoever.

Hon. Mrs. Whyard: Mr. Chairman, could I ask once more for a final interpretation of the meaning of this amendment?

Mr. Cosman: If I may, Mr. Chairman?

Mr. Chairman: Yes, Mr. Cosman.

Mr. Cosman: The provision does exactly as both members conceive that it does. It exempts the provisions of the *Motor Vehicles Ordinance*, with respect to Parts I, II and IV, I believe they deal with operator's licences, registration of the vehicle and financial responsibility, insurance and that sort of thing, with respect to snowmobiles in whatever is conceived to be the settlement of Old Crow. That would be the perimeter of the residential area of Old Crow, I would take it.

The settlement, probably now, has power to enforce or to make their own regulations, but this does exempt the Yukon Government control in regulations in those areas.

That's the clear meaning of this, as I see it.

Mr. Chairman: Mr. Berger.

Mr. Berger: Yes, Mr. Chairman, I say exactly what I said before. I was talking about exempting in fuel tax, because I cannot see how we can go away from regulation. If we're going to help them financially, exempt them from fuel tax.

If you're going to help them with the traffic problem they have, we're not doing them a favour by taking away the Ordinance away from them. We can put them in the definitions section and say, Old Crow is a special case. We appoint as an officer, also is meant a Band Council member.

I think this would be just as simple as that. I mean, give them the power to enforce those things, instead of relying on the RCMP. Make the Band Council responsible for this.

Mr. Chairman: Mr. Fleming.

Mr. Fleming: Yes, Mr. Chairman, I wouldn't do this. I wasn't going to, if you thought I was, I think I will. I want just one more word that is dealing with this Ordinance, although it may not pertain directly to this Ordinance, that I am going to be very blunt and say that if this had been before this House when we were sitting here before, that there would have been a different reaction from many of the Members in this House to this amendment.

I think they can all read behind the scenes and know exactly what I am saying, because I can see across the floor. That line has been drawn and I am quite willing to be on this side.

Mr. Chairman: Are you ready for the question? You're not ready for the question?

Hon. Mrs. Whyard: No, I'm not ready for the question,

Mr. Chairman, because I am trying to visualize the application of this amendment and I'm not sure that it does what the Honourable Member asked for. I am not convinced that this is giving the Band Council control that they asked for.

That's why I keep asking for an explanation. I don't see what it's going to do to assist them. Maybe I should ask the Band Council. Maybe that's my only source of information. How are they going to control the situation.

My information, which I received at noon hour, from some of the people to whom this request was made, was that there is all hell going on up there in that settlement, with under age kids roaring around in the community on skidoos and snowmobiles and that there has to be some kind of control and I cannot see that this is what they need to give them that control.

I need some direction on this, Mr. Chairman, I really do, in all honesty.

Mr. Spray: Mr. Chairman, at this point, if they are having problems with skidoos in Old Crow, the Band Council could request through the Government that the RCMP rigidly enforce the provisions of the *Motor Vehicles Ordinance* which would simply mean that every skidoo, no matter for what purpose it is being used, would have to be licenced and insured, because virtually all of the settlement of Old Crow is one highway from what I can gather. Every trail that the skidoos use between the houses and everything else, is a highway.

What the Band Council can now do with this amendment is say to the people of Old Crow, "The following guidelines would be implemented for the operation of skidoos in Old Crow. If you are willing to live by these guidelines, we will ask for exemption so that you need not all licence your skidoos and that all of your under 16 year old children would be forbidden to ride on these skidoos. If you don't adhere to these guidelines, then we will have the Ordinance put back in place for skidoos in Old Crow and you will have to live by the laws which is going to be a hardship on the people of Old Crow."

Because under the present Ordinance, if you are not 16 years of age, you may not drive a skidoo on a highway without an operator's licence, which virtually means that every child 15 years of age in Old Crow is not going to be able to operate the skidoo within the settlement, which I believe, from what I am told, would create a hardship on the people of Old Crow.

Mr. Chairman: Yes, Mrs. Watson?

Mrs. Watson: Mr. Chairman, it may be more helpful, but it certainly doesn't seal the case. In fact it does more in the opposite. If the City of Whitehorse came to the Territorial Government and said we are having problems with skidoos or the Municipality of Dawson and saying we will go to the Territorial Government and if we get them to exempt skidoo operators from having to licence their vehicles and have an operator's licence, will you abide by the rules and regulations we set for the operation of those skidoos? That is exactly the same thing. That isn't the type of thing that is required at all.

Surely to goodness, the Band Council doesn't have to get a concession in taxation or licencing from the Territorial Government to convince the people that they have to have some type of regulations or that they have to use their skidoos under some type of rules. That isn't going to help the situation one iota. It may help it for a month or two when they don't have to pick up their licence, but they are going to take it for granted, and the next year they are going to have the same problem. So that to me is absolutely ridiculous and I would certainly oppose it now.

Mr. Chairman: Yes, Mr. Lang?

Hon. Mr. Lang: Mr. Chairman, further into the discussion here, I would like to go back to the concept of insurance, and be

a civil suit because there is no insurance to automatically compensate that child, but he still has a right under civil action to get compensation.

Mr. Chairman: Mr. Berger.

Mr. Berger: Yes, Mr. Chairman. I can see there's nothing but complications going to arise out of this and as I suggested already, I would like to suggest to the Government side to take this amendment back to them and take a good long hard look at this thing and maybe come up with what some Members want in this House.

Mr. Chairman: Yes, Mr. Fleming.

Mr. Fleming: Yes, Mr. Chairman, I don't think that anybody, really, is too sure what this amendment really is, but the fact remains that if a person does not have insurance and he is to blame and if there is two of them and a case where I say that one had, the other one didn't, sure, the chap that has it, his will look after that issue, no matter, really, who's to blame.

But if the both of them run into each other and there's somebody hurt, and it will happen, I can tell you have an incident where a chap has his arms up here down because he ran into a telephone pole with his skidoo. There is no problem, you know, in my mind as to what can happen with skidoos. I've seen a doorway of a home go straight through into the living room with a skidoo. And there's things like this happen.

Now, if nobody has any insurance, sure, it can be a civil case, but one person that is killed or even hurt can cost the other person who will finally be found at fault, thousands of dollars to pay that bill if he has no insurance. That's why we have PL&PD, and I'm not an insurance lover nor a lover of insurance companies, but I'm certainly here to pass legislation in this House that protects people, and all people, equally and I can no way go along with an exemption, even though I sympathize with the problems in Old Crow. I would like to see the Government, as the Member from Dawson has said, take it back, take a good look at it, come up with something such as you did with the municipalities and L.I.D.'s. They can control their skidoos, but not control the licensing, or the insurance.

Mr. Chairman: Yes, Mrs. Whyard.

Hon. Mrs. Whyard: Mr. Chairman, I think I'm getting your message here and I am very sorry, indeed, that the member who requested this special section is not here to speak to it, and, in her absence, I am unable to support it any longer without further justification.

If it's the wish of Committee that we withdraw it, that's fine with me.

Mr. Chairman: Mrs. Whyard, I would suggest that the sponsor of this amendment withdraw the amendment, completely.

Yes, Mr. Berger.

Mr. Berger: Mr. Chairman, I wouldn't like to see it withdrawn. I would like to see it amended so it can be a useful, functional item. I would like to see it come back in this House again, where you empower the Band Council in Old Crow to do their own policing and make their own by-laws up there. This is what I would like to see done with this amendment.

I wouldn't like, to see it withdrawn altogether.

Hon. Mr. Taylor: Just for a point of clarification, Mr. Chairman. The sponsor of the amendment is F. Whyard and that would be the person, the proper person to have it withdrawn.

Mr. Chairman: Is the Minister prepared to withdraw the amendment?

Hon. Mrs. Whyard: Mr. Chairman, I think what I'm trying to do is rewrite it in a form which will be acceptable to

members of this Committee, and I'm afraid that means that we have to delay this part of the Bill and I do not like holding up the whole *Motor Vehicles Ordinance* for one proposed amendment.

That's my dilemma. I would appreciate some advice.

Mr. Chairman: What is the wish of the Committee?

Mrs. Watson?

Mrs. Watson: Mr. Chairman, under the *Motor Vehicles Ordinance* as it is written now, the Commissioner does have the power to appoint someone other than public servants or RCMP to enforce various provisions of this piece of Legislation. As the member from Klondike stated, that he wanted some vehicle brought back in the amendment so that the Old Crow people would have some control over the policing of the use of snowmobiles, certainly that would be one means of approaching it, would be having the Commissioner appoint, on the recommendation of the Band Council, someone who would provide for the enforcement of the legislation within the community. So the legal authority is already in place within the legislation.

Hon. Mr. McKinnon: This doesn't get over the totally unique problem that Old Crow faces. There are many snowmobiles that maybe go down from one end of the town to the other end of the town to the airport once a week when a plane comes in. All of the other times, they are used solely for trapping and for hunting purposes. But, because of the provisions of the *Motor Vehicles Ordinance* for that one trip a week, done in a responsible manner, the person has to be fully licensed, PL & PD and all of the terms and conditions under the *Motor Vehicles Ordinance*. He goes down to pick up one package a week when the sched comes in. All of the other times, that machine is used exclusively for a subsistence or a traditional method of existence through hunting and through trapping.

Now should the person who acts and behaves responsibly in this manner be culpable if the RCMP happen not to like him or happens to see him, or happens to decide that it is his week for enforcing the full terms of the *Motor Vehicles Ordinance* upon that skidoo, yet under the terms of the Ordinance, that is perfectly legitimate. Is it justice?

What we are saying is that we are trying to take a unique situation and find rules and regulations that are acceptable, that are going to be acceptable by the people of the community and that they will be enforceable, which they are not now, because the people of the community, neither do they understand them or neither do they think that they are perfectly legitimate in a unique situation. So I say that we have a responsibility to try and meet the uniqueness of this Old Crow situation. We have tried to do it through the terms of this Ordinance, perhaps there are other better methods of doing it. Certainly we would appreciate suggestions of the Honourable Members as to how this is done.

I don't think that we want to throw the baby out with the bath water in this instance. I think we are all agreed that this should be flexible enough that we can do these types of things which are sensible and will have the approbation, and because they do, they will have the understanding and the enforcing ability of the people of Old Crow.

How we find that area that we can arrive at which will answer all the questions and yet fit the uniqueness of the Old Crow situation at this moment, I haven't heard any suggestions, other than the one which we have offered which is our attempt to handle it, from the Honourable Members. There are very distinct and unique problems in the Old Crow area in dealing with snowmobiles.

Mr. Chairman: It is my decision that this debate has gone far enough. We have exhausted the subject almost completely

and it is my decision we stand this over and expect to hear something from the government in due course.

Hon. Mrs. Whyard: That was the final amendment in that part.

Mr. Chairman: Right. We are now going on to Part IV, Section 67 at page 36.

On Clause 67

Mr. Fleming: This, now, 67, is it that we're dealing with. It was 66, that was completely passed, because I just have a notation here to reconsider.

Mr. Chairman: This is 67.1(1), which is a section to be inserted between 67 and 68.

Mr. Fleming: So, Mr. Chairman, there are no amendments to 66, at all then?

Mr. Chairman: Clause 66 No, there are no amendments to 66.

Moved by F. Whyard, seconded by D. Lang, that Bill Number 1, entitled *Motor Vehicles Ordinance* be amended as follows: In Part IV at page 36, by adding immediately after Section 67 thereof the following:

67.1(1) Subject to Section 67.2 and 67.3, where bodily injury to or death of any person or damage to property results from an accident in which a motor vehicle is in any manner directly or indirectly involved, any officer at the scene of the accident, or who arrives thereat while any or all of the motor vehicles so involved in the accident are still at the scene thereof, shall impound each motor vehicle so involved and require it to be taken:

(a) if repairs are necessary and immediately desired by the owner, to such repair shop or garage as the owner may select, for the purpose of having it repaired, or

(b) if repairs are not necessary or not immediately desired by the owner, to such garage or storage place as the owner may select, unless otherwise required by the officer, in which case the officer may direct it to be taken to a garage or storage place maintained by any police force or other public authority, if such is available, and otherwise to privately maintained garage or storage place designated by the officer, there to be kept at the expense and risk of the owner of the motor vehicle.

(2) Where, pursuant to subsection 1, a motor vehicle has been taken to a repair shop, garage or storage place selected by the owner, an officer in a locality in which the repair shop, garage or storage place is situated, on receipt of a written application by the owner, may, at the cost of the applicant, have the motor vehicle transferred to such other repair shop, garage, or storage place as the applicant may select and may give all necessary directions to that end, and shall, in that case, give to the owner, operator, manager or other person in charge of the repair shop, garage or other storage place to which the motor vehicle is transferred, a notice as prescribed in subsection 6.

(3) Where any or all of the motor vehicles directly or indirectly involved in the accident are not impounded as provided in subsection 1, if the accident is reported to or otherwise comes to the attention of an officer, he shall, subject to subsection 8 and to Section 67.1 and 67.3, impound each motor vehicle so involved and the officer impounding the motor vehicle shall require it to be disposed of as provided in subsection 1.

(4) All costs and charges for the retrieval, care or storage of a motor vehicle impounded under this section are a lien thereon in the favour of the keeper of the repair shop, garage or storage place and may be recovered by him under the provisions of the *Garage Keepers' Lien Ordinance* as though the costs and charges were a lien under that Ordinance.

(5) Where a motor vehicle is impounded under this section, the officer who impounds it shall, directly or through his superior,

officer, if any, forthwith notify the Registrar of such impoundment in writing on the prescribed form.

(6) Where a motor vehicle impounded under this section is placed in a repair shop, garage or storage place, the officer impounding the same shall notify in writing, on the prescribed form, the owner, operator, manager or other person in charge of the repair shop, garage or storage place that the motor vehicle is impounded and, subject to subsection (3), must not be removed or permitted to be removed or released from impoundment except upon the written order of the Commissioner.

(7) Subject to subsection (2), no person shall remove, or permit to be removed, from the place of impoundment or release from impoundment any motor vehicle impounded under this section except upon the written order of the Commissioner.

(8) This section shall not apply to authorize or permit the impounding of a motor vehicle that is the property of Her Majesty.

Any discussion? Mr. Berger?

Mr. Berger: Yes, Mr. Chairman, subsection (8) kind of puzzles me. A government vehicle, be it the Territorial Government or Federal Government vehicle, was involved in a serious car accident where a person was killed, why should not this vehicle be impounded?

Mr. Spray: Mr. Chairman, this section refers to uninsured motor vehicles. I believe the next section, 67.2 will explain it.

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

Mr. Fleming: I think there are more amendments to this section to clarify some of the foregoing before we should get into the other one.

Mr. Chairman: I think we will go on with the next amendment and consider all the amendments together. I just thought I would read that first in case there was discussion arising out of it.

Moved by F. Whyard, seconded by D. Lang, that Bill Number 1, entitled *Motor Vehicles Ordinance* be amended as follows: In Part IV at page 36, by adding immediately after Section 67.1 thereof the following: 67.2(1) If the driver, owner or other person in charge of a motor vehicle that is in any manner directly or indirectly involved in an accident produces to an officer seeking to impound the motor vehicle pursuant to Section 67.1, a motor vehicle liability insurance card issued in respect of such motor vehicle and in full force at the time of such accident, the officer shall not impound the motor vehicle unless it is required to be impounded by some other provision of this or any other Ordinance, or unless it is required by the Crown as evidence in the prosecution of a criminal offence.

There is another amendment 67.3(1).

Moved by F. Whyard, seconded by D. Lang, that Bill Number 1, entitled *Motor Vehicles Ordinance* be amended as follows: In Part IV at page 36, by adding immediately after section 67.2 thereof the following: 67.3(1) Where a motor vehicle has been impounded under Section 67.1 and (a) the Commissioner is satisfied that at the time of an accident the motor vehicle was a stolen motor vehicle, or (b) the only damage resulting from an accident is to the person or property of the driver, owner or other person in charge of the motor vehicle, or (c) the driver, owner, or other person in charge of the motor vehicle produces to an officer evidence that he is the holder of a motor vehicle liability insurance policy with liability coverage at least equivalent to that prescribed by Section 63 in respect of the motor vehicle that is in full force; the Commis-

sioner shall order the release of the motor vehicle from impoundment unless it is required to be impounded by some other provision of this or any other Ordinance, or unless it is required by the Crown as evidence in the prosecution of a criminal offence.

Moved by F. Whyard, seconded by D. Lang, that Bill Number 1, entitled *Motor Vehicles Ordinance*, be amended as follows: In Part IV at page 36, by adding immediately after Section 67.3 thereof the following:

67.4(1) Where the owner of a motor vehicle impounded pursuant to Section 67.1, gives security or proof of satisfaction of claims for damages satisfactory to the Commissioner, the Commissioner shall, on application by the owner, order the release of the motor vehicle from impoundment; but if the motor vehicle is not, and is not required to be, registered under this Ordinance, the Commissioner shall order the release thereof upon the owner giving such security or such proof of satisfaction of claims for damages as the Commissioner may require.

(2) Where a motor vehicle is impounded, pursuant to Section 67.1, and the owner fails to give the security or proof of satisfaction of claims for damages and proof of financial responsibility or security or proof of satisfaction of claims for damages and an undertaking as provided in subsection (1)

(a) if six months have elapsed since the date of the accident and no certificate of *lis pendens* in a form set out in subsection (4) or otherwise to the satisfaction of the Commissioner, has been filed with the Commissioner or

(b) if such certificate has been filed with the Commissioner and proof has been given to his satisfaction that

(i) the action against the owner of the motor vehicle has been decided in his favour and that no appeal against the judgement has been filed within the time fixed for the filing of such appeal;

(ii) that any judgement recovered against the owner has been satisfied or settled;

(iii) that the action has not been brought to trial within twelve months after it was begun, or;

(iv) that although judgement has been recovered against the owner and no appeal has been filed by him within the time fixed or any appeal by him has been dismissed, the motor vehicle has not, within three months from the date of the judgement or the date of dismissal of such appeal, been seized under an execution issued pursuant to the judgement;

the Commissioner shall order the release of the motor vehicle from impoundment.

(3) Where the Commissioner is satisfied by a certificate signed by a qualified mechanic or by such other written or documentary evidence as he deems sufficient, that a motor vehicle impounded pursuant to section 67.1 is so damaged that that it is impracticable to repair it so that it can be driven on a highway, he may order the release of the motor vehicle from impoundment.

(4) The certificate of *lis pendens* shall, on request therefor and payment of the proper fee, be issued by the clerk of the court in which an action is commenced claiming compensation for damages resulting from bodily injury to or the death of any person or damage in an amount exceeding one hundred dollars to property occasioned by or arising out of the ownership, maintenance, operation or use of a motor vehicle, and the certificate may be in the form following:

Certificate of Lis Pendens

I hereby certify that an action has been begun in this Court, in which action.....is plaintiff and.....is defendant.

and a claim is made for compensation for damages alleged to have occurred at or near..... in this Territory, on the... day of ... A.D. 19... in which accident it is alleged that there was (were) involved

(a) a motor vehicle alleged to be owned by..... and operated at the time of accident by....., the motor vehicle licence number being.....; and

(b) a motor vehicle alleged to be owned by..... and operated at the time of the accident by....., the motor vehicle licence number being.....

(NOTE: Strike out phrases in parentheses where not required or not applicable. Strike out (b) if only one motor vehicle involved. Add additional paragraphs if more than two motor vehicles involved. Give any further available description of the motor vehicle.)

Mr. Chairman: There is another page of Amendments.

Moved by F. Whyard, seconded by D. Lang, that Bill Number 1, entitled *Motor Vehicles Ordinance* be amended as follows: In Part IV at page 36, by adding immediately after Section 67.4 thereof the following:

67.5(1) In Sections 67.1 through 67.4, "owner" includes any person, firm or corporation that has sold a motor vehicle, under the terms of a conditional sale agreement, lien or note, upon which all or part of the purchase price remains unpaid, or to whom or to which a bill of sale by way of chattel mortgage thereon has been given in respect of which all or part of the money secured thereby remains unpaid, including the assignee of such vendor or mortgagee.

Hon. Mrs. Whyard: Thank you, Mr. Chairman. I must inform members of Committee that all these sections are in the present and existing Ordinance regarding impoundment of uninsured motor vehicles, and they simply were omitted by error when the Bill was finally typed for original presentation. They are sections that we would have read at some time or other anyway. They are not brought in as amendments, they are simply there because they should have been there in the beginning.

Mr. Chairman: Any discussion? Mr. Fleming?

Mr. Fleming: Mr. Chairman, it is all fairly clear until we get to the last in 67.5(1). I wonder if I could get a little clarification on "owner" includes any person, firm or corporation that has sold a motor vehicle, under the terms of a conditional sale agreement, lien". In this instance if I say bought a car tomorrow from Whitehorse Motors and I still owed so many dollars on it, if it was directly with them, not with another company, a loan shark or something, but directly with them, then they would be considered still the owners of that vehicle too and liable if I had an accident on the highway or something like that?

Mr. Cosman: If I may, Mr. Chairman, yes, they would still be considered the owners, but not necessarily with respect to liability. This is a difficult section or group of sections to explain, but the definition of "owner" here provides a safety measure for the Whitehorse Motors, for example, to still retain certain powers to ask the vehicle be released from impoundment or not to be released from impoundment. If they were not considered the owner, they might find themselves without security, even though there is still a substantial portion of the vehicle not damaged from the accident and so on.

Mr. Fleming: Supplementary then, Mr. Chairman. That is fine, I agree with that. I am wondering the case of where for instance two people sold each other a vehicle and then the other one is actually the owner. I am worrying about the other aspect of this section that could probably fall back and the onus would be on that person that sold the vehicle although he never had anything to do with the accident whatsoever.

Mr. Cosman: There is presently a definition of "owner". I believe in the general definition section of the Ordinance, and aside from liability that would attach to the owner, this simply adds a person who has a financial interest in that vehicle even though he is not the registered owner. He is now the finance company or the bank or Whitehorse Motors who still have some interest in that vehicle for the purposes of these impounding sections and so on. It has nothing to do with finding Whitehorse Motors responsible for \$100,000 damages because the driver of the vehicle hit a transport truck up on the highway or anything like that.

Mr. Chairman: Mr. Berger.

Mr. Berger: Mr. Chairman, 67.2(1), it specifically says that a vehicle can be impounded if it is required by the Crown as evidence. Does that also include a vehicle of the Crown?

Mr. Cosman: Mr. Chairman, if I may, I believe it is Section 67.1, which applies to the impounding of a motor vehicle, gives the power to impound a motor vehicle, and subsection 8 of that section exempts the impounding of a motor vehicle that is the property of Her Majesty. Therefore, the other sections would not apply, because there would be no impoundment under the other sections.

Mr. Berger: Mr. Chairman, Mr. Chairman, I find that kind of strange, because if there is a government vehicle involved, as I said before, and it's a real serious accident that could possibly be the fault of the government vehicle, it could possibly be the fault of the other vehicle. I don't think there should be an exemption made, until the Court decides who was at fault and I think both vehicles should be impounded, in that particular case.

Mr. Spray: Mr. Chairman, we are dealing here with uninsured motor vehicles. If a government vehicle, and I stand to be corrected on this, perhaps, were involved in an accident where criminal charges could be pending and the vehicle is required for evidence, the impoundment procedures would be under some other piece of legislation, be it the *Criminal Code* or otherwise, and the vehicle would still be impounded.

But, Government vehicles are insured through self insurance and that's really what we're dealing with here.

Mr. Chairman: Mr. Berger.

Mr. Berger: I realize this because in 62.2(1) we say if it is an insured vehicle it does not have to be impounded, unless it is wanted as evidence by a court. And this is why I'm saying, why should we make an exemption to a Government owned vehicle?

Mr. Chairman: Yes, Mr. Cosman.

Mr. Cosman: Yes, Mr. Chairman, my reading of 67.1 and 67.2 is that, under 67.1, certain vehicles may be impounded. One type or class of vehicle that is exempted from this section are those vehicles that are property of Her Majesty.

Now, 67.2 deals with an officer seeking to impound a motor vehicle, pursuant to Section 67.1, therefore, it's my opinion that 67.2 does not apply to Government owned vehicles, but that is not to say that they would not be subject to being impounded in a criminal procedure, where any other Ordinance or Act of Canada, such as the *Criminal Code* required that vehicle be impounded for purposes of evidence.

Mr. Chairman: Mr. Berger.

Mr. Berger: Mr. Chairman, I think we should make sure that a Government vehicle is not exempt under those sections we just discussed in here, because why should they be any different.

I mean, there's, say in some incidents on certain highways there's more government vehicles on the road than any other vehicles, and I think they should fall under the same rules and

regulations we set out for other people in this Territory.

Mr. Chairman: Mr. Cosman?

Mr. Cosman: Mr. Chairman, all these sections deal with vehicles that are not insured initially and so if we did have a situation where there was a government vehicle not insured, then an officer might attempt, under 67.1 to impound that vehicle, not for purposes of evidence, but for the fact that it was not insured. Then I believe the government vehicle would be exempted because of that subsection (8), but it is my understanding that all government vehicles are either insured through private, commercial firms or are self-insured and had certificates, correct me if I am wrong, to prove that they are insured. All these provisions are getting at is to make sure that something is kept to secure the costs of any damages. Albeit it would not be much security if you have a car that is almost totally written off, but the vehicle is to be impounded because it didn't have insurance so that if there are any physical disabilities, injuries, damage to property resulting, at least the person who is injured might have something to go against the other person's property. But in the case of government, you will always have the self-insurance concept of government to go after.

Mr. Chairman: Yes, Mr. Berger?

Mr. Berger: Mr. Chairman, the thing is as happened in the past where there were government vehicles involved in an accident, the people trying to sue the government had a heck of a time getting anything at all, period. I think all it takes in 67.2(1) is a simply sentence in there that vehicles owned by Her Majesty are not exempt from this section.

Mr. Chairman: Yes, Mr. Cosman?

Mr. Cosman: Might I suggest then that this might be accomplished by removing subsection (8) from 67.1, then you have the application of all these sections in any event to government vehicles, rather than writing back into 67.2, but 67.2 does apply to government vehicles. It is, in my mind, a clear cut distinction that either all this applies to government vehicles, or it doesn't. Remember we are dealing with uninsured motor vehicles, and as I understand it, all government vehicles are considered insured because the government itself is insuring, therefore, it doesn't apply to them anyway.

Mr. Chairman: Any further discussion?

Hon. Mr. McKinnon: Well, Mr. Chairman, I just can't agree with 67.2(1) if that government car is required by the Crown as evidence in the prosecution of a criminal offence, that it cannot be impounded. What prevents it from being impounded?

Mr. Cosman: It cannot be impounded pursuant to 67.1, pursuant to the section that we are dealing with in this Ordinance, but it certainly can be impounded pursuant to the *Criminal Code*, what have you, under any other Ordinance. So the exemption that is given in subsection (8) of 67.1 does not exempt it from criminal prosecution or holding for criminal—and so on.

Hon. Mr. McKinnon: But 67.1 eliminates all of those vehicles if they don't have proof of liability, they are impounded?

Mr. Cosman: That's right.

Hon. Mr. McKinnon: Okay, everybody knows that a government vehicle though does not have insurance per se, accepts the responsibility of being an insured vehicle. I have no problem with that section at all, they should be excluded because they are the same as an insured vehicle.

Mr. Cosman: Yes.

Hon. Mr. McKinnon: And 67.2, I thought the Honourable Member meant, if it was in an accident or as the result of something that happened because the driver was not operat-

ing in a proper manner, that if that government vehicle is needed for evidence in a criminal case, then it is impounded right there and now like any other vehicle. **Mr. Cosman:** That is right.

Hon. Mr. McKinnon: Fine, that's the way it should be.

Mr. Chairman: Yes, Mr. Fleming.

Mr. Fleming: Mr. Chairman, I still would like a little discussion on 67.5(1), because I go back to the definition of owner and owner is the person in whose name the motor vehicle or trailer is required to be registered under.

Now I find that we include owner and make the person, firm, corporation or person who sold the vehicle is also an owner and if we're going to have two owners, then I think we're going to have to have two registrations, aren't we?

Mr. Cosman: Mr. Chairman, if I may? Generally speaking, well, as far as I know, always, the person who purchases a car under conditional sales contracts, by lien or note or otherwise, who actually drives it away and uses it for his own purposes, is registered as the owner.

We are now including a class of persons who are not normally conceived of as the owner, that is, the finance company, in this section, because we're dealing with insurances, because we dealing with impounding the vehicle for purposes of securing costs for repairs and so on to that vehicle.

The insurance industry recognizes interests of ownership. They don't always recognize that one person is clear-cut the owner and the other person is not. Fire insurance, for example, where a house is mortgaged, will show coverage to those persons who have interest in that house. If you have an equity of \$10,000 in a \$50,000 home, you will receive \$10,000, or a portion thereof, for the fire, for the loss of your home. The mortgage company will receive the \$40,000 directly from the insurance company. They don't give you the \$50,000 and then you walk down to the mortgage company and pay it off.

So, in the insurance world, they recognize degrees of ownership. There is no one clear-cut person who is the owner, until all the ownership interest is in one person.

This contemplates persons having assignment, chattel mortgage, degrees of ownership.

Mr. Chairman: Mr. Fleming.

Mr. Fleming: Then, the Ordinance, you know, is too long to remember all these things, but is there no where in this Ordinance that says the owner of a vehicle that is going to operate the vehicle must have a licence and must have registration and all these other things? Is there not somewhere in this Ordinance where there might be a conflict in this case?

Mr. Cosman: No, it's for the purposes of these sections only, 67.1 through 67.4, that "owner" is also taken to include that finance company or Whitehorse Motors or the friend down the street who signed a \$2,000 note to enable a person to get his car. It's where that person has a financial interest, that's what's trying to be described here by words "mortgagee, vendor", "signee" and all that.

These sections, I understand, do exist in the existing *Motor Vehicles Ordinance*, and I'm attempting to defend them as best I can and explain them.

Mr. Chairman: Yes, Mr. Fleming.

Mr. Fleming: I think I understand. I just have a little problem because, you know, in some of the cases, where if repairs are necessary or immediately desired by the owner to such repair shop, or garage as the owner may select, and it goes on and on and on all the way through, and I just see the conflict here, you know, if there's two owners of anything that they're both absolutely owners in this sense, and, you know, the hassle going on here as going here and going there to what,

however, I'll accept that explanation.

Thank you.

Hon. Mrs. Whyard: Mr. Chairman, if I may sum up the discussion we have been having here: it is apparently clear, I think now, to all members that there is no intent in any of these sections to exempt a government owned vehicle if it is required as evidence following an accident. Is that the opinion of members?

Mr. Chairman: I have an amendment from Mr. Berger. Is this an actual amendment or a suggestion for an amendment?

Mr. Berger: I would move so, Mr. Chairman.

Mr. Chairman: Moved by Mr. Berger that Bill Number 1 be amended in clause 67.1(8), to delete 67.1(8). That is the section that says "this section shall not apply to authorize or permit the impounding of a motor vehicle that is the property of Her Majesty."

Yes, Mr. Berger?

Mr. Berger: Yes, Mr. Chairman, as the Honourable Minister of Highways and Pipelines and everything else explained to us, everybody knows that the Crown carries an insurance so I find Section 67.1(8) completely redundant. I mean it should not even be in this particular section. If everybody knows that the government carries an insurance, why put something like this in? It is just as simply as that.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, the government does not in fact carry insurance. They are self-insured and if you go to section 67.2 or 2(1) "an officer seeking to impound the motor vehicle, a motor vehicle liability insurance card issued in respect..." and so on, the government vehicle would not be able to produce an insurance liability card, the motor vehicle insurance liability card. They are not insured with a private insurance company, they are self-insured, that is the whole question.

Mr. Chairman: Yes, Mr. Cosman?

Mr. Cosman: If I may speak to that then, Mr. Chairman, private vehicles who insure by commercial companies would be issued a pink card or the financial responsibility card and would clearly and easily be able to show that they carried insurance on that vehicle and therefore the officer would not attempt to impound it. The government vehicle has, I believe, as Mrs. Watson quite rightly pointed out, very likely would not have a card which they could produce and show. This vehicle is self-insured, therefore the officer still might attempt to impound the vehicle because it did not have a card per se and therefore subsection (8) in 67.1 does serve that useful purpose of saying, "No, Mr. Officer, you cannot attempt to impound this vehicle."

Hon. Mrs. Whyard: Only on grounds of not being insured, but Mr. Chairman, we go on to the following sections to find that that government vehicle is not exempt from being impounded if it has been involved in an accident and is required as evidence when a criminal charge has been laid. That is the whole point. We are not exempting a government vehicle to get out of a criminal charge or to get out of using it as evidence in a criminal case. It is only an easement here because they do not require the same pink slip the rest of us carry around in our vehicles. There is no attempt being made there to subvert or go around the law. I am sure that the Honourable Member must realize it by now and I really don't see what the objection is to this section.

Mr. Chairman: Mr. Berger.

Mr. Berger: I think it's quite simple that you give a job to Mr. Commissioner to sit down and write out the regulation, which this administration is good for and known for, to make

out the little form that says the pink slip of the Yukon Territorial Government and every vehicle owned by the Yukon Territorial Government is bound by this to carry one in the car, like everybody else. It's just as simple as that. This subsection 8 can create nothing but hardship.

Hon. Mrs. Whyard: I'll ask one more question, please, Mr. Chairman. Could I be informed from our witnesses then, what effect this would have on vehicles owned by the federal government, and there are lots of them in this country?

Mr. Cosman: Mr. Chairman, if I may, our legislation and our exemptions would have no effect whatsoever on federal government vehicles, even though it's not specifically stating in subsection 8, Her Majesty in right of the Territory or in right of Canada, we are only legislating with respect to our own jurisdiction, and respecting vehicles registered in Yukon. Federal Government vehicles would not be included.

Mr. Chairman: Yes, Mr. Berger.

Mr. Berger: Mr. Chairman, I would like to point out that each Government car, at the moment, carries a registration card and they're usually fastened on the sun visor. Why couldn't this registration card be enlarged or include on there just a simple sentence, "This car is also self-insured through the Yukon Territorial Government"?

Mr. Chairman: We have this sub-amendment, moved by Mr. Berger, that Bill Number 1 be amended in Clause 67.1(8) to delete Clause 67.1(8).

Mr. McCall: I second that.

Mr. Chairman: It didn't require a seconder, but...

Sub-amendment defeated

Mr. Chairman: Shall Clauses 67, 67.2, 67.3, 67.4 and 67.5 carry?

Clauses agreed to

Mr. Chairman: Clause 69 on page 36. Moved by F. Whyard, seconded by D. Lang, that Bill Number 1, entitled *Motor Vehicles Ordinance*, be amended as follows: In section 69 at pages 36 and 37, be deleting subsection (1) and substituting therefor the following:

69.(1) Where the owner of a motor vehicle produces to the Registrar a certificate issued by the Superintendent of Insurance showing that

- (a) he maintains a separate insurance fund for the purpose of satisfying therefrom liabilities he may incur resulting from bodily injury to or the death of any person or damage to property occasioned by or arising out of the ownership, maintenance operation or use of the motor vehicle by him, and
- (b) in the opinion of the Superintendent the insurance fund is adequate to satisfy all liabilities that he is likely to incur, subject, in the case of each motor vehicle registered in his name to the limits as to the amount of accident insurance benefits specified in Part VI of the *Insurance Ordinance*, the Registrar shall issue and deliver to him a financial responsibility card and shall, on his request, issue and deliver to him a copy of the card issued to him for motor vehicle registered in his name.

On Clause 69

Mr. Chairman: In Section 69 at page 37, there is an additional amendment dealing with renumbering.

Moved by F. Whyard, seconded by D. Lang, that Bill Number 1, entitled *Motor Vehicles Ordinance* be amended as follows: In Section 69 at page 37, by deleting subsection (2) and renumbering subsections (3) and (4) as subsections (2) and (3) respectively. Is there any discussion? Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, 69.(1) is amended at the request of the House to allow an individual as well as a

corporation to self-insure, not self-destruct.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Yes, Mr. Chairman, I have a question that has been asked of me on many occasions and that is why the Yukon Government will not recognize people insured with ICBC. Would this now mean that anyone with insurance registered with ICBC that this would be recognized in the Yukon Territory as valid insurance on that vehicle?

Mr. Spray: Mr. Chairman, we do and have recognized ICBC as valid insurance. We never have turned down ICBC, it is ICBC themselves who may refuse to cover vehicles in the Yukon Territory. We have simply stipulated that if anyone is to insure with ICBC, they must show us proof that ICBC is extending coverage into the Yukon Territory. ICBC, if they are to continue extending coverage into the Yukon Territory, will have to licence under our *Insurance Ordinance* after March 1st, which is a decision which they have not yet made.

Hon. Mr. Taylor: I see.

Mr. Spray: If they comply with our legislation, then they are most certainly a valid insurance company.

Mr. Chairman: Mr. Berger?

Mr. Berger: Mr. Chairman, here is the answer to the argument we had before. "The Registrar shall issue and deliver to him a financial responsibility card." This applies to the government too, I don't see any exemption under here.

Mr. Chairman: Any further discussion, Mr. McCall?

Mr. McCall: Well this is just showing Mr. Chairman, the obvious oversight of our Executive Committee members. First they knock down his sub-amendment and now they are making everybody look hypocritical. Typical.

Mr. Chairman: Yes, Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, just for fun, could I ask the Registrar what we are going to charge the ICBC as a fee for being registered in the Yukon?

Mr. Spray: Approximately \$250, Mr. Chairman. I might point out, Mr. Chairman, under Section 69 that in order to obtain proof of financial responsibility card from the Superintendent of Insurance, the government would have to satisfy that they maintain a separate fund covering the insurance for the liability of their vehicles, and I am not sure that this government maintains a separate insurance fund.

Mrs. Watson: Yes we do. We vote money every year.

Mr. Chairman: Mr. McCall?

Mr. McCall: Mr. Chairman, if that is true what the witness has said then I am a little disturbed, because if we don't have enough funds available to insure the vehicles on the road, they shouldn't be on the road, they should be impounded.

Mr. Chairman: Yes, Mr. Berger?

Mr. Berger: In answer to the Honourable Member from Pelly, you cannot impound an uninsured vehicle, because under subsection (8), you cannot impound the vehicle.

Mr. Chairman: Mr. McCall?

Mr. McCall: This is what I am afraid of, Mr. Chairman. Seemingly we are running around the mulberry bush here and the witnesses we have here are making it look more and more obvious that this piece of legislation that we have got is ridiculous as far as insurance on government vehicles.

Mr. Chairman: Yes, Mrs. Watson?

Mrs. Watson: Mr. Chairman, how would it? All jocularity aside, how would this apply to the Government of the Territory? Where are the exceptions that the Government of the Territory vehicles or the Government of Canada don't have to have the insurance?

Mr. Spray: Mr. Chairman, I can most certainly answer with respect to the Government of Canada, because they are, in my understanding, subject only to such legislation of the Territory as they chose to be subject. I believe that's correct.

The Government of the Yukon Territory is self-insured inasmuch as they may not maintain a separate fund. They may vote a separate amount of money, but, according to the Ordinance, they may not specifically comply with this Ordinance, because, if I'm not mistaken, there is only one fund in the Yukon and that's the Yukon Consolidated Revenue Fund. All monies are maintained in there.

There may be accounting ledgers that show a separate fund and the Government does maintain a certain amount of insurance. There is an insurance policy with this Government, that this Government maintains, with respect to third party liability. It's simply that the deductible, I think, is a \$1,000 deductible on that policy.

Mr. Chairman: Yes, Mrs. Watson.

Mrs. Watson: Mr. Chairman, we do have other funds. We have revolving funds for expenditure for equipment, capital fund for equipment, replacement of equipment for the Department of Highways. We have the Medicare fund, which, I believe, is a separate fund now.

I'm not advocating it, I'm just saying how do you, how does the YTG wiggle out of this one without specifically saying so?

Mr. Chairman: Mrs. Watson, that's an administrative decision by the Government.

Mr. Berger: Yes, Mr. Chairman, just a question to the witness, Mr. Spray. Does the Government comply with the *Motor Vehicle Ordinance* or the *Insurance Ordinance* where it says that the motor vehicle owner has to have a minimum of \$50,000 or \$75,000 liability on it? Or what insurance does the Government carry on each vehicle?

Hon. Mr. McKinnon: Mr. Chairman, I'm sure, in the budget, that you will not see a line item for a self-insurance scheme for Yukon Territorial Government vehicles. The whole concept of self-insurance is that you go over an actuarial period of time and see whether it is in your benefit, regardless of limits of insurance and regardless of suits against you, that, over a period of time, that it is more beneficial to the taxpayers not to take out private insurance policies because, over that period of time, there is a definite saving if, in the number of accidents and suits that are laid, the Government pays out that amount of money. That's the whole concept of self-insuring and there comes a point in time where Government becomes that big that it's a saving if they do not take out individual private insurance policies and I don't think that you will find a separate fund for self-insuring of this government and I don't think you'll find sections where the liabilities upon this Government are limited. As I understand it, it's dependent upon the court order against the Government, if that court order is served, this Government pays it.

Mr. Chairman: Yes, Mr. McCall.

Mr. McCall: Am I correct in hearing, Mr. Chairman, that the witness has said that the Government does not have to comply with the *Motor Vehicles Ordinance*? I'd like that question answered before I go further, Mr. Chairman.

Mr. Cosman: Yes, Mr. Chairman, I am not sure I caught the complete question, but I believe the situation is: does the *Motor Vehicles Ordinance* apply generally to YTG vehicles? At common law, an Ordinance of the Crown, an act of the Crown, does not bind the Crown unless it specifically states so. In some jurisdictions, there are proceedings against the Crown Ordinances or Acts which overrule that common law presumption. So, I was just looking through our *Interpretation Ordinance* to see if we had something of that nature. I don't

now of any proceedings against the Crown Ordinance. The effect would then be, as we have it now, that in a proceeding against the Crown, that under the *Motor Vehicles Ordinance* there could be no proceeding against the Crown, there could be no charge laid against the Crown.

Mr. McCall: Well, Mr. Chairman, this is ridiculous because if I am involved in an automobile accident and the onus is on the government because of the accident. I can't in essence, by law, according to this *Motor Vehicles Ordinance*, claim any damages against the government, which is totally absurd.

Mr. Cosman: Mr. Chairman, my experience in other jurisdictions is that this is fairly common that for example government might be responsible for non-feasance repair to highways. For example a hugh crater comes to be, by natural means, in the middle of a highway and a car plunges into the crater and loses its undercarriage, the government would be responsible, except for the common law rule that the Crown is not bound and owes no duty, this sort of thing. It is an area that I really don't think I should get into off the cuff here, as the Law Clerk, but that is just my first impression, that if nothing else is said, if there is no proceeding against the Crown Ordinance and there is nothing in the *Interpretation Ordinance* and nothing specifically stated in the *Motor Vehicles Ordinance* that this Ordinance applies to the Crown, then I think the Crown is off the hook. None of the Ordinance applies to it.

Mr. McCall: But Mr. Chairman, under 69.1, a person has to justify that they have separate insurance for any liability dealing bodily injury or damage to property, and I am left with the opinion that if a government vehicle travelling down the Alaska Highway loses its wheel and careens into my vehicle, and some of the occupants of that vehicle are killed, that I can't claim damages against the government, and I think that is totally absurd. I think it is ridiculous. That is not law.

Mr. Cosman: Mr. Chairman, if I may, let's distinguish that is not that the *Motor Vehicles Ordinance* itself does not apply to government vehicles in the sense of the way you can recover damages. You wouldn't be attempting to recover damages for the loss of your property or death or injury to your passengers under the *Motor Vehicles Ordinance*, you would be proceeding by private action, by civil action in a court of law against the party who injured you, and where there is no proceedings against the Crown concept or Ordinance, then at common law, it is my belief that you cannot proceed against the Crown. I would like to check that further if I may, Mr. Chairman, but that is my initial impression.

Mr. Chairman: I think, Mr. Cosman and Committee, that we're dealing in and delving into unproductive ground here because what we're talking about is the subject of another Ordinance altogether, which would be a proceeding against the Crown Ordinance. If the members wish to discuss that at some other time, it would be perfectly proper to do so.

But I think we should stick to the issue in hand and if there are any further discussion not involving the liability of the Crown, I would like to hear them.

Mr. Berger:

Mr. Berger: Mr. Chairman, with all due respect, we're talking about something that is very timely here, because we are finding out that this Ordinance does not apply to the Territorial Government and I think it doesn't matter which way it came up, through insurance or liability or anything like this. I mean, this is what the members are concerned with and I think now is the time to discuss this when we're on this subject.

Mr. Chairman: Well, at this time we're discussing this particular section and it has nothing to do with the proceedings against the Crown Ordinance and any further questions along those lines would be considered out of order.

Hon. Mr. McKinnon: But there is a method of proceeding against the Crown. We're in court all the time, for crying out loud. We're always losing.

Mr. Chairman: Yes, Mr. Fleming.

Mr. Fleming: Yes, I just have one question. Is the Yukon Territorial Government considered owner of a motor vehicle?

Mr. Cosman: Mr. Chairman, yes, our Registrar of Motor Vehicles so informs me.

Mr. Chairman: Yes, Mr. McCall.

Mr. McCall: We are dealing with 69.1?

Mr. Chairman: Yes.

Mr. McCall: Okay, I have some relevant questions dealing with subsection (b). It says "In the opinion of a Superintendent, insurance fund is adequate to satisfy all liabilities that he's likely to incur, subject, in the case of each motor vehicle registered in his name, to the limits of the amount of the accident insurance benefits specified in Part 6, I believe, of the *Insurance Ordinance*". I think Mr. Berger asked the question about the \$50,000 limit on liability and I believe one of the witnesses made reference to \$1,000.

Now, I would like to know, for clarification, Mr. Chairman, just how are we to govern with the motor vehicles legislation, when we have been advised by the witnesses that the Government really does not come under this motor vehicles legislation, yet everybody else in the Yukon does.

When one considers, Mr. Chairman, that the Government has approximately a little over 200 vehicles on the road, under motor vehicles legislation, I'd like to know just where does the Government of the Yukon fit into this Bill, when we make reference to "in the opinion of the Superintendent, the insurance fund is adequate to satisfy all liabilities that he's likely to incur". What are we making reference to if we're not making reference to the Government? Are we making reference to a private insurance company, Mr. Chairman, or are we making reference to an unknown body with unknown funds? I would like clarification on subsection (b).

Mr. Spray: Mr. Chairman, self insurance, as we may call it, or the establishment of a separate insurance fund is for a corporation or an individual to establish sufficient trust accounts, if you wish, to prove to us that he can satisfy all liable actions that may come against him, you know, up to the limits that are prescribed by the *Insurance Ordinance*. It does not apply to the Government and all we are doing in the *Motor Vehicles Ordinance* is stipulating that you must carry a set amount of public liability and property damage insurance. But we have not, you know, applied this Ordinance to the Government of the Yukon Territory.

There is one thing that should be noted, is that the drivers of Government vehicles are subject to the *Motor Vehicles Ordinance*. The Government of the Yukon, as an owner of the vehicle may not be subject to it, but those persons, those employees of the Government who are driving those vehicles are certainly subject to it.

Mr. Spray: It could be the subject of separate action.

Mr. McCall: Now, I think it starts getting a little confusing. If the operator of a government vehicle, Mr. Chairman, with all due respect, is governed by the motor vehicles legislation, and taking the understanding from the witness that the vehicle itself in question is not governed by the motor vehicles legislation, why then should any individual governed by the motor vehicles legislation be compelled, by law, to have adequate insurance if the government doesn't have it?

Mr. Chairman: I will declare a brief recess.

Recess

Mr. Chairman: Will the House come to order. We were,

dealing with the two amendments, 69.(1) and into subsection (2) and I think we have exhausted all of the debate. Everybody is getting up and saying the same things over again and we are getting involved in the liability of the Crown. I don't think we should get involved in that, but if you have something to bring up that we haven't discussed before Mr. Fleming, I would be pleased to hear it.

Mr. Fleming: Yes, Mr. Chairman, I have and we have not discussed it before, in fact it hasn't been mentioned. It is my objection to this. After having voted against exempting the residents in the settlement of Old Crow, who are poor people and who do need some help, a request that was put forward here in the amendment. Now, to vote for this amendment I would be a real hypocrite. Where the owner of a motor vehicle produces to the Registrar a certificate issued by the Superintendent of Insurance showing that he maintains a separate insurance fund, that is as far as I have to go. When I can see an individual just because he is rich and has a million dollars in the bank somewhere that can be exempt, even at his own expense possibly in time, if something happens to him, but nevertheless he can be exempt from going to the insurance company and buying insurance as I have to do, as poor people have to do because they haven't got a pile of money, a corporation or otherwise. I just back right down and that is the end of it. I don't have to read any further.

Mr. Chairman: Thank you, Mr. Fleming.

Shall the two amendments to 69 carry?

Amendments agreed to

On Clause 73

Mr. Chairman: We will now go to Clause 73 on page 42. There are three amendments to this and I propose to read the three and then we will discuss the three amendments.

Moved by F. Whyard, seconded by D. Lang, that Bill Number 1, entitled *Motor Vehicles Ordinance* be amended as follows: In subsection 73(1) at page 42, by deleting paragraph (c) and substituting therefor the following:

(c) fails to maintain his registered vehicle as an insured motor vehicle.

Moved by F. Whyard, seconded by D. Lang, that Bill Number 1, entitled *Motor Vehicles Ordinance* be amended as follows: In section 73 at page 42, by deleting subsection 2 and substituting therefor the following:

(2) a person who operates on a highway a motor vehicle that is not an insured motor vehicle is guilty of an offense.

Moved by F. Whyard, seconded by D. Lang, that Bill Number 1, entitled *Motor Vehicles Ordinance*, be amended as follows: In section 73 at page 42, by deleting subsection 3 and substituting therefor the following:

(3) an owner of a motor vehicle that is not an insured motor vehicle who permits any other person to operate that motor vehicle on a highway is guilty of an offense.

Is there any discussion? Yes, Mrs. Whyard.

Hon. Mrs. Whyard: I would just like to draw the attention of members to the fact that in the case of the first amendment, it was at the request of the House to require insurance on registered vehicles only.

The second, this was amended at the request of the House to comply, to apply to operating vehicles on only.

The third amendment is at the request of the House to apply to operating vehicles only.

Mr. Chairman: Yes, Mr. Fleming.

Mr. Fleming: Yes, Mr. Chairman, just a clarification on that, as I was the one to bring this up in the first place. "Fails to maintain his registered vehicle". Now, I'm understanding

that a registered vehicle, if it is registered, then it has to be licenced. It cannot be just a registered vehicle and it has to be licenced in that respect, and then it would be in use, in other words.

Mr. Spray: Yes, Mr. Chairman, a registered vehicle is a licenced vehicle.

Mr. Fleming: Right.

Mr. Chairman: Yes, Mr. Berger.

Mr. Berger: Yes, Mr. Chairman, just a question that could possibly happen when there's a person working for another person who has registration cards and everything else, but the fellow let his insurance lapse without the knowledge of the operator. Is this operator still liable?

Mr. Spray: Mr. Chairman, the owner of the registered vehicle who is not insured is liable and, under subsection 2, the person who operates a motor vehicle on a highway that is not an insured motor vehicle is also guilty of an offense.

Amendments agreed to

Part IV agreed to

Hon. Mrs. Whyard: Mr. Chairman, this is a typographical correction. It is such a minor thing.

Mr. Chairman: I think that will be satisfactory and I will now ask the question on Part V.

Part V agreed to

On Part VI

Hon. Mrs. Whyard: Mr. Chairman, we have two typographicals here, on subsections (4) to (7) and adding an 's' to the word "name" and I would ask Committee's concurrence to include those typographical corrections. There is no change in the content.

Mr. Chairman: Have the members had time to look at those changes and agree that they are just typographical errors?

Part VI agreed to

On Part VII

Part VII agreed to

Mr. Chairman: On Page 50, 92. Moved by F. Whyard, seconded by D. Lang, that Bill Number 1, entitled *Motor Vehicles Ordinance* be amended as follows: In Section 92 at page 50, by deleting subsection (1) and substituting therefor the following:

92.(1) Where a person is convicted of an offence under Sections 234 or 236 of the *Criminal Code* he shall forthwith deliver his operator's licence to the convicting judge, who shall forward the licence to the Registrar.

Moved by F. Whyard, seconded by D. Lang, that Bill Number 1, entitled *Motor Vehicles Ordinance* be amended as follows: In Section 92 at page 50 by deleting subsections (2) and (3) thereof.

Hon. Mrs. Whyard: Mr. Chairman, these subsections 92.(1) and 92.(3) are deleted from the Bill as they appear in the *Criminal Code* and therefore we are renumbering subsection 92.(2) and 92.(3).

Mr. Chairman: Any other discussion?

Amendments agreed to

Mr. Chairman: We will now turn to 96.

Mrs. Watson: May I just ask a general question: what are we using, terminology, financial responsibility card or liability insurance card?

I know there was an amendment at the beginning and I can't find it because in various sections of the Legislation, as we are going through, we are using both terms.

Mr. Spray: The definition on financial responsibility card and there is a definition for that term. However, we do use the term "liability insurance" in Part IV, Section 63, requiring that every person in respect to motor vehicles owned by him take out, and maintain in force, a policy of motor vehicle liability insurance.

Liability insurance is proved by financial responsibility card.

Mrs. Watson: But Mr. Chairman, you do refer to a liability insurance card in Amendment 67.2 (1) and I wondered whether it was just an error or whether there was—. Actually you mean a financial responsibility card, don't you?

Mr. Spray: Yes, Mr. Chairman.

Mrs. Watson: One other question: why do those sections which we have just gone through, must be an insured vehicle, why don't we say "has a financial responsibility card"? It is the same thing is it not? You are using the one terminology and then in that section, you are saying "must have an insured motor vehicle".

Mr. Spray: Mr. Chairman, without looking at the sections too closely, there is two different aspects of it. You must have obtained insurance and you must have the financial responsibility card. Your insurance may have lapsed. You may still be carrying a financial responsibility card but it is a requirement that you must maintain your registered vehicle as an insured vehicle. We are just ensuring that that is very specific, that carrying the card is not sufficient if your insurance has lapsed. It is an offense if you are not continuing to insure your registered motor vehicle.

The other point is very taken, in 67.2 (1), it should read "financial responsibility card".

Mrs. Watson: Okay, thank you.

Mr. Chairman: We will now proceed to subsection 96 on Page 52.

Moved by F. Whyard, seconded by D. Lang that Bill Number 1 entitled the *Motor Vehicles Ordinance* be amended as follows:

In subsection 96.4 at page 53, line 9 by adding immediately after the word "direct" the following words: "after he has made all reasonable efforts to determine the wishes or intentions of the registered owner as to the disposition of the vehicle."

Mr. Chairman: And a second amendment, moved by F. Whyard, seconded by D. Lang, that Bill Number 1, entitled *Motor Vehicles Ordinance* be amended as follows: In Section 96 at page 53 by adding immediately after subsection (7) the following subsection: (8) Where an officer has seized a vehicle under this section or Sections 95 or 96, he shall notify the Registrar of the description of the vehicle, the name and address of the registered owner and the place to which the vehicle has been removed for storage.

Any discussion on these amendments?

Hon. Mrs. Whyard: Mr. Chairman, the first amendment was at the request of the House to ensure that the registered owner of the vehicle has an opportunity to decide the disposal of the impounded vehicle; and in the second case, the amendment was at the request of the House and the Registrar of Motor Vehicles to ensure that the Registrar receives notification of the impoundment of the vehicle. It is just tightening up a couple of loopholes.

Mr. Chairman: Any discussion.

Amendments agreed to

Mr. Chairman: Mr. Fleming?

Mr. Fleming: I know you are going to 98.(1) which is the next amendment, is it not?

Mr. Chairman: Right.

Mr. Fleming: I am just wondering in 97.(1) I just had a little notation here, there was something brought up I think when it was read before that this is now in the *Criminal Code*, I think. I am just wondering is it still in this Ordinance today, 97.(1)?

Mr. Chairman: Subsection 98 on page 53. Moved by F. Whyard, seconded by D. Lang, that Bill Number 1, entitled *Motor Vehicles Ordinance* be amended as follows: In subsection 98.(1) at page 54, by relettering paragraphs (e) and (f) as (f) and (g) respectively, and by adding immediately after paragraph (d) the following new paragraph (e): (e) Section 63 relating to the requirements for motor vehicle liability insurance.

Any discussion?

Amendment agreed to

Mr. Chairman: Moved by F. Whyard, seconded by D. Lang, that Bill Number 1, entitled *Motor Vehicles Ordinance* be amended as follows: In Part VIII at page 54, by adding immediately after subsection 99.(5) thereof, the following subsection: (6) Notwithstanding this section, where a vehicle has been impounded for reasons of an offence under Section 63, the vehicle may not be released until the Registrar is satisfied that the owner has produced proof of financial responsibility equivalent to Section 63.

Any discussion?

Hon. Mrs. Whyard: Mr. Chairman, this amendment was required because the addition to Section 98 requires that we stipulate provisions for the release of the impounded vehicles. This makes it workable.

Mr. Chairman: Any discussion?

Amendment agreed to

Hon. Mrs. Whyard: That is the last amendment in that part.

Mr. Chairman: That concludes the amendments in Part VIII.

Part VIII agreed to

On Part IX

Mr. Chairman: Part IX, Section 102 at page 55. Moved by F. Whyard, seconded by D. Lang, that Bill Number 1, entitled *Motor Vehicles Ordinance* be amended as follows: In section 102 at page 55, by deleting subsection (2) and substituting therefor the following:

(2) The Commissioner may with respect to all or any part of a highway subject to his direction, control and management, prescribe different minimum speeds

(a) for daytime and nighttime,

(b) for different periods of the year, and

(c) for different traffic lanes on the same highway.

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

Mrs. Watson: ...maximum speed deleted from that--

Mr. Chairman: Pardon me?

Mrs. Watson: Why is the maximum speed deleted from that section and they're using minimum speeds now?

Mr. Chairman: I beg the indulgence of the Committee. There were two amendments to this section and one of them was misplaced, so, I'll read the other section. That will clarify the question that was asked.

Moved by F. Whyard, seconded by D. Lang, that Bill Number 1, entitled *Motor Vehicles Ordinance*, be amended as follows: In section 102 at page 55, by deleting subsection (1) and substituting therefor the following:

102.(1) Subject to the provisions of this Ordinance the Commissioner may, with respect to all or any part of a highway, prescribe maximum speed for daytime or nighttime, or both, in excess of the general maximum speed fixed by section 147 and may by order prescribe different maximum speeds for different classes of vehicles.

Hon. Mrs. Whyard: Mr. Chairman, both of these amendments were at the request of the House and the point at issue is not maximum or minimum, but the House had asked for clarification with respect to the terms highway, territorial highway, in each instance.

Mr. Chairman: Any further discussion.

Mrs. Watson.

Mrs. Watson: In 102.(1), you're not using terminology territorial highway, are you, just using highway. The amendment?

Mr. Chairman: Yes, Mrs. Watson.

Mrs. Watson: We're not using territorial highway, they're just using the term highway and are we using the term highway as defined under the *Motor Vehicles Ordinance* or are we now going to be using the term highway as defined under the *Highways Ordinance*.

Mr. Cosman: Mr. Chairman, if I may, in the absence of any reference to the definition of the word "highway" as used in the *Highways Ordinance*, we would be using the word as defined in this Ordinance, therefore it is highway as defined in our definition section.

Mr. Chairman: Yes, Mrs. Watson.

Mrs. Watson: Mr. Chairman, I can't really see the necessity for having this to cover all of the areas that are included as highways. I would see using this power for a highway under the *Highways Ordinance* in specific areas, but is there any requirement for that?

Mr. Chairman: Mr. Spray?

Mr. Spray: Mr. Chairman, the definitions of highway under the *Motor Vehicles Ordinance* and under the *Highways Ordinance* are slightly different. We have expanded the one under this Ordinance, and it covers more areas than the one under the definition of the *Highways Ordinance*. The *Highways Ordinance* has a reference to a territorial highway, which we had included in the Bill and which we have now deleted so we have general power over all highways, including territorial highways.

But it is necessary to use the definition in the *Motor Vehicles Ordinance* to be all encompassing.

Amendments agreed to

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, maybe I am wrong, now this is where we need 102.(1) and then we need 102 on page 55, are there both of them?

Mr. Chairman: Yes.

On Section 104

Mr. Chairman: Moved by F. Whyard, seconded by D. Lang, that Bill Number 1, entitled *Motor Vehicles Ordinance* be amended as follows: In paragraph 104.(1)(i) at page 57, by deleting the words "or the regulations" in line 31 thereof.

Hon. Mrs. Whyard: Mr. Chairman, that goes under the phrase and could be treated as typographical correction in the section having to do with regulations, therefore it includes regulations.

Mr. Chairman: Is there any discussion?

Amendment agreed to

Mr. Chairman: Moved by F. Whyard, seconded by D.

Lang, that Bill Number 1, entitled *Motor Vehicles Ordinance* be amended as follows: In Section 108 at page 60 by adding immediately after subsection (5), the following subsection: (6) For the purposes of this section, "municipality" shall include a local improvement district.

Hon. Mrs. Whyard: Mr. Chairman, this comes at the request of the House who wanted a reference to L.I.D.s included.

Mr. Chairman: Any discussion?

Amendment agreed to

Mr. Chairman: Yes, Mrs. Watson?

Mrs. Watson: What highways are subject to the direction and control and management of an L.I.D.?

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: I don't know, Mr. McKinnon?

Hon. Mr. McKinnon: Mr. Chairman, I know of none.

Mrs. Watson: Why add that L.I.D. then?

Hon. Mrs. Whyard: Because the House asked for it.

Mrs. Watson: If L.I.D.s don't have any highways subject to their direction, control and management, what is the use of it, why include that?

Mr. Chairman: Well, I can only conclude, Mrs. Watson, that this is an anticipatory clause, which anticipates that, in the future, L.I.D.'s will have certain highways within their boundaries that they will be responsible for the speed limits and so on, and I don't see anything wrong in including a section like this in anticipation of a change in just what the L.I.D.'s have control of.

Hon. Mrs. Whyard: The next is the same type of amendment.

Mrs. Watson: Mr. Chairman, with respect, then what highways, under the *Motor Vehicles Ordinance* are under the direction and control and management of a municipality.

Mr. Chairman: I believe, Mrs. Watson, that Section 110 would probably clarify the intention of the section we've just amended, if I could just go ahead with it.

Yes.

Mr. Fleming: I was waiting, just waiting until you did get to 110, because they don't actually clarify it. I think that it makes it a little bit more confusing because I'm considering a place, as an example, as Teslin, where the Alaska Highway, which is a highway, definitely the Highway runs right through the middle of the L.I.D. district and we're speaking of L.I.D.'s and municipalities and I'm wondering there if, and I think it is already in legislation, maybe not passed, but it's coming forth, that L.I.D.'s will be able to assert some of their authority and make by-laws concerning their signs and the speed limits and so forth and I'm just wondering in this respect how are they going to control that highway, that particular highway.

Mr. Chairman: Well, we'll go on to the next amendment, which is section 110.1, page 64. Moved by F. Whyard, seconded by D. Lang, that Bill Number 1, entitled *Motor Vehicles Ordinance* be amended as follows: in Part IX at page 64, by adding immediately after section 110 thereof the following section:

110.1(1) With respect to highways located within the boundaries of a local improvement district, the Board of Trustees may make by-laws, not inconsistent with this Ordinance, to control, regulate and prohibit motorcycles, mopeds, bicycles and snowmobiles, whether on or off a highway.

Any discussion?

Hon. Mrs. Whyard: Mr. Chairman, this is submitted at the request of the House and as required by amendments to the *L.I.D. Ordinance*, authorizing Boards of Trustees to enact

by-laws

Mr. Chairman: Any further discussion, Mr. Fleming.

Mr. Fleming: Yes, Mr. Chairman, that is right, however, as I say, I have the question as to just how are they going to control in, say, the area of Teslin, and I'd like to know, because I know that the L.I.D. wants to know.

The exact performance we're going to put on, say on the Alaska Highway, right here in this edge of town, we cut it off? Or at the other edge of town, do L.I.D.'s under, you know, if it's passed in the Ordinance, that they can have by-laws, are they going to be able to control that section of the Alaska Highway?

Hon. Mr. McKinnon: Mr. Chairman.

Mr. Chairman: Mr. McKinnon.

Hon. Mr. McKinnon: We are attempting to do one thing at the request of one or more of the L.I.D.'s, where they were having the problem that everyone of the communities is having with particular, with snowmobiles in the winter and, to a lesser extent, the motorcycles in the summer and section 110.1(1), is an attempt not to force into those areas of the L.I.D.'s which are a municipal type function or a Territorial function, but those ones right down to the nitty gritty, local level, motorcycles and skidoos within the streets, within the boundaries of the local improvement district, that they could make by-laws restricting the use of those types of vehicles within the highways, within the boundaries of the L.I.D.

I took it when we were thinking about the amendment to mean all of the highways within the boundaries of the L.I.D. and I would have to have a legal opinion as to whether the Alaska Highway did not apply because of its particular status. I took it to mean all of those roads within the boundaries of the L.I.D. because it would seem ridiculous if you came up to a certain point and all of a sudden the by-laws of the L.I.D. applied no longer.

Mr. Cosman: Mr. Chairman, if I may, the wording of subsection (1) of Section 110.1 certainly is wide enough to include the Alaska Highway in my opinion. Whether or not the Territory has jurisdiction to legislate with respect to the Alaska Highway, might be a matter of some debate. This certainly is an attempt to legislate with respect to certain types of vehicles on all highways located within the boundaries of a local improvement district which would include the Alaska Highway.

Mr. Chairman: A suggested amendment to this Bill from Mr. Berger: do you want this to be considered as an amendment? The sub-amendment proposed reads as follows: "proposed by A. Berger that Bill Number 1 be amended in Clause 110.1(1) as follows: After "districts", add "the settlement of Old Crow" and after "trustees", add "with respect of Old Crow, the Band Council".

Mr. Berger, would you like to speak to your sub-amendment?

Mr. Berger: Yes, Mr. Chairman, I think this is another way we could cover that part of the argument we had before. If we gave them the power to make their own regulations and their own by-laws with respect to this Ordinance, I think it would be much better than to try to handle it before exempting them from this Ordinance altogether.

Mr. Chairman: Any further discussion? Mrs. Whyard?

Hon. Mrs. Whyard: I would have to have that examined closely, I think, Mr. Chairman, to see how a band council could make by-laws. I know that the band council operates through resolutions of the band council for their own people, but by-laws are another thing in my humble opinion, and I don't know just how far you should go with this. I appreciate the member's attempt to assist us in our difficulty earlier today, but I would like to assure him that I think we have already found another way, which I can discuss with him later.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, I would hope before this is given final reading that it is very thoroughly checked out whether in fact the Territorial Government can delegate to an L.I.D. or municipality the authority for regulating on the Alaska Highway. I do not think the City of Whitehorse even has jurisdiction over the Alaska Highway. It is defined as a separate highway, they do not maintain it, I don't think they have jurisdiction over it and I would certainly like to see someone look into this before the Bill goes through so that if we do have to make adjustments we can make them.

Hon. Mr. McKinnon: Mr. Chairman, I think there would probably be a search of some magnitude, or at least I'm lead to believe that it probably would be, but does that really harm the effect of the Bill in an attempt to stop these yah-whos from racing around the houses in local improvement districts at all hours of the night, at four and five and motorcycles in the same way.

What we're looking at is some method whereas it's obvious from all the reports we get that it has not been successful in the L.I.D. under the present *Motor Vehicles Ordinance* of controlling that type of vehicular traffic in the local improvement district.

The municipalities have met with some success by passing by-laws in this regard, and we're attempting to reflect this same success into the L.I.D.'s, who are obviously going to have more success than have presently been met under the terms of the *Motor Vehicles Ordinance*, and we'd be happy to get into the research of the actual position of municipalities, L.I.D.'s and indeed, the Territorial Government, because I don't think that's all that clear in relation to the responsibilities on the Alaska Highway. But I don't think that an immediate answer can be forthcoming on that and I don't think that that takes away, presently, from the municipality making by-laws controlling the use of snowmobiles and skidoos and motorcycles, are being successful and I think that the L.I.D.'s should be allowed the same opportunity, regardless of the status of the Alaska Highway question, Mr. Chairman.

Mr. Chairman: I've been giving considering to Mr. Berger's amendment, and I've come to the conclusion it's not one we can deal with, because the motions of the Band Council or resolutions of the Band Council are made under the authority of the *Indian Act* and this legislature has not authority to pass any kind of legislation which deals with what Indians do on their reservations.

Hon. Mr. McKinnon: Or on the Alaska Highway.

Mr. Chairman: So we will not consider this sub-amendment.

Are there any further discussions on the amendment?

Yes, Mrs. Watson.

Mrs. Watson: Mr. Chairman, I do have some concerns over the remarks of the Minister of Local Government. I'm rather surprised that he's taking that attitude, where he says let the local authorities make some by-laws governing the operation of motorcycles and snowmobiles and so on, within the community and this is fine. That's fine enough for him to say and I can see it on streets and lanes within the L.I.D.'s, but the Alaska Highway is a separate thing altogether and when I ask whether the L.I.D. would have the authority to make regulations, which control the operation of snowmobiles and these vehicles beyond what's in the *Motor Vehicles*, and then someone has picked up under that by-law and they don't have the authority, the enforcement of it is impossible and all you're doing is creating the type of thing that so often, enforcement officers are frustrated by, and people who go out on a limb and make a specific by-law, and this is one area where I

really think, before we leave it across the board, all highways, including the Alaska Highway, where they can make highways beyond the *Motor Vehicles Ordinance*, I would say let's tread very carefully.

Hon. Mrs. Whyard: Mr. Chairman, with respect, there is a phrase there, "not inconsistent with this Ordinance".

Mrs. Watson: Mr. Chairman, you don't have to be inconsistent to go beyond. They have to be consistent with this Ordinance, but then if they can't change this Ordinance, what are you giving them the power for anyway?

Mr. Chairman: Mr. Cosman?

Mr. Cosman: I was just going to say that the entire *Motor Vehicles Ordinance* may or may not apply to the Alaska Highway. I am sorry for making that statement, I had another thought in my mind earlier. It is not inconsistent with this Ordinance for the local improvement districts to attempt to make—I am sorry, I have lost my train of thought altogether.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, I can't see the flap here. I consider this nitpicking. What is suggested here is that we will give to the improvement districts in the Territory who wish that prerogative and who are responsible enough to accept the responsibility of writing by-laws with respect of speeds on their roads and their lanes and their streets and their trails and anybody who would suggest to me, representing a local improvement district, that they ought not to have these rights, ought to give consideration about resigning their seats I think.

Mr. Chairman, we have in improvement districts, for instance, in my electoral district, what we call parallel access roads to the Alaska Highway and it is not really our concern as to what the speed limit on the Alaska Highway is, inasmuch as we recognize, as intelligent citizens, that the highway, the speed zones on the Alaska Highway should at least be consistent. If we do have problems with those speed zones, for instance where schools are involved, we do the normal thing, we approach the Government of the Yukon Territory and ask that our representations be considered and we haven't been turned down by this government yet.

Now, on the other side of the fence, we are deeply concerned with those roads that we maintain within an improvement district. We light them, we blade them in the summer, we plough the snow on them in the winter, we exercise dog control, we exercise all these other things, we want the right, perhaps, within our local improvement district to regulate the speed of snowmobiles and other vehicles in the streets. That is what we are talking about. Whether or not the Alaska Highway can be controlled by a Board of Trustees is completely another question, completely removed from this, so why not get off this side-tracking. If it can be controlled by this, fine, if it can't it is still no harm. We are talking about roads, lanes, streets, trails within a local improvement district. Let's get back to work on this Bill and pass this section.

Mr. Chairman: Mr. Fleming?

Mr. Fleming: The total speech is irrelevant, after all, that is what we are here for because the road does go through the L.I.D.'s and right through the middle of many of them. We are not here and the members that are trying to find out something are not trying to stop the L.I.D.'s have control and so forth, we are trying to find out the legality of what we are doing, and I think we should be sure that we do something that is fair.

I will give you an example of not only what we did here now, if we pass this just the way it is, but there was a couple of Sessions back here where we passed a *Liquor Ordinance* which has the same effect if we try to enact it, we don't know whether we can enact what is in 103 of the *Liquor Ordinance*

due to the same thing, the Alaska Highway, nobody knowing whether the Territorial Government has complete control over it or not.

I think that that answer should come from somewhere. That's all we're after, really. I'd like to hear a legal answer as to whether this can be done. I'm not trying to stop somebody from doing anything, absolutely not.

Mr. Chairman: Mr. Cosman.

Mr. Cosman: Mr. Chairman, there is no way, in our powers as lawyers for YTG, or as your law clerk, that I can answer that question definitively. The Government of Saskatchewan thought that they had, in effect, taxation legislation with respect to mineral royalties for the three or four years and they're talking to the tune of \$500 million and I'm sure that their legal people advised them they could do so, but the Supreme Court of Canada ruled them.

The only way that we can definitively have an answer to this question is to enact a by-law in the local improvement district that does attempt to control speeds and these types of vehicles on the Alaska Highway and have a test case that eventually goes to the Supreme Court of Canada—

Mrs. Watson: Watson Lake for the test.

Mr. Cosman: If I may, Mr. Chairman, the reason we have the words "not inconsistent with this Ordinance" and I'm putting together my thought that I couldn't a little earlier, and with respect to highways subject to its direction, control and management", the reason we have these words in is so that if the Supreme Court of Canada did decide that the local improvement district of Watson Lake could not legislate with respect to the Alaska Highway, then at least our legislation doesn't fall with it, because we have now stated only those highways within our control, whatever they might be.

Mr. Chairman: Mrs. Watson.

Mrs. Watson: Mr. Chairman, I was so happy to hear the Member from Watson Lake say that anyone who didn't feel that their local government had the capability of governing themselves and passing by-laws should resign. Well, I maintain the Member should have resigned long ago. He's been afraid to have his assume the responsibility of municipality status for quite some time.

Mr. Chairman, it still does not take away from the point that I have made consistently that the Alaska Highway, a Territorial highway such as that, running through a community, with the by-laws of an L.I.D., they are getting into something that we don't know whether they legally can.

I can understand streets and roads. I can understand controlling snowmobiles, setting speed limits on streets and roads and lanes, but I would caution them on the Alaska Highway.

Since the Honourable Member from Watson Lake feels that Watson Lake will have the test case, and I hope he's the first one who exceeds the speed limit and has to take it to court, and I'm not prepared to chip into the kitty that's going to pay for the bill, I'll caution my L.I.D. to wait until Mr. Taylor has his day in court.

Amendment agreed to

Part IX agreed to

On Part X

Hon. Mrs. Whyard: On page 68 we are merely putting the word "Ordinance" where it should be. This is not an Act, it is an Ordinance, it is a correction.

Mr. Chairman: Is it agreeable to the House to consider this a typographical error?

Some Members: Agreed.

Mr. Chairman: Moved by F. Whyard, seconded by D.

Lang, that Bill Number 1, entitled *Motor Vehicles Ordinance* be amended as follows: In paragraph 123.1(1)(a) at page 70 by adding immediately after the words "brigade" in line 3 thereof the words "emergency measures organization".

Hon. Mrs. Whyard: Mr. Chairman, I would bow to the senior member from Watson Lake on this amendment, because it is before you on the request of various officials of the emergency measures of whom I think he is one.

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

Mrs. Watson: Mr. Chairman, I don't see the necessity of this at all, absolutely none at all. I think it is absolutely ridiculous. There are certain areas where there could be provision made for emergency vehicles, but not the emergency measures organization necessarily.

I have instances in my area where there is not a doctor, and in the case of an accident we have a qualified para-professional medical person who was expected to appear at scenes of accidents and is urged to appear by the police and he constantly is having to exceed the speed limit, and if he had this, was able to use a flashing light it would certainly help him a great deal. He has to be on the scene of an accident, in fact he is called upon a great deal, particularly during the summer months, because of the absence of a doctor or a nurse at that area. Because the police are the peace officers and cover such a large area, they are not always resident with the community. I just don't see any justification for any emergency measures organization. It could be the guy that is bringing up the kitchen for heaven's sake. You are making it pretty broad, or the guy that has got the wool blankets. Everybody is going to have a red light.

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: Yes, Mr. Chairman, I have to agree with the Member from Kluane on that, because I do know that in some other jurisdictions, some of the provinces where they do in fact have a recognized emergency measures organization, I am not saying that we don't in Yukon, but they do have designated vehicles, designated as emergency measures vehicles, so marked and everything else. This is fine. But I can't recall any individuals having red lights on their cars and being so authorized to run around in that form.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Yes, Mr. Chairman, I am familiar with this particular situation and the Honourable Member who has just spoken is incorrect. Emergency measures vehicles are considered in other jurisdictions, within the provinces.

The point here is that emergency measures in this Territory, from time to time, are facing major disasters, we're talking about plane crashes, we're talking about bus disasters, we're talking about fires, we're talking about floods, and it is imperative that warning devices be used either mobile or stationary, that they be permitted, or their use be permitted in order for emergency measures personnel to adequately and safely conduct their business. And that is why the amendment has come from the emergency measures organization in Yukon.

Mr. Chairman: Mr. Berger.

Mr. Berger: Mr. Chairman, just a question of curiosity. I mean there is happening the last month or so and I was wondering if the emergency measure organization is still recognized by the Federal Government. I mean after what happened in the Northwest Territories, where a great big chunk of metal falling out of the sky and they were never even informed or even questioned the validity of the emergency measure organization. I don't think they even exist anymore.

Mr. Chairman: Mrs. Watson.

Mrs. Watson: Mr. Chairman, an emergency measures organization consists of various components who now are able to use the flashing light. Emergency measures organization includes the medical people and the ambulance and the police, so they are emergency people. So, why does the representative from the L.I.D. need a flashing light or the president of the emergency measures organization need a flashing light when he probably is sitting behind a desk in the case of an emergency if your fire-fighting equipment has the red light.

So, I think the organization could well, if you can show me what specific vehicle requires a red light, I'll listen to it, but not the emergency measures organization per se. That's pretty broad.

Mr. Chairman: Further discussion?

Amendment defeated

Hon. Mrs. Whyard: You wait until the next disaster.

Mr. Chairman: The next section for consideration is 129, at page 75.

Moved by F. Whyard, seconded by D. Lang, that Bill Number 1, entitled *Motor Vehicles Ordinance*, be amended as follows: In Part X at page 75, by adding immediately after section 129 thereof the following section:

129.1(1) Any person who operates or permits the operation of any bus, truck, truck-tractor, or commercial trailer in contravention of this Ordinance or the regulations thereunder commits an offence.

(2) Any officer may require the owner or operator of a motor vehicle to submit the motor vehicle, together with its equipment and the trailer, if any, attached thereto, to examination and tests to ensure that the motor vehicle is fit and safe for transportation.

(3) The operator of a vehicle shall, on the direction of an officer, drive the vehicle to and park it on a safety lane or other place designated by the officer for the purpose of examination of the vehicle as provided by this section.

(4) Where the vehicle, equipment or trailer is found to be unfit or unsafe for transportation or dangerous to passengers or the public, the officer making the examination or test

(a) may require the operator of the vehicle to have the vehicle, equipment or trailer rendered fit and safe for transportation, and

(b) may order that the vehicle or trailer be removed from the highway until the vehicle, equipment or trailer has been rendered fit and safe for transportation.

(5) Where a motor vehicle or trailer is found unfit or unsafe for transportation and is ordered removed from the highway under subsection (4), an officer may seize the licence plates and registration certificate of the motor vehicle or trailer and hold the licence plates and registration certificate until the motor vehicle or trailer is fit and safe for transportation.

(6) An owner or operator (a) who fails to comply with a requirement of subsection (2) or (4), or (b) who in contravention of an order under subsection (4) operates a vehicle, equipment or trailer on a highway before it has been rendered fit and safe for transportation, or (c) who fails to comply with the direction of an officer given pursuant to subsection (3), is guilty of an offence.

Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, these are sections from the proposed regulations which the Standing Committee has asked to have incorporated into the Ordinance.

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

Mr. Fleming: Yes, Mr. Chairman, I only have one problem with this and that is 129.1: "Any person who operates or

permits the operation of any bus, truck, truck-tractor or commercial trailer in contravention of this Ordinance or the regulations thereunder commits an offence." My problem was with the definition of a bus. If I could get some legal advice as to how we stand today when a car is being used to bring children to school and under the regulations, that car is considered a bus. Now I know I am right, unless they have changed it and I haven't seen any changes or anything that says it is not going to be. If it is considered a bus and it has no flashing red lights and it has no actual emergency exits, and that vehicle has an accident on the road, would he not be in contravention of this Ordinance? Who would be responsible?

Mr. Chairman: Mr. Lang?

Hon. Mr. Lang: Mr. Chairman, maybe I can answer that. It is my understanding in this particular area, if an individual who is driving someone else's children to a school it is his or her responsibility to get the added insurance that is necessary for coverage for that particular area of responsibility, so I don't think it is a case of whether or not it is considered a bus. I think it is a case of the insurance aspect of a person's public liability when he or she is doing for pay, taking the responsibility of transporting someone else's child. Subsequently it is up to that individual to ensure that they have the necessary coverage if it is done on a regular basis.

Mr. Chairman: Mr. Fleming?

Mr. Fleming: That is fine if that is the way it was. However, under the proposed regulations, the vehicle does come under a bus, and therefore it would not have the equivalent lights and so forth that a bus is supposedly to have and he would be in contravention of the Ordinance. The only possible way to change that would, I would hope, that the government would see this and take a look at the regulations or if they are bringing forth regulations, make sure that that vehicle is not considered a bus, which it was in the proposed regulations.

Mr. Chairman: Mr. Berger?

Mr. Berger: I think the Honourable Members should bring it up in the school bus section. I think we are in the wrong section here altogether. We are talking about a regular bus, and what he is talking of is a specialized bus and it is a school bus.

Mr. Chairman: Yes, Mr. Fleming?

Mr. Fleming: Mr. Chairman, then am I to understand this bus here is not a school bus that we are speaking of in this section?

Mr. Fleming: It's a bus-bus.

Mr. Chairman: Yes, Mr. Cosman.

Mr. Cosman: Mr. Chairman, in the absence of a specific definition in this Ordinance as to what is meant by bus, it would have its ordinary meaning, as we understand it, which would be a regular bus.

In the *School Bus Regulations*, the definition of school bus is wide enough for the purposes of that regulation to include a motor vehicle which transports children and therefore it could include private automobile which is used under contract to transport children.

But, for the purposes of this Ordinance, the bus that is contemplated here in Section 129. (1), would be the ordinary concept of bus and not the motor vehicle used as.

Mr. Chairman: Yes, Mr. Fleming.

Mr. Fleming: Mr. Chairman, I take it from there that we don't have an ordinance to cover school buses, if the school bus is not under this Ordinance and this is the only place I find it.

Mr. Chairman: Mr. Fleming, would it help if we gave the proper name to this particular vehicle and called it an omnibus? And then you would specifically know exactly what it is

because there is no way that an omnibus could be interpreted as being a car that drives children to school, and omnibus is the proper name for this particular vehicle.

Yes, Mr. Fleming.

Mr. Fleming: Yes, Mr. Chairman, I agree, but my concern is for the problem that I think is in the Territory today, because we don't really designate what a school bus is, in this very Ordinance, and yet we're going to be making regulations for school buses. We have now, I think, regulations concerning school buses and we've got to put it somewhere, I hope, and this is the only place that I have seen anything to do with buses in this Ordinance, anywhere, and I don't see how we can have a regulation for school buses, unless you have a school bus.

Mr. Chairman: Mr. Spray.

Mr. Spray: Mr. Chairman, the Honourable Member is quite correct. The definition of school bus in the proposed regulations would apparently include private cars. It is not meant to, and we appreciate the fact it has been drawn to our attention, because those individual parents who drive their children to school should not be subject to the school bus regulations. Therefore, as far as a bus, in the meaning of the *Motor Vehicles Ordinance*, there is a classification for bus for licencing. The *Transport Public Utilities Ordinance* requires that buses have public service vehicle authorities and they vary in size from five or ten passenger buses, up to twenty or forty passenger buses.

Mr. Chairman: Yes, Mrs. Watson.

Mrs. Watson: Mr. Chairman, but with respect, I would certainly hope that this section here would apply to a school bus, because I think that a school bus should have to be, should be, well, I do believe the Government of the Territory does carry out examinations on school buses, to see whether they are fit for the road.

Now, the defining of what is a school bus is a different thing, but we have some real honest to goodness school buses, which are not cars, operating and carrying anywhere from forty to ten children. Surely, the person who is under contract to the Government of the Territory must be able to provide safe vehicles and they must be examined. Is there any other place where these vehicles can be examined, under this legislation?

Mr. Spray: Mr. Chairman, it is my understanding that when we are referring to a bus, we are referring to all buses, whether they be school buses or any other type of passenger bus.

Mr. Chairman: I agree Mr. Spray. I think that the fact that they say any bus would mean that this particular section applies to school buses. It has to. Any further discussion?

Yes, Mrs. Watson?

Mrs. Watson: Mr. Chairman, I would pursue just one point that the Honourable Member from Hootalinqua is stating. Under what authority under the *Motor Vehicles Ordinance* are they writing regulations for school buses? You have to have the power to do something in the Ordinance before you do it in the Regulations. Where do you get the power in the Ordinance?

Mr. Chairman: Mr. McCall?

Mr. McCall: I think Mr. Fleming has a valid point under the *Transport Public Utilities Ordinance* there is an exemption clause in subsection (2) of Section 2 which makes reference to the *Motor Vehicles Ordinance*. Therefore, there is going to have to be a clarification as to the type of commercial bus as opposed to a school bus because there is no reference made in the *School Ordinance*. I think it must be further clarified or defined properly, Mr. Chairman.

Mr. Chairman: Your point is well taken, Mr. McCall, but it

LEGISLATIVE RETURN #57

(1977 Second Session)

Mr. Speaker,
Members of the Assembly

On December 5, 1977 the Honourable Member from Hootalinqua asked the following question:

In view of the fact the House is considering proposed amendments to the Worker's Compensation Ordinance, and taking into consideration the proposed merit system dealing with premiums that industry pays into Compensation Fund, would the Minister advise me as to the following:

Is the government considering allowing exemptions to the mining industry from Workmen's Compensation as suggested in the report by the Chamber of Mines (ending October 31, 1977)?

What would happen to the remaining (employers) with respect to the merit system?

Would the remaining private businesses involved with Workmen's Compensation be expected to pay higher premiums once this exemption is allowed?

The answer to the above question is as follows:

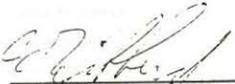
The operating mines in the Yukon requested that they be considered for exemption from the proposed Occupational Health & Safety Regulations on the grounds that occupational health and safety at mines (including all operations surface and underground) is provided for under our Mining Safety Ordinance and Regulations. To place them under another ordinance would result in double legislation being applied to them on the subject of safety and health.

As a result of this request and before the Regulations were presented, officials of the government examined this request and reviewed the practice in other jurisdictions. It is now the intention of the government to re-examine all provisions of the proposed regulations as they relate to mines and other industries and obtain the latest legislation in effect in provinces which have similar industrial requirements.

We should not consider exempting any major industry in the Yukon from the application of the Workmen's Compensation Ordinance as it relates to the operation of the Compensation Fund. The program has been designed with full participation by all industries being considered a necessity for effective operation.

If the mining industry in the Yukon were exempted from the application of the Ordinance as it relates to the operation of the Compensation Fund, the Merit Rebate System could be applied, however, all businesses would be required to pay higher premiums.

February 16, 1978.


J. Hibberd,
Member, Executive Committee.

LEGISLATIVE RETURN #58

(1977 Second Session)

Mr. Speaker,
Members of the Assembly

On December 12, 1977, Mrs. H. Watson asked the following questions:

Last week the White Pass and Yukon Route Co. announced escalated freight rates of an approximate average of 9% to begin Jan. 2/78. Yukon is probably the only jurisdiction in Canada where a transportation company can unilaterally increase its freight rates without first justifying that increase to an impartial transport public utility board structured by law. The situation in the Yukon is even more critical because of the virtual monopoly of transportation services to, from and within the Yukon by the aforementioned company.

1. Why do the elected members on Executive Committee continue to be side-tracked and preoccupied by constitutional issues of the Yukon to the neglect of the very basic bread and butter issues over which we do have control?
2. When will the elected members on Ex Com set the priorities for the legislation which should be dealt with by this House rather than the administration as was evidenced in this session when the Motor Vehicle Ordinance was given priority over amendments to the Transport Public Utilities ordinance?
3. Is it the intention of the elected members on the Ex Com to introduce in the Spring Session legislation that will in fact give the Transport Public Utilities Board the authority to review and set freight rates within the Yukon?

The answers to the questions above are as follows:

The preamble to this question is an incorrect assumption on the part of the member regarding federal-provincial authority over transport public utilities and their freight rates. YTG could not have prevented a freight rate increase announced by White Pass & Yukon Route by simply revising an ordinance. Inter-provincial rail and ocean transport rates are a constitutional responsibility of the Federal Government and are controlled by federal legislation.

Question 1: The "sidetracking into constitutional issues" is, of course, a matter for all MLAs to decide. The Standing Committee of the House on Rules, Privileges and Elections is responsible for the constitutional legislation presented at this session, while the legislation presented by the elected Members on Ex Com dealt with "very basic bread and butter issues".

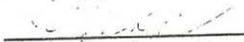
Question 2: The Government sets the priorities based on advice from the administration, and attempts to obtain public input into legislation wherever possible. A Green paper on the Motor Vehicles Ordinance had been tabled during the 1976 (Third Session) permitting the Legislature to express its views. Legislation was then drafted with these comments in mind. A similar procedure was approved for the Transport Public Utilities Ordinance by Ex Com which directed the department to seek the views of all interested parties.

The Government had made an earlier commitment to implement metrication by the Fall of 1977. The Motor Vehicles Ordinance required amendment for that purpose and Ex Com recommended that the opportunity should be used to make other necessary amendments as well. The amendments to the MVO were considered of high priority so that the Government could adjust the maximum speed limits in accordance with the requirements for the Federal Home Insulation Program and also to permit a change in the minimum liability insurance required in accordance with the new Insurance Ordinance. These were very much "bread and butter" issues, affecting all Yukoners, that have a more direct influence on the general public of the Yukon than does the Transport Public Utilities Ordinance.

Question 3: It is the intention of this Government to introduce a green paper on "Proposals for a Motor Carrier Ordinance" to replace the existing Transport Public Utilities Ordinance in the Spring 1978 Session.

This will afford the opportunity for input from members of the Assembly, and from other interested parties. The bill will then be rewritten and presented to the house at the earliest opportunity.

February 10, 1978.


Dr. J. Hibberd,
Member, Executive Committee.

LEGISLATIVE RETURN #59

1977 (Second) Session

Mr. Speaker

Members of the Assembly

On December 14, 1977, Mr. S. McCall asked the following question:

Do the following Inspectors or Officers -

Labour Standard Officer
Building Inspector
Mines Inspector
Health Inspector/Officer
Electrical Inspector
RCMP Officers
and others not mentioned

have the right to enter private property such as lodges, etc. where the owner's private dwelling is in the same building in which the owner conducts his business without first obtaining a warrant?

If so, which inspectors or officers under their legislative ordinances do this?

The answer to the above question is as follows:

The answer to the first part of the question is in the affirmative.

All of the officers mentioned enter the business portion of the lodge and other premises from time to time in accordance with their duties. Schedule of legislative authority for their actions is attached.

January 3, 1978.

J. Hibberd
J. Hibberd,
Minister,
Consumer and Corporate Affairs.

SCHEDULE - QUESTION #37, December 14, 1977

1. LABOUR STANDARDS OFFICER

Page 935 Subsection 3 of Section 35 (3) Labour Standards Ordinance

(3) The Labour Standards Officer may at any reasonable time enter upon any place used in connection with any industrial establishment for the purpose of making an inspection authorized under subsection (2), and may, for such purpose, question any employee apart from his employer.

2. BUILDING INSPECTOR

Building Standards Regulations 19 on page 3 of TAB 98

19. For the purpose of enforcing these regulations, the Commissioner or the Building Inspector may at all reasonable times enter and inspect any premises or part thereof within the area.

3. MINING INSPECTOR

Chapter M-9 (5) (1) (c) Mining Safety Ordinance:

5. (1) An inspector shall
(c) enter, inspect and examine any mine or portion thereof by day or night in any manner that will not unreasonably or unnecessarily impede or obstruct the working of the mine;

4. HEALTH OFFICER

Chapter P-8 13 (1) Public Health Ordinance:

13. (1) Health Officer may, at any reasonable time, enter any place and examine the same for any purpose relating to the enforcement of this Ordinance or the regulations. R.O. 1958, c.92, s.11.

5. ELECTRICAL INSPECTOR

Chapter E-2 Sect. 5 (1) (a) Electrical Inspection Ordinance:

- (a) at any reasonable time enter and examine any premises and the electrical equipment and wiring in or upon such premises:
- b. R.C.M.P. operate pursuant to authority of Canadian as well as Territorial Statutes and they also get authority under the Common Law.

LEGISLATIVE RETURN #60

(1977 Second Session)

Mr. Speaker

Members of the Assembly

On December 13, the Honourable Member from Hootalinqua asked the following questions:

- (1) Does the Member of this House for instance, if he goes and asks that somebody be put on the mailing list at this time, will that person receiving the copies have to pay a fee for these copies?
- (2) Does the Government have policy in regards to whether you should pay for it?
- (3) Why do approximately 10% of the people that are receiving them, are billed for them, and the remainder is not?

The answers to the above are as follows:

- (1) If the person to be placed on the mailing list is a member of the general public as opposed to a government employee or affiliated organization, they will be invoiced for their subscription unless specific instructions to the contrary are given to the clerk responsible for distribution.
- (2) The government does not have a firm policy in regards to payment at this time. Until a standard policy can be developed in conjunction with Information Services and other departments to include all government publications, the above general guidelines are being followed. The Print Services Co-ordinator and staff are examining alternative policies in the area.
- (3) Of approximately 280 copies distributed daily, the subscribers can be generally grouped as follows:

Government personnel, departments and agencies	41%
Schools, universities, and libraries	12%
Native and community organizations	13%
Business and professional firms	7%
General public	7%

As the large majority of copies go to government, educational, or community institutions, which we do not presently invoice, only a small percentage of subscriptions come within the guidelines previously mentioned. In addition, some exceptions exist particularly with regard to long standing subscriptions.

DATE

SIGNATURE

doesn't affect this particular section. Yes, Mr. Spray?

Mr. Spray: Mr. Chairman, Section 103 of the Ordinance provides that the Commissioner may make regulations prescribing the standards and specifications for any vehicle or for any equipment or materials installed or used on vehicles. Buses which are used as school buses are vehicles and that is why we have specific regulations relating to school buses. Section 103.

Amendment agreed to

Mr. Chairman: Mr. Lengerke, I will entertain a motion.

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

Mr. Chairman: The witnesses are excused.

Mr. Fleming: I will second the 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 will now call the House to order. May we have a report from the Chairman of Committees?

Mr. McIntyre: Mr. Speaker, the Committee of the Whole have considered Bill Number 1, the *Motor Vehicles Ordinance* and directed me to report progress on the same and asked 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 Pelly River?

Mr. McCall: Yes, Mr. Speaker, I would move we do now call it 5 o'clock.

Mr. Fleming: I will second that motion.

Mr. Speaker: It has been moved by the Honourable Member from Pelly River, seconded by the Honourable Member from Hootalinqua, that we do now call it 5 o'clock.

Motion agreed to

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

Adjourned

Mr. Speaker
Members of the Assembly

On December 12, 1977, the Honourable Member from Klwane asked the following question:

"The Minister of Indian Affairs and Northern Development has appointed the Commissioner of Yukon to represent Yukon's interests at the Yukon Indian Land Claim Negotiations.

1. Does the Commissioner not feel he has a responsibility to report to the people whose interests he represents at the negotiating table on the progress of the negotiations relevant to Yukon's concurrence or agreement to, and the details of the following:
 - (a) Goals & objectives of the land claim settlement.
 - (b) Definition of an Indian who qualifies as a beneficiary to the agreement.
 - (c) Yukon Indian involvement in the administration of the Yukon government - all departments.
 - (d) Yukon Indian involvement in administrative and community advisory committees established to advise the Commissioner on the administration of the Yukon.
2. If the Commissioner does not feel he has a responsibility to report to the people whose interests he represents why not?
3. If the Commissioner does in fact feel he has a responsibility to report to the people whose interests he represents will he be making a report before he is a party to an agreement in principle or after the agreement in principle is signed.
4. If the answer to 3 is "before", then when can we expect a report and will it be tabled in this house for the benefit of the representatives of the people of the Yukon or if the answer to 3 is "after" then why?

The Answer to the above question is as follows:

The Commissioner, as Y.T.G.'s representative, intends to continue to keep the Legislative Assembly fully informed as developments occur and progress is made in land claim deliberations. The cooperative planning process which Y.T.G. is engaged in, moreover, is designed to disseminate information and dispel the secrecy that surrounded previous negotiations. Y.T.G. is recognized as a full party to that process and as such, Y.T.G. representatives participate in the development of Planning Council Position Papers. These papers are approved by all parties including the Y.T.G. Executive Committee before being released to the public. To date, the Planning Council has released four such position papers:

- (1) Document #1, January 18, 1977, "Cooperative Planning Toward a Settlement of the Yukon Indian Land Claim".
- (2) Document #2, March 8, 1977, "A Statement of Goals Respecting the Yukon Indian Claim".
- (3) Document #3, March 8, 1977, "Eligibility".
- (4) Document #4, July 14, 1977, "Settlement Model".

Planning Council Documents are public information, and the details of each have appeared in the local media. In addition, the Standing Committee on Yukon Land Claims in public meetings invited Dr. Naysmith, the federal claims representative, to speak on the details of Document #1, and subsequently the Commissioner to consider the details of Documents #2 and #3.

At the present time, Yukon Indian participation in the administration of the Government of Yukon or in administrative and community advisory committees has not been addressed in any depth by the Planning Council, although clearly substantial progress will have to be made in this area if we are to avoid divisiveness and parallel government structures in the future.

Prior to Y.T.G. being a party to the signing of an agreement in principle, the agreement will be submitted to the Legislative Assembly for approval.

Date

Feb 20, 1978

Signature

Mr. Speaker,
Members of the Assembly

On December 7, 1977, the Honourable Member from Hootalinqua asked the following question:

"The question of Legal Aid. How many cases has the Department had in the last year and how effective has the Program been to the people who did apply?"

The answer to the above question is:

CRIMINAL			
January 1, 1977 to Present			
Certificates Issued	Certificates Denied	Certificates Withdrawn	Total Formal Applications
148	50	31	229
CIVIL			
January 1, 1977 to Present			
54	13	21	88
202	63	52	317

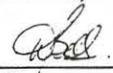
The number of Certificates issued refers to the number of formal applications for Legal Aid which were approved under the Ordinance and Regulations pursuant to which Legal Aid services were performed through to the conclusion of the case or matter in respect of which Legal Aid had been applied for.

The number of Certificates denied refers to the number of formal applications for Legal Aid which were, pursuant to the qualification criteria established by the Ordinance and the Regulations, refused with the result that the Legal Aid Services applied for were not provided to the Applicant.

The number of Certificates withdrawn refers to the number of applications for Legal Aid which were initially approved but which then, because of the change of circumstances affecting eligibility for Legal Aid or need for the service applied for, cancelled with the result that no further Legal Aid services were provided in respect of that particular case or matter.

Legal Aid was denied to those persons who did not qualify under the provisions of the Ordinance and Regulations.

Where applications for Legal Aid were approved and Certificates issued granting Legal Aid, then the Legal Aid services in respect of the particular case or matter were provided by barristers and solicitors qualified and enrolled to practise law in the Yukon Territory.

Date: 7 Feb 1978 
Signature

LEGISLATIVE RETURN #54
(1977 Second Session)

Mr. Speaker,
Members of the Assembly

On December 5, 1977, Mr. F. Berger asked the following question:

"Last week at the Energy Ministers' Conference between the provincial energy ministers and the federal energy ministers a program of home insulation was discussed and it came to my attention that the Federal Government dropped the demand of reducing speed limits in the provinces to 90 kilometers an hour. My question, Mr. Speaker, is will this also apply to the Yukon and can we expect an amendment to the present Motor Vehicles Ordinance before this House accordingly?"

The answer to the question above is as follows:

Although the Federal Government has dropped the requirement, under the home insulation program, for a reduction in speed limits in the provinces to 90 kilometers per hour, only the Provinces of Quebec and Alberta are affected by this amendment. The other provinces, including Yukon, that previously committed themselves to the reduction will be expected to follow through on their commitment.

January 27th, 1978.


Signature

Mr. Speaker,
Members of the Assembly

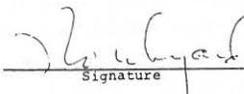
On December 15, 1977, Dr. J. Hibberd asked the following question:

"In view of the fact that there has been a strep infection recently, the drugs to treat this infection has been supplied by the hospital, and in view of the fact that, we as yet, do not have a medicare system and there are stores operating in town that make their living by selling drugs, on what authority does the department concerned bypass these stores and supply people with free drugs?"

The answer to the question above is as follows:

It has been the on-going practice of Yukon Region - Medical Services, where drugs are required for preventive purposes in connection with the public health program, to purchase these drugs in bulk and without payment of federal taxes and to have health services staff dispense them from the Hospital Pharmacy. In such circumstances the drugs are dispensed without charge to the public. In the recent situation where "strep" infection was occurring in epidemic numbers it was of great added value in reaching all persons affected to be dispensing from one central location in close co-ordination with the nurses at the Whitehorse Health Centre.

January 25th, 1978.


Signature

LEGISLATIVE RETURN #56
1977 (Second) Session

Mr. Speaker,
Members of the Assembly

On November 23, 1977, Mr. McCall asked the following questions:

"Yes, Mr. Speaker, I have a further question for the Commissioner with respect to the last budget estimates. Vote 1, Establishment 120, Primary 99, could the Commissioner give me a complete breakdown expenditure of the Commissioner's entertainment fund to date?"

The answer to the above question is as follows:

The expenditures to date in primary 99 total \$6,625.69 out of a total of \$13,800.00 voted by the Legislative Assembly for the function:

- Expenses related to the Legislature:
 - Tickets for M.L.A.'s to Commissioner's Ball \$ 670.00
 - Clerk's Conference Luncheon \$ 358.00
 - Dawson Commemorative Presentation \$ 28.40
- Expenses incurred in fulfilling Chief Executive Officer's obligations for Protocol and Public Relations for Yukon:
 - U.S. Ambassador \$ 574.35
 - Chief Justices of Canada \$1,340.00
 - Alberta Minister of Business Development and Northern Alberta Division Council \$ 341.30
 - Environmental and Financial Consultants \$ 226.85
 - D.I.A.N.D. Representative \$ 204.00
 - Minister of Corporate Affairs \$ 103.50
 - Prime Minister and Ministers of various Federal Departments \$ 158.39
 - Home entertainment expenses \$ 343.55
- Expenses relating to YTG employees:
 - Farewell to Dept. Heads and Ex Com Committee Members and Swearing in new Ex Com Members \$1,410.00
 - Miscellaneous \$ 13.95
- Support to Boards and Associations: Historic Sites and Monuments, Sports Federation \$ 853.40

Feb 24/1978
Date


Signature

