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Debates & Proceedings

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Speaker: The Honourable Donald Taylor

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Whitehorse, Yukon Territory

February 22, 1978

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

We will proceed at this time with morning prayers.

Prayers

Mr. Speaker: Before proceeding with the Order Paper this morning, it is indeed a great pleasure for me to direct the attention of all Members of the House to the presence in the Speaker's Gallery, this morning, of the Honourable John Brockelbank, Speaker of the Legislative Assembly of Saskatchewan and President of the Saskatchewan Branch of the Commonwealth Parliamentary Association in Canada.

With Mr. Speaker Brockelbank, on this parliamentary visitation, are Fred Thompson, MLA representing the constituency of Athabaska, Jack Weibe, MLA representing the constituency of Morse, and Garnet Wipf, MLA representing the constituency of Prince Albert and Duck Lake.

And, as well, we have Gordon Barnardt, Clerk of the Legislative Assembly of Saskatchewan.

I'm sure all Members will join me in expressing to these distinguished visitors, our warmest expression of welcome to these Chambers today and our sincerest wish that their stay in Yukon will be interesting and informative in every respect.

Applause

Mr. Speaker: We will proceed to the Order Paper.

ROUTINE PROCEEDINGS

Mr. Speaker: Are there any Documents for Tabling? Reports of Committees? Petitions? Introduction of Bills?

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

The Honourable Member from Hootalinqua.

NOTICES OF MOTION

Mr. Fleming: Yes, I give Notice of Motion this morning, moved by myself, seconded by the Member from Kluane, Mrs. Watson, that the Yukon Outfitters' Brief, 1978, pertaining to the harvesting of grizzly bear, dall sheep and goat, be moved into Committee of the Whole for discussion.

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

Any Statements by Ministers? This brings us to the Question Period, have you any questions? The Honourable Minister of Education?

QUESTION PERIOD

Hon. Mr. Lang: Mr. Speaker, earlier in the week the Honourable Member from Hootalinqua directed a question to me requesting information when the pool in Teslin was to be renovated and upgraded to the standards that are acceptable in 1977. I am pleased to report, Mr. Speaker, that the necessary renovations to the various pools throughout the Yukon that have to be upgraded will be brought about in the forthcoming couple of months and we should be ready prior to being utilized for the opening summer schedule.

Mr. Speaker: The Honourable Member from Kluane?

Question re: Arctic Winter Games

Mrs. Watson: Yes, Mr. Speaker, I have a question for the Minister of Education. Before our break at Christmas time we discussed the Arctic Winter Games that are scheduled to be held in Whitehorse in the year 1980. At that time I requested

the Minister to look into the feasibility of sponsoring some of the events of the Arctic Winter Games in some of the smaller communities outside of Whitehorse. The Minister undertook to consult with his departmental people. I wonder if he would like to report on that this morning?

Mr. Speaker: The Honourable Minister of Education?

Hon. Mr. Lang: Mr. Speaker, the Honourable Member is correct. I went further than consulting with my departmental officials. They informed the various communities within a 100 mile radius of Whitehorse that this could be a possibility and to my knowledge there has been no rejection or acceptance to the idea. I know that my departmental officials are pursuing the idea and were prepared to still look at it if a particular community is interested.

At the same time, I should point out that the Arctic Winter Games Corporation is looking at the situation favourably, and at the same time, they want to assess the Arctic Winter Games when they are being held at Pine Point and Hay River as there is a 60 mile difference between the two communities where the Games are to be held.

Mr. Speaker: The Honourable Member from Kluane?

Mrs. Watson: Mr. Speaker, supplementary: I am rather surprised that the Honourable Member is only looking at communities within a 100 mile radius. I would also suggest that they review the possibility of including other communities such as Watson Lake, Dawson City, and Mayo.

Mr. Speaker: Order please, I do not detect a question in the Honourable Member's statement. The Honourable Member from Klondike?

Mr. Berger: Supplementary, Mr. Speaker, to the Minister of Education. Why did he only look at a radius of 100 miles? Why did he not look at a mileage of 350 miles radius of Whitehorse?

Mr. Speaker: The Honourable Minister of Education.

Hon. Mr. Lang: Mr. Speaker, it was a conscious decision, because, simply, it's a case of logistics, as well as finances.

Mr. Speaker: The Honourable Member from Klondike.

Question re: Heritage Fund

Mr. Berger: Yes, Mr. Speaker, I have a question to the Minister of Pipelines. I was wondering if the Minister could elaborate further on the \$50 million Heritage Fund set up by the Minister of Northern Affairs and if he could tell this House if the Commissioner's Office was involved in the negotiation of this \$50 million Heritage Fund.

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

Hon. Mr. McKinnon: Well, Mr. Speaker, I don't know how long Honourable Members have or how long Mr. Speaker will allow me to go in answering this question.

We have always stated, from day one, concerning the pipeline that they are not long-term lasting benefits to the people of the Yukon, then what was the use of putting up with all the disruptions concerned with pipeline construction.

This Government, in its initial brief to the Lysyk Inquiry, which was put together, and I think it was a very comprehensive and very well put together brief, said that if the only benefit to the economy of the Yukon Territory was a corresponding drop in the deficit grant that Ottawa gives to the Government and the people of the Yukon, then looking in the long term benefits of pipeline, there really wouldn't be any, as far as the Yukon was concerned.

We said that if we were looking to long-term benefits, we would have to go in the area of a Heritage Fund proposition, which is becoming quite common place in States and Pro-

vinces where non-renewable natural resources are being utilized to the benefit of both the national and the international interest. We said that we should see such a fund, at least, at least in the magnitude of some \$200 million be instituted for the Government of Yukon to be able to draw the interest on and do those things that we have wanted to do for years for the people of Yukon, whether it's taking equity position in the pipeline, whether it's start a Territorial Parks system, whether it's recreation and cultural complexes throughout the Yukon, that we have never had the ability to do up until this point in time.

Lysyk agreed and the Lysyk Inquiry, in the Report, agreed with the stand of the Territorial Government, said not only should \$200 million be set aside, but fifty per cent of the property taxes accruable to the Government of Yukon as the property tax on the pipeline, should also go into a Heritage Fund.

Mr. Speaker, if the pipeline project is for 25, 30 years, if it is \$30 million a year in taxation with an inflation factor, that amount to a Heritage Fund plus the \$2 million could have accrued to an extra \$500 million, to a total capitalization of \$700 million, \$200 or \$700 million, or somewhere in between, you're talking money for the Government of the Yukon and the Yukon people to benefit from.

Mr. Speaker, the concerns of the Yukon were expressed by our involvement to the Lysyk Inquiry, by Lysyk, and by further correspondence with the Minister's Department, that we wanted to open negotiations on the opening of a Heritage Fund. Mr. Speaker, we were told, in the House of Commons, by the Minister of Indian Affairs and Northern Development, that the maximum capitalization of a Heritage Fund to the people of the Yukon would be \$50 million, without a by-your-leave or with no negotiations or no consultation with the people of the Yukon Territory.

Mr. Speaker, to me this is the prime failing at the present time, of the Federal Government in listening to the people and Government of the Yukon concerning benefits of pipeline for Yukon residents. I find it an insult that the Federal Minister of Indian Affairs and Northern Development unilaterally announces to the House that this is what will happen to the Yukon, a maximum capitalization of \$50 million in a Heritage Fund. I think it is an insult to the people of the Yukon, I think it shows exactly where we stand in our constitutional and fiscal development for the people of the Yukon Territory at the present time, Mr. Speaker.

Mr. Speaker: The Honourable Member of Whitehorse Riverdale?

Question re: Impact Information Centre

Mr. Lengerke: Yes, Mr. Speaker, I have a question this morning for the Minister of Pipelines. I am just wondering if he could report to the House and tell us a little more information with respect to the setting up of the Impact Information Centre. How are the plans proceeding? When do we see the address opened on Main Street?

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

Mrs. Watson: Briefly, Mr. Speaker.

Hon. Mr. McKinnon: Thank you, Mr. Speaker, we are continuing negotiations with the interest groups who have been pressuring government for the immediate establishment of an Information Impact Centre. We feel that we are progressing well on negotiation with them, and I would hope, Mr. Speaker, within the life of the spring Budget Session, that the government will have something to announce and the groups also will have something to announce regarding the opening of such Impact Information Centre, Mr. Speaker.

Mr. Speaker: The Honourable Member from Klondike?

Mr. Berger: Yes, Mr. Speaker, supplementary to the ques-

tion asked before. Mr. Speaker to the Minister of Pipelines. Maybe I should be a little bit more blunt. To his knowledge, did the Commissioner get directly involved in the \$50 million Heritage Fund? Did he talk to the Minister and agree to this \$50 million Heritage Fund?

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

Hon. Mr. McKinnon: Mr. Speaker, I would be the most surprised individual in the world. The Commissioner of the Yukon Territory took the position of the Government of Yukon to the Lysyk Inquiry, and I know that he genuinely feels that any long term benefits to the Yukon has to be a Heritage Fund that has a further capitalization than a paltry \$50 million. Mr. Speaker.

Mr. Speaker: The Honourable Member from Kluane?

Question re: Commissioner Interference

Mrs. Watson: Mr. Speaker, I have a short preamble to my question, with your indulgence, Mr. Speaker. It isn't a political speech. I am quoting the Minister of Local Government when we were discussing the *Motor Vehicles Ordinance* and the use of the word Commissioner. 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 say so 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.

Mr. Speaker, my question: Is the Minister of Local Government aware that the Commissioner, as part of evidence given at the Stratton Inquiry, Volume 10, pages 1834 to 1860 stated that he had become involved in an Ordinance under the Minister's jurisdiction, the *Land Ordinance* and that he, the Commissioner carried on his own discreet private inquiry by speaking to one of the principles involved in the situation—

Mr. Speaker: Order please.

Mrs. Watson: —where the person was or potentially could have become involved in the court?

Mr. Speaker: Order please.

Mrs. Watson: That is my question.

Mr. Speaker: Order please, could the member kindly place her question a little more concisely?

Mrs. Watson: Mr. Speaker, it is quite a concise question. It begins with are you aware of certain things and I would like an answer.

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

Hon. Mr. McKinnon: Mr. Speaker, I do consider the involvement and any happenings under the terms of the Stratton Inquiry to be *sub judice*, and I think it would be unwise for any members to comment on what is happening in the Stratton Inquiry until the results of the Stratton Inquiry are brought down, Mr. Speaker.

Mr. Speaker: The Honourable Member from Kluane.

Mrs. Watson: Yes, Mr. Speaker, with respect, I believe in the House of Commons, there was a ruling that issues that were before inquiries could be discussed within the Chambers of the House of Commons.

Mr. Speaker: In respect of the Stratton Inquiry, the Chair has looked into the matter and it would appear that the Stratton Inquiry is not a judicial inquiry. It is a public inquiry under the Ordinances of the Yukon Territory and, therefore, questions relating to the Inquiry, would not, in fact, be *sub judice*.

However, questions relating to evidence given at such an

inquiry, affecting the advice given between a client and his lawyer, of course, questions along that line would not be allowable.

However, I would also respect the right of the Minister to refuse to answer questions along that line, if he so chooses.

The Honourable Member from Kluane.

Mrs. Watson: Mr. Speaker, would Mr. Speaker let me word the question in a different manner so I wouldn't be referring to the Stratton Inquiry specifically.

Mr. Speaker: Maybe, perhaps, the Honourable Member would proceed and we will see what she has to pose as a question.

Mrs. Watson: Thank you, Mr. Speaker. Is the Minister of Local Government aware of the newspaper articles which outlined the evidence that was given at the Stratton Inquiry, signifying that the Commissioner had, in fact, interfered with the administration of the *Lands Ordinance*, an Ordinance which is under the jurisdiction of the Minister of Local Government? Is he aware?

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

Hon. Mr. McKinnon: Mr. Speaker, I believe that it is my prerogative not to answer questions, if I so decide not to, concerning matters that come about from evidence given at the Stratton Inquiry.

Mr. Speaker, for the benefit of all Members, and particularly the elected Members on the Executive Committee, I would find it much more prudent not to answer such questions, and I think that all Members should understand this, until the evidence and the recommendations of the Stratton Inquiry have been publically tabled. At that point in time, Mr. Speaker, I think that we will all know what our position and what our actions should be, Mr. Speaker.

Mr. Speaker: The Honourable Member from Hootalinqua.

Mr. Fleming: Yes, Mr. Speaker, I have a supplementary question to the Minister of Pipelines, from the question that Mr. Berger asked on the \$50 million Heritage Fund.

I understand from newspaper clippings and from the Ministers' speeches and so forth and so on, that the \$50 million is more or less a gain, even if we, if this comes to pass, is a loan and not an actual Heritage Fund which would be a capital fund given to us in its entirety. Is this true, or is it a direct \$50 million to us.

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

Hon. Mr. McKinnon: It is a direct \$50 million, Mr. Speaker.

Mr. Seeaker: Are there any further questions? The Honourable Member from Kluane?

Mrs. Watson: Yes, Mr. Speaker, a question for the Minister of Local Government. Am I to take it then that he and the rest of the Executive Committee could be likened to four blind mice?

Mr. Speaker: Order please, I will disallow that question.

The Honourable Member from Pelly River?

Question re: Health Services Transfer

Mr. McCall: Thank you, Mr. Speaker, I would like the Minister of Health and Welfare to give us a brief breakdown, if she would, in the form of a question, what is the present position to date as to the transfer of the Health Services over to the Government of the Yukon from the Federal Government?

Mr. Speaker: The Honourable Minister of Human Resources?

Hon. Mrs. Whyard: Mr. Speaker, do I get to give the same speech I gave Monday? Mr. Speaker, the present status of the transfer is that we are waiting word from National Health and Welfare as to when they wish to proceed to renegotiate the terms of the transfer from Federal to Territorial Governments.

Mr. Speaker: The Honourable Member from Klondike?

Question re: Pipeline-Employment of Yukoners

Mr. Berger: Mr. Speaker, a question to the Minister of Pipelines. What guarantees did this government negotiate with Foothills Pipe Line Company that they would guarantee Yukon employment, or Yukoners in the Yukon section of the pipeline? Is Foothills prepared to lay off people at the boundaries of BC and the Yukon and the boundaries of Alaska and the Yukon to achieve this goal.

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

Hon. Mr. McKinnon: Mr. Speaker, presently the Superintendent of Education and Manpower has been in Ottawa for the best part of a week to negotiate and consider the economic and the economic terms and conditions along the Alaska Highway Pipeline right of way. As far as our understanding goes at this point in time, that this will be the area in which the terms and conditions and the definition of "a northerner for pipeline employment" are attached. It is our understanding at the present time of the Federal Government that the applicant has accepted the term of "Northern Resident" which was outlined by the Minister of Education before the Lysyk Inquiry, and these will form part of the terms and conditions along the Alaska Highway Pipeline right-of-way. If this is so, Mr. Speaker, we consider this an area where we can enter into active negotiation and the consultative process on the Task Force, a victory for the Government of Yukon and the people of Yukon, Mr. Speaker.

Mr. Speaker: The Honourable Member from Pelly River?

Mr. McCall: A supplementary to that, Mr. Speaker: if for example the pipeline association moves the pipeline through the British Columbia portion and the Alaska portion, which leaves the Yukon as a pressure point, how does the Government of the Yukon propose to enforce the so called negotiated guidelines for the Yukon resident in order for him to operate and work on the pipeline in the Yukon?

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

Hon. Mr. McKinnon: Mr. Speaker, this is presently under active negotiation at the Task Force, considering the economic terms and conditions and I would be more than happy, I mean this sincerely, if the Honourable Member could meet with our representative on that Task Force to be able to give him the expertise and advice that he would be capable of giving our representative on this Task Force in exactly that difficult area that we know that we will be facing, Mr. Speaker.

Mr. Speaker: The Honourable Member from Whitehorse Riverdale.

Mr. Lengerke: Yes, Mr. Speaker, somewhat on the same lines, I wonder if maybe the Minister of Consumer Affairs, or possibly the Pipeline Minister will answer it again, but, we talked many times in this House of residency requirements and manpower needs, and there was one area of concern dealing with corporations and companies, outside companies coming into Yukon and being licenced in Yukon and being allowed to operate. And, of course we all know there is nothing wrong with that, but there was some concern as to the residency requirements pertaining to licencing and I'm wondering if anything has been done in regard to that or is there some consideration?

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

Hon. Mr. Hibberd: Not to my knowledge, Mr. Speaker, but I will look into it for the Member.

Mr. Speaker: The Honourable Member from Klondike.

Mr. Berger: Yes, Mr. Speaker, supplementary to my first question. Is the Minister aware, the Minister of Pipelines, that is, where the Alaska Highway extends roughly 450 miles south of the Yukon boundary and another 450 miles, 500 miles north of the Yukon boundary?

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

Hon. Mr. McKinnon: Mr. Speaker, I am well aware of it. I have driven it more times than I would care to remember.

Mr. Speaker: The Honourable Member from Pelly River.

Question re: Railroad from B.C. through to Alaska

Mr. McCall: Yes, Mr. Speaker, I was wondering if the Minister of Local Government could answer this question, or maybe provide us with the information: is the Minister aware or does he know of the starting date of the railroad from British Columbia, through to Alaska?

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

Hon. Mr. McKinnon: No, Mr. Speaker.

Mr. Speaker: The Honourable Member from Whitehorse Riverdale.

Question re: Mining Safety Ordinance Transfer

Mr. Lengerke: Mr. Speaker, a question for the Minister of Consumer Affairs. I think this comes under his portfolio. We discussed I believe earlier this Session, the possible transfer of the *Mining Safety Ordinance* authority to the Yukon Government. I'm wondering, has any progress been made in this regard. I think we were promised a report that would be the basis for the discussion that was supposed to be brought forward and tabled in this House. Is there any progress on that?

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

Hon. Mr. Hibberd: Mr. Speaker, there have been meetings held with regard to the transfer and it is under active negotiation at the present time. There is nothing to report on those negotiations for the House, at this time, though.

Mr. Speaker: The Honourable Member from Klondike.

Mr. Berger: Yes, Mr. Speaker, supplementary to what the Honourable Member from Pelly asked: are there any studies going on at the present time, or anything indicating a building of a railroad from Canada, or from Alaska. The reason I'm asking this supplementary, Mr. Speaker, there's a section in the pipeline bill referring to a railroad corridor and power corridor and there has to be a reason for this particular section to be in that Bill.

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

Hon. Mr. McKinnon: Yes, Mr. Speaker, there are constant studies going on concerning railroads all over the north country, and I would be happy to get the Director of Public Works, who sits on many of these railway committees, to bring the Honourable Member up to date on the number of them and where they are at the present time. There seems to be so many of them I can hardly keep track of them, Mr. Speaker.

They are all studies, very little action.

Mr. Speaker: The Honourable Member from Pelly River?

Mr. McCall: Supplementary to the previous question, Mr. Speaker. Has the Minister, in his discussions, discussed the

matter dealing with the corridor and the railroad with respect to the pipeline?

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

Hon. Mr. McKinnon: Be specific, Mr. Speaker, which corridor and which pipeline?

Mr. McCall: Mr. Speaker, the corridor that was mentioned by Mr. MacEachan, dealing with the railroad in reference to the pipeline. There is reference made to the railroad. I was wondering if the Minister, in his discussions as the representative of this government dealing with the pipeline and all its aspects, has he ever been in discussions with the proposed railroad that may go through the Yukon, with respect to the movement of oil or gas?

Mr. Speaker: The Honourable Member from Whitehorse Riverdale?

Question re: Clinton Creek Mine Closure

Mr. Lengerke: Mr. Speaker, I have a question with respect to the Clinton Creek closing. I was wondering if anybody from the government could tell me who is involved from YTG with respect to the assessing and evaluating of the situation there, the possible use of some of the buildings and assets. Is there an involvement there with YTG? This is the question.

Mr. Speaker: The Honourable Minister of Education?

Hon. Mr. Lang: Mr. Speaker, it is my understanding that Mr. Bell, the Administrator for the government has been involved and I will bring back a report as to just exactly where it is at.

Mr. Speaker: The Honourable Member from Whitehorse Riverdale?

Mr. Lengerke: Supplementary, is nobody on the Executive Committee, the elected members aware of what is going on today, or is it just strictly tied up with Mr. Bell?

Mr. Speaker: The Honourable Minister of Education?

Hon. Mr. Lang: Mr. Speaker, it is my understanding that Mr. Bell went to Clinton Creek last week to assess the situation and hopefully there will be a report later on this week to the Executive Committee that can be transmitted to the House.

Mr. Speaker: I will permit one further supplementary. The Honourable Member from Whitehorse Riverdale?

Mr. Lengerke: Mr. Speaker, my concern is, I am surprised at that that Mr. Bell only went last week. Have we not been concerned prior to this?

Mr. Speaker: The Honourable Minister of Education?

Hon. Mr. Lang: Mr. Speaker, we have been concerned and I know that he has been in consultations throughout the year with Clinton Creek and that is all I can say at the present time. I will bring back what information I can here in the next day or two or perhaps the Administrator can attend the House since he does have portfolio responsibilities.

Mr. Speaker: The Honourable Member from Kluane?

Mrs. Watson: Mr. Speaker, a supplementary to that. We would certainly like to know where it is at and I would request that a full report on any negotiations that have been going on between the Yukon Government and the mine at Clinton Creek be made available to this House.

Mr. Speaker: Order please, there is no question and if there is no question and if the member does require such information, perhaps she could obtain such in the normal manner. Are there any further questions? The Honourable Member from Klondike?

Question re: Cassiar Asbestos Moving/Lay-offs Resulting.

Mr. Berger: Yes, Mr. Speaker, a question to the Minister of Consumer Affairs. Is there any negotiation going on or anything at all going on right now to offset the possible hardship created by Cassiar Asbestos moving out their transportation company and White Pass probably had to lay off people on the railroad or the trucking division and the possibility of curtailing the movement of ships along the coast and that way bring in cheaper consumer goods to this Territory. Is there any negotiations going on at all to offset this type of hardship?

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

Hon. Mr. Hibberd: Mr. Speaker, Mr. Bell has been dealing with this and I will get what information I can for the Member and bring it to the House.

Mr. Speaker: The Honourable Member from Kluane.

Question re: YTA Negotiations

Mrs. Watson: Yes, Mr. Speaker, I have a question for the Minister of Education. Negotiations between the YTA and the Territorial Government went to arbitration before Christmas. Since then the arbitration has recommended a twelve per cent increase in salaries, for the teachers.

I'm wondering, Mr. Speaker, whether the Government of the Territory has adopted the arbitration board's ruling and has in fact granted a twelve per cent increase?

Mr. Speaker: The Honourable Minister of Education.

Hon. Mr. Lang: No, Mr. Speaker, it is subject to AIB.

Mr. Speaker: The Honourable Member from Kluane.

Mrs. Watson: Mr. Speaker, supplementary, it is subject to AIB, is the Territorial Government supporting the YTA's submission to the AIB Board?

Mr. Speaker: The Honourable Minister of Education.

Hon. Mr. Lang: Mr. Speaker, it's my understanding the arbitration board came forward and it has been set as prescribed by the arbitrator and it's up to the AIB.

Mr. Speaker: I'll permit one further supplementary on this matter.

Mrs. Watson: Mr. Speaker—

Mr. Speaker: The Honourable Member from Kluane.

Mrs. Watson: —the Honourable Member did not answer my question. I asked if the Territorial Government is supporting the YTA's submission to the AIB Board.

Mr. Speaker: I believe the Minister has replied to that question.

Mrs. Watson: He didn't answer it.

Mr. Speaker: Order, please. The Honourable Member from Pelly River.

Question re: AIB-2 Forms

Mr. McCall: Yes, Mr. Speaker, in presenting the matter to the Anti-Inflation Board, has the Minister complied with the AIB-2 forms, which is an appropriate format in which you have to prepare all submissions to the Anti-Inflation Board and, as Mrs. Watson just asked, is the Government assisting the union or the association to present and prepare the AIB-2 forms for the Anti-Inflation Board?

Mr. Speaker: The Honourable Minister of Education.

Hon. Mr. Lang: Mr. Speaker, I'll have to bring in the necessary information.

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

Question re: Health Care costs of Status Indians

Mr. Fleming: Yes, Mr. Speaker, I see that Mr. Commis-

sioner is not here this morning, so you may inform me as to who I may address this question to, possibly yourself, Mr. Speaker. It's a question on a question that was asked here, a written question on December 15th, by myself, dealing with the responsibility health care costs of status Indians and the Government of this Territory and the Government of Canada, and also dealing with how native peoples pay for their compensation and health services.

It's been two and a half months and I see it's still on the Order Paper, and I would like to question the Commissioner, Mr. Speaker, as to if they are doing anything about the question or finding out anything and if they're going to finally answer the question.

Mr. Speaker: The Honourable Minister of Human Resources.

Hon. Mrs. Whyard: Mr. Speaker, I believe I said Monday that we would bring in additional information for the Honourable Member. It had been our understanding that he was pursuing the matter with the Federal Government department responsible to provide those answers.

However, on his behalf, we are now obtaining that information from the federal government—

Mr. Speaker: Order, please.

Hon. Mrs. Whyard: Mr. Speaker—

Mr. Fleming: Point of Order, Mr. Speaker.

Mr. Speaker: Order, please. We will hear the Honourable Member's point of order.

Hon. Mrs. Whyard: Mr. Speaker, the answer is being typed today and will be available today.

Mr. Speaker: Order, order, please.

The Honourable Member from Hootalinqua.

Mr. Fleming: Yes, Mr. Speaker, that is not the same question. I will read this, this morning if Mr. Speaker will allow me so that the people involved may know what question I am speaking of. That question has been answered by the Minister that she speaks of. This is not the same question. It is the question from December the 15th.

"Since the Government of Canada is responsible for the health care costs of status Indians, will the Commissioner state what arrangements are made by the Government of the Territory to ensure:

(a) that status Indian workers (or their employers on their behalf) are not required to pay health care premiums,"

(b) that employers of status Indians do not have to pay workers compensation assessment (or the portion of the assessment relating to health care of workers) pursuant to the *Workers' Compensation Ordinance*;

and also state,

(c) whether the Territorial Government has any arrangements with the Department of Indian and Northern Affairs to verify and up-date the lists or rolls of status Indians.

(d) whether the list of status Indians kept by the different Federal and Territorial Departments and Branches are regularly compared for accuracy.

(e) what procedures are used by the Government of the Territory (i) to verify and maximize payments due by Canada to the Territory in respect of contractual services rendered to Indians by the Territory on behalf of Canada, and (ii) to ensure that individuals are not required to make payments to the Territory in cases where payments are or would be made by Canada on their behalf."

That was the question Mr. Speaker and I am waiting for the answer, some day.

Mr. Speaker: The Honourable Minister of Human Resources?

Hon. Mrs. Whyard: Mr. Speaker, that is the question that we are preparing the answer for today which will be tabled tomorrow.

Mr. Speaker: The Honourable Member from Klondike?

Question re: Written Question Number 31

Mr. Berger: Yes, Mr. Speaker, I guess I will have to address an empty chair, Mr. Speaker, my question is when can we expect an answer to a question asked by Ms Millard on December 5, Question Number 31?

Mr. Speaker: Would you address the question?

Mr. Berger: Well, Mr. Speaker, to an empty chair because Mr. Commissioner is not here.

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

Hon. Mr. McKinnon: I would be happy to find that information out for the Honourable Member, Mr. Speaker.

Mr. Speaker: Are there any further questions? We will then proceed on the Order Paper to Orders of the Day, and we have first of Notices of Motion or Resolution.

ORDERS OF THE DAY

MOTIONS

Madam Clerk: Item Number 1, standing in the name of the Honourable Member, Mr. Lengerke.

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

Mr. Lengerke: Yes, Mr. Speaker.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse Riverdale, seconded by the Honourable Member from Watson Lake, WHEREAS: the Minister of Indian Affairs and Northern Development, the Honourable Hugh Faulkner, recently indicated to the members of this Legislature that the Government of Canada would consider financial relief or some form of "debt-write-off" with respect to the Northern Canada Power Commission;

THEREFORE BE IT RESOLVED, that this House requests via telegram to the said Minister a full status report with respect to this matter.

The Honourable Member from Whitehorse Riverdale?

Mr. Lengerke: Mr. Speaker, I realize the Resolution is rather of a simple nature, because it is not calling for any great action, but my concern is, and I have been expressing this concern since I have been elected to sit in this House, I have been expressing the concern for some time. Here we are again, we are well aware that the Northern Canada Power Commission are again asking for a rate increase, I think of 7½ or so per cent, to be effective April 1st. As you know, I think they had a rate increase of around 12 per cent in May, and I am just really wondering how many Ministers must we go through until we get an answer, how many months must we wait until we get an answer? Certainly I would think that three Ministers and fifteen months later, we could get some kind of an answer and positive action with respect to this.

The action that I'm looking for, Mr. Speaker, is you will all recall the report of the Task Force on electrical energy costs in the North. That report all started with the famous Aishihik project and all the cost over-runs and everything else. We spent a lot of time and many sessions going through that particular topic.

If you will recall, certainly the Minister, Judd Buchanan, initiated the task force and I think that was about November

15th, 1976, that we had a report. Then we had a change in the Minister right after that, the Honourable Warren Allmand said that he would review carefully and consider recommendations and other options. I think he said that on December 16th.

Then this House passed a number of resolutions asking for some more support in this and what was going on. On December 21st, in the House of Commons, the Honourable Member Doug Neil, from Moose Jaw, asked the question and Warren Allmand, the Minister of Indian Affairs and Northern Development, at that time, said again, "I'm reviewing that report now. I did not accept the recommendations of the report in total. I am looking for other options which will relieve the impact of power rates in the North. All those options are not in the report".

So again, we're waiting, we're waiting. I think then, some place along the line, out of the Yukon, out of the Yukon Liberal Association, January 27th, a resolution came forward. "Be it resolved that the Yukon Liberal Association requests Senator Paul Lucier to meet with the Honourable Warren Allmand to:

(1) express our dissatisfaction with NCPD Task Force Report in that it found no way to relieve Yukoners of the current very high rates for power" and so on, and we have reams of paper on that, Mr. Speaker.

Then now, released most recently, on November 8th, you will recall, that the Minister Hugh Faulkner, visited us. I think it was a couple of days after our Session opened, and we discussed many things of economic development, land claims and so on. You will recall that I asked the Minister a question at that time. I said, what is happening with respect NCPD debt-write-off, some relief in that area. He told us, at that time, that it was going to be discussed in the House, that there was going to be some positive action taken.

To date, we have not heard. Mr. Speaker, that's the reason for this particular resolution and I would hope that our Members would add to it and maybe we could send some of a forceful reply or a request to him. I wish we could, I don't know, blackmail the Minister somehow and say, listen, you're not going to get a pipeline through Yukon, unless we get some relief on this thing.

Because you know, Mr. Speaker, just yesterday I received my power bill and I'm probably one of those fortunate fellows that has a real low one. Mine was \$181.54, for just this current month, which was a nice warm month.

Mr. Speaker: Order please.

Hon. Mr. McKinnon: Electric heat?

Mr. Lengerke: Electric heat, that's fine, that's not bad, but I'm just wondering, you know, I spent a lot of money putting in insulation and what have you in my home. How many other people, how many Yukoners more unfortunate than myself are facing these costs.

I think it's time we looked at something that affects Yukoners today and not always just be bound up in so many other topics that don't mean a thing.

So I would suggest, Mr. Speaker, that we do something about it, and I would hope that we could get some direction. Certainly the least we could do is send a telegram of some protest to the Minister asking what the status is of this situation.

Mr. Speaker: The Honourable Minister of Human Resources?

Hon. Mrs. Whyard: Mr. Speaker, I don't wish to preempt the prerogative of the seconder of the motion, but I would like to rise to comment. I support this motion, and if I may, Mr. Speaker, I would like to quote from the Commons Debate, February 14th, 1978, which contains, among many other pe-

tinent observations on the part of Mr. Doug Neil of Moose Jaw, some direct references to the Northern Canada Power Commission and I would like to, for the benefit of all members of Committee. I will just introduce this into the record for today's discussions.

"Is the Federal Government going to continue to treat the Yukon as a colony, or is it going to respect the wishes of the people and grant them responsible government? Will it allow active involvement by the people in the Territorial Council in decision-making with respect to the impact of the pipeline? It would almost appear that the attitude of the government is to become more and more involved, and that its policy is to move further away from, rather than toward responsible government. Certainly it did not have the interests of the Yukon in mind when it failed to negotiate the \$200 million Heritage Fund for the Territory, recommended in the Lysyk Report. As the Honourable Member for Yukon stated yesterday, this fund would have given the people of the Yukon the money to enable them to purchase the assets of the Northern Canada Power Corporation and set up a new corporation of their own.

"Time will not permit me to go into a detailed discussion of the Northern Canada Power Corporation, but it is sufficient to say that it was set up by an act of this Parliament in 1956 to service the Yukon and Northwest Territories. It was based on a user-pay concept. Each project undertaken must be self-sustaining, therefore rates charged must provide sufficient revenue to cover interest on investments, repayment of principal over a period of years, as well as a contingency reserve. The NCPC is operated by federal appointees and it is not popular in the North. Its power rates are high, its planning is poorly done, and recently it was faced with a cost overrun of \$36 million on the \$11 million Aishihik Power Project. If the Yukon were able to acquire the capital assets, future planning could take place by the people of the Yukon.

"There is tremendous hydro potential in the Territory. There is one of the largest bodies of iron ore in the world in the Snake River area as well as coal. These two resources, combined with power could result in a large and almost fantastic steel industry. One must remember it was the steel industry which made the United States what it is today. There are other large ore bodies of lead and zinc, as well as a potential for an aluminum smelter in the Whitehorse area. It is interesting to note that Kaiser Aluminum showed a keen interest in such a smelter, but received no encouragement from the Federal Government.

"Some might say that I am stressing development too much and that I am not concerned about the environment. This is not so. Development can go hand in hand with environmental and ecological protection. Development of resources must and will come. During the past few years, I have met many people of the Yukon. They are vitally concerned about the environment and the ecology as well as the socio-economic problems. They are responsible people. They are the ones who should be making the plans and participating in the decisions, not the top senior officials of government who do not possess the same personal concerns."

Mr. Speaker: The Honourable Member from Klondike.

Mr. Berger: Yes, Mr. Speaker, I rise in support of Resolution Number 16. I have very little to add to it. The Honourable Member from Riverdale said it very well.

One thing that I would like to point out is that he is very fortunate that his power bill is only a hundred and some odd dollars, with electric heat, because people in my constituency pay that amount without electric heat. With electric heat, that power bill would run up to \$500-\$600 per month. I only hope the Honourable Member would also support a resolution that probably will be forthcoming this Session, that calls for equalization of a real kind, all across the Yukon, where every-

body pays exactly the same thing. Not that one part of the Territory can afford the luxury of electric heat and the other part of the Territory can't even go near the possibility of electric heat. They still have to have only 25-watt light-bulbs, because we can't afford anything else in our homes.

Mr. Speaker: The Honourable Member from Hootalinqua.

Mr. Fleming: Yes, Mr. Speaker, I rise in support of the motion and in support of what the Honourable Member from Dawson has just said.

However, I would like to comment that the quotes he made were very, very reasonable if they want a fact of life, because I have on my desk this morning a bill for \$994.60, for six little motel units and one office.

Now, I'm not saying that that is anybody's fault, really, other than that something should be done in this Territory, because for 8,000 and some kilowatts and you pay over \$800, you're going into over ten cents a kilowatt in the outlying districts. I don't know what it would be in Whitehorse. I know it would be considerably lower.

This motion is really, as the mover of the motion indicated, is not really something that's very strong and I would like to see it much stronger. I would like to see the Yukon Government step right in and say that they were going to really do something about power in the Yukon Territory.

As for backing this motion, I have no problem whatsoever. I think it is time that we found out just what the Government of Canada was going to do about power, because we hear every day, from Ottawa, and we hear it in the paper and their speaking of large projects and don't you think for a moment they haven't got the Yukon in mind for a large project.

However, there is nothing said about who is going to pay for the project and I can foresee and \$200 or \$300 million dollar project going on, such as happened and then such as happened in the Aishihik project, we'll be paying \$300 or \$400 million for the project, if the federal government has anything to do with running it or contracting it out or otherwise.

But it is time that this government and all the members here too supported something such as Mr. Berger has spoken of too. Sit right down and figured out the cost to the people of the Yukon Territory all the way around, see if there isn't some way to equalize power across this Territory, which I know is going to possibly hurt the people of Whitehorse in a small amount, but there is such a thing as everybody being fair. I will support this resolution with no problem whatsoever.

Mr. Speaker: The Honourable Member from Kluane?

Mrs. Watson: Yes, Mr. Speaker, I find it rather interesting that this motion came from a member from Whitehorse in this instance, because it wasn't until the last two or three years that Whitehorse even became aware that electricity cost any kind of money. I think the people in Whitehorse, and this is very true of studies that have been done across Canada, that of all the northern cities Whitehorse enjoyed at that time, the most realistic, the most reasonable rate for their electricity. This is just fine. It was unfortunate though, that the cry from the outlying areas, and it was a cry in the wilderness, because the rates at that time were even higher than they are now, and they are high enough. But possibly, if the Government of the Yukon then had been alarmed and the people of Whitehorse had been alarmed and formed a lobbying group, that the mickey mouse Aishihik Project would have been pushed aside, and we would have gone into something that was worthwhile.

Right now Aishihik costs a great deal of money and we still are only able to meet our maximum needs, and if our needs grow beyond this, we will likely be back to diesel power again and then we will be paying for it.

I have no problem whatsoever supporting this motion. I will support it through frustration. I really don't know whether-

anything is going to come of it. The Honourable Member from Riverdale outlined the various things that we have done, the various times we have stood in this House and spoken and all to deaf ears. A Task Force, at least a report was prepared by the Task Force. It was a fairly good report that the Task Force put forward, and of course, now we have to have someone act upon it. It was most interesting when the Minister was here first time, just after his appointment, the Honourable Hugh Faulkner, and I believe the Member from Riverdale asked him whether he had considered what alterations to the financial responsibility of the NCPC would be in the Yukon and he said NCPC?, NCPC?, what's that? He doesn't know what NCPC is. I don't think he is going to know what is in the Task Force report or it is not very high in their list of priorities. But I certainly support the motion.

It is interesting that the Honourable Member from Klondike referred to a rate equalization across the Yukon Territory. In reviewing the annual report of the Electrical Public Utilities Board, they stated, as a result of submissions made to it, the Board, from various interested persons, the Board has requested its consultants, Price, Waterhouse and Associates, to conduct a cost analysis and make a report to the Board on the feasibility of electric rate equalization throughout the Territory. I would be most anxious to get a copy of that report and I wonder if the Government of the Territory has a copy of that report, whether it would be made available to the members of this House, because we have talked about this for some time.

Since some work has been done on it, surely it should be made available to the elected members. I support the motion. I don't know how strong you can word it. I don't care if you send it by telegram, dog sled, or carrier pigeon, or whether you go down with it yourself, I don't think it's going to make any difference, but, in frustration, support it and try again.

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

Hon. Mr. Hibberd: Mr. Speaker, I also rise in support of the motion, but I also rise to give some reassurance to the House regarding some of the measures we've been talking about this morning.

Indeed, the report which the Member from Kluane refers to regarding equalization, is in its final stages and will be ready shortly.

Mrs. Watson: Will it be available to the House?

Hon. Mr. Hibberd: I would hope so.

I am also lead to believe that there has been active negotiation going on recently between NCPC and the Minister and that he should be, in a short time, in a very good position to be replying to a telegram of this nature. In other words, it's quite timely. Even though he promised us last November, it now seems to be coming to fruition. So it is quite an appropriate time to send such a telegram.

Hon. Mr. McKinnon: The announcement of a new Minister.

Mr. Speaker: Order, please. The Honourable Minister of Education.

Hon. Mr. Lang: Thank you, Mr. Speaker. I'm sorry on the confusion, the seating has been changed, but, at any rate, Mr. Speaker, I think it's fair to say that all Members in the House will support this and I just want to echo the frustrations of the Member from Riverdale with the Federal Government and their lack of respect for the Members in this House and the people of the Yukon, to even consult on various matters, including the power rates in the Yukon.

I think it's fair to say, Mr. Speaker, that if this continues for very many more years, I think the people of the Yukon should seriously begin looking at maybe becoming an identity of their

own, looking at the writing off of debts to various other third world countries around the world that Canada does and, at the same time, ignores the people of the Yukon and the obvious financial responsibilities that have been acquired through their mismanagement of their power facilities.

Mr. Speaker: Is there any further debate? The Honourable Minister of Local Government?

Hon. Mr. McKinnon: Mr. Speaker, just one suggestion: I would think that the telegram should also go to the former Minister of Indian Affairs and Northern Development, who is now the Minister responsible for Consumer and Corporate Affairs. He seemed to make quite a big political noise of how he was going to do something about the rates while he was Minister of Indian Affairs and Northern Development, certainly he will be in a position with Consumer and Corporate Affairs being his portfolio responsibility, to get together with his dear colleague in Indian Affairs and Northern Development and being able to work something out on behalf of the people of the Yukon.

I hope, Mr. Speaker, that there was no misapprehension left by the remarks of the Honourable Member from Hootalinqua, that the Territorial Government is not presently and will continue to be intrinsically involved in some method of electrical rebate, because I have seen, with my own eyes some, of the bills in the outlying areas, where the YTG rebate almost equals the amount of the other part of the bill. If it were real that the YTG rebate were no longer available, then the power rates in some areas would, in essence, Mr. Speaker, double overnight. So the YTG is involved and involved intrinsically in an attempt to at least lower, to some degree, the rates that people are affected by, throughout the Yukon Territory.

This ability of us has been mentioned over and over again to the Federal Government to continue this type of rebate, and up to this point in time, also has met with no success from a financial viewpoint to that fund being made sure that it remains in a proper economic basis. Mr. Speaker, we are concerned not only with the long term results of such things as the motion would ensure to Yukon people, but also what is going to happen on a year to year basis, with the depletion of the electrical rate equalization fund. So certainly we are intrinsically involved at the present time, and we hope to be able to continue in that method, and also in the long term results through major power developments and through debt write-offs which had been indicated by successive ministers of Indian Affairs and Northern Development, Mr. Speaker.

Mr. Speaker: The Honourable Member from Whitehorse Riverdale?

Mr. Lengerke: Mr. Speaker, just in closing, I just want to assure the Member from Kluane that, she was surprised that I would present this motion, but I have been standing up in this House ever since, as I said, ever since I have been elected to it. I am certainly in support of anything that can relieve some of the burdens to the outlying areas and she knows that full well. I get more calls from outlying areas than I do in my own constituency. I can assure the Member from Klondike that I will certainly support a rate equalization formula. There is no doubt about it at all. I have always been disgusted at the way power has been generated and distributed in Yukon, and I think that certainly a place like this with the resources and potential, hydro-wise, that we could do better. However, I would just like to also say that if there was some way of maybe borrowing a cattle prod or something from one of the members from the Saskatchewan Legislature here today to send that along with the telegram, I am sure that would maybe spruce-up the Honourable Minister in Ottawa. I think it is time somebody did shock him into something.

Motion agreed to

Mr. Speaker: The Honourable Member from Pelly River?

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

Mr. Fleming: I second that.

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

Motion agreed to

Mr. Speaker leaves the Chair

Mr. Deputy Chairman: I call this Committee to order. We will continue reading Bill Number 1, clause by clause and the amendments. I will declare a brief recess.

Recess

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

We have the two witnesses with us today, Mr. Cosman and Mr. Spray, to assist us with Bill Number 1.

Presently, we are on Page 77. We have a proposed amendment, Section 135, which I will read as follows: It is moved by Mrs. Whyard, seconded by Mr. Lang, that Bill Number 1, entitled *Motor Vehicles Ordinance* be amended as follows: In Part X at page 77, by adding immediately after section 135 thereof the following section:

135.1(1) Where a motor vehicle is equipped with an odometer, no person shall alter the reading of the odometer except where necessary for repairs to or replacement of the unit.

(2) Where any dealer is aware of any change in the odometer reading of any motor vehicle which he has for sale or exchange in the course of his business, that dealer shall advise any person who, in the course of that business subsequently acquires the vehicle, of such change in writing.

Any debate?

Hon. Mrs. Whyard: Mr. Chairman.

Mr. Deputy Chairman: Mrs. Whyard.

Hon. Mrs. Whyard: This section is added to the Ordinance from the proposed regulations, on the recommendation of your Standing Committee.

Amendment agreed to

Mr. Deputy Chairman: The next amendment is dealing with section 141 on page 78.

Mr. Fleming:

Mr. Fleming: Yes, just a comment, Mr. Chairman, if I may. It isn't really with the amendment of 135(1) or (2), in that sense, but it is dealing with the odometers and the speedometers that we have now, and I notice that some of the provinces, of course, are having the same problem of dealers, if there is no law there, dealers may change in the vehicles, a speedometer to one in the metric, you know, and there is nothing in the Ordinance and I'm wondering if the Government has been thinking about it at all, making sure that this doesn't happen in the Yukon Territory, that dealers can change these things without actually stating the mileages on the car when they changed them.

Hon. Mrs. Whyard: Mr. Chairman—

Mr. Deputy Chairman: Mrs. Whyard.

Hon. Mrs. Whyard: —that is the section that's amended.

Mr. Fleming: Mr. Chairman, there's nothing in there, really, to say, in that amendment, that the mileage has to be there. You say "necessary for repairs". Now, I was reading, I just didn't get quite time to go through it. "...for repairs or replacement of the unit", but it does not state anywhere, you

know, that that mileage must be there. Not that I can see.

Hon. Mrs. Whyard: It's in subsection 2, Mr. Chairman.

Mr. Fleming: Is it?

Hon. Mrs. Whyard: Yes.

Hon. Mrs. Whyard: Mr. Chairman, subsection 2 requires the dealer to advise the person who is buying it or whatever, of the change in the mileage, in writing.

Mr. Fleming: Thank you, Mr. Chairman. I understand.

Mr. Deputy Chairman: We will now go down to page 78, to subsection 141, a proposed amendment which shall read: It has been moved by Mrs. Whyard, seconded by Mr. Lang, that Bill Number 1, entitled *Motor Vehicles Ordinance* be amended as follows: In subsection 141(1) at page 78, by adding immediately before the words "no person shall" in line 37 thereof the following words: "Except as provided in subsection (2)."

There is a further amendment to the same subsection in 141, I will read that as follows: Moved by Mrs. Whyard, seconded by Mr. Lang, that Bill Number 1, entitled *Motor Vehicles Ordinance* be amended as follows: In Section 141 at page 78, by deleting subsection (2) thereof and substituting therefor the following: (2) Notwithstanding subsection (1), a television set may be located and operated in a motor vehicle if the driver of the motor vehicle cannot by any means see the screen of the television set while the vehicle is in motion.

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

Mr. Deputy Chairman: Any discussion on these two amendments dealing with Section 141?

Mr. Berger: There is one more, Mr. Chairman.

Mr. Deputy Chairman: I'm sorry, there is a further amendment. Moved by Mrs. Whyard, seconded by Mr. Lang, that Bill Number 1, entitled *Motor Vehicles Ordinance* be amended as follows: In Section 141 at page 79, by deleting subsection (3) thereof.

Mrs. Watson:

Mrs. Watson: Mr. Chairman, may I comment on subsection (4) of 142?

Mr. Deputy Chairman: We are dealing with Section 141, Mrs. Watson.

Mrs. Watson: Thank you.

Hon. Mrs. Whyard: I have no comment on these sections, they are here at the request of my honourable colleague on the left.

Mr. Deputy Chairman: Mrs. Watson?

Mrs. Watson: What is the question being called?

Amendments agreed to

Clause 141 agreed to

Mr. Deputy Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, you are referring to Clause 141?

Mr. Deputy Chairman: That is all.

Mrs. Watson: Thank you.

Mr. Deputy Chairman: We will now go to page 79. It has been moved by Mrs. Whyard, seconded by Mr. Lang, that Bill Number 1, entitled *Motor Vehicles Ordinance* be amended as follows: In Part X at page 79, by adding immediately after Section 142 thereof the following subsection: 142.1(1) No person operating a motor cycle or moped shall carry a passenger unless the motor cycle is equipped with (a) an adequate pillion seat, (b) adequate hand grips, and (c) adequate foot rests, for use by the passenger.

Mrs. Whyard:

Hon. Mrs. Whyard: Mr. Chairman, this Section is added to

the Ordinance from the proposed regulations on the recommendation of your Standing Committee.

Mr. Deputy Chairman: Mr. Berger?

Mr. Berger: Mr. Chairman, I have no problem with that amendment, my question is do 142.1 on radar detectors, my question is to some of the witnesses, why was this section put in? I was told since we reviewed that Ordinance that in BC the police like people to have radar detectors, because they do slow down when they detect a radar device stood on the highway by police. I was wondering what the input was and what the recommendation was by the local RCMP on this particular section?

Mr. Deputy Chairman: Mrs. Whyard.

Hon. Mrs. Whyard: Mr. Chairman, this is not the section we're discussing. Can we clear this amendment and then refer the discussion?

Mr. Deputy Chairman: Mrs. Watson.

Mrs. Watson: Mr. Chairman, I would accept your ruling. I'm very anxious to speak to 142 also, as the Honourable Member from Klondike. Are we free to speak to that or are we dealing with the proposed amendment, which is 142.1, a different thing altogether.

Mr. Deputy Chairman: We're dealing with 142.1(1).

Any further discussion on the proposed amendment?

Mr. Cosman.

Mr. Cosman: Yes, Mr. Chairman, I might point out a slight typographical error, I believe. The second line of the proposed section should read "a passenger, unless the motorcycle or moped is equipped with...". We're dealing with both motorcycles or mopeds and so our a, b, c, renumeration should go both to motorcycle or moped is equipped with a, b.

Mr. Deputy Chairman: Thank you, Mr. Cosman.

Amendment agreed to

Mr. Deputy Chairman: Is there any further discussion on Section 142?

Mr. Berger.

Mr. Berger: Mr. Chairman, do you want me to repeat my question or consider my question and maybe we could get an answer from the person that I raised this with already?

Mr. Deputy Chairman: Would you repeat your question, Mr. Berger?

Mr. Berger: I would like to know why this section was put in and what the local RCMP had to say on this section, because, like I said, my information is from B.C., that the police force in B.C. likes to radar detectors in the cars.

Hon. Mrs. Whyard: Mr. Chairman, could we ask for advice from Mr. Spray, please?

Mr. Deputy Chairman: Mr. Spray, can you reply to the question?

Mr. Spray: Mr. Chairman, we have no particular input from the RCMP in the Yukon on this section. I'm not aware that the RCMP in British Columbia were in favour of these devices. I am aware that in some of the other jurisdictions in Canada they are very much opposed to these devices.

Mr. Deputy Chairman: Mr. Berger.

Mr. Berger: Well, Mr. Chairman, it's my word against the administrator of this bill, because I was told by reliable sources that it is only Alberta specifically, where this was part of the Ordinance comes from, they are against radar detectors, but in B.C., they like them. Maybe we could get that information, Mr. Chairman.

Mr. Deputy Chairman: Mrs. Watson.

Mrs. Watson: Mr. Chairman, I would also point out in this

piece of legislation, it is left to the discretion of the Commissioner, radar devices are acceptable under the legislation. The prohibition doesn't apply to a peace officer in the course of his duties or a vehicle used by a person in conducting a traffic survey, authorized by the Commissioner. These people can use the radar device.

Then we say it is illegal to use the radar devices and then, in number 4, we say, it is illegal, "no person shall", and then you put in "without the approval of the Commissioner". A complete discretionary power.

If you've already noted the instances in your legislation, where it is necessary to use radar devices, peace officers traffic control, fine. Then don't put in a discretionary power for the Commissioner. Are you going to allow radar devices for the general public or aren't you?

You know, you might as well wash the whole thing out, because you're leaving it to the discretion of one. You could just say, "radar devices at the discretion of the Commissioner" you wouldn't even have to put peace officers in there, that section. He could use his own discretion on it. It's a ridiculous section and there's no policy defined.

Is the Territorial Government going to approve radar devices being used by the general public or not? They are saying no, but, one man can make a decision.

I'm not prepared to accept this.

Mr. Deputy Chairman: Mr. Fleming?

Mr. Fleming: Yes, Mr. Chairman, that is a very good point brought up by the member. After all you go on to say in subsection (2) or .2, subsection (1), "does not apply to a vehicle used by a peace officer in the course of his duties". Now we have already spoken of the matter and said that is the way it will be and then we go back down here and give the Commissioner the authority to go ahead and say yes, you can sell them to do whatever you want to any person. So I see no need for this section whatsoever myself.

Mr. Deputy Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, this section was read last November. I heard no objections at that time.

Mr. Deputy Chairman: Mr. Berger?

Mr. Berger: Mr. Chairman, with all due respect to the Honourable Member, I just pointed out that I just received information in between sessions. This is why I think we should find out if it is true. If the BC police like the radar detectors, then it is only in Alberta where they don't like them or other provinces, Ontario, yes.

Mr. Deputy Chairman: Mr. Lengerke?

Mr. Lengerke: Mr. Chairman, my opinion of this is that I really don't care what BC thinks, I think we are trying to govern the roads in Yukon. Personally, and this is a personal observation, I just don't think anybody should be allowed to equip a car with such a device. I think if the police have got radar out, they have it out for a purpose and the taxpayer paying for that type of equipment for the control of our highways, I can't see why we have to openly allow this kind of equipment to be sold and put into private vehicles. I think there is also another point that they have been finding in the States and certainly some of the other provinces that a lot of this equipment that is sold is sold at a very, very high cost to the individual, and when the truth is known, it is manufactured and put out for very little and there is quite a rip-off. I think that we are trying to protect some of our people as well. I just don't see any need for it whatsoever. I think the clause reads fine saying that we are not going to equip our cars.

Mr. Deputy Chairman: I have one question, Mr. Spray. Who pays for this electronic equipment?

Mr. Spray: Who paid for it, Mr. Chairman?

Mr. Deputy Chairman: Yes, or who would have to pay for it?

Mr. Spray: The owner of the vehicle, Mr. Chairman, would pay for the equipment. I might point out, Mr. Chairman, that subsection (4) deals only with the sale or offer for sale of any device. It does not give any further authority to the Commissioner to authorize those devices to be utilized in vehicles in the Yukon. It just allows him to have some control over whether or not these units are sold in the Territory.

Mr. Deputy Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, that is exactly the point I am making. If you don't want people to use them, if you make it illegal to use the equipment and you are going in and say no person shall sell them, however, the Commissioner can okay certain people to sell it. I think we have to be consistent with the position we are taking. Either we are not going to allow it, or we are, and you are giving complete discretion to one person. I am just not prepared to accept that. Also, I find it almost repulsive, subsection (3), where a peace officer apprehends a person operating a motor vehicle contrary to Section 1, that is someone with the device, the peace officer may seize the device or the equipment. Why not leave it there, he may seize it, but you say it is forfeited to the Commissioner.

That is not necessary. That is absolutely ridiculous.

Hon. Mrs. Whyard: Mr. Chairman, the Honourable Member knows full that's a phrase that we use throughout ordinances and have from time immemorial and it has absolutely no bearing on whether or not the Commissioner is going to personally take possession of any of these devices.

Mr. Chairman, have to point out that, in (4), you're making provision for the legal sale or use of these pieces of equipment by the people who are authorized to use them such as peace officers and persons conducting traffic surveys, and there has to be a provision there somewhere for that kind of thing.

I think the Honourable Member has made her point and I don't see any point in prolonging the discussion.

Mrs. Watson: A point of order, Mr. Chairman, who's running the Committee?

Hon. Mrs. Whyard: The Chairman.

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

Mr. Fleming.

Mr. Fleming: I'm glad of that clarification. I was looking through it and I came to that conclusion, more or less, along the line that this is what it is actually for, right? To allow certain people, such as police officers, to be able to buy the equipment, otherwise the police officer couldn't have the equipment. I will go along with that that far.

I realize that, you know, that they have to be able to buy it somewhere so somebody has to sell it, however, I think that the wording down here, that "no person shall, without the approval of the Commissioner" and, you know, it just goes a little farther than I am willing to accept, however, because they could have stated it very clearly a little bit up here where they said a peace officer can do it, you know, rather than go to the extent of giving the Commissioner the power to just say to anybody that he could sell them if he wants to.

Mr. Deputy Chairman: Mrs. Watson.

Mrs. Watson: Mr. Chairman, I thank the Honourable Member from Hootalinqua for changing his mind and finally agreeing with me again.

However, I do not think my point is one for laughter, because, to me, it's become a very serious thing.

Over a period of time, we have, within our Government, gained some constitutional changes, whether they are defined

in law or not and what we're doing by continuing to write these sections of our legislation the way we are, we're going right back and losing the recognized constitutional changes that we had. We never know the interpretation by the people who hold the position. We don't know whether that interpretation is being taken literally and, in some instances, it is.

I cannot understand the Members sitting across the way and smiling and smirking. I think it's time—

Hon. Mrs. Whyard: Mr. Chairman, a constitutional lecture.

Hon. Mr. Lang: Point of order.

Mrs. Watson: May I proceed?

Mr. Deputy Chairman: Sit down, Mrs. Watson. A point of order has been raised.

Mrs. Watson: Thank you.

Hon. Mr. Lang: Mr. Chairman, I thought we were discussing the *Motor Vehicles Ordinance*, not the constitutional evolution of this Government of the Yukon Territory and I think we should proceed with the section as outlined. I'd like to hear your ruling on that, Mr. Chairman.

Mr. Deputy Chairman: Proceed, Mrs. Watson.

Mrs. Watson: Thank you, Mr. Chairman. It is as relevant as Doug Neil is to this Chamber.

But we do have to look at small things like this, that we can do and it's important, and I am saying that we never know whether it is going to be literally interpreted or not and, in some instances, recently, it has been literally interpreted, so let's not give the opportunity to have that interpretation taken.

So, I would stress very much, simple amendment, drop (3) "forfeited to the Commissioner", and (4), drop "no person shall sell or offer, without the approval of the Commissioner" Drop "without the approval of the Commissioner".

Let's get away from that silly old colonial habit, we have.

Mr. Lengerke: Why don't you just say Minister of Highways?

Hon. Mr. Lang: It is not legal, Mr. Chairman.

Mr. Lengerke: To who?

Mr. Deputy Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, we won't have to put anything in. If Minister of Highways isn't a legal term, Minister of Consumer and Corporate Affairs isn't a legal term, well then don't use anything.

Mr. Deputy Chairman: Mr. Lang?

Hon. Mr. Lang: Mr. Chairman, what the Honourable Member is saying then we should say the Registrar or whatever of the Public Service and put them in the position of making these political decisions when you have a Minister who is in charge now of this particular department, and if it had to be regulations or whatever, they have to be approved by the member in charge of that particular department before it goes to the Executive Committee. Mr. Chairman, I would like to call question on this particular section.

Mr. Deputy Chairman: Mr. Fleming?

Mr. Fleming: Yes, Mr. Chairman, just to clarify my position, I am not in favour of subsection (4) and only for one reason: that it does give the Commissioner the power to let anybody sell these things to anybody, and in that respect I don't agree. It could have been that a very small section that these devices can only be sold to the people that can use them, such as peace officer or the government that needs to have a peace officer, or a vehicle used by a person conducting traffic. We don't have to go to the extent to which we always seem to do, saying the Commissioner has complete control over ev-

everything and then turn it wide open, rather than having it the way it says here. We are not going to allow them to have them, only peace officers and a vehicle used by a person conducting traffic, so why not say that's the only one that it can be sold to. I think it is very simple, then you don't have to all this, "no person shall without the approval of the Commissioner" in there, and giving him the right to sell to anybody, even though they are illegal to be used.

Mr. Deputy Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, I think all members are fully aware of the fact that the word Commissioner is the legal connotation of the Executive head of this government, it has to be used in our Ordinances, there is no point in arguing this today, it is not going to make any difference to our constitutional position today. What we are trying to do today is clear a Bill which has been read since November and there is an amendment before you for approval.

Clause 142 agreed to

Mr. Deputy Chairman: Would Committee please turn to page 85.

Hon. Mrs. Whyard: Mr. Chairman, are we not going to clear that Part?

Mr. Deputy Chairman: Shall Part X, Sections 112 to 142 carry, as amended?

Part X agreed to

Mr. Deputy Chairman: Page 85, moved by Mrs. Whyard, seconded by Mr. Lang, that Bill Number 1, entitled *Motor Vehicles Ordinance* be amended as follows: In subsection 153.(1) at page 85, by deleting paragraphs (e) and (f) thereof and substituting the following paragraphs therefor: (e) when a traffic control device otherwise requires or permits, (f) upon a one-way highway, or (g) when the width of a roadway does not otherwise permit.

Mr. Deputy Chairman: Mrs. Whyard.

Hon. Mrs. Whyard: Paragraph (g) was added at the request of the House to provide for travel on narrow recreational roads.

Amendment agreed to

Clause 153 agreed to

Mr. Deputy Chairman: Page 94.

Hon. Mrs. Whyard: We're considering this a typographical correction.

Mr. Deputy Chairman: It has been moved by Mrs. Whyard, seconded by Mr. Lang, that Bill Number 1, entitled *Motor Vehicles Ordinance*, be amended as follows: In subsection 171(1) at page 94, by deleting the word "up" in line 1 thereof.

And I believe there is a following amendment also.

It has been moved by Mrs. Whyard, seconded by Mr. Lang, that Bill Number 1, entitled *Motor Vehicles Ordinance*, be amended as follows: in subsection 171(2) at page 94, by inserting the word "motor" between the words "a vehicle" in line 6 thereof.

Mrs. Whyard.

Hon. Mrs. Whyard: Mr. Chairman, I think we could use a little advice on this one, from our witnesses.

Mr. Deputy Chairman: Mr. Spray.

Mr. Spray: Mr. Chairman, 171(2), I would suggest this amendment has been made in error. Motor vehicle does not include such units as graders. By leaving the subsection as it is, that no person shall back a vehicle into an intersection or crosswalk, it includes not only motor vehicles, but other vehicles.

Mr. Deputy Chairman: That would come under definition of equipment, wouldn't it?

Mr. Spray: As equipment.

Mr. Deputy Chairman: Not vehicle.

Mr. Spray: Road construction equipment.

Mr. Deputy Chairman: Mrs. Whyard.

Hon. Mrs. Whyard: With the permission of Committee members, we would withdraw this.

Mr. Deputy Chairman: Committee agree.

Amendment withdrawn

Mr. Deputy Chairman: We are just dealing with deleting "up" in line 1 thereof, in section 171(1).

Hon. Mrs. Whyard: That's correct, Mr. Chairman.

Amendment agreed to

Clause 171 agreed to

Mr. Deputy Chairman: Please turn to pages 108 and 109.

It has been moved by Mrs. Whyard, seconded by Mr. Lang, that Bill Number 1, entitled *Motor Vehicles Ordinance*, be amended as follows: In section 194 at pages 108 and 109, by deleting subsection (1) and substituting therefore the following:

194.(1) No person shall leave a vehicle unattended on a roadway if the vehicle has been placed on a jack or a similar device and

(a) one or more wheels have been removed from the vehicle, or

(b) part of the vehicle is raised,

unless it is placed on blocks which are adequate to bear the weight of the vehicle.

Mr. Deputy Chairman: Mrs. Whyard.

Hon. Mrs. Whyard: Mr. Chairman, this amendment comes in at the request of the Honourable Member from Kluane, who wanted the requirement made more reasonable.

Amendment agreed to

Clause 194 agreed to

Mr. Deputy Chairman: Shall Part XI, Sections 143 through to 194 carry, as amended.

Part XI agreed to

Mr. Deputy Chairman: Turn to page 111. Moved by F. Whyard, seconded by D. Lang, that Bill Number 1, entitled *Motor Vehicles Ordinance* be amended as follows: In subsection 208.(1) at page 111, by adding immediately after the word "municipality" in line 24 thereof the words "or local improvement district".

Mr. Berger?

Mr. Berger: Mr. Chairman, I wonder if our Legal Advisor could tell me, does that section mean that I am illegally operating a car after 10 o'clock in the evening in any municipality, the way this section reads right now?

Mr. Deputy Chairman: Mr. Cosman?

Mr. Cosman: Mr. Chairman, the only illegal operation of the motor vehicle at the hours of 10 o'clock in the evening and prior to 7 o'clock in the morning, would be where it is operated so as to unduly disturb the residents of any such street or part thereof. I believe this is a reference to tearing up and down the streets, squealing tires, roaring engines, that sort of thing. It is not the operation of a motor vehicle in a quiet, orderly manner that is exempted.

Mr. Deputy Chairman: Mr. Berger?

Mr. Berger: Mr. Chairman, with all due respect, but

think it is left up to the interpretation of a person in a place. I could have the quietest car and they could say well you are disturbing me and you are not supposed to be on the road, the way I interpret this section.

Mr. Deputy Chairman: Mr. Cosman?

Mr. Cosman: Mr. Chairman, I believe this is a problem that arises fairly frequently. The enforcement of this would be a discretionary matter in the hands of a police officer or a peace officer. The case might ultimately end in a court or being considered by a judicial body, and there the determination would be made as to whether the person alleged to have committed the offence, was unduly disturbing the residents of the area. Witnesses would be called, and that sort of thing. It would be a value judgment on the part of the courts. This is one of those very difficult to describe type of things that clearly defines criteria as to what unduly disturbing residents of the area might be. It is very difficult to preconceive what that might be.

Mr. Deputy Chairman: Mr. Fleming?

Mr. Fleming: Yes, Mr. Chairman, I don't really agree with this 208.(1) to the extent that it is here, other than the same problem expressed by Mr. Berger. Also the fact that we have given the municipalities and the L.I.D.s some control of their own and possibly giving them some more, I think that this should be left to the municipalities and the L.I.D.s in this sense, this type of thing, which is really not a dangerous thing. It is just something that has happened in those municipalities and you have, as the Legal Advisor says, it is a problem anyway to prove in court whether it is a noise or otherwise, what the vehicle is doing, if you vehicle is that bad or not. I think it should be left to them, I don't think this section needs to be here, other than possibly, and they don't have it here, the unorganized districts that do not have any control of their own. Then I could see it, in that area, I could very well see it if they had put unorganized districts in here, but not municipalities and L.I.D.s.

Mr. Deputy Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, on the first time around in November members didn't object to the point of this Section, what they did was ask us to amend it to include reference to the L.I.D.s, which is what we have done. That is the only change.

Mr. Deputy Chairman: Mrs. Watson.

Mrs. Watson: Mr. Chairman, I believe with the amendments that are suggested in the *L.I.D. Ordinance*, and with the ability in the *Municipal Ordinance*, the municipalities and the L.I.D.'s could pass these by-laws anyway.

But I am suggesting, and with the sort of quandry you were in with Old Crow, that they don't feel that they have the ability, if you just had "no person shall operate a vehicle on a residential street between the hours of ten o'clock in the evening and seven o'clock the next morning, on a residential street", this would apply across the board in the Territory and the Old Crow people would be able to.

There would be some strength of law given to them in order to discipline. There would be some strength of law on which they could lay their complaints. There isn't now.

So, it is a suggestion. Actually, I could care less whether it stays in completely, or it's taken out completely. It's a very difficult section to enforce, but it does give people an opportunity, if they want, they have to lay a complaint, they have to lay a charge and the vehicle is there. So, it doesn't matter to me.

Mr. Deputy Chairman: Mr. Fleming.

Mr. Fleming: Yes, Mr. Chairman, I was just going to say that I don't want to hold up this Bill, on account of this section. I am one to stand up and admit that last time I did question the

idea of the local improvement district being there and I make mistakes sometimes. It wasn't a mistake, because it should be there, but I thought at the same time, possibly, the unorganized districts and thought of them, too, and we didn't. So, I made a mistake there by not thinking of them, at that time.

Amendment agreed to

Clause 208 agreed to

Mr. Deputy Chairman: Committee shall recess until 1:30.

Recess

Mr. Chairman: Would Committee come to order. The next amendment is subsection 210.(3) at page 112. Moved by F. Whyard, seconded by D. Lang, that Bill Number 1, entitled *Motor Vehicles Ordinance* be amended as follows: In subsection 210.(3) at page 112, by adding immediately after the word "municipality" in line 14 thereof the words "or local improvement district".

Hon. Mrs. Whyard: Mr. Chairman, this is just one of another in the series requested by the House of amendments to include reference to L.I.D.'s in this Section.

Mr. Chairman: Any discussion?

Amendment agreed to

Part XII agreed to

Mr. Chairman: We will go on to Part XIII. There are no amendments to Part XIII.

Part XIII agreed to

Mr. Chairman: Part XIV. The amendment is in subsection 222 at page 116.

Moved by F. Whyard, seconded by D. Lang, that Bill Number 1, entitled *Motor Vehicles Ordinance*, be amended as follows: In subsection 222(1) at page 116, by deleting the word "animal-driven" in line 2 thereof and substituting therefor the word "animal-powered".

Hon. Mrs. Whyard: I think this is self-explanatory.

Mr. Chairman: Is there any discussion?

Amendment agreed to

Mr. Chairman: Does Part XIV carry as amended?

Part XIV agreed to

Mr. Chairman: Fifteen, the amendment is in section 238 at page 121.

Moved by F. Whyard, seconded by D. Lang, that Bill Number 1, entitled *Motor Vehicles Ordinance*, be amended as follows: In section 238.(1) Notwithstanding anything contained in this Part, a pedestrian who is

(a) a Canada Lands Surveyor, or who is in the employ of such a surveyor,

(b) a person in the employ of a municipal corporation, a local improvement district, the Government of Yukon, the Government of Canada or of the owner of a public utility, or

(c) a person operating under contract to persons listed in paragraph (a) or (b),

and who, while in the conduct of his duties is required to use the roadways or other portions of the highway contrary to provisions of this Part or of a municipal by-law passed under the authority of this Ordinance, is not in contravention of this Part if adequate advance warning is given of his presence on the highway by means of signs, barriers or the use of a flag-person.

Hon. Mrs. Whyard: Mr. Chairman.

Mr. Chairman: Yes, Mrs. Whyard.

Hon. Mrs. Whyard: Members asked that this be amended to exempt contractors of Government, and so forth, from

compliance with the sections applying to pedestrians. It seemed to be a common sense amendment.

Mr. Chairman: Is there any discussion? Yes, Mrs. Watson?

Mrs. Watson: Yes, Mr. Chairman, I think there is a deficiency in the amendment in subsection (b). You have added "local improvement district", but in the narrative below that, you have added "contrary to the provisions of this Part or of a municipal by-law passed under the authority of this Ordinance". It should also contain an L.I.D. by-law, should it not, if you are going to give the L.I.D.'s the authority.

Mr. Chairman: Do we take that as a typographical error? The particular line will now read: "To provisions of this part or the municipal by-law or local improvement district by-law passed under the authority of this Ordinance."

Mrs. Watson?

Mrs. Watson: Mr. Chairman, in subsection (c), just a question: would this permit some person who, in order to put in a sewer or water system has to cross a road, a private individual, and this happens outside of municipalities or L.I.D.s, and the government does not provide the assistance and they want to put in sewer or water line, they have to cross a road. Would they, as their own contractor or under a contract, be able to put up barriers? This specifically says contractors to persons listed in paragraph (a) or (b) only, but not to private individuals.

Hon. Mrs. Whyard: I am trying to think, in what case would a contract be issued where he would have to block off a road if it wasn't for a public utility, or for the municipality or local improvement district. If it were on private property it would not be necessary to block the road.

Mr. Chairman: Yes, Mrs. Whyard?

Mrs. Watson: Yes, Mr. Chairman, there are instances that I know of where private individuals, now would you call them the owner of a public utility, the owner of a private utility, and in order to tie in with the sewer and water line to their property, they have to cross the highway. Now would they be able to put up barriers, not under this section, would they?

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: Mr. Chairman, in that case, I would think that it would be this that if it was an individual and he would have to have the permission of the municipality, the L.I.D. or whoever, to do work on the public utility, and that would be the same. I think I would interpret that, that certainly that individual could do that. He has the right to dig up his own utility on his own property at any time, but the utility is owned by the municipality, the government or the L.I.D. and he has to get permission there.

Mrs. Watson: Mr. Chairman, the utilities owned by CNT, it is owned by CNT and CNT gives you permission to tie in to it, but you have to go across the road. Shouldn't you have some wording in there to say that "under contract to or with the permission of" or something like this, because they would have to have the permission of the Government of the Territory to tear up the road but you are just saying "under contract to", should you not broaden it to make provision for the Territorial Government to give authority to cut up the barriers?

Mr. Spray: Mr. Chairman, this particular section is relating to Part XV, which only refers to pedestrians on the roadway. What we are saying is that these persons listed in 238 need not comply with the provisions of the Ordinance, insofar as they walk on any side of the roadway.

Barriers on the road, permission to work on the road come under the *Highways Ordinance* and do not form part of this Ordinance.

Mr. Chairman: Yes, Mr. McKinnon.

Hon. Mr. McKinnon: Mr. Chairman, I don't know what section it is and I would have to research it, but I know that we do give permission, have given permission and will continue to give permission, under a section of some ordinance somewhere, that allows exactly the thing that the Honourable Member has indicated. It has happened already in her community and I think has the possibility of happening in other communities and it has been done, either through an order or through a portion of the *Highways Ordinance*, because I remember distinctly it coming before the Government, at any rate, when it was being contemplated and, in fact, was executed in the community of Haines Junction.

So, I know that there is a section somewhere that allows exactly the thing that she is looking for, and this deals only with a pedestrian, in Section 238.

Mrs. Watson: But, Mr. Chairman, if you read it, it does deal with pedestrians, "who is a person working under one of these contracts", so I would like to see a person operating under a contract to persons listed above, or with the authority of persons listed above. That would cover it adequately.

Mr. Chairman: Mr. Fleming.

Mr. Fleming: Mr. Chairman, my question would be, is in the case of, and a very explicit case here, of the, say the Teslin L.I.D., local improvement district, and a contractor of a sewer operation and later years, maybe, the Government could say that you must pay your own way all the way across the street. As a person then digging up that street to put in the sewer, this is where my problem would be. I would be wondering if, because the L.I.D. and the Territorial Government do have the say, and so forth and so on, whether he would more or less be under contract because of the fact that he had to do it, on his own, to hook on to their utilities. Would he be under contract or not? Because if not, I would say no, in this case.

Mr. Chairman: From the Chair, I think the explanation that might be pertinent is that any person doing this is only doing it legally if he has a permit and the permit would be in the nature of a contract permitting him to do it. I think that that interpretation would solve this little problem.

Hon. Mrs. Whyard: Yes, Mr. Chairman, thank you. I think we should also bear in mind that this area that we're dealing with now has to do with pedestrians only and regulations or requirements about how they use the streets and highways. We're not going into the business of who is contracting for what to whom, as it applies to the obstruction on a road or people using that road.

Mrs. Watson: Mr. Chairman, I would be prepared to consider it as a typographical error, "a person operating under contract to persons listed in paragraph— or with the authority of persons listed" in (a) or (b), and, to me, that would be quite satisfactory then.

Mr. Chairman: Mr. Cosman.

Mr. Cosman: Mr. Chairman, as a draftsman, I see no problem with that. I might suggest a slight re-wording, paragraph (c) to read "a person operating under contract to, or with authority from, the persons listed in paragraph (a) or (b)"

Mrs. Watson: Very good.

Mr. Chairman: Could you say that again?

Mr. Cosman: "A person operating under contract to, or with authority from, the persons listed in paragraphs (a) or (b)."

Mr. Chairman: Could we consider that a typographical error or an omission?

Some Members: Agreed.

Mr. Chairman: Any further discussion? Shall the amendment carry?

Amendment agreed to

Mr. Chairman: This is the only amendment in Part XV.
Part XV agreed to

Hon. Mrs. Whyard: Mr. Chairman, the next four amendments are typographical references to sections.

Mr. Chairman: The next amendments are in clause 240 at pages 122 and 123 and Section 242 at pages 122 through page 124.

Moved by F. Whyard, seconded by D. Lang, that Bill Number 1, entitled *Motor Vehicles Ordinance* be amended as follows: In subsection 240.(2) at page 122, by deleting the reference to "subsection 7.(6)" in line 11 thereof and substituting therefor "subsection 7.(1)".

In subsection 240.(5) at page 122, by deleting the reference to "section 86" in line 36 thereof and substituting therefor "section 81".

In subsection 240.(8) at page 123, by deleting the reference to "section 86" in line 17 thereof and substituting therefor "section 87".

In subsection 240.(9) at page 123, by deleting the reference to "section 198" in line 21 thereof and substituting therefor "section 195".

In subsection 240.(11) at page 123, by adding immediately after the words "fifty dollars" in line 34 thereof the words "or such lesser amount as may be prescribed".

In subsection 240.(12) at page 123, by adding immediately after the words "one hundred dollars" in line 39 thereof the words "or such lesser amount as may be prescribed".

In subsection 240.(13) at page 124, by adding immediately after the words "one hundred fifty dollars" in line 7 thereof the words "or such lesser amount as may be prescribed".

In subsection 240.(14) at page 124, by adding immediately after the words "two hundred dollars" in line 13 thereof the words "or such lesser amount as may be prescribed".

Is there any discussion concerning these amendments? Yes, Mrs. Watson?

Mrs. Watson: Mr. Chairman, I wonder if we could have an explanation of the wording of "prescribed". Are there going to be putting forward Commissioner's Orders determining these?

Mr. Chairman: In the last—

Mrs. Watson: Yes, that last batch, they are all prescribed.

Hon. Mrs. Whyard: Yes, Mr. Chairman, as the usual procedure, I would like to ask my honourable colleague on the right to speak to this particular series of amendments, because they are his proposals.

Hon. Mr. Lang: Mr. Chairman, the last time that we discussed this, a few of the members raised the fact that there wasn't a differentiation amongst the fines, that they felt it's \$50 on the outset would be too much. So, subsequently, we have looked at Alberta legislation and we find there's a progressive fine as one commits one or two or three more offences, as it goes up.

We're maintaining the fine for going through the school zone, because we feel it is very important, but in the aspect of a person exceeding the speed limit, it is our intention to put into the regulations, to begin at \$20 for the first offense, and the second offense would go to \$30 and then the third offense would go to approximately, is it \$50.

Now, the idea is to put it in a progressive manner so that the fine can be levied in such a way that it is an outright fine so that an individual can go down to the RCMP and pay it, rather than having to go and clog the courts, in that particular area. At the same time, maintain, as I said earlier, the concept of the

school zone, which we feel is very important, which should not be violated and somebody should be penalized to the furthest extent of the law.

So, that's really the concept behind it. There was a lot of discussion in this area, Mr. Chairman. There was some thought that it should be up to a maximum, without trying to come up with a fixed fine, to leave it to the discretion of the RCMP, but, it was also noted that one would have to take time off work and go to the courts and whatever and further clog the justice system, as it is today.

So, that's really the reasoning behind it, Mr. Chairman. I think that it's equitable and I think that it's a common sense approach to the problem.

Mr. Chairman: Yes, Mr. Fleming.

Mr. Fleming: Yes, Mr. Chairman, I'm very glad to hear and I'm very glad that these amendments are here because I was one of the Members that spoke on it before and asked that it be changed, due to the fact that they just said \$50, \$100, and I felt, at that time, that the amounts prescribed would be considered, the judge would be prescribing these amounts.

I felt that if a person was going two miles over the speed limit, you know, if you're going to court over it, the judge would look at the \$50, \$100, and say, what, I'm the person that decides, more or less, what should be charged. However, there is such a thing as whack, \$50, and probably the person was not really doing that, I don't know.

I'm hoping that this is, the way it is now, that this can be done by the judge, or, if there's some other thing that the Government's bringing forward, going to prescribe the definite figures somewhere, then I would like to know.

Mr. Cosman: The word "prescribed", according to our *Interpretation Ordinance*, means "prescribed by regulation".

Mr. Chairman: Yes, Mr. Berger.

Mr. Berger: Yes, Mr. Chairman. I was just wondering if somebody could explain to the Committee what is going to happen to some of the minor traffic violation fines, once the demerit system is going to be installed.

Mr. Chairman: Yes, Mr. Spray?

Mr. Spray: Mr. Chairman, at this point, the fines would still stand. I realize there are some jurisdictions that do not levy fines when they have a demerit system. This would also, of course, under these four subsections, allow the government if they wished to reduce the fine to zero dollars, however, that is not the intent of this section, I don't believe.

Mr. Chairman: Any further discussion?

Amendments agreed to

Part XVI agreed to

Mr. Chairman: We will now return to Section 2.(1), which was stood over. Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, I was going to ask for approval from Committee Members to consider Section 7, if we could have approval to do so since it was not considered in our first run through. Section 7 on page 8.

Mr. Chairman: Did we stand it over?

Hon. Mrs. Whyard: It wasn't dealt with, Mr. Chairman, because we didn't have unanimous approval of that Section. I think that it is an important section which we should consider.

Mr. Chairman: Do we have unanimous consent? Mr. McCall?

Mr. McCall: I think we before we go back to Section 7, I would like some clarification as to where the amendment to Section 5 is, which the Minister asked to take back for further review. I think that should be considered at this time before we agree on Section 7.

Mr. Chairman: I would suggest that what we do is to go back to Section 2.(1) which was stood over and then go back through the sections that we haven't cleared or haven't dealt with. Would that be satisfactory?

Mr. McCall: With all due respect, Mr. Chairman, I am not prepared to give unanimous consent to Section 7 until I am satisfied with Section 5.

Mr. Chairman: Well, if we start at Section 2, which was the first one that was stood over, we will come to Section 5 in due course, and then we can consider it then. Okay? We will have Section 5 considered before Section 7 in any case.

We stood this over because at the time we were dealing with it, nobody seemed to know what a traction engine was.

Hon. Mrs. Whyard: Mr. Chairman, we did bring in a definition of traction engine two or three times that day later.

Mr. Chairman: Not when we were discussing this particular Section. It was stood over for a definition of traction engine and if somebody will supply it to the satisfaction of the Committee—

Hon. Mrs. Whyard: Mr. Cosman, could you give us that definition again, I thought we had cleared it, I am sorry.

Mr. Cosman: Yes, Mr. Chairman, I believe that a traction engine is a steam engine used for hauling heavy loads.

Mr. Chairman: I don't think it is satisfactory for you to say that you believe that that is what it is, I think that somebody should say "a traction engine is...". I am not prepared to accept somebody to say they believe something, they must say it is.

Hon. Mrs. Whyard: I did, Mr. Chairman, two days ago.

Mr. Chairman: You didn't say it at the time we were discussing this, now don't try to obstruct what we are doing here. We are dealing with a Section that was stood over. We require a definition for a traction engine right now, and I am not satisfied to accept that I believe something is, I want to know the definition that is going to be inserted here and we wouldn't put in here "I believe a traction engine is such and such".

Now could I have the definition of "traction engine", please?

Mr. Cosman: Mr. Chairman, my understanding had been that we weren't to prepare a specific definition, but to explain what a traction engine is, that's why I was simply stating what I think a traction engine is. I hadn't prepared a specific formula for that, because I hadn't received instructions from the House or from the Minister to prepare one.

Mr. Chairman: Well, I don't know whether the Committee is satisfied with that, but I'm not.

Mr. McCall: Mr. Chairman.

Mr. Chairman: Yes, Mr. McCall.

Mr. McCall: I think your position is quite appropriate and before this Bill goes any further, if the administration of this Government is going to use a terminology like a "traction engine", therefore there should be the definition in the Bill. I think this is what was suggested, like the Chairman just pointed out, and I think this is what is going to be brought forward, post haste.

Hon. Mr. McKinnon: Mr. Chairman, I believe that this Government made the commitment to bring back a definition of traction engine. If we can go through one, look at the Ordinance, in those sections where we still have answers to bring back, and we can say that we will bring back those answers tomorrow, or later this afternoon, to know that everyone of those areas which has been under question will be satisfied, hopefully, to the Members' satisfaction, prior to going through the final review of this Ordinance.

I remember distinctly that we committed to find out what a traction engine is and, obviously, we haven't at this point in time.

Hon. Mrs. Whyard: Mr. Chairman.

Mr. Chairman: Yes.

Hon. Mrs. Whyard: I apologize if this is delaying the Committee. In Legislative Programming at noon today, which my honourable colleague was unable to attend, we went through all the notes presented to us by the Clerk of Council, regarding the amendments to be brought in, and I'm afraid that that was not on the list, Mr. Chairman.

We have other amendments here, which are to be brought back in, which I am ready to bring before Committee. If you wish to delay until we have the definition of traction engine, we can bring them all together later this afternoon.

Mr. Chairman: How long would it take, Mrs. Whyard, to bring in a definition for a traction engine?

Yes, Mr. Spray.

Mr. Spray: Mr. Chairman, we did not put a definition in the Ordinance of a traction engine, because it has a definition and, technically speaking, a traction engine is a locomotive that is not run on rails. It used to be a steam engine. It is now, obviously, a locomotive includes a diesel or any other type of powered engine. It is an engine which is used primarily and solely for pulling a load. It would include such things as a caterpillar-tractor, which has no other use except to pull a load. It is not a passenger vehicle, it is not a vehicle which, in itself, carries a load.

It is designed and manufactured primarily for the pulling of other loads and it is a very old fashioned type of term, but it is an accepted term. It is a locomotive that is not run on rails.

Mr. Chairman: Well, that is satisfactory to me, if it's satisfactory to the Committee.

Are you agreed?

Some Members: Agreed.

Mr. Chairman: Yes, Mr. Berger.

Mr. Berger: Mr. Chairman, does this mean now that any operator with a caterpillar-tractor is going to have to have a licence plate on the equipment because this is exactly everything that we are told.

Hon. Mrs. Whyard: I would ask Mr. Spray to reply.

Mr. Chairman: Mr. Spray.

Mr. Spray: Mr. Chairman, a traction engine is excluded from the definition of a motor vehicle. A motor vehicle must be registered, but a vehicle need not be registered. However, the Ordinance does apply in certain cases to vehicles.

I had a case in point this morning, where a vehicle may not back into an intersection. It need not be licenced, but certain rules of the road apply to it.

Mr. Chairman: Are you ready for the question on Clause 2? No. Yes, Mrs. Watson?

Mrs. Watson: I asked a question on the definition of motor vehicle, and it may be a stupid question, but it has been bothering me for some time. Is a bicycle a motor vehicle?

Mr. Chairman: No.

Mrs. Watson: Not under that definition. What is it then, a moped?

Mr. Cosman: Mr. Chairman, no, a bicycle is not under this definition a motor vehicle. Bicycles are dealt with in the Ordinance, however, as bicycles.

Mr. Spray: A bicycle is a vehicle, a vehicle is a device in, upon or by which a person or thing may be transported or drawn upon a highway. So a bicycle is a vehicle, and where we

use the term "vehicle" only in the Ordinance, it applies to bicycles.

Mrs. Watson: Okay, Mr. Chairman, when you refer to a moped it is a vehicle, but it is not a motor vehicle, is this correct?

Mr. Spray: Mr. Chairman, a moped is a motor vehicle. A motor vehicle is a vehicle designed to be self-propelled in any matter except solely by muscular power, and a moped may be propelled by means other than muscular power, so it is a motor vehicle. An animal driven vehicle is not a motor vehicle. A bicycle is not a motor vehicle.

Mrs. Watson: But all vehicles aren't motor vehicles?

Mr. Spray: That is correct.

Clause 2 agreed to

Mr. Chairman: The next one that was stood over is Section 5 on page 6, subsection (1) on page 6. Yes?

Mrs. Watson: May I ask another very quick question. On page 3 where we were given (b) somebody told me there was an hour, had we decided just to go with kilometre, or we were also going to be using miles per hour? I know there was a question on that, and I don't remember the decision.

Hon. Mrs. Whyard: I don't know what the Honourable Member is asking. What Section is she referring to?

Mr. Chairman: Would that be in section (f), moped, (f)?

Mrs. Watson: Yes, Mr. Chairman, in section (f) we did have some discussion. Whenever we were referring to metric system in the motor vehicle, would we also be giving the other? Would we be giving the metric and the other one? I know we had a discussion on that and I don't know what our decision was, but I can see we have gone completely metric in the amendments.

Mr. Chairman: Yes. Section 5, this Section was stood over. There was an amendment or a sub-amendment to the amendment made by Mr. McCall, that subsection 5.(1) be deleted and we stood this over for consideration of this sub-amendment. Any discussion on the sub-amendment?

Hon. Mrs. Whyard: Mr. Chairman, it is the decision of this government that you must not remove Section 5 because you require authority to be delegated to officers who are going to carry out an enforcements Ordinance.

Mr. Chairman: Mr. McCall?

Mr. McCall: As I pointed out when I proposed my sub-amendment, you already have that delegated authority, and reference to 3.(1)(2) or 4.(1) and also your interpretations you have enough authority there without compounding the situation by continuously making reference to subsections as in 5.(1). I think it is completely redundant and completely unnecessary.

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

Hon. Mr. Lang: Yes, Mr. Chairman, there's another interesting point here, in this particular section and I refer to the constitutional position of the Government and the Legislature would allow the Commissioner, up to a point, the Executive Committee, or a member responsible for that particular department as the individual responsible for carrying out the powers of this particular legislation.

Mr. Chairman: Any further discussion?

Mrs. Watson: Mr. Chairman, I would like to hear the Minister of Education with that. There is just no logic behind it and I would like to understand why he is making the argument.

Mr. Chairman: Mr. Lang.

Hon. Mr. Lang: Mr. Chairman, it is my understanding, from conversations with the legal draftsman, that this section

would allow the Commissioner to designate the Member in charge of Consumer and Corporate Affairs, as the person responsible for the responsibility of this legislation, to see that it is carried out.

Is that not correct, Mr. Cosman?

Mr. Cosman: Section 5(1) could have that wide meaning, yes. Any person.

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

Mr. Fleming: Yes, I still don't see why he needs that when he has 3(1), where he has "the Deputy Registrar of Motor Vehicles and such other officers and employees...". Now, I guess the Minister of Consumer Affairs would not be an employee, I don't know whether he would be considered an officer, but I'm afraid that if it's that bad in this one, that I'd hate to take a good look at the rest of these ordinances that we have here, if it isn't in this one already, without that section.

Mr. Chairman: Any further discussion? Are you ready for the question of the sub-amendment?

Mrs. Watson: What is the sub-amendment?

Mr. Chairman: The section is the Commissioner may delegate any or all of the powers conferred upon him by this Ordinance to such person or other person or persons as he considers advisable.

The amendment is that subsection 5(1) be deleted.

Are you ready for the question on the amendment? I'll read the amendment again.

Moved by Mr. McCall that subsection 5(1) be deleted.

Amendment defeated

Clause 5 agreed to

Mr. Chairman: Section 7. Have I unanimous consent to open Section 7?

Mr. McCall: Disagree.

Mr. Chairman: An amendment to section 13 and, Mrs. Whyard, have you another amendment.

Hon. Mrs. Whyard: Mr. Chairman, we have amendments to 12.

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: I beg your pardon, Mr. Chairman, I thought these had been distributed. Could we take a moment to distribute these?

Mr. Chairman: I declare a ten minute recess.

Recess

Mr. Chairman: Will Committee please come to order.

Section 12, page 10, there are two amendments to this section.

Moved by F. Whyard, seconded by D. Lang, that Bill Number 1, entitled *Motor Vehicles Ordinance* be amended as follows: In subsection 12.(3) at page 10, by adding immediately after the words "medical review board" at line 30 thereof the following words: "to consist of not less than three and not more than six members."

In subsection 12.(3) at page 10, (a) by adding immediately after the words "general public" in line 35 thereof the word "and", (b) by deleting the word "and" where it appears in line 39 thereof, and (c) by deleting paragraph (c) thereof.

Hon. Mrs. Whyard: Mr. Chairman, this is in response to the request from Members of Committee to give a little more information about how this Board will be established, number of members and so on, and there was objection to subsection (c), so we have deleted that.

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

Mrs. Watson: Mr. Chairman, I am prepared to accept the

amendment rather than prolong the discussions on the Bill, but I would have hoped that we would have had an indication that there was a lay person on the Medical Review Board, one or two lay people. I think it is something that we should be looking at for the future.

Mr. Chairman: Any further discussions?

Amendment agreed to

Clause 12 agreed to

Mr. Chairman: The next amendment is 13.(2) at page 11, and the amendment was stood over. I thought perhaps you had a substitution or something?

Hon. Mrs. Whyard: Mr. Chairman, no, the question asked about that on that amendment regarded Motor Vehicle Officer and I think Members were asking who is a Motor Vehicle Officer and what does he do? This is an appointment made under this Ordinance. It could be the Inspector of Motor Vehicles, or a Tester of Motor Vehicles, positions which will be filled in the future and they require this particular section.

Mr. Chairman: Mrs. Whyard, would you consider then that there is no particular officer who is to be known as a Motor Vehicle Officer and that this should not be capitalized?

Hon. Mrs. Whyard: I would agree, Mr. Chairman.

Mr. Chairman: We'll consider that, then, as a typographical error and there should be small letters for those three words, motor vehicle officer.

Any further discussion on this amendment?

Mr. Berger:

Mr. Berger: Mr. Chairman, wouldn't it be much better to strike out "motor vehicle" altogether, for clarification and just leave the name "officer" in there? I mean, this is what we're talking about really?

Mr. Chairman: Mrs. Whyard.

Hon. Mrs. Whyard: Mr. Chairman, we have no problem with that?

Mr. Chairman: Is that agreeable to the, should we just strike out "motor vehicle" as a "an officer"?

Further discussion? Yes, Mrs. Watson.

Mrs. Watson: That certainly broadens it then, does it not? The people who are exempt?

Hon. Mrs. Whyard: Mr. Chairman, if I may, that's why we had the limiting words in before, "motor vehicle" to show what they were going to be doing and what their duties would have to deal with and motor vehicle officer meaning someone who is working with and-or on motor vehicles.

Mr. Chairman: Yes, Mrs. Watson.

Mrs. Watson: Mr. Chairman, if we revert back to the definition of "officer", which I don't have at my fingertips, which is fairly broad, and then that would exempt all of these officers, while driving on official business in connection with an accident or an emergency or other emergency.

You know, it could include the fire chief who is going to investigate a fire that has happened two weeks before?

Mr. Chairman: May I make a suggestion that perhaps if we said "as an officer under this Ordinance"? would that solve your problem?

Yes, Mr. Spray.

Mr. Spray: Mr. Chairman, we amended Section 3, which now requires that an officer appointed pursuant to this Ordinance shall have only those powers and duties with respect to the administration of the Ordinance as the Commissioner may prescribe. Therefore, not all officers under the *Motor Vehicles Ordinance*, will have the duties of examination of drivers

or the inspection of motor vehicles or any need to attend an accident or other emergency. This will therefore limit them and, in fact, an officer will not have such broad meaning, under this new section, under section 13(2).

Mr. Chairman: What is your suggestion as to the terminology here? We've had three different ones now.

Mr. Spray: I would suggest, Mr. Chairman, we just have "by the Commissioner as an officer or an examiner of drivers". If we are dealing in the appointment of an officer as a tester of motor vehicles, his appointment will so state, that he is a tester of motor vehicles or an inspector of motor vehicles. Therefore, the only provision of section 13.2(1) that would apply to him is paragraph (b), and it would apply to him.

Mr. Chairman: Then you would suggest "as an officer"?

Mr. Spray: Yes, Mr. Chairman.

Mr. Chairman: Yes, Mr. Berger.

Mr. Berger: I was just wondering if we couldn't strike out the whole thing altogether, the officer, because we are already saying "a peace officer or a person employed by the Commissioner." I mean, wouldn't that include all those people that are working for the Territorial Government?

Mr. Spray: Mr. Chairman, I am afraid if you left or a person employed by the Commissioner, it would open it to the whole Public Service of the Yukon Territory. We do want to limit it only to those people who have specific duties under this Ordinance.

Mr. Chairman: Any further discussion? Are you ready for the question? Yes, Mrs. Watson?

Mrs. Watson: Somebody read the exact words we are voting on?

Mr. Chairman: "A peace officer or a person employed by the Commissioner as an officer or an examiner of drivers is exempt from the provision of this Ordinance while driving or operating a motor vehicle on official business in connection with (a) an accident or other emergency, (b) the inspection of a motor vehicle, or (c) the examination of a driver." I think this clause is pretty well self-limiting anyway.

Anything further Mrs. Watson?

Mrs. Watson: No, no.

Mr. Chairman: Shall the amendment carry?

Amendment agreed to

Clause 13 agreed to

Mr. Chairman: Section 19, the Duration of Suspension or Disqualification. Yes, Mrs. Whyard?

Hon. Mrs. Whyard: There was no amendment, it was a discussion of the Section as I understand, and I think the problem had to do with "other competency", words which apparently gave some problem. The explanation I gave at the time, I have checked and it is entirely accurate. There are other areas such as an impaired driver who has been ordered to take the course which the Probation Branch provides for impaired drivers. They then come back with a certificate saying that they have done so and therefore can have their licence reinstated. There are cases such as those which are covered by the words "other competency to drive".

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

Clause 19 agreed to

Mr. Chairman: The next Section is 61.(1) at page 31.

Moved by F. Whyard, seconded by D. Lang that Bill Number 1— Yes, Mr. Taylor?

Hon. Mr. Taylor: Perhaps we could now clear Part I, Mr. Chairman, if we have not already done so. I am just not

clear if we did or not.

Mr. Chairman: We dealt with Part I completely before going on to the different procedure.

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

Mr. Chairman: We cleared it section by section.

Moved by F. Whyard, seconded by D. Lang, that Bill Number 1, entitled *Motor Vehicles Ordinance* be amended as follows: In subsection 61.1(1) at page 31, by deleting paragraph (g) and relettering the remaining paragraphs accordingly.

Yes, Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, this is the section which caused a certain amount of soul searching here regarding the situation of residents of Old Crow and their desire to have exemptions from certain sections of this Ordinance regarding the operation of snowmobiles.

In our legislative committee, at noon, we did another round of discussions on how to comply with the wishes of the Old Crow people, without opening this Ordinance to the same kind of broadened interpretation for every other part of the Yukon, or, in some cases, failure to enforce sections of this Ordinance. It was the opinion of the Committee that it is almost impossible for us, as a Government, that certain people will be exempt from insurance or driver's licences for vehicles.

What we would like to do, Mr. Chairman, with concurrence of Members of Committee, is to leave it for the time being, as this proposed amendment indicates. We would not be adding that new section, and, on the return of the Honourable Member who represents that riding, attempt to obtain additional information which supported the request, and, at the same time, our administration will correspond with the Band Council at Old Crow, in an attempt to work out some kind of practical arrangement which will meet their requirements.

I'm at the pleasure of Honourable Members, but, your your legislative Programming Committee, was unable to come up with a section which met the arguments we faced here yesterday and, at the same time, the request of snowmobile drivers in Old Crow.

Mr. Chairman: There seems to be some difference in what I read and what the Honourable Minister was discussing. What did you have reference to?

Hon. Mrs. Whyard: Mr. Chairman, 51.1, at page 31. We're deleting paragraph (g), which is where we had inserted a new exemption of snowmobiles for residents of Old Crow.

Mr. Chairman: Mr. McCall.

Mr. McCall: Is the Minister talking about the recent amendment introduced this afternoon? Is this the one you're discussing right now? You make reference to 61.1.

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

Mr. McCall: By deleting paragraph (g), in reference to the situation in Old Crow?

I don't think it has any relevance. This is dealing with the photograph of an operator's licence, 61.1 (g). There is a slight element of confusion.

Hon. Mrs. Whyard: Mr. Chairman, if the draftsman would like to explain why it's necessary this this way.

Mr. Chairman: Yes, Mr. Cosman.

Mr. Cosman: Yes, Mr. Chairman. Originally, I had prepared a floor amendment striking the paragraph (g), which deals with the use of photographs on operator's licences, and, at the same time, we were inserting the Old Crow provision, just to fill the gap there, rather than adding it as a paragraph (n) or (o) or what have you. But now that the Old Crow provision is being reconsidered, you still should consider, as the Government member has introduced, the deletion of paragraph (g), dealing with photographs, and the relettering.

graph (g), dealing with photographs, and the relettering.

Mr. Chairman: What the Honourable Minister is doing is withdrawing the original amendment and substituting therefor a new amendment, which I have read.

So, the amendment dealing with Old Crow has been withdrawn, Mr. Fleming. We are not dealing with that at all. That has been withdrawn by the Administration. What we're dealing with is the deletion of subsection (g), which is governing the use of a photograph on an operator's licence, in prescribing the terms and conditions that may be required if the attachment of a photograph to an operator's licence, that is what we're deleting and renumbering, or relettering the remaining paragraphs.

Has everyone got that now? Any discussion? Yes, Mr. Fleming?

Mr. Fleming: I think I have it pretty clear now. I was going to comment before that we didn't need the other one anyway, before though, because if you look at 6, "prescribing the terms and conditions of which permits may be issued on motor vehicle registration and licence plates" covers Old Crow completely.

Mr. Chairman: Mr. Fleming, we are not dealing with that.

Mr. Fleming: No, I realize that, however, I thought we were dealing with that one, at the time.

Mr. Chairman: I did too to begin with.

Mr. Fleming: Okay, thank you.

Mr. Chairman: Any further discussion of this non-section? Are you ready for the question?

Amendment agreed to

Clause 61 agreed to

Mr. Chairman: Shall Part III carry, as amended? Yes, Mr. Berger?

Mr. Berger: Mr. Chairman, just a question of information on this particular paragraph you just deleted. When can the people in the Yukon expect adequate photograph equipment in the Territory so that everybody will be covered under the proposed law of having a photograph on your driver's licence?

Hon. Mr. Lang: Mr. Chairman, just to refresh member's memories, that particular section was voted out and we don't have the legislative authority to require photography, and subsequently there is no reason to believe that it is going to be done to any great extent until which time there is the necessary legislative authority given to the administration.

Mr. Chairman: Yes, Mr. Berger?

Mr. Berger: Mr. Chairman, I am not really satisfied with that, because when we discussed that particular section, the one we deleted before already, the answer I received, and the members received, was that there was only one or two machines available in the Territory and this is why the requirement was "may require photographs". Maybe it only affected the people in Whitehorse, but not in the outlying areas. My question is, when would the Territorial Government purchase enough equipment to cover everybody in the Yukon Territory?

Mr. Chairman: Retrenchment, if it were.

Hon. Mrs. Whyard: Mr. Chairman, I had hoped that we will live to see that day.

Mr. Chairman: We will now turn to the preamble, page 1.

The Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory, enacts as follows: *Motor Vehicles Ordinance*.

Shall the preamble carry?

Some Members: Agreed.

Mr. Chairman: I declare the preamble carried. Shall the title carry?

Some Members: Agreed.

Mr. Chairman: I declare the title carried. Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, I would move that Bill Number 1 be reported out of Committee as amended.

Hon. Mr. Lang: I second that.

Bill Number 1 Reported out of Committee

Mr. Chairman: We were going to give Mrs. Watson an opportunity of discussing Item 7 on the Order Paper, Resolution Number 3:

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

The witnesses are excused. Thank you very much.

Hon. Mr. McKinnon: Mr. Chairman, undoubtedly we are going to need, I would think, some legal opinions on the *Electrical Public Utilities Ordinance*, but I'm willing to see what happens—

Mr. Chairman: Mr. Cosman.

Hon. Mr. McKinnon: —in debate.

Maybe we should let debate go and see.

Mr. Chairman: Do you require Mr. Cosman here?

Hon. Mr. McKinnon: Mr. Chairman, I'm positive that our legislative draftsman has not had any time to either study or has been involved at all with the *Electrical Public Utilities Ordinance* at this time, and I think that, perhaps, if we get into any legal problem, that we should talk to the person who has had the experience, dealing with the *Electrical Public Utilities Ordinance*, on behalf of this Government, as a legal advisor.

Thank you, Mr. Chairman.

Mr. Chairman: Yes, Mrs. Watson.

Mrs. Watson: No, I don't think it will be necessary and I'm quite satisfied to start without him. If we do run into a legal question, we can always get the Legal Advisor.

I have a great deal of concern about electrical franchises, because, of course, several of my communities are involved with it, in my constituency and they're having franchises being looked at for the first time and the community of Haines Junction, of course, has an expiry of a franchise, a twenty year franchise, in August of 1978, so I am very concerned with the franchises. I've been at this since March of '77.

First of all the Electrical Public Utilities Board Annual Report in May of 1976, for the year '75-'76 and at that time they said, "Attempts were made to expedite the renewal or negotiation of a new franchise agreement between the City of Whitehorse and Yukon Electrical Company Ltd., in compliance with Section 19 of the Ordinance.

"The existing franchise expired July 28th. The Utility is supplying electrical energy to the City on the basis of an interim commission guarantee granted by the Board".

It continues: "The Board examined and made recommendations on draft franchise agreements between the Yukon Electrical Company Limited and the Yukon Government for the outside communities. These agreements are apparently

being held in abeyance in light of continuing negotiations for purchase of the Utility by Northern Canada Power Commission."

So, it was in '75-'76 that they were looking at these franchise agreements, where there had never been an agreement before.

Then, in the '76-'77 Annual Report, they again state, the last paragraph: "The Board notes and wishes to express its concern that expired franchises which were mentioned in the last annual report have not yet been renewed, either by the City of Whitehorse or the Territorial Government."

So, I wrote a letter to the Government in February of last year, and had a reply and, at that time, they listed the franchises and when the franchises had been entered into and from that, they were all twenty year franchises, you can work out the expiry date. There have been franchise proposals submitted by Yukon Electric, to the Territorial Government for Beaver Creek, Destruction Bay/Burwash, Keno City, Old Crow, Pelly Crossing, Stewart Crossing, Swift River, Tagish and Ross River, as well as franchise boundary extensions in several areas, including Haines Junction.

Now, Yukon Electric has submitted proposals for franchises for all of these communities. One of them is a renewal of a franchise and that is Haines Junction. Their letter states: "While we continue to recognize their operation in these communities, no formal franchise agreements have been entered into." This was dated March of '77 by the Territorial Government. "The proposals of Yukon Electric have been forwarded to Price, Waterhouse & Associates, who have been asked to carry out a detailed analysis of the agreement proposals and advise us of any required amendments which will have to be negotiated with Yukon Electric."

At that time, I requested if the Price, Waterhouse Analysis of the agreement proposal could be made available to the Members of the Legislature, and I was advised by the government that this may be disclosing confidential information regarding the financial aspects of the Yukon Electrical Company.

So that is why I brought the motion forward, because I am concerned with the many things happening in the Territory with the possibility of hydro development in the Territory, that we not enter into any new long-term franchise agreements without thoroughly investigating the whole aspects of them. Since all of the communities in my constituency are involved, I am concerned, and it hasn't proceeded any further. I haven't had any report.

Section 20, subsection (1) of the *Electrical Public Utilities Ordinance* does state: "The Commissioner may, with the approval of the Board, grant, renew, or alter a franchise to a public utility to operate outside a municipality. These are the ones that I am very specifically concerned with. I know that the City of Whitehorse were having their problems.

This is where it sits at the present time. Section 23: "Every public utility shall, within three months"—, no that is not the Section. I know this, and I will find it in a minute.

In August, and I think there is somewhere in here, I can't just find the section, where you have to give notice to the company that you may not want to renew it. You see, in the existing franchise agreement, there is a provision that it is a twenty year franchise agreement with a ten year ongoing clause if there isn't any renegotiations. It says here: "This franchise shall be automatically renewed for a period not exceeding ten years from the date of expiration of the said period of twenty years" and so on and so on. It is automatically renewed. This one expires in August of 1978, this year. Now we have to give them notice, three months ahead of time, the government does, if we are not going to automatically renew

the same existing franchise agreement.

I have problems with this franchise agreement because there is nothing in any of these agreements that makes the companies responsible for any extensive surging of power, which can really be destructive to electrical motors and this type of thing and the responsibility is always tossed back and forth and I feel that we should have something like this in it.

Also, I have great concerns, particularly with the Haines Junction one because there is proposal for a boundary extension. The franchise agreement here just covers the community of Haines Junction and they are now applying for a further franchise, further boundary expansion, which would probably include pumping stations on the Alcan Pipeline. Since there has been some indication that the pumping stations for the pipeline are prepared to go to electrification, and the Territorial Government entering into an agreement ahead of time, a franchise agreement ahead of time, could certainly be one of the things that would have to be considered. To me, this is one of the most important issues in my constituency and August, three months before August, we don't have too much time.

I haven't had too much information from the Government. Now, I am quite prepared to let the Minister of Local Government or the Minister of Consumer Affairs advise me at what position it's at and whether they've already referred these agreements to the Board or what's being done, because time is running out.

Mr. Chairman: Mr. McKinnon.

Hon. Mr. McKinnon: Mr. Chairman, I'd be happy to bring the history of the electrical franchises in, up to this point in time and then let my colleague, the Minister of Consumer and Corporate Affairs, who will now have the responsibility for negotiating the franchise agreement with the Minister responsible for the *Electrical Public Utilities Ordinance*, take over.

Mr. Chairman, as we all know, the Yukon Electrical Company Limited distributes electrical power in sixteen of the Yukon communities. Under Chapter IV of the Ordinances of the Yukon Territory 1972 First Session, "the Commissioner is authorized, subject to approval of the Electrical Public Utilities Board, to grant a franchise for the supply of electrical power in Yukon."

The franchise for the City of Whitehorse is granted, as the Honourable Member has pointed out, by the City, subject to the Commissioner's approval.

During the past 25 years, Yukon Electrical has been granted franchises in seven of the sixteen areas it now serves, and the Honourable Member from Watson Lake probably can jump in and give some of the history as to why all of the areas are not served by franchise at this point in time. I won't go into that long and rather complicated history.

Two of these seven franchises have now expired, Mr. Chairman, and those are the area in the City of Whitehorse and the area surrounding the City of Whitehorse. As yet, neither has been renewed. I think a list was prepared for all Members as to the status of the franchise agreements in areas served by Yukon Electric the last Session. It showed that Beaver Creek had no franchise. Carcross expires in December of 1980. Carmacks in April of 1981, Destruction Bay and Burwash Landing has no franchise. Haines Junction expires, as the Honourable Member has also pointed out, in August of this year. Keno City had no franchise. Old Crow had no franchise. Pelly Crossing had no franchise. Ross River no franchise, Stewart Crossing no franchise, Swift River no franchise, Tagish no franchise. Teslin's franchise expires at the end of April, 1984. Watson Lake in January of 1980. The area surrounding Whitehorse and the City of Whitehorse both expired back in July and August of 1974.

Yukon Electrical has submitted to the Commissioner, proposed franchise agreements for the above ten areas that currently have no existing franchise, and have subsequently submitted to the City of Whitehorse, a proposed franchise agreement covering the City. The objective of the Department of Local Government and the objective of the Government now that the responsibility has been turned over to the Minister of Consumer and Corporate Affairs, has been to develop one franchise agreement common to all areas served by Yukon Electrical outside of the City of Whitehorse. Price, Waterhouse Associates were retained by this Government to review existing and proposed franchises in the Yukon to examine selected franchise agreements in other areas of North America, and to prepare for this government, a draft of the required franchise agreement.

Mr. Chairman, this draft has been submitted to the Department of Local Government and to the Government of Yukon, and for various and sundry reasons, some of which the Honourable Member went into, including the possibility of the government establishing a Yukon power authority. To this point in time, no active negotiations has taken place with the Yukon Electrical Company Limited or representatives of the franchise areas and of course remain open to negotiation with Yukon Electrical.

It is presently the Government's position that it is desirable to have an electrical franchise agreement covering all areas where Yukon Electrical is to be permitted to supply electrical power.

We feel, Mr. Chairman, that the administration of the Yukon Electric franchise would be greatly simplified and related costs reduced accordingly if all areas were to be covered under one agreement with a common term and expiry date. The five existing franchises come up for renewal at different times between '78 and '84 and we feel that it would be desirable to bring all of the areas served by Yukon Electric outside of Whitehorse under one common agreement.

Mr. Chairman, we intend, and the Minister of Consumer and Corporate Affairs, with the expertise that has been built up in this area with the Special Advisor to the Executive Committee and the expertise of Price, Waterhouse, which is available to us through the work that they have already done, to start negotiations with Yukon Electrical as quickly as possible to bring all the areas served by Yukon Electrical under one common franchise agreement.

Mr. Chairman, we feel that all of the extenuating circumstances which have been given as reasons for not actively at this point in time seeking negotiations and franchises with the Yukon Electrical Company Limited, can no longer be validated, and it is to this government's interest and the protection of the people of the Yukon with the expertise and the knowledge that we now have in our hands to begin negotiations with the Yukon Electrical Company Limited.

Mr. Chairman, the procedure that has been followed to date is as follows: the Yukon Electrical Company Limited has submitted their proposed agreement, and a copy has been sent to the Yukon Electrical Public Utilities Board. The YTG has prepared, Mr. Chairman, a counter-proposal and that proposal also has been sent to the Yukon Electrical Public Utilities Board.

The next step is for the final agreement to be negotiated between this Government and the Yukon Electrical Company Limited, and that final agreement sent to the Board for approval, as stated in section 20(1). And when the Board approves of that negotiated franchise, Mr. Chairman, the Commissioner will then sign that franchise.

The Yukon Territorial Government will be complying with the requirements of the *Electrical Public Utilities Ordinance*

in every respect, concerning, Mr. Chairman, the negotiation of franchises for Yukon communities.

However, Mr. Chairman, this Government takes the position, which I think is logical, that the Electrical Public Utility Board that must arbitrate rates and settle arguments concerning the interpretation of the franchise agreement, is not the proper body to draft and negotiate the agreement with the electrical company involved.

However, the Board is kept fully informed and has been, up to this point in time, and will continue to be about every phase of franchise negotiations. And their advice, concerning the clarification of any clouded point, is carefully considered and will continue to be carefully considered before a final draft of the franchise agreement is submitted to the Board for its approval, under Section 21 of the *Electrical Public Utilities Ordinance*.

Mr. Chairman, that brings us up to where we are at this particular point in time, and I would ask my colleague if he has any further information to provide to the House.

Mr. Chairman: Mr. Hibberd.

Hon. Mr. Hibberd: Mr. Chairman, the Minister of Local Government has outlined the scenario very well, as to our present situation and it has only reached that stage of communication very recently. So, we have not, as yet, begun active negotiation, but the stage is set and it will be started within the next few weeks.

A couple of the points that the Member raised that might be of some concern, particularly with regard to the length of the contract and as far as the boundaries of the areas that are served, are both embodied in the submissions by this Government. It will be the subject of negotiation.

Mr. Chairman: Mr. Fleming.

Mr. Fleming: Mr. Chairman, I am not really satisfied at all, if I understand correctly, which sometimes I realize I don't, but I just don't quite understand, maybe, but I think I do, I've got to agree with the last remarks, the Board should not be the negotiating power in the Yukon, neither, I don't think, should the Yukon Territorial Government, just as Executive Committee, the Commissioner and so forth, because I think this House, in entirety, should have some say in those negotiations. They should be here on this table before they are signed or anything else. And even as how they are going to be.

I have heard, now, more or less, how they are going to be and I have a very strong feeling that, somehow along the line, we're not going to get what the outlying communities are going to get, that's for sure. I would like to ask the question: is this Government intending to negotiate with Yukon Electric in an overall policy for just the outlying communities and not include Whitehorse in that whole agreement?

Mr. Chairman: Mr. Hibberd.

Hon. Mr. Hibberd: Mr. Chairman, under the Ordinance we are to negotiate for the communities outside the municipalities.

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: Mr. Chairman, I have a couple of concerns I would like to see if I could get clarified. One, has the Yukon Electrical Company been notified officially, by letter, that it is the intention of the government to let these franchise agreements run out and then a master franchise is going to be negotiated, say at the, I forget what the last date was that the Minister mentioned, but in the meantime you are going to be leaving them, say, in limbo as I understand it. Have they been notified of this first?

Mr. Chairman: Mr. Hibberd?

Hon. Mr. Hibberd: Yes, Mr. Chairman, they have been

notified of our overall agreement and they are studying that agreement at the present time which embodies the one overall contract for all communities. That is what they are studying now and it will be coming back from the negotiating table within a months time.

Mr. Chairman: Mr. Lengerke, your next question?

Mr. Lengerke: Okay, I am glad to hear that they have been notified, because this was of some concern to me. Is it the intention then, of the government to also invite proposals from the Northern Canada Power Commission, because when a franchise agreement runs out, I understand that you have the option of letting somebody else bid on the distribution of power as well and is it the intention there to invite proposals?

Hon. Mr. McKinnon: There is no difficulty inviting proposals, but we know the facts of the matter that the two generating facilities are interested in only one area, and that happens to be the franchise within the City of Whitehorse, the other areas, Mr. Chairman regardless of what Honourable Members would like to think, are just not all that fiscally attractive.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, I am very, very concerned, because I spoke a year ago and suggested at that time, we are looking at franchises and franchises are monopolies. Before you enter into these, you get your pound of flesh and you make sure you get your best pound of flesh and you make sure you advertise and get as many proposals as you can. I am not criticizing the Yukon Electrical Company, I am not discriminating against them, I am just trying to get the best deal possible for the people in these communities who are buying electrical power from a distributing firm. I wanted then the Territorial Government to go and advertise in the papers, asking for proposals stating that these franchises expired and asking for proposals for franchises for each of the communities or for all of the communities.

When you are giving a monopoly, you have a moral responsibility to make sure there is no one else that can beat that monopoly. Here we hear that negotiations are going on. I don't think it is fair to the company who now has the franchise, Yukon Electric, they have to make plans. This should have been done at least a year ago. Well I want it done now, before any further negotiations are carried on. It might well be that NCPG will come forward with a proposal for Haines Junction because NCPG supplies, sells the electricity to the Yukon Electric, who sells it to us. It may be they are prepared to come forward with a proposal, I don't know, but it would be wonderful, because when you get competition, you get better bidding, let's hope, but we have to try it.

Mr. Chairman, to say that they are negotiating now on a master agreement and have prepared a proposal for Yukon Electric, we have no idea whether it is for long term, short term, when we know that things are changing so rapidly now, anybody who goes into a long term contract is not being very realistic.

We've been told that they don't believe the Board has anything to do with the franchises, other than the setting of rates.

Mr. Chairman, that really concerns me. I don't know, the Honourable Member from Hootalinqua has felt that it should be brought before the House. I can't feel that it should quite be brought before the House, but somehow or other, this type of a monopoly franchise should not be completed behind closed doors and then brought to the Board and say approve the rates or get, have hearing on the rates and it's finished with.

There has to be some mechanism where by the public is knowing what Yukon Electric's proposal is and what Yukon Government's proposal is. Some way.

As I said, there are concerns by the people who use this

power. Some of the things that we would like to see written into a franchise, some protection that we have on the quality of the power, even the most simple thing and will that be taken care of? Nobody knows.

I am not satisfied at all and one of the first things I want is the Government to advertise and ask for proposals, before anything more is done and then some means set up whereby we can be informed, the public can be informed, the people who are buying the power can be informed, on whose behalf a commitment is being made, on what the Government's proposal is and what Yukon Electric's proposal is.

Surely Yukon Electric's proposal should be public. If you're not going to ask for a proposal from someone else, then you had better be prepared to make it public. It's only when you're asking for proposals from someone else that you can't make them public.

I'm not very happy, Mr. Chairman, with this and I hope the Government is prepared before this Session ends to come forward with some plan of action other than what was outlined for us today.

Mr. Chairman: Mr. Lengerke.

Mr. Lengerke: Yes, Mr. Chairman, my concerns are somewhat different from the Member from Kluane in the total picture.

The reason why I was asking if the Yukon Electrical had been informed and what the expiry dates and everything were is that I didn't want, and, for some reason some of the answers I've been given in writing, I didn't want it to appear or have it be that NCPC would be given the right to distribute power, just like that, because I can recall asking the question some time ago about the distribution of power to the Marsh Lake area and the Teslin area and the answer was, in view of the announced intention at that time by the Northern Canada Power Commission to build a power grid main to service the community of Teslin and any intervening users following the Alaska Highway from Whitehorse, it was decided that Marsh Lake area would be serviced by NCPC and Yukon Electric Company and Electric Public Utilities Board were so informed.

I was wondering who decided that NCPC were going to distribute the power. I know that situation has changed now and I know that isn't the case. My concern is that Yukon Electrical, who I believe have done a fairly credible job in distributing power, I don't want them to be left out of the picture either. I'm all for a proper agreement being drawn up by the Yukon Government and they should be employing experts to do this and say, this is our position and then inviting some proposals and see who does meet those proposals in the best manner.

Certainly, I'm concerned that there should be no favouritism played here one way or the other.

Thank you.

Mr. Fleming: Mr. Chairman, I have to agree. My question was on the counter-proposal, not a question, I was going to comment on the counter-proposal. I am not prepared to stand by and watch, and I have a lot of faith in our Executive Committee and our Government in some instances, but I have been in this House now for almost four years and I was out of it for twenty-five years and fought for power, hammer and tongs, and I have yet to see where they have reasonably come up on the side of the government and really wanted to do something for the people of the Territory in the line of power, other than take taxes back from the Federal Government, which was our money anyhow, as the Honourable Minister of Local Government said this morning. They are doing something for us in that instance, yes, I agree. However, the money when it came from the Federal Government, which was money made by

Yukon Electric, which is taxes, ours more or less to start with, so the Yukon Territorial Government, in my opinion, was not really doing such a big thing at that time. I agree that it is certainly helpless and now it is possibly going to be depleted, but as the member has said, possibly this House is not the place to negotiate everything. But I don't see that counter-proposal that the government is giving to a single concern, you might say, in this Territory, and have some say in whether it is any good or not for my constituents who are being taken down the drain every day, I just don't think that I want to go along with it at all. I don't agree, that's the end of that. I think it is time we looked at the situation a little bit closer before we just jumped into something.

A franchise, the Teslin franchise for instance, I can quote and I have and I have read it inside and out and it is just an ordinary franchise that gives the Territorial Government no right whatsoever to change it in twenty years. As the Minister has said, it is good until 1984 and he can find a section in it anywhere where the Yukon Territorial Government, or the Commissioner or anybody else can veto and say that's over now and we are going to do something else, I would like to see it, and I would hate to think that they would go again and give Yukon Electric, although they have been a good operator, everything has been fine, but sign another agreement for another ten or twenty years with the same principle in there and that's the end of it, and I am afraid they might do this. I just couldn't go along with that.

I would like to ask a question at this time of either one of the Members that can answer it as to the municipality aspect. Has this government given the municipalities the right to negotiate all their power for themselves or has the Yukon Territorial Government, as such, given up the complete right to negotiate for the municipalities?

Mr. Chairman: Mr. McKinnon?

Hon. Mr. McKinnon: Mr. Chairman, the *Municipal Ordinance* allows the municipalities to enter into franchises with electrical distributors.

Mr. Chairman: Yes, Mr. Fleming?

Mr. Fleming: Now then, Mr. Chairman, you have given them that right, so therefore-

Hon. Mr. McKinnon: It is a municipal function, Mr. Chairman.

Mr. Fleming: Yes, that's what I say, it is a municipal function now.

Hon. Mr. McKinnon: A normal one.

Mr. Fleming: I am not speaking of normal ones, I am asking, if it is now, so therefore, if you wish to negotiate a proposal across the board and include the municipalities and all the districts, can you do it now or have you given that right of way to the municipalities?

Hon. Mr. McKinnon: Mr. Chairman, the municipality has the right to negotiate their own franchise agreement. The Territorial Government cannot, unless the *Municipal Ordinance* is changed, negotiate for the municipal governments. That is a normal, municipal function across this country, Mr. Chairman.

Mr. Chairman: Yes, Mr. Fleming.

Mr. Fleming: I agree. Okay, that's a normal thing. If that's a normal thing, then we had better be abnormal and change the *Municipality Ordinance* and let's get down to getting power for all of the people in all of the Territory.

Mrs. Watson: Mr. Chairman, I congratulate the Honourable Member from Hootalinqua, because I wouldn't have been at all surprised, at this Session, if the Yukon Government had taken the decision to come in and take that authority away

from the municipalities, because of the fact one of the biggest municipalities now just has an interim agreement and then they would have been in a position to do some of the things that they're talking about now. I think that they're losing the opportunity which will not be there again for many, many years and there's a lack of vision, completely, on this and I certainly agree with the Member from Hootalinqua, because one of your biggest blocks of consumers, you're segregating from the other one.

But, Mr. Chairman, I'm quite prepared to bring in a further motion, tomorrow, regarding some of the things that were said in debate today. I have said everything that I would like to say.

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

Hon. Mr. McKinnon: Mr. Chairman, I hope they include some really hard suggestions, in light of the very complicated and complex issue of electrical franchise. Please, and I say this sincerely to Honourable Members, don't attempt to oversimplify the complexity of the problem in dealing with electrical franchises.

I did it when I originally got into it and I thought that this would be just another normal negotiation without all of the involvements and all of the extraneous issues that did become apparent and become involved once you get into the tip of the iceberg on electrical public utility franchises.

Please, don't suggest that we negotiate publicly in the Legislative Council Chambers, between the Government of the Yukon and the Yukon Electrical Company Limited. That is just, you know, asking for disaster, as far as the people and the protection of the Yukon public is concerned.

If Honourable Members can come up with something that they are willing to go into a caucus or call it what you want, if people are scared of that word, where Members who feel so strongly about this, as I do, want to see the proposal of Yukon Electrical and want to see the counter-proposal of the Yukon Government and want to make themselves involved and experts in the field of electrical franchise negotiations from meeting and talking and listening to the experts that the YTG has employed, namely Price Waterhouse, I would be only too willing, thankful and hopeful that Members would avail themselves of the opportunity to meet in such a manner and to avail themselves of the expertise and help the Yukon Government in a very complicated and very important field.

Then we get to the other one, of asking about, about going for proposals. There's a myriad of legal problems in electrical franchises when we go to ask for proposals for tender, because you're just being a total hypocrite if you ask for proposals, if you don't have a meaningful, competitive tender that can be called. To have that meaningful tender, you'd have to have situations such as this. Interested companies would have to be provided to be fair, with a legally acceptable appraised value of the distribution system, with the assurances that transfer could and would be affected at the value quoted.

This assurance would have to include this government's guarantee of expropriation of the distribution plan in the event of a successful tender by anyone other than the present system owner. Not to have all of this in place prior to asking for proposals would be unfair and not a true tender and a pretense that something was going on which wasn't.

The Northern Canada Power Commission and the Yukon Electrical Company Limited have already spent about three years, and I don't know how many umpteen dollars in both private company funds and the taxpayers funds through NCPG to come up with that appraised value of the distribution system that would be legally acceptable and acceptable on both sides and haven't done it as I know up to this point in time,

Mr. Chairman.

Or, the legal ownership of the system would have to be vested in the Territorial Government, or at least in the municipality calling tenders, which would be another way of going about making a fair competitive bid between the interested companies, or probably another option could be that the Electrical Public Utilities Board could define the distribution plant value for bidding purposes with government prepared to ensure plant transfer at the plant value approved.

All of these things that come up, you know, let's do this, let's do this, it is really simple and there is no problem at all. I want to tell you and I want to tell you sincerely that you are really getting yourself into a very complicated type of limited negotiating process where your expertise really has to be exactly that, expertise which you are going to pay for, and if Honourable Members think that that type of negotiation is going to be handled here because of the public involvement, I don't think so, Mr. Chairman, and if they feel that they can become experts in this area, or at least are willing to meet with the people who are experts so that they can be aware of some of the complex problems that are involved in the negotiation of an electrical franchise, just give me the word and I would be only too happy to set up such a meeting and have the input of Honourable Members on what their comments and thoughts are on the Yukon Electrical offer and also on our experts who advised us what we should be putting in as a counter-proposal and also how we get about getting this concept around that you can have a meaningful competitive tender when these things that I have mentioned have to be considered and have to be into place to have that meaningful competitive tender.

Please, don't for any reason, try to over simplify this problem. I recognize the problem of how important this is to every one of the members because of the extreme, paramount importance of a proper electrical franchise in each of the areas that whatever company serves, will serve. But it would be nice to think that it was just a normal negotiating simple face to face negotiation between two bodies. I wish it were and it just isn't, Mr. Chairman, and we are fooling ourselves if we think that it is.

Mr. Chairman: Mr. Berger.

Mr. Berger: Yes, Mr. Chairman, in other words, to put it in simple terms what the Minister has just told us, once you accept the franchise you're stuck. I mean, this is exactly, I mean, if you can't go out and ask for tenders from other companies without getting into complicated matters that you've just explained to us, you're stuck with it. You're creating a monopoly position then.

Hon. Mr. McKinnon: I never created it.

Mr. Chairman: Yes, Mr. Fleming.

Mr. Fleming: No, Mr. Chairman, I agree with the Minister of Local Government on all those points he brought up. I can't help but agree because we are there. We're in that soup.

However, I must say that we have, and I have been hollering here for quite some years, so I'm saying, and I'll say "we", not the Government this time, we all, we have sat around mindless as a kid in a quicksand bog, he's going down, but he's having a lot of fun while he is kicking around there until it comes up to his nose and he can't breath, it's too late. We're ten years too late in trying to do something that we should have been working on, actually, ten years ago.

That's our problem.

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

Mrs. Watson: Yes, Mr. Chairman, but it would be our fault if we stayed in the quicksand until it came over our heads and I think, Mr. Chairman, the Minister of Local Government has

tried to indicate that it isn't a simple matter. I don't think anyone here even considers it a simple matter. That it's a very complicated situation.

When I said I would be bringing some motion or some position forward in this House, I didn't look at it very lightly and I won't have it ready tomorrow by any means.

So, I would hope that, possibly, if we do some soul-searching and some thinking on this problem, because I am not satisfied the way it is, as of today, and I know my constituents are not satisfied, as it is today.

I better have some good, good answers ready if I want to justify what it is today and not make some attempt to have some direction in which we are going, whether we're in the position, whether we can do everything that we want to now, but at least know we're going for the future.

So, Mr. Chairman, I'm prepared to let it stand until I have something more to bring forward.

Mr. Chairman: Anyone else? Mr. Lengerke?

Mr. Lengerke: Yes, Mr. Chairman, I just want to say again, too, that I make, I have no excuse or I don't apologize in any shape or form for asking questions. I think it's the right way to do it. I'm totally aware of the complications and implications with respect to negotiating electrical franchise agreements. I've been party to it, personally, in three different jurisdictions and I well recognize what the Minister is saying.

I think that's just the reason why, sometimes, some questions are asked and why, probably, this resolution was brought forward, it's just, once in awhile, it's good to make sure the Government is on its toes and are doing certain things, because we certainly found out in the past that parties who are part of an agreement, sometimes, are not even told what's going on around them and I think this is the problem sometimes.

Mr. Chairman: Anyone else?

I call a brief recess.

Recess

Mr. Chairman: Would Committee come to order. We will be considering Bill Number 4, *An Ordinance to Amend the Local Improvement District Ordinance*, and we are on page 3.

Moved by K. McKinnon, seconded by F. Whyuard, that Bill Number 4, entitled *An Ordinance to Amend the Local Improvement District Ordinance* be amended by deleting Section 11.1 where it appears in Section 3 of the said Bill at page 3 thereof and substituting therefor the following:

11.1(1) Any manager appointed in accordance with subsection 10.(5) shall be the chief administrative officer of the District, and shall, pursuant to the direction of the Board of Trustees, direct all other officers and employees of the District in the conduct of their work and direct the management of the business and affairs of the District.

(2) The manager or, where no manager is appointed in accordance with subsection 10.(5), the Chairman of the Board of Trustees shall sign, jointly with any other person authorized by resolution of the Board, all cheques issued by the District.

Any discussion? Yes, Mr. McKinnon?

Hon. Mr. McKinnon: Mr. Chairman, this amendment comes as a direct result of the Honourable Member from Kluane raising the possibilities of a conflict between the proposed subsection 11.1(2) which we find at clause 3 on page 3 of the Bill and paragraph 8.(4)(c), which was the amendment to the *Local Improvement District Ordinance*, Chapter 11, 1977 the First Session, Section 6 at page 365. The proposed amendment, Mr. Chairman, I understand from our legal draftsman would remove any possibility of that conflict raised by Mrs. Watson by deleting the proposed Section 11.1(2). I might ask

Mr. Cosman to elaborate on the legal aspects.

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

Mrs. Watson: Mr. Chairman, the officers have been defined, rather than officers as distinguished from employees in the *Local Improvement District Ordinance*?

Mr. Chairman: Mr. McKinnon?

Hon. Mr. McKinnon: Mr. Chairman, the amendment to the officer section, if I remember correctly, is part of the amendment to the *Municipal Ordinance*. Mr. Chairman, this was to make sure that there was no conflict as I recall it, at all, if there is a manager appointed, that the manager would not be in any conflict at all with the chairman. There was a possibility of conflict in the Section as it read. The Honourable Member raised the question that she wanted to make it positive that there would be a total and clear delineation between the manager, if one was appointed in the L.I.D. and the chairman. The reason being that we are just going into the process of appointing managers in the L.I.D.s. Watson Lake being the first one. There could be a conflict between the delineation of the duties of the chairman and the manager, considering that we were going into this new type of administration in the L.I.D.s.

I believe this now runs closely to the *Municipal Ordinance*, where they are clearly delineated in a municipality, the duties of the mayor, if there is a manager and the duties of the mayor, if there is no manager and this is clearing up the same section in the *Local Improvement District Ordinance*, so that there is no apparent or real conflict of interest in the L.I.D., where a manager has been appointed.

Mrs. Watson: Mr. Chairman, are we deleting subsection 11.2? No.

Hon. Mr. McKinnon: Subsection 11.1, Mr. Chairman.

Mr. Chairman: Further discussion?

Amendment agreed to

Clause 11.1 agreed to

Mr. Chairman: The section we're dealing with is 6, on page 5. This is one that hasn't been carried by the House. Yes, Item 6 on page 5. The Section is 16.1(1), that is being amended. There is nothing from the Administration on this one? Mr. Fleming.

Mr. Fleming: Mr. Chairman, I have notes here, anyway, on 4, there was some—

Mr. Chairman: Section 4 has been carried, I believe.

Mr. Fleming: It has been carried? "Provided the reserve of the revolving funds" and I think, maybe it was changed, at that time. I'm just wondering because I know we did have quite a discussion on it, how they could use their funds, or, you know, the overlap of funds, like, surplus funds.

Mr. Chairman: It has been carried.

Mr. Fleming: It was carried and, I think, changed at that time. Okay, thank you.

Mr. Chairman: The said Ordinance is further amended by adding immediately after Section 16 the following section:

16.1(1) The Board of Trustees may, on behalf of the District, acquire, operate, maintain, hold, sell, lease or otherwise dispose of any real or personal property within the District for recreational, community or public use including, but not restricted to public libraries, art galleries, museums, arenas, community halls, exhibition buildings, parking areas, parks and recreation grounds.

Yes, Mrs. Watson.

Mrs. Watson: I wonder if I could comment on this section? May I?

Mr. Chairman: Yes.

Mrs. Watson: Mr. Chairman, I don't think we were necessarily asking for an amendment to this section, but I did ask the Minister of Local Government, he had a question I wanted answered regarding this and this is giving the L.I.D. Board of Trustees the ability to own real or personal property. I think they already had the ability to own land, but not personal property.

My question was, if they, in fact, assume responsibility for recreational facilities such as a curling rink, a community hall, or an arena, they will be liable for property taxation as any other citizen or real property owner within the community. That was my question.

Hon. Mr. McKinnon: Mr. Chairman, I think that, if I remember correctly, the answer to the question is that the Local Improvement District is the owner of the property that they are exempt from property taxes as far as the YTG are concerned. I would ask the Committee's indulgence to make sure that I have stated the matter correctly, because I know it is important to the YTG and it has been since we finished debate on this the last time that I asked the question of my officers, Mr. Chairman.

Mr. Chairman: Yes, Mrs. Watson?

Mrs. Watson: I think it is extremely important that if the L.I.D.s are exempt, then I would certainly want to know under what authority within the *Taxation Ordinance* or in the *Local Improvement District Ordinance* where they are in fact exempt from being liable for property taxation, because it makes quite a difference to the budget structure of the L.I.D.'s and their ability to take over recreational facilities.

I would hope that even tomorrow, that we could have a reply to this question. To me it is extremely important.

Mr. Chairman: I have another question which I think the government undertook to review and that was 3.1. There was quite a bit of debate on it and there was some confusion. I think they made a commitment to have an amendment to it and that is 3.1(1), the first amendment on page 1. That is "subject to subsection (2) the Commissioner may, upon request in the form of a petition, from the Board of Trustees of a district, alter the boundaries of that district by a proclamation." My question was regarding the wording "in the form of a petition". Would they have to have signatures from the community at large or would they just have to have the signatures of the members of the Board of Trustees. Just what is the mechanism that is required in the form of a petition?

Mr. Chairman: Mrs. Watson, it has just been pointed out to me by the Deputy Clerk that at the request of the Committee, "petition" was changed to resolution, so the subsection will now read: "in the form of a resolution, the Board of Trustees".

Mrs. Watson: Mr. Chairman, is it being taken as typographical error. I have "by resolution" written in, but I was expecting an amendment?

Mr. Chairman: Yes. Any further discussion on Item 6, 16.1(1)? Are you ready for the question?

Clause 16.1(1) agreed to

Mr. Chairman: Number 7, this Ordinance or any provision thereof comes into force on such day or days as may be proclaimed by the Commissioner.

Mrs. Watson: Mr. Chairman, there was another area, with respect, where the Minister of Local Government was going to provide some answers. I refer specifically to (4)(k).

Mr. Chairman: The question was, what does it mean on such day or days, what is the significance of day or days. Pardon me, (4)(k), Section 13.

Mrs. Watson: More specific, because I think this is absolutely too general for the benefit of the Board of Trustees of a

Local Improvement District. It could be quite misleading providing-

Mr. Chairman: I think Mrs. Watson you are out of order on this one because this one has been carried by the House. We are now on Item 7 on page 5. "This Ordinance or any provision thereof comes into force on such day or days as may be proclaimed by the Commissioner."

Any discussion on Number 7?

Clause 7 agreed to

Mr. Chairman: The Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory, enacts as follows: *An Ordinance to Amend the Local Improvement District Ordinance.*

Preamble agreed to

Title agreed to

Amended Ordinance agreed to

Hon. Mr. McKinnon: Mr. Speaker, I would move that Bill Number 4, entitled *An Ordinance to Amend the Local Improvement District Ordinance* be reported out of Committee as amended.

Motion agreed to

Mr. Chairman: Yes, Mr. Lengerke.

Mr. Lengerke: Are you looking--

Mr. Chairman: I'm entertaining a motion.

Mr. Lengerke: Oh, you are. I didn't realize it was that time of day.

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

Motion agreed to

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

Before hearing the report of the Chairman of Committees, I would like to inform the House that, this morning, there was a motion moved by the Honourable Member from Hootalinqua respecting an Outfitters Brief from 1978, pertaining to the harvesting of grizzly bear, dahl sheep and goat and that it be moved into Committee of the Whole for the discussion.

I would have to rule, unfortunately, that the motion would be out of order, inasmuch as no such document has been tabled in the House, but I would suggest that perhaps the Honourable Member, if he could obtain a copy and table it in one of the morning sessions, then he could resubmit his resolution.

May we now have a report from the Chairman of Committees?

Mr. Chairman: Mr. Speaker, the Committee of the Whole have considered Bill Number 1, the *Motor Vehicles Ordinance*, and direct me to report the same with amendment.

The Committee of the Whole has also considered Resolution Number 3, respecting electrical franchise agreements and directs me to report progress on the same.

The Committee of the Whole has also considered Bill Number 4, *An Ordinance to Amend the Local Improvement District Ordinance*, and directed me to report the same with amendment.

The Committee also begs leave to sit again.

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

Some Members: Agreed.

Mr. Speaker: Leave is so granted.

May I have your further pleasure? The Honourable Member from Whitehorse Riverdale.

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

Mr. Fleming: I second that.

Mr. Fleming: It has been moved by the Honourable Member from Whitehorse Riverdale, 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

The following information was obtained from the records of the
 State of New York, Department of Social Services, Office of the
 Director, Albany, New York, on the date of the above-mentioned
 report. The information was obtained from the records of the
 State of New York, Department of Social Services, Office of the
 Director, Albany, New York, on the date of the above-mentioned
 report. The information was obtained from the records of the
 State of New York, Department of Social Services, Office of the
 Director, Albany, New York, on the date of the above-mentioned
 report.





