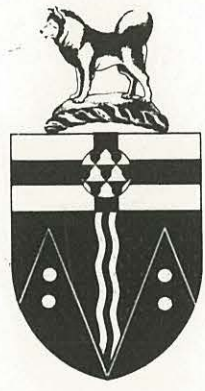


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# The Yukon Legislative Assembly

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Number 3

3rd Session

23rd Legislature

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Debates & Proceedings

**Monday, May 12, 1975**

Speaker: The Honourable Donald Taylor

Yukon Legislative Assembly  
Proceedings  
Volume 10  
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Table of Contents

Page	Topic
1	Opening Prayer
2	Business
3	Question Period
4	Debate
5	Adjournment

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# The Yukon Legislative Assembly

Monday, May 12, 1975

Mr. Speaker reads Daily Prayer

Mr. Speaker: Madám Clerk, is there a quorum present?

Madam Clerk: There is, Mr. Speaker.

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

## ROUTINE PROCEEDINGS

We will begin with the Orders of the Day. Are there any documents or correspondence for tabling this morning? The Honourable Member from Whitehorse South Centre?

Dr. Hibberd: Mr. Speaker, I have for tabling this morning a petition regarding the Yukon Territorial Government's position on the Indian Land Claims.

Mr. Speaker: Perhaps the Honourable Member could leave the petition with the clerk, who also serves as Clerk of Petitions, and we'll deal with the matter according to the Standing Orders.

Are there any further documents or correspondence for tabling this morning?

Are there any reports of Committees?

Introduction of bills?

Are there any Notices of Motion or Resolutions?

The Honourable Member from Whitehorse South Centre?

Dr. Hibberd: Mr. Speaker, I would like to give Notice of Motion Regarding the appointment of a member to the Executive Committee of the Government of the Yukon Territory.

And secondly I would like to give Notice of Motion regarding an appointment to the Advisory Committee on Finance of the Yukon Territory.

Mr. Speaker: Several members have indicated to the Chair that it was their wish that we waive the 24 hour period according to our Standing Rules on Order that we may proceed with these motions at this time. Is this agreed?

Some Members: Agreed.

Mr. Speaker: Any disagree?

The Honourable Member from Whitehorse South Centre?

Dr. Hibberd: Mr. Speaker, moved by myself and seconded by the Honourable Member from Whitehorse

Riverdale, that this House respectfully request that the Commissioner of the Yukon Territory appoint to the Executive Committee of the Government of the Yukon Territory Flo Whyard, the Honourable Member from Whitehorse West.

And moved by myself and seconded by the Honourable Member from --

Mr. Speaker: Perhaps we could deal with the first one and then continue. Is there any debate?

Hon Mr. McKinnon: The question before she has time to reconsider.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse South Centre, seconded by the Honourable Member from Whitehorse Riverdale, that this House respectfully request that the Commissioner of the Yukon Territory appoint to the Executive Committee of the Government of the Yukon Territory, Mrs. Flo Whyard, the Honourable Member from Whitehorse West. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I declare the Motion carried.

## Motion Carried

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

Dr. Hibberd: Mr. Speaker, moved by myself and seconded by the Honourable Member from Whitehorse Riverdale that this House respectfully request that the Commissioner of the Yukon Territory appoint to the Advisory Committee on Finance, Flo Whyard, the Honourable Member from Whitehorse West.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse South Centre, seconded by the Honourable Member from Whitehorse Riverdale, that this House respectfully request that the Commissioner of the Yukon Territory appoint to the Advisory Committee on Finance, Mrs. Flo Whyard, the Honourable Member from Whitehorse West. Are you prepared for the question?

Some Members: Question.



**Mr. Speaker:** Are you agreed?

**Some Members:** Agreed.

**Mr. Speaker:** I shall declare that the Motion has carried.

**Motion Carried**

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

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

We will then proceed to Orders of the Day.

**ORDERS OF THE DAY**

**Mr. Speaker:** Would the Honourable Member from Whitehorse West be prepared to discuss Motion Number 1 at this time?

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

**Mr. Speaker:** Proceed.

**Motion Number 1**

**Mrs. Whyard:** Mr. Speaker, this Motion is not asking for a full scale costly study or survey on the present potential reserves of known coal deposits in this Territory. I am informed that a considerable amount of information is already on the files somewhere, but it has not been brought forward.

My reason for this request that the Geological Survey of Canada provide this information in conjunction with current studies of future power developments in the Yukon, is that in the current weeks and months, all of us are involved in decisions regarding a possible future hydro power site in the Yukon, and before we make that decision, every possible avenue should be explored.

During recent discussions, it came to my attention that even in the Government commissioned Sigma Report, which was commissioned by the Northern Canada Power Commission recently, reference to alternates include coal as a viable source of energy. If I may quote, Mr. Speaker, from the Sigma Report which is entitled "The Development of Power in the Yukon",

"Prospective coal areas are quite widely distributed, including the Liard Basin, the Upper Yukon Basin, Dezadeash Basin and the Tentina Trench in the southern Yukon. The Upper Yukon Basin appears to be the area with the most potential for thermal coal, and it is well situated in relation to the power load centres. There has been no concerted effort to assess the coal resources of the Yukon. Limited exploration has been carried out in the vicinity of old mines, and in some areas where coal showings have been reported by the Geological Survey of Canada.

Six holes were drilled in the Nordenskiold River area in 1972, and estimated reserves of 2.8 million tons were reported on the basis of intersections in two of the holes.

A 100 megawatt thermal plant operating at an average plant factor of 60 percent would require 10 million tons of coal for 30 years of operation, based on

coal having a calorific value of 10,000 BTU per pound.

If a coal-fired thermal plant were to be constructed for the interconnected system, the proven reserves would have to be at least 10,000,000 tons and preferably 20,000,000 tons. Reserves of this magnitude have not been proven as yet.

The short term outlook for coal is not promising because of the limited amount of exploration work that has been carried out. At the present time there is not much incentive for coal exploration because the existing market in the Yukon is small, and the coal would have to be of coking quality to be considered for export market.

The only large potential market within the Yukon is thermal powered generation. So far, private companies have not invested the risk money required to prove up a large thermal coal deposit, in part because the known coal seams would require underground mining to recover large volume.

Over the longer term, coal would be an important energy resource in the Yukon, in view of its proximity to load centres. However, it appears that public investment will be required to determine the potential of this resource." End quotes, Mr. Speaker.

My request is also based on remarks made by the resident geological survey representative at a recent seminar when he said that studies of the coal deposits in the Yukon up until now have been made on the basis of economic foreign export markets. Whereas most of the coal found in the Yukon is of the bituminous quality which is better used for thermal energy. And he left the impression very clearly in my mind that further studies should be made to determine how much is available for that use. That is the reason behind this motion, Mr. Speaker, and I would hope that it receives the consent of other Members in this house.

**Mr. Speaker:** Any further debate? The Honourable Member from Whitehorse Porter Creek?

**Mr. Lang:** Mr. Speaker, I have one question. I understand that in regards to this Motion, that to do a study of the known coal deposits would take a fair length of time, like two or three years. Now, do we, around this table feel that we have two or three years to wait for a study to be done in relation to, in comparison or whatever, to Hydro power. I think that's a very valid question to ask at this table because I believe that in the next couple of years, we are going to need power. And I think that it something that has to be considered. I'd like to ask the Honourable Member, am I correct that it would take two or three years to do a valid study on this?

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

**Mrs. Whyard:** Mr. Speaker, I don't know how long a study would take, that's entirely up to the geological survey. I would think they have enough information already based on studies from another angle which is the economic and exportable market for such reserves. I would think that they could take the figures already known and the recent exploration in the Nordenskiold area and come up with some kind of a guesstimate. At this point, my assumption is that we have got time to do



this study. From what I understand at a recent seminar on hydro development, there is a levelling off of power requirements which may give us some time, some grace period there, to do further studies. And that is another reason I'm suggesting it now. Thank you Mr. Speaker.

**Mr. Speaker:** Is there any further debate? Are you prepared for the question on the motion?

**Some Members:** Question.

**Mr. Speaker:** Are you agreed?

**Some Members:** Agreed.

**Mr. Speaker:** I shall declare that the motion is carried.

Would the Honourable Member from Whitehorse West be prepared to discuss Motion Number 2 at this time?

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

**Motion Number 2**

**Mrs. Whyard:** Mr. Speaker, Motion Number 2 involves a proposed amendment to the Motor Vehicles Ordinance. And this Motion would add to Section 113 a new sub section imposing fines for failure to comply with Section 113. If I may, Mr. Speaker, could I quote Section 113 from the Motor Vehicles Ordinance?

**Mr. Speaker:** Proceed.

**Mrs. Whyard:** Section 113, (1) "When a vehicle bearing the sign School Bus and displaying alternately flashing lights has stopped on a highway to receive or discharge passengers, a driver approaching the school bus from either direction shall stop before reaching the school bus."

Section 2, "A person who is required by sub section 1 to stop before reaching the school bus shall not proceed to pass the school bus, (a) until the school bus resumes motion or (b) until the driver of the school bus indicates by a signal that he may proceed or (c) where the school bus is displaying alternately flashing lights until the lights stop flashing."

**Mr. Speaker,** the proposed motion would add another section, making those failures to stop, an offense and phasing out the fine. The reason for this motion, Mr. Speaker, if I may give you some background is that last December a child was injured on the Alaska Highway after alighting from a school bus, which had stopped with its lights flashing, on a straight piece of highway, clearly visible in both directions. The child was not the first one off the bus but the third which implies the bus had been stopped for some time.

The only section under which the driver, who struck the child could be charged was Section 170 of the Motor Vehicles Ordinance, which is driving without due care and attention. For the first offense under that charge, you can be fined \$25 and the outcome of that accident, Mr. Speaker was that -- for an accident which had occurred last December, the offense was finally heard in court and that was third week in March, and the driver was fined \$25.

**Mr. Speaker,** this strikes me as being a little unusual since it costs you more than that to get your dog out of the pound in Whitehorse. The child received hospitalization and of course, it was a traumatic experience as well. I think children are more important than dogs. I think there should be a stiffer penalty for passing a school bus while children are alighting and this is my attempt to impose a stiffer penalty. A fine of not less than \$100, not more than \$500 or to imprisonment up to three months or both. I think that drivers who have got pretty casual about passing school buses have to learn the hard way and the only way to learn is to hit them in the wallet where it hurts.

Now, I am not out on a witch-hunt or a vendetta, I just agree with the parents of that child that every attempt should be made to educate drivers to the serious hazards of passing a school bus. One has already been injured this year; we have had children killed in this community in school bus areas in previous years.

I would think that this is a reasonable fine for anybody who is that careless about human life, and I would endorse the support of this House.

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

**Mr. Berger:** Yes, Mr. Speaker, I just would like to point something out. Under Section 170 of the Motor Vehicle Ordinance, we already have a fine, imposing a \$100.00 fine on first offenders. The only thing is that the Motion of the Honourable Member from Whitehorse West is trying to do, is right now we have \$200.00 in there and I think what she is trying to do is just bring it up to \$500.00.

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

**Mr. Phelps:** Mr. Speaker, I was going to raise the same point. Under Section 170, which is the Section dealing with the penalties for driving without due care and attention for the first offence, it's a fine not exceeding \$100.00, not 25.

Under Section 171, for -- that Section is a penalty section for the breach of any other section under the Ordinance, and that again provides for the first offence, for a fine not exceeding \$100.00

It's my respectful submission that possibly what this House ought to consider is raising the maximum penalty for the first offence under both Sections, Section 170 and 171 to something, say, like \$200.00

So, I would -- while I agree in principle with this Motion, I would oppose it and respectfully ask the Members to consider simply raising the maximum penalty under these two Sections, Sections 170 and 171.

Thank you.

**Mr. Speaker:** Just from the Chair, I've noticed in debate that there seems to be a fair amount of interchange respecting the Sections and the Ordinance, and I'm wondering perhaps if the House may wish to move this Motion into Committee for further discussion, to allow more latitude of dealing with it.

The Honourable Member from Whitehorse West?

**Mrs. Whyard:** Mr. Speaker, if I may just make one



comment. I must have made myself unclear.

The first offence under this Section at present requires a fine of only \$25.00. The maximum is \$100.00

What I am endeavouring to do in this Motion is increase the fine to not less than 100. At present, you can strike a child and injure the child, or kill the child--no, you wouldn't, because then you would have a more serious charge laid against you, but you can actually strike and injure a child now for \$25.00. That's the minimum fine on a first offence, and if it happens to be the first time you do it, that's all a J.P. has to fine him.

**Hon. Mr. McKinnon:** Mr. Speaker, I would move that the Motion Number 2 be discussed in Committee

**Mr. Speaker:** Seconder?

**Dr. Hibberd:** I second it.

**Mr. Speaker:** It has been moved by the Honourable Member from Whitehorse North Centre, seconded by the Honourable Member from Whitehorse South Centre, that Motion Number 2 be referred to Committee of the Whole. Are you prepared for the Question?

**Some Members:** Question.

**Mr. Speaker:** Are you agreed?

**Some Members:** Agreed.

**Mr. Speaker:** I declare that the Motion is carried.

**Motion Carried**

**Mr. Speaker:** Would the Honourable Member from Whitehorse West be prepared at this time to discuss Motion Number 3?

**Motion Number 3**

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

Motion Number 3 simply tries to enforce the safety conditions around school bus stops. Everyone who has travelled Yukon Highways is familiar with signs which say "Watch for Horses", but I don't see any signs that say "Watch for Children".

I have been trying to find some on the Highways recently, and I do not see any, and the suggestion in this Motion is that traffic signs should be erected at all school bus stops, warning drivers that children should be watched for in those areas.

Now, I realize there are a large number of such stops in residential areas, but they should all be signed and people who live in that area certainly become familiar with them. It is the bus stops on highway areas with which I am particularly concerned, and perhaps the wording should say "highways" only. There are many drivers going through those areas who are not familiar with bus stops, and they should be given plenty of warning so that they can slow down.

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

It's been moved by the Honourable Member from Whitehorse West, seconded by the Honourable Member from Whitehorse Porter Creek, that in the

opinion of Council, under the authority of Section 156 of the Motor Vehicles Ordinance, traffic signs should be erected at all school bus stops warning drivers that children should be watched for in those areas.

Are you prepared for the question?

**Some Members:** Question.

**Mr. Speaker:** Are you agreed?

**Some Members:** Agreed.

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

**Motion Carried**

**Mr. Speaker:** That now brings us to the Question Period, and Madam Clerk, I wonder if you could ascertain if Mr. Commissioner would be available to the House this morning for the Question Period?

Madam Clerk leaves the Chamber

**Mr. Speaker:** At this time, we will declare a brief recess.

**Recess**

**QUESTION PERIOD**

**Mr. Speaker:** We will call the House to order. We have Mr. Commissioner here to assist us this morning.

**Mr. Commissioner:** Mr. Speaker, if I may, I have answers to some of the questions from last week.

Councillor Fleming asked is the recreational road being planned from Lewes Bridge to Tagish and is a recreational road being planned, and will it be completed in the near future. And the answer is preliminary work has been carried out on route selection. However, it is not anticipated that construction will take place for several years.

A further question asked by Mr. Fleming on the subject of delinquent taxes and the manner in which they are advertised in the media and the question was, can the advertising of delinquent tax notices published in the paper be made clearer to specify that notices are for arrears only and do not include current assessments.

Section 83(1) of the taxation Ordinance requires the collector prepare a list of arrears and publish it in a newspaper in the Territory. In future publications will append by way of a foot note a statement that the above taxes and costs do not include the current year's taxes. I trust that that is the problem that was raised by the Honourable Member.

A third question asked by Councillor Fleming, when will banking facilities be available in Teslin? And the answer, Mr. Speaker, is that we expect the Canadian Imperial Bank of Commerce to make a public announcement in this regard within the next few weeks. Mr. Speaker, one other thing, while I am on my feet, it is--I am advised by the Clerk that Council has nominated Councillor Whyard to a position on the Executive Committee and I would like to advise all members of council that it will be my intention to swear Mrs. Whyard in to that position, and likewise the



Advisory Committee on Finance, in my office at 1:30 and all Councillors are very welcome to attend at this time.

**Mr. Speaker:** Thank you, Mr. Commissioner. Any questions? The Honourable Member from Whitehorse Porter Creek?

**Question Re: Ecological Sites Representatives**

**Mr. Lang:** Mr. Speaker, I have a question for, I believe, the Commissioner.

It has come to my attention that there is, what they refer to as the International Biological Program Department, a federal funded organization looking into the idea of ecological sites. It states here on a newsletter of April 1975 that there was meetings within the federal government departments that the Minister of the -- the Honourable Minister, Judd Buchanan approve the concept of ecological sites in the North, the establishment of a working group to review proposed sites and make recommendations to the Minister and three, the establishment of a procedure for the submission of sites for the review and final designation.

I'm just giving a little background at the present time on this memorandum. A little later on it says the working groups will be chaired by Dr. M. Ruel, assistant director of Northern Resources, Environment Branch of the Department of Indian and Northern Affairs, and will include representatives from the Territorial Government. I would like to know how these representatives are going to be chosen by the Government of the Yukon Territory.

**Mr. Speaker:** Mr. Commissioner?

**Mr. Commissioner:** Mr. Speaker, I would have to seek notice on that to be able to give a proper answer to it.

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

**Question Re: Transport of Children in Old Crow**

**Ms. Millard:** Mr. Speaker, I have a question for the Honourable Minister of Education. In places such as Old Crow where it's necessary for children to attend school away from home, should they want to complete their education, is there any provision in the Department of Education's budget for transport of those children home for the holidays such as Christmas, as the Indian Affairs branch provides for their own children?

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

**Hon. Mr. McIntyre:** Mr. Speaker, I would have to take that as notice. I think there is provision for certain transportation but whether it covers the holidays, I'm not sure.

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

**Question Re: Capital Cost of Swimming Pools**

**Mr. Fleming:** Mr. Speaker, I have a question for I think it's the Minister of Education.

Is there any possibility of us getting the capital costs of one or any one of the swimming pools in the Territory?

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

**Hon. Mr. McIntyre:** Yes, Mr. Speaker. I'll take that as notice and have the information.

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

**Question Re: Commercial Use Of Yukon Territorial Government Logo**

**Mrs. Wyhard:** Mr. Speaker, will the Commissioner explain what the requirements are necessary to make any commercial use of the Yukon Territorial Government's official Coat of Arms or crest or the new government logo?

**Mr. Speaker:** it disturbs me to see this beautiful and dignified design, which is our symbol, being used on store signs, people's commercial letterhead, the sides of trucks, any old place and my question is, to determine whether or not there is some control over this.

**Mr. Speaker:** Mr. Commissioner?

**Mr. Commissioner:** Mr. Speaker, the answer falls into about half a dozen different categories and I will table a written answer.

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

**Question Re: Prisoners**

**Ms. Millard:** Mr. Speaker, I'm not sure whether I should direct this question to Mr. Commissioner or to the Minister of health, Welfare and Rehabilitation.

**Mr. Commissioner:** then. Last session, under considerable pressure, we passed an Ordinance concerning the Transfer of Prisoners. I was told at that time that there were two prisoners waiting to be transferred out and that we couldn't await an answer from Ottawa concerning the legality of provision of appeal in that Ordinance because the two gentlemen wanted to be transferred quickly and that we were going to be in adjournment for awhile. I wonder if Mr. Commissioner could tell us, have these two prisoners been transferred and if so, on what date was this effected.

**Mr. Commissioner:** Mr. Speaker, I will certainly get that information to you.

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

**Question Re: Forestry Contracts**

**Mr. Fleming:** Yes, Mr. Speaker, I would like to direct a question to Mr. Commissioner. It's to deal with forestry contracts, possibly federal, but on the bids,



are they allowed -- the flying companies, are they allowed to bid only the tariff in their own territory, while other bidders from outside of the Yukon with a lower tariff actually, also can bid on the contracts, and naturally if the companies in here can't go down to that tariff, are they held to a tariff in their territory?

**Mr. Commissioner:** Mr. Speaker, I'm not able to answer directly what question the Honourable Member is referring to, because I think it depends on the manner in which the contract in question is called, and if he would be good enough to let me know outside of the Chamber, a specific contract, then I can get him a specific answer for that, because it depends upon the manner in which the tender is called, Mr. Speaker.

**Mr. Speaker:** I believe this is a written question, is it not?

**Mr. Fleming:** Yes, Mr. Speaker, I will go along with that.

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

**Question Re: Cost Of Water System For Dawson City**

**Mr. McCall:** Yes, Mr. Speaker, I would like to address a written question to the Minister of Local Government.

The question is why does the Territorial Government pay the ordinate cost of the water system for the Municipality of Dawson City and not for the other municipalities in the Yukon?

**Mr. Speaker:** Order, please. Are there any further questions?

The Honourable Member from Whitehorse West?

**Question Re: Robert W. Service Stamp**

**Mrs. Whyard:** Mr. Speaker, a question for the Commissioner.

Is the Territorial Government interceding with the Postmaster General on the matter of cancellation of the Robert W. Service stamp which was to have been issued on May the 15th? In belated commemoration of his hundredth birthday last year? Everything was all set to go, and now we find that this stamp has been cancelled and instead we are getting a French Canadian commemorated by the Post Office.

If the government is not taking any such steps, Mr. Speaker, perhaps we could take this matter up further in Council.

**Mr. Speaker:** Mr. Commissioner?

**Mr. Commissioner:** Mr. Speaker, this is one that I am totally unaware of at the present time, and I would venture to say that probably along with the other 4 or 500 things that we're making representations to the federal authorities at the present time, this one, you know, could take its proper place, but I will leave it up to the Honourable Member whether she wishes this to be done as part of her question or whether she wants to

deal with this on her own with her colleagues in Council, whatever route is chosen, we will be happy to accommodate the representation.

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

**Question Re: Fire Regulations**

**Mr. Fleming:** Yes, Mr. Speaker, I have a written question for the Commissioner.

I must explain, if private companies are selling lodges and so forth and so on, we must comply immediately when a license is renewed with the fire regulations. I'm asking this question, does the government also comply with these when they bring in school houses or such as may be brought into Mayo possibly in the near future, and any transaction of business or transaction of moving from one building to another in their own departments? Will they comply with those regulations?

**Mr. Commissioner:** I take it this is a written question?

**Mr. Fleming:** Yes.

**Mr. Commissioner:** We will get it answered, Mr. Speaker.

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

**Question Re: Television**

**Mr. Fleming:** Mr. Speaker, I have a question for Mr. Commissioner. When do we get T.V.?

**Mr. Commissioner:** Mr. Speaker, I'm not in any position to tell you when you're going to get T.V., but I would like to suggest that within the next few days you're going to get an answer one way or the other as to whether you are ever going to get it or not, so that would be about as far as I could go at this moment.

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

**Question Re: Land For Natives**

**Mr. Lang:** Mr. Speaker, I have another question for Mr. Commissioner. It's in relation to land.

For the edification of myself and I believe for the public as well, up to this point I would like to know, and this is a written question incidentally, how much land has been set aside for the Natives, and where are these lands located?

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

**Mr. Berger:** Yes, Mr. Speaker. This is a question from the lighter side, there is no problem involved in it.

Now, that the Yukon has another sport where participant excels himself in, I am now talking about we now have a Western champion in boxing. Is the



Administration planning any sort of a function of recognition to them and their trainers who spent many many years on the kids and with the kids.

**Mr. Commissioner:** Mr. Speaker, I think that the administration would be very happy to entertain any suggestions that the Honourable Member from Dawson would like to bring to our attention in this regard. Do I take it that the individual concerned is from Dawson City?

**Mr. Berger:** If I may, the individual in question has presently been living in Whitehorse. He's a foster child, he's been moved around from home to home and he received his first training in boxing in Dawson. I believe he originally is from Mayo, I'm not just sure on that.

**Mr. Commissioner:** Well, Mr. Speaker, I can certainly assure the Honourable Member that I would be very happy to entertain any suggestions that he may have along these lines, and I am sure that you will find us only too happy to cooperate.

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

**Question Re: Lawyers From B.C. Or Alberta**

**Mr. Fleming:** Mr. Speaker, I have a question for Mr. Legal Advisor. Perhaps I am in trouble and I don't like any of the lawyers in Whitehorse, what procedure do I have to go through to get a lawyer from British Columbia or Alberta?

**Mr. Legal Advisor:** It disappoints me to hear any Honourable Member say that, Mr. Chairman, Mr. Speaker.

But there is no formality about it because there are a number of lawyers from British Columbia, from Alberta, I think some from Saskatchewan and some from Ontario who are qualified to practice law here and keep up their membership at the Yukon Bar and if the member would contact me in my office I would supply him with a list of all the out of town non resident members of the Yukon Bar.

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

**Mr. Fleming:** Mr. Speaker, I would again ask Mr. Legal Advisor if they are not now a member of the Bar here, can I still hire a lawyer from outside?

**Mr. Speaker:** Mr. Law Clerk?

**Mr. Legal Advisor:** Mr. Chairman, a lawyer cannot practice in this territory, that is practice law in this territory unless he complies with the requirements of the Legal Professions Act which would include a call to the Bar. But it is customary for people to contact lawyers informally outside, but if any specific thing such as an application to the court or something like that is required, then the lawyer would be compelled to comply with the requirements of the law here which is he must pay his annual practice fee and be called to the Bar by Mr. Justice Harry Madison.

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

**Question Re: Committee Of Heritage Canada**

**Mrs. Whyard:** Mr. Speaker, a question for the Commissioner.

I have been told from outside sources that we are soon to have a visit here in Whitehorse from the Committee of Heritage Canada. Could we have any information on this?

**Mr. Commissioner:** Certainly I will see that the full information is tabled for Council's information, Mr. Speaker. The answer is in the affirmative. I'm sorry I don't know the dates right off hand but it's in the very near future.

**Mrs. Whyard:** Thank you.

**Mr. Speaker:** Are there any further questions? I would like to thank Mr. Commissioner for assisting in our question period today and we'll now proceed to public bills.

**PUBLIC BILLS**

**Bill Number 1, First Reading**

**Hon. Mr. McIntyre:** Mr. Speaker, I would like to move, seconded by the Honourable Member from Whitehorse North Centre that Bill Number 1 be now read a second time.

**Mr. Speaker:** This would be a first time.

**Hon. Mr. McIntyre:** First time.

**Mr. Speaker:** It has been moved by the Honourable Member from Mayo, seconded by the Honourable Member from Whitehorse North Centre that Bill Number 1 be now read a first time.

Are you prepared for the question?

**Some Members:** Question.

**Mr. Speaker:** Are you agreed?

**Some Members:** Agreed.

**Mr. Speaker:** I declare the motion as carried.

**Motion Carried**

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

**Bill Number 1, Second Reading**

**Hon. Mr. McIntyre:** Now, Mr. Speaker. I move, seconded by the Honourable Member from Whitehorse North Centre that Bill Number 1 be now read a second time.

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



Member from Whitehorse North Centre that Bill Number 1 be now read a second time. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I declare the motion carried.

*Motion Carried*

**Bill Number 3, First Reading**

Hon. Mr. McIntyre: Mr. Speaker, I move, seconded by the Honourable Member from Whitehorse North Centre that Bill Number 3, an Ordinance to Amend the Cooperative Association's Ordinance be now read a first time.

Mr. Speaker: It has been moved by the Honourable Member from Mayo, seconded by the Honourable Member from Whitehorse North Centre that Bill Number 3 be now read a first time. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I declare the motion as carried.

*Motion Carried*

Mr. Speaker: When shall the bill be read for the second time?

**Bill Number 3, Second Reading**

Hon. Mr. McIntyre: Now, Mr. Speaker.

I move, seconded by the Honourable Member from Whitehorse North Centre, that Bill Number 3 be now read a second time.

Mr. Speaker: It has been moved by the Honourable Member from Mayo, seconded by the Honourable Member from Whitehorse North Centre that Bill Number 3 be now read a second time. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I declare the motion as carried.

*Motion Carried*

**Bill Number 4, First Reading**

Hon. Mr. McIntyre: Mr. Speaker, I move, seconded by the Honourable Member from Whitehorse North Centre that Bill Number 4 be now read a first time.

Mr. Speaker: It has been moved by the Honourable Member from Mayo, seconded by the Honourable Member from Whitehorse North Centre that Bill Number 4 be now read a first time. Are you prepared for the question?

Some Members: Question

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the motion carried.

*Motion Carried*

Mr. Speaker: When shall the bill be read for the second time?

**Bill Number 4, Second Reading**

Hon. Mr. McIntyre: Now Mr. Speaker. I move, seconded by the Honourable Member from Whitehorse North Centre that Bill Number 4 be now read a second time.

Mr. Speaker: It has been moved by the Honourable Member from Mayo, seconded by the Honourable Member from Whitehorse North Centre, that Bill Number 4 be now read for a second time. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

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

*Motion Carried*

**Bill Number 5, First Reading**

Hon. Mr. McIntyre: Mr. Speaker, I move, seconded by the Honourable Member from Whitehorse North Centre, that Bill Number 5 be now read a first time.

Mr. Speaker: It has been moved by the Honourable Member from Mayo, seconded by the Honourable Member from Whitehorse North Centre, that Bill Number 5 be now read for a first time. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: The Motion is carried.



**Motion Carried**

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

**Bill Number 5, Second Reading**

Hon. Mr. McIntyre: Now, Mr. Speaker. I move, seconded by the Honourable Member from Whitehorse North Centre, that Bill Number 5 be now read a second time.

Mr. Speaker: It has been moved by the Honourable Member from Mayo, seconded by the Honourable Member from Whitehorse North Centre, that Bill Number 5 be now read for a second time. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I declare the Motion as carried.

**Motion Carried**

**Bill Number 6, First Reading**

Hon. Mr. McIntyre: Mr. Speaker, I move, seconded by the Honourable Member from Whitehorse North Centre, that Bill Number 6 be now read a first time.

Mr. Speaker: It has been moved by the Honourable Member from Mayo, seconded by the Honourable Member from Whitehorse North Centre, that Bill Number 6 be now read for a first time. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

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

**Motion Carried**

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

**Bill Number 6, Second Reading**

Hon. Mr. McIntyre: Now, Mr. Speaker, I move, seconded by the Honourable Member from Whitehorse North Centre that Bill Number 6 be now read a second time.

Mr. Speaker: It has been moved by the Honourable Member from Mayo, seconded by the Honourable Member for Whitehorse North Centre, that Bill Number 6 be now read for a second time. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

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

**Motion Carried**

**Bill Number 7, First Reading**

Hon. Mr. McIntyre: Mr. Speaker, I move, seconded by the Honourable Member for Whitehorse North Centre, that Bill Number 7 be now read a first time.

Mr. Speaker: It has been moved by the Honourable Member from Mayo, seconded by the Honourable Member for Whitehorse North Centre, that Bill Number 7 be now read for a first time. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I declare the Motion as carried.

**Motion Carried**

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

**Bill Number 7, Second Reading**

Hon. Mr. McIntyre: Now, Mr. Speaker. I move, seconded by the Honourable Member from Whitehorse North Centre, that Bill Number 7 be now read a second time.

Mr. Speaker: It has been moved by the Honourable Member from Mayo, seconded by the Honourable Member from Whitehorse North Centre, that Bill Number 17 be now read for a second time. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

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

**Motion Carried**

Mr. Phelps: Point of order, Mr. Speaker. I believe that you stated Bill Number 17; we are dealing with Bill Number 7.

Mr. Speaker: Oh, Bill Number 7, yes. Let the record stand clear, right.

**Bill Number 8, First Reading**

Hon. Mr. McIntyre: Mr. Speaker, I move, seconded



by the Honourable Member from Whitehorse North Centre, that Bill Number 8 be now read a first time.

**Mr. Speaker:** It has been moved by the Honourable Member from Mayo, seconded by the Honourable Member from Whitehorse North Centre, that Bill Number 8 be now read a first time. Are you prepared for the question?

**Some Members:** Question

**Mr. Speaker:** Are you agreed?

**Some Members:** Agreed.

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

**Motion Carried**

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

**Bill Number 8, Second Reading**

**Hon. Mr. McIntyre:** Now, Mr. Speaker. I move, seconded by the Honourable Member from Whitehorse North Centre, that Bill Number 8 be now read a second time.

**Mr. Speaker:** It has been moved by the Honourable Member from Mayo, seconded by the Honourable Member from Whitehorse North Centre, that Bill Number 8 be now read for a second time. Are you prepared for the question?

**Some Members:** Question.

**Mr. Speaker:** Are you agreed?

**Some Members:** Agreed.

**Mr. Speaker:** I shall declare that the Motion is carried.

**Motion Carried**

**Bill Number 9, First Reading**

**Hon. Mr. McIntyre:** Mr. Speaker, I move, seconded by the Honourable Member from Whitehorse North Centre, that Bill Number 9 be now read a first time.

**Mr. Speaker:** It has been moved by the Honourable Member from Mayo, seconded by the Honourable Member from Whitehorse North Centre, that Bill Number 9 be now read for a first time. Are you prepared for the question?

**Some Members:** Question.

**Mr. Speaker:** Are you agreed?

**Some Members:** Agreed.

**Mr. Speaker:** I declare that the Motion is carried.

**Motion Carried**

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

**Bill Number 9, Second Reading**

**Hon. Mr. McIntyre:** Now, Mr. Speaker. I move, seconded by the Honourable Member from Whitehorse North Centre, that Bill Number 9 be now read a second time.

**Mr. Speaker:** It has been moved by the Honourable Member from Mayo, seconded by the Honourable Member from Whitehorse North Centre, that Bill Number 9 be now read a second time. Are you prepared for the question?

**Some Members:** Question.

**Mr. Speaker:** Are you agreed?

**Some Members:** Agreed.

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

**Motion Carried**

**Bill Number 10, First Reading**

**Hon. Mr. McIntyre:** Mr. Speaker, I would like to move, seconded by the Honourable Member from Whitehorse North Centre, that Bill Number 10 be now read for the first time.

**Mr. Speaker:** It has been moved by the Honourable Member from Mayo, seconded by the Honourable Member from Whitehorse North Centre, that Bill Number 10 be now read for a first time. Are you prepared for the question?

**Some Members:** Question.

**Mr. Speaker:** Are you agreed?

**Some Members:** Agreed.

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

**Motion Carried**

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

**Bill Number 10, Second Reading**

**Hon. Mr. McIntyre:** Now, Mr. Speaker. I move, seconded by the Honourable Member from Whitehorse North Centre, that Bill Number 10 be now read a second time.

**Mr. Speaker:** It has been moved by the Honourable Member from Mayo, seconded by the Honourable Member from Whitehorse North Centre, that Bill Number 10 be now read a second time. Are you prepared for the question?

**Some Members:** Question.



Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the motion as carried.

**Motion Carried**

**Bill Number 11, First Reading**

Hon. Mr. McIntyre: Mr. Speaker, I move, seconded by the Honourable Member from Whitehorse North Centre, that Bill Number 11 be now read for the first time.

Mr. Speaker: It has been moved by the Honourable Member from Mayo, seconded by the Honourable Member from Whitehorse North Centre, that Bill Number 11 be now read for a first time. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the Motion is carried.

**Motion Carried**

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

**Bill Number 11, Second Reading**

Hon. Mr. McIntyre: Now, Mr. Speaker. I move, seconded by the Honourable Member from Whitehorse North Centre, that Bill Number 11 be now read for the second time.

Mr. Speaker: It has been moved by the Honourable Member from Mayo, seconded by the Honourable Member from Whitehorse North Centre, that Bill Number 11 be now read for a second time. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the Motion is carried.

**Motion Carried**

Mr. Speaker: What is your further pleasure?

Mr. Lang: Mr. Speaker?

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

Mr. Lang: Thank you. Mr. Speaker, I move that Mr. Speaker do now leave the Chair and the House resolve into Committee of the Whole for the purpose of considering Bills, Sessional Papers and Motions.

Mr. Speaker: Is there a seconder?

Mr. McCall: I second that, Mr. Speaker.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse Porter Creek, seconded by the Honourable Member for Pelly River, that Mr. Speaker do now leave the Chair and the House resolve in Committee of the Whole for the purpose of discussing Bills, Sessional Papers and Motions. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the Motion carried.

**Motion Carried**

Mr. Speaker: The Honourable Member from Whitehorse Riverdale will take the Chair in Committee of the Whole.

Mr. Speaker Leaves Chair

**COMMITTEE OF THE WHOLE**

Mr. Chairman: I will now call the Committee to Order and declare a 5 minute recess.

**Recess**

Mr. Chairman: I call the Committee of the Whole to order.

We have before us 11 Bills and a Motion. I would suggest that possibly we should start with a discussion of the Motion, which is now before this Committee. Is it agreed by the members?

Some Members: Agreed.

Mr. Chairman: I'll read the Motion. It has been moved, by Mrs. Whyard, seconded by Mr. Lang that Section 113 of the Motor Vehicles Ordinance be amended by the addition of a new section, subsection 3 as follows: "Everyone who fails to observe a provision of this section is guilty of an offense and liable on summary conviction, to a fine of not less than \$100 and not more than \$500, or to imprisonment up to three months or both."

Who would like to speak on this motion? Mrs. Whyard?

Mrs. Whyard: Mr. Chairman, I'm sorry there is some confusion in the intent of this Motion. I am advised that the driver of a motor vehicle contravening any of those sections now, reading in Section 113, could be charged under that section. My information was that they had to be charged under the general provisions of 171, or under some other specific section. In the case I was referring to, the specific section was 170, driving without due care.

If they're charged under the general penalty clause of Section 171, the first offense is to a fine not exceeding 100 which is exactly the same. What I'm trying to get



through is that the first offense should increase the minimum to 100, not the maximum of 100. I really feel personally that having an additional section in 113 means that it is possible to charge the driver under the particular school bus section.

Now perhaps Mr. Legal Advisor could clarify this. I'm not as knowledgeable as he is. My concern is to have a driver charged with actually contravening the school bus section, and if I'm going about it the wrong way, I would appreciate his assistance.

**Mr. Legal Advisor:** Well Mr. Chairman, it would be hard to say that the Honourable Member is going about it the wrong way. What she is doing is, she is putting in a specific penalty other than the general penalty for a breach of any of the provisions of Section 113. Now, as I apprehended, when a person breaches a Territorial Ordinance such as this, they can be charged with a breach of the section, breach of their duty under the particular section and the general penalty applies. The charge would read, a breach of Section 113 and so and so, so that the penalty is there, or else in, in alternative drafting, a breach of Section 171 and then the breach of 171 the evidence would be that in fact they had breached Section 113. So, merely to put in a fine is not necessarily to amend the Ordinance. But it is necessary to amend the Ordinance if it is the intent of the House to amend it in such a way that there is a minimum fine because the general penalty section does not provide for a minimum fine. It provides for a maximum fine.

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

**Mr. Lang:** Mr. Chairman, in effect what you're saying is that we have to go back to Section 171 to amend that. Is that...for my own clarification...if we want a minimum?

**Mr. Legal Advisor:** If you want a minimum fine, then the correct place to put that minimum fine will be in the section where the duty is spelled out.

The section starts off "every person shall do so and so" and every person shall not do so and so. A breach of that carries the normal fine for Section 171. But if you want a minimum fine, the correct place to put it, in logic, is to put it immediately under the other section so that when a person is looking at the Ordinance, they know exactly where they lie and what the penalty is. And of course I should say that minimum fines are something else again.

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

**Ms. Millard:** Mr. Chairman, that's my objection to this Motion, is that imposing a minimum fine is really giving a lot of instance to a section in an Ordinance which should be up to the judge. I feel I have enough faith in the judicial system that according to the circumstances of the crime, the judge will consider, in his mind, a minimum fine. It is very seldom you see a minimum fine imposed, especially of \$100. I would presume, especially in motor vehicle legislation.

**Mr. Chairman:** If I may just comment, I have the same difficulty with the concept of minimum fines.

Because really what happens in effect is that the House is usurping the function of the judiciary, and I feel that possibly the maximum ought to be raised, and this discussion in the House certainly will be heard loud and clear by the officials throughout the Territory. It seems to me that there ought to be a lot of flexibility in the case of the magistrate or J.P. to impose the fine. I can see different circumstances arising where it may not be fair that a person be fined that much and under certain other circumstances, it may be fair that a person be fined more than \$100. I don't like the idea of a minimum under these circumstances. I don't like the idea of a special section dealing with the penalty for 113. I think that we ought to consider raising the maximum under Section 170(a) and under 171(a) and leaving the actual individual case up to the J.P. or magistrate. Mr. McCall?

**Mr. McCall:** Thank you Mr. Chairman. I would just like at this particular time to clarify something here. If I could draw the attention of the House to Section 163, subsection 1,

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

**Mr. McCall:** I hope that the Legal Advisor could draw a broader picture of what that -- a wider picture of what that wording stipulates.

**Mr. Legal Advisor:** Mr. Chairman, this is a generalized section to save the complications of a police officer in writing out the specific charge on the top of the information sheet. To give a generalized description. And it just says he drove dangerously. He doesn't have to say he drove two feet to this side of the line or one foot to that side of the line. It just sets out in aid of the procedure that a person cannot escape easily by a simple description of what is a clear offense. It's a procedural section.

**Mr. Chairman:** Thank you Mr. Legal Advisor.

I'd just like to point out one other thing and that is there are certain kinds of offenses under this particular Ordinance which don't involve any intent at all. If something is done then you're guilty. That is to say, you could be driving along and not be aware that there was a school bus in front of you for some reason. Or you could be driving along and because of some ice on the road you could skid by the point where you ought to stop. Where it really isn't your intention to break the law, where it may not really be your fault. And even so, the law seems to be that there is strict liability with respect to certain sections. That is to say, even though it's not your fault, and you don't intend to break the law, you're still technically guilty and a conviction will be entered.

In cases such as I'm describing, if you have a minimum provision of \$100, even though you didn't intentionally do something wrong, the minimum fine would be \$100. Now it just seems to me again that it's useful to have a situation where the magistrate finds you guilty and if he believes from the evidence that the accused person didn't intentionally violate the law, if that's his feeling he might, under those circumstances impose a relatively minor fine, whereas where a person is obviously just in a hurry and drives by a stopped bus or intentionally breaks the law, then he



could go up to the maximum.

And again, I feel quite strongly, I'm against the principle of strict liability I guess. I don't feel that people should be fined where they didn't intend to break the law. Where they're driving and through very little fault or no fault on their own, they have broken a statutory requirement. What I'm getting at is there are certain instances under this Ordinance where without having any intent, you're still guilty and this never happens of course, under the Criminal Code of Canada. It does in something like the Motor Vehicles Ordinance.

So this is another reason that I feel there ought to be some flexibility given to the magistrate and I would think that a minimum fine of say \$100 for a person who is technically guilty could be very unfair.

**Mr. Legal Advisor:** Mr. Chairman, it is possible for people, I can see The Honourable Member doesn't accept this, that it is possible for people to pass school buses with their lights flashing. And it's not to be that person's fault. There are two situations. One where a bus is coming towards you and the other when a bus is going in the same direction as the person is driving. A bus can pull in and close its door and its travelling up to that point at say approximately 40 miles an hour and it switches on its lights and a person suddenly has to pull out and go past to avoid a dangerous situation. The same situation can apply when a bus is coming towards you, on the highway. A driver going in the opposite direction doesn't know exactly where it is and may not be aware of the situation, and within a short space, the lights can suddenly commence to flash and there's no way you can warn, there is no amber light, that the lights are going to suddenly come on. The person is maybe doing 70 miles an hour and suddenly they're faced with a situation to choose either to go on or to stop. And in that situation the magistrate will hold that it wasn't that person's guilty fault, there was nothing to do.

I personally defended cases where this has in fact occurred.

**Mr. Chairman:** Yes, and I think to extend that, under those circumstances, the person is guilty and with the proposed Motion would be fined \$100 even though what he might have done under the circumstances was the safest thing. To suddenly slam on his brakes might have put his vehicle out of control entirely. All I'm saying, all I'm suggesting and I think Mr. Legal Advisor is saying is that there ought to be discretion in the person hearing the case to vary the fine, and take into consideration this kind of technical conviction.

Any further comments or--?

**Mr. Legal Advisor:** May I make one suggestion?

**Mr. Chairman:** Yes.

**Mr. Legal Advisor:** I'm not aware of when the Motor Vehicles Ordinance will be coming up for amendment again, but perhaps if the intent of this House went forward that the two main offences in the Motor Vehicles Ordinance, which are careless driving and dangerous driving in that order, were to be reviewed by the Department in the light of current

values and practices and a recommendation came back from the Government itself, dealing with the rate of fine which should be levied in respect to those two main offences.

**Mr. Chairman:** Well this is my feeling. I think that if a person is openly violating the provisions of the Ordinance with respect to motor vehicles, they shouldn't be charged under Section 113, they should be charged with driving without due care or dangerous driving, and the penalty for that kind of reckless abandon ought to be much higher than it is right now. The maximum of \$100.00 is rather low.

**Mr. Fleming?**

**Mr. Fleming:** Mr. Chairman, I feel the same way as Mr. Phelps of Whitehorse Riverdale, in the sense that if that bus is stopped, and as the Legal Advisor has explained, you cannot stop sometime to get by it.

Now, on the other hand, if a child is hit by that bus, that is definitely careless driving, because that child has no time, he has to have a certain length of time to get out of that bus and get to the front of it before you can possibly hit him. There is no question really in a case where a child is hit.

There is many cases where you can't stop in time to go by, but in these cases the doors would not be open, the children would not be out yet, he would be gone by long before that. So therefore it constitutes two, actually two different crimes, I would say, careless driving is fine, you just went by the bus, but if you hit a child, it becomes more than just careless driving, you definitely didn't go by that bus when you didn't have to, I would say.

On the other hand, I can't support the concept of the Bill as it is now, just to change it to \$100.00 for just any infraction of the law.

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

**Mr. Lang:** Mr. Chairman, I have a point here to bring up in relation to what you were describing, if they put their flasher on and a guy comes to a halt. It says here in the Ordinance here, it says, "When a vehicle bearing the sign 'School Bus' and displaying--". "--flashing lights is stopped on a highway to receive or discharge passengers" --it says, "has stopped on a highway to receive or discharge passengers, a driver approaching the school bus from either direction shall stop before reaching the school bus."

And myself personally, as a driver in the Yukon Territory, was not aware that coming the other way I was to stop, and I think--I always thought, I was under the impression a person had to slow down to 5 miles an hour. I have never stopped. I believe that maybe the public should be educated to this point, because I think there's a lot of people that don't know. I realize going behind it, but coming this way. Yeah, but I mean coming this way, I never realized it, and I think maybe the public should be educated. I'm just on out of 20,000 but maybe there's three of us, I don't know, there would be ten thousand, but I think it's a point that should be a valid point as far as publicity is concerned to the education of the people in the street that are driving the highways.

**Mr. Chairman:** Mr. Lang, there's no three of you in



the Yukon.

Mr. McCall?

Mr. Lang: Thank you, Mr. Phelps.

Mr. McCall: I was going to say to the Honourable Member that just spoke, he should try living in the provinces, try breaking a law down there as far as the bus situation.

Mr. Lang: Mr. Chairman, if I may ask--

Mr. Chairman: Mr. Lang?

Mr. Lang: --how much stricter is it down in the provinces?

Mr. Chairman: Mr. McCall?

Mr. McCall: Mr. Chairman, I don't know, I never broke the law in other countries?

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, I see the intent of the Motion as presented by the Honourable Member from Whitehorse West, and I think in light of the discussions that have taken place and with the assurance of the Legal Department that they will review this when next they deal with the Motor Vehicle Ordinance, that perhaps I would suggest, Mr. Chairman, to the Honourable Member that she may wish to withdraw the motion rather than having it voted on, with the agreeance, concurrence of her seconder.

Mr. Chairman: Mrs. Whyard?

Mrs. Whyard: Mr. Chairman, I realize this is my last chance if I rise now.

No, I don't think I am willing to withdraw the Motion at this time for the following reason, that I understand that the overhaul of the Motor Vehicles Ordinance is not going to come up until next year. That's why I put the Motion in at this time. I inquired first.

I want something happening by next September on this Section. I want motorists of the Yukon to know that they are going to get clobbered next September under this Section. I regret that the Honourable Members do not know that they are supposed to stop when a school bus has stopped in the opposite direction. We did have a widespread educational program on the radio stations following this accident last December, that was one result of this specific accident. You will hear on every road report the message that you must stop, no matter which way that bus is going.

If that isn't getting through to you, then maybe a more serious fine might.

Mr. Chairman, another point that I would like to make at this time is that drivers of school buses who observe motor vehicles passing them illegally, not when they are in motion, but when they are stopped, have always had the recourse of reporting the licence number of the driver who passed. If it means only that after all the hassle of appearing in court and taking time off from work and going through all the whole

performance, they are still only going to get fined 25 bucks, what is the point? This is removing all hope of having drivers report infractions. They are not going to bother. And the guy who is passing that school bus happily and without any punishment is going to continue to pass the school bus until some day he hits a child.

Now, this particular incident which sparked my attempt to change this Section, was to me a flagrant example of a driver who was driving too fast, who could not stop, who skidded from the back of the bus all the way past it to the front, and then knocked down the third child off that bus.

Now, someone has said in the course of this debate that you may be driving along at 70 miles an hour, so how could you possibly stop when the school bus does. You should never be going 70 miles an hour behind a school bus. I can't see any of those yellow school buses going 70, so I'm not convinced by the objections I've heard today.

Maybe the legal mind has an inbuilt objection to a minimum fine, maybe there's a better way, but as far as I can see, it has to be built into that school bus section only. If, as someone has suggested, that minimum fine be put into Section 170, you're penalizing everybody who fails to stop at a whatever, it's not pertinent to the school bus section, and that is why I would prefer to leave it in there, and I would like to see this Motion in effect next fall when the school season begins again, not wait for another whole year before we get at this ordinance.

Mr. Chairman: Thank you Mrs. Whyard. Ms. Millard is next.

Ms. Millard: Mr. Chairman, I might suggest to the Honourable Member that she simply amend the Motion to express more strength and I suggest that could be done by eliminating the minimum fine but leaving the \$500 maximum and eliminating the three months and substituting six months. I think the magistrate would consider that the Legislators felt that this was a very serious offense because they had imposed such maximums.

Mr. Chairman: Thank you Ms. Millard. Mr. McIntyre?

Hon. Mr. McIntyre: Mr. Chairman, I think one way out of the situation we're in is to pass a resolution requesting the stricter enforcement of this particular section and also that the penalties be made commensurate with the infraction and that this could be made to the judge of the Territorial Court, a recommendation to the Territorial Court to pass down to his legal officers. I don't think this is an unusual thing because similar situations have occurred with the drinking driver in the Province of British Columbia where the Supreme Court of British Columbia sent down a message to the lower courts that they weren't satisfied with the type of penalties that were being handed out and recommended that heavier penalties be imposed for this particular offense. I think that a resolution of this House along these lines would have the necessary effect. I know that with the J.P.'s for example every year they have a convention in Whitehorse and at this particular time, they are given



an indication by the magistrates as to what penalties should be invoked. How they should exercise their power of fining, and actually suggest the type of fine they give in connection with speed violations. If you go five miles in excess of a posted sign, they suggest that you get -- that they impose a fine of so much. If you go ten miles an hour, in excess, they suggest an increased fine. So I don't see there's anything wrong with this House passing such a Resolution in support of Mrs. Whyard's motion. I go along with the other speakers that I'm not particularly interested myself in setting minimum fines.

**Mr. Chairman:** Thank you Mr. McIntyre. Mr. Lang.

**Mr. Lang:** Mr. Chairman, I, as everyone knows, I seconded this Motion to come into Committee, into the House. And my belief is when you second a Motion it is primary to get it in for discussion and not necessarily whether or not you support it. And I support the Honourable Member from -- Mrs. Whyard, with the idea behind it, but I can see what Mr. Phelps brought up in relation to the minimum fine and I think Mr. Phelps is right in relation to leaving the discretion to the judicial. This is the way I feel on it anyway.

**Mr. Chairman:** Thank you Mr. Lang. Any further discussion?

**Hon. Mr. McKinnon:** Mr. Chairman, I think that the intent of the Honourable Member to move the Motion was to put to the public and to the courts the seriousness that could be involved in the passing of school buses where their lights are flashing. I agree whole-heartedly with that concept, that both public and the court should be made aware of that, what we consider to be a serious breach of the Motor Vehicle Ordinance. I think that the only place we can find that is in Section 113 to make it sure to the courts and to the public that that is the area where we consider it to be a serious breach of the Motor Vehicle Ordinance, in the passing of school buses when the lights are flashing, and the attendant harm that can come to the children of the Yukon.

The other point is that I am really worried with the minimum fine section. I think one of the saddest things I ever saw in court and really made it indelible on my memory that we had to get the public drinking section out of the old Liquor Ordinance was where a hereditary chief of the Whitehorse Village, I won't mention his name because he has passed on, over Rendezvous, was hauled up into the magistrates court, and I used to spend a lot of time at Magistrates Court on Mondays following things like Rendezvous too, so I happened to be there at the same time. And he was very, very elderly. He was approaching almost 100 years old. He never had a record at all under the Liquor Ordinance. Never. Hereditary Chief, he was both blind and crippled. He got around with a stick. For the first time in his life, during that Rendezvous, he had more than several drinks and had been picked up by the constabulary, had been lodged in the cells over the weekend and came up to court where he had to be helped, translated, the whole bit to the court. And to the magistrate's credit he really went after the constabulary and said didn't you have enough sense as

human beings to take this gentleman home rather than bring him here. Don't you realize that under the Liquor Ordinance, I have absolutely no discretion at all but to fine this man and I really want to apologize to him for being treated the way he is. But there was no discretion at all, in that Ordinance, there was no flexibility and the magistrate had to fine that person, and that person had to have it on the record and had to pay the fine. That's why a problem with minimum fines. Because it seems as if there are exceptions to every rule that you make and there has to be flexibility and discretion, particularly in the courts of the magistrates session.

That's why I particularly like the suggestion that was made by the Honourable Member from Ogilvie, where we certainly up the minimum or up the maximum fine in this area so the courts know we consider it to be serious and up the prison sentence that could be given under this section. And accordingly, Mr. Chairman, I would move that the words "not less than \$100" be removed from line 5 of Motion Number 2 and that the words "three" be changed to "six" in line number 6.

**Ms. Millard:** Mr. Chairman, I'd like to second that motion.

**Mr. Chairman:** Thank you, Ms. Millard. Mr. Lang?

**Mr. Lang:** I'd just like to say that once again, I would like to harp on the public--being known of this, because I myself, until today, I might quite conceivably gone to jail for six months. Six months seems like a long time to me. I think three months expresses it quite well.

**Hon. Mr. McKinnon:** Mr. Chairman, this is the total point in being able to set maximums because then it's completely up to the judge's discretion. Certainly if the Honourable Member from Porter Creek appeared in the courts and tried to use ignorance of the law as an excuse for his position, I think that he probably would deserve six months.

But other members who weren't in a responsible position such as the Honourable Member from Porter Creek probably could convince the magistrate because of their ignorance of the law, that they should only have a minimal fine and this is completely in the discretion upon the court. But having the six months and having the \$500 shows the seriousness to which the legislative assembly puts the question of motorists passing school buses while their light is flashing. I think that that's what we're trying to do and that's how we make our point in this, but it's so completely within the discretion of the court to put a fine of \$1, up to \$500 and one day up to six months and that's where the discretion should lie because each cases is different that comes before the court.

**Mr. Chairman:** Thank you, just before I hear from Ms. Millard, I'll read the motion as amended. It has been moved by Mr. McKinnon, seconded by Ms. Millard that the Motion be amended by deleting the words "not less than \$100" and further by deleting the word "three" and substituting therefore the word "six". So that the amended motion would be as follows,



"That Section 113 of the Motor Vehicle Ordinance be amended by the addition of a new section, Subsection 3 as follows: "Everyone who fails to observe a provision of this section is guilty of an offence and liable on summary conviction to a fine of not more than \$500 or to imprisonment up to six months or both.

Ms. Millard?

Ms. Millard: Yes, Mr. Chairman, I would just like to point out that I certainly agree with Mr. McKinnon that there is plenty of leeway in this for the Magistrate to consider the seriousness of the actual offence of the circumstances around the actual offence, and I would like to point out to the Honourable Member from Whitehorse Porter Creek that perhaps six months in a hospital for a child is also a long time, which can happen.

Mr. Chairman: Thank you. Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, I concur with the amendment as has been presented by the Honourable Member from Whitehorse North Centre, and if there is not yet a seconder, I would be pleased to second it.

Mr. Chairman: Ms. Millard seconded it --

Ms. Millard: Quite a long time ago.

Hon. Mr. Taylor: I didn't hear whether it was or not.

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

Mr. Lang: Mr. Chairman, I can't support this amendment. As far as I am concerned, six months is too long to leave to the discretion of anybody--

No, I think that--I cannot support the six months' concept, so I'm opposed to the amendment. I can see the \$500.00, but to raise it from three months to six months, I am opposed to.

Some Members: Question.

Mrs. Whyard: Mr. Chairman?

Mr. Chairman: Mrs. Whyard?

Mrs. Whyard: As mover of the original Motion, I have the authority to withdraw it.

Mr. Chairman: Yes.

Mrs. Whyard: I'm persuaded, I think, that Mr. McIntyre's method of approach is probably preferable. If there is going to be an overhaul of this Ordinance, a Resolution from this Council, I think will get the message across. We can leave the mechanics to whoever is drafting the amendments.

I am perfectly happy if this Council wishes to accept my withdrawal of this Motion, providing right now at this time, someone will phrase that Resolution.

Mr. Chairman: Thank you, Mrs. Whyard. I believe that we are dealing right now with the amendment to the Motion, and -- Mr. Taylor?

Hon. Mr. Taylor: Just to get us out of this mess, this

is why I suggested in the first instance that we withdraw, but what we've done now, failing withdrawal, is we now have an amendment on the floor. In order to withdraw the main question, the amendment would have first have to be withdrawn.

Mr. McKinnon, what is your pleasure?

Hon. Mr. McKinnon: Well, Mr. Speaker, I think -- or Mr. Taylor, I think we should get an amendment to the amendment first, and then we could really have a lot of fun.

Mr. Chairman: Yes.

Hon. Mr. McKinnon: If the Honourable Member who moved the Motion, whose idea it was, that she wanted to point out the seriousness of this, and is willing now to see it come up in the general review of the Motor Vehicle Ordinance, I would be happy to withdraw my amendment, upon the concurrence of my seconder, to get us out of this tangle that we're in at the moment.

Ms. Millard: Well, Mr. --

Mr. Chairman: Ms. Millard?

Ms. Millard: Well, Mr. Chairman, I'm going to mess this all up and not concur.

I would really like to see both methods used, if possible. I would like to see a permanent change in the Ordinance, and I would like to see a major Resolution to imply that we really recognize the seriousness of this. If Mrs. Whyard doesn't consider that, I will withdraw my seconding.

Mr. Chairman: Are you asking a question of Mrs. Whyard, Miss Millard?

Ms. Millard: Yes, I believe I am. If perhaps we could reconsider on the basis that possible we could do both methods.

Mrs. Whyard: Well, let's vote and see what happens.

Mr. Chairman: Any further discussion before

Mr. McCall: Mr. Chairman?

Mr. Chairman: Mr. McCall?

Mr. McCall: I think we have a area of confusion here. Could the Honourable Member from Whitehorse West clarify her position before we do anything else?

Mrs. Whyard: Mrs. Chairman, I'm waiting for the vote on the amendment.

Mr. Chairman: Thank you, Mrs. Whyard. Question?

Some Members: Question.

Mr. Chairman: All in favour?

Some Members: Agreed.



Mr. Lang: Mr. Chairman, I would like to go on record in opposition.

Mr. Chairman: Thank you, Mr. Lang. I declare the amendment carried.

**Amendment Carried**

Mr. Chairman: We have a question on the main Motion as amended. Question?

Some Members: Question.

Mr. Chairman: All in favour?

Some Members: Agreed.

Mr. Chairman: Opposed?

Mr. Lang: I'm opposed.

Mr. Chairman: I declare the Motion as amended is carried.

**Motion Carried**

Mr. Chairman: What is the pleasure of Committee? Shall we recess now for lunch or?

We will recess until 2 o'clock this afternoon.

**Recess**

Mr. Chairman: I will now call Committee to order, and the first item on the agenda would appear to be a clause by clause of bill Number 1. Is that agreeable?

Some Members: Agreed.

Mr. Chairman: 1, sub-section 35, sub-section (1) of the Credit Unions Ordinance is repealed, and the following substituted therefor:  
35(1):

(Reads 35(1))

Mr. Chairman: Yes, Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, obviously the difference over the existing Ordinance is the expression of one and one-half percent over what currently is one percent, but perhaps Mr. Legal Advisor could advise Committee as to what gave rise to this Bill, and you know, was this sought by the Credit Unions or something that the administration did, or could we have a little background?

Mr. Legal Advisor: Yes, Mr. Chairman. The Credit Union people have asked us to put this through. They are restricted by the rate of one percent per month to twelve percent per annum, and they feel they should be at liberty to move with the times and move to a maximum of one and a half percent per month, which would have the effect of raising it by 50 percent.

That's the maximum now that they can charge, it doesn't mean that every loan is going to be charged at that rate.

Mr. Chairman: Thank you. Any further comments or questions? Mr. Lang?

Mr. Lang: Mr. Chairman, I would like to ask the Legal Advisor, do you mean at the present time that when the Credit Union charges one percent, that's not necessarily the charge, one percent per month or twelve percent, that this is negotiable?

Mr. Legal Advisor: It's negotiable with the Credit Union, but the maximum that they can legally charge is one percent per month. They want to be able to negotiate a loan up to one and a half percent per month.

Mr. Lang: So, Mr. Chairman, we're talking 18 percent per year?

Mr. Legal Advisor: Yes, Mr. Chairman. Well, this would, I think, be more than 18 percent per year. I think it goes on a compounded rate, but this is the way they talk, the language.

Mr. Chairman: Anything further? Mr. Lang?

Mr. Lang: Yeah, Mr. Chairman, from this I gather they are having some financial difficulties, or is it that their profit is just down so low that --

Mr. Legal Advisor: No, Mr. Chairman, they are controlled by other rates from money that they borrow to lend, so they need to attract money in from their own investors, and they want to be able to raise the underneath amount they pay to investors and still have working capital and be able to make loans. If, in order to attract money, they have to pay their people 10 percent, they want to cushion that by being able to charge, say 15 or 16 percent on the money they borrow from their investors for relending.

Mr. Chairman: Clear?

Some Members: Clear.

Mr. Chairman: Preamble, The Commissioner of the Yukon Territory by and with the advice and the consent of the Council of the said Territory, enacts as follows, "and the title of Bill Number 1, An Ordinance to Amend the Credit Unions Ordinance. Clear?"

Some Member: Clear.

Mr. Chairman: I'll entertain a motion.  
Mr. McIntyre?

Hon. Mr. McIntyre: I move that Bill Number 1 be passed out of Committee.

Mr. Chairman: Is that without amendments Mr. McIntyre?

Mr. McIntyre: Without amendment.

Mr. Chairman: Seconder?

Hon. Mr. McKinnon: I second that, Mr. Chairman.

Mr. Chairman: It has been moved by Mr.



McIntyre, seconded by Mr. McKinnon that Bill Number 1 entitled An Ordinance to Amend the Credit Unions Ordinance be reported out of Committee without amendment. Question?

Some Members: Question.

Mr. Chairman: Are you agreed?

Some Members: Agreed.

Mr. Chairman: I declare the motion carried.

**Motion Carried**

Mr. Chairman: Bill Number 2, clause by clause. 1:

(Reads Clause 1)

Ms. Millard?

Ms. Millard: I wonder if it could be explained to us how this might affect people who are now covered under some regulations which allow them to obtain amounts of game that they may like, such as Indian people under the Indian Affairs Act and people who are now making a full time living as trappers are apparently allowed under some regulation. Does this supersede those kind of inclusions?

Mr. Legal Advisor: To give a short answer, Mr. Chairman. This is a substitution for paragraph A as it originally read which read, "The Commissioner may make regulations, fixing the boundaries of the areas within which game or any specified species of game may or may not be hunted or killed." It's not intended to deal with the question of whether native people or trappers or anyone can or cannot hunt. It's to just be applied to the expansion of that particular section.

Without going into the whys and reasons behind any other exceptions to the Ordinance, this does not affect or is not intended to affect those particular exceptions or privilege that people may have.

Mr. Chairman: Thank you. Miss Millard?

Ms. Millard: It says under 1A, "establishing a program of game management for the purpose of sustaining the yield." It's not simply deciding where the areas are, it's actually going into the whole procedure. How far has that procedure now been taken?

Mr. Legal Advisor: Mr. Chairman, the procedure hasn't commenced yet, it's about to commence if this Ordinance is passed. The Honourable Member will recall that there was a Sessional Paper presented sometime ago to Council, delineating out what the program is intended to be. The first question was privileges and who can hunt and trap and so forth, that's not intended to be affected by this program of game management.

Any privilege which exists is not changed by this.

Mr. Chairman: Miss Millard?

Ms. Millard: Thank you. That answers that question. I do have another.

In the Sessional Paper that we received, I expected to see within the area some kind of delineation of what types of animals would be listed to be preserved or whatever, there was nothing attached like that. Would that be forthcoming, do you know?

Mr. Legal Advisor: Mr. Chairman, I don't have to direct knowledge of this, but I imagine if you asked the game people for information, they would be able to tell you at what stage they are now in the case of implementing this particular set of regulations.

Mr. Chairman: Mr. Berger?

Mr. Berger: Mr. Legal Advisor just brought something up which I wanted to mention. Can we get somebody here from Game Management to get more information on this?

Hon. Mr. McKinnon: Mr. Chairman, I would suggest that the Assistant Commissioner, Mr. Gillespie, whose duties include looking after the Game Department, would be the person that the Committee would want before them.

Mr. Chairman: Is that the wish of Committee?

Some Members: Agreed.

Mr. Chairman: Madam Clerk, would you see whether or not Mr. Gillespie is available?

Madam Clerk: Immediately?

Mr. Chairman: Perhaps you could find out now and report back. Shall we leave that then and proceed to the next Bill? Or do you want to wait and see?

I shall declare a short recess.

Madam Clerk leaves the chamber.

**Recess**

Mr. Chairman: I will call Committee to order again. We have with us, Mr. Gillespie, Mr. Fitzgerald, and Mr. Hoeffs, and we're discussing, gentlemen, Bill Number 2, "An Ordinance to Amend the Game Ordinance". Do you people have any questions of these witnesses? Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, I'm pleased indeed to see this piece of legislation before the House and the Committee today. It's something that for record's sake, I have worked on for at least eight years or longer, and it is now apparently coming to fruition.

I agree with the concept, of course, as always with big game management zones, but I have some reservation with Sections sub (3) and sub (4), and I wonder if I could just have, for the record's sake, some clarification.

(3) states "requires the outfitters to make reports respecting hunting in any zone", and (4) "require the outfitters, guides, hunters and so forth, to deliver trophies and other biological material for our Game Department, and again, from an enforcement point of view, I'm just wondering how far we may go towards making unreasonable requests or what may be deemed



to be unreasonable requests. For instance, asking a hunter to bring in all their moose heads, you know, this type of thing, and I'm wondering, if possibly one of the witnesses we have with us today could maybe elaborate a little bit on how they anticipate enforcing and -- these two Sections, and what they are really going to be asking for.

**Mr. Fitzgerald:** Well, this information referred to here, we already get it from the outfitters. And there is provision in the Ordinance now to obtain certain biological and other information. But we have never had occasion to lay a charge against anyone, the hunting public usually co-operates quite well. On the biological end, they have already been bringing in all their sheep heads for instance, all their goats and all the bear skulls and they've been co-operating wonderfully well. There's no reason to do anything really.

But it wasn't completely tied in with the regulations, but the machinery was there but we've never had to use it.

**Mr. Chairman:** Thank you Mr. Fitzgerald. Any further questions.

**Mr. Fleming:** Yes, Mr. Chairman, I would like to ask a question to any of the panel.

In the regulations now, I think you do have hunting methods are not to be used and hunting methods that can be used. What does it say, here, that you will be able to make more regulations now, this is a fairly loose piece of legislation, because it turns loose--says you can do what you wish more or less with the hunting methods.

Now what would you propose to do with the regulations you have now concerning this? Add to them?

**Mr. Gillespie:** It's possible in the future that we might want to add to or change the sort of regulations that we have at this point in time.

Referring back for a moment to the question put by Mr. Taylor, the reason we need this biological information and the reports is so that we can determine, better than we can now, just what game resources we have, their biological characteristics, the ecological characteristics of the area from which they come and when we have the benefit of that far greater knowledge than we have right now, we will then be able to determine what sort of means might be employed to better manage those resources. Right now we essentially use bag limits as the main vehicle for controlling the harvesting of game. But in the future, it's possible that we might use methods, such as, allowing in a certain zone, hunting of cariboo only during the morning. And allowing thereby the cariboo to pass through that same zone unmolested in the afternoon. In that way having the effect of controlling the harvesting of game.

Hunting methods is another one. I suppose that this might refer for example, to the use of bow and arrow, as opposed to a gun. If, as the result of all this further study, we see this is a way of properly managing game.

**Mr. Fleming:** It may put us back to the stone age.

**Mr. Gillespie:** Well, that's another--

**Mr. Chairman:** Ms. Millard?

**Ms. Millard:** Could the gentleman give us some kind of outline of how this procedure is being used. How do you determine what, within the --I can see making distinct areas, I'd like to know how you go about determining what kind of things are going to be shot and what aren't and how. In a practical way, and how far is that proceeding along now. I understand from our legislative--it wasn't a Legislative Return, a Commissioner's order, that some methods have been employed already, in some areas but there are some areas that haven't even been touched, say Old Crow for instance that don't have any kind of things imposed on them yet. How would you go about it in that area to discover what is needed and what--and how long can we anticipate before these things are going to be in force.

**Mr. Fitzgerald:** Of course, our survey which we try to come up with exact numbers on and what have you, and some are, for instance, for goat and sheep, winter in the moose and caribou, we are doing as much as we can with the money allowed each summer and winter, and it's a slow process in covering all our areas.

Now in conjunction with another job we had on the coast last summer, we managed to do some survey work on the British Mountains north of Old Crow. There is quite a lot of information available on the Porcupine caribou herd that comes through the Old Crow area, and down across the Dempster and so on.

There's not much pressure on our game in that area at the moment, except by the local people in Old Crow who hunt for food, and -- but how it is determined, of course is as the result of the surveys and what is found in the areas, and also we depend on certain information from hunters, trappers, guides, et cetera.

Now maybe Manfred could enlarge a little further on that for you, Ms. Millard.

**Mr. Chairman:** Mr. Hoeffs?

**Mr. Hoeffs:** I didn't quite understand the question. You wanted to know how many animals you have in a zone and how many harvested? Or--

**Ms. Millard:** No, I would like to know in a practical way, how you go about finding out what animals are there, and how long do we anticipate before this whole thing will be imposed? I understand there are some areas now where there are regulations, and some where there aren't.

**Mr. Hoeffs:** This game inventory which you refer to, has covered so far areas 5, 7 and 9, and of course the parks and from work done by other people, the Canadian Wildlife Service and by consulting firms, we have a good idea what is in number 1 and 2. So the other zones, we know the distribution from outfitters and from hunters, and as far as the Indian harvest goes, we get very accurate information from the outfitters' reports, and less accurate ones from the hunters' reports. We rely on the hunters questionnaires and the return hasn't been all that good last year. Every game branch does it. The third group of hunters are the natives, and again, there is even less accurate. Let's



deal with procedure. We determine the number from our surveys and the harvest from these reports.

**Mr. Chairman:** Gentlemen, I think Miss Millard wants to be assured that you aren't going to prevent the Indians from Old Crow from hunting in the future. Is that the gist of it, Miss Millard?

**Ms. Millard:** Well, that might be behind it in a way, but I really want to be able to assure them that you are not going to go up there tomorrow and say no more hunting caribou, which I know isn't going to happen, but what can I tell them other than that, because I don't know what system you're going by and how long it's going to be, or whether these things are already imposed because our paper only showed the areas, it didn't show what was being done distinctly within the areas. I am glad to see that you do talk to the trappers and hunters. I presume your local game wardens do that on a sort of regular basis anyway, so that there's local input which is really important, because I think a lot more information can come through them practically than through a survey a lot of times.

So the main concern right now is say, when could we say in a period of over 5 years you're going to be setting down regulations for the other areas, or will it be next month, or when?

**Mr. Hoeffs:** Well, the areas where we have the numbers, for instance in 7 and 9 there will be few restrictions for the upcoming season, but not for the remainder of the country. Coming back to your caribou herd, there's no danger at all that they are over-harvested. Many more can be taken, and we are much more worried about people that may come in from the N.W.T. than we worry about the Old Crow people.

**Mr. Chairman:** Thank you, Mr. Hoeffs. Mr. Berger is next.

**Mr. Berger:** Thank you, Mr. Chairman. As a whole I have absolutely nothing against the proposal, as a matter of fact I am welcoming it. I think it is high time. What I am interested in mainly is the enforcing of it.

In the past, in the game warden and hunting regulations, it was stated that all game hunted, the meat had to be recovered and everything, but this was only enforced in most cases by local resident hunters. Non-resident hunters did not, in most cases, recover the meat. I would like to know how much, if the Department is prepared to enforce this thing? It's fine to put the restriction and regulations on local hunters. but how much are you prepared besides just going on the reports of outfitters. Are you prepared to go spot-checking them and everything like this?

**Mr. Chairman:** Mr. Fitzgerald?

**Mr. Fitzgerald:** The regulations and Ordinance apply to the non-residents every bit as much as they apply to the residents.

I think a lot of us here know that some of this meat, I'm not trying to make excuses for anybody here, but a lot of this meat is shot up pretty badly by some of these people who probably are not as knowledgeable at hunting as the local people; some of the meat is in such

a state it's not a --it's not fit for human consumption.

But there's no fresh meat taken into the outfitter's camps, and they live on this stuff, on the meat provided by the hunter. If we know of cases where they deliberately abandon meat, we don't hesitate to lay charges. We had a few cases last year, the meat was abandoned. But there was a fairly reasonable excuse why it was abandoned, and anyone has information and hard evidence to the effect that meat is being abandoned, we will certainly take action on it at any time.

**Mr. Chairman:** Mr. Lang is next.

**Mr. Lang:** I'm certainly in favour as far as your zoning is concerned, but what concerns me is the largeness of the areas in respect, we'll take Number 4 here. Say that the moose population is very sparse up in Mayo area but say that there is considerable amount around Faro.

Now when you say that you're going to take a bag limit from a certain area like Number 4, the people in Faro could say well why, there's lots here, but then you say well there's zilch up in Mayo. What I'm saying is in your regulations are you going to say, well in the Mayo area, which is sadly lacking, you will enforce a certain type of regulation.

In other words, I'm saying, you'll take each area, each zone, in say number 4 and maybe split it into two or three or whatever the case may be, depending on the population? Is this the idea?

**Mr. Gillespie:** Mr. Chairman, perhaps I can answer that one. At the moment we have, our intention is to establish, as you can see in the legislation, proposed legislation, to establish the zones by regulation and should it turn out that the -- any particular zone is too big, or is put together in the wrong way, then of course these regulations could at some time in the future be changed. But within any given zone there will be one regulation. They will not divide that zone up into further zones.

**Mr. Chairman:** For clarification, Mr. Gillespie, I understand the map that you have before you Mr. Hoeffs, is that--that just shows how the territory is divided into outfitting areas, does it not?

**Mr. Hoeffs:** No these are the zones, the legal descriptions for the zones.

**Mr. Chairman:** The present zones?

**Mr. Hoeffs:** Yes.

**Mr. Chairman:** So you may alter those zones if you find that they don't uniformly represent, reflect the situation?

**Mr. Hoeffs:** That's right. It reflects our present knowledge and we also use, wherever possible a boundary that is easy to recognize major rivers.

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

**Mr. Berger:** I wasn't quite satisfied with the answer,



for one thing, I have a second question regarding the first one. It's how much is the game management prepared to enforce this Ordinance we have before us.

The other thing is, I quite disbelieve the answer you gave me on the meat, in outfitting camps. Just a rough figure, your own figures giving the weight of a moose at roughly 500 pounds and the caribou 175 pounds.

So you have three hunters shooting in a two week hunting period like they usually are, they each have three moose. Each one has moose, caribou, three, how many people do you actually need out there to consume that meat. The thing is, what I would like to find out, is how many of the outfitters, I know some of them have, I'm not accusing any one of them, how many of those outfitters have actually refrigerator equipment out in the camps, because I think right now we get into a period where game is a very expensive item and I think we're just wasting it. I say I'm welcoming this legislation because I think it's high time, but I think it is still too lax in the enforcement of it.

**Mr. Chairman:** Mr. Fitzgerald.

**Mr. Fitzgerald:** I think there's more canning outfits now, Mr. Berger, than there is refrigerators in these outfitting camps.

We are prepared to enforce it to the best of our ability. We can only--we can't be into these camps every week, and if we manage to get into every outfitting camp twice in the fall, we're doing pretty good. As you know, flying is quite expensive, and what have you. We don't have that much money for aircraft rentals and so on. But, everybody is aware of the fact that meat cannot be abandoned and they're sticking their necks out if they insist on contravening the law. We do the best we can.

**Mr. Chairman:** Any further questions of these witnesses. Mr. Fleming?

**Mr. Fleming:** Mr. Chairman, yes just to clarify a little bit. Three, require outfitters guides or hunters to make reports respecting hunting in any zone in the Territory. Now I find it very good legislation and yet I will just wonder how far sometimes this type of legislation goes where there is no wording that says you know, you will do so much of this or so much of that, merely says requires, guides or hunters, which is individual hunters to report, respecting hunting.

And it could go an awfully long way towards a report which a normal, everyday hunter may have to turn in, if you so wished it to be, because you could ask him to report where he had gone, how he had got there and how he got home, what he seen on the way there and everything else. And make it--I find it very loose in this respect, possibly with--possibly it's hard to word it in there but I have seen regulations so many times in the Yukon that turns the official people loose that--and they make regulations all of a sudden that we can't comprehend or keep up to.

Other than that the legislation I find very good.

**Mr. Chairman:** Mr. Gillespie?

**Mr. Gillespie:** Mr. Chairman, the --I appreciate the spirit of your comments, of the comments of Mr. Fleming very much. I think my best response to that is

that any over zealous regulation making along the lines which you're suggesting could happen would be totally self defeating, to our purposes here because if we ever--if we do produce regulations of that sort we just won't have them filled out properly and handed in and we won't get the information we want. So I think that fact will have the sort of policing effect on our regulations making endeavours that, you're seeking, at least I would hope so.

**Mr. Chairman:** Miss Millard?

**Ms. Millard:** I'm just curious to know how -- I know they are not called game wardens, but your game management officers in the field, are they, what percentage of time do they spend on surveys and doing actual kind of biological work against the time that they spend doing enforcement work? Is there anything known on that?

**Mr. Fitzgerald:** Do you have any figures on that, approximately?

It has to be approximate.

**Mr. Hoeffs:** I would say probably 20 per cent is biological and 10 per cent educational and the other half enforcement and half administrative.

**Mr. Chairman:** Anything further? Mr. McKinnon?

**Hon. Mr. McKinnon:** Mr. Chairman, I wonder whether we could hear what restrictions are contemplated in what zones for this hunting season this fall and the reasons behind such restrictions?

**Mr. Chairman:** Mr. Hoeffs?

**Mr. Hoeffs:** Main restrictions are for the proposed zone 7. We mentioned already last year that the goat have been overharvested and there will again be a shorter goat season than in the other two zones, 10 and 11 where we have more goats, and of course there is no goats in the rest of the country and that is justification for having a goat kill in the other area.

And also in zone 7, there will be no cow moose season. Also in zone 7 and zone 9, the grizzly season will start one month later, it will start on the 1st of September.

For the Dempster Highway, we have proposed to extend the caribou season by ten days, but there's a stipulation that the hunting is restricted to the afternoon, with the idea that perhaps by doing so, maintaining their migration over the road, they may get used to the rhythm of crossing it at night and in the morning, and hunting being allowed in the afternoon only.

We think it may work better than the present corridor which is only six miles off the highway, which is 250 miles long.

**Ms. Millard:** Mr. Chairman?

**Mr. Chairman:** Ms. Millard?

**Ms. Millard:** Just a question on that. That means that the caribou crossing corridors are going to be eliminated this year?



Mr. Hoeffs: Yes.

Ms. Millard: Good.

Mr. Chairman: Anything else?  
Mr. Berger?

Mr. Berger: On the Dempster Highway, I was up there a few years ago when there was a large quantities of caribou up there, and shortly after the hunting season opened up and it was just a slaughter actually in this respect. People came up from all over the Territory and drove up in the herd and just got out of the car and just shot everything in sight, more or less,

I wonder if there could be a possible restriction made that if there are more than two or three hunters around, there shouldn't be no hunting, because it was just indiscriminate shooting out there, and it wasn't even safe to be out of the car. I wonder if you have any comments on this?

Mr. Hoeffs: Well I think that the harvest really spread out over a longer distance since the highway's much longer this year, but we are not worried about the number shot. It may look bad, but if you consider the population as a whole, the harvest is not significant. The only important thing is that it's very concentrated, and in time and in space, and that's why we proposed this restriction to have it only in the afternoon, and we hope that the caribou get used to that rhythm.

Mr. Chairman: Thank you, Mr. Berger.

Mr. Berger: That is only one thing, like the Game Department can't be at the same place all the time, but I have been travelling up and down the Dempster Highway for many years, and on this particular highway, I mean it's quite common to see so-called hunters shooting at anything that moves, even at people, and chasing any kind of game by car and anything that goes on. This is why I was wondering if there would be a strict enforcement and more game department personnel around at this particular caribou season, because at present on the Dempster Highway there is only certain sections on the highway where you can possibly hunt caribou. Certain sections of the highway have no game at all, period, and I thought that the concept of the game corridor was very good. As a matter of fact, I would have liked to see them expanding it to about five miles off the highway, but by doing it away, I can see the possibility in the last couple of years, there was not any large movement of caribou on the highway for some reason or another.

But if there's another say two, three dozen caribou coming down the highway en masse, I could see the same thing happen as in the past, people just drive in there, shoot everything on sight, and I think any kind of game, and I think being a biologist you have to agree with me, if you chase them for any length of time, it's hard on their lungs and especially in the winter time.

Mr. Chairman: Any comments?

Mr. Fitzgerald: Well, we certainly have personnel

there this fall, and maybe a few more people, in view of the highway being lengthened out further, there will be a few more people, and as Manfred already suggested, we had hoped to try no shooting till 12 noon, and see -- I think the highway is starting to have its effect on the movement of this herd right now.

If the highway goes through the wintering grounds of the caribou at Porcupine, but we hope that this will work. We will try it; if we have to go back to the corridors, why we'll certainly take a reading on it, and maybe have to go back to that.

Mr. Chairman: Mr. Berger?

Mr. Berger: One more item on this corridor bit. I don't know, you are most likely aware of the caribou herd that used to come into the 60 mile area, but on Dawson it's right up to 1957, because of opening the highway and more traffic on the road, there are hardly any caribou over there today. Since 1957, I think there's maybe, I think you could count under a hundred caribou which you can actually see without flying into the bushes and I am afraid that this could possibly happen on the Dempster Highway too.

Mr. Gillespie: Mr. Chairman, this game zone approach to regulating the harvest is an experimental one of necessity because we have had in the past to try certain methods which have not proven entirely satisfactory and the game corridor was one of those. It may prove in the end to be the best method that we have available to us but we were not apparently quite satisfied with it because people were finding ways to get on to skidoos and herd the caribou outside the one mile limit and shoot them there. It was having all sorts of adverse effects that had not really been contemplated, at the beginning. So, the intent is to try another method here and if it has the effect that we're seeking to live with, to stick with it. And if it doesn't have that effect, and to return perhaps to a modified corridor approach or something of that sort.

Mr. Chairman: Thank you. Any further -- Ms. Millard?

Ms. Millard: Will the Indian people be affected at all by these regulations or are they exempt because of the Indian Act?

Mr. Fitzgerald: Well the only effect that we can forecast would possibly be NWT Indians hauling caribou back into the NWT where they sell it. They're allowed to sell...and if this happens, this may create a problem and I don't think that the people from Old Crow will be very happy about this. I think it will all be ironed out. I think we'll be able to keep tabs on that.

Ms. Millard: Mr. Chairman, I'm sorry, that wasn't really my question. My question was generally for Indian people in the Yukon who now have no hunting restrictions, will they be brought under these regulations so that they will, all through the Yukon will be restricted hunting --

Mr. Fitzgerald: Not that we can foresee.



**Mr. Gillespie:** Mr. Chairman, we have no intention of modifying the situation of the Indians from the way it is right now.

**Mr. Chairman:** Thank you. Mr. McCall.

**Mr. McCall:** Just one question, Mr. Chairman. Why not?

**Mr. Gillespie:** Mr. Chairman, we haven't addressed the question, to be frank.

**Ms. Millard:** Mr. Chairman, I would think the reason they couldn't modify it is because the Indian Act supersedes anything done in the Territory anyway.

**A Member:** The Yukon Act.

**Mr. Chairman:** Any further questions or comments?

**Hon. Mr. McKinnon:** Mr. Chairman, it gets to me this concept of 12 o'clock, how long, is it the opinion the game department it will take the caribou to wise up to lay low in the afternoon and cross in the night and the morning. Because, you know, the thought of it, that everybody is standing there by the highway with their rifles loaded, and a member of the game department, the poor dumb caribou going across the road, they can't be shot until the arm comes down, and they say now shoot, and wham, all the -- it sounds like a small scale war breaking out and everybody gets their jollies. How long is it going to take before we say that that's not the kind of thing that we consider sport in the Yukon and that's not what we consider hunting. You know far be it for me to say anything against the hunting, because I have been on hunts, I find them challenging, I find them exciting, I find the whole bit -- of hunting but not a slaughter, certainly at some point in time, if the caribou don't get the message and don't lay low in the afternoon but just go across the road and then they're allowed to be shot for a certain length of time during the afternoon. How long do we consider that to be sport? How long do we consider that to be hunting? How long do we move before we say that isn't what we have as an idea of, as far as hunting goes and that's the end of it, you have to be five or ten miles away, you have to do a little bit of work and you actually have to get off your fat butt and go into the bush and get something if you want to go hunting. I mean this just doesn't appeal to me at all. I don't like it. I'm on the side of the caribou in this instance, where do we stop.

**Mr. Chairman:** Thank you Mr. McKinnon. Mr. Berger?

**Hon. Mr. McKinnon:** I'd like an answer from the Game Department. We're supposed to find out whether the caribou learn not to go across in the afternoon, and if they don't, what will they do then.

**Mr. Gillespie:** Mr. Chairman, I think the only answer I can give to that is that at the end of each season, at the end of this coming season, after trying this method for this one season, we will then be in a

position to have -- make some assessment of it. It's not possible to predict, at this point in time, exactly how long it will take before you can determine whether any particular method of harvest control is a workable one.

But it may be possible, if there is the wholesale slaughter, that some people fear might happen, if that in fact is realized, then we would drop that system and approach it another way next year.

**Mr. Chairman:** Just before I entertain another question, it seems to me there is some confusion here between the esoteric part of hunting and your guidelines that seem to be harvesting game. Surely the criteria that you people are interested in is how you can have a sustained yield of the caribou not the esoteric way in which they're tracked down and shot. Is that not true?

**Mr. Gillespie:** Yes, Mr. Chairman.

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

**Mr. Lang:** Mr. Chairman, I'm rather curious. Is there any statistics, or anybody can say, statistics, but just an idea of last year, the number of caribou that were slaughtered or killed or whatever the term is around the table here, in comparison to the numbers that actually did cross, is there any count on that?

**Mr. Hoeffs:** Well last year not too many showed up during the hunting season. I don't know of more than maybe 30 or 40 that were shot during the hunting season. Several came after the hunting season.

**Mr. Chairman:** Perhaps we have a season of hunters. Mr. Berger?

**Mr. Berger:** I'm still of course satisfied with the non resident hunters, because I disagree with the concept of trophy taking all together. I can't see anything sportsmanship in there to have the head of a dead animal hanging on the wall. The other thing is what I'm quite upset about is, most of these hunters are actually non resident people, not even Canadians. I think the largest percentage of those people come either from the United States or from Europe. And why wouldn't it be possible to charge them a larger fee than presently charged and require them people to pay for the transport of the meat into the native community and have, if necessary, a government run store there to sell wild game meat?

**Mr. Chairman:** Mr. Berger, with respect, I think we're getting off the topic which is simply an amendment to one of the sections in the ordinance. I think it's unfair to ask these gentlemen to try to set policy on our behalf. I'm not going to ask them to answer that. Any other questions of the witnesses?

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

**Mr. Fleming:** Mr. Chairman, I have a question, whether it would actually deal with this, first I would say what it is and then if it's okay to ask it, I will. It is in special prohibitions and restrictions, and it's number 2:



"Where the Director is satisfied that no commercial transaction is involved and that it is proper to do so, he may issue to a resident who is in possession of a hunting licence, a permit permitting a non-resident to hunt big game without a guide while accompanied by such resident."

Can I ask a question about that paragraph, or would they be willing to answer it?

**Mr. Chairman:** Well Mr. Fleming, I think you're out of order, but I'll allow one answer to that question, if one of the witnesses wants to answer it.

**Mr. Fitzgerald:** What is the question?

**Mr. Chairman:** Are there any questions, Mr. Fleming?

**Mr. Fleming:** I merely feel that while they are here, and we don't I think, want to take them away from their job and bring them in every other day, that even though this is what we are dealing with, there's many things in game management that they might even like to discuss with us, so I would like to be able to ask them the odd question.

**Mr. Chairman:** I sympathize with that point of view, Mr. Fleming, but the point is that we are really dealing with one Section of the Ordinance, and we have to restrict ourselves to the -- what's pertinent to what we are doing this afternoon.

Any further --

**Ms. Millard:** Yes, Mr. Chairman.

**Mr. Chairman:** Ms. Millard?

**Ms. Millard:** Since we are dealing with these, do these regulations -- will these regulations apply also to the trappers who are not restricted, but who make their living solely by trapping?

**Mr. Fitzgerald:** Well, at the moment, there's nothing in sight that would suggest there would have to be restrictions placed on any of our fur bearers. Our fur bearers are under-harvested at the moment, as far as we are concerned, and I can't see where it would interfere with them in any way.

**Mr. Chairman:** Thank you. Any further questions or comments?

**Mr. Berger?**

**Mr. Berger:** I have one more question here, sir. What time limit do you set on this -- on item 4, biological material? How does it say, for instance, a big game guide is going to get his material to you people, or are you going to come and pick it up? In the three month hunting period, a fellow is going to have an accumulation of biological material, and I can just see it, if there's a nice warm fall, like it sometimes is, I can just see the flies hanging around that particular camp.

**Mr. Fitzgerald:** Well, all we are concerned with is the horns of the goat and at the moment, all we are concerned with are goats and sheep and grizzly bear

skulls. This other -- and we've had no problem up to now getting all this material, it's all brought in. Unless it's their reproductive tract and hunters that have held on to it for a while, it may be a little smelly, but --

**Mr. Chairman:** Thank you, Mr. Fitzgerald. Anything further?

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

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

**Mr. Lang:** I would like to ask a question for my own edification. Like in number 7 there, Region 7 I think that you said there would be now cow season this coming year. Is the pressure in that area, is it largely due to the Whitehorse hunting, or is it due to predators such as wolves and this type of thing, or is it a combination of the two?

**Mr. Hoeffs:** Well it is one of the most heavily hunted areas in the Yukon, and we surveyed it, as you know, two years ago, and I've forgotten right off my head, I think we came up with something like 800 moose and about 200 were shot, which is pretty high, that's 25 percent. So we don't want a cow season in that area.

But as far as predators go, I don't know offhand how many wolves there are, but in a natural set-up, there's a balance between moose and wolves, and you can count on one wolf for thirty moose, unless the wolves have been hit fairly heavily by trappers and predator control programs, but normally in the back country you have about one wolf for 30 moose, if the wolf feeds entirely on moose, if there is not many other play animals.

But if you look at 9, which is a very good moose area, particularly the top of Snafu country and there's well over 500 moose in there, and there's also a hell of a pile of wolves in there, and yet hunting has no effect at all. Many more moose can be taken out of that area.

**Mr. Chairman:** Thank you. Mr. Fleming?

**Mr. Fleming:** Thank you, Mr. Chairman.

I would like to ask if this game management program in any way in the future, may affect the hunters living out of the game management. In other words, if you have a game management area, Old Crow, 3 or 4,000 acres which can be hunted this year, and we in the south of the Yukon, have a Yukon hunting licence, would you foresee sometime in the future maybe that these people would not be able to hunt that game management area, due to the fact that it was that area?

Is there any possibility?

**Mr. Fitzgerald:** You mean people going from the south to the north to hunt in an area where they --

**Mr. Fleming:** Where they don't live, yes.

**Mr. Fitzgerald:** The same thing is happening in British Columbia right now, as you know. There is an awful lot of people from southern British Columbia hunting around Atlin right now. That could happen.



**Mr. Chairman:** I think perhaps just for clarification, I think that the question that Mr. Fleming was asking, was whether or not you would restrict hunting to people living within a management zone, and he asked whether you could foresee this happening in the Yukon? Can you?

**Mr. Gillespie:** Mr. Chairman, we're not contemplating doing that at this time.

**Mr. Chairman:** Thank you.

**Ms. Millard:** Mr. Chairman --

**Mr. Chairman:** Miss Millard.

**Ms. Millard:** --just one further question on fur trappers.

My understanding is that there's part of the regulations where if a person is making his living by trapping, he can also go beyond the bag limit to feed his family, so that a -- say, for instance, a white status person in Old Crow can go and get as many caribou as he needs, as long as he can prove he has a special permit, saying that he is supporting his family in this way.

Will these game regulations or game management zones affect that kind of person?

**Mr. Fitzgerald:** Well, I think the people you refer to there are people living the Indian way of life, although they are not status Indians. Right?

**Ms. Millard:** You could call it the Indian way of life, yes.

**Mr. Fitzgerald:** Yes. Well there's provisions for that in the regulations, people living there to take game for food, but a white person going there, such as a schoolteacher or a policeman, et cetera, they are not allowed any privileges, other than what we allow to take under a legal licence.

**Ms. Millard:** Yes. Thank you, Mr. Chairman. I'm glad that's clarified, because I wondered about whether or not that was actually in the regulations.

It seems fairly vague to me sometimes.

The questions is, will these regulations, these new regulations, affect that situation?

**Mr. Gillespie:** Mr. Chairman, I believe the answer is that they will have no effect on those regulations. These amendments to the Ordinance will have no effect on those regulations.

**Mr. Chairman:** Anything further?

I'd like to thank the witnesses for attending and excuse them at this time. Thank you gentlemen.

We will continue with the reading of the Ordinance. Any further questions. Mr. Taylor, have you any further comments or questions? Clear?

**Some Members:** Clear.

**Mr. Chairman:** Preamble, "The Commissioner of the Yukon Territory by and with the advice and con-

sent of the Council of the said Territory, enacts as follows" an Ordinance to Amend the Game Ordinance is that clear?

**Some Members:** Clear.

**Mr. Chairman:** I'll entertain a motion?

**Hon. Mr. Taylor:** Mr. Chairman, I'd be more than pleased to move that Bill Number 2 be reported out of Committee without amendment.

**Mr. Chairman:** Thank you Mr. Taylor. Secunder?

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

**Mr. Chairman:** It has been moved by Mr. Taylor and seconded by Mr. Lang, that Bill Number 2 entitled An Ordinance to Amend the Game Ordinance, be reported out of Committee without amendment.

Question?

**Some Members:** Question.

**Mr. Chairman:** Are you agreed?

**Some Members:** Agreed?

**Mr. Chairman:** I declare the motion carried.

**Motion Carried**

**Mr. Chairman:** Next we have Bill Number 3, clause by clause. 1:  
(Reads Clause 1)

**Mr. Chairman:** Anything arising?  
Ms. Millard?

**Ms. Millard:** Mr. Chairman, I read in the explanatory note that the purpose of the ordinance is to limit the statutory power of revocation of the registration of extra-territorial co-operative associations. In other words, it doesn't apply to co-operative associations within the Territory?

**Mr. Legal Advisor:** No, Mr. Chairman, these sections apply to an extra-territorial corporation, it defines the corporation here.

**Mr. Chairman:** Any comments or questions? Clear?

**Some Members:** Clear.

**Mr. Chairman:** Two;  
(Reads Clause 2)  
Are there any questions?  
Mr. Berger?

**Mr. Berger:** Mr. Chairman, could we ask Mr. Legal Advisor to give us the background on the whole thing and more explanation.

**Mr. Legal Advisor:** Mr. Chairman, this deals with extra-territorial co-operative associations. The particular one in respect of which this legislation is made



is a co-operative association in British Columbia which is opening up operations here, its the Teachers Building Co-operative Association, and it wants to be in a position to lend money to members of its association who are resident and employed by the government here.

In looking through the legislation, they found there were certain restrictions that, there is a wide power, which is a common power, to strike them off for not obeying the rules. And they put forward a case to the government saying Okay, strike us off for not obeying the rules, but leave us in a position to collect our debts and administer our property not-withstanding that striking off. So it was discussed between the solicitors for the co-operative association within Whitehorse and the government and in the result, these sections were brought in to protect the equity of the association and the right of the members who would borrow money from them in the event that there was a withdrawal from business by the co-operative association.

**Mr. Chairman:** Thank you. Mr. I'm concerned about the use "corporation". Is that an oversight. Should it not be "association?"

**Mr. Legal Advisor:** We introduced a year or two ago a complete new section dealing with extra-territorial corporations and it is defined in Section 32.1 of the Ordinance which should be in the revised edition but may not be. We call it an extra-territorial corporation.

**Mr. Chairman:** So there is presently a definition limiting that to associations?

**Mr. Legal Advisor:** Yes.

**Mr. Chairman:** My concern is this not be misconstrued to apply to a company, Ltd.

**Mr. Legal Advisor:** It could be by anyone who didn't read the title of the Ordinance. Mr. Chairman.

**Mr. Chairman:** Many of us never do read the title. Anything arising? Mrs. Whyard?

**Hon Mrs. Whyard:** Mr. Chairman, I understand that this has been in the mill for some time, that Yukon teachers have been quite anxious to have this process for about two years, because it assists their efforts to build their own homes in the Yukon and since that's the objective of this government, I would think we would speed the process.

**Mr. Chairman:** Anything further?

**Some Members:** Clear.

**Mr. Chairman:** The preamble. "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 Co-operative Associations Ordinance. Clear?"

**Some Members:** Clear.

**Mr. Chairman:** I'll entertain a motion?

**Hon. Mr. McIntyre:** I move that Bill Number 3 be reported out of Committee without amendment.

**Mr. Chairman:** Seconder.

**Mr. McCall:** I'll second that,

**Mr. Chairman:** It has been moved by Mr. McIntyre, seconded by Mr. McCall, that Bill Number 3 entitled An Ordinance to Amend the Cooperatives Association Ordinance be reported out of Committee without amendment. Question?

**Some Members:** Question.

**Mr. Chairman:** Are you agreed?

**Some Members:** Agreed.

**Mr. Chairman:** I declare the motion carried.

**Motion Carried**

**Mr. Chairman:** Perhaps now we could adjourn for ten minutes.

**Recess**

**Mr. Chairman:** I will now call the Committee back to order, and the next item is Bill Number 4, clause by clause.

1:  
(Reads Clause 1)

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

**Mr. McCall:** Well, are you going to read it all out for us?

**Mr. Chairman:** Clause by clause.

**Mr. McCall:** Okay.

**Mr. Chairman:** Any other questions before I carry on?

2:  
(Reads Clause 2)

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

**Hon. Mr. Taylor:** Mr. Chairman, I have one question. The Commissioner today has power, under some Ordinance, to establish a local housing authority. This is operated, I believe, under the Housing Corporation.

Now, where does this authority flow from, or in fact are we doing something which is currently illegal?

**Mr. Legal Advisor:** I was hoping the Honourable Member wouldn't ask that question. He has power to establish a Committee, and to give it certain powers, and he did so establish a committee, then gave them



those powers correctly in accordance with the Ordinance, but it wasn't what was originally intended, and they had to be given the name, a local housing authority, so as to meet with the wishes of C.M.H.C. and the government in the operation of the housing projects.

This is perfecting the Legislative scheme which wasn't done so well in the first place, Mr. Chairman.

Mr. Chairman: Thank you, Mr. Legal Advisor. Mr. McCall, did you have a question?

Mr. McCall: No, forget it.

Mr. Chairman: We certainly will, Mr. McCall. Any further questions or comments? Clear?

Some Members: Clear.

Mr. Chairman: Preamble.

"The Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory, enacts as follows:"

The Title of Bill Number 4, "An Ordinance to Amend the Housing Development Ordinance". Clear?

Some Members: Clear.

Mr. Chairman: I will now entertain a Motion.

Hon. Mr. McIntyre: I move that Bill Number 4 be reported out of Committee without amendment.

Mr. Chairman: Seconder?

Mr. Fleming: I second it.

Mr. Chairman: It has been moved by Mr. McIntyre, seconded by Mr. Fleming, that Bill Number 4 entitled "An Ordinance to Amend the Housing Development Ordinance", be reported out of Committee without amendments. Question?

Some Members: Question.

Mr. Chairman: Are we agreed?

Mr. Chairman: I declare the Motion carried.

**Motion Carried**

Mr. Chairman: Next, clause by clause of Bill Number 5.

1:

(Reads Clause 1)

Mr. Chairman: Clear?

Some Members: Clear.

Mr. Chairman: 2:

(Reads Clause 2)

Mr. Chairman: Mr. Berger?

Mr. Berger: I have a question that might be out of

order, but the superannuation of Canada right now has roughly about, my understanding is about 4 to six billion dollars tied up in pension funds for government employees.

I was wondering if anybody ever gave thought to establish a Territorial pension plan for all employees,

I mean just a rough estimation of figuring as though you could possibly raise just the government employees alone, about \$600,000.00 a year in the Territory, or if you would consider all private industry and everything like this. I mean, the government of the Yukon Territory could raise quite a bit of money over the years. I was wondering if this--are we bound through the Yukon Act, or another Act to have--to force Territorial Government employees to pay to the superannuation of Canada?

Mr. Legal Advisor: Mr. Chairman, I would rather not attempt to answer the philosophical question as to whether or not we should be contributors to the superannuation fund of Canada. The factual present relationship is that we are one of the list of employees who's accepted for pension plan purposes within the federal legislation governing public servants, and Crown agencies and corporations.

By virtue of that, we are compelled to pass reciprocal legislation requiring our employees to contribute in the same manner as if they were employees of the Public Service of Canada, so that there's a central funding operation in progress.

Now, the purpose of this particular Bill is to change the definition of employee; "employee" is narrowly defined in words and legal words, to mean a permanent employee, and it changes from time to time, depending on bargaining within the public service, and depending on how the public service sees its temporary or part-time employees, and we pick it up from time to time to change the definition of "employee" so that we are pretty much the same. I think it might have been forgotten about for a year or two, and we realize that perhaps the sensible thing to do would be to make the definition "contributor" apply, so that this is phrased so that if there is a change in the meaning of the requirement of who should contribute, we will automatically pick up the changes, because we are operating within this definition and have been for, I think, two years, notwithstanding the fact that we should have amended it two years ago.

Now, on the broader question, it's a financial question and doesn't really fall for a legal advisor to answer. Perhaps the Member might ask a question at question time or put forward a Motion so that it might be considered.

Mr. Chairman: Thank you, Mr. Legal Advisor. Is there any further questions?

Preamble,

"The Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory, enacts as follows:"

And the title of Bill Number 5, "An Ordinance to amend the Territorial Employees' Superannuation Ordinance." Clear?

Some Members: Clear.



Hustone  
Bill #7

**Mr. Chairman:** I will entertain a Motion.

**Hon. Mr. McIntyre:** I move that Bill Number 5 be reported out of Committee without amendment.

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

**Mr. McCall:** I will second that, Mr. Chairman.

**Mr. Chairman:** It has been moved by Mr. McIntyre, seconded by Mr. McCall, that Bill Number 5 entitled, "An Ordinance to Amend the Territorial Employees' Superannuation Ordinance", be reported out of Committee without amendment.

Question?

**Some Members:** Question.

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

**Some Members:** Agreed.

**Mr. Chairman:** I declare the motion carried.

**Motion Carried**

**The Chairman:** The next clause by clause is Bill Number 6.

(Reads Clause 1)

**Mr. Chairman:** Anything arising? Ms. McCall.

**Ms. Millard:** I beg your pardon?

**Mr. Chairman:** Millard. I haven't got you married yet anyway, Eleanor.

At least then I wouldn't have to worry about my stipend.

I understood that J.P.'s are Small Debt Officials. In Dawson I know Mr. -- are they both then, sometimes both -- thank you.

**Mr. Chairman:** What was the answer to that Mr. Legal Advisor?

**Mr. Legal Advisor:** It doesn't automatically follow, Mr. Chairman. Some of them are both Small Debt Officials and J.P.'s some of them are just J.P.'s but when the administration of justice was transferred to the territory in 1971, a search of the Ordinance was made, naturally, and all the various appointed powers were transferred from the government in council to the Territory. But there was no power appointment regarding Small Debt Officials at all, but the Government of Canada has exercised it. And it's inconvenient to have the Government in Council appoint Small Debt Officials, it's something that should be done locally.

**Mr. Chairman:** Thank you. Any further questions? The preamble. "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 Judicature Ordinance. Clear?

**Some Members:** Clear.

**Mr. Chairman:** I'll entertain a motion.

**Hon. Mr. McIntyre:** I move that Bill Number 6 be reported out of Committee without amendment.

**Mr. Chairman:** Seconder?

**Ms. Millard:** I second it.

**Mr. Chairman:** It has been moved by Mr. McIntyre, seconded by Ms. Millard, that Bill Number 6 entitled an Ordinance to Amend the Judicature Ordinance be reported out of Committee without Amendment. Question?

**Some Members:** Question.

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

**Some Members:** Agreed.

**Mr. Chairman:** I declare the Motion carried.

**Motion Carried**

**Mr. Chairman:** Next is clause by clause of Bill Number 7. 1:

(Reads Clause 1)  
Ms. Millard?

**Ms. Millard:** Mr. Chairman, it was my understanding when this was discussed that the member would hold office for the period covering the time that the -- that the member of the Legislative Assembly who had appointed him was also holding office. Was I mistaken in that?

**Mr. Legal Advisor:** I don't think the Honourable Member was, Mr. Chairman. This was tossed back and forth how it should be drafted, and this draft reproduces a thought of 7 plus 3 and changed that to 12 plus 3. The period of four years was taken because this spans the life of a Council. And the thought is that a Council is elected from September or October for a period of four years. And there is always a period in excess in this four years, over the life of the Council. The Council is never actually four years, it's always terminates in August, so this reproduces the thought, reasonably accurately, that the member nominated by a member of this Council, would keep his office over the period of the non existence of this Council, to the next Council and then the members can change them then, the membership. This does that.

**Mr. Chairman:** Thank you. Ms. Millard?

**Ms. Millard:** Mr. Chairman, if I calculate correctly it was over four years from the last election to our election and there were Boards who were let go from last October, until they were appointed by us in our session and is that not taken into consideration?

8



*Heston*

Mr. Legal Advisor: Yes, this did happen on this one occasion only and so far as we know, it didn't happen since 1898 and will not occur until 1988.

Mr. Chairman: Anything further? Mr. Lang?

Mr. Lang: Mr. Chairman, how come we have, each member here has appointed one member to serve on the Board, yet we have not more than 15 members. Is this in the idea of the Chairman being appointed by the Commissioner or--

Mr. Legal Advisor: No, Mr. Chairman, originally it was ten, meaning 7 plus 3. Now it's 15 meaning 12 plus 3. There are three other members in addition to the members who were appointed by this House.

Mr. Lang: Well who are the other three members is what I'm getting at. Are they--this is at the Commissioner's pleasure?

Mr. Legal Advisor: Yes, Mr. Chairman. I presume he exercises his right on the advice of the Executive Committee.

Mr. Chairman: Ms. Millard?

Ms. Millard: Mr. Chairman, on the subject of Boards, are we going to be having legislation also on the other Boards which were changed, the membership being changed?

Hon. Mr. McKinnon: No, Mr. Chairman. They're not created by statute. This is the only one that is.

Ms. Millard: Thank you.

Mr. Chairman: The preamble, "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 Historic Sites and Monuments Ordinance.

Some Members: Question.

Mr. Chairman: Are we agreed?

Some Members: Agreed.

Mr. Chairman: Does anybody have a motion?

Hon. Mr. McIntyre: I move that Bill Number 7 be reported out of Committee without amendment.

Mr. Chairman: Seconder?

Mr. Lang: I second that.

Mr. Chairman: It has been moved by Mr. McIntyre, seconded by Mr. Lang, that Bill Number 7 entitled An Ordinance to Amend the Historic Sites and Monuments Ordinance be reported out of Committee without amendment.

Mr. Chairman: Question?

Some Members: Question?

Mr. Chairman: Are we agreed?

Some Members: Agreed.

*Motion Carried*

Mr. Chairman: Bill Number 8, clause by clause. 1: (Reads Clause 1)

Mr. Chairman: Sorry, this must be a new piece of legislation. 2(1) (Reads Clause 2(1))

Hon. Mr. Taylor: Mr. Chairman, I'm often puzzled when I see the Administration taking the tact of saying well we really don't think that we should body a certain item in regulations and so we're in fact going to make a statutory provision. And I'm wondering possibly if Mr. Law Clerk could advise me as to what really is the reason why we're taking these regulations and giving them statutory authority?

Mr. Legal Advisor: I don't know the real reason, Mr. Chairman. It's possibly nervousness on the part of the Administration in carrying through on Regulations something which can be attacked or changed from time to time, and putting it into a statutory form so that members know exactly where they stand.

Hon. Mr. Taylor: Mr. Chairman, I can only remark that this is a very unusual tactic on behalf of the Administration, because usually they are asking us for Regulations and you will note, before we complete the Bill, that they also provide for additional Regulations to boot. I just wondered what the specific reason was to bring this into statutory position.

Hon. Mr. McKinnon: Mr. Chairman, there's no mystery at all as far as I'm concerned, because I was one of those people that stood along with the Honourable Member from Watson Lake and condemned this government for being a government of regulation rather than of statute. It's the policy that's always been in my background, and I hope we will continue to do so, that when programs of government that are originally set up by Regulation prove themselves to be successful, such as the Travel for Medical Treatment Ordinance and the Students' Grant Ordinance, that both, the formulation of polices I was proud to have been part of, and have become a part of Yukon life, and hopefully they are not going to be terminated by the act of a Commissioner as Regulation can by order. These are all well established policies of the government of the Territory. Hopefully they are going to remain as policies of the government of the Yukon Territory for a long time to come, and only this Legislative Assembly is going to go about changing them from not being on the statue books of the Government of the Yukon Territory.

So if it's a change, as far as I'm concerned, it's one that's a welcome change and one that I hope this Legislative Assembly will see more of.

Mr. Chairman: Thank you, Mr. Taylor.



**Hon. Mr. Taylor:** Mr. Chairman, I just make it clear that I'm not displeased, but I just wondered why the government actually bent and provided this great measure of responsibility back to the people of the Yukon and I must say that this possibly is a good example of where the Executive Committee participation in the Administration, at least from the level of the Legislative Assembly is not doubt paying off, and this is why I asked the question.

**Mr. Chairman:** Thank you, Mr. Taylor.  
Any further questions or comments?  
Clear?

2:  
(Reads Clause 2(2))

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

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

**Mr. McCall:** Mr. Chairman, I would like the Legal Advisor to redefine transient please?

**Mr. Legal Advisor:** A person who moves from point to point without stopping a long time in one place.

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

**Hon. Mr. Taylor:** Mr. Chairman, I'm wondering if Mr. Legal Advisor could indicate why we are using the term "ordinarily present" in sub-(a) or 2, rather than "ordinarily resident".

**Mr. Legal Advisor:** Mr. Chairman, we didn't choose this definition for this Ordinance.

We are using the definition from the main Ordinance carrying the Medicare Plan.

**Hon. Mr. Taylor:** But--

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

**Hon. Mr. Taylor:** --it still doesn't answer my question. Why do we use the term -- you say "who makes him home and is ordinarily present". Wouldn't you say "makes his home and is ordinarily resident"?

**Mr. Legal Advisor:** You could say that, but then you're using the expression resident, and it's not the best of practice if you can avoid it, to define a word by using the same word a second time. We're talking about a person who is ordinarily resident here, but you say "ordinarily present", because you're defining him to be a resident.

It's a question of style as much as anything else.

**Mr. Chairman:** Any other questions?  
**Mrs. Whyard?**

**Hon. Mrs. Whyard:** Mr. Chairman, I wonder if the Legal Advisor could amplify on whether or not there are any age limits, e.g. dependents of parents living in the Yukon. What is the cut-off point when you are no longer a resident?

**Mr. Legal Advisor:** I couldn't give a quick answer to

that, I would have to look it up, Mr. Chairman.

**Hon. Mrs. Whyard:** Or, Mr. Chairman--

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

**Hon. Mrs. Whyard:** --supplementary then, if this is going to be pursued, could we also know how long they must be away from their parents' home before they are no longer considered a resident?

**Mr. Legal Advisor:** Mr. Chairman, I would rather not answer that because it's preferable to have such a thing flexible, and if we were to give a written opinion on it, we might disqualify people that we would want to include for the expenses of this plan, but certainly so far as dependency is concerned, we can amplify what is meant by that.

**Mr. Chairman:** Mr. Hibberd?

**Dr. Hibberd:** Mr. Chairman, I'm wondering if the Legal Advisor could explain to us what happens to someone in the first three months of their life. Are they covered somewhere else?

**Mr. Legal Advisor:** No, Mr. Chairman.

**Mr. Chairman:** Mr. Hibberd?

**Dr. Hibberd:** Am I to understand that during the first three months of life, the plan does not cover them for evacuation purposes?

**Mr. Legal Advisor:** At the risk of seeming facetious, Mr. Chairman, they come from a place which doesn't need that kind of plan.

We include for Medicare purposes, and the benefit under the Medicare plan, all of the people who are ordinarily resident here, and we have a qualifying period. The reason for the qualifying period is that a person is normally coming from Alberta, Saskatchewan or elsewhere, where he is covered under the plan, but there's a special section in our Medicare plan which says that where a person comes to the Territory and is not covered by a home plan in a province, such as a soldier coming from overseas, or a diplomat returning to a home posting, or an immigrant from another country, a landed immigrant, he is covered for the first three months, although a normal Canadian would not be covered because he's covered elsewhere.

But nobody ever thought of what happened to a person who comes from somewhere up in space.

**Mr. Chairman:** Leave us not get into a religious discussion gentleman.

**Mr. Fleming?**

**Mr. Fleming:** Mr. Chairman, it is possible the answer has been given. Could Mr. Legal Advisor tell me how he defines in b "to be completed three months of continuous residence from the date of entry into the Territory for the purpose of establishing residence therein." How can you prove that he is here to establish residence therein.



**Mr. Legal Advisor:** Mr. Chairman, I don't think it normally becomes subject to proof. I think he's just asked a question or fills in a form and his word is normally taken. How you would prove it would be a difficult question, if a Court case arose, it would be a question of intention and the person, the establishment of his own personal intention is usually established because he tells you what he intended to do at that time.

**Hon. Mr. McKinnon:** The reason why it was this way, because of universal medicare that's one of the first things that a person does is establish his residence here because he's only under the umbrella of the medicare where he came from for a three month period so it's generally essential that he establish his residence so he will come under the aegis of the Yukon Medicare scheme following his three month waiting period from the jurisdiction he came from. So they're finding that people now want to establish residency and if we leave it the same as this, we've got a pretty good idea of the point of residency, at the time that he really did arrive and become a resident of the Yukon Territory.

The other point that Mr. Hibberd has stated, just wasn't looked into at the time that this was. I think there is a very valid point there, that that three month old baby who is a resident of the Yukon should be considered for travel for medical evacuation, and I think that is a point that the legislative programming committee should look at because there is all kinds of problems that could arise in the first three three months where the baby should be qualified as a Yukon resident to go out.

**Mr. Chairman:** Mr. Legal Advisor, would you take that under advisement?

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

**Ms. Millard:** Mr. Chairman, wouldn't that come under dependents? Wouldn't the child, as soon as its born be registered under the medical plan as a dependent and be covered?

**Mr. Legal Advisor:** Perhaps yes Mr. Chairman, perhaps not, a lot depends, there are circumstances where I can visualize that might not happen. We might need to think of a section to make sure of it because there are babies whose mother dies and such things. Who are not residents of the territory themselves, therefore a difficult situation might arise. At least we must look into it.

**Mr. Chairman:** Thank you. Anything further?

**The Chairman:** 3 (1).  
(Reads Clause 3 (1))

**The Chairman:** Clear?

**Some Members:** Clear.

**The Chairman:** 4(1).  
(Reads Clause 4 (1))

**The Chairman:** Clear?  
Section 5  
(Reads Clause 5.)

**Hon. Mr. Taylor:** Mr. Chairman, in subsection 1 of 5, is there anything in subsection 1 that would prohibit, for instance a nurse, in an outlying community where a medical practitioner indeed is not available, is there anything which would now prohibit the nurse from making the necessary paper work and necessary authority to evacuate a patient.

**Mr. Legal Advisor:** No, Mr. Chairman. The subsection is especially drafted with that in mind. It's drafted in such a way that in a place where a doctor is not expected, a local person, a public health nurse or other, carries the responsibility for dealing with the patients own doctor, to find out what the score is and then on behalf of that medical practitioner, the patient's own doctor, then certifies it and that certification is accepted.

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

**Hon. Mr. Taylor:** Mr. Chairman, I'm maybe not reading this correctly, but what you're saying in 5 (1) is that where a medical practitioner is attending a resident, that the Chief Medical Health Officer, on behalf of the medical practitioner, can make provision for someone else to authorize the, say the evacuation, that's the way I read it.

It only provides where a person as I see it, where a person, you're assuming everybody has a doctor, well everybody doesn't have a doctor, and that's what I'm getting at.

**Mr. Legal Advisor:** The intention, Mr. Chairman, is that everyone will have a doctor they will nominate for that purpose if required. The authorization given by the Chief Medical Officer is given to a nurse for the purpose of signing a certificate, of necessity. But the signature on the certificate will only occur after that person has consulted with the medical practitioner who is normally attending the patient. And there are very few people in the Yukon that don't have some medical practitioner they can fall back on and nominate as usually attending them. It's got to be basically a Medical Practitioner's Ordinance in this regard, because it's going to be medically audited by the Committee. But for convenience of patients, certain people are authorized to sign and their signature is accepted, by the Committee.

**Mr. Chairman:** Anything else?  
6:  
(Reads Clause 6)

**Some Members:** Clear.

**Mr. Chairman:** (1):  
(Reads Clause 7 (1))

**Mr. Chairman:** 8 (1):  
(Reads Clause 8 (1))  
Clear?



**Some Members:** Clear.

**Hon. Mr. McIntyre:** Mr. Chairman, could we go back to Section 7. "An escort shall be deemed to be in travel status" and so on," and return to his home." I'm wondering if home is the proper word to use there, Mr. Legal Advisor, because the home of the escort may not be the same place as the origin of the transportation?

**Mr. Legal Advisor:** I'm not sure exactly what the point is Mr. Chairman. But the Section 7 doesn't deal with the travelling expenses as we would know them in every language of an escort. They deal with the per diem allowance for meals and the overnight bill he would have to pay in a hotel as he moves from point to point. His airfare or whatever it is, is paid the same way as a patient is. But he's got to get back to his home, even though he might have to go from Whitehorse to Teslin to pick up his patient, and bring him back to Whitehorse, and travel in the plane, the escort is entitled to go to his own home and this is the home we're talking about. I think it's the escort's home, to get back home.

**Mr. Chairman:** Miss Millard?

**Ms. Millard:** But I can envision someone say coming down from Dawson and receiving an escort from Whitehorse to take out to Edmonton, and then we would be responsible to take him right back to Dawson City, where -- because I know it's discussed amongst professional people who's going to escort who and it's quite a privilege sometimes to have a free trip out, and so I can see the point that it should maybe returned to the place where the resident was picked up.

**Mr. Legal Advisor:** Mr. Chairman, I'll look into it and discuss it with the medical people but the intention is that the escort return to his home base, wherever he happens to be living at the time. It's not intended to mean that if he happens to live in P.E.I. he can go back to P.E.I., but I can see there is room for doubt once we start to discuss the Section.

**Ms. Millard:** Then--

**Mr. Chairman:** Miss Millard?

**Ms. Millard:** --this will be reconsidered then?

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

**Mr. Chairman:** Is 8 clear?

**Some Members:** Clear.

**Mr. Chairman:** 9(1):  
(Reads 9(1) )

**Ms. Millard:** I would like to know if there was any provision for someone who, since the basic rate is the bus transportation, what if someone were medically unable to travel by bus without discomfort, would then -- is there any provision for air fare to be paid then?

**Mr. Legal Advisor:** Yes, Mr. Chairman. This can -- it occasionally happens that a person -- the usual situation is a person cannot travel by air and has to go by bus. There is sufficient flexibility in the regulations to allow this to happen.

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

**Hon. Mr. Taylor:** Yes, Mr. Chairman. I am a little disturbed here in this Ordinance. We have situations whereby there is no other form of transportation to evacuate a patient, other than private aircraft, that is to say a Beaver, an Aztec or indeed a helicopter, and I've known -- in my experience, at least in the Yukon for many years, I've known many occasions where pilots have gone and had to break the law in order to fly people at night, in order to attempt to save a life, and flying in bad weather and on top with no IFR ratings and this type of thing, in order -- in an attempt to save a life, and get these people in.

I also know air services that have done this and to add insult to injury, who have been unable to collect for the flight. Now, I feel that some provision should be made in the Ordinance to protect these operators who are doing a pretty good chore. I'm wondering if I could have some response from the Administration to this request?

**Mr. Legal Advisor:** I'm not really in a position to give a response so far as the policy is concerned, but Section 8 is intended to be wide enough to deal with an emergency, and it's completely unrestricted. Whatever the Chief Medical Officer deems to be necessary, he signs a chit and that's what happens. It may be an aircraft, it may be a helicopter, it could be anything, but Section 8 is a Section which, although in the Ordinance, leaves the capacity to break all rules for the purpose of getting the job done. It's the immediately preceding Section.

**Hon. Mr. McKinnon:** Mr. Chairman, where it was dubious prior, where in the case of a bona fide emergency, whether the person who brought the patient in was going to get paid, we have tried to make it completely clear in 8(1) that if there is that kind of emergency, it's anything goes. There's just no qualms involved at all with the transportation of that patient, by whatever means and whatever costs can get him to the place where he can get medical treatment, rather than trying to make it dubious, to clarify it to the point where I think Section 8 doesn't provide any room for doubt, that that patient is going to get the medical treatment.

**Mr. Chairman:** Mr. Hibberd?

**Dr. Hibberd:** Mr. Chairman, Section 8(1), I think it would be more valuable to make it more clearly delineated. I don't really think it does allow for the type of transportation that might have to be used in a specific instance. It really doesn't refer to the type of transportation at all.

**Hon. Mr. McKinnon:** Immediate medical evacuation.



**Dr. Hibberd:** But you can be immediately evacuated by car or bus. I'm merely stating that it should be perhaps by whatever means are available.

**Mr. Legal Advisor:** Mr. Chairman, it's drafted so that all the bills can be paid. If we start tinkering around with it and do a nicely polished draft like Mr. Phelps has me do sometimes, we might end up with something we might be sorry for.

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

**Hon. Mrs. Whyard:** Mr. Chairman, I would just like to add as well that when such emergency flights or other forms of transport are authorized by the Chief Medical Officer, those bills are immediately and automatically paid by the Territorial Government, and if the person involved is a non-resident or does not come under these qualifications, then they attempt to recover, but the bill is paid first. They don't hesitate.

**Mr. Chairman:** Thank you. Anything further?  
9, sub-section (2):

(Reads Clause 9(2))

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

**Mr. Fleming:** I have a question to ask of Mr. Legal Advisor. In the case where they are flown out by airplane, there -- the cost will be taken by the Territorial Government, and yet if they have to drive out and need escorts, there is only one fare, scheduled air fare. Now, does that mean that is the escort and the patient, or does it mean it's just the patient and the escort has to come back on her own or his own?

**Mr. Legal Advisor:** Mr. Chairman, a now absent Member is responsible for that particular Section. There was no such Section before, and under no circumstances would the government pay for the cost of an automobile drive from Whitehorse to Vancouver. It would absolutely prohibit it, but as a saw-off, this was put in.

And the intention is to put in a certain minimum amount which will lead to no abuse, or at least restrict abuse, because with medical treatment, there was a suspicion -- I'm not saying it actually happened, but there was a suspicion, that from time to time people used to combine an operation and a holiday in Vancouver Island or Vancouver, and this led to a certain amount of officials being up-tight and doctors being up-tight about permitting these kind of medical treatments and operations outside of the Territory.

And the way to stop it was to have no driving out for treatment. The saw-off is one fare, because with the case of a child, he will invariably, up to the age of 12, need an escort going out, but if his father and mother choose to go with him, then the government shouldn't be asked to pay for the escort so that the escort can have a holiday in Vancouver Island, and I would ask the Members to bear this in mind. It's an economy measure with the intention of preventing abuse, and still to allow some freedom of action to the people who want to move here and there and charge a proportion of the cost to the government.

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

**Mr. Fleming:** Yes, Mr. Chairman. Mr. Legal Advisor, I see your point to a certain extent, although I see the medical practitioners saying you must go out by automobile, because you cannot go by airplane.

Now, this may happen, their doctor gives them that right. Then, I find it hard to believe that if they also say you must have an escort, that that escort wouldn't be paid for in that case up to a scheduled air fare for the escort. I find it very hard to believe, if it has been authorized and he says you must go that way.

**Mr. Legal Advisor:** If the Honourable Member was looking at the Honourable Doctor, you see the Honourable doctor shaking his head.

**Dr. Hibberd:** Mr. Chairman, I have never come across an instance where a medical practitioner has recommended land travel versus air travel.

**Hon. Mr. McKinnon:** Mr. Chairman, one thing about this Travel for Medical Treatment Ordinance, there is so many people who have taken advantage of this and I know, I've seen the correspondence and I know from the Minister, the ex Minister that--how thankful they were that this was available to people of the Yukon and I know the fight that we had to put for first, getting it outside of the territory and secondly, getting it inside the Territory, medical treatment before this Council and the fight we had for the administration to accept it.

I'll tell you one thing else that's really amazed me is the number of methods in which the public of the Yukon have seen fit to abuse these privileges that some of us members fought like hell for. And I'm telling you that my blood really starts boiling when I see the methods that they'll go to to screw the government and the people who have fought for them to try and get this type of treatment around.

Now, it was so narrow that there was no automobiles allowed at all because of some of the abuses that so obviously had taken place and have been put upon all the taxpayers of the Territory to pay for. So, we went to the people who did practice medicine and found out that it was so infinitesimal an area that it's never happened to this point in their memory of the Yukon Territory, where they've said a patient go by automobile that they would provide an escort. This is just not done in good medical practice.

So we went further and said now, if the kids and the wife and the family wants to go on a holiday and they have surgery or something to get done when they're out there, okay, we'll pay for one, which never was allowed before. So we're making it even a little broader than it was before and probably leaving ourselves open for other methods that the public of the Yukon, a small portion of them, will use to try and get your tax dollar and mine out of our pockets. I'm telling you, when you do something that you think that the public would just be so thankful for because at the time when they have a really bad medical scene that everybody seems to be down and out on them and I'm telling you, it's a heavy scene and somebody is going to help them and then through the deviousness of other people, those people may be limited in the help that we can give them. And it's really amazing when you get into it to see the limits



that people can go to to try and abuse a program that is so needed in the Yukon Territory. This is broader than it was before, it lays down in clear guidelines exactly what is necessary and what the rules are and we had a lot of time and trouble with a lot of these sections of the Ordinance, particularly knowing some of the abuses that had taken place prior in the Yukon through the medical evacuation programs that the Yukon had initiated.

**Mr. Chairman:** Thank you. Mr. Fleming?

**Mr. Fleming:** Mr. Chairman, I just must say something due to the Honourable Member's explosion, because I am not against any one of these articles in here but I merely like to have things explained. Thank you very much.

**Hon. Mr. McKinnon:** Mr. Chairman, that wasn't even an explosion, that was--

**Mr. Chairman:** Leave us not have an explosion then. Any other questions?  
**Mrs. Whyard?**

**Hon. Mrs. Whyard:** Mr. Chairman, just for clarification. I'm not quite sure that this section, we're on Section 9 (2) are we?

**Mr. Chairman:** Yes

**Hon. Mrs. Whyard:** Transporting the residents from the point of referral to the nearest place where an airport is located. I see nothing about an ambulance from that airport to a hospital but I'm assuming that it is included?

**Mr. Legal Advisor:** I would think so, Mr. Chairman. I can check it out and see. It largely depends on what the practice is.

**Hon. Mrs. Whyard:** I mean, Mr. Chairman, it would be great to arrive at the airport but if you can't get from there to the hospital, and ambulances outside cost money.

**Mr. Chairman:** You're going to look into that, Mr. Legal Advisor?

**Mr. Legal Advisor:** Yes, Mr. Chairman.  
There's no question, it's not intended that ground transport is the normal routine, is not intended to be provided from the airport to the hospital, but an ambulance in some cases is quite a different matter if it is medically required.

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

**Mr. Chairman:** Thank you Mrs. Whyard. Anything arising?  
10(1).

(Reads Clause 10 (1))

**Mr. Chairman:** Clear?  
Unless Mr. McKinnon would like to elaborate on

that.

11:

(Reads Clause 11)

**Mr. Chairman:** 12 (1):

(Reads Clause 12)

**Mr. Chairman:** 13(1):

(Reads Clause 13(1))

**Mr. Chairman:** Mr. Legal Advisor, I'm wondering whether in this instance, where a lawyer recovers that amount, is he, is the lawyer entitled to the same fees as under the Medical Health Ordinance?

**Mr. Legal Advisor:** I would think so, yes. But that's by an understanding and a regulation made under the Financial Administration Ordinance.

**Mr. Chairman:** I see.  
14(1).

(Reads Clause 14)

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

**Hon. Mrs. Whyard:** Mr. Chairman, what about the non-resident whose expenses have been paid by the Territorial Government?

**Mr. Legal Advisor:** Mr. Chairman, we don't pay except for medical evacuation, any expense of a non-resident. If we recover them from the non-resident, then we take our chances. They are recoverable in the normal course of events, under I think it's an action had and received, but they are hard to collect.

**Mr. Chairman:** Clear?  
15(1):

(Reads Clause 15(1))

**Mr. Chairman:** Clear?  
16(1):

(Reads Clause 16(1))

**Mr. Chairman:** 16 (2).

(Reads Clause 16(2))

**Mr. Chairman:** Clear?  
17(1):

(Reads Clause 17(1))

**Mr. Chairman:** Clear?  
18(1):

(Reads Clause 18(1))

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



**Hon. Mr. Taylor:** Before we proceed with the reading of the preamble, I just had one question that got by me, and that deals with Section 14(1), where provision is made to recover travel expenses which have been paid, from a person found guilty of a wrongful act or omission and so forth.

"Person" is, I believe interpreted as being a corporation as well as an individual, my question is, does this apply to government as well?

**Mr. Legal Advisor:** Which government, Mr. Chairman?

**Hon. Mr. Taylor:** The Government of Canada or the Government of the Yukon Territory as such, the Administration?

**Mr. Legal Advisor:** I don't have any answer, but in certain circumstances, yes, the government would have a responsibility. If the government, through the negligence of a driver of a truck, caused damage to somebody, then that person will have at law, an action against the driver personally, and also against the owner of the car which is the government, and would in the normal course of events meet that responsibility.

**Hon. Mr. Taylor:** But, Mr. Chairman, what I'm saying is, must that person then go into Exchequer Court and first sue the government to recover, or is this Ordinance not designed to repay him for those medical costs?

**Mr. Legal Advisor:** No, Mr. Chairman, he could sue this government in the Supreme Court itself. He would have to sue the Government of Canada in the Exchequer Court, but you get into an awkward situation when one government is suing another, of course, but normally speaking, the bill of course would be paid.

**Mr. Chairman:** Federal Court for the record, Mr. Legal Advisor.

**Hon. Mr. Taylor:** Mr. Chairman, this is the point that there is no Government of the Yukon Territory in law; there is only an administrative arm of the Federal Government, and that's why I think it's an important point, because this question has arisen in other areas of legislation, and I'm just wondering to what extent the government is liable under 14(1).

**Mr. Legal Advisor:** It depends on what happened in the particular case. It would be hard to give a general rule, but if a person is injured through a government truck knocking him down, if an individual is injured by a government truck in circumstances which render the driver or owner of that truck liable in an action at law, then they would pay, and if they didn't pay, they are capable of being sued and being forced to pay.

This doesn't affect the instance of Section 14, because it would be unnecessary, the Government has already paid the money, so the government isn't going to pay to itself, and we would probably not argue too much with the Federal Government, because we maintain a certain relationship even if the Honourable Member doesn't approve of it, between one Department of a Crown and the other.

It is sometimes cozy, Mr. Chairman, sometimes otherwise.

**Mr. Chairman:** Well I think that that's it for Bill Number 8 at this time. We expect to hear further from the Administration regarding certain Sections. Section 2, Section 7, sub-section (2), and Section 9, sub-section (2).

**Mr. Legal Advisor:** The Honourable Member has a point about Section 14 as well. I think I should check back, because I think we should use the word "person" in certain circumstances.

**Mr. Chairman:** Thank you. We will add to that list 14, and I won't be reading the preamble today. We will wait to hear further on those sections and clear them first. I will at this time entertain a motion, Mr. Lang?

**Mr. Lang:** Mr. Speaker -- Mr. Chairman, I move that Mr. Speaker do now resume the Chair.

**Mr. Chairman:** Seconder?

**Mr. McCall:** I will second that, Mr. Chairman.

**Mr. Chairman:** It has been moved by Mr. Lang, seconded by Mr. McCall, that Mr. Speaker now resume the Chair. Question?

**Some Members:** Question.

**Mr. Chairman:** Are you agreed?

**Some Members:** Agreed.

**Mr. Chairman:** I declare the Motion is carried.

*Motion Carried*

(Mr. Speaker resumes Chair)

**Mr. Speaker:** At this time I'll call the House to order.

May we have a report from the Chairman of Committees?

**Mr. Phelps:** Yes, Mr. Speaker, The Committee convened at 10:55 a.m. to consider bills, papers and motions. A discussion was had on Motion number 2, and an amendment was moved by Mr. McKinnon, seconded by Ms. Millard and duly carried, that the Motion be amended by deleting the words "not less than \$100" and by deleting the word "Three" and substituting the word "six" therefore. The motion as amended was duly carried.

The Committee recessed at 11:50 and reconvened at 1 p.m.

We had present as witnesses Mr. Gillespie, Mr. Fitzgerald and Mr. Hoeff. It was moved by Mr. McIntyre and seconded by Mr. McKinnon that Bill Number 1 entitled An Ordinance to Amend the Credit Unions Ordinance and reported out of Committee without amendments. And that motion was carried.

It was moved by Mr. Taylor and seconded by Mr. Lang that Bill Number 2 entitled An Ordinance to Amend the Game Ordinance be reported out of Committee without amendment. And that motion was carried.



It was moved by Mr. McIntyre, seconded by Mr. McCall and duly carried that Bill Number 3 entitled An Ordinance to Amend the Cooperative Associations Ordinance be reported out of Committee without amendment.

It was moved by Mr. McIntyre, seconded by Mr. Fleming and duly carried, that Bill Number 4 entitled an Ordinance to Amend the Housing Development Ordinance be reported out of Committee without amendment.

It was moved by Mr. McIntyre, seconded by Mr. McCall and duly carried that Bill Number 5 entitled an Ordinance to Amend the Territorial Employees Superannuation Ordinance be reported out of Committee without amendments.

It was moved by Mr. McIntyre, seconded by Ms. Millard and duly carried that Bill Number 6 entitled an Ordinance to Amend the Judicature Ordinance be reported out of Committee without amendment.

It was moved by Mr. McIntyre, seconded by Mr. Lang and duly carried that Bill Number 7 entitled An Ordinance to Amend the Historic Sites and Monuments Ordinance be reported out of Committee without Amendment. I can report progress on Bill Number 8, Mr. Speaker.

It was moved by Mr. Lang, seconded by Mr. McCall, that Mr. Speaker now resume the Chair, And that was duly carried.

**Mr. Speaker:** You have heard the report of the

Chairman of Committees. Are you agreed?

**Some Members:** Agreed.

**Mr. Speaker:** May I have your further pleasure?

**Mr. Fleming:** Mr. Speaker, I now move we call it 5:00 .

**Ms. Millard:** I Second that.

**Mr. Speaker:** It has been moved by the Honourable Member from Hootalinqua, seconded by the Honourable Member from Olgivie, that we now call it 5:00. Are you prepared for the question?

**Some Members:** Question.

**Mr. Speaker:** Are you agreed?

**Some Members:** Agreed

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

**Motion Carried**

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

**Adjourned**

8







