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Debates & Proceedings

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Speaker: The Honourable Donald Taylor

Yukon Legislative Assembly
1997-1998



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(Mr. Speaker reads Daily Prayer)

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

Madam Clerk: There is, Mr. Speaker.

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

ROUTINE PROCEEDINGS

Mr. Speaker: We will proceed with the Order Paper. Are there any Documents or Correspondence for tabling? The Honourable Member from Whitehorse West.

Hon. Mrs. Whyard: Yes, Mr. Speaker. I have for tabling this morning, Legislative Return Number 2.

Mr. Speaker: Are there any further Documents or Correspondence for tabling? Are there any Reports of Committees? Introduction of Bills? The Honourable Member from Whitehorse Porter Creek?

Bill Number 5, Introduced

Hon. Mr. Lang: Mr. Speaker, I beg to move, seconded by the Honourable Member from Whitehorse Riverdale, for leave to introduce Bill Number 5, "An Ordinance to Amend the Game Ordinance".

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse Porter Creek, seconded by the Honourable Member from Whitehorse Riverdale for leave to introduce Bill Number 5, "An Ordinance to Amend the Game Ordinance". 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: Are there any further Introduction of Bills? Are there any Notices of Motion or Resolution? Are there any Notices of Motion for the Production of Papers?

The Honourable Member from Whitehorse Riverdale.

Mr. Lengerke: Yes, Mr. Speaker, I have Notice of Motion pertaining to amendments for the regulations under the Motor Vehicles Ordinance.

Mr. Speaker: Are there any further Notices of Motion or Resolution? Are there any Notices of Motion for the Production of Papers? This then brings us to the question period.

Madam Clerk, could you ascertain if Mr. Commissioner would be attending the House this morning?

(Madam Clerk leaves room)

QUESTION PERIOD

Mr. Speaker: At this time I will declare a brief recess.

Recess

Mr. Speaker: At this time I will call the House to order.

Have you any questions?

The Honourable Member from Mayo?

Question Re: Tutorial Program

Mr. McIntyre: I have a question for the Minister of Education. This may be either treated as a written or an oral answer.

The tutorial program has been financed for the three years ending the 31st of March, 1976 by the federal government. Is it the intention of the Department to continue this program in 1976-77?

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

Hon. Mr. Lang: Mr. Speaker, I would like to take that as a written question.

Mr. Speaker: Mr. Commissioner?

Mr. Commissioner: Mr. Speaker, I have answers to two questions that were asked yesterday. May I proceed?

Mr. Speaker: Proceed.

Mr. Commissioner: One question from Councillor Millard was, "Has consideration been given to having

Hire North operate in Yukon”?

Mr. Speaker, the program Hire North is actually an arm of the Northwest Territories government, principally concerned with employment and training in the construction industry. The program employs the construction of the MacKenzie Valley Highway as the vehicle through which training is conducted, and subsequently employment is achieved. As the program is a branch of the N.W.T. government, this government has not considered operating the same program in the Yukon.

Another question from Councillor Millard, the question being, “Will the Community Employment Program replace Outreach”? The answer, Mr. Speaker, the program at this point in time is entitled a “Developmental Phase Community Employment Strategy”. The prefix, “Developmental Phase” is very important as it depicts the true spirit of what is intended.

The program will not replace Outreach, nor will it precipitate the creation of a completely new organization, but will instead incorporate existing programs and resources to achieve the greatest possible benefit in regards to the objectives that have been established.

Mr. Speaker: The Honourable Member from Whitehorse West?

Hon. Mrs. Whyard: Mr. Speaker, I have a reply to a question asked by the Honourable Member from Ogilvie regarding correctional institute inspectors.

The five correctional institute inspectors in the Yukon are Judge Maddison, Family Court Judge Ione Christensen, the Bishop of Yukon, the Right Reverend John T. Frame, the Territorial Government Legal Advisor, Mr. O’Donoghue, and the Chief Medical Health Officer.

The most recent inspection was made two weeks ago by Mr. O’Donoghue. We are also inspected regularly by the federal health inspector. In the past, these inspections have only been made when there was a specific complaint, but inspectors are free to visit the institute at any time, either individually or as a group. I would like to add, Mr. Speaker, that the Commissioner and the Executive Committee, and they are responsible, are also frequent visitors.

Mr. Speaker: Any further questions. The Honourable Member from Whitehorse Riverdale.

Question Re: Increase in Per Capita Grants

Mr. Lengerke: I have a question—oh he’s not here. I was going to say the Minister of Local Government. Maybe the Commissioner can answer this one for me then. What action if any has the Government taken in connection with the request from the Yukon Association of Municipalities with respect to the per capita, to an increase in the per capita grants.

Mr. Commissioner: Mr. Speaker the answer to that leading question will arrive when the tabling of the budget, approximately some time in late February of

1976.

Mr. Speaker: Honourable Member from Whitehorse Riverdale.

Mr. Lengerke: Just maybe further to that Mr. Speaker I wanted to comment that Municipalities are now preparing their budgets and it would do well for this Assembly to take some action in that regard and give them some lead. That should be something we should do.

Mr. Commissioner: Mr. Speaker sufficient unto the day is the evil thereof.

Mr. Speaker: Have you any further questions. We’ll then return to the Order Paper and proceed with Motions.

Motion Number 5

We have Motion number 5 moved by the Honourable Member from Kluane, seconded by the Honourable Member from Whitehorse Riverdale. That the Administration provide for this House background information required for Bill number 20, namely one, what classes of employees will be effected, two, what Labour laws or other jurisdictions have enforced re hours of work and any other pertinent information.

The Honourable Member from Kluane.

Mrs. Watson: Mr. Speaker I think the Motion is self explanatory and the Honourable Member from Pelly River was kind enough to delay, to defer the second reading of Bill number 20 until we had this information.

Mr. Speaker: The Honourable Member from Pelly River

Mr. McCall: I don’t know if this is appropriate Mr. Speaker, to ask at this time but I would like a ruling from the Chair.

Mr. Speaker: Does the ruling pertain to Motion number 5.

Mr. McCall: Yes it is.

Mr. Speaker: Proceed.

Mr. McCall: The ruling I have in front of me is from Standing Order 105 from 483. I would like a ruling before this Motion is moved further on.

Mr. Speaker: In—I wonder if I could have in what respect.

Mr. McCall: Whether it is appropriate at this time.

Mr. Speaker: The Standing Order 105 and the annotations following it in Beuchesne segregate or separate the difference between Public Bills and Private Bills and point out the fact that a Public Bill is in fact a statement of policy of Government. Whereas a

Private Bill asserts a fact which may or may not, which, well let us say a fact that has yet to be proven. Perhaps at second reading of, I assume, that perhaps the Members is speaking of Bill number 20, at second reading the matter could be discussed. But in relation to the Motion, the Motion asked for the provision of information, so the Chair would assume and the Motion would be in order and I do not see any link between this Motion and Bill number 20 if this is what is being asked. They are two clearly separate things. In terms of procedure.

Mr. McCall: Mr. Speaker, I'm to understand that this is a Motion of general principle of this Bill.

Mr. Speaker: The Chair has not been given that information. I would ask the Honourable Member from Kluane without impairing her ability to speak further in this debate, a second time if she could ask me what her intentions are in relation to this Motion.

Mrs. Watson: Mr. Chairman, it's quite obvious that Bill number 20 we require further information in order that we can make a decision regarding Bill number 20, I would suggest that we have this information before we have second reading.

Mr. Speaker: Well perhaps if that is the intent of the Member that perhaps Motion number 5 should be stood over and the matter considered when we discuss the Bill. It is not competent for the Chair to discuss a matter of the moving of a Bill until that matter is brought before the House and the question of the Motion is clearly contained in the Motion. Whatever the intent of the Member is, it's not, takes no part in anything else but the Motion. So if it's the intention of the mover and seconder of this Motion to proceed with it at this time the House is competent to deal with it, but there can be no riders attached in terms of procedure on this Motion.

Mrs. Watson: Mr. Speaker there is absolutely no rider attached to this, I would proceed even if the second reading of Bill number 20 was not deferred, I would proceed with the Motion.

Mr. Speaker: Is there any further debate on this Motion?

Some Members: Question.

Mr. Speaker: Question has been called. Are you agreed?

Some Members: Agreed.

Mr. Speaker: Any disagreed? I shall declare that the Motion is carried.

Motion Carried

Motion Number 6

Mr. Speaker: The next Motion is Motion Number 6.

It has been moved by the Honourable Member from Kluane, seconded by the Honourable Member from Whitehorse South Centre, "Whereas the Anti-Inflation Bill, C-73, recognizes that the provincial governments of Canada have the authority to enact appropriate provincial measures to fulfill the federal anti-inflation policy.

Now therefore, this Council respectfully draws to the attention of the Honourable Pierre E. Trudeau, Prime Minister of Canada, that the provisions of the said Bill, C-73, fail to recognize the legislative responsibilities of this House pursuant to Section 16 of the Yukon Act, by providing that the wage and price controls will apply to the Yukon Territory.

And this House regrets that during the preparation for Bill C-73 no prior consultation was had by the Government of Canada with the Government of the Yukon Territory, in similar manner to the consultation which occurred between the Government of Canada and representatives of each provincial Government in Canada, notwithstanding that the legislative power of the Commissioner-in-Council of the Yukon Territory has always been exercised in a fully responsible manner within the ambit of its constitutional powers".

The Honourable Member from Kluane?

Mrs. Watson: Mr. Speaker, too many of the members here, I'm sure this Motion seems a motion after the fact, because as I understand, Bill C-73 is being given third reading or has had third reading at the present time, so the possibility and the probability of being able to change Bill C-73 are minimal.

However, I think it very, very important for this House to draw to the attention to the Prime Minister of Canada, that we in fact do have the legislative authority to enact the Anti-Inflation measures through our own legislation, and furthermore, that we have used this authority in the past in a very responsible manner.

I think that it was a very unwise decision of the Federal Government to include the Yukon Territory in Bill C-73, which automatically took over that power from us. They enacted the anti-inflation measures in their Bill and didn't give us the opportunity to enact them in our legislation. I'm very confident that had they not done this, that the Yukon Territory would have been able to bring in Ordinances that would have brought into effect, the guidelines that the Federal Government was trying to establish in their battle against inflation.

We were not even called together when the representatives from the other jurisdictions were called together with the Federal Government to discuss the methods that should be used to combat this problem, this common problem across the country, and that is why I have brought this Motion before the House. We must continue to draw to the attention of the people in Ottawa that we are a responsible jurisdiction. I would hope very much that I have unanimous support from this House with this Motion, and I would also hope that this House would concur that copies of this Motion be forwarded to our own M.P. and to our Yukon Senator.

Thank you.

Mr. Speaker: Any further debate? Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I declare the Motion carried.
(Applause)

Motion Carried

Mr. Speaker: We will now proceed to Private Bills.

PRIVATE BILLS

Mr. Speaker: The Honourable Member from Pelly River?

Bill Number 20, Second Reading

Mr. McCall: Mr. Speaker, I'm prepared to read this for the second time, this Private Members' Bill. I move, seconded by the Honourable Member from Klondike, that Bill 20 be read for the second time.

Mr. Speaker: It has been moved by the Honourable Member from Pelly River, seconded by the Honourable Member from Klondike, that Bill Number 20 be now read for a second time. Is there any debate?

A Member: Question.

Mr. Speaker: Question has been called. Are you agreed?

Some Members: Agreed.

Mr. Speaker: Any disagreed?

Some Members: Disagreed.

Mr. Speaker: Madam Clerk, would you poll the House?

Madam Clerk: The Honourable from Mayo?

Mr. McIntyre: Disagree.

Madam Clerk: The Honourable Member from Whitehorse South Centre?

Mr. Hibberd: Agreed.

Madam Clerk: The Honourable Member from Klondike?

Mr. Berger: Agreed.

Madam Clerk: The Honourable Member from Hootalinqua?

Mr. Fleming: Disagreed.

Madam Clerk: The Honourable Member from Klwane?

Mrs. Watson: Disagreed.

Madam Clerk: The Honourable Member for Ogilvie?

Ms. Millard: Agreed.

Madam Clerk: The Honourable Member from Whitehorse Riverdale?

Mr. Lengerke: Disagreed.

Madam Clerk: The Honourable Member for Pelly River?

Mr. McCall: Agreed.

Madam Clerk: The Honourable Member from Whitehorse Porter Creek?

Hon. Mr. Lang: Mr. Speaker, could I have a question here?

At this point in time if there is disagreement in this House that this Bill not be read for a second time, can the Honourable Member from Pelly River introduce it at a later date in this Session?

Mr. Speaker: Not at this Session, no.

Hon. Mr. Lang: Well I'm agreed then.

Madam Clerk: The Honourable Member from Whitehorse West?

Hon. Mrs. Whyard: Agreed.

Madam Clerk: Mr. Speaker, the vote is six yays, four nays.

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

Motion Carried

Mr. Speaker: We will now proceed to Public Bills.

PUBLIC BILLS

Mr. Speaker: Bill Number 6.

Amendment to Bill Number 6—First Reading

Hon. Mrs. Whyard: Mr. Speaker, I move, seconded by the Honourable Member from Hootalinqua, first and second readings of the amendment to Bill Number 6, "An Ordinance to Amend the Hospital Insurance Services Ordinance".

Mr. Speaker: It has been moved by the Honourable Member—I believe that's for first reading to the amendment, is that correct?

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

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse West, and seconded by the Honourable Member from Hootalinqua, that the amendment to Bill Number 6 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 amendment be read for the second time?

Amendment to Bill Number 6, Second Reading

Hon. Mrs. Whyard: Now, Mr. Speaker. I move, seconded by the Honourable Member for Hootalinqua, that the amendment to Bill Number 6 be read for the second time.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse West, seconded by the Honourable Member from Hootalinqua, that the amendment to Bill Number 6 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 carried.

Motion Carried

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

Amendment to Bill Number 6, Third Reading.

Hon. Mrs. Whyard: Now, Mr. Speaker. I move, seconded by the Honourable Member for Hootalinqua, that Bill Number 6, "An Ordinance to Amend the Hospital Insurance Services Ordinance" be read a third time.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse West, seconded by the Honourable Member from Hootalinqua, that Bill Number 6 be now read a third 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: Are you prepared to adopt the title to the Bill?

Hon. Mrs. Whyard: Yes, Mr. Speaker, I move, seconded by the Honourable Member for Hootalinqua, that Bill Number 6 do now pass and that the title be as on the Order Paper.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse West, seconded by the Honourable Member from Hootalinqua, that Bill Number 6 do now pass and that the title be as on the Order Paper.

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, and that Bill Number 6 has passed this House.

Motion Carried

Bill Number 3, Third Reading

Hon. Mrs. Whyard: Mr. Speaker I move, seconded by the Honourable Member for Hootalinqua that Bill number 3 an Ordinance to ammend the Area Development Ordinance be now read a third time.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse West, seconded by the Honourable Member from Hootalinqua that Bill number 3 be now read a third 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: Are you prepared to adopt the title to the Bill.

Hon. Mrs. Whyard: Yes Mr. Speaker I move, seconded by the Honourable Member for Hootalinqua that Bill number 3 do now pass and that the title be as on the Order Paper.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse West, seconded by the

Honourable Member from Hootalinqua that Bill number 3 do now pass and that the title be as on the Order Paper. 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 and that Bill number 3 has passed this House.

Motion Carried

Bill Number 11, Third Reading

Hon. Mrs. Whyard: Mr. Speaker I move, seconded by the Honourable Member for Hootalinqua that Bill number 11 an Ordinance to ammend the Community Assistance Ordinance be now read for a third time.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse West, seconded by the Honourable Member from Hootalinqua that Bill number 11 do now be read a third time. Are you prepared for the question.

Some Members: Question.

Mr. Speaker: Are you agreed.

Some Members: Agreed.

Mr. Speaker: The Honourable Member from Kluane.

Mrs. Watson: Mr. Speaker I believe I have the right to express my opinions before third reading on this Bill.

Mr. Speaker: Yes, proceed.

Mrs. Watson: Very briefly Mr. Speaker I would like to commend the Government for this Bill. The Government is providing the financial vehicle and defining it in Legislation, by law, the assistance that they are prepared to give the smaller communities who are not eligible for T.V. under the C.B.C. program. I am very, very happy that this Bill has been brought in. That this assistance is defined by law and that the Government is ready and waiting with the funds if we can crack the bureaucratic structure within the Federal Department. Thank you.

Mr. Speaker: Are there any further discussion. 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: Are you prepared to adopt the title to the Bill.

Hon. Mrs. Whyard: Yes, Mr. Speaker, I move, seconded by the Honourable Member for Hootalinqua that Bill number 11, an Ordinance to ammend the Community Assistance Ordinance do now pass and that the title be as on the Order Paper.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse West, seconded by the Honourable Member from Hootalinqua that Bill number 11 do now pass and that the title be as on the Order Paper. 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 and that Bill number 11 has passed this House.

Motion Carried

Mr. Speaker: May I have your further pleasure at this time. Honourable Member from Pelly River.

Mr. McCall: Mr. Speaker I move that Mr. Speaker do now leave the Chair and the House resolve itself in the Committee of Whole to consider Bills, Sessional Papers and Motions.

Mr. Speaker: It has been moved by the — oh is there a seconder.

It has been moved by the Honourable Member from Pelly River, seconded by the Honourable Member from Klondike that Mr. Speaker do now leave the Chair and the House resolve in the Committee of the Whole for the purpose of considering 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 South Centre will take the Chair in Committee of the Whole.

Mr. Speaker Leaves the Chair

COMMITTEE OF THE WHOLE

Mr. Chairman: I will now call this Committee to

order and declare a brief recess.

Recess

Mr. Chairman: I will call the Committee to order.
We will proceed with clause by clause reading of the Amendments to Bill No. 1, Highways Ordinance.

Amendments to Bill Number 1, First Reading

Seven, two.
(Reads Section 7. (2))

Mr. Legal Advisor: Mr. Chairman, this is the point that was raised by the Honourable Member from Kluane.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, I like the way the Section is written. This gives us the authority to enter into agreements with other authorities, we don't have to specifically say provinces. It could be the State of Alaska, and I think this is what we were looking for. I'm quite satisfied.

Mr. Chairman: 8. (3):
(Reads Section 8. (3))

Mr. Chairman: Mr. Legal Advisor?

Mr. Legal Advisor: Mr. Chairman, there is two minor points -- well one minor point. Court was changed from upper case to lower case, because upper case would mean the high court, this means any court, and the word "illegal" is inserted to make it clear that the court would order illegal obstruction to be stopped but not legal.

Mr. Chairman: 8. (4):
(Reads Section 8. (4))

Mr. Legal Advisor: Mr. Chairman, this is a point which was not raised during the debate here in the House. The original words in the last line were "recover it as an action in debt", but there are other methods which do not require a form of court action for collecting money.

Hon. Mrs. Whyard: Mr. Chairman, is that a typographical error, "incurred in so doing so"?

Mr. Chairman: I would assume so.

Mr. Legal Advisor: No, Mr. Chairman, it appears to me to be legally, but I'm agreeable to taking out one of the "so's".

Hon. Mrs. Whyard: Mr. Chairman, the intention is that the Section reads "recover his expenses incurred in so doing from that person".

Mr. Legal Advisor: Yes, Mr. Chairman.

Mr. Chairman: 11. (5):
(Reads Section 11. (5))

Mr. Legal Advisor: Mr. Chairman, this was the point raised by the Honourable Member from Kluane, to have the phrase at the end of the section reflect the wording in the earlier sub-section, which will be sub-section (4) in that case, and also by the Honourable Member from Mayo, who pointed out that as the Section is drafted, it includes the right-of-way and only the Crown will own the right-of-way. It may be otherwise with the buildings.

Mr. Chairman: 12. (4):
(Reads Section 12. (4))

Mr. Legal Advisor: Mr. Chairman, in this sub-section, a point was made as to whether or not there would be formal procedures for notifying people of the intention to close a highway, so we inserted the word "may" in accordance with the regulations, and the regulations can then provide for the terms of notice in similar manner as the municipalities deal with the same question.

Mr. Chairman: 12. (5):
(Reads Section 12. (5))

Mr. Legal Advisor: Mr. Chairman, in this sub-section, there was a misprint. It originally said Section 1, it should have been Section 4. It's still a misprint, I think it should be sub-section 4, I will have to check that.

Mr. Chairman: 12. (6):
(Reads Section 12. (6))

Mr. Legal Advisor: This is also a typist's error, and the sub-section read sub-section (1) originally.

Mr. Chairman: 23. (3):
(Reads Section 23. (3))

Mr. Legal Advisor: Mr. Chairman, this is a point which was raised by the Honourable Member from Kluane, that it didn't provide for a penalty against dealing with an information or destination indicator, so we changed the drafting in order to reflect that it covers all of the items mentioned, and there's a number of paragraphs in sub-section (1).

Mr. Chairman: 25. (1):
(Reads Section 25. (1))

Mr. Legal Advisor: Mr. Chairman, the word "advertising" is taken out here. I'm sorry, "commercial" is taken out before "advertising". I beg your pardon.

Mr. Chairman: 29. (1) (c):
(Reads Section 29. (1) (c))

Mr. Legal Advisor: Mr. Chairman, this was amen-

ded to take care of a point raised by the Honourable Member from Hootalinqua.

Mr. Chairman: 32. (1) :
(Reads Section 32. (1))

Mr. Legal Advisor: Mr. Chairman, a minor change was made here to remove the expression "for a first offence" which was anomalous.

Mr. Chairman: Mr. Legal Advisor, 19. (1), I have a notation here that this was to be reviewed.

Mr. Legal Advisor: It was reviewed Mr. Chairman and it was decided to make no change.

Mr. Chairman: Mr. Taylor.

Hon. Mr. Taylor: Mr. Chairman I still have trouble with 19. (1) as I did when we first reviewed the Ordinance and I still feel that it should be rewritten. It gives the Peace Officer, I think, too broad a power. I think that perhaps he should have, have to show cause to somebody for what he does. Someone within this Government. This is the situation "where a Peace Officer finds upon any land conditions existing which may cause danger to life or property of any person travelling on a Territorial Highway, the Peace Officer may enter upon the land with such equipment and persons as he deems necessary to do any acts necessary to remedy the conditions." I really feel that the person should have some prior authority of doing, in order to invade a persons property and if that can't be done, then cause should be shown for any action to the Government that is taken by a Peace Officer.

Mr. Chairman: Mrs. Whyard.

Hon. Mrs. Whyard: Mr. Chairman I know what the Honourable Member from Watson Lake has in mind but I do not feel that he needs to have any concern in that regard from this section. As it was explained during discussion of the section, if there is a sniper sitting up above the Alaska Highway taking pot shots, and this has happened more than once in recent years, I am not going to be happy if the Peace Officer has to go run and get a piece of paper before he stops that action. I want him to be able to take action immediately and enter on anybody's land that it's necessary to enter. I really can't see why we are splitting hairs on this particular section

Mr. Chairman: Mr. McIntyre.

Mr. McIntyre: In regard to what the Honourable Minister of Health, Welfare just stated that, this doesn't deal with snipers or personal things it deals with land conditions.

Hon. Mrs. Whyard: Well Mr. Chairman the Honourable Member's point is about entering private land, I think that's that basic objection.

Mr. Chairman: Mr. Taylor.

Hon. Mr. Taylor: Yes Mr. Chairman, I was about to rise to say that most certainly if there was a sniper or someone involved the Criminal Code should more than adequately look after that. I really think that this 19. (1) should be revised, in some manner, whereby the person or the Peace Officer must get some prior authority from a court or from somebody before embarking on a program which would take him on to the land and buildings and so forth and involve him with peoples personal things.

Mr. Legal Advisor: Mr. Chairman would the situation be better if the land were defined the we're talking about, if found on any land contiguous to a Territorial Highway, conditions. Then it makes it clear that we're talking about land which is immediately beside a Territorial Highway. Because the sentence runs very vaguely when we're talking about any land, and I don't think that's the intention of the Ordinance. It might make it clearer that this is land immediately beside a Territorial Highway.

Mr. Chairman: Mr. Taylor.

Hon. Mr. Taylor: Mr. Chairman that would improve upon the section immensely, but even so I think the case was made, I believe it was the Honourable Member from Whitehorse Riverdale, that perhaps an accident could occur and the Officer has to enter the land in order to rescue a person who has left the highway and wound up on this property for whatever reason. I think that would be done in any event, you know I don't see why we have to give blanket permission to Peace Officers to enter upon land just to remedy one certain thing. I think in the case of an emergency as was suggested, and it was a good case in point, that this would be done in any event and I really don't feel that a Peace Officer, like a man's home is his castle, as I've said before and always has been and I think that this somehow infringes upon people's rights to property and to privacy. I still feel that a Peace Officer should have warrant or some authority to enter upon the land in question notwithstanding it is contiguous to a Territorial Highway.

Mr. Chairman: Mrs. Watson.

Mrs. Watson: Mr. Chairman as the section was written, I think we're getting away from the intent of the section to start with. When it says land conditions, and my interpretation of that automatically has nothing to do with a sniper, has nothing to do about entering anybodys home or something. It's if there is a flood or a washout and you're there with equipment and you've got to go onto the land next to the dangerous situation to overcome the land condition on the road, and that's why I think that we have to look very carefully into this section and look at section 20 sub 1. Where you can go on to somebodys land with a big scraper or cat or something and rip it up and the Government then is not responsible or not, the person is not entitled to compensation. I think maybe the Legal Advisor should, they should take this back and exactly determine what they are trying to do in 19, 20

and come back with a rewritten section. Because I can't support where the Government is not, does not have to compensate, automatically does not have to. It doesn't say, that they can't, but it certainly isn't very reassuring to anyone that if they have gone on and ripped your place apart that they don't have to compensate for it or fix it up again. So I would suggest you review 19 and 20 and actually see what the intent was in 19. I don't think we're talking about what was intended by the Highways ranch when they wrote this section.

Mr. Chairman: Mr. McCall.

Mr. McCall: Mr. Chairman, I would concur with both Members who have spoken in concern to this particular subsection. I find this language a little too flexible for our Peace Officers to use and I would strongly suggest that it be completely reviewed.

Mr. Chairman: Mr. McIntyre.

Mr. McIntyre: I agree with the Honourable Member from Klauane and previous speakers, the key section actually isn't 19. (1), it's 20. (1). I think that this should be taken back to the Legislative Programming Committee for rethinking of the effect of 20. (1) on section 19. (1).

Mr. Chairman: Mrs. Whyard.

Hon. Mrs. Whyard: Mr. Chairman could we then have some indication from these Honourable Members as to what they wish in that section.

Mr. Chairman: Mr. Fleming.

Mr. Fleming: Yes Mr. Chairman I too disagree with this, with 19. (1). The wording there does imply that they can go onto the property and do anything they wish and then there in 20. (1) no person is entitled to compensation, and this in no way is right. So therefore I think that the Police Officer today and all Officers have a mandate now to do their job without having that even in there, myself. And I think if it is in there there should be something that says it would entitle a person to compensation. That's my opinion.

Mr. Chairman: Mr. Taylor.

Hon. Mr. Taylor: Mr. Chairman perhaps the section would not—section 19. (1) would not be as objectionable if it was imperative that the Peace Officer first must have obtained some sort of authority, either from the Commissioner or from a Court or something of that nature before entering upon the land and that 20. (1) be deleted. That people should be entitled to compensation if they've been, if they can prove to a Board or to the Court or someone that they indeed have damages that they could claim.

Mr. Chairman: Mr. Lengerke.

Mr. Lengerke: Yes, Mr. Chairman I rise again in comment on that, 19. (1) as I did before. I just find it pretty hard to believe that somebody would want a Police Officer to have permission to have to move a car

in or a tractor or a number of men with shovels to clear away, say a pile of dirt, or debris, that was caused by a car plowing into a roadside ditch and up onto some adjacent land. I just can't see that, you know if you had to go to the Commissioner for this, well you would be days looking for that kind of authority. I have to agree and I think we talked about it earlier the section 20. (1) I think the person—I think we could make that clear that there could be some form of compensation offered, because certainly if somebody has to remove a fence of plow up somebody's lawn or a crop or whatever the case may be, or remove some trees, a shelter belt or whatever, I think the people should be entitled to compensation, but, I can't find any difficulty with 19. (1) at all.

Mr. McCall: Thank you, Mr. Chairman.

In view of what the Honourable Member from Watson Lake stated, I would find it very difficult to confront an officer when he is doing a job doing his duties. In the case of an emergency, I would find it very difficult to send that poor peace officer to court in order to get permission to go on my property.

I don't think that is what we are implying as far as review. What we are saying is the flexibility should not be allowed to the extent as to the language which is stated here. Section 21, I believe I brought that up before, I still feel there should be some compensation, if there has been some property damage.

This is all I feel that the language should be reviewed for.

Mr. Chairman: Mr. Fleming?

Mr. Fleming: Yes, I would like to rise in support of that, Mr. Chairman, myself, that is what I was going to say. In some senses, I suppose the paragraphs do have merit, because, if they enter the land, and say the obstruction that was causing the trouble on the highway or, say a flashing light for some object that was out on a farm land, and caused people not to be able to see properly or something, they had to go and do this, if that was an act of God on that land, that it was there, I would say that they were eligible for compensation, if they went and took — if the government did go or a police officer or anybody else, and removed that thing that they did not put there.

On the other hand, if it was put there by the owner of the land, and was forced to be removed, I would say he would have no compensation, if he had done something that caused action to be taken against him, so I think we have two different articles to look at.

Hon. Mrs. Whyard: Mr. Chairman, we haven't heard too much from the Legal Advisor this morning, and so I would like to get into the peripheral subject matter of Section 20(1) which seems to intrigue the members this morning, regarding compensation for damages resulting from these acts described in Sections 18 or 19.

Let us take, for example, I think this is what we are discussing; a crash or a pile-up on a highway; some of the vehicles land in somebody's property along the highway, okay, they catch fire, they burn something. A police officer comes along and he restores order from chaos, and eventually somebody who owns that land

says, "hey, I have got to get compensation for this damage."

Are you telling me here this morning that the peace officer and the government who sent him there, are then liable to provide compensation, or are you telling me that the vehicle owners who caused the damage are liable to provide compensation? This gets a little dicey.

Mr. Legal Advisor: Mr. Chairman, I have no difficulty in formulating a recommendation to the government that where a public officer of any sort, peace officer or otherwise, is forced by emergency conditions to do damage to property, to remove a flood, to haul vehicles off the highway for the safety of people passing by. I have no difficulty at all in recommending to the government that compensation should be payable to the unfortunate property owner who has no responsibility for whose property is used or misused for a particular purpose. I don't think the government would ever dream of not paying compensation, under those circumstances, or in the alternative, remedying the condition by putting the land or the building or the hedge back into the position in which it was.

I would have some difficulty in recommending if a person does something himself, which causes the hazard, that he should be compensated for the removal of that. I think the House would agree with that, so if it would be agreeable to the House, I would recommend that it be sent back for further study, with the possibility of leaving no compensation for the closing of a road under Section 18, which we all understand. But where it's a question of entering on land or property, that where it's not the fault of the person whose land is entered, then compensation will be assessed in accordance with our standard procedure under the Expropriation Ordinance, and if the person disagrees with it, then they can take it to court.

The procedures are set out under that. If that is agreeable to the House, I would recommend that to the administration.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, I think that satisfied my comment.

Mr. Chairman: Mr. Berger?

Mr. Berger: No, I think that satisfied my comment.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Yes, Mr. Chairman, I was just going to say that, yes, that's acceptable to me, and I would hope that when they are looking at this Section 19, that the matter of cause I think has still got to be clearly shown, but perhaps maybe when the draft comes back we will have another opportunity to go at it.

Mr. Legal Advisor: With due respect to the Honourable Member, it's very hard, if a car is turned over and has to be hauled back, if the police officer can get an ambulance very snappy, and he can get a doctor

to turn up, but nobody can go in there until they get a warrant from the Justice of the Peace who may be having his supper up in Takhini.

I think we have got to, in an emergency situation, face the fact that officers must use their common sense.

Hon. Mr. Taylor: That's okay.

Mr. Chairman: Mr. McCall?

Mr. McCall: It doesn't matter, Mr. Chairman.

Mr. Chairman: We will now proceed with Bill Number 9.

Hon. Mr. Taylor: I imagine you will be reporting progress?

I was going to make a Motion respecting the other amendments, but perhaps we will wait until this one comes in before we do it.

Mrs. Watson: Mr. Chairman?

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, if the Honourable Member has another amendment with this same Bill I would just as soon he made it now and we could consider it and it would save going back a second time.

Hon. Mr. Taylor: I have not the foggiest notion what the Honourable Member is talking about, Mr. Chairman.

Mr. Chairman: We will now proceed with the clause by clause.

Mrs. Watson?

Mrs. Watson: Mr. Chairman, I have problems listening to Mr. Speaker and the Chairman at the same time.

Bill Number 9

Mr. Chairman: Is it the wish of Committee that we have a witness present during the reading of Bill Number 9, "An Ordinance to Amend the Motor Vehicles Ordinance"? Mr. Gillespie is available.

Hon. Mr. Taylor: Mr. Chairman, I have been noticing here during this session that witnesses have been here fairly regular. Perhaps when we are discussing budget at the spring session, it's a pretty good policy, but I don't think witnesses should be traipsed in here as a matter of course.

I think that any member of the Committee, if he can convince the Committee that a witness should be here to answer questions, fine, but as you are aware, we are tying up at least our three Ministers, a great deal of their time and administrative duties, and we are just dragging other departmental people out from their duties, so I would suggest that we go back to the old procedure that unless a witness is required and agreed upon by the Committee, that we just don't have them

here, certainly not as a matter of course.

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: I would simply respond to that by saying that this is — this Bill is the responsibility of Mr. Gillespie, and it would be courteous to have him here when it's discussed.

Mr. McCall: We will accept your judgment on that, Mr. Chairman.

Mr. Chairman: I think we will proceed with the clause by clause reading, and if we run into difficulty, we will ask for the witness.

A Member: Hear, hear.

Mr. Chairman: One:
(Reads Clause 1)

Mr. Chairman: Two:
(Reads Clause 2)

Mr. Chairman: Three:
(Reads Clause 3)

Mr. Chairman: One:
(Reads Section 5(1))

Mr. Chairman: Two:
(Reads Section 5(2))

Mr. Chairman: Three:
(Reads Section 5(3))

Mr. Chairman: Four:
(Reads Section 5(4))

Mr. Chairman: Five:
(Reads Section 5(5))

Mr. Chairman: Six:
(Reads Section 5(6))

Mr. Chairman: Seven:
(Reads Section 5(7))

Mr. Chairman: Eight:
(Reads Section 5(8))

Mr. Chairman: 4(1):
(Reads Clause 4(1))

Mr. Chairman: Two:
(Reads Clause 4(2))

Mr. Chairman: Three:
(Reads Clause 4(3))

Mr. Chairman: Section 5:
(Reads Clause 5)

Mr. Chairman: Six:
(Reads Clause 6)

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Sorry, as we were going by Section 5, Mr. Chairman, I did have a question and it refers to the fact that no liveryman's licence is transferrable, and unless suspended or cancelled, expires at the end of the fiscal year. Would this in any way, Mr. Chairman, perhaps Mr. Legal Advisor could answer this, would this in any way impair a taxi owner from selling his business?

Mr. Legal Advisor: No, Mr. Chairman. That particular part is not changed from the old Section to the new Section. What is changed is it says it expires at the end of the year, that's the only thing.

Hon. Mr. Taylor: M'hmm, okay.

Mr. Chairman: Seven:
(Reads Clause 7)

Mr. Chairman: Eight:
(Reads Clause 8)

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

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, one thing that is rather confusing going through the Bill, is the fact that these things are referred to subsection 12(1), should this not be Section 12(1) of the Ordinance? These are not in fact sub-sections are they?

Mr. Legal Advisor: Mr. Chairman, for a few years there has been talk among the various Canadian jurisdictions as to how particularly identify what you are talking about, and the choice is either using a very long formula, paragraph (a) of — sub-paragraph (a) of paragraph D of sub-section so and so of Section so and so, using the old formula, and it does identify, but it makes it very long.

This is difficult to say, but it identifies the paragraph equally well, and although it's hard to identify it when it is being read out, it is easy to identify it in writing, so that the Canadian jurisdictions have agreed to switch uniformly to this new method of writing of the sub-sections, and this is being done now across Canada, as a result of the uniformity of law, decisions on that.

Hon. Mr. Taylor: Okay.

Mr. Chairman: Two:
(Reads Clause 9(2))

Mr. Chairman: Ten:
(Reads Clause 10)

Mr. Chairman: Eleven:
(Reads Clause 11)

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: Yes, Mr. Chairman, I would just like to comment that I am really pleased to see that Section amended that way. I think now that it enables the owner to transfer plates, this is in accord, I think, with most of the provinces, or the other way around I believe that is the case.

It is a good step anyway.

Mr. Chairman: Twelve:
(Reads Clause 12)

Mr. Chairman: Thirteen:
(Reads Clause 13.)

Mr. Chairman: Mr. Berger?

Mr. Berger: I am having trouble with this Section. I am looking in the old Section, there's nothing in there — in Dawson, we have a lot of placer miners coming in from Alaska, and the Southern United States. They are working all summer long with foreign licence plates, and there's absolutely nothing in this Ordinance that actually forbids them not to do so, because they are doing it for pleasure for 90 days.

Whatever happened if you have an accident because they are travelling on mining roads that are in bad shape and so on, nobody knows if they have insurance on the thing. I think we should have something in this Ordinance to specify if they are working, it should be changed in that. It's not for pleasure any longer.

Mr. Chairman: Ms. Millard?

Ms. Millard: I would just like to say, Mr. Chairman, I thoroughly agree with that because that's been my experience in Dawson also.

Mr. Legal Advisor: I'm sorry, I wasn't listening to the question because I found a different typing error in Section 12, sub-section (1) part. The grammar is incorrect unless you make motor vehicles plural, semi-trailers or trailers, otherwise it is incorrect. So it's a typing error. It wasn't transferred across correctly from the old section. But I'm not sure what the new question was.

Mr. Chairman: Mr. Berger?

Mr. Berger: Well, as I said, what I would like to see in there is a specific definition of pleasure and working in the Territory, for vehicles registered outside the Territory, especially in foreign countries, because there is absolutely nothing in there that states that people working, for instance, their own placer ground are not here for pleasure or anything like this.

Mr. Legal Advisor: We can consider the matter, Mr. Chairman. It's a very blurred definition with some people, depending whether they like their work, I guess, but we will consider the matter and see if we can deal with it appropriately.

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: Mr. Chairman, the concern of the

Honourable Member from Klondike is really not the pleasure or the working aspect of it, but did you not mention that you are concerned about the insurance, and I know the Honourable Member from Kluane raised this the other day and made a very specific point of it.

Could there be no way that we could insert in this that there would have to be proof of insurance? I don't think the case of having them operate on 90 days on their own licences, I think it's just a matter of concern that they are not covered adequately under an insurance policy.

Mr. Legal Advisor: Mr. Chairman, as the law is enforced at present, and I haven't heard that there are any difficulties in relation to it, once a person comes to work here they have to take out their correct papers. When they are tourists, they get a period of grace.

Mr. Lengerke: Okay, so then —

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, that's not being self employed, they are mining.

Mr. Legal Advisor: I will raise the question, in view of the debate, with the Registrar and see does he think its necessary to specifically deal with it in this or a similar section.

Mr. Lengerke: Okay.

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, the point I was going to raise, and I think Mr. Legal Advisor, if you will assist on this one, I think the policy when someone from the Yukon leaves and goes to another jurisdiction, their plates are valid for a least 90 days, whether they are working or touring.

Mr. Legal Advisor: Whatever is done in B.C., we presently do that, we have a reciprocal arrangement back and forth and we observe them, but I couldn't tell offhand precisely without running through the current Ordinance to see what we have for regulations.

Mr. Chairman: Mr. Berger?

Mr. Berger: I have been in B.C., I had my own experience there. If you are in B.C., you start working there, you have to change licence plates right now. The thing is, the Honourable Member from Kluane mentioned, that there's nothing stated in there about self employment.

I mean, it's pretty hard to prove whether a person is here on pleasure or is working.

Mr. Chairman: Mr. Fleming?

Mr. Fleming: Yes, Mr. Chairman. I am very concerned about the insurance because of the fact that I am quite sure I am right in this, in the States and many places they drive through here, they don't have in-

urance, and this has been known -- I know of accidents have happened myself on the road, and we have been involved -- not in the accident, involved in recovery and so forth on the highway, and we find that these people do not really have insurance, not as we have it.

Now, I feel that any time anybody goes to work in this Territory, he certainly should be obliged at that time, if he's going to drive his car, to have the same insurance as we have one way or the other.

Mr. Chairman: Mr. Lang?

Hon. Mr. Lang: Mr. Chairman, you have to have some way of policing that, and I think what you are talking about is in reference to the American tourist coming up, and a lot of them have insurance, but it does not apply to the Alaska Highway, in small print. A lot of your tourists are not aware of this to begin with, and I think it's up to us, hopefully in the future, to set up some way of monitoring this at the borders, and if they don't have insurance, that they should either be sent back or else have to purchase 30 day insurance, or however that works.

But this is the problem, what you are expressing there.

Mr. Chairman: Mr. Fleming?

Mr. Fleming: Yes, Mr. Chairman. As the Whitehorse Porter Creek representative says, the Honourable, yes, this is an issue too, but I am not speaking actually of tourists as the insurance goes.

I am speaking of the person that comes over here and he is here a couple of months and he gets a job and he works here, and he continues to use his car. Now, he does have to licence it under our jurisdiction, and he gets insurance that way. Am I right on that?

Mr. Legal Advisor: Yes, in order to register, Mr. Chairman, he must have a licence.

Mr. Fleming: So therefore he would be insured if he is working in this country, that's my concern.

Mr. Chairman: Ms. Millard?

Ms. Millard: Mr. Chairman, there could be somewhat of a compromise here where I believe it could be changed from not exceeding 90 days to not exceeding 30 days.

I think there are a lot of jobs in the Yukon that people come up from, not just even from foreign countries but certainly from the provinces, and they spend two or three months working in for instance Dawson, without having to get another licence. So I would like to see consideration of changing the 90 days to 30. I don't think very many people tour the Yukon for three months.

Mr. Legal Advisor: Mr. Chairman, the debate is centering around the wrong point, it appears to me, with respect.

We are talking about registration here. What we should be talking about is insurance, where we can enforce insurance. As far as the insurance position in

Canada is concerned, we are one of the few jurisdictions which have compulsory insurance as a matter of law. In other jurisdictions, they make different arrangement, and a person who is not insured, has to make arrangements to pay 20 or 25 or 30 or \$40.00, with his registration in the Motor Vehicle Registration Branch of the province, to cover the loss which may be attributed to the Unsatisfied Judgment Fund.

We have chosen the reverse situation to force compulsory insurance, and some three years ago we raised the limit which was imposed on a driver from \$20,000.00 to \$50,000.00 compulsory insurance. This is enforced, and quite meticulously enforced in relation to cars which are running around the Territory, and it's difficult enforcement -- a thing to enforce in relation to cars of tourists who are coming through, and this is a separate question as to whether it should or could or will be costly to enforce. It's quite a different question.

But so far as people who come to work here is concerned, the police and enforcement officers generally, do enforce the law, that anyone who comes to work here, then should take out insurance. They may not be aware of cases, and they may not spread their nets wide enough, but they do attempt to enforce the law, but some grace is given to the person who comes here in order to allow him time in order to register.

But the expression here is "touring for pleasure", and with respect, in certain cases, 30 days may not be enough. If you are talking about a genuine tourist, then I don't think we should worry. If we are talking about a person who is trying to cheat the law, I think perhaps the Section should be tougher.

But in any event if the House would pass on from this then perhaps the Registrar of the Motor Vehicle can produce hard information to what the facts are or answer any questions and we could go ahead from this and deal with it on the basis of insurance rather than registration.

Mr. Chairman: Mr. Berger.

Mr. Berger: Thank you Mr. Chairman. I just would like to make one comment that the Legal Advisor said, I think both things are tied in together in the Territory, without insurance you can't register your vehicle, and I think that this is the safeguard that we are looking for, that the people who are coming into the Territory, like tourists or people working here, that they have to register their vehicle at the point of entry or any place. I would even go so far as to issue a courtesy licence plate as long as the people know in the Territory that those vehicles are insured. I think this could be quite easily done on the weigh scales or something like this without creating more Administration or something.

Mr. Chairman: Ms. Millard.

Ms. Millard: Mr. Chairman this might be a good time for Mr. Gillespie to come as a witness so he can add his expertise.

Hon. Mr. Taylor: I was simply going to say if the

Administration are going to consider this why don't we leave it in their hands and see what they come up with and carry on with the Ordinance.

Mr. Chairman: Mr. Lang?

Hon. Mr. Lang: In reference to what Mr. Berger is saying, and I raised the question here last session that at the same time that we're — it's my feeling anyway, at the same time that we're enforcing the insurance on the people coming through the Territory, at the same time I think we should have them buy a campside sticker for something in the neighbourhood of \$5.00. I think it would increase our revenue to no end.

Mr. Chairman: Mrs. Whyard.

Hon. Mrs. Whyard: Mr. Chairman just before you pass on from this section this is where I specifically brought the subject up in an earlier discussion when we were on the Civil Legal Aid Bill. Because there is a loop hole there which needs to be filled, and that is the insurance of visiting vehicles, and whatever means we take it should be done immediately so that this coming season there will be some kind of enforcement possible.

Mr. Chairman: We will carry on with Section 14.

(Reads Clause 14)

Mr. Chairman: Mr. Taylor.

Hon. Mr. Taylor: Mr. Chairman this is on the understanding that British Columbia insurance for instance is acceptable is this not correct.

Mr. Legal Advisor: It is for the Registrar to say. He may on application, if he is satisfied that he is adequately covered he can deal with it in that matter. It would apply to more than B.C.

Hon. Mr. Taylor: I was just trying to make a point is that we're not cornering these people as we do with the many Yukon residents into buying insurance from Yukon firms. That if they have, if they are registered say with B.C. insurance scheme and the vehicle is in fact, has the insurance coverage required by law, notwithstanding where he got it he can get the permit.

Mr. Legal Advisor: Or a visitor this would, it wouldn't be the case for every body but it would be the case for the visitor.

Mr. Chairman: Mrs. Watson.

Mrs. Watson: Mr. Chairman this is a problem in my constituency, quite a great problem and I don't where the decision. I'm not that familiar with, I must admit the Motor Vehicles Ordinance and the requirements under it and the insurance structure, but, I think the deficiency in this section is the owner is adequately covered by a policy of Motor Vehicle Liability. We have many large trucks going from Alaska from the lower 48 through the Alaska Highway into Alaska, and we have

had several instances of accidents, where the fault of accident hasn't really been determined, but they are supposed to have insurance they are let go into Alaska and forget that's the last that the people who have suffered the accident, Canadian citizens residing along there, they haven't been able to collect anything. Now it's just sort of in limbo. Now I don't know where the deficiency is, but it's a problem and it's happening oftener and oftener.

Mr. Legal Advisor: I wasn't aware Mr. Chairman that there was a problem but if the Honourable would bring to the attention of the Government cases which have arisen, I only know of one, with a possible second, but if there are others, they should be dealt with. Basically the situation in that kind of an instance is to bring pressure against the insurance company wherever it is or the insurance jurisdiction to have the insurance company which refuses to deal on behalf of its client struck from the register in California, Oregon or wherever it happens to be.

Mr. Chairman: Mr. Fleming.

Mr. Fleming: Yes Mr. Chairman, I agree with the Legal Advisor but I see our Honourable Members problem too because I say and I may be wrong because I'm not a Legal Beagle, I don't know all these things. When they come from the States, there are many states that do not have insurance, so if they are let go through the country without insurance, and of course if they kill somebody or knock somebody over or something happens, the problem arises as to who is to pay for it, and then that's fine for a day or two but as she explained they leave the country and then the problem arises how do you ever get paid for it. This is I think a fact.

Mr. Legal Advisor: Mr. Chairman this is, what this section is saying is that the persons transporting goods into, out of, or through the Territory must have adequate insurance. So this is a helpful section rather than averse, with respect Mr. Chairman.

Mr. Chairman: Mrs. Watson.

Mrs. Watson: Mr. Chairman the point we're making is that we can't enforce this. Once something happens, you know, there is no point --- it's fine having it in here, but can we enforce it on the insurance companies or the truckers that are travelling through here. Some of them go out of business by the time we get around to going after them.

Mr. Legal Advisor: Mr. Chairman in this section— this is an enforceable section because the Registrar must be satisfied they have adequate insurance. Adequate insurance would include insurance with a known company which would be responsible for the acts of its clients. Action lies against, not only the person who owns the truck which is involved in the accident, but against the insurance company, and would be enforceable in the case of an accident occurring under this particular section, I would apprehend. Now the smaller cars are a different situation, but when

we're dealing with the ones bringing in loads I don't think we have any problems provided the person has a good case and takes it to the law. There is some difficulty in getting people to respond because the action occurs in the Territory, but, if a lawyer would read his law he would find that a parallel action would arise also, in California or the home base of the particular trucking company. He has a choice of fora, either in this Territory or there, depending on where the greatest connection with the event occurs and he can choose. But few lawyers apparently are aware of this.

Mr. Chairman: Mrs. Whyard.

Hon. Mrs. Whyard: Just to clarify a little further on this point, section 14 clearly spells out that any of these people coming through from the States on their way through to Alaska for example, transporting goods through the Territory, without loading or discharging, can't have a permit until the Registrar is satisfied that the owner is adequately covered by a policy of Motor Vehicle Liability Insurance in respect to those vehicles. Now, I think the problem we have here is how you enforce this section. Now I've always understood that the people who came through this Territory on long hauls and had the permit to do so, had indication on their licence which any law enforcement officer could immediately spot. Is this not so, is there not a P.S.V. or whatever interstate licence which is easily recognized by any officer of the law and if he does not see it he has authority to stop that vehicle and say where is your permit to travel through the Yukon Territory because if he has that permit he is insured.

Mr. Legal Advisor: Yes, Mr. Chairman and of course he's got to go through a check point if he's on a through trip.

Mr. Chairman: Mr. Lengerke.

Mr. Lengerke: The Honourable Minister raised a good point there, but, I know that in talking to many of the truckers in the Yukon this does seem to be a problem and it seems to be at the level right here with the Registrar. Maybe he isn't really getting proof positive that they do have proper coverage. I think this is a bit of the situation because, I'm giving you an example of myself, I went in to buy a licence, they never asked me if I had any insurance, they handed me a licence. I went in and I bought a dealers plate, they never asked me if I had a licence as a dealer or anything else. It could have been Joe Blow walking in off of the street, now if that's the kind of way they monitor this, then I would see where there would be some problems and this is the area that I'm concerned with. Is that, fine, the proof is satisfactory to the Commissioner, it's probably there but are we really getting that proof positive that that fellow has coverage and that that coverage is the type that is going to be extended as he's travelling through.

Mr. Chairman: Mrs. Whyard.

Hon. Mrs. Whyard: Mr. Chairman I think that it would be most helpful to have the Registrar here to

answer these questions.

Mr. Chairman: I think we'll probably declare recess until 1:30 at which time we'll continue with the Medical Ordinance and return to this Ordinance at a later time. We don't have much time to call him now. So I will declare a recess now until 1:30.

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

Bill Number 8

This afternoon we plan to discuss Bill Number 8, "An Ordinance to Amend the Medical Profession Ordinance". We have at the behest of the Minister of Health and Welfare, as witnesses from the Yukon Medical Association, Dr. Mason-Brown, Dr. Asfeldt, and Dr. Tanner, and Mr. Tommy Duncon, Administrator of the Yukon Health Care and Hospital Plan.

I would like to turn the Chair over to Mr. McCall at this time.

(Mr. McCall takes Chair)

Mr. Chairman: Thank you, Mr. Chairman.

Before we go any further, is it the wish of this Committee that we call the witnesses in at this time?

Some Members: Agreed.

Mr. Chairman: We will have a short recess while the witnesses are being called in, or brought in.

Recess

Mr. Chairman: I will call this Committee to Order.

Before we go into section by section reading, I would like for the witnesses, if they may, after welcoming them to the Legislative Assembly, if they would identify themselves from left to right, so our recorder will know who they are.

Mr. Duncan: Tommy Duncan.

Mr. Chairman: Mr. Duncan.

Dr. Mason-Brown: I'm Dr. Mason-Brown.

Dr. Tanner: Aubrey Tanner.

Dr. Asfeldt: Jules Asfeldt.

Mr. Chairman: Okay, we will go into section by section reading of Bill Number 8. I will read Section 1: Section 1, sub(1):
(Reads Section 1(1))

Mr. Chairman: Sub (2):
(Reads Section 1(2))

Mr. Chairman: Clear?

Some Members: Clear.

Mr. Chairman: Section 2:
(Reads Section 2)

Mr. Chairman: Yes, Mrs. Watson?

Mrs. Watson: Mr. Chairman, I have a couple of questions, and the first one is Section 4(1)(a) where it says, "was entitled by law". My question is, what law? Is it a Federal Medical Act that we are referring to?

Mr. Legal Advisor: No, Mr. Chairman. In the original Act, we are talking about the previous times that this was amended, and that was the 22nd of November, 1954. We are bringing that date up-to-date, so as to grandfather in, any person who by our law, is legally entitled to practice medicine in the Territory at the moment.

Mr. Chairman: Dr. Hibberd?

Mr. Hibberd: Mr. Chairman, I think there has been some concern expressed, first of all I think that the Yukon Medical Association has voiced their strong approval of this Ordinance, in that it does — they are most concerned with high standards of medical practice being carried on in the Territory, and with reference to that, I think they might have some difficulty, and I would like to hear what they have to say, regarding the phrases here of an "approved medical school" or an "approved hospital".

Mr. Chairman: You would like the witnesses to answer?

Mr. Hibberd: Yes, please.

Mr. Chairman: Do any of you gentlemen care to start off?

Dr. Mason-Brown: Mr. Chairman, as the Honourable Member has said —

Mr. Chairman: Excuse me, you may sit down.

Dr. Mason-Brown: As the Honourable Member has said, the Yukon Medical Association is concerned with the maintenance of high standards of medical practice in the Territory, and with the preservation and continuance of that custom.

The object of this, is of course, the protection of the public at large, and in that connection I should say that the Yukon Medical Association is affiliated with the British Columbia Medical Association and would wish to continue that affiliation. So after this Ordinance to amend the Medical Professional Ordinance, the word "approved university or school of medicine" frequently recurs. What we would like to see is that this should read "approved by the B.C. College of Physicians and Surgeons".

We do not have a College in this Territory. The B.C. College of Physicians and surgeons have the knowledge and expertise to evaluate schools throughout the country and maintain such a list, and we would like, so far as our development is at present

stands, to follow the B.C. practice.

One should add that these lists of schools differ from province to province, and B.C. we think, has a high standard.

Mr. Chairman: Yes, Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, I would like to ask what objection could be found in asking, or in putting into the Ordinance a provision which would provide for any Canadian College of Physicians and Surgeons?

Dr. Mason-Brown: Because standards tend to vary from province to province, that's one answer. A second answer is because we have been affiliated with the B.C. College and propose to continue that affiliation.

Mr. Chairman: Yes, Mr. Hibberd?

Dr. Hibberd: I might add, Mr. Chairman, that the B.C. College has indicated its willingness to carry out these duties for the Yukon Medical Association.

Mr. Chairman: Yes, Mrs. Whyard?

Hon. Mrs. Whyard: We certainly have no objection to spelling out what we mean by approved. I'm just wondering if we could have the benefit of the witnesses' assistance. Would you visualize that we would simply insert a phrase in one of these Sections saying "in an approved hospital as listed by the B.C. Council of", et cetera, et cetera, or should a list of those hospitals be appended in regulations to this Ordinance, so that if someone is looking to see whether an applicant is actually a graduate of an approved institution, he would not have to then pursue the B.C. list, it would be available here. Is this what you have in mind?

Mr. Chairman: Dr. Mason-Brown?

Dr. Mason-Brown: I think what we should like to see is wherever the word "approved" is mentioned, that the phrase "approved by the B.C. College of Physicians and Surgeons" is added, rather than the maintenance of a list which may tend to vary from year to year.

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

Mr. Chairman: Mrs. Watson?

Mrs. Watson: I have another question to ask on that same Section (b). Are these all the requirements — is it compulsory to have 1, 2 and 3, and 4 is an alternative to 1, 2 and 3, and so is 5? May I have a clarification of that?

Mr. Chairman: Mr. Legal Advisor, would you like to answer that point?

Mr. Legal Advisor: I wasn't listening to the question? What was the question?

Mrs. Watson: The question was, is it a requirement

to have all of 1, 2 and 3 with an either-or for 4 and 5? There's only one or, and I would like verification of that, between 4 and 5.

Mr. Chairman: Mr. Legal Advisor?

Mr. Legal Advisor: Mr. Chairman, when you put in "or" in a series, the old fashioned way was to put 1 or 2 or 3 or 4, the modern way is to put in "or" in the — between the penultimate and the ultimate paragraph, so you only put it in once, but it implies that it is there between each paragraph.

Mr. Chairman: Is that satisfactory, Mrs. Watson?

Mrs. Watson: Yes, Mr. Chairman. From that very concise and clear explanation, am I to gather then that either one of those requirements are sufficient?

Mr. Legal Advisor: Yes, Mr. Chairman.

Mrs. Watson: Mr. Chairman, then may I ask the witnesses what is the difference between 1 and 2 and 3?

Mr. Chairman: Dr. Brown, do you wish to clarify that point?

Dr. Mason-Brown: Perhaps Dr. —

Dr. Tanner: Perhaps I could answer this particular question. The parts 1 and 2, Sections 1 and 2 should be "and" in my opinion. This is a present requirement as we understand it. The 3 does not apply to all registrants in the Territory, this is a specialist qualification only, and 4 should be an "or", so there is some confusion. I am glad to hear the question was raised. It was not clear in my mind exactly what this Section meant, so I would interpret it, my understanding at present is that there should be an "and" between Sections 1 and 2 and "or" between 2 and 3, and then "or" between 3 and 4.

Mr. Chairman: Will you make a note of that, Mr. Legal Advisor, of sub(b)?

Mr. Legal Advisor: Perhaps the witness might care to clear up the fact that it has been raised by a former Chief Medical Officer out of the Territory who ran through this, who said that one of these bodies does not in fact qualify people to practice. It doesn't do this, and he asked

Dr. Mason-Brown: Actually, sub-paragraph (3), such a certificate is not obtainable without the possession of both (1) and (2).

Mr. Chairman: Well, Dr. Brown, I must caution you on debating with the Legal Advisor.
Yes, Mr. Lengerke?

Mr. Lengerke: Am I led to believe then that 1 and 2 could really then become 1? Would that be correct, Dr. Tanner?

Dr. Tanner: That's my understanding.

Mr. Lengerke: Right, and then point 3 would be taken out completely?

Mr. Chairman: Are we of the opinion then that sub (3) of (b) is, the language thereof is okay as to the meaning? I think this is what Mr. Lengerke is wishing to have clarified.

Mr. Lengerke: Right.

Hon. Mrs. Whyard: Mr. Chairman, — as I understand it, what we are saying is that the person must be a graduate in medicine from, and after they have graduated from their university, then they become a Licentiate of the Medical Council after they write those exams, right.

But they could also, having had years and years of experience and done their specials and become a specialist and a consultant, they could then also decide to come to the Yukon as a consultant specialist, and they would then be covered under (3), right?

Mr. Chairman: I would think so, yes.

Was that your understanding, gentlemen?

Hon. Mrs. Whyard: Oh yes, but they don't have to be both.

Dr. Tanner: The only comment is that up to this time, any specialist registered in the Territory has also met the requirements of items (1) and (2).

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

Mr. Chairman: Is there any further questions on this before I move on? Is it clear?

Mrs. Watson: Mr. Chairman, do I gather then that some of this is going to be rewritten and clarified?

Mr. Chairman: We have asked the Legal Advisor to take a note of that.

Mr. Legal Advisor: This has been prepared from a document which was supplied, so far as I know originally, from the medical people here, so we interpreted it, and did whatever it was.

This is the first time I know the meaning of it.

Mr. Hibberd: I might add, Mr. Chairman, that the deletions that we are now trying to get back in, were in the original submission.

Dr. Tanner: And were not deleted by the members of the Medical Profession.

Mr. Chairman: Yes, Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, in sub-section (1) of Section 2, the phrase "after consultation with the Yukon Medical Association" is used at the end of that sub-section. Could I just have some sort of clarification just what that means?

Mr. Chairman: Mr. Legal Advisor?

Mr. Legal Advisor: In this day and age, I think it usually means a telephone call between the appropriate officer of the Territory, and the appropriate officer of the Medical Association, or if necessary, then physical consultation. Usually I think it's a telephone call and a cheque.

Hon. Mr. Taylor: Well, Mr. Chairman, with all due respect, I'm asking what type of consultation is required here. Does first the Yukon Medical Association have to approve this doctor who is coming in, or what are we consulting about?

Mr. Chairman: Mr. Legal Advisor?

Mr. Legal Advisor: Mr. Chairman, consultation is a grey word, and it was intended to be a grey word to retain its greyness to be flexible. I would just as soon not define what a consultation is.

Mr. Chairman: Supplementary, Mr. Taylor?

Hon. Mr. Taylor: Yes, Mr. Chairman. I would just as soon that the Legal Advisor did define or take it out of here, because as I say, if we can't understand it, certainly nobody else will, and I think if we are writing legislation and going to approve legislation, we should understand it. If we cannot understand it, it should not be on legislation.

So I would ask again if Mr. Legal Advisor or a member of the government could explain to me, what type of consultations are sought here.

Mr. Chairman: Mr. Legal Advisor?

Mr. Legal Advisor: Telephone consultations, by letter, by personal meeting, by attendance at a meeting of the Y.M.A. with a list, or by an officer of the Y.M.A. attending at the office of one of the officials, or other. All of these things would be covered by the word "consultation", and this is what is intended.

Hon. Mr. Taylor: For what purpose? That's what I'm asking, I still haven't got my question answered.

Mr. Chairman: Mrs. Watson, do you wish to --

Mrs. Watson: Mr. Chairman, one more question to maybe confuse this a little bit more.

(b) (1), the witnesses have asked that "approved by the B.C. College of Physicians and Surgeons" be inserted, however, am I to understand that a person can qualify for two without being a graduate from an institution that does not necessarily have to be approved by the B.C. College of Physicians and Surgeons?

Mr. Chairman: Would one of the witnesses like to clarify Mrs. Watson's --

Dr. Tanner: Are you referring to 4 (b), number 2?

Mrs. Watson: Yes, 4 (b) (1), "is a graduate in medicine from an approved university", approved by the B.C. College of Physicians and Surgeons.

Now, is a Licentiate -- the pronunciation -- of the Medical College of Canada, you can be a graduate of a school of medicine that is not necessarily approved by the B.C. College of Physicians and Surgeons and still qualify for 2, am I not correct?

Dr. Asfeldt: It is possible, yes, it's possible.

Dr. Mason-Brown: It is my understanding that there are variations between the Territories in regard to what schools are approved, and as I understand it, it's entirely possible through, for instance, the Province of Newfoundland, to get an enabling certificate to sit the Licentiate exam of the Medical Council of Canada, and through that route, obtain the L.M.C.C. examination.

This might not, for this particular person, be possible by going through B.C. So the list of approved schools varies from province to province.

Mrs. Watson: But you can still qualify for two?

Mr. Chairman: Mrs. Watson, I don't want you to get into a debate with the witnesses, please.

Mrs. Watson: I'm sorry.

Hon. Mr. Taylor: Mr. Chairman, I think perhaps maybe at this point, it might be wise to -- it would be, I'm sure, of great assistance to our recording secretary if everyone could be called from the Chair and no inner speaking. I know it must be difficult.

Mr. Chairman: Thank you, Mr. Taylor, but some of us don't give each other an opportunity to pronounce their names before they start speaking.

Mrs. Watson, do you wish to go further into --

Mrs. Watson: Not necessarily, Mr. Chairman, other than the fact that there is a need for some clarification in this section, a very great need.

Mr. Chairman: If it is in order, I would like to advise the Legal Advisor if he would take note of this language until we have completed the reading of the Bill.

Mr. Legal Advisor: Yes, Mr. Chairman,

Mr. Chairman: In case it goes back for further review.

Mr. Legal Advisor: I am not taking it that the House has made any decision on the qualifications, but what the House is really saying is that the witnesses, perhaps and some officer of the government should get together and make it crystal clear, so that when it comes back, there will be no hassling about it, and it will be a satisfactory section.

Mr. Chairman: I think, Mr. Legal Advisor, we will cross that bridge when we come to it. Yes, Mr. Hibberd?

Mr. Hibberd: Mr. Chairman, I think it could be clarified very simply. As was suggested, a person who is a graduate in medicine from an approved university or school of medicine, and is a Licentiate of the Medical Council of Canada, or is an Certificate or a Fellow of the Royal College of Physicians and Surgeons of Canada, or is a graduate in medicine from an approved school or university or medical school. In other words, just that simple, or and or. That's all that is required.

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, I think the point at issue here is whether or not there could be somebody who was a Licentiate, who was not on the approved B.C. list, and I think that's a pretty rare possibility, isn't it?

Dr. Mason-Brown: It's possible, but rare.

Hon. Mrs. Whyard: What we need is to examine the B.C. list and check, I suppose. I don't know.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, I'm sorry to be getting up so often, but I see that there is a requirement for a graduate to qualify under number (2), but there is no requirement for a graduate from (4) to qualify under number (2), or from (5) to qualify under number (2).

Mr. Chairman: I stand to be corrected on this point, Mrs. Watson, but I believe it was suggested by one of the members that (1) and (2) be considered together, as far as language, and (3) would be a separate item as far as language.

Now, I don't want to get into an area of confusion on this point.

Mrs. Watson: Mr. Chairman, let's get into the area of confusion now, rather than after the Bill is passed.

Mr. Chairman: Mr. Hibberd?

Mr. Hibberd: Mr. Chairman, I think it is very clear, if you follow those directions. If you read number (4) it states, he is a graduate in medicine from an approved university, he has also completed twelve months of satisfactory internship in an approved hospital, so he has those qualifications.

The same applies in 5.

Hon. Mr. Lang: Mr. Chairman:

Mr. Chairman: Mr. Lang?

Hon. Mr. Lang: In Number (4), does that

automatically give you the qualification of a Licentiate of the Medical Council of Canada?

Mr. Chairman: Do any of the witnesses wish to clarify the point Mr. Lang has brought up?

Dr. Brown.

Dr. Mason-Brown: Mr. Chairman, the word "approved" appears in sub-section (iv), and it appears again in sub-section (v). We are requesting that in those two cases and in all other similar cases, the words "approved by the B.C. College of Physicians and Surgeons" be added. Therefore, somebody wishing to practice under (iv) or (v) would be covered insofar as item (1) is concerned.

We would require that he fulfill items (1) and (2), therefore he would be covered.

Mr. Chairman: Clear?

Some Members: Clear.

Mr. Legal Advisor: Mr. Chairman, if the section is being redrafted, I wouldn't like the House to think that automatically the legislation would produce approved by a body over which this House has no control. It might be that another formula might be sought, so that the definition of approved could be approved by the Commissioner after consultation with the B.C. College of Physicians and Surgeons, rather than give by delegation, the right to a body over which we have no control whatsoever, the right to make legislation under this House.

But that's a thing that can be thought of when the section is being rewritten.

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

Dr. Mason-Brown: May I just, for clarification, Mr. Chairman?

Mr. McCall: Yes, Dr. Brown.

Dr. Mason-Brown: I would ask that the word "or" be inserted between paras (iii) and (iv) and the word "and" between paras (i) and (ii).

Mr. Chairman: Section 2:
(Reads Sub-Section (2))

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, the terminology in sub-(a) is that he must hold certificates of good standing from every place in which he has practiced medicine or surgery. Does this mean he has to have a clean bill of health when he leaves a jurisdiction, or does it mean he must keep current certificates in places in which he does not practice?

Mr. Chairman: Mr. Legal Advisor?

Mr. Legal Advisor: It means the latter, Mr.

Chairman. He must keep — he must be able to produce a certificate as required from any place in which he has previously practiced medicine.

Mr. Chairman: Do any of the witnesses wish to clarify any of this?
Clear?

Some Members: Clear.

Mr. Chairman: Three:
(Reads Section 3)

Mr. Chairman: Mr. Hibberd?

Dr. Hibberd: Mr. Chairman, again we are brought to the point where we have an approved university or school of medicine, and I would suggest that again with the correct terminology, that we refer to the B.C. College of Physicians and Surgeons. That's in sub-section (1).

In sub-section (4), the way this is worded, the temporary permit may be renewed, and — for 12 months, and at the end of 12 months, it may be renewed for a further 12 months. This could go on ad infinitum. I don't think that this is a very wise practice, and I think it would be wiser if the limits of this temporary permit were to a maximum of two years.

Mr. Chairman: You're suggesting in your expression, Mr. Hibberd, you are saying that there is a floating situation here as far as the licence? Is this what you are saying?

Dr. Hibberd: Sorry, I didn't hear you?

Mr. Chairman: Are you saying there is a floating situation as far as the licensing?

Dr. Hibberd: Yes.

Mr. Chairman: Mr. Legal Advisor, do you wish to answer this?

Mr. Legal Advisor: There doesn't appear to be a maximum here, but I presume that year by year, it would get harder to renew a temporary permit. It could happen.

Mr. Chairman: Mr. Hibberd?

Dr. Hibberd: Mr. Chairman, I would like to hear from the witnesses regarding this.

Mr. Chairman: Yes, can you hold the question for a second?

Dr. Tanner: My comment would be, Mr. Chairman, that provision is made for registration, once the practitioner has met the requirements of the earlier Sections, chiefly by obtaining his Licentiate from the Medical Council of Canada, and the two years would be more than adequate for a doctor to sit these examinations and qualify under this section.

Mr. Chairman: Supplementary, Mr. Hibberd?

Hon. Mrs. Whyard: Mr. Chairman?

Mr. Chairman: Hold your horses, Mrs. Whyard. Is that okay?

Dr. Hibberd: Yes, Mr. Chairman, that's exactly what I had in mind.

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: My question has been answered, thank you.

Mr. Chairman: Okay. Mrs. Whyard?

Hon. Mrs. Whyard: I just wanted to ask, Mr. Chairman, if our friends could suggest any circumstances they might think of, where a practicing physician would want to extend the renewal for more than one year? Would there be a case where someone came in as a locum, and someone was ill or away, surely it would never extend beyond that period.

Mr. Chairman: Dr. Brown, yes, do you wish to clarify this?

Dr. Mason-Brown: If I might be frivolous, he might be stupid and fail his L.M.C.C.

Hon. Mrs. Whyard: But he would then — Mr. Chairman, he would then have an opportunity to rewrite the exam the following year?

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, I don't understand this Section at all, and I would like a little clarification, because in (1) we say "who is a graduate in medicine from an approved university or school of medicine and who complies with the provisions of sub-section 4(3)". What is sub-section 4(3)?

Mr. Chairman: Do any of the witnesses wish to clarify the point that Mrs. Watson has brought up? Mr. Legal Advisor?

Mr. Legal Advisor: I don't know, Mr. Chairman.

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: Yes, I just wanted to confirm really what I think the Member from South Centre is trying to say, and that he just feels he would like to put a restriction on the fact that a doctor could practice under a permit year after year after year. I think he would like to get him to the point where he could be licensed.

Mr. Chairman: Mr. Hibberd?

Mr. Hibberd: Mr. Chairman, that is exactly the point. If someone continues to fail the L.M.C.C. exams and continue to practice medicine in the Yukon Territory without having to get any permanent registration. He could carry on a permit renewable

every twelve months. We don't think that is a good enough standard. If he flunks his L.M.C.C. he should not be allowed to practice in the Yukon.

Mr. Chairman: Clear? Gentlemen, would you kindly refrain your discussion please?
Yes, Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman I take it that the administration in the form of Mr. Legal Advisor will be looking at this section in order to perhaps, provide the safeguards, or the additional safeguards that are—

Mr. Legal Advisor: Yes, Mr. Chairman, this will be considered and we would find out whether that means subsection 4 (3) means section 3 subsection 3, or subsection 4 subsection paragraph 3. We don't know the origin of these notations, what they have to comply with, we have to find out.

Mr. Chairman: Mrs. Watson you had a question?

Mrs. Watson: Mr. Chairman, what would be the provision?

Mr. Chairman: Mr. Legal Advisor?

Mr. Legal Advisor: What I think is meant, is subsection 3 of that particular section that he must make an effort to get his full qualifications if he is going to hold a temporary permit. I am not sure and therefore I couldn't give a certain answer.

Mr. Chairman: Mrs. Watson, a supplementary?

Mrs. Watson: That is just on the initial issuing of the certificate. I think there is some work required on that section.

Mr. Legal Advisor: Yes.

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: Yes, Mr. Chairman, I just heard the witnesses commenting and maybe I could ask Dr. Mason-Brown, he expressed, I heard, a little concern about a section there, you were commenting that your didn't think something was valid. Could we have your comments?

Mr. Chairman: Dr. Brown?

Dr. Mason-Brown: My comment, this is not meant for general consumption, was to the effect, Mr. Chairman, that I don't think Mrs. Watson's question has been answered and I also do not understand what this phrase means, "provisions of sub-section 4 (3).

Mr. Chairman: Mr. Legal Advisor, would you give us some clarification on this point in question, or take note?

Mr. Legal Advisor: If the House will recall, when I was asked the question the first time I told the House I didn't know the answer. Since then each person has

been after me to guess at the answer. Each of the people here are just as good at guessing as I am.

Mr. Chairman: I think the question is on everybody's mind, Mr. Legal Advisor, is that why the language in the first place if you do not understand yourself?

Mr. Legal Advisor: Mr. Chairman, I understand the language, it is the reference is an inaccurate reference. I don't know how the inaccurate reference came in until we get an original draft to find out what typist's error crept into the reference.

Mr. Chairman: Thank you.
Mr. Hibberd?

Dr. Hibberd: Mr. Chairman, doesn't section 4 refer to the original section 4 which is the qualifications which you have repealed and given under that new list, here. So he must go after making his — all effort to registration, he does so and then he goes back and qualifies as an L.M.C.C. Two of section 4 on the first page.

Mr. Chairman: Mr. Legal Advisor?

Mr. Legal Advisor: I would say that is a good guess, Mr. Chairman.

Mr. Chairman: Mr. Berger, do you wish to project a question?

Mr. Berger: All I was trying to do was to help Mr. Legal Advisor, like in the old ordinance there is no such a thing as 4(3), and I think this is why Mr. Legal Advisor says he doesn't know.

Mr. Chairman: Yes, Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, can we pass on, I think we have had enough fun with that one.

Mr. Chairman: I think we should give the satisfaction of all members of this Committee before we pass on.
Clear?

Some Members: Clear.

Mr. Chairman: 4:
(Reads Clause 4)

Mr. Chairman: Any questions? Yes, Mr. Hibberd?

Dr. Hibberd: Mr. Chairman, I think to be consistent with these (4) and (5), I think there is a discrepancy here, and I would like to hear what the witnesses have to say.

Mr. Chairman: Do any of you gentlemen wish to —

Dr. Mason-Brown: Where were we again, Mr. Chairman? I'm sorry.

Mr. Chairman: We were reading four, sub-section (4) and (5).

Dr. Mason-Brown: The Y.M.A. would like to see added, that the Commissioner may, in consultation with the Yukon Medical Association, refuse to restore to the register, any name or entry so removed.

Mr. Chairman: You're suggesting —

Dr. Mason-Brown: The Commissioner being a lay person, and in the provinces this duty would inevitably fall upon somebody who is medically qualified.

Mr. Chairman: You are suggesting then an amendment to the sub-(5) which is proposed?

Dr. Mason-Brown: Yes, Mr. Chairman.

Mr. Chairman: Mr. Hibberd?

Dr. Hibberd: Mr. Chairman, here it mentions, the assistant Commissioner, number (4), he — you say that the Commissioner may, after consultation with the Yukon Medical Association, cause to be removed.

Now we come to Section (5), the Commission may, again, to be consistent use the same phrase, after consultation with the Yukon Medical Association.

Mr. Chairman: Five:
(Reads Clause 5)

Mr. Chairman: Clear?
Mrs. Watson?

Mrs. Watson: Mr. Chairman, a couple of questions. Sub-section (1), "into the conduct, mental condition or capability or fitness to practice of any such person". Is there any question there on a person who is registered, professional performance? What does conduct include, and what does the capability? It seems to me that you're able to complain about the conduct of a person whether they — excessive use of alcohol and so on, mental condition, capability — is that physical capability? We are not actually saying professional performance, and I think that this is one of the big things that we want in here.

Mr. Chairman: Mr. Legal Advisor? Do you wish to comment on that?

Mr. Legal Advisor: Mr. Chairman, this is largely taken from the current practice in British Columbia, and there are reasons, I think, why B.C. moved away from misconduct into conduct, because it's argued in the first instance as to whether something which is done constitutes conduct or misconduct, so it's prejudging things there to some extent, to talk about misconduct.

Now, our old Ordinance said "malpractice, infamous, disgraceful or improper conduct". Now, we are really talking about professional misconduct or conduct of a professional man which is unbecoming to a professional, and it's hard to line it up by talking about professional misconduct, when in fact, the

conduct may be — have regard to excessive use of alcohol or drugs, which may not be directly related to his capacity as a medical practitioner.

But as every doctor would immediately say, was, in fact, unprofessional conduct, although not capable of definition as such in a medical way. So we have followed, at the wishes of the profession, we have followed this by taking what the British Columbia people did, and moved away from our former one, which as I said was "malpractice or infamous, disgraceful or improper conduct". We have deliberately chosen the B.C. route because people have begun to understand from decided law cases, what the meaning of this phrase is.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Well, I'm not completely satisfied, Mr. Chairman, because I think that anyone who reads this, there is really a glaring deficiency there where there can be a complaint against a medical person's professional performance, not professional conduct, professional performance.

It may not have anything to do with alcohol or drugs, it might be malpractice and this type of thing, and this I think is one of the reasons I think why you set up this type of legislation.

Mr. Chairman: Mr. Legal Advisor?

Mr. Hibberd?

Mr. Hibberd: Mr. Chairman, I think that if the Honourable Member had read the Ordinance beforehand, she would realize that Section 26 covers exactly what she is talking about.

Mr. Chairman: Mrs. Watson? I must caution you, Mrs. Watson.

Mrs. Watson: That's why I am bringing up the question, though. 26 mentions it, but it doesn't mention it as a grounds for complaint. 26 does bring that up, but it doesn't mention it as a grounds for complaint, and that's why I am questioning it.

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

Dr. Tanner: I thought in answer to Mrs. Watson's question, Mr. Chairman, that capability or fitness to practice was really quite clear as far as the profession is concerned. It does refer to professional competence.

Mr. Chairman: Yes.
Clear?

Some Members: Clear.

Mr. Chairman: Seventeen:
(Continues Reading Clause 5, Section 17)

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: I would like to direct a question to

any of the witnesses. Would there be any validity or merit in the board having—being made up of one lay person along with two or three of the medical profession? Is there any case like that, or you know, it appears to me that the board is really strictly a medical board.

Would there be any merit to having an appointment of a lay person to that board?

Mr. Chairman: Do any one of you gentlemen wish to answer that?

Dr. Brown?

Dr. Mason-Brown: In general, Mr. Chairman, I might say that I know of no such board that consists of a lay member. We are judging professional, medical, frequently technical matters.

Mr. Lengerke: Thank you.

Mr. Chairman: Clear?
(Continues Reading Clause 5 Section 18)

Mr. Chairman: Clear?
(Continues Reading Clause 5 Section 19)

Mr. Chairman: Clear?

Some Members: Clear.

Mr. Chairman: Twenty:
(Continues REading Clause 5 Section 20)

Mr. Chairman: Clear? Mr. Hibberd?

Mr. Hibberd: Mr. Chairman, Section 2 ends with "send a copy of the decision and recommendation to the complainant and the respondent". I think it only reasonable that the Y.M.A. be included in the information, because it is one of their members that would be involved.

Mr. Chairman: M'hmm.

Mr. Hibberd: So if the phrase "and the Y.M.A." could be added?

Mr. Chairman: Clear? Twenty-One:
(Continues Reading. Clause 5, Section 21)

Mr. Chairman: Clear? Twenty-Two:
(Continues Reading Clause 5, Section 22)

Mr. Chairman: Clear? Twenty-Three:
(Continues Reading Clause 5, Section 23)

Mr. Chairman: Clear? Twenty-Four:
(Continues Reading Clause 5, Section 24)

Mr. Chairman: Mr. Hibberd?

Mr. Hibberd: Mr. Chairman, 24, Section (2), "notwithstanding sub-section (1), the Commissioner may suspend from practice a person reported upon

pending the findings of the Board".

I would suggest, Mr. Chairman, that the Commissioner, in order to make a decision to suspend a medical practitioner, should do so after consultation with the official medical body, and therefore I would suggest that the Commissioner, after consultation with the Y.M.A., is added to that list.

Mr. Chairman: Thank you, Mr. Hibberd. Would you take note of that, Mr. Legal Advisor?

Mr. Legal Advisor: Yes, Mr. Chairman.

Mr. Chairman: Twenty-Five:
(Continues REading Clause 5 section 25)

Mr. Chairman: Clear? Twenty-six
(Continues REading Clause 5 Section 26)

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Does Section (a) then mean that if a medical practitioner was for instance tried in court for failing the breathalyzer that he would lose his practice? Is that what this means?

Mr. Chairman: Mr. Legal Advisor, can you answer that question, please?

Mr. Hibberd: It's my understanding that's a summary conviction, not an indictable offence. Isn't that right, Mr. Legal Advisor?

Mr. Legal Advisor: Yes, Mr. Chairman. It's a summary conviction, but there is a narrow line, but this is the choice of the medical profession, not the legal profession, to make it this hard. This is self-flagellation.

Mr. Chairman: Supplementary, Mr. Taylor?

Hon. Mr. Taylor: Yes, perhaps that's for those who are already here, but what about those who would like to come here, Mr. Chairman? I would just like to satisfy myself, and I'm sure Committee would like to satisfy themselves, as to just how far this goes, in terms of indictable offence?

Mr. Chairman: Mr. Legal Advisor?

Mr. Legal Advisor: Without reference to the Criminal Code, Mr. Chairman, I couldn't give you a precise definition, but I can make it available. I don't carry the list of indictable offences in my head, and they are not necessarily, you know, in a tidy order, but I could find it in the Criminal Code very promptly.

Hon. Mr. Taylor: Yes, well, Mr. Chairman, what I am—

Mr. Chairman: Supplementary, Mr. Taylor?

Hon. Mr. Taylor: —really trying to get at, Mr. Chairman, is that, you know, things like failing the

breathalyzer type of thing, I understood that they were indictable offences, and I've been corrected here this afternoon, but I wouldn't want to see someone who has got into that type of a situation, and who may have a record; you know of that type, be refused the right to practice in the Yukon just, you know, for that reason.

If he has gone out and committed a murder or something, yes, well that is something different.

Mr. Chairman: Mr. Hibberd?

Mr. Hibberd: Mr. Chairman, I would suggest that a conviction of an indictable offence is a fairly serious affair. I would also suggest that this reads that he is guilty of misconduct, it does not say that he is incapable of practicing medicine within the Territory. He has right of appeal.

Mr. Chairman: Clear?
Mr. Fleming?

Mr. Fleming: Mr. Chairman, I wouldn't like to hold this up any more with conversation, but I would like to have something clarified, if you would allow me to go back to 16.

Mr. Chairman: Yes, by all means, Mr. Fleming.

Mr. Fleming: 16 (1), 16 (2), (3) and (4). A lot of people may understand it very well but I am not quite clear. The first thing it goes to say, "conduct, mental condition or capability or fitness to practice", and then it goes on down, and I may be wrong, but I seem to find where they repeat themselves partially but not wholly, "...a Board of Inquiry"—that's (4), "A Board of Inquiry appointed to inquire into the mental condition", and there they only mention mental, and yet it seems that this is just where he is going to more or less appoint the Board. So wouldn't the Board be for all of these things? Why is just the one there!

Mr. Legal Advisor: Mr. Chairman, the intention is—

Mr. Chairman: Yes, Mr. Legal Advisor, go ahead.

Mr. Legal Advisor: —that three medical practitioners form a board under normal circumstances, but if it's a mental case, then he should be represented on the board to some extent, by qualified persons, so that any mental case must have two psychiatrists on the board.

Mr. Chairman: Would any of the witnesses like to give an explanation before going to the next question?
Mrs. Whyard, do you have a question?

Hon. Mrs. Whyard: Mr. Chairman, I'm back on page 8, with Section 26 (c). It occurs to me that if you'd like to perfect that definition in (c), "...conduct unbecoming a medical practitioner or of incompetence". I would prefer to read that as medical or professional incompetence. You could be incompetent driving a truck, you know.

Mr. Legal Advisor: Yes, Mr. Chairman, that's a good correction.

Mr. Chairman: Ms. Millard?
Order please.

Ms. Millard: Mr. Chairman, sorry to take it back again, but I have been sitting here puzzling over it and hoping that there would be an answer, and there doesn't seem to be one. It doesn't have any restriction on the findings of the Board of Inquiry as to time. I feel it could be added that within a reasonable time the Board should come back with a finding, because it says that it can adjourn or postpone the proceedings from time to time. It could happen for ten years, but the poor doctor is suspended and has no solution.

Is it possible to add that?

Mr. Legal Advisor: It is possible to add it—

Mr. Chairman: Mr. Legal Advisor?

Mr. Legal Advisor: —Mr. Chairman, but I'm not sure that the medical profession would wish it, because sometimes proceedings commence and justice is done merely by the commencement of the proceedings, and they may be adjourned subject to something being done, or subject to a condition being fulfilled, and there never may be a formal end to the proceedings, it's just a file which is filed away.

I hesitate to put a limit as to what they must do within a particular time limit.

Mr. Chairman: Mr.—

Ms. Millard: Mr. Chairman?

Mr. Chairman: Yes, may I just interject a question here? I think there's a little area of confusion, Mr. Legal Advisor. You are saying when a person begins to—when a finding has been made by the Board of Inquiry may within 30 days, that is a restriction; and yet, on the other hand, you are leaving it open ended. Is there reasons for this?

Mr. Legal Advisor: Yes, it's a carefully put together pack of cards, and I hesitate to take the Ace of Spades out and substitute a joker at the other end, without reviewing the whole of the context.

Ms. Millard: Mr. Chairman?

Mr. Chairman: Supplementary, Ms. Millard?

Ms. Millard: Yes, Mr. Chairman, I really only suggested that the words "within a reasonable time" be inserted, not within 60 days or within anything else, but I think reasonable could be interpreted by the court in any number of ways, and it should be interpreted by the court if a man has been suspended and has been waiting around for two years for a result from the inquiry, he should be able to have recourse to the courts to have it questioned, whether that is reasonable.

Mr. Legal Advisor: In which particular sub-section, Mr. Chairman? Which sub-section?

Mr. Chairman: Which sub-section are you referring to, Ms. Millard?

Ms. Millard: Mr. Chairman, Page 5, section (v) at the top there, is where it says it can be adjourned or postponed from time to time. I would like to see added another section that there should be a result, some kind of finding of the Board within a reasonable time.

Mr. Legal Advisor: Could I say the matter will be considered together with the other matters?

Mr. Chairman: Thank you, Mr. Legal Advisor. Clear?

Some Members: Clear.

Mr. Chairman: 27 (1):

Mr. Chairman: 27 (1):
(Reads Clause 5, Section 27 (1))

Mr. Chairman: (2)
(Reads Clause 5, Section 27 (2))

Mr. Chairman: Clear? 28 (1)
(Reads Clause 5, Section 28 (1))

Mr. Chairman: Clear? (2)
(Reads Clause 5, Section 28 (2))

Hon. Mr. Taylor: Mr. Chairman?

Mr. Chairman: Yes, Mr. Taylor?

Hon. Mr. Taylor: Just one question that arises in contemplating this whole series of Sections. If in fact the Board come to a conclusion that a medical practitioner has in fact, for instance through mental illness or some other reason become incapable of practicing and ought not to practice, and is suspended in the Territory, what protection do other jurisdictions have by notice or otherwise?

In other words, this doctor simply gets up and leaves the Territory and goes and practices somewhere else. What I am saying is does the Ordinance -- I don't recall seeing it before in the times I have been through it before, and ought not the Ordinance provide that the joint Colleges of Physicians and Surgeons be notified of any decision of the Board in the case of these doctors?

Mr. Chairman: Mr. Legal Advisor?

Mr. Legal Advisor: Mr. Chairman, I don't know what the custom is, but all jurisdictions normally require that a physician going to practice in that jurisdiction, will have a letter of good conduct or a letter of good standing from the area from which he has come.

In such a case, he would be unable to produce that letter, and that would be the end of that, and if a

request for a reference was made to our Registrar, the Registrar would send to the asking jurisdiction, an extract from the note on the register setting forth the facts as they were in the register. He wouldn't give opinions but he would set forth the facts.

Hon. Mr. Taylor: Okay, good.

Mr. Chairman: Clear? 29 (1):
(Reads Clause 5, Section 29)

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, in all of Section 29, we are dealing with restoring a person's name to the register, and renewing their licence. Is it mandatory to have a person's name restored to the register if they make application?

Mr. Chairman: Mr. Legal Advisor?

Mr. Legal Advisor: No, Mr. Chairman. It's a matter of discretion, and the custom is that in such a case, a person goes and makes the application and he is supported by fellow practitioners, and other people who say that he is a good person, he has mended his ways, he has possibly done an examination. He may have done a certain course of treatment or something, and then if the person who hears the application is satisfied that this is so, he may with or without tradition, restore the name to the register. This is the custom but it's not mandatory.

Mr. Chairman: Clear?

Hon. Mrs. Whyard: Mr. Chairman?

Mr. Chairman: Yes, Mrs. Whyard?

Hon. Mrs. Whyard: I would have expected my Honourable friend from Whitehorse South Centre to be asking the Commissioner in consultation with Y.M.A. here in this section as he did in the earlier section.

Mr. Chairman: Well, Mr. Hibberd, would you like to answer that question?

Mr. Hibberd: Mr. Chairman, I wonder if we could add to this Section, "in consultation with the Y.M.A."

Mr. Chairman: I was wondering when we were going to get around to that.

Mr. Legal Advisor: Mr. Chairman, it's not quite as easy as that, because here you are in a court situation, so it's slightly different. A court application is not necessarily in public, it may be in chambers, but it's still -- the judges don't consult as easily with people as Commissioners.

Mr. Chairman: Thank you. Clear? 30 (1):
(Reads Clause 5, Section 30)

Mr. Chairman: Yes, Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, at the outset it was pointed out that this legislation that we are dealing with now under the Medical Profession Ordinance, was to the benefit of the people of the Territory and their protection.

If this in fact is the case, why then can a physician and surgeon, or medical practitioner in the employ of the federal government be exempted from this legislation?

Mr. Chairman: Mr. Legal Advisor?

Mr. Legal Advisor: Mr. Chairman, as a matter of practice people move in and move rather fast, and we make the assumption that Canada has already checked through their qualifications and are satisfied with them, or the Territory may be if they happen to be out of the country, but they are not practicing medicine in the sense they are practicing as a doctor prior practice, but if they do, as I think two or three officers ago, the chief Medical Officer did in fact privately practice to some extent in his own off duty hours. He was required to go through the normal procedures as anyone else but a person not practicing for private gain does not come within preview of the Ordinance for qualifications.

Mr. Chairman: I didn't know the doctor was in a position to have off duty hours.

Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, when you speak in the Ordinance of talking about people who may — or practitioners who may be mentally fit or any type of thing, it seems to me that as long as any doctor, notwithstanding he is in the employ of Canada, as long as he is dealing with people in the Yukon Territory, that the Territory should have the same protection from him as they have from any other practitioner.

I repeat what I said originally, that I feel that any doctor who is actually — you know, if a doctor comes in here on an administrative basis, that's one thing, but if a doctor is dealing with the public and certainly it's just as possible to have a doctor who is half insane from Ottawa, as it is from anywhere else, and I say again, I think consideration should be given to sub(k) to offer the same protections as have been offered in light of the Yukon practitioner.

Mr. Chairman: Mr. Legal Advisor, do you wish to comment?

Mr. Legal Advisor: It's proper that some sections should apply and some sections don't, but the section itself is historically there for a long time, and the only change to that paragraph is to include in that paragraph, medical officers who are employed by the Territory, in case we get to that point.

Previously it only covered doctors employed by Canada, that's the only change, the two Territorial officers.

Mr. Chairman: Supplementary, Mr. Taylor?

Hon. Mr. Taylor: Well, I only rise to say that I think further consideration should be given to (k) because I think the people are just as entitled to have the protections from people working for government as those who are not working for government.

In keeping with a good old practice that I've — or I shouldn't say practice, with the statements of the administration that they like to live up to the same laws everybody else has to in this Territory, I think in keeping with that, that they may take a second look at sub(k).

Mr. Chairman: Thank you, Mr. Taylor. Ms. Millard?

Ms. Millard: Mr. Chairman, I thoroughly agree with the Honourable Member from Watson Lake. In particular my concern is for Old Crow. The doctors that come to Old Crow come from Inuvik and they are employed by National Health and Welfare of the Canadian government, so that virtually in Section (k) we are saying that they don't necessarily have to be mentally fit, or all the other conditions, to go and practice in Old Crow.

Mr. Chairman: Before I go any further, would any of the witnesses like to comment at this time?

Dr. Mason-Brown: Since I have an axe to grind in this matter, being myself a federal employee, perhaps somebody else should answer to this question, but the sanity or otherwise, or competence to practice of people in the employ of the federal government is subject to scrutiny by local heads of department, and by occasional visits from Ottawa.

No doubt if I went bonkers, somebody would soon report about it.

Mr. Chairman: I don't want to discuss that point. Clear?

Some Members: No, no.

Hon. Mrs. Whyard: Mr. Chairman, I don't think the Honourable Member from Watson Lake is satisfied. I'm loathe to get into this too deep at this time because what is going to happen is that he is going to find that his back-up man for the provision of medical services for his constituency will disappear, because that is the only medical practitioner in the Yukon at the moment, who is not licenced to practice.

Mr. Chairman: Mr. Taylor, do you wish to comment on that point?

Hon. Mr. Taylor: Well, Mr. Chairman, I'm just not sure who the back-up man is, but if we are talking about the practitioner on the federal employ —

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

Hon. Mr. Taylor: Well, notwithstanding who the back-up man is, I think any medical practitioner who is

practicing in the Yukon Territory should be on equal ground with any other medical practitioner, and that should include anybody that's in the employ of the Government of Canada or the Government of the Territory, as the case might be, and I still hold the same view I did hold in this matter a few moments ago.

If he's working with the general public of the Yukon, the general public are entitled to the same protections as in the case of the other non-governmental doctors.

Mr. Chairman: Ms. Millard?

Ms. Millard: Yes, Mr. Chairman, I thoroughly agree and I can't see the advantage in having them exempted. I would like to know why this exemption is there.

Mr. Legal Advisor: I'm sure they are exempt on historical grounds, Mr. Chairman, but I'm sure probably the convenient thing is to apply in most of the Ordinance, certainly the discipline, malpractice and so forth sections, to doctors whether they are employees or not, and the qualifications sections and so forth should be left alone.

I think it's a reasonable compromise to me, we will apply some of the Ordinance to them, but not all of the Ordinance, and that would meet the historical perspective as well, because we may need somebody coming quickly from Inuvik, back and forward. Things happen like this and we should be able to have the maneuverability to be able to move a doctor in federal service or out again, without having to go through these various qualifications which the government is paying for anyway.

But so far as discipline is concerned, he should be subject to this Ordinance, I think, and its standards of qualifications.

Mr. Chairman: Thank you, Mr. Legal Advisor. Mr. Lang, do you have a question?

Hon. Mr. Lang: Yes, I don't know if the Legal Advisor can answer this. Does the — the federal government must have some standards for the medical practitioners, and they must review these, don't they, on a continual basis. I think we are getting into a trivial argument, really.

Mr. Chairman: Thank you, Mr. Lang. Me. Lengerke?

Mr. Lengerke: That's fine, my questions has been answered by the Legal Advisor.

Mr. Chairman: Okay. Mr. Legal Advisor, please take note of that section (k).

Mr. Legal Advisor: Yes.

Mr. Chairman: Clear? 31(1):
(Reads Clause 5, Section 31)

Mr. Chairman: Yes, Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, then we are saying

here that the Chief Medical Health Officer of the Territory is a federal employee in Section 31 must in fact be registered under this Ordinance.

Mr. Chairman: Is that correct, Mr. Legal Advisor?

Mr. Legal Advisor: Yes, Mr. Chairman. We are saying that the person who is appointed to these posts must be registered.

Hon. Mr. Taylor: So then —

Mr. Chairman: Supplementary?

Hon. Mr. Taylor: — it follows that as we talked about in (k), he should live up to all the provision of the Ordinance?

Mr. Chairman: Mr. Legal Advisor?

Mr. Legal Advisor: Mr. Chairman, not all of them, but some of them, yes.

Hon. Mr. Taylor: He should.

Mr. Chairman: Clear? 32(1):
(Reads Clause 5, Section 32)

Mr. Chairman: Clear? 33(1):
(Reads Clause 5, Section 33)

Mr. Chairman. Ms. Millard?

Ms. Millard: Mr. Chairman, to go back to the former section where it states under — on page 12, (b), "a person referred to in paragraph 29(1)(k). I can't find any 29(1)(k). I can certainly find a 31(k).

Mr. Legal Advisor: The numbering was changed, Mr. Chairman. It should be 30.

Ms. Millard: It should be 30.

Mr. Chairman: Are you satisfied, Ms. Millard? What is your question?

Ms. Millard: It still doesn't make too much sense to me because that's the person who is exempt.

"Nothing in this Ordinance applies to", down to (k), and it means—It is very confusing.

Mr. Legal Advisor: It is a form of interpretation which applies to other Ordinances of the Territory. They don't use the word "doctor", they use the word "medical practitioner" or "duly qualified medical practitioner" in a large number of our Ordinances, and this is saying what that phrase means.

Mr. Chairman: Ms. Millard?

Ms. Millard: Well, Mr. Chairman, once again I can't see any reason why (k) can't be eliminated. That's twice now we have come across the fact that it doesn't apply really. You are saying even if that person is exempt, he is going to be called—he is going to be

recognized as a medical practitioner, and he is going to be able to fit into other Ordinances as a medical practitioner. So why even put it in Section 30?

Mr. Legal Advisor: Mr. Chairman, we are not trying to be logical, we are trying to be clear. What we are saying is that in Ordinances dealing with taxes, in Ordinances dealing with a myriad of other things, we will often say a person must pass an examination under the Workmen's Compensation Act by a duly qualified medical practitioner, or something like that.

We are just defining what those words mean for all the 75 Ordinances of the Territory, but we are not attempting to be logical. We are just saying that is so.

Mr. Chairman: Supplementary, Ms. Millard?

Ms. Millard: No I think he has confused me enough.

Mr. Chairman: I have just one query I have here without being disrespectful, Dr. Brown. I am curious as to the last word in 33 (1), "animal". Does that govern some of our populace here or what?

Dr. Mason-Brown: 33 (1)?

Mr. Chairman: 33 (1), the last word in the total-

Dr. Mason-Brown: No comment.

Mr. Chairman: Thank you, Dr. Brown.

Mr. Legal Advisor: That is carried over from the old Ordinance, and it has been there for a long, long time.

Mr. Chairman: I guess we are getting very animalistic.

Yes, Dr. Brown?

Dr. Mason-Brown: Mr. Chairman, I wonder if the Legal Advisor could be asked to add a category of registration, namely registration from non-resident physicians. That is to say, physicians who have been duly licensed to practice in the Yukon, and have practiced in the Yukon, and are absent for periods of let us say a year, for reasons such as study leave and so on, if they can be listed on a non-resident registration.

This is the custom in certain provinces such as in B.C. where I think they pay a nominal fee of \$5.00 a year or something of the kind.

Mr. Legal Advisor: Yes, Mr. Chairman, this can be done. It would make them equal in the other professions, we could have a \$10.00 a year fee, and if they keep it up and then five years later they came back, if they hadn't paid the \$10.00, they would pay \$50.00 to be reregistered.

This can be done, Mr. Chairman.

Mr. Chairman: Is that clear on that Section? We go now to Section 6 (1), I believe.
(Reads Clause 6 (1))

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, I assume that in this Bill it's going to take some time to set up the boards and the machinery, so this is then Section 6 which I also rise to point out can't be the right number, is this required in this Ordinance, or can it come into force on the day of assent?

Mr. Chairman: Mr. Legal Advisor?

Mr. Legal Advisor: At the risk of being contradictory, it becomes law on the day it's assented to, but it isn't given active force unless an Order of the Commissioner is made later.

But out of caution, I think, the House in a complicated Bill such as this, where relations may have to be established with other jurisdictions, it would be wise to allow this time in case there are regulations forms to be prepared.

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

Mrs. Watson: Mr. Chairman, one more question that doesn't come through very clearly in this legislation. If you have a temporary permit to practice medicine, is your name put on the register?

Mr. Chairman: Mr. Legal Advisor?

Mr. Legal Advisor: It's not really put on the register as such. It's a list of people who are permitted to practice medicine under permit, but they are subject to discipline just the same. There is a section for this.

Mr. Chairman: Supplementary, Mrs. Watson?

Mrs. Watson: Yes, Mr. Chairman, that's what I was going to bring up. Are they subject to discipline, and in the discipline, we are saying that one of the disciplinary actions is to suspend them, or to suspend their licence and remove their names from the register. So shouldn't you say "or to suspend their temporary permit" or something like this?

Mr. Chairman: Mr. Legal Advisor?

Mr. Legal Advisor: Mr. Chairman, to avoid complicating the Bill in its drafting stages, and I had forgotten to include the permits when I was drafting the Bill, I put in sub Section 2 of Section 32 which said, "the provisions apply to permit holders and shall be applied mutatis mutandis as if his name was on the register", and then the whole thing applies to, in an adapted way, as exactly as if through the register, and it's something the Registrar will understand.

Mr. Chairman: Supplementary, Mrs. Watson?

Mrs. Watson: Mr. Chairman, you also forgot to include another section in that then, "holding a permit pursuant to Section 7", that's the temporary permit, 8. But you should also include Section 7. This is where you get permits for members of the Armed Forces, and wouldn't this be one way of getting the people who are civil servants who work for the Territorial Government or Government of Canada to fall under the

disciplinary action if you put it in under Section 2?

Mr. Legal Advisor: Mr. Chairman, I don't think —

Mr. Chairman: Mr. Legal Advisor.

Mr. Legal Advisor: — this aims to control the doctors in the Armed Forces in that way, but that will appear — the employees of the government of Canada or Territory will have the discipline sections applied to them, if my recommendation to the administration were accepted. The discipline sections apply to them but not the qualification or fee paying sections, but then assuming that the Canadian Forces, that that person would be covered by the discipline section in respect to practicing within the Territory.

But what would happen to the non-forces within the native organization, is something which I am lost on, Mr. Chairman. Like the practice of acupuncture is Chinese forces, Mr. Chairman.

Mr. Chairman: Thank you, Mr. Legal Advisor. Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, I would suggest at this time if there is no further discussion on the Bill, that perhaps the witnesses may be excused and progress can be reported.

Mr. Chairman: I was just coming to that, Mr. Taylor.

Hon. Mrs. Whyard: Mr. Chairman?

Mr. Chairman: Yes, Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, I would just like to thank on behalf of all the members, representatives of the Yukon Medical Association and Mr. Duncan, for taking this time to come today, and I want to say also that I appreciate the assistance they have provided in the work we have done on the amendments to this Ordinance, and I wish to congratulate them on behalf of this House for their attitude towards the discipline which will be imposed upon their profession by themselves.

They are going to hold themselves up to scrutiny of their professional competence in the eyes of their peers, and I know of no other professional group which does so.

Thank you very much.

The Witnesses: Thank you.

Mr. Chairman: Thank you, gentlemen.

(Applause)

Mr. Chairman: Order, please. At this point I would like to report progress on this Bill, pending further review by the Legal Advisor and I would like at this point, to hand the chair back to Mr. Chairman.

Mr. Hibberd?

(Dr. Hibberd resumes Chair)

Mr. Chairman: I will now declare a brief recess.

Recess

Mr. Chairman: I will now call this Committee to order.

Bill Number 9 Continued

Mr. Chairman: We will proceed with the Clause by Clause reading of Bill Number 9. We have Mr. Peter Gillespie with us as a witness.

At the time of our adjournment, we were on Section 14, and there was some question raised at that time regarding the insurance coverage of vehicles traversing the Territory, and Mr. Gillespie might have an explanation for us.

Mr. Gillespie: Mr. Chairman, I gather the concern here is that some truckers coming through, or passing through the Territory, may do so in spite of what is provided for in this Ordinance, without a valid motor vehicle liability insurance, and we are now talking about enforcement.

I think it's quite possible that, for example, a car, a motor vehicle, can get by through the Yukon without a valid insurance card, but it is virtually impossible for a trucker to do so, because a trucker requires a permit before he can proceed — he stops at the weigh scale station on entering the Territory, and before he can proceed any further, he has to have a permit. He will not be issued a permit, as is indicated here in this Section, unless he can show that he has a valid motor vehicle insurance liability card.

Am I answering the question that was put?

Mr. Chairman: Are there any other questions regarding this? Mrs. Watson?

Mrs. Watson: Mr. Chairman, we understand this. The question that was brought up this morning is the fact that some of the insurance companies, this may be some of the cause for it, are not — American insurance companies are not as creditable as others, and it's more difficult to collect or to get some form of action from some of the companies than it is from others.

Now, this was just a surmise that I have made from the debate that went on, and maybe the Legal Advisor could enlarge upon that.

Mr. Legal Advisor: It's just a question of insurance in respect of the vehicles?

Mrs. Watson: Mr. Chairman, Mr. Legal Advisor, I commented that it appeared that some of the insurance companies, insurance coverage, that some of the truckers had was more creditable than others, and that we are finding it difficult to collect from some of these companies, insurance companies.

Mr. Gillespie: Mr. Chairman, if I may, I would like to attempt to answer that.

I think we are on the verge of providing a satisfac-

tory answer to that particular issue, where the problem is an accident, a road accident, because we are presently contemplating bringing in no-fault insurance, which would have the effect of (a) in the event of an accident, the insurance company, the Yukon Insurance Company of the person whose vehicle is damaged or who is hurt, immediately paying to that person, an amount of money according to a schedule set up for that purpose.

In other words, if a truck or vehicle from another jurisdiction were to enter the Yukon and be covered by insurance that is not creditable, that would not present a problem to the person who was damaged in the Yukon, because he would receive immediately, compensation from his own insurance company, who would then recover damages from the outside insurance company, or if that person did not have insurance, and he had gotten by into the Yukon in spite of our laws to the contrary, the insurance company in the Yukon would then turn to the individual to recover.

But it is in this manner that we are seeking to come to grips with what is a very real problem.

Mr. Chairman: Mr. Fleming?

Mr. Fleming: Yes, Mr. Chairman. By your remarks, I may take it that you are in the process of trying to bring some sort of insurance to the Yukon Territory that is handled more or less by the government, rather than private enterprise, I would say?

Mr. Gillespie: Mr. Chairman, no-fault insurance as it's handled in the provinces, involves generally speaking, a premium from each motor vehicle insurance holder of something in the order of \$12.00 a year, and that money is paid to the insurance companies who themselves undertake to cover the policy holder with no-fault insurance.

the government is not involved in the administration, the government does not fund it under this scheme. It's totally the insurance companies themselves.

Mr. Chairman: Ms. Millard?

Ms. Millard: Mr. Chairman, since we have Mr. Gillespie now, I would like to go back to Section 13 where we were discussing the fact that a number of people come into the Yukon, particularly to Dawson City, and stay for a period of three months without having to be registered, which means to me that they don't have any -- they could get by without any insurance because they don't have to register and prove that they have insurance.

I was wondering if that period of 90 days can be reduced to 30 days, since many of the jobs in Dawson City are filled by people from other provinces, and don't last more than 90 days?

Mr. Gillespie: Mr. Chairman, I don't have a firm opinion. I would like to seek some advice from Mr. Taylor, if I may on this particular issue, because when we were revising this Ordinance, the only aspect of that particular section that we dealt with, was the semi-trailer definition, and I quite honestly must admit that I am not up-to-date on the rationale for this par-

ticular existing --

Mr. Chairman: If Committee concurs, we could have Mr. Taylor come forward as a witness.

Some Members: Agreed.

Mr. Chairman: Agreed?

Mr. Chairman: Did you hear the question, Mr. Taylor?

Mr. Herb Taylor: I heard the question, Mr. Chairman, and this question came up a couple of weeks ago, but one thing we must remember here is that this is what's termed a reciprocal arrangement made with all the other jurisdictions in Canada, and if we cut our tourist exemption down to 30 days, well then our tourists, when they are in the other provinces, or in the States, will be cut down to 30 days also, so --

We are making a survey right now, to find out exactly what the other jurisdictions in Canada allow our people, so that we can allow exactly the same, and we are trying to talk all the rest of the jurisdictions in Canada to make it uniform, so as it is now we are working on it, but we can't do anything about the 90 days without hurting ourselves.

Ms. Millard: Well Mr. Chairman, then we can be assured that the 90 days will be changed, or -- I mean, obviously the administration has it in its mind to change it or they wouldn't be inquiring?

Mr. Herb Taylor: Well, I didn't say that we were going to change it. We want to be the same as they are in the other provinces. Some of the other provinces give six months, but we want to try and make it uniform.

But this is only an exemption for people touring for pleasure now, keep that in mind. There is another period of grace for a person who comes from the other provinces and becomes gainfully employed in the Territory.

Ms. Millard: M'hmm.

Mr. Herb Taylor: We are also looking at that, because the reciprocal arrangement there is that we give the same period of grace that the other provinces give to our people when they go out and become gainfully employed in a province, and we are looking at the whole thing. We are trying to get the whole thing tied together to make it uniform.

Mr. Chairman: Ms. Millard?

Ms. Millard: Yes, Mr. Chairman, I appreciate that, but I would really like to know that the administration fully realizes that there are many people who are coming into the Territory and working on that three month pleasure period, and it's pretty obvious in a small town where there are several people you know what cars they have and where they are working, and there have been complaints to the administration before, when the Executive Committee toured to

Dawson, they were given this complaint, as well as many times before.

I have certainly complained to the R.C.M.P. in Dawson myself about it, that it really should be regulated, at least it should be looked into with more thoroughness.

Thank you.

Mr. Herb Taylor: Mr. Chairman, this is exactly right. This is an enforcement problem, and I take the view, and I have complained to the R.C.M.P. that when a person comes into the Yukon Territory and becomes gainfully employed, he has no grace whatsoever. He must register his vehicle then and there, and thereby become insured, and it is strictly an enforcement problem. We are trying to get the R.C.M.P. to pick these people up, but they just haven't seen fit to do it up to now.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, I'm not satisfied with the witness' explanation of no-fault insurance. Maybe I could ask Mr. Taylor who is more in day-to-day contact, is it true, or is this one of the reasons that some of the insurance companies that the truckers have from the States, are more creditable than other, and are easier to deal with in order to get some claims from them? This is the problem that some of the people are being faced with.

If there's an accident, they just — it's almost impossible to collect from their insurance company, say down in Georgia or Texas.

Mr. Herb Taylor: I don't think that has anything to do with no-fault insurance.

As I understood the explanation, the explanation was that we are trying to overcome that problem by instituting no-fault insurance coverage, which would overcome the problem.

In other words, now we do have a difficult time to collect from American insurance companies. I have phoned them myself in California and in Alaska, and if they so wish, they can just deny liability, and then it's up to the people here to go and sue them, or they say that their client was not at fault and they deny liability. There is nothing you can do about that, that then becomes a civil case, and there's nothing we can do about that.

However, if we do institute no-fault insurance, we can forget all those worries, because we will have immediate payments made and then the insurance companies themselves will take whatever subrogation they can to collect. But the immediate payments will be made, without regard to fault, in cases of accident.

And the payments that I am talking about, will be made by our own insurance company, your insurance company will make a payment if you become injured and have no-fault insurance coverage.

Mrs. Watson: Mr. Chairman, my insurance company will only make the payment if I pay more on my premium, and we are all going to have to pay more on our premium. It's fine to say no-fault insurance. Why should we pay more on our premium to protect these

jokers who are coming through? Is there any other way we can deal with them?

Mr. Herb Taylor: Well the premium they charge, and they are offering no-fault insurance coverage right now, and the premium is somewhere in the neighbourhood of 10 to \$12.00 a year, and I think it's well worth it, and I can't think of any other way you can solve the problem.

Mr. Chairman: Mr. Berger?

Mr. Berger: Thank you, Mr. Chairman.

I would like to go back to Section 13, since I raised the original question on that thing. I wasn't so much concerned about the people coming in from other provinces in Canada, because we know they do have insurance, but what my question was mostly concerned with was with people coming in from Alaska and working in the Territory on their own placer claims, or the other businesses they had in the Territory, and operating under an Alaska licence plate.

Nobody knows if they are really covered with insurance, and I think Mrs. Watson's question is something on a similar basis.

Mr. Herb Taylor: Well, Mr. Chairman, the only solution for that is that they should not be allowed to be operating their vehicles with Alaska licence plates on, if they are working in Dawson or running a mining claim in Dawson, or working anywhere in the Territory. They should be immediately required to register their vehicle in the Yukon, and to do that, they must have insurance.

Mr. Chairman: Mr. Lang?

Hon. Mr. Lang: Mr. Chairman, I would like to ask a question of Mr. Taylor, if I may.

In regards to the insurance companies in the States, we -- do we have any idea of which insurance companies are credible and which aren't? The reason I am asking this is because I agree with the Honourable Member from Kluane. I don't think it's my -- the onus is on me to get no-fault premiums to protect myself from somebody coming up the highway.

In other words, what I am saying is is there any way that we could say okay, if you have this insurance, we have found that they don't come through with the monies or the compensation to the victims in the past, therefore if you have got that insurance, you are not allowed to go through the Territorial unless you buy a different insurance?

Mr. Legal Advisor: We must not forget that the normal law is that when two people have a dispute, they resolve it through the courts. Now, some insurance companies are reasonably easy to settle with, some are not, and this applies throughout Canada.

Once you are dealing with the United States, the insurance company who is far away can prove difficult to settle with, and can threaten through his general manager or accident manager or through his lawyer,

to refuse to settle, but some people would consider a reasonable case, so the only recourse is the normal law for everybody, take the matter to court, get a decree and then the decree is enforceable.

Now, somewhat the same situation happens to occur within Canada, by people who are involved in an accident were from the United States who feel that they are in the right, but a Canadian insurance company will prove difficult to settle with, when he is dealing with a California or a Texas resident, and the person will settle for less than he otherwise would, because he would have to come to the Yukon to litigate his case, and it's difficult for anybody in administration to make a judgment as to which insurance company is difficult to settle with, and which is reasonable to settle with, in order to form a list.

So I don't think there is any true answer to this, except just to bear with it.

Hon. Mr. McKinnon: Mr. Chairman?

Mr. Chairman: Mr. McKinnon?

Hon. Mr. McKinnon: Mr. Chairman, I have asked this question every year, and I am going to ask it again, I have never been satisfied with the answer: Why shouldn't there be a stop at the border that does not allow a person with valid insurance to come into the Yukon Territory? There's at least one case every year, where an American tourist, or someone travelling through, runs into a Yukon family, there can be any kind of problems ensue from it, there can be death, there can be dismemberment, there can be any imaginable amount of problems resulting from this, and there is now way for that family to get any compensation in any way, shape or form.

Now, why should we be allowing this person with absolutely no protection whatsoever, to be using the Yukon Highways? there's a person in town who writes me a letter every year, asking whether I will ask this question on behalf of the Territorial Government, every year I get up and ask it and I guess they say, well we can't stop people at the border and check whether they have valid insurance.

I think we should stop them and sell them a campground sticker at the border, every one of them and check whether they have got insurance. If they don't want to buy the campground sticker, they don't want to show insurance, get them to hell out of the country? Who wants them in here in the first place?

I am deadly serious about it. There has been absolute tragedy affected to Yukon people, because we allow without any qualification, in any way, shape or form, people to come up in any type of vehicle, in any type of condition, with any amount of armaments, to travel Yukon Highways. Why do we allow this to happen when we don't have to, and other jurisdictions can allow who they want into their jurisdiction and travelling on their highways? Why?

Mr. Chairman: Mr. Gillespie?

Mr. Gillespie: Mr. Chairman, I don't have an answer to the question, this perennial question. I'm aware of this proposed solution to it, to a number of

problems, including campground stickers, and including insurance.

I can only say in all honesty that some of our people are working on this problem, they are in the course of preparing advice to me, which I will in turn be bringing to the Executive Committee on this very subject. I don't have it yet, I don't know what their tentative conclusions are, and I can't answer your question at this point in time.

It is not being ignored, it is being actively worked on, but I'm afraid I can't satisfy you with a definite answer at this time.

Hon. Mrs. Whyard: Mr. Chairman?

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Could I ask Mr. Gillespie, if he has some time frame, if we keep this Ordinance open for another week, then he bring in a section?

Mr. Gillespie: Mr. Chairman, I would be reluctant to rush the answer to this question, when we are attempting to look at this thing comprehensively, both with regard to no-fault insurance. With regard to the Unsatisfied Judgment Fund, which is sort of the corollary to no-fault insurance, to campground stickers, and to checking for people, valid insurance in every vehicle that enters the Territory.

These various issues are all inter-related, and I would be reluctant, unless there was a firm wish for me to do so, to come up with an answer within the next week or even within the next two weeks, because I'm just not sure that I would be really confident that I am coming up with a good and fair answer to the complex questions that are being raised.

But I think I can fairly undertake to have that ready for the spring. In the meantime, though, I'm—whatever we do then, need not in any way impinge upon what we are seeking to do now in the Motor Vehicles Ordinance, because we can institute these things, I could think with the powers that we have now, we would not need to add new powers to the Motor Vehicles Ordinance to bring them into being.

Hon. Mr. McKinnon: Mr. Chairman, I can only add that I would sure be disappointed if I went through another term without that question being answered, because it's been about twelve years now.

The other one is there is an answer to the people once they are gainfully employed, I don't know what section it is or what Ordinance, but I think the Territorial Secretary can tell us what Section it is where a person does become gainfully employed, they are then liable to have to take out plates—is it under the Motor Vehicles Ordinance that that Section is? I remember it very dramatically, because one summer I was very perturbed that a surface crew camp, the total—every car in the place on the Alaska Highway, had Alberta plates, and there were friends of mine who were looking for employment from university from the Yukon, that couldn't find employment with the Department of Public Works that summer.

I felt so strongly about it, I went and told the constabulary in one of the small communities about this

whole camp full of people racing up and down the highways, getting cheques from the D.P.W. and working in the Yukon Territories, so they went in and pinched the whole works, and unfortunately enough, I couldn't let well enough alone, I went to a local dance and I mentioned this one night, and for my pains, I was severely beaten about the head and shoulders, by the people I had ratted on.

But in any case, you know, it is in the Ordinance, and if you are mad enough about it to make the point and make the case, which I am. I think that's a bunch of bologna, that they are allowed to come out here, work all summer, use their cars in the Yukon highways and don't contribute one red cent to the Yukon economy. I think you can do this if you feel as strongly about it as I do, I just would recommend that you keep your mouth shut about it afterwards.

Mr. Chairman: Mr. Fleming?

Mr. Fleming: Yes, Mr. Chairman.

I have one, it is insurance, it's not entirely pertaining to this, and yet I would say it is in this sense, that I would like to ask the Legal Advisor, I think the question as to an accident on the highway that involves an American car, and a Yukon resident, and the fault was not on the Yukon resident, no fault of his at all.

Right now under the present legislation, would his insurance rise due to the cause of that accident?

Mr. Legal Advisor: I couldn't say for sure, but it's the custom of the insurance companies, when a claim is made, to start increasing premiums, whether or not the claim is successful. It's a matter of business between the insurance company and their client. It's not controlled by law.

Mr. Chairman: Could we now proceed?

7:

(Reads Section 23)

Mr. Chairman: Section 15, Section 25 of the said Ordinance is repealed and the following substituted therefore: 25 (1):

(Reads Section 25)

Mr. Chairman: Clear?

16: Section 34 (1) of the said Ordinance is repealed and the following substituted therefor:

(Reads Section 34 (1))

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Yes, just, Mr. Chairman, as a matter of information, I could perhaps direct a question to the Registrar of Motor Vehicles, and I note in my marginal notes in the Bill that we are talking about going now to plastic covered licences, just what form—when will these be introduced, and what form will they take? Will you require a picture on them, or could we have just a quick description of what the program is?

Mr. Herb Taylor: Well, that is the plan, that they will have a photograph of the operator, and we hope to

have them instituted before the next year.

There isn't any really dire requirement to have an effective date now, because as you know, all the operators' licences fall due on the birth date, so we can, whenever we get the equipment, we can institute the program any time we like.

Hon. Mr. Taylor: Well, Mr. Chairman, would this not cause a bit of a problem for people throughout the Territory who don't happen to live in this great Metropolis, and that's the reason I asked about the picture. If you have to get your picture taken like on a passport, it's an extremely difficult thing, and even if the government were to send this equipment around, as I believe they did for the I.D. cards of some sort, that everybody could get near it. How does a person in the hinterland fulfill this requirement?

Mr. Herb Taylor: Well, Mr. Chairman, we will issue a licence exactly the same as we do now, and then when the camera is available at Watson Lake, the people at Watson Lake will be advised to come in and have their picture embossed on their certificate.

Hon. Mr. Taylor: What I am saying is that perhaps all the people can't come into a community. There are people who live, you know, in and around, or maybe out on holidays and this type of thing and that don't come to Whitehorse and won't be around town when your fancy equipment is there. How do you deal with that?

Mr. Herb Taylor: Well how are they going to get a licence then?

Hon. Mr. McKinnon: You don't need one for Watson Lake.

Hon. Mr. Taylor: Well again, Mr. Chairman, they are entitled to a licence, and notwithstanding they don't have a picture photograph, this is what I'm concerned about, and I don't think it's a laughing matter, I think it's a serious one.

Another instance where they guy in the hinterland gets the kick in the teeth.

Mr. Gillespie: Mr. Chairma?

Mr. Chairman: Mr. Gillespie?

Mr. Gillespie: I think you may have misunderstood Mr. Taylor's answer.

A person will initially be able to get a licence that does not have his picture on it, but when the equipment is in his locale, then he will be asked to come and have the picture then at that time embossed on his licence.

So he doesn't have to wait until the equipment is there before he obtains the licence.

Hon. Mr. Taylor: And just one more question, Mr. Chairman. If he is not in the locale, he is out on holidays or out in the bush, or out working some place and the equipment moves away, his licence is still notwithstanding valid?

Mr. Gillespie: Yes, that's correct.

Hon. Mr. Taylor: Okay, that's good enough

Mr. Chairman: Ms. Millard?

Ms. Millard: Mr. Chairman, just a question of administration again on Section (b), when the person who is being convicted of those offences delivers his licence to the judge, magistrate, et cetera, does it go then to the Registrar for the marking of that conviction on the licence, and is returned?

Mr. Herb Taylor: Well this Section has been amended because up to now, the licence was turned into the magistrate or judge or whoever, and he endorsed the conviction on the back, but they can't do it now when they are plasticized, so the only thing they would be able to do would be to suspend it. That's why this has been changed.

Mr. Chairman: Ms. Millard?

Ms Millard: Mr. Chairman, am I to understand that where in former cases the licence wasn't suspended, it will now be suspended?

Mr. Herb Taylor: The magistrate has that jurisdiction in the present sub (2) of that section which is not here.

He may, upon making conviction, suspend or cancel the licence and shall send the suspended or cancelled licence to the Commissioner together with a report setting out the nature of the conviction and the circumstances

He may, upon making conviction, suspend or cancel the licence and shall send the suspended or cancelled licence to the Commissioner together with a report setting out the nature of the conviction and the circumstances of the offence.

Mr. Chairman: Ms. Millard?

Ms. Millard: Mr. Chairman, I should point out that it says "shall" - the licence shall be delivered to the magistrate. That means in those cases there's no choice of whether or not the licence will be suspended. I read it as being that because it was a plastic licence, it would have to go back to the administration to be marked and replasticized, or something like that, because you can't mark it because it's plastic.

I didn't feel that all those offences should necessarily -- we are presuming that they all have to have a suspension.

Mr. Chairman: Mr. Gillespie?

Mr. Gillespie: Mr. Chairman, as I understand this, the licence shall be delivered to the judge, magistrate or justice. The judge, magistrate or justice may then suspend the licence in accordance with the Ordinance. He may choose not to suspend the licence, but nevertheless, to record and this would be recorded in the Registrar of Motor Vehicle's office, the infraction.

So it's either a recording in the Motor Vehicle — in the Registrar of Motor Vehicle's office, or a suspension, either one.

Mr. Chairman: Mr. Fleming?

Mr. Fleming: Thank you, Mr. Chairman.

I'm not so concerned as to what the judge would get for a licence now, I would hand him the pieces of my licence now, but I am concerned about Mr. Taylor's comments as to the pictures, and Mr. Taylor again, his comments as to how the pictures would be handled. I think it's either, it has to be a licence to be or not to be, because if you do make an Ordinance of any kind and issue licences that need pictures and you are going to take the machine to Watson Lake or something, that's fine to say.

As the Honourable Member has said, people are not there. Now we might not make it mandatory, it may not have to be, but if that would be the case, that you didn't have to be there and you could still go with that licence, there would be from that, an abusive program, because nobody is going to get their picture taken.

Just a comment, I feel that to make sure it is either to be or not to be, one way or the other.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Yes, Mr. Chairman, while we are on the subject of licences and revocation and so forth of licences for certain periods of time, and I'm sure the Registrar of Motor Vehicles will agree that I have been on the phone two or three times on this issue to his officers and himself.

That is the problem that arises when a licence is by the court, it's suspended, and the licence is delivered to the Registrar and again when you live in the outlying districts, and there was a great difficulty with many people getting their licences back from the appropriate date. If, for instance, the licence was suspended for 30 days, at the end of that 30 days, the person is legally entitled to have in his possession his licence again, and I'm wondering — I know I phoned on this question, oh perhaps a month and a half ago, and apparently that there was no real policy that I could determine from the officer that I spoke to.

I'm wondering if as yet there is a policy devised whereby these licences will definitely be mailed out or distributed back to the owner of the licence, in the case of the person in the hinterland, out of Whitehorse, so that he can have his licence available to him when he has served his requirement of law.

Mr. Herb Taylor: Yes, Mr. Chairman, we have been looking into that, and we are going to go further than that. We are looking into the feasibility of leaving the licence, if it is suspended at Watson Lake, of leaving their licence down there with the Territorial agent, so that — and it can be recalled on the date that the suspension expires, so that it can be mailed back to the operator if he is still in Watson Lake.

Our local office here, we are setting up a recall system so that they will automatically turn up for mailing when their suspension is over.

Hon. Mr. McKinnon: Mr. Chairman?

Mr. Chairman: Mr. McKinnon?

Hon. Mr. McKinnon: There certainly has never been any prosecutions laid if a person knew that his day was up and through mail strike or any reason that licence hadn't been returned from the Registrar to the place of residence, that person was entitled to drive a motor vehicle without fear of prosecution.

Mr. Herb Taylor: Oh yes, that's right, but there has never been a prosecution for that. If his suspension has terminated.

Mr. Chairman: 17:
Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, could I ask Mr. Taylor if he would tell us why he is pursuing this new form of licence? What are the advantages? All we have heard so far are the disadvantages.

Mr. Herb Taylor: You mean of a plasticized licence?

Hon. Mrs. Whyard: Yes.

Mr. Herb Taylor: Well, have you ever seen them after they have been used for six or eight months?

Hon. Mrs. Whyard: Mine is fine, Mr. Chairman, mine is fine.

Hon. Mr. McKinnon: Here we will have an example.

Mr. Herb Taylor: Over half of them that we get in the office are in shreds or in two or three pieces, or — That is why, and also to eliminate the possibility of having the typing changed or the birth date altered and things like that.

Hon. Mrs. Whyard: It is just my weight that I alter, Mr. Chairman.

Mr. Chairman: Section 17: "Section 38 of the said Ordinance is amended by adding thereto the following new sub-section, (3):
(Reads Section 38(3))

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Yes, Mr. Chairman, in perusing this section it occurred to me that a person could have a driver's licence for the province of — well any Province in Canada, could have an international driver's licence, should — does this not mean that you shall not be in possession of more than one valid Yukon operator's licence?

Mr. Herb Taylor: No, Mr. Chairman, it doesn't. If you have an international driver's licence, it's not valid in the Yukon, it's not valid until you are out of Canada, but it wasn't intended to take into consideration the international driver's licence at all, just if you are a

resident of the Yukon Territory, you should only have one valid operator's licence in your possession.

We have the same problem right across Canada, and this is another thing that we are trying to, through the C.C.M.T.A., we are trying to make this a universal requirement. Several of the provinces have this now. If the Yukon operator goes down to Ontario or some place like that, and once he becomes resident, then he is required to get an operator's licence down there, he must turn in his Yukon licence before they will issue him an Ontario licence. They will not let him have more than one valid licence.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, if a person goes out for the winter for say, three, four, five months, I would suppose in the provinces he really can't do that, he has to get a provincial driver's licence.

Take for instance, our Member of Parliament as a good example. He spends a great deal of time down in Ottawa, and he spends a great deal of time here. Which, you know, in which jurisdiction should he have a licence, or should he change his licenses every time he comes and goes?

Mr. Herb Taylor: If he sets up his residence and if he is a resident of the Yukon, his licence, his Yukon licence is recognized in Ontario.

Hon. Mr. Taylor: Yes, well, Mr. Chairman, take the case of the person who goes out for the winter and who goes to another jurisdiction, provincial jurisdiction, and stays out there four or five months, that would be contrary to the law of the province in terms of reciprocal agreements, would it not?

Mr. Herb Taylor: The reciprocal arrangement allow for approximately, I think, six months in every jurisdiction before you need —

Hon. Mr. Taylor: If you are working?

Mr. Herb Taylor: Even if you are working, for an operators licence, yes. Just for the very purpose.

Hon. Mr. Taylor: Well how about a driver's licence?

Mr. Herb Taylor: That is what I am talking about. That is an operators licence. If an Alberta, B.C. or an Ontario high-school or university student comes up here to work for the summer he can work here for six months and still use his home jurisdiction operators licence. He doesn't need to get a Yukon operators licence.

Hon. Mrs. Whyard: Mr. Chairman.

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: We have a conflict here of the time requirement, it applies only to the licence but not to the plates. Come on, let's have a little system.

Hon. Mr. Taylor: That is what I was getting at.

Mr. Herb Taylor: Well that is exactly right. The operators licence is entirely different than the vehicle licence.

Mr. Chairman: Eighteen:
(Reads Section 18)

Mr. Berger: Mr. Chairman?

Mr. Chairman: Mr. Berger?

Mr. Berger: I am quite concerned about this, using headlights only during the night. Our highway conditions are in such bad shape and the dust control that I think headlights should be mandatory at all times. It is only for atmospheric conditions.

Mr. Herb Taylor: Mr. Chairman this section makes it mandatory wherever a highway is posted, you see the sign on the highway now "Keep Headlights On At All Times". This section makes it illegal to drive on that road without your headlights on.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Yes, Mr. Chairman, though I agree in this case that perhaps it may be desirable to have all vehicles, specially in the summer months, driving during the daylight hours with lights on at all times, I disagree very strongly with sub (2). I don't feel that this should be a mandatory provision. I think that all effort should be made to advise and encourage the public to drive with headlights on, but, as far as I am concerned I am unalterably opposed to having this section 2 in the Ordinance. I don't believe it is necessary, I don't think it should be placed into law at this time. There are many, many circumstances by which people could be prosecuted, perhaps they are having vehicle difficulty and cannot maintain their lights at that given point, oh, there is many, many things. No, I have heard much discussion on this subject, this as well as seat belt legislation. In this case, no, I am unalterably opposed and if this remains in the Bill I would have second questions about supporting the Bill I feel very strongly that this should not be law.

I think that this should be a public awareness program at this time. If we wind up with slaughters on our highways as a result of not having head lights on at all times, well, perhaps we would look at it again. But as far as I am concerned, I don't see that happening, and I am unalterably opposed to this section. You can laugh all you want. I will tell you, you are going to have one vote against this Bill if this remains in.

This is just another sneaky infringement upon a person's civil rights in this country. You may laugh at them and I don't. I don't think it is necessary, it is just another unnecessary law.

Mr. Chairman: Ms. Millard?

Ms. Millard: Mr. Chairman, my first question has been answered. I was going to ask if the signs that say

"at all times" on the highway really meant it, and whether or not this would be enforced. I am quite in disagreement with the Member from Watson Lake. I think it is about time that we had legislation which controlled the traffic lights on the highways. There have been many, many times that I have narrowly escaped been slaughtered myself on that highway because of people who are passing without their lights on and dust all over the place.

I don't think this is an infringement on anyone's rights. Their lights have to work according to Motor Vehicle Regulations. If they don't work they should go and get them fixed.

Hon. Mr. Taylor: Well I disagree, and so do a lot of Yukoners.

Mr. Chairman: Nineteen-one:
(Reads Section 19(1))

Mr. Chairman: Mr. McCall?

Mr. McCall: I am curious when this legislation was written up, I can see some imposing remarks to what I am going to say. When this language was written up, was there any considerations given to infractions of this legislation concerning vehicles going down the highway with only one headlight on? This is where a number of accidents have taken place, especially with the heavy trucks on the Klondike-Campbell highways?

Mr. Chairman: Mr. Gillespie?

Mr. Gillespie: Mr. Chairman, part of the weakness in the Ordinance the way it reads not is that only one was required — sorry — if you are talking about tail lights. If you are talking about headlights that is simply a matter for enforcement.

Mr. Chairman: Mr. McCall?

Mr. McCall: I am curious as to why, if there is provision in the legislation, why it is not enforced a little more severely, especially with some of our heavy equipment that is on the highways, which has created a lot of very fatal accidents.

Mr. Gillespie: Mr. Chairman we are equally curious. We would like to see that much better enforced, as well.

Mr. Chairman: Two:
(Reads Section 19(2))

Mr. Chairman: Four:
(Reads Section 19(4))

Mr. Chairman: Mr. McCall?

Mr. McCall: This is another point that I would like to bring to the attention of our administration. Clearance lights. If we just took a walk down to the major carrier of this Territory you will find that most of the containers that are used for the transportation of concentrates from Cyprus Anvil Mines to a drop off in

Whitehorse here, you will find that they have no clearance lights. I am just wondering if there is an exception considered here?

Mr. Gillespie: Mr. Chairman, the Territorial government has made no exception for the carrier.

Mr. Chairman: Mr. McCall?

Mr. McCall: Then why hasn't the legislation been enforced?

Mr. Gillespie: Mr. Chairman, the enforcement agency in this case is the R.C.M.P. They have not, either seen fit, or have been able with the manpower they have available to them to perform the sort of enforcement that you are seeking, and that we too, are seeking in this regard.

Mr. McCall: Mr. Chairman?

Mr. Chairman: Mr. McCall?

Mr. McCall: The thing I am pondering over is, here we are today considering changes in the Ordinance concerning the operation of a motor-vehicle. We have heard the Honourable Member from Watson Lake show a considerable amount of concern over a certain section in this piece of legislation. Here we are, we are going to pass this through again and it is of no value.

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: Mr. Chairman, in regard to what the Honourable Member from Pelly had to say, and with regards to the comments that I have heard by the witnesses, I would think that it would be in order for, certainly the Territorial government, then at this time, if we are considering and further considering major legislation as this, that we sit down with the R.C.M.P. and talk about enforcement and find out what the problems are. Let's get a meeting of this forthwith. I think it very important, you know, if I hear that vehicles are running up and down the road with one light and the thing can't be enforced, then obviously there is a problem. There must be some budgetary considerations and everything else, but let's find out why. Let's get on with it.

Further to that I would just like to say that I hope the major carrier in this City, who is hauling concentrates, I hope their vehicles have, in fact, clearance lights. I am sure they do, they may not be working. Again that is a case of enforcement and I think somebody should be looking at that.

Mr. Chairman: Mr. Berger?

Mr. Berger: Mr. Chairman, I think there is nothing easier to enforce lights and the checking of lights for a major carrier like White Pass or anybody else, they have to go to the weigh scale. What is much easier then for the weigh scale operator to check their lights. It doesn't have to be the R.C.M.P.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman I would not think that that should be a charge against the weigh scale operator, he has enough problems with weighing trucks without running around and playing mechanic or some light function. I don't think that is the answer. Not the weigh scale operator himself, anyway.

Mr. Chairman: Section 41 of the said Ordinance is further amended by adding the following new subsection: Five:
(Reads Section (5))

Mr. Chairman: Mr. Fleming?

Mr. Fleming: Yes, Mr. Chairman I would like to ask Mr. Legal Advisor as to why it is always the word "practical" and does this really cover, or could it be more or less construed as just an advice to put the lamp somewhere near that spot, and possibly some of them may not where you can see them.

Mr. Legal Advisor: No, Mr. Chairman, it has a meaning. There may be some technical reason why a socket may not be screwed in at a certain point, but it must be as near as practical. It is a guide and it is also legislation.

Mr. Chairman: Twenty:
(Reads Section 20)

Mr. Chairman: Mr. McCall?

Mr. McCall: You see here we are again with that particular language, one red lamp on the rear end of a semi-trailer. I can envisage what could happen in many instances.

Mr. Chairman: Twenty-one:
(Reads Section 21)

Mr. Chairman: Mr. Berger?

Mr. Berger: That puzzles me. Section 19 specifies two tail lights on any motor vehicle, yet on a semi-trailer, which is much bigger and much more dangerous than any other thing, it only requires one tail light, why?

Mr. Chairman: Mr. McCall?

Mr. McCall: Well this is what I am saying, Mr. Chairman, the language here — I don't know, it seems it was written up in the kindergarten style as far as I am concerned, because they deal with a bicycle here with one lamp and then you talk about a semi-trailer, which is about 60 feet long and weighing quite a few tons, and one red lamp at the back. What significant value is that going to be when you have got dust behind you, or in front of you?

Hon. Mr. Lang: Mr. Chairman, I suggest the

Honourable Member suggest some recommendations if he is not pleased with the language. That is why we are discussing it at this table.

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: I was just going to say that 45(1) does say "a vehicle other than a motor-vehicle, semi-trailer", so in fact a semi-trailer does have to carry two lights.

I am concerned about the section, when you say "a vehicle other than a motor-vehicle, semi-trailer, trailer, oh pardon me, it does include it, that is fine, then a recreation trailer is included.

Mr. Chairman: Ms. Millard?

Ms. Millard: That was to be my comment also. I don't know whether we are getting late in the day or not. I can't figure out what would be the description of this vehicle that doesn't come under here? Santa Claus' sleigh is the only thing I can think of.

Mr. Chairman: Mr. Berger?

Mr. Berger: Since nobody wants to do it I would like to see Section 20, 44.(1) changed to two tail lights.

Mr. Herb Taylor: Mr. Chairman you must remember that the requirement is there for clearance lights on the back of semi-trailers and this is a bare minimum, this section 44. We want them to make sure they have at least one red lamp at the back. They are required to have the four clearance lights at the back of the semi-trailer.

Mr. Chairman: Mr. McCall?

Mr. McCall: I beg to differ with the witness, Mr. Chairman, when you are talking about one red lamp, or reflector, you are talking about the width of a vehicle. It should be compulsory, there should be at least two reflectors apart from lights, whether they are clearance lights or otherwise.

I think we are missing the point here on what the Honourable Member from Klondike just brought up, I strongly suggest that we enact it because I can see the accident ratio carrying on the way it is now.

Mr. Chairman: Mr. Berger?

Mr. Berger: Mr. Chairman, I would like to go one step further. I would like to separate the tail lights from the brake lights. I would like to see separate identities in there, or three, actually. Two red clearance lights, two red tail lights and two red brake lights. This should be spelled out in this Ordinance.

Mr. Gillespie: Mr. Chairman I am not familiar with what the manufacturers make in the way of the different trucks that they produce —

Mr. Berger: They are making them.

Mr. Gillespie: Are they making them with all of these —

Mr. Herb Taylor: Mr. Chairman on the previous page we call for that, on page 10, (c) we call for at least two stop lamps on the rear of the vehicle.

Now you are going to have so many lights on the rear of the vehicle it is going to look like a Christmas tree if you are not careful.

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: They do call for two stop lamps and generally the manufacturers who build this equipment incorporate into the brake lights or the stop lamps the clearance lights as well, not clearance lights, tail lights as well. Really there would be nothing wrong with amending 44(1) to say a semi-trailer or trailer shall carry at least two operating red lamps at the rear. I would be quite in accord with that. No hardship.

Mr. Legal Advisor: Mr. Chairman. One of these is dealing with the large trailers and semi-trailers which is at the foot of page ten. Here you are putting the bare minimum because it might be somebody who is just bringing a skidoo home on a trailer at 9 o'clock at night and he may not be fitted up for all these gadgets. You are just dealing with a trailer. It so happens that in the drafting, semi-trailer was thrown in because wherever trailer appeared semi-trailer was thrown in.

We are dealing with a little small guy who is bringing a boat home from the lake. We are not dealing with the giant companies who have got giant trucks.

Mr. Chairman: Mr. Fleming?

Mr. Fleming: Yes, Mr. Chairman. But Mr. Legal Advisor shouldn't that be defined here then that this is a small what, I may ask you what the licence is that you buy for a small utility trailer, am I not right, should not this be defined as a utility trailer then?

Mr. Legal Advisor: Mr. Chairman it is defined in the reverse way. All of the big Christmas tree lights are on a vehicle which is more than 20 feet in length, or more than eighty feet in width that then attracts all of the big regulations. If it is less than that it is deemed to be a small thing.

Mr. Chairman: Mr. McCall?

Mr. McCall: I beg to differ with the Legal Advisor, your language here is dealing with semi-trailers and trailers of any size or description. As far as I am concerned you should have more than one light on those trailers, whether he is bringing home a skidoo or whatever he is bringing home. Most of these lights that you are referring to are on the wrong side of the vehicle to start with. They are never on the middle -- crown of the road side of the vehicle. That is where all the accidents occur when you run into or rear end a trailer.

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: Can I suggest a proper wording for section 20 then? A semi-trailer or trailer shall carry at least two operating red lamps at the rear that is clearly visible at a distance of at least two hundred feet, and

we are talking of semi-trailer or trailer. If you want to take the trailer out of there, that is a different story. A semi-trailer definitely.

Mr. Chairman: Is that a motion?

Mr. Lengerke: Yes.

Mr. Chairman: Could I have your wording of it?

Mr. Lengerke: I would say a semi-trailer, again I think we have got some conflicts here, you are going to have to eliminate one word or the other, semi-trailer or trailer—do you want to cover them both—okay, we will cover them both. It will read, A semi-trailer or trailer shall carry at least two operating red lamps at the rear that is clearly visible at a distance of at least two hundred feet.

Mr. Chairman: Or reflectors.

Mr. Lengerke: I would say operating red lamps—

Mr. Chairman: Or reflectors.

Mr. Lengerke: All right, if that is the wishes.

Mr. Herb Taylor: The is reason for having reflector there in case they have a light failure.

Mr. Lengerke: Yes, that is a good point. That is it.

Mr. Gillespie: We have no objection, the administration have no objection to that.

Mr. Chairman: Is there a seconder to that motion?

Mr. McCall: Is it a motion?

Mr. Lengerke: Yes. Just a suggested change, I would think.

Hon. Mr. Taylor: Or it could be treated as a typographical error, one of the two.

Mr. Lengerke: Well can we make that change now, Mr. Chairman, if we are agreed to the wording, can't we make it.

Mr. Legal Advisor: There will be other changes coming forth.

Mr. Chairman: Twenty-two.
(Reads Section 22)

Mr. Chairman: Ms. Millard?

Ms. Millard: Mr. Chairman, I was accused earlier of splitting hairs, and maybe I am doing that again here, but, where it says at the top, "during the period when lighted lamps are required" I understand that on our highways that would be at all times, is that correct?

Mr. Herb Taylor: Mr. Chairman if the thing is passed it will be on highways that are signed with that requirement that lighted lamps are required.

Ms. Millard: So, Mr. Chairman, this would be in effect at all times?

Mr. Herb Taylor: Where signed, yes.

Mr. Chairman: Twenty-three.
(Reads Section 23)

Mr. Chairman: Mr. Fleming?

Mr. Fleming: Mr. Chairman I am slightly confused here, back to 22 (1) (3) it says, "during the period when lighted lamps are not required" and yet we are speaking of lights on the highway at all times, and lights when there is an accident, lamps or reflecting devices at all times. Why should we have that in there when they are not required? There is no such thing is ther?

Mr. Gillespie: Mr. Chairman, there are times on some highways when lighted lamps are not required. Lighted lamps will only be required on those highways that are so marked. On other highways they may not be required.

Mr. Herb Taylor: During the day.

Mr. Gillespie: During the day.

Mr. Fleming: Very well, Mr. Chairman.

Mr. Chairman: Twenty-four
(Reads Section 24)

Mr. Chairman: Twenty-five.
(Reads Section 25)

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, just for clarification, does this apply to these skidoos?

Mr. Legal Advisor: I think so, if they are motor-vehicles, yes.

Mr. Berger: Mr. Chairman?

Mr. Chairman: Mr. Berger?

Mr. Berger: Just a question to the witnesses. When can we expect in the future sometime, I realize that it can't be possible right now, a definite noise level like 30 decibels or 90 decibels or something like this? I mean right now we say an acceptable noise level. Just sitting here the vehicles operatin in the City -- there should be a definite limit set for this thing.

Mr. Gillespie: Mr. Chairman, as I understand it, the

levels would be set by regulation as we acquire the ability to monitor with equipment, those regulations.

Mr. Herb Taylor: Mr. Chairman, they are doing that now with skidoos at the manufacturers level, they must have their noise cut down to a certain number of decibels on the newly manufactured skidoos. Trucks on the highway, I don't know.

Mr. Chairman: Mr. Fleming?

Mr. Fleming: Yes, Mr. Chairman, I am slightly confused over this one that says -- 24 (7), the combined brakes of towing vehicle and the semi-trailer or trailer shall be adjusted as to prevent side-sway or jack-knifing when applied. I am quite sure that there would be no onus on the driver for something if he did have an accident and his truck did jack-knife. Due to this little paragraph it possibly could be. They may be adjusted very well and everything but they are not going to stop him from side-swaying or jackknifing when they are applied if the road conditions are bad, I can assure you.

Mr. Legal Advisor: It would be very hard to base a conviction on it but it might give rise to a civil action if the brakes were adjusted wrongly so that the application of the brakes itself was proved to cause a jack-knifing effect.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, does sub (7) -- is sub (7) related to (6) where you have to -- the ability is rated on a dry road and so forth.

Mr. Legal Advisor: It refers to that but it is not directly related. The adjustment is such that jack-knifing will not occur when the foot is put on the brake. Apparently it is a scientific matter.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, it can be the case where brakes can freeze. I mean, we have climatic and certain other conditions in this country which perhaps are peculiar, and I think this should be taken into account. They could be adjusted all right, and yet, you know, they may not function normally.

Mr. Chairman: Mr. Berger?

Mr. Berger: All we can do, I concur with Mr. Taylor. I don't know how many people drove a semi-trailer in this Assembly here but the thing is you can leave the garage and with a perfect brake set up, and you have just got to go in the muddy road condition or something and your brakes are completely useless so I think this should be specified, and I would suggest they put in, "on a dry, hard, level highway" in case of a check or something like this.

Mr. Herb Taylor: Mr. Chairman, you would have

to remember again that it would have to be proven that it was the adjustment of the brakes that caused the thing to jackknife, not the climatic or road conditions. That would have to be proven before you could take any action.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, malfunction of any part of this equipment is a distinct possibility, and it could be unknown to the operator at the time of the accident.

Mr. Herb Taylor: That's exactly right.

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: I can certainly sympathize with the Honourable Member from Watson Lake, because you can't legislate against things like that. You have to say that with reasonable common sense that these brakes will be so adjusted, and you have to try and put into being, that this kind of maintenance will be done, but you certainly—once the truck leaves, and you run into snow conditions or mud conditions, that has nothing to do with the adjustment of the brakes. That is a circumstance, and this kind of clause is very common, and I'm familiar with many Motor Vehicle Ordinances, believe me, and the United States are working on this one of braking, and have been for quite some time and that clause appears, and it's one of—really it's quite acceptable to me.

Mr. Herb Taylor: Mr. Chairman, the same thing would apply to lighted head lamps, you can leave town right now and five minutes on the road you might find you have only got one head lamp left, and there is nothing we can do about that, except to stop you and tell you to replace the headlight.

Hon. Mr. Taylor: Sniff your breath.

Mr. Herb Taylor: Right. Stop check program

Mr. Chairman: 26: Sub-section 58 (2) of the said Ordinance is repealed and the following is substituted therefor: (2):
(Reads Section 58 (2))

Mr. Chairman: 27: Section 59 of the said Ordinance is repealed and the following substituted therefor: (1):
(Reads Section 59 (1))

Mr. Chairman: (2):
(Reads Section 59 (2))

Mr. Chairman: 28: Section 63 of the said Ordinance is repealed and the following substituted therefore: (1):
(Reads Section 63 (1))

Mr. Chairman: Reads Section 63(2))

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, this is one case where many windshields go in the Yukon Territory, at least. It's from these little two wheeled trailers, and it's usually non-residents. It's people perhaps going through to Alaska, and with unguarded or unprotected—no mudguards, that's what it is, and I'm just wondering how you would enforce this sort of thing, because these little carts come up and down the road, and they just heave a constant hail of rocks, and that's where I think just about every rock I have got, I think I have got one from a semi-trailer, and about 20 from these little trailers, and they just keep this spray up.

How would you enforce that in the case of the non-residents?

Mr. Gillespie: Mr. Chairman, I'm not sure of the answer to that question, because the particular vehicles Mr. Taylor is speaking of, I don't believe would be one ton in weight, and therefore would not be covered by this Section.

Mr. Chairman: Mr. Fleming?

Mr. Fleming: Possibly, Mr. Chairman — this is very — I think Mr. Gillespie is probably right in that sense, at the same time I feel very strongly we should put some legislation into this, for that type of small trailer because they are the cause of a good many broken windshields. I have driven many thousands of miles on this highway, and I have got many bumps from that very thing, the small little trailer swinging behind the car that goes up —

Mr. Chairman: Ms. Millard?

Ms. Millard: Mr. Chairman, I have a question for the Mr. Gillespie.

In all these cases we have been talking about inches and feet and everything else. When is the Territorial Government going to be converting to the metric system in the Highways Department?

Mr. Gillespie: Mr. Chairman, I don't have the answer to that question.

Mr. Chairman: Ms. Millard?

Ms. Millard: Mr. Chairman, we do have schedules, don't we? I think there really is a schedule in the government for converting.

Hon. Mr. Lang: Mr. Chairman, there is no schedule at this point.

No, we do have a committee for the change-over for metrication for various departments, but that's as far as it's gone, except for the signs that Mrs. Watson has referred to earlier.

How to ruin a good day.

Mr. Chairman: 29: The said Ordinance is further amended by adding thereto the following new sections: 64.1(1):

(Reads Section 64.1(1))

Mr. Chairman: 64.2(1):
(Reads Section 64.2(1))

Mr. Chairman: 64.3(1):
(Reads Section 64.3(1))

Mr. Chairman: 30: The said Ordinance is amended by adding thereto the following new Sections: 75.1(1):
(Reads Section 75.1(1))

Mr. Chairman: (2):
(Reads Section 75.1(2))

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: Maybe I could have some clarification on this. I really wonder if it is practical, that section, because what if in the Yukon here, we have say a truck on the Canton Road or something, that's involved in some sort of a mishap, an accident, and in order to remove the vehicle from that point, and this has happened many times, they might have to pull a fender away from the wheel or something like this and in fact are able to get that vehicle back into operation and back down to where they can repair it totally.

Before they can do that, in this section, they would have to notify the R.C.M.P. and they would have to get it in writing. Would we not be able to have a phone call or some kind of authority this way, you know — in fact even a phone call might be impractical, because you might not be near a phone, but it concerns me a little bit here.

Maybe the Legal Advisor, I think he probably knows what I am getting at, and maybe he can take that into advisement.

Mr. Legal Advisor: It is something perhaps which Mr. Taylor and Mr. Gillespie can think of.

Mr. Gillespie: I think the point here is that — is in the first sentence of 75.1 sub-section 1, "no person shall commence the repairs", and I wouldn't think that the law would construe moving the vehicle in the way that you mentioned as being —

Mr. Lengerke: Well, my point is that if the fender is pushed in, or a cab has collapsed in some way and you want to push it out in order to free some of the working parts of the vehicle, that in fact you really are commencing some kind of repair. At least if there was an interpretation here, fine. I am quite happy. I am just wanting to make sure that we don't get into problems with it.

Mr. Gillespie: Mr. Chairman, I think the point, to me at least, appears well taken and I would like to take it out for advisement, if I may.

Mr. Lengerke: Thank you.

Mr. Chairman: Mr. Berger.

Mr. Berger: There are vehicles on the roads these days that have oversized tires on there, real wide tires projecting from the body, and I think those vehicles, I mean I know definitely they are spraying gravel something furiously. I think they should be included in this. The wheel projecting from the body should also have mud-guards, especially recreation vehicles. You have vehicles with tires that wide and only one third of it is under the body or the mud-guard.

Mr. Herb Taylor: Mr. Chairman that is what it says right now, with respect.

Mr. Berger: Not really.

Mr. Herb Taylor: In 63(1). 63(1) that is what it says. It has to have mud-guards that adequately protect it from spray or else part of the body protect it from the spray from the wheels. That doesn't necessarily mean spray of water.

Mr. Berger: Mr. Chairman, maybe it is an argument again of enforcement, because I haven't seen very very few of these recreation vehicles with mud-guards on there, or it doesn't have to be a recreation vehicle. There is lots of pick-ups and cars running around like this.

Mr. Gillespie: That is correct.

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: Again I can appreciate the comments of the Member from Klondike, but it really does concern me, especially in the Territory where we do try to promote tourism and the rest of it, we have a lot of recreation vehicles and recreation trailers coming up. If you are going to enforce this, and it could be enforced, you would have to stop every vehicle at the border and turn them around or make them put on a set of mud-flaps. I think we should seriously look at this before we — you know, I fully appreciate your concern, but it is a matter of enforcing it and a matter of dollars and cents involved here.

Mr. Berger: It is a matter of costing me a new windshield.

Mr. Lengerke: I think it is a matter of education, really. I think it is a matter of educating people that are driving on, or wish to drive on gravel roads, or take a trip on the Alaska Highway, this kind of thing, that, you know, by all means have mud-flaps. I think you can even see results of this in the fact that people coming up on the Alaska Highway with recreation vehicles have got windshield guards and this kind of thing. That didn't just happen over night. That was a result of experience and people travelling this way have asked others what they require. I think this is the kind of thing that you can do through a publicity program.

Mr. Chairman: I think in view of the hour, the witnesses will be excused. Thank you.

Mr. Chairman: The Chair will now entertain a motion for Mr. Speaker to resume the Chair.

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

Mr. Berger: I second that.

Mr. Chairman: Agreed?

Some Members: Agreed.

Mr. Chairman: Motion carried.

Motion Carried

MR. SPEAKER RESUMES THE CHAIR

Mr. Speaker: May we have a report from the Chairman of Committees?

Dr. Hibberd: Mr. Speaker, Committee convened at 10:45 this morning to discuss Bills, Sessional Papers and Motions.

The amendments to Bill Number 1 were reviewed. I can now report progress thereon.

The Committee recessed at 11:45 a.m. and reconvened at 1:30 p.m. to consider Bill number 8.

The Minister for Health, Welfare and Rehabilitation requested that Doctors Mason-Brown, Tanner and Asfeldt, and Mr. Duncan, Administrator of the Yukon Health Care Insurance Service be called as witness to consider Bill number 8.

Committee agreed. Dr. Hibberd then turned over the Chair to Mr. McCall.

I can report progress on Bill Number 8.

The Chair reverted to Dr. Hibberd and a brief recess was called at 3:10.

Committee reconvened at 3:20 to consider Bill Number 9 with Mr. Gillespie and Mr. Taylor as witnesses.

I can report progress on Bill Number 9.

It was moved by Mr. McCall seconded by Mr. Berger that Mr. Speaker do now resume the Chair and that motion 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 at this time?

The Honourable Member from Ogilvie?

Ms. Millard: Mr. Speaker, I move that we call it five o'clock.

Mr. Lengerke: I second that.

Mr. Speaker: It has been moved by the Honourable Member from Ogilvie, seconded by the Honourable Member from Whitehorse Riverdale that we now call it five o'clock. 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: This House now stands adjourned until 10:00 a.m. tomorrow morning.

Adjourned

LEGISLATIVE RETURN NO. 2
(1975 SECOND SESSION)

December 1st, 1975.

Mr. Speaker,
Members of Council

On Wednesday, November 26th, Councillor Millard asked the following question:

"The Department of Indian Eskimo Affairs Child Care Budget cites a unit monthly cost of Child Care of \$282.05, 86.4 per cent of which is paid to the Territory Government by them. Since the monthly unit cost of a foster home according to statistics given in April 1975 ranges from a \$127.50 to \$168.00 a month, how is the remaining amount per month which ranges from \$154.55 to \$114.05 spent?"

The answer is as follows:

The Director of **Child Welfare** for the Yukon Territory invoices **Indian Eskimo Affairs** for all costs incurred on behalf of Indian Status Children who are in the care of the Director. These costs are 100 per cent recoverable from Indian Eskimo Affairs. The costs incurred involve more expenditures than foster home rates, namely \$127.50 to \$168.00; they include recoveries of group home rates, clothing, transportation and all other miscellaneous expenditures. The figure \$282.05 unit cost is an Indian Eskimo Affairs cost, and we are informed by Indian Eskimo Affairs that the difference in the amount expended and recovered by Y.T.G. is incurred by Indian Eskimo Affairs directly with the Department of Human Resources in British Columbia and for their own "private" child care placements.

Flo Whyard,
Member,
Executive Committee.

