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Speaker: The Honourable Donald Taylor

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

Prayers

Mr. Speaker: We will proceed at this time with the Order Paper.

ROUTINE PROCEEDINGS

Mr. Speaker: Are there any documents for tabling?

TABLING OF DOCUMENTS

Hon. Mr. Hibberd: Mr. Speaker, I have for tabling a Mutual Aid Board Report.

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

Hon. Mrs. Whyard: Mr. Speaker, I have for tabling, a White Paper on Pioneer Grant Program.

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

BILLS: INTRODUCTION AND FIRST READING

Hon. Mr. Hibberd: Mr. Speaker, I move that the following Bills be now introduced and read a first time: *An Ordinance to Amend the Stabilization Fund Loan Ordinance, A Special Rural Development Agreement Ordinance.*

Mr. Speaker: It has been moved by the Honourable Minister of Consumer and Corporate Affairs, that Bills entitled *An Ordinance to Amend the Stabilization Fund Loan Ordinance, and A Special Rural Development Agreement Ordinance* be now introduced and read a first time.

Motion agreed to

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

Hon. Mr. Hibberd: Next sitting of the Assembly, Mr. Speaker.

Mr. Speaker: So ordered. Are there any further bills for introduction? Are there any Notices of Motion for the Production of Papers? Notices of Motion or Resolution?

NOTICE OF MOTION

Mr. Lengerke: Mr. Speaker, I give Notice of Motion this morning, seconded by the Member from Kluane, in view of the increasing economic activity in business development in Yukon, THAT IT IS THE OPINION OF THIS ASSEMBLY that the Government of Canada be requested to establish a full-time permanently staffed office of the Federal Business Development Bank in Yukon.

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

Are there any Statements by Ministers?

This then brings us to the Question Period. Have you any questions?

QUESTION PERIOD

Hon. Mr. Lang: Mr. Speaker, I have for tabling an answer to an oral question asked by the Honourable Member from Hootalinqua, concerning White Pass acquiring land in the Carcross area.

Question re: Mileposts

Mr. Fleming: Yes, Mr. Speaker, a question to the Minister of Local Government, this morning, on a matter of the De-

partment of Public Works. On the Highway, and they have changed the signs to metric, milepost signs and everything, however, they have not changed the mile, areas where it says 100 miles, 200 miles to the next town and so forth.

I am just wondering when they are going to really straighten that up so that we are not lost and when they are going to put signs back on the bridges, that says that this bridge is milepost so and so, or metric, or whatever. When are they going to get things together?

Hon. Mr. McKinnon: I understand, Mr. Speaker, as soon as the ground is diggable.

Question re: NCPC Debt Write-off

Mr. Lengerke: Mr. Speaker, I have a question for any Members of the Executive Committee, or the Assistant Commissioner.

Last night I attended a Chamber of Commerce dinner and at that dinner, our M.P., Erik Nielsen, was speaking and he indicated, in response to a question, that there was going to be some relief offered or some action being taken with respect to the NCPC situation. That collaborates some of the information I have and I am really wondering if the Territorial Government has received in response to the Resolution passed by this House and the many, many requests made, has it received some indication what the Federal Government is doing, with respect to the NCPC debt write-off?

Hon. Mr. Hibberd: Mr. Speaker, this Government has not received communication regarding relief for NCPC.

Question re: Dawson City Sewer System

Ms Millard: Mr. Speaker, a question to the Minister of Local Government, concerning the new sewer system in Dawson City.

I understand that there is no provision made in the new system for the surface water run-off and I am wondering if anything is being done through his department, concerning this?

Hon. Mr. McKinnon: Mr. Speaker, we addressed that question, or the engineers addressed that question to the people of Dawson when we held the public meeting concerning the new sewer and water system. Unfortunately, the Honourable Member was not able to attend that meeting and I would not even try to give the engineering response verbatim, but I would certainly be happy to bring the answer from the consulting engineers for the Honourable Member.

Question re: Pipeline Corridor Land Freeze

Mr. Fleming: Mr. Speaker, I see Mr. Commissioner is not here this morning, so I will direct the question to Mr. Bell. On the pipeline corridor they have a five mile frozen area now that is considered pipeline corridor. Of course we are very concerned, especially in the Teslin Lake area, and I would presume all along the Highway, but the Teslin Lake area for forty miles has been covered totally across the lake, even on the far side, in an area of about half a mile on one side of the lake and three or four miles on the other because the lake is so narrow. For forty miles I can see absolutely no development or anything going on in that area in the next few years if they do not sometime narrow that corridor down.

I would ask or how long does the Federal Government intend to tie up an area such as this?

Mr. Speaker: To whom is the question addressed?

Hon. Mr. McKinnon: Mr. Speaker, as I understand it, the applicant, Foothills, has in its schedule, the centre line survey of the right-of-way during this summer. As I understand the procedure, Mr. Speaker, once the centre line right-of-way is agreed upon, then just the normal 200 or 300 foot right-of-way is committed to the applicant under the terms and conditions of the applicant's licence, and then the rest of the five mile corridor is freed for the development, which the Honourable Member is concerned and so are members of this Government.

Mr. Speaker, that is the way the procedure has been explained to me, and I would certainly have that procedure checked out and put in writing to assure the Honourable Member that it is correct.

Question re: Dawson Sewer System (Cont.)

Ms Millard: Mr. Speaker, supplementary to the question I had to the Minister of Local Government concerning the Dawson sewer system: if the engineers he is talking about are Stanley Associates, the written answer from them is that they are not concerned about the water run-off, they have not done a study on it and the referral was to the Department of Local Government.

Could the Minister comment on this?

Mr. Speaker: I wonder if the Honourable Member could be more specific in her question? It is not permitted to ask a question just for comments.

Ms Millard: Well, Mr. Speaker, the problem is that the Minister has said that the engineering response has been so complex that he cannot answer. So, my question is that if those engineers are Stanley Associates, the answer is very simple, that I have got from them, is that they have not been involved in the problem that I brought up and they referred it to the Department of Local Government.

So, I am just referring it to the Minister and asking him what response is there to this problem in Dawson?

Hon. Mr. McKinnon: Mr. Speaker, I committed myself to bring whatever information is available. If the Honourable Member had attended the meeting of which I spoke, she would have known that this question went on for about the course of an hour, with all kinds of different opinions being offered by engineers, members of the public, members of the City Council and all of that information and the results of it, I would be happy to bring that information to the Honourable Member, which I have already committed myself to do.

Question re: Yukon Hostel Association Grants

Mrs. Watson: Mr. Speaker, I have a question for the Minister of Human Resources. In a Yukon Government news release, the information was given that the Government of Yukon would be making grants to the Yukon Hostel Association for the year 1978-79, \$16,000; for the fiscal year 1979-80, \$12,000, and \$8,000 in 1980-81.

My question is: from what Establishment and what Vote, in the Human Resources Department, are these grants going to be made, and from what program, on the basis of what program, has there been a commitment made by the Government of the Territory for the taxation year 1979-80 and 1980-81?

Hon. Mrs. Whyard: Mr. Speaker, I will bring that information.

Mr. Speaker: Are there any further questions?

Question re: Clinton Creek Mine Tailings

Ms Millard: Mr. Speaker, a question to Mr. Assistant Commissioner, concerning the stabilization plans for the tailings at Clinton Creek which have not been, as far as I know, given to this Government or to the Water Board. I am wondering how far along, if the Assistant Commissioner can tell us, if that report has been received by the Water Board and what action is going to be taken on it since it was such a late time before the closure happens?

Mr. Deputy Commissioner: Mr. Speaker, I do not have that information, but I do know that the Water Board are active in discussing it and that Mr. Brian Trevor has been to Clinton Creek within the last three weeks to discuss this very matter. I will try and find out what the status is and report back.

Question re: Teslin Swimming Pool

Mr. Fleming: Mr. Speaker, a question to the Minister of Education this morning re the swimming pools. There was

some commitment made by the Minister that some of swimming pools that were having a problem would be fixed up so the health authorities would pass them this spring. I am speaking specifically of the one in Teslin. There has been somebody down and replaced the lock and did little things. They were there a couple of hours, and I am wondering is this the extent of what is going to be done or has the Minister got some more work to tend to there?

Hon. Mr. Lang: Mr. Speaker, I will have to take that question under advisement, but I do know that the Department of Public Works is committed to get these pools to an acceptable standard, not only to the health authorities, but to the building standards of today and subsequently I am not too sure of the work that has to be done in the Teslin area, but I will take that under advisement and bring back more information.

Question re: Porter Creek Lots

Mr. Lengerke: Mr. Speaker, a question for the Minister of Local Government. I am wondering if the Minister could advise in view of the fact that additional work has to be done in Porter Creek, or is going on, with respect to some of the lot development, if he could advise when the first lots will come on stream in Porter Creek?

Hon. Mr. McKinnon: Mr. Speaker, in spite of all the difficulties that are being met, which the Honourable Member is well aware of, we hope that the first lots in area D-1, some 100 single family residential lots will be available in May.

Question re: Taxation Assessment Manual

Mrs. Watson: Mr. Speaker, I have a question for the Minister of Local Government regarding the *Taxation Ordinance*. The *Taxation Ordinance* does state that improvements shall be assessed in accordance with an assessment manual approved by the Commissioner. My question is: what assessment manual, and what date of that manual was approved by the Commissioner for taxation year 1978 and in what method was the approval done? Was it done by Commissioner's Order or was it done simply by a memo to the Department?

Hon. Mr. McKinnon: Mr. Speaker, the Commissioner's Order was 1973/12. It is the current Alberta 1967 Manual, which uses 1963 replacement costs.

Mrs. Watson: Mr. Speaker, is the Minister saying the Commissioner's Order was issued in year 1973 for an assessment manual to be used?

Hon. Mr. McKinnon: Yes, Mr. Speaker, it was the year following when the Member was the Member of the Executive Committee that spoke to the present *Taxation Ordinance* accepting the section of the *Taxation Ordinance* which would use the Alberta Assessment Manual, and I would imagine that that government was responsible for making sure that the Commissioner was abiding by the *Taxation Ordinance* and passing a Commissioner's Order proclaiming what assessment manual was to be used.

Mr. Speaker: A final supplementary from the Honourable Member from Kluane.

Mrs. Watson: Yes, Mr. Speaker, that is very interesting, the year 1973, when the Honourable Member was also a Member of the House and had an opportunity to speak to the *Taxation Ordinance* at that time.

However, the *Taxation Ordinance* requires that if a Commissioner's Order has not been issued, then the taxation manual from the preceding year—. Now, 1973, Mr. Speaker, why was there not a Commissioner's Order issued in 1977 or 1976? You can only use a manual that had been approved the preceding year.

Mr. Speaker, my question is how does the Minister justify then, Section number (3) of 14, when there was no Commissioner's Order for the preceding year?

Hon. Mr. McKinnon: Mr. Speaker, everything in taxation and assessment, I do not move until I have checked, double-

checked and triple-checked, because I know of the Honourable Member's questions that are coming, with legal advisors and with my officers and they assure me that everything has been done according to the law and the regulations concerning the assessments, the following of the *Taxation Ordinance* and the Commissioner's Orders proclaiming what manual is in force at the present time.

Hon. Mrs. Whyard: Mr. Speaker, I would like to table the answer to Written Question Number 3.

Mr. Speaker: The Honourable Member from Kluane, however, there will be no further questions on the same subject as she was just debating.

Mrs. Watson: Mr. Speaker, may I ask a question on Section 20, of the *Taxation Ordinance*?

Mr. Speaker: I believe it has been the custom of the House in Question Period, and I believe all Members are aware that two supplementaries would be allowed on a question of this nature, and it is difficult from the Chair, I must say, to determine or to presuppose what a Member is going to debate, but the duties of the Chair, of course, are to be as impartial and as fair as possible, and yet to firmly enforce the rules of the House.

I must say that some Honourable Members, from time to time, do make it very difficult for the Chair. However, I will permit one further question on this subject.

Question re: Taxation Assessment Special Examiner

Mrs. Watson: Thank you, Mr. Speaker, this is not regarding the improvements, the assessment of the improvements. The subject of this is the special examiner to examine the assessment.

Yesterday, I pointed out that there were no prescribed forms which would indicate the functions of the special examiner within our Regulations, and my question this morning is, when do we expect these prescribed forms to be ready and tabled in this House so that we would have an indication of what the functions of a special examiner under the *Taxation Ordinance*, Section 20, would be?

Hon. Mr. McKinnon: Mr. Speaker, as soon as I can find out the answers, which have been sent up to my Department as of yesterday, because of the Honourable Member's questions.

The assessors, all of them, are extremely busy at the present time, sitting on a daily and evening basis at the Court of Revision. But, I know that they know the priority which I give to questions that Honourable Members ask in this House, and I am sure that those questions for the Honourable Member will be answered as soon as it is humanly possible for them to do so.

Mrs. Watson: Mr. Speaker, is it the intention of the Honourable Member to have the assessors write the answer to that question? Would that not put them in a conflict of interest?

Hon. Mr. McKinnon: Mr. Speaker, the Honourable Member asked a series of questions dealing with assessors yesterday. She asked the guidelines used by the assessors for fair market value. I know of nobody else who can answer that question. She asked to table some of the court decisions concerning the definition of fair market value. That is a job that the assessors are the professionals in this government in being able to answer those questions. I also agreed to supply the Honourable Member with a definition of replaceable value. Mr. Speaker, that is also a subject which the assessors will have to address.

Mr. Speaker, she also asked regarding Section 20 concerning Special Examiners, whether there are any prescribed forms available concerning this position. I answered as honestly and candidly as I could that I did not know whether such prescribed forms were available and asked my department whether such forms were available and if not, that I would like to have such forms created and prescribed and ready for this House at the earliest possible opportunity.

Now, Mr. Speaker, if that is not co-operation and an attempt to comply with the Honourable Member's questions, I just do not know what more I can do.

Mrs. Watson: Mr. Speaker, my question yesterday, and I will repeat it: what were the guidelines approved and issued by this Government regarding the interpretation of how the assessor should interpret fair value. It is not the assessors, it is this Government's guidelines, which were issued, and that is what I want tabled.

Hon. Mr. McKinnon: Mr. Speaker, with respect, if I instructed the assessors to do certain things and charged them to do certain things as professional under the terms of the *Assessment Ordinance*, then I would stand charged and rightfully so and the Honourable Member should say that I interfered with professional people of this Government who follow instructions under Assessment Manuals and follow guidelines as professionals.

Mr. Speaker, I am not that presumptuous to do such things and instruct professional people working for this Government on what to do under the terms and conditions that they are employed by this Government to do.

Mr. Speaker: Are there any further questions? There being no further questions, we will proceed to the Order Paper under Motions and Resolutions.

ORDERS OF THE DAY

MOTIONS

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

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

Mr. Fleming: Next sitting day, Mr. Speaker.

Mr. Speaker: So ordered.

Madam Clerk: Item Number 2, standing in the name of the Honourable Member, Mr. McIntyre.

Mr. Speaker: I note from the Chair that the Honourable Member is not present this morning and I will accordingly stand over Number 2 until next sitting day.

Madam Clerk: Item Number 3, standing in the name of the Honourable Member, Mr. McCall.

Mr. Speaker: Is the Honourable Member prepared to discuss Item 3?

Mr. McCall: Next sitting day, Mr. Speaker.

Mr. Speaker: So ordered.

We will now proceed to Public Bills.

PUBLIC BILLS

Madam Clerk: Second Reading, Bill 9, *An Ordinance to Amend the Community Assistance Ordinance*, Mr. McKinnon.

Bill Number 9: Second Reading

Hon. Mr. McKinnon: Mr. Speaker, I move that Bill Number 9, *An Ordinance to Amend the Community Assistance Ordinance* be now read a second time.

Mr. Speaker: It has been moved by the Honourable Minister of Highways and Public Works that Bill Number 9 be now read a second time.

Hon. Mr. McKinnon: Mr. Speaker, this amendment to the *Community Assistance Ordinance* would enable municipalities, local improvement districts, and unorganized communities to take full advantage of funding from Federal or Territorial Government agencies under circumstances.

Mr. Speaker, the Ordinance now means that no portion of the cost of a project, which is funded by Canada, is eligible for

funding in a Local Improvement District or a municipality, under the terms of the existing *Community Assistance Ordinance*.

Mr. Speaker, just one brief example, showing why the amendments are necessary, applying existing Ordinance terms, as it concerns funding for the Whitehorse Sewage Treatment Facility, the total cost of the project is estimated at some \$6 million, less a CMHC contribution of \$100,000, for a total cost of \$5,900,000.

If the 90-10 per cent cost-sharing formula of the *Community Assistance Ordinance* is then applied, that means that ten per cent would be \$590,000 or the amount that the City would have to provide and \$5,310,000 that the YTG would have to provide, to the net cost of the project.

In effect, Mr. Speaker, the City would only be benefiting to the extent of ten per cent of the CMHC grant, or \$10,000, and the YTG would be benefiting, under the present terms of the *Community Assistance Ordinance*, by \$90,000.

Mr. Speaker, the proposed amendment would allow us to give full benefit of such federal grants to the municipality. For example, if we applied the proposed formula to the Whitehorse Sewage Treatment Facility, the total cost of the project being \$6 million, under the 90-10 sharing with the changes in the community assistance program, \$5,400,000 would be the YTG responsibility, \$600,000 the City, \$100,000 the CMHC grant, and the net cost to the City taxpayers would be \$500,000, which would reduce the net cost to the City by \$90,000.

Mr. Speaker, during the last Spring Session of this Assembly, I reported that the Department of Local Government had been successful in certifying Yukon's eligibility for such grants and programs and Central Mortgage and Housing Corporation's Municipal Incentive Grant Program. This Municipal Incentive Grant Program provides financial contributions to municipalities for certain segments of a water and sewer scheme.

The certification of the eligibility, under this Program, has resulted in the change of policy which is reflected in the *Municipal Ordinance*, which was passed by this Assembly at the last Session, and the *Community Assistance Ordinance*, which is before the Assembly now, to enable municipalities to accept such federal funding for certain types of projects.

In order to put the Municipal Incentive Grant Program into effect in Yukon, there will also need to be an agreement signed with Central Mortgage and Housing and the passage of the two Ordinances already mentioned, covering municipal infrastructure.

This agreement recognizes the interests of both the Government of Canada and the Yukon Territory to take steps to eliminate or prevent water and soil pollution, to take steps to make residential development in areas that, because of high cost of servicing, have not been economically appropriate for development, to encourage the development of comprehensive plans to ensure that sewage projects will serve environmental and urban planning objectives, and to provide financial assistance for the benefit of municipalities in furthering the above objectives.

In the Fall, Mr. Speaker, the Executive Committee considered the agreement and provided the authorization for the Commissioner to sign the municipal infrastructure agreement with Central Mortgage and Housing, depending on the passage of the amendments to both the *Municipal* and the *Community Assistance Ordinance*.

The program, Mr. Speaker, will save municipal taxpayers thousands of dollars because prior to the inception of this agreement, and the municipal incentive program, Yukon municipalities under the Ordinances were not permitted to accept direct grants from the Federal Government or from Federal Government agencies.

Mr. Speaker, I have already put one example before the House as to how this would affect the saving to the taxpayers of Whitehorse, which would represent well over one half mill taxation, based on this year's taxable assessment. The full impact of all these amendments and the programs with the signing of the agreement will certainly be felt, Mr. Speaker, over the next few years and other municipalities and areas of Yukon.

It is the intention, Mr. Speaker, of the Department of Local Government—

Mrs. Watson: On a Point of Order.

Mr. Speaker: Order please.

Mrs. Watson: Mr. Speaker, on a Point of Order, on Second Reading of a bill, it is normal for the Government and the rest of the Members of the House to speak on the principle of the bill. I appreciate the information the Honourable Member is giving, but certainly on second reading, the information he was giving is not the principle of the bill. The rules of this House should apply to the Government as they apply to everyone else, and the Minister should recognize that the principle of a bill is not a concise detailed explanation of what the bill is all about.

Mr. Speaker: I would rule that the Honourable Member has no Point of Order. The Chair has not heard any precise reference to the content of the Bill other than the principle.

Mrs. Watson: Partiality showing.

Mr. Speaker: Would the Honourable Minister of Highways and Public Works continue?

Hon. Mr. McKinnon: The whole principle of the program in the Bill is to save the taxpayers of the Yukon some money and if that is not a principle that all Members are interested in, then I am in the wrong place.

Mrs. Watson: Mr. Speaker, on a Point of Order.

Mr. Speaker: Order please.

Mrs. Watson: Mr. Speaker, on a Point of Order, he just concisely and very well stated the principle of the Bill and I appreciate it and if he could have limited his remarks to that—

Mr. Speaker: Order please.

Mrs. Watson: —I would have been satisfied.

Mr. Speaker: Order please, I have already ruled in this matter. I am wondering if Honourable Members would give some consideration to the difficulties experienced by the Chair in this regard.

Hon. Mr. McKinnon: Mr. Speaker, to conclude, it is the intention of the Department of Local Government to present the agreement once the Bill is signed and we consider it to be an important and historic document to the Commissioner to be signed for the benefit of all Yukon municipalities, and therefore indirectly benefit all Yukon taxpayers. Thank you very much, Mr. Speaker.

Mr. Speaker: Is there any further debate?

Motion agreed to

Mr. Speaker: Shall the Bill be referred to Committee of the Whole?

Some Members: Agreed.

Mr. Speaker: So ordered.

Bill Number 10: Second Reading

Madam Clerk: Second Reading, Bill 10, Mr. McKinnon.

Hon. Mr. McKinnon: Mr. Speaker, I would move that Bill 10, *An Ordinance to Open a Certain Portion of Land in the City of Whitehorse* be now read a second time.

Mr. Speaker: It has been moved by the Honourable Minister of Highways and Public Works, that Bill Number 10 be now read a second time.

Hon. Mr. McKinnon: Mr. Speaker, the land in question was originally closed by Ordinance and our Legal Advisor

informed us that it will have to be reopened by Ordinance. Any further explanation, Mr. Speaker?

Mrs. Watson: No details please.

Motion agreed to

Mr. Speaker: Shall this Bill be referred to Committee of the Whole?

Some Members: Agreed.

Mr. Speaker: So ordered.

Madam Clerk: Second Reading, Bill 11, Mr. McKinnon.
Bill Number 11: Second Reading

Hon. Mr. McKinnon: Mr. Speaker, I move that Bill Number 11, *An Ordinance to Amend the Highways Ordinance*, be now read a second time.

Mr. Speaker: It has been moved by the Honourable Minister of Highways and Public Works that Bill Number 11 be now read a second time.

Hon. Mr. McKinnon: Mr. Speaker, the principle of this Bill is to make the *Highways Ordinance* consistent with the *Motor Vehicles Ordinance* so that both the driver and the owner of the vehicle can be charged with offences under the Ordinance, in cases where the driver is operating the vehicle under the direction of the owner.

Mr. Speaker: Any further debate?

Motion agreed to

Mr. Speaker: Shall Bill Number 11 be referred to Committee of the Whole?

Some Members: Agreed.

Mr. Speaker: So ordered.

Madam Clerk: Second reading, Bill 12, Dr. Hibberd.

Bill Number 12: Second Reading

Hon. Mr. Hibberd: Mr. Speaker, I move that Bill Number 12, entitled *An Ordinance to Amend the Medical Professions Ordinance*, be now read a second time.

Mr. Speaker: It has been moved by the Honourable Minister of Consumer and Corporate Affairs that Bill Number 12 be now read a second time.

Hon. Mr. Hibberd: Mr. Speaker, this Bill has been brought forward in response to requests from YMA and from apparent problems with the Ordinance, with regard to licensure of doctors in the Territory now.

These are brought forward in an attempt to standardize and improve the level of licencing that is now in place. It has become apparent there are inequities between this jurisdiction and others and as a result, there is considerable fear that there may be an inflow of less well qualified doctors into the Territory from other jurisdictions.

It is the intention of this Government to bring forward as soon as possible a complete rewrite of the *Medical Professions Ordinance* and, indeed, most of this work has already been done. Submissions have been received from YMA and from the B.C. Medical Association to assist this Government in drawing up this Legislation.

The Yukon Medical Association is in agreement with the changes that are now being brought forward in this Ordinance. They are primarily an interim measure to prevent the inflow of unqualified doctors into the Territory, until this complete rewrite will be available.

There are two specific measures that are included in the Ordinance and they include a standard of examination, which is available across Canada, called the LMCC, and they also include a standardization of the internship, that has not been available in the previous Ordinance.

Mr. Speaker: Is there any further debate?

Motion agreed to

Mr. Speaker: Shall this Bill be referred to Committee of the Whole?

Some Members: Agreed.

Madam Clerk: Second reading, Bill 13, Mr. Lang.

Bill Number 13: Second Reading

Hon. Mr. Lang: Mr. Speaker, I move that Bill Number 13, *An Ordinance to Amend the Students Financial Assistance Ordinance*, be now read a second time.

Mr. Speaker: It has been moved by the Honourable Minister of Education that Bill Number 13 be now read a second time.

Hon. Mr. Lang: Mr. Speaker, before dealing with the principle of the Legislation, I would like to acknowledge the efforts of the Students' Financial Assistance Committee in reviewing the legislation and in recommending many of the changes which are contained in this Ordinance. The Committee has a close and continuing involvement with our post secondary students and their parents. As a result, this contribution to the review process has been invaluable.

In addition, the Committee is fully aware of the escalating costs of post-secondary education to our students and has thus been able to recommend a level of financial assistance that accurately reflects the current costs of post-secondary education across Canada. The Committee is to be commended for its role in the review process, and I am pleased to state that the present Bill implements a great number of recommendations made by the Students' Financial Assistance Committee.

Mr. Speaker, the Bill before this House is not a new *Students Financial Assistance Ordinance*, but is an amendment of the existing legislation. Over the past two or three years, the escalating costs of post-secondary education has been brought to the attention of this Government by the Students' Financial Assistance Committee, Yukon students and their parents. These concerns induced the Government to critically examine the legislation now in place and to prepare the amendments before you.

At this time, I would like to assure this House that the amendments to the Bill before you were designed to meet the needs of Yukoners. It was not designed to attract residents to Yukon whose children might be eligible for financial assistance or to provide financial support for transients. In short, the legislation reflects a philosophy which gives priority to the needs of individuals with a proven commitment to Yukon.

One of the most crucial aspects of the amendments before you are the changes which have been incorporated in the definition of a dependent and independent student. Every attempt has been made to tighten the eligibility criteria to ensure that only those individuals with a commitment to Yukon will be considered for assistance. No longer will an individual who has only recently arrived in Yukon be able to sign an affidavit stating that he intends to remain in Yukon for twelve months and thus provide access for his dependent children to our post-secondary financial assistance program.

The Bill, as amended, ensures that an individual must have established and maintained his residency for a period of two years. This should certainly alleviate the problems one could anticipate with respect to the many transient workers who are likely to arrive in Yukon over the next few years.

Similarly, the eligibility of an independent student for financial assistance has been altered. No longer will the high school graduate from another jurisdiction who has merely resided continuously in Yukon for two years have access to post-secondary financial assistance. The amendments ensure the exclusion of all individuals as independent students unless they have completed two years of secondary education in the Yukon school system, and have resided continuously in Yukon for two years immediately prior to the date of commencement of classes in the individual's program.

The amendments, as I noted previously, are intended to give priority to Yukoners.

Mr. Speaker, the third part of the Bill deals with eligibility for financial assistance and outlines the amount of assistance available and the duration of such assistance. The more significant changes enacted in this part parallel the recommendations made by the Students' Financial Assistance Committee, Yukon students attending post secondary institutions and interested parents.

The present legislation, Mr. Speaker, provides financial assistance in the amount of \$1,200 during the first year of study and a maximum amount of \$1,000 during the second and subsequent years of studies to a maximum of four years of assistance.

It should be noted that the amount of post-secondary financial assistance has not basically changed over the past eight years.

Mr. Speaker: Order please.

Mr. Lengerke: Mr. Speaker, we are getting into the specifics of the Bill. I am sure the Minister has covered the principle of the Bill very well.

Mr. Speaker: I might say that the question is borderline, but perhaps the Minister will continue. As long as we can stay to the principle of the Bill I think the Honourable Member has raised a point.

Hon. Mr. Lang: Mr. Speaker, it should be noted that the amount of post secondary financial assistance has not basically changed over the past eight years.

Since that time, costs have escalated dramatically. Data accumulated by the Department of Education for the period of 1970-71, through 1976-77, indicates an average increase of 25 per cent in tuition fees and an average increase of 110 per cent in the residents' fees at the ten representative institutions in Western Canada.

It is interesting to note, Mr. Speaker, that in 1970-71, the cost to a student to stay in the residence of the University of Alberta was \$753, and in 1978, it is \$1,600.

Mr. Speaker, there is another important aspect in respect to the recommendations to increase monies to our students that must be taken into account. Similarly, to the rest of the nation, some of our students have experienced difficulty finding work during the summer months. Approximately 30 of the 200 students, recipients of our Student Financial Assistance, could not find employment last summer and if they did, it was in a piecemeal fashion on minimum salaries involved.

The amendments before you, Mr. Speaker, attempt to rectify this situation and provide a more equitable distribution of post secondary financial assistance. Obviously, it is an opportune time to increase this Government's contribution for our Yukon students to a maximum of \$2,070 per year.

Another important aspect of the legislation is the extension in period term in which assistance is available. This has been increased from four to five years and the qualifier in the original legislation respecting the determination of assistance upon the completion of under graduate degree has been deleted.

Basically, the philosophy of the Bill before you is to provide assistance to Yukon residents to achieve their career goals. The extension of assistance to five years will enable Yukoners pursuing careers in the professions, for example, law, medicine, veterinary college, will receive financial support during a time when their expenditures are considerably higher than during their under-graduate studies.

In conclusion, Mr. Speaker, the proposed amendments insure equality of access to post secondary educational institutions by Yukon students and, to all intents and purposes, eliminates any possibility of what is commonly termed "the bunkhouse student".

Mr. Speaker: Is there any further debate?

Mrs. Watson: Yes, Mr. Speaker, and I will definitely speak to the principle of the Bill. Two principles, one, that the Bill is before us in order to provide financial assistance to Yukon students and Yukon residents. I support this concept completely. I also support the concept that is displayed in the Bill, that we must ensure that Yukon, proven Yukon people will get the benefits, the greatest benefits from this Bill.

I am very happy to see that the Bill has become more restrictive in their definitions.

There is one principle to this Bill, though, that I have great problems in accepting. The principle of the original Bill was to give every Yukon graduate of the school system in Yukon, a graduate, the opportunity to go to university, the first year of university, because of the fact that there is no post secondary institution in the Yukon Territory.

This principle was supported by not having any requirements, academic requirements, so that Yukon students would have a chance to see whether in fact post-secondary education or training was in fact what they wanted. I see now that the principle that is being brought forward in this Bill is that Yukon students with a certain academic achievement will only be given the right to go to first year post-secondary institutions outside of Yukon and to get the financial assistance for it. Those are the two principles.

Hon. Mr. Lang: Mr. Speaker, on a Point of Privilege, that is not an accurate assessment of the legislation before the Honourable Member. The same concept—

Mr. Speaker: Order please. The Member having twice spoken, I must remind the Honourable Member that he closes debate.

Motion agreed to

Mr. Speaker: Shall this Bill be referred to Committee of the Whole?

Some Members: Agreed.

Mr. Speaker: So ordered.

Madam Clerk: Second Reading, Bill 14, Mrs. Whyard.

Mr. Speaker: Before proceeding with second reading, I neglected yesterday, I believe, to ask when this Bill should be read a second time. Could I now ask, when shall this Bill be read a second time?

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

Mr. Speaker: So ordered.

Bill Number 14: Second Reading

Hon. Mrs. Whyard: Mr. Speaker, I move that Bill Number 14, *An Ordinance to Amend the Tobacco Tax Ordinance* be now read a second time.

Mr. Speaker: It has been moved by the Honourable Minister of Human Resources that Bill Number 14 be now read a second time.

Motion agreed to

Mr. Speaker: Shall this Bill be referred to Committee of the Whole?

Some Members: Agreed.

Mr. Speaker: So ordered.

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

Mr. Fleming: I second the motion.

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

Motion agreed to

Speaker leaves the Chair

COMMITTEE OF THE WHOLE

Mr. Chairman: Would Committee please come to order. Yesterday we announced that the matter for discussion today would be the *Students' Financial Assistance Ordinance* and we will begin discussion of that after a brief recess.

Recess

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

I will proceed reading through Bill 13, *An Ordinance to Amend the Students' Financial Assistance Ordinance*. These clauses are quite lengthy so, with the consent of Committee, I would like to read the whole clauses out and go on to general discussion of each clause.

Hon. Mr. Lang: What is that again, Mr. Chairman?

Mr. Deputy Chairman: I said these clauses are quite lengthy so I will read out the full clauses and then go back into general discussion on each clause, before they are cleared.

On Clause 1

Hon. Mr. Lang: Mr. Chairman, in going through number one of the Ordinance, I think it should be pointed out in the first part of (a), is that we have, in subsection (b), it is strictly a nomenclature recognizing the change of the name of the Canada Employment and Immigration Committee, which at one time, was referred to as Canada Manpower and (c), up to now, the Commissioner has had the discretion of approving an institution, and I have put that authority with the Committee to recommend to the Commissioner whether an institution should be approved or not.

The definition of a dependent student, an independent student has been changed somewhat. The age of majority has been retained in the legislation. At the same time, we feel that it is necessary that the parent having to reside in Yukon for two years, on a continuous basis, as opposed to the way it is presently, where an individual can come in and sign an affidavit and then his or her children are eligible for financial assistance under the Ordinance.

At the same time, with respect to the independent student, we have included a section that they have had to have had two years of secondary schooling in the Yukon school system and they have had to reside in Yukon on a continuous basis for two years to be eligible for financial assistance, under the amendments before you.

The Student Financial Assistance Officer has been changed in the present legislation. It states the Superintendent of Education, overall now, we do have an individual who works closely with the Student Financial Assistance Committee and with the Superintendent's responsibilities now we felt that we could designate a Student Financial Assistance Officer to work with the Committee.

Mrs. Watson: Mr. Chairman, section (c), "in an approved institution", previously it was up to the Commissioner to prescribe approved institutions. I see now you have given some authority, just some authority, to the Committee, where they only have the authority to recommend. If you are looking at taking this authority away from the Commissioner, then I would wonder why we are not saying an educational institution approved by the Committee and prescribed by the Commissioner as an approved institution?

I realize there are not many instances, but there are instances that come to the attention of the Committee where the institution is not one which is eligible for a Canada Student Loan, where it is not a vocational school or training centre, and where a special case comes up where a student wants to go, and I always remember the one who went to a barbering school and under our Regulations at that time, were not able to help this student who was born and raised in Yukon Territory. I am hoping that we will consider changing that wording to approved

by the Committee and prescribed, because the Committee handles each application on an individual basis and they do have educational expertise available to them in the case of the chairman, the *ex officio* chairman of the Student's Financial Assistance Committee.

I am very pleased to see that we are continuing to recognize the vocational centres, and my reason for number (c) also is the fact that I think we are going to have to get away in our world today to train our people for some career, whether they get a training or whether they get an education. Over the past ten or fifteen years, so much emphasis has been purely on post-secondary education and in some instances the post-secondary education certainly has not led to a career. I often wonder whether the public are responsible or have an obligation to students who want to get a post-secondary education just for the sake of getting a post-secondary education, rather than get some post-secondary education that leads to a career.

I can see that the trend is going now to more training, and I would hope that our assistance will be just as generous in this area as it is in the area of post-secondary at the university level, the academic level is what I am meaning.

Mr. Chairman, may I comment on all of these sections, or any of these sections that we have read?

Mr. Deputy Chairman: Yes, you can.

Mrs. Watson: Mr. Chairman, I do have some concern, though, with the Students' Financial Assistance Officer. I would prefer to leave the Superintendent of Education as the *ex officio* chairman, or someone that he may delegate.

This way, we are giving the absolute authority for the educational, some of the educational recommendations that will have to be made to the Committee to an advisory officer. If we left the Superintendent of Education as the *ex officio* chairman, he could have someone sitting in for him when there are straight applications that can be dealt with, but when you get to areas where there is some question of whether an institution should be approved or recommended for approval, you would want to have somebody who was very familiar with our university structure and with our vocational training school structures in the country. I would hope then that this person would in fact, under the legislation, have the final say.

I can certainly understand why the Government has brought in some alternative method, because the Superintendent of Education is busy, he has many responsibilities, and he does not always want to sit in on the Student Financial Assistance Committee meetings, particularly at a certain time of year. When some of the applications are straight-forward, there should be no need for him to be there.

But I think the authority for him as a chairman, should still be there and provision made for him to have to delegate someone to sit in that capacity. But the final authority should be his.

Besides, I would hope we are not going to create a new position. I am very suspicious of that all the time.

I am pleased to see that the residency requirements have become more restrictive, very pleased. Five years ago, ten years ago, the demands were to open it up, make more funds available to more people and the pressures constantly were on the Government to make this financial assistance available to as broad a scope of people who could say they were Yukoners as possible. We were having great pressures and the thinking of the public has changed and I think this is very healthy, when we are looking at the dollars that are available and that we want to ensure that the dollars that are available will be utilized with people in Yukon who should be the people who receive those dollars. The more demands there are, the less everyone will get.

So, I am very pleased to see the two years, rather than the year, put into both the dependent student and the independent student.

I often wonder why, and I have wondered this for years, why we do included landed immigrant status and I am sure that many people do, and I would wonder why, if the Minister responsible for this Bill would be able to explain why, in fact, we have landed immigrant status people who would be qualified.

One further comment, before he answers, I am very pleased to see them clean up the section on at least one parent. That is something that used to become a problem and there is really clarification there now.

But I wonder if the Minister could answer why do we have landed immigrant status people eligible for this financial assistance?

Mr. Deputy Chairman: Any further discussion on Clause 1?

Hon. Mr. Lang: Mr. Chairman, just a response to some of the questions raised by the Honourable Member. I think it is fair to say that her assessment that what took place five to ten years ago in respect to pressures being put on to the government to open up as wide as possible has changed. I think it is interesting to note that contrary to what some people say that the population is very transient here, it is my understanding with the Yukon Health Care Insurance records that over 50 per cent of the population in Yukon has been here over five years or more, that includes native and non-native alike. I think it gives you a basic idea exactly what is happening with our population, that is it is stabilizing, the young people are coming back and raising their families in Yukon. Therefore, I think we are fully justified in tightening up the guidelines and the criteria in respect to monies being available from this government for post-secondary institutions.

I should point out that in respect to her concerns on subsection (c) of (a) where it states "any educational institution recommended by the Committee and prescribed by the Commissioner as an approved institution" it is my understanding the way that is written is that any approved institution would have to be recommended by the Committee prior to it being prescribed, so to all intents and purposes, it takes the concerns of the Honourable Member into account the way it is presently written. That is my understanding of that particular section, because it was specifically to take that discretionary power from the Commissioner to give it to the Students' Financial Assistance Committee and therefore in order to approve they have to recommend, therefore it is understood.

In respect to the landed immigrant status, Mr. Chairman, that was taken from the legislation that was the present legislation in force. There are people for various reasons who have been in Yukon a long time that have for one reason or another maintained landed immigrant status. I am not fully conversant with the present bill that was passed through Parliament here in respect to landed immigrant status, but I do believe it is a case where you have to be here a fair length of time still to get your Canadian Citizenship. It is at least over a year if not longer. Therefore, I think at least at this time, it should be kept in and it could be looked at at another time when this legislation comes up for an amendment.

In respect to Students' Financial Assistance Officer, Mr. Chairman, the major reason it is in there is it is the responsibility now assumed by the Superintendent of Education and his officers. We do have an individual who works at the clerical end of the Department, but at the same time takes a lot of responsibility even now with the Students' Financial Assistance Committee and it is the Superintendent's position that he would like to see that individual be designated to take that responsibility on. If there are problems he would be available for his comments and advice to the Committee because in the final analysis it is the Committee that will make the decision, not the Students' Financial Assistance Officer, whether he or she be the

Superintendent or a designate. If you go through the legislation, it is similar to the legislation that is now in place where that individual is a non-voting chairman. So it is just a case of administration and running the particular Committee.

Mr. Fleming: Mr. Chairman, I have to agree with almost everything here, other than the two years residency. I agree to a certain extent because of the fact that we were possibly being ripped-off in the other ordinance where you only had to sign that you would be here and only have to be here a year. However, I am still concerned because there are many families who will not come to Yukon due to this very section.

If, for instance, a family has a couple of children that have another year and a half or so to put in, and they are posted here and they are posted here and they are posted here and they are posted here through government jobs or something, and I know of one family already that told me, they absolutely refuse to come up here for this very reason, because this bill is going to be passed. There are going to be a lot of people that will not come because they just will not be able to get that assistance, which they possibly need.

I have always been of the opinion that every child or any person that is looking for an education has the right to all assistance, equally, everywhere, and this, in a sense, does not really do that.

I sympathize with the Minister, I sympathize with the Government, they have not got the money to be ripped off by people just coming into the country to use this financial assistance which we have, which is probably better than even some of the other provinces. I am just going to say that until Canada gets together and makes up their mind that all people are equal and all, you know, that you have assistance the same, all across Canada, we are going to have this problem, where we have a little province or a territory that says we are going to do it our way and within a couple of years, you will see that you will have, possibly, people who are in here questioning as to why that section is that way.

Mr. Deputy Chairman: Does Clause 1 carry?

Some Members: Agreed.

Mrs. Watson: Further on Clause 1, regardless of what the Honourable Member said regarding recommended by the Committee, I would hope very much that consideration is given to having any educational institution approved by the Committee.

I would be prepared to see the Students' Financial Assistance Officer defined in the Definition Section and then the chairmanship, in the further section, changed. I would be prepared to accept that, but I would really like to see that more clearly defined on the committee's role in not recommending, but approving.

Hon. Mr. Lang: Mr. Chairman, all I can do is assure the Honourable Member that it is my understanding, from a legal interpretation, that that is exactly what it means, is that it would have to be approved and recommended by the Commissioner, prior to any regulation coming into force. So, that authority lies with the Student Financial Assistance. It is a case of semantics and I think it is clear enough the way it stands.

I do not understand the Honourable Member's concern in respect to the Student Financial Assistance Officer, because it is outlined later in the Bill, in respect to the Committee and the administrative responsibility of the Committee.

I think that is clearly delineated later on in the Bill.

Mr. Lengerke: Mr. Chairman, my concern was with that particular section, too, 1(f), and I was just wondering if the Minister could tell me, advise if it is his intention or if it would be the intention that the Public Service, that delegate, that member of the Public Service, would you envision that person to be connected to the Department of Education as a Student

Financial Assistant Officer, or would it be somebody other and apart from the Department of Education?

Hon. Mr. Lang: Mr. Chairman, it is a staff member already in the Department of Education, that spends a lot of her time involved in this particular area, not only with the actual grants and bursaries distributed by this Government, but, at the same time, working on a fairly constant basis with the Canada Student Loans, which is coming in on an on-going basis.

So, therefore, it is an individual already involved with the Department, so it is with the Department of Education. That is the situation that will exist.

Clause 1 agreed to

On Clause 2

Hon. Mr. Lang: Mr. Chairman, this is once again writing into legislation that the Commissioner has to abide by the terms and conditions as recommended by the Committee. It was not written into the old legislation and I felt that it should be.

Mr. Deputy Chairman: Shall the Clause carry?

Mrs. Watson: Mr. Chairman, it does not, it says "subject to this Ordinance, the Commissioner may upon recommendation of the Committee provide financial assistance of the type and amount under such terms and conditions as recommended by the Committee".

Hon. Mr. Lang: Mr. Chairman, the point is that the body is a recommending group of citizens forming the Students' Financial Assistance Committee and it is my understanding, to be consistent with that, "may" has to be inserted there as opposed to "shall". This is my understanding in respect to the interpretation of the Ordinance.

Clause 2 agreed to

On Clause 3

Ms Millard: Mr. Chairman, there is something that has bothered me many times through our legislation. Since this comes from the Department of Education I thought I would just make note of it today. In subsection (4) where it says "where possible, not less than two members", the proper english should be no fewer than. I come across this all the time and I think it is a grammatical error that should not be in our legislation, it bothers me.

Hon. Mr. Lang: Mr. Chairman, I would have to refer to the draftsman in respect to this matter raised by the Member.

Mrs. Watson: Mr. Chairman, this is the area with the Students' Financial Assistance Officer, I would like to continue to see the Chairman shall be the Superintendent of Education and just as we do with other departments where the Director of Welfare acts, but there is also a section which gives him the authority to delegate his authority. I would like to see that in this so that it is the Superintendent, but he can in fact delegate the authority, but that he actually is the *ex officio* chairman of the Students' Financial Assistance Committee.

We have been very fortunate in the individual who has worked on that Committee, and who has been taking care of the students' financial assistance, who is very familiar with it and is very capable of handling the functions at this time. But we do not know how long we have this type of a person, and if this person should ever leave the Territory or resign from the position, then you are going to, cold, have to appoint someone else as chairman. You would be much better off having the Superintendent as an ongoing chairman, but have him able to delegate to that type of thing.

At the present time you are absolutely correct, you are legislating for the present, but the present does not always exist. So I would like to see the Minister undertake to have a look at that and at least until tomorrow. It is not a very big section to see whether this type of thing can be accommodated.

Hon. Mr. Lang: Mr. Chairman, I am prepared to look at it.

Mr. McIntyre: Mr. Chairman, I was going to point out that in connection with the Students' Financial Assistance Officer that we would be a delegate of the Superintendent in any case.

Mr. Deputy Chairman: Question, Mr. Lang, I see we seem to be slipping back into the old syndrome of the Commissioner appointing individuals to committees and I was wondering how would you establish the five members, and from what area of the Government or outside bodies would you find the individuals to fill this Committee by appointment?

Hon. Mr. Lang: Mr. Chairman, it is similar to any other appointments in this Government. It would go to the Executive Committee, through the Minister responsible, recommending names for the Committee.

Presently, you have a group of five, four are within Whitehorse and one is outside of Whitehorse. The point in respect to the appointment to this particular Committee is that it is a Committee that meets on a fairly regular basis during the month of August and September and it is a person that has got to have time and to be able to make himself available to the meetings that are necessary to fulfill the functions outlined in the legislation.

But, as I stated earlier, it would through the Minister responsible to the Executive Committee and, subsequently, the decision would be made.

Mr. Deputy Chairman: Thank you. Any further questions?

Mrs. Watson: Mr. Chairman, and this could be worthy of consideration. I think your question is very good and I am not questioning the ability of the Executive Committee to appoint people to this Committee, the Government, but at one time, there was a requirement to have certain interest areas within the Territory represented in that Committee and it might be something that we look at again. Where the business community has someone representing, the labour group had some representative on this Committee. This might be some consideration, because then you are getting your different points of view in sort of setting, almost, priorities in the assistance that is given to our future citizens of the Territory.

Mr. Deputy Chairman: The Chair will stand over section 5 for further consideration.

Clause 5 Stood Over

On Clause 6

Clause 6 agreed to

On Clause 7

Hon. Mr. Lang: Mr. Chairman, the section 7(3) is taken from the present legislation, in respect with if there is a death within a family and therefore there is an avenue to take that student's eligibility into account and be recipient of Student Financial Assistance.

One of the problems that the Students' Financial Assistance Committee is having is in respect to people going from the Territory, under the present legislation, and not having any set guidelines, in respect to residency requirements. They feel that it is imperative that if a student is not coming back and is just gallivanting around the country for a year or two years and still maintaining his Yukon Health Care Insurance Plan, due to transiency, they feel that it is imperative that they should have the authority to have that individual come back to Yukon if they intend to carry on with post secondary studies.

This would necessitate some regulations on the recommendation of the Committee, trying to designate just exactly how they are going to define this area of concern. But it is an area of concern to them and they feel very strongly that this particular section should be included in the Ordinance so that they would have the authority in enforcing the residency of those people taking assistance from the Yukon Government.

The point also taken into account is in respect to an individual who is taking a course of studies which necessitates him

or her to stay outside, possibly, in the institution for the summer months and possibly going into the field and continuing with their practical aspect of their post secondary training.

At the same time, it may be necessary to make allowances for temporary employment. In my opening remarks speaking to the principle of the Bill, I pointed out that there was about thirty students that could not find employment, or if they did, it was in a very piece-meal fashion with minimal monies available to them. Therefore it would be very flexible and the flexibility, I think, should be left in Regulations that would allow the Committee to recommend changes if they were necessary.

Ms Millard: Mr. Chairman, I think that is one of the best parts of this Bill is the fact that you are now allowing students to work outside, if it is necessary. That has been a big problem.

My question is on 7.(1)(a), would this include the Yukon Teacher Training Program, or does a person have to be enrolled outside the Territory?

Hon. Mr. Lang: Mr. Chairman, in respect to people eligible under this Ordinance and the criteria established, those eligible would be under the criteria determined by this legislation would be eligible for financial assistance from this government, except for an air fare if you read later on in the Ordinance.

Mr. McIntyre: Mr. Chairman, in Section 7 it refers to a student "enrolled or registered as a student in pursuit of a course". What is the significance of being in pursuit of a course, rather than being enrolled in the course? Is there some academic magic about being in pursuit of a course, rather than being enrolled in it?

Hon. Mr. Lang: Mr. Chairman, I would have to refer back to the legal draftsman in respect to that particular section.

Ms Millard: Mr. Chairman, the way I read that is that you can be enrolled but you may not be actually pursuing it and to be pursuing it, you have to actually be there and be taking the courses. I think that may be the legal thing of it.

Mr. Deputy Chairman: Mr. McIntyre, do you wish this Section to be stood over on that point?

Mr. McIntyre: No, I was just curious about the significance of a student chasing around the university looking for something.

*Clause 7 agreed to
On Clause 8*

Hon. Mr. Lang: Mr. Chairman, there is an important point that should be brought up here and I will have to take it back to bring in an amendment. That is Section 8, subsection (3). The Honourable Member raised it earlier this morning, talking to the principle of the Bill, and I must apologize. My misunderstanding. We overlooked in the drafting because the concept is that if a student graduates from the Yukon school system and attends a post-secondary institution, if they are accepted, their grades are not taken into account the first year, it would be the second year, therefore I will bring in an amendment to it.

At the same time, Mr. Chairman, we have gone to a great deal of work to outline the various costs involved in respect to delineating the monies that we are prepared to make available for post-secondary institutions outside of Yukon.

To give you an example of why we have differentiated along the lines of the tuition. For an example, if one went to BCIT, the present tuition is \$420, as opposed to going to the UBC program it would be \$540. Therefore, we have tried to reach a happy medium in this area to pick up the costs of tuition and other sundry costs and we have arrived at the figure of \$660, but that is not firm and fast. It will depend on the institution that the student is applying to. In one case it may be \$400 as opposed to a maximum of \$660 for an academic year.

At the same time, this allows, Mr. Chairman, for an individual to go to university and complete a five year program and

a four year program and still be a recipient of the post-secondary grants available to him from this government.

It allows that flexibility with the Committee, for example, if one were to go on four quarters, and you will see that it is all differentiated to the maximum of fifteen quarters that an individual would be eligible for grants.

At the same time, we have delineated, Mr. Chairman, the responsibility of this Government to allocate monies for one return airfare per calendar year to a student. Between either Whitehorse or Watson Lake, we have maintained the section in this legislation from the present legislation, which allows us, under Regulation, to pay a student from one of the outlying communities who has to come into Whitehorse or Watson Lake, a certain amount of money for travel, which, at the present time, the policy is fifteen cents per mile.

It was felt that that should be retained in Regulation, because it should be constant throughout the Government rather than putting it into legislation.

Mr. Chairman, in respect to the monies that we are making available to the students, I think it is going to do much to alleviate the situation that they are being confronted with at the present time.

Mr. Berger: Mr. Chairman, I am having problems with this particular section.

Section (2)(c), they say that "any education institution recommended by the Committee and described by the Commissioner as an approved institution".

Now here we are stipulating it—

Hon. Mr. Lang: Mr. Chairman, on a point of order, we were discussing 8.(1)—

Mr. Berger: I realize that, Mr. Chairman. If the Honourable Member is patient, I will point it out to him why I am bringing that up. I have not got much patience today, Mr. Chairman.

Here we say Edmonton or Vancouver. How about the approved institution if Fairbanks, Alaska, at which there are lots of Yukon students attending at Fairbanks, Alaska? Does that mean that the student has to go down to Vancouver in order to receive travel assistance to come back—

Mr. Deputy Chairman: Mr. Berger, you are referring to Section 5.

Mr. Berger: No, I am referring to the travel allowance, we are discussing it.

That is all, Mr. Chairman.

Hon. Mr. Lang: Mr. Chairman, the Honourable Member has raised a good point, but I would like to point out in that subsection, that it would be the financial assistance of a travel equivalent of the cost of one return air fare between Vancouver, Edmonton, Watson Lake or Whitehorse. In other words, as the Committee may determine, so, therefore, they would take into account the travel between Whitehorse and Fairbanks, which is less than what a student is in receipt of between Whitehorse and Vancouver or Edmonton.

So, it leaves that flexibility with the Committee to allow the amounts of monies for the airplane fare to be allocated to the student in question.

Mr. Berger: Mr. Chairman, why did they not put that in the first place? The Minister prides himself in being quite flexible with this legislation, why not leave it up to the Committee to approve the travel allocation, the travel allowance paid to a student, instead of stipulating where and how come and where from?

Hon. Mr. Lang: Mr. Chairman, there is a reason for that. We are trying to take the ports of call that are available directly by air routes to other areas in Canada, which is Vancouver and Edmonton. We did not name a specific amount of money, but it

would be dictated by the air fare in question for that calendar year. Therefore, there would be some parameters within which the financial committee would be working in respect to the finances available voted by this Legislature.

Ms Millard: Mr. Chairman, my question was right along that line as well, but a little more extensive. There are many courses that are not available either in Edmonton or Vancouver. It is necessary for, especially university students, perhaps to go to McGill or further east. I wonder if there is any flexibility for the Committee to actually decide for an individual student who has to go to medical school in McGill or something, because it is actually costing them a lot more than it is the average student to go to Vancouver or Edmonton. There is not that flexibility then, it is just Vancouver or Edmonton. Would there be a consideration to change that, because the number of students would be very few?

Hon. Mr. Lang: No, Mr. Chairman, the point is that the Committee would like some guidelines to be operating under and we feel we have a responsibility to get that student out to either Vancouver, Edmonton or the case the Honourable Member has said of Fairbanks. After that, any monies that it would cost to go across to eastern Canada, that student has a responsibility as well. I think we have gone a long way to try to alleviate the situation as far as the financial cost to each individual student is concerned. I think it is clearly delineated in the legislation.

Mrs. Watson: Mr. Chairman, it is an equivalent, that is the maximum that can be paid, and it leaves it to the discretion of the Committee. If a person is going to Dartmouth University, the Committee would no doubt approve, make the allowance, the greater of the fares between Vancouver and Whitehorse or Whitehorse and Edmonton and that would be their allowance, the equivalent.

My question is we have financial assistance based on quarters, trimesters and mesters, and full academic years. Actually, the living allowance is greater for the quarter, than the full year. It also is the same for the registration and tuition fees. You are allowing \$220 per quarter, and \$660 per academic year. So the quarter person is getting an advantage, he is just going out for three month courses, they are getting an advantage in the amounts that they can get in financial assistance and they are also going to get a full fare, and yet they are going out for three months. So it really is weighted when you are looking at it. The financial assistance is really quite weighted to the advantage of the person who is doing their training on a quarterly basis.

I think that we probably would be wanting to weight it more for a person who goes and takes a full year. Now I am not suggesting that the people that are just taking a quarter do not have to have a transportation allowance and they are going to have to get outside, but I am wondering why the financial assistance to start with was weighted to people who were on a quarter, rather than on a full year or a semester basis.

Hon. Mr. Lang: Mr. Chairman, I do not think the Honourable Member is correct. I think it clearly delineates that the travel allowance for an individual going outside to university is only eligible for one return air fare per calendar year and that is all the monies that would be available to that individual.

In respect to applying for more monies, they would have to go through the Students' Financial Assistance Committee and all this would be taken into account.

So, therefore, the problem that you are getting into that the Honourable Member has raised in respect to the universities is that they are different systems. In respect to quarters, you get into semesters, you get into a calendar year and this is the problem that you get into trying to differentiate between the universities.

I should point out that the major reason that we have clearly delineated the allowance for travel for students is because,

prior to this time, the monies were always put in as a lump sum of money, whether it be \$1,200 for the first year or \$1,000 for the second year. The reason is to clearly delineate that we are paying one airfare, because, after two or three years, after the legislation being in place, people are beginning to ask where, you know, we should get a return airfare.

The intent of the last legislation was to include that in the legislation, to alleviate that cost. So that is why we have clearly delineated and separated it out, that this would be the monies that would be available.

Mr. Lengerke: Yes, I wanted to ask, with respect to the maximum travel equivalent to the cost of one return airfare, Vancouver, Edmonton. I am just concerned that, right now, the airfare between Vancouver and Edmonton, I do not think there is much of a differential, but, in the future, there may be. We may find that it is a lot cheaper to travel from Whitehorse to Edmonton.

I am wondering should we maybe just add that, which ever the greater or just use one as the criteria.

Hon. Mr. Lang: Mr. Chairman, I am confident in the ability of the Student Financial Assistance Committee to realize that if an individual is going from Whitehorse to Vancouver, that that is the airplane fare that they would take into account, as opposed to the cost of an airplane fare between Whitehorse and Edmonton. So therefore, if there was \$4.00 or \$5.00 difference, that difference would be made up, because that is where the individual is going.

Mr. Lengerke: I am not looking at \$4.00 or \$5.00.

Hon. Mr. Lang: Possibly, and that would be taken into account.

Ms Millard: Mr. Chairman, I think the Minister is going to owe me a couple of favours by the time this is over, because I think I have the answer to one of Mrs. Watson's questions, which was not answered.

Her original question was talking about 2(a), about it being \$220 per quarter or \$660 per academic year. It really is exactly equivalent, because an academic year is actually three quarters, so three times \$220 is \$660. There is not four quarters in an academic year.

Mrs. Watson: Mr. Chairman, this is so true, but many people take four quarters in a year. They go during the summer months, so actually they would be getting in a full calendar year they could qualify for the \$880.

My question, and again the Minister I do not think understood, I said that a person who is going to UBC for a three-month course, would qualify for \$250 travel allowance — I am using \$250 as that is the return fare, and yet a person who is going out to take a full year at the university, would also get the \$250 for travel.

So, you are only getting a three-month course for \$250 travel allowance and the other person is getting nine or ten months, the whole in one, and you could be doing this for quite some time with people on a quarter and trimester basis where they go out over a period of three or four or five years as long as they qualify in age and whereas other people would be getting it just for the full year.

So I am saying that it is weighted already towards a short course

Hon. Mr. Lang: I just want to make one comment, Mr. Chairman. If you refer earlier to the Bill, Section 2, it states that a student must pursue, on a full-time basis, a program of studies in an approved institution, and therefore this would be taken into account by the Committee.

Mr. Deputy Chairman: Mr. Lang, in your opening remarks on this particular clause, did the Chair hear you right that you are preparing an amendment in Section 8?

Hon. Mr. Lang: For Section 8.(3), Mr. Chairman.

Mr. Deputy Chairman: Very well.

With the Committee's consent, I will stand over Section 8 for further consideration.

Clause 8 stood over

On Clause 9

Hon. Mr. Lang: Mr. Chairman, this is in recognition of the fact that a lot of the programs being offered by the post secondary institutions are requiring, in some cases, rather than four, five years—a program to illustrate that is the veterinary college. They require five years as opposed to four. It is in recognition of the fact that people are going for their fifth year in university, the costs in that fifth year, they are finding a lot more difficult than for the initial couple of years at the university. We felt that in view of the fact that we were tightening up the eligibility criteria for the Ordinance, that we, at the same time, could expand the numbers of years by one year, as opposed to four years in the present legislation to allow that student to continue his career, whether it be into the veterinary college or a five year degree.

Ms Millard: Mr. Chairman, where it says the student cannot be receiving any federal government financial assistance, does that mean federal loans?

Hon. Mr. Lang: Not my reading of this particular Section, Mr. Chairman. It is taken from the legislation that is presently in place, primarily in respect to people that may be in the public service or the private sector who are getting financial aid from the government or organization that they are with. So that could be taken into account. For example, the collective agreement allowance for educational leave with this government and subsequently, I believe, it is 60 per cent of the funds are appropriated through the collective agreement.

Therefore, this is the reason for this particular section.

Mrs. Watson: Mr. Chairman, going back to 9(1) is a student able to combine either (a), (b), or (c) in the pattern of acquiring their education? For example, they may want to take two full years or even one full year, then they have to go back and just take a semester because they have not got the money, they have to go to work. Some people go and take quarters over a period of time. Can they do this under this legislation?

Does this give a student the ability to do that?

Hon. Mr. Lang: Mr. Chairman, yes, it would be pro rated, as outlined earlier in respect to the finances available to that student.

Ms Millard: Mr. Chairman, I wonder if the Minister would consider clarifying Section 2, then, back to what I was discussing about loans, because when I read it, I really felt that it excluded federal loans and perhaps somebody in the future might be confused the same way. I think it should say "excluding government loans".

Hon. Mr. Lang: Well, Mr. Chairman, it is almost noon, and possibly we could break for lunch, but it is my understanding that that has been taken into account, that section.

Mr. Deputy Chairman: I think Ms Millard wants her question answered, Mr. Lang. The Chair will determine when we break for lunch.

Hon. Mr. Lang: Mr. Chairman, I am prepared to look at it.

Hon. Mrs. Whyard: What he means is that he will find out.

Mr. Deputy Chairman: Okay, we will stand over Section 9, to give the Minister an opportunity to look at it.

Committee will recess until 1:30.

Recess

Mr. Deputy Chairman: I call Committee to order. We were reading clause by clause Bill Number 13. We are down to Section 10, subsection (1).

On Clause 10

Hon. Mr. Lang: Mr. Chairman, the reason for this Section is to attempt to get some guidelines in legislation in respect to the responsibility the student has to get their application forms in and processed. Section 10.(1) stipulates that it has to be within six weeks after the commencement of classes. In other words by mid-October all the paper work should be in to the Committee so that they do not have to get together and met on an ad hoc basis. They found in the past that the students have, for whatever reasons, have taken a dilatory approach to the situation. It has put the Students' Financial Assistance Committee in a difficult position because they were getting application forms mid-November and whatever and we are trying to put in a time frame that they have to get their applications into the Students' Financial Assistance Committee when they are meeting.

The other point is that we have put a section in Section 10.(3) where there is a saving clause if added information comes to a student's attention. For an example, if a student were only given 60 per cent of the amount of monies available to him due to the fact that he has less than a 65 per cent average in his second year, and then he finds in the middle of a semester, for an example, that there has been a mistake made on his transcript for whatever reasons, and then that could be brought to the attention of the Students' Financial Assistance Committee and then that particular situation could be reassessed.

It is a strong recommendation on behalf of the Committee because they feel they should have some guidelines to put down to the students. They feel they have a responsibility as well to ensure that the necessary paper work is done. At the same time they felt there should be a saving clause just in case the unforeseen happened and something came up that they should be prepared to meet if it was felt that it was necessary.

Ms Millard: Mr. Chairman, the way I understand this is that a student does not get any money until he has actually started his course after six weeks. That is the way I read it. That may be just another thing that I am taking from the straightforwardness or lack of straightforwardness possibly in this Section. What I think should happen is that the student receives eligibility some time in July or so so that you can presume he is going to be starting school. He should not have to prove six weeks after he has started. Am I correct in assuming then that the student can apply during the summer and get the money prior to leaving the Yukon, which is when he is going to need it?

Hon. Mr. Lang: Mr. Chairman, you are reading the section wrong. Those students that apply, say, in mid-August will get their monies available to them as soon as it has been processed. This is to put some guidelines down to the students that they have to get their application in by the sixth week after commencement of classes, which is approximately mid-October, but what they are finding is that a lot of people are not applying until late for whatever reasons, and they feel that they have got a responsibility to get their application in so they can be considered, early in the year.

If, for unforeseen reasons, the student was not able to get his application in, there is a saving clause there that would take it back to the Committee and they would be prepared to consider it. But what they are trying to do in legislation is to set up some sort of guideline to the students to see that they get their applications in as early as possible.

What has been happening in the past is that they have been coming in sometimes as late as November, just due to the fact that the student feels, well, I will send it in when I feel like it. This way, it gives them some guidelines when they are going to university, they will know that they have to get it in by mid-October to be considered by the Committee.

Ms Millard: Well, Mr. Chairman, with all due respect, I do not think it actually says. If you take it very precisely, if I were

a student reading this, I would presume that I could only do it within the six weeks after commencement of class, but not previous to that. So, I think that should be clarified. That is what it says.

Hon. Mr. Lang: Well, you are referring to the Section 10.(1), where it states "...this Ordinance shall make such application on the prescribed form within six weeks subsequent..."

Ms Millard: But you have to wait for when it commences.

Hon. Mr. Lang: So, would the Members be happy if I said it was not later than six weeks, possibly, for clarification?

Mrs. Watson: Mr. Chairman, would that mean we would have to leave out the word "subsequent"? I know it is a favorite word of the Minister. Why do we have to enshrine it in legislation?

Mr. Deputy Chairman: I take it, Mr. Lang, you are going to look at subsection 1?

I have one question on that word, "dilatatory" What is that, some sort of political animal?

Hon. Mr. Lang: It is a specific type.

Mr. Deputy Chairman: I see.

Hon. Mrs. Whyard: It is a middle of the road—

Mr. Deputy Chairman: With consent of Committee, we will stand over Section 10, all subsections.

Mrs. Watson: I have another question on Section 10. May I ask it at this time?

Mr. Deputy Chairman: Proceed.

Mrs. Watson: It deals with 10.(3)(a). Does this mean that the Committee is able to consider a student who needs financial assistance above and beyond the maximum that is specified in the legislation?

Hon. Mr. Lang: No, because it states specifically he is in need of financial assistance under this Ordinance. That is the only monies that would apply for any student who is eligible for financial assistance is the amount of money designated in this legislation and no more.

Mrs. Watson: Mr. Chairman, why (a) then? Possibly we could have an explanation. You may have an instance where it is required.

Hon. Mr. Lang: Mr. Chairman, I just described it where for an example, the student finds he is only eligible for 60 per cent of the monies available, because in the second year his transcript has come in saying that he has an average under 65 per cent. He explores it further and finds out there has been a mistake made on his transcript which would make him eligible for 65 per cent or more average. Subsequently, he would be eligible for the full amount of money. This is where we are attempting to accommodate.

Mrs. Watson: My reading of that Section, I could well be incorrect, that gives the Committee the opportunity to give them further money, rather than what they are eligible for that year. Are you saying that if in the second year there was a mistake in the transcript, he noticed it in the third year, he could go back and get that money for the second year? Is that what we are doing here?

Mr. Deputy Chairman: I think, Mrs. Watson, that Section 10 is stood over and I think we should allow the Minister the opportunity to go over the whole subsections at this time.

On Clause 11

Mrs. Watson: Mr. Chairman, I know in the past there have been problems where scholarships have been granted quite a number of years ago. It gets to the point where the donor is an organization that is not there any more and the scholarship is looked on as a continuing thing by the students. What obligation does the Territorial Government have to provide the funding for that scholarship?

I know in the past we were looked upon to provide that funding.

Hon. Mr. Lang: That is not my understanding, Mr. Chairman. The point of the Section is to allow the Committee to disburse funds if a private organization wishes to allocate money to post-secondary study. A situation appears to be developing, at least the time that I have been in office that monies are being made available. A block sum, for an example, was made by one organization in town here recently of \$5,000 and the scholarship they are awarding is the interest accruing from that monies that are being made available, so the scholarship per year would be about \$300, but as far as the government being responsible for putting forth monies for a scholarship because the monies have exhausted itself, no, this does not obligate this government.

Mrs. Watson: Mr. Chairman, I am referring more specifically to a scholarship that was established by the Armed Forces at one time, under the same type of principle, where the interest from a certain sum of money was to be dispensed as a scholarship fund. The Armed Forces and the organization is long gone and that was a type of scholarship that had been on-going for many years and people were expecting it and there was no organization in charge of it.

I am just wondering whether it is possible to, some way or another, define in legislation that the Government is not responsible for the funding of a private scholarship.

Hon. Mr. Lang: Mr. Chairman, the Government is not liable for carrying on a scholarship where the monies have exhausted itself by possibly the means that the Honourable Member has referred to. It just says that the Student Financial Assistant Committee can act as the agency if a private organization requests them to disburse the funds that are made available to them from their organization.

There are no implications here that we would be responsible for further funds if a scholarship were to come to an end because the organization had left Yukon. It would just mean, Mr. Chairman, that that particular scholarship would not be offered the forthcoming year.

Mrs. Watson: Mr. Chairman, that is specifically the point that I am making and I wonder whether the Minister would like to have a look at it to determine whether it is necessary to say that in the legislation, that we are not responsible if the private scholarship does not have sufficient funds.

Hon. Mr. Lang: Mr. Chairman, I am taking other sections back to look at it, but I am sure that this section really does not need it, but I will look at it.

Clause 10 stood over

Mr. Deputy Chairman: I take it you are going to look at Section 11 as well, Mr. Lang?

Hon. Mr. Lang: I beg your pardon, Mr. Chairman.

Mr. Deputy Chairman: I take it you want to look at Section 11, as well?

Hon. Mr. Lang: Yes, I will look at it.

Mr. Deputy Chairman: Very well, Section 11 we will stand over.

Clause 11 stood over

On Clause 12

Hon. Mr. Lang: Mr. Chairman, this is just bringing in more detail the responsibility this Government has towards the Canada Students' Loan Program. You will note that we have designated the Student Financial Assistance Officer as the individual responsible for initially approving or disallowing the allocations of assistance, through the Canada Students' Loan Program, to students.

If you carry on in the legislation, there is an appeal section for a student who feels he or she has not got the necessary funds that are coming to them, and they therefore can go to the Committee, as the appeal authority, to discuss it.

Basically, the reason for this differentiation is because the

Students' Financial Assistance Committee is finding that they are spending a lot of time on the Canada Students' Loan Program, which is a federal program which has national criteria, and they are finding that it is mainly administrative and they do not feel that it is necessary that they should have to go through every loan application. At the same time, they feel strongly there should be an appeal procedure for an individual if he or she feels they have not been dealt with properly.

Ms Millard: Mr. Chairman, does the Minister know if this is the case in the provinces because I felt that loans were just direct to the Federal Government through the bank and you did not go through any kind of provincial or territorial system?

Hon. Mr. Lang: Mr. Chairman, I cannot answer that.

Ms Millard: What is the advantage to us, except that we know if the person is also applying for a loan, maybe they do not really need financial assistance. Is that what it is, so that we are on top of what their financial situation is without relying on them to make a notarized statement or something?

Hon. Mr. Lang: Mr. Chairman, I should point out that my understanding of the Canada Student Loans Program, each jurisdiction, Canada has allocated so much money under national criteria. Those monies that are made available to a jurisdiction, the province has the ability of typing up the criteria, if they find there are not enough monies being made available for the number of students taking advantage of the program. Therefore, if you look later on in the legislation, there is a specific section, Section 13.(3), which gives the authority to the Committee to draw up criteria if they find there are more applicants than monies available.

At the present time, if my memory serves me correctly, the Territory has allocated approximately \$100,000. At one time I think we were using about \$30,000 or \$40,000 of those monies available. We are up to as high as \$70,000, so you can see that the demands on the Canada Student Loans has been increasing over the years. Therefore, that is why Section 13.(3) has been included in the legislation. Perhaps two years down the road they may have to develop further criteria so that the monies could be spread out in a manner that is acceptable to everybody involved.

Ms Millard: Mr. Chairman, I am sorry, it is not all that clear to me why the Territory is involved in it though, because if we are not contributing anything and if we are not using that information for something, what is the point? It just seems to be another level of bureaucracy that perhaps this Committee does not need to deal with.

Hon. Mr. Lang: Mr. Chairman, my understanding under the Act, is that the provincial and territorial governments have to be involved in respect to the allocation of these dollars. How they do it in the provinces, I am not up on that. In respect to our administration, we are using our Students' Financial Assistance Committee, and as you can see, we have designated two different areas so that we can alleviate some of the administrative responsibility from the Committee.

Hon. Mr. McKinnon: Mr. Chairman, I understand a number of the defaulters on the Canada Student Loans Program across the country is just absolutely horrendous and I wonder what our success or failure ratio is in the Yukon under such a program. I am one of the few who was a recipient of a Canada Student Loans Program and according to the statistics, one of the very few that also paid it back, Mr. Chairman.

Hon. Mr. Lang: Mr. Chairman, I have just been informed that there has been four defaults.

Clause 12 agreed to

On Clause 13

Mr. Berger: Mr. Chairman, I am getting more puzzled by the minute with this particular program, because back in my mind I am afraid that it is one of those programs which the

Territorial Government is going to take over eventually and, like a lot of other federal government programs that were started and ended up in the Territorial Government's lap.

One of the concerns is that subsection (3), the interpretation of a Federal Act is in the hands of a committee in the Territory. I am wondering if this is exactly the same thing in the provinces and if it is, then in other words you have twelve different interpretations in Canada on this particular Act.

I wonder if there are any guidelines set by the Federal Government on this particular thing?

Hon. Mr. Lang: Mr. Chairman, there are national guidelines set but at the same time, the way I understand it, it is set at the discretion of the provincial jurisdictions and territorial jurisdictions to further strengthen those guidelines if they find that the monies that are being made available to them is not sufficient to meet the need.

As far as the Government of the Yukon Territory taking over the responsibility for this particular program, this particular piece of legislation would not allow us to do that. That would be another appropriation that would have to come into this Legislature and a decision would have to be made from there.

This just gives us the vehicle and the right to dispense those dollars, as outlined in the Canada Student Loans Program.

Mr. Berger: Mr. Chairman, the other question I have is where is the money? Is it in the hands of the Territorial Treasurer or is the Territorial Government, under this program, applying to the Federal Government to get the funding?

I mean, where does it show up? Does it show up in the Territorial Government budget under a \$100,000 grant, as the Minister said, to disburse it as this Committee sees fit, or does the Territorial Government in respect, apply to the Federal Government for the funding?

Hon. Mr. Lang: Mr. Chairman, it is the Committee who recommends how much monies an individual would get. It is my understanding that it would procure the dollars from the bank so therefore, it is not a vote within the Government of the Yukon Territory. It is monies that are made available from the Federal Government, through the various charter banks.

Clause 13 agreed to

On Clause 14

Hon. Mr. Lang: To be very specific, in Section 14.(1), we know all Members are very concerned about the authority to make Regulations and we have attempted to define it as clearly succinctly as we possibly can in the areas that regulations can be promulgated.

At the same time, Section 4 is a grandfather clause in the Ordinance, where people fit the eligibility criteria under the present legislation, would be grandfathered into this legislation so that we do not create any undue hardship on the people that are attending university at the present time.

Section 5, the *Students' Grants Ordinance* is repealed when the present legislation was amended in 1975. The Legislature, at that time did not repeal the *Students' Grants Ordinance* and we picked this up in the consolidation when we were going through the Ordinance.

Mrs. Watson: Mr. Chairman, I would question the Regulation Section 14.(1)(d) where we do give the authority by Regulations to the Commissioner to add powers, duties and administrative guidelines for the Committee that are not inconsistent with this Ordinance. I was trying to envision where it would be necessary for the Commissioner to bring in Regulations such as this that are suggested here. I am wondering whether you envision sometime, under Regulations, asking the Committee to do the recommendations for such programs such as the French program where students are chosen to travel to various parts of Canada or if not that type of thing, then what if the Minister could give me an example why that is needed in the Regulation power for the Commissioner.

Hon. Mr. Lang: Mr. Chairman, one of the areas that I mentioned earlier in the discussion of the Bill, and that was the eligibility in respect to residency required by a student coming back to the Yukon. This would be an area that we would be looking to the Students' Financial Assistance Committee for direction in respect to putting something into Regulations, giving them the flexibility to recommend to the Minister and then to the Executive Committee for Regulation, and if they find it does not work it could be changed. Really, this is what we are attempting to do within the Regulation making power to give an avenue for the Students' Financial Assistance Committee when they do find an area that the legislation, perhaps this week-end, that they have the ability to recommend to the Minister responsible and subsequently or possibly get Regulations. I refer specifically to the area of eligibility as far as the individual having to come back to Yukon to maintain his residency, this area.

We have specifically outlined the areas that we are looking at which may require Regulations; we are not firm on it. The only area we are looking at right now with the Students' Financial Assistance Committee is the area of the residency requirement of having to come back to Yukon if various things have not been done. That is the reason the Section is in there.

Mrs. Watson: Mr. Chairman, would you be prescribing the power? They already have the power in the legislation. You are prescribing the details or the specifics of it, but you cannot prescribe power, you give it to them in the legislation.

Hon. Mr. Lang: Mr. Chairman, if one refers to page three of the Bill, Students' Financial Assistance Committee in Section 6 where the Committee may make such rules. For an example, after the Committee has been appointed, and looking at the concept of administrative guidelines, for an example, attendance and this kind of thing, they feel that this type of thing should be in Regulation and this is what they would be recommending to us. This would give the Students' Financial Assistance Committee the ability to come to the Minister and ask that various things be put into Regulations or taken out of Regulations.

The major point is, it states very specifically, as are not inconsistent with this Ordinance. We are not trying to overstep the bounds of the Ordinance, we have attempted to try to keep it as specifically as we possibly can. As the Honourable Member well knows in the *Students' Financial Assistance Ordinance* that was passed here three years ago stated in the Section 24.(1), the Commissioner may make any Regulations necessary to carry out the provisions of this Ordinance.

I am trying to delineate as clearly as I possibly can, but at the same time, there has to be some flexibility.

Mrs. Watson: Mr. Chairman, I certainly realize that. I realize the need for regulations, unless you want to make a very, very detailed Bill and there has to be some ability to apply your rules and to change the regulations, but my point is, are we going to prescribe powers, because regardless, if you prescribe powers, they are going to be inconsistent with the powers that are given in the legislation.

You do not need powers. You can prescribe duties and administrative guidelines, but you certainly do not prescribe powers and let us not start doing that.

Mr. Deputy Chairman: Shall the Clause carry?

Some Members: Agreed.

Mrs. Watson: Disagree.

Clause 14 agreed to

Mr. Deputy Chairman: That concludes the reading of Bill 13. There are a number of sections that are stood over.

Mr. Berger: May I go back to Section 13 once more, Mr. Chairman? I am not too satisfied with the answer I received.

May I, Mr. Chairman?

Mr. Deputy Chairman: Proceed.

Mr. Berger: Thank you.

My concern, as I expressed before, is that we could possibly end up with paying off some of the debts incurred.

What agreement exists between the Federal Government and the Yukon Territorial Government on this particular Act, the Federal Act?

The other thing is, a student gets approval by Committee that he is eligible for a loan, so he goes to a commercial bank, receives the loan and neglects to pay the loan back again. Now, the commercial bank comes back, and this is my question, to this Government or does the Federal Government, to get their money?

Hon. Mr. Lang: The Government of Canada.

Mr. Deputy Chairman: We will now proceed to Bill Number 12, *An Ordinance to Amend the Medical Professions Ordinance*.

Clause 1. I will complete the reading of Clause 1 and then we will go into general discussion on the matter.

On Clause 1

Hon. Mr. Hibberd: Mr. Chairman, the 4.(1) clause is the grandfathering clause to allow present licenced practitioners to carry on.

There is one problem in the Ordinance in this amendment, that may require further clarification, in that the word "licence" may include permit holders as well as those who are permanently licenced. It was not the intention that permit holders should be included on the permanent registry. A permit, of course, is a temporary certificate to practice medicine and they would run their due course. They are for a period of one year or less and it would be wise to leave it in that manner.

Because of the problem with the word "licence" with reference to both permits and permanent registration, I think it might be wise if we did bring forward a minor amendment that would so state the permit holders are not eligible for registry on a permanent registration. I intend to do that. It has not as yet been processed, but I am suggesting to Committee that it is one possible source of misunderstanding.

The other provisions in the amended Ordinance refer to subsection (2)(b), the LMCC examinations which are a standard of examination, which has now been accepted in all of the provinces. At the time we previously went through this Ordinance, it was not so standardized, but it is now and we are afraid that people who do not possess an LMCC, who are not usually Canadian graduates, but who are ineligible for other reasons to practice in Canada would be coming to Yukon. It is the only place they would have to practice in Canada, we might be the recipient of practitioners that we would not want here.

Subsection (2)(c) is a more explicit explanation of what is a satisfactory internship. It has its four components; it is a well recognized standard. There are other forms that would be acceptable, but they would have to include at least this as an internship.

The other criteria in the Bill I think are fairly standard and Subsection (4) refers to the ability of the Registrar to be able to obtain the documentation that might be necessary to ensure that the doctor is in good standing where he had practiced previously.

Ms Millard: A couple of questions just about the interpretation on (3)(a) and (b), first of all in (a), "that he is legally entitled to reside in Canada", why is it not said that he should be a landed immigrant as is the usual sort of case for an employee in Canada who is not a Canadian resident, and (b), if a doctor is only able to converse in one of the official languages, in Yukon if he were only able to speak in French, it would be a very difficult situation. I wonder why that was put in?

Hon. Mr. Hibberd: Mr. Chairman, we have to do it. That is the law of Canada that it has to be included. I do not imagine a practitioner who came here speaking French only would be very successful, so I do not think there is much danger of that. I really do not know with regard to landed immigrant status, I would have to have the legal interpretation of why this is worded differently, it says the same thing really.

Mrs. Watson: Mr. Chairman, when we got this piece of legislation I went through it very thoroughly and referred back to the Debates when this Bill was passed, I believe in 1975. I think if one had really analyzed the Debates, probably there would not have been a need to bring in this amendment today. At that time there was a very specific requirement to have an "and" between (1) and (2) and there was a request for that and an "or" between (2) and (3). If that had been put in, that would have clarified very clearly. If anyone takes the trouble to read the *Debates & Proceedings*, they will see that if we had done it before, that it would not have been necessary to bring this amendment in today. The picture would have been much clearer.

The amendment today is a great deviation in principle of what the past legislation was. In the past, we have had an institution approved in Yukon, approved virtually by the YMA. Well, actually, it was approved, could have been approved by the Commissioner, because he had to consult with the YMA, but there was nothing here that said he had to accept their recommendations.

You had an application, the Commissioner submitted it to the YMA, if the YMA rejected it he could still approve it. There was just a requirement for consultation. Absolutely no requirement for following the advice of the YMA.

Now, we are completely taking it out of Yukon's hands and going into a school of medicine that is recognized and acceptable to the College of Physicians and Surgeons of British Columbia.

Mr. Chairman, I must admit that I feel a lot more comfortable with this, much as I regret having to give a professional organization in a different jurisdiction the authority to dictate to us, really, and this is what we are doing and we must realize this, what is a school of medicine that is acceptable to them, the standards that are acceptable to them, and because we do not have a structure in the Yukon Territory and this legislation is not providing for a structure, then we certainly cannot continue to leave it the way it is, unless, of course, we put that the Commissioner must consult with the YMA and he must accept their advice.

I am sure that the YMA, being such a small organization, would not want that complete and absolute authority at this stage of the game.

So, I am very hopeful that the Minister said, this morning when he spoke to the principle of the Bill, one of the principles, that this was just an interim amendment and that he was hoping to come forward, at a later date, with a revision of the *Medical Professions Ordinance*.

I am sure that I am looking forward to it. I think that it should be done, but until such time, I think that I can feel a little more comfortable with the amendments that are submitted here today.

One thing does concern me a little bit and that is 4.(1), where we are grandfathering in everybody. Now, these are medical people and we are grandfathering in anyone, regardless of the interpretation of the existing legislation, and if you read the existing legislation, it is pretty ambiguous because of the difference between the "ands" and the "ors".

I mean, you do not have to be a medical person to know that, but, what we are doing, as of April 1st, we are grandfathering everyone in and yet these are medical people and yet when we

brought in the *Electrical Protections Ordinance*, we did not grandfather everyone in. We expected them to meet certain qualifications and gave them a certain length of time. We did that with real estate agents. We expected them to meet certain criteria and we gave them a length of time in which to do it.

I think we have done that under the *Schools Ordinance* when we grandfathered in some of the staff who did not meet the academic requirements but they were given an opportunity over a period of time to bring their standards up.

I think it would be unfair if we required a person to bring up their standards under (c) "twelve months of internship, consisting of three months training in surgery, three months training in medicine, three months training in..." — I am not a medical person, so anyway, that would be rather unfair I think. It would require a person, if they did not have the internship to which there was no requirement before that it had to specialize in areas, it would be very unfair to ask somebody to bring themselves up on that standard, but I do feel that in (b), which is a requirement now of every medical student who graduates from any of our medical colleges in Canada, they must pass this in order to practice medicine. Is that not correct, may I ask the Minister that question? Is that not correct, they must comply with (b), any Canadian student who graduates from medical school must pass (b), the exams, in order to practice in Canada?

Hon. Mr. Hibberd: That is correct, Mr. Chairman. The problem is not with regard to Canadian graduates particularly. In Canada the medical schools usually combine their own university examinations with the LMCC so that when you get your degree you have passed your LMCC at the same time.

The problem, of course, refers to graduates from other jurisdictions who do not have the same system, such as from England or somewhere of that nature, so we have to have some assurance that they have achieved that same standard and it used to be that there was consideration given to graduates from recognized jurisdictions, but it has been felt that it was necessary, even then, for those graduates to take the LMCC as a standard thing. We are only following the lead of the other provinces in this instance.

It used to be some of the other provinces did indeed give a foreign graduate up to four or five years to obtain his LMCC, but now there are very few of them even allowing that. It is now to the point where one must have their LMCC to practice everywhere in Canada.

I would like to comment, Mr. Chairman, that indeed this Ordinance, as I indicated previously, is an interim measure only and the references to the College of Physicians and Surgeons of British Columbia is only an interim measure. I would hesitate to see it carried on on that basis, but I would also point out that we are in no way dependent on that jurisdiction for the licensing of doctors in the Territory. All we get from them is an approved list. They do not even know who is applying to us for a licensure. We only need that list to ensure that a good training has been involved.

The actual judgment of that individual in the context of that training and other things is done by this Government with the help of the YMA. There is no direct consultation on that basis with BCMA.

Mr. Berger: Mr. Chairman, I would just like to make a comment, the Honourable Member from Ogilvie said that (3)(a) why was it not mentioned as landed immigrant. I think the main reason for it is that sometimes there are exchange programs going on and the licensed doctor is working here under work permits, and this would make a big difference. This person is not a landed immigrant, he is on an exchange basis here on a work permit and he is legally entitled to operate in Canada.

Ms Millard: At the same time he may have a tourists visa as well and he is still legally entitled to be here.

Mrs. Watson: Mr. Chairman, I would like to pursue the fact that why are we grandfathering people if in fact they—the point I am making is that we require standards of our own students and we have Canadian doctors coming out of medical college that require places to work and practice their medicine. We cannot close our doors to medical students coming in from other countries, I realize this, but surely to goodness, we should be requiring the same standards from them that we require of our Canadian students.

Now, we are going to be doing that as of now. Anyone who comes in under this is going to have to pass that and what I am saying, we did it with real estate agents, we did it with electricians. We gave them so much time in order to bring up their standards to the standards that are defined in the legislation.

I would certainly think that we should give a period of time, three or four years or whatever you want, to make sure that the people who are now licenced in the Yukon Territory can, in fact, or have in fact passed (b). I do not think that that would be too much of a hardship on people. I think (c) would be a hardship. I am prepared to say no, but I certainly think, as our Canadian students, requiring it of them, surely we should not not require it of somebody else.

When you compare, electricians are important and the Honourable Minister of Local Government told us how important it was to have qualified electricians and I agree, but I also think it is really important to have qualified doctors.

So, if you are going to grandfather them in and they do not meet (b), give them a period of time to meet those standards, just like we did with electricians.

Hon. Mr. Hibberd: Mr. Chairman, first of all, this area of lack of the LMCC involves very, very few people. Secondly, in the grandfathering basis of doing this, it is the alternative things that were acceptable to the LMCC, in order that the person did become licenced, were such standards that they were considered the equivalent of the LMCC.

Now, that is the grandfathering, that is not the present situation, but I am suggesting that it was reviewed on another basis and their standards were considered to be equivalent of. So, what we are doing here is standardizing it so we do not have to go into other methods of examination, et cetera, to discern whether a person is the same equivalent standard anymore. We are not accepting those.

But those who did get in before were considered to have the same standard.

Hon. Mrs. Whyard: Mr. Chairman, I would just like to reassure Members who are concerned about an influx of doctors from other jurisdictions because of Canadian immigration policy in the last two years has been stiffened considerably and it is now administered on a point system. A doctor applying to come to Canada from any other country would have to have almost an impossible number of quota points to be admitted here, because there are enough doctors in Canada and Yukon is one of the jurisdictions which is considered when applying these standards for admission. It would be most difficult for anyone to come to Canada to be a doctor in Canada, in the first place. In the second place, certainly not unless they have these qualifications.

Hon. Mr. Hibberd: Mr. Chairman, that also points out the dilemma that we are in in Canada now, and particularly in Yukon, in that there is now, if anything, an excess of doctors in the country and so if we did not have the same standards as the rest of the country, we might be forced to accept a lot of people that we would not want to otherwise. Now certainly I would there be referring to doctors who had qualifications other than the LMCC, they may have come to this country a year ago or several years ago, and then would be forced to move on and the most attractive place to move to would be in the same country,

which would be Yukon because there is nowhere else to go.

Mrs. Watson: Mr. Chairman, I really do not feel that the grandfathering is fair to the rest of the people on staff and to our Canadian students. I think there should be some time period where these people are required to bring themselves up to standards. I am sure that most of them would. I am sure that many people who do not have their accreditation in the LMCC would make the effort, but I think there should be some requirement and I feel quite strongly about that.

However, I am pleased with the fact that it has been tidied up. The medical professions, and if you read the old one under (4) you can all realize why it was needed to be tidied up, but I think we have left a big loophole. We did not do anything about Sections 7 or 8 in the existing legislation. Mr. Chairman, the Minister said that we have so possibly before I go on speaking maybe he could explain how we did it with Sections 7 and 8?

Hon. Mr. Hibberd: I already did when I spoke earlier, Mr. Chairman. I had mentioned earlier that I would be proposing an amendment to Section 4.(1) which would have reference to permit holders. Sections 7 and 8 are the reference to permit holders. What I was suggesting, Mr. Chairman, was that permit holders would not be eligible for grandfathering and that is not well clarified in 4.(1) as it is here now, and I wish to bring forward an amendment that would make that abundantly clear, so that will be forthcoming.

Mrs. Watson: Mr. Chairman, I am satisfied with that, that is right, you are making that amendment so that permit holders cannot be grandfathered in, but you are still in Section 8, allowing the Commissioner, you are just leaving that wide open. The Commissioner may, after consultation with the Yukon Medical Association, he does not have to listen to them, all he has to do is consult with them, he may issue a temporary permit to practice medicine in the Territory to a person who is a graduate of medicine from an approved university or school of medicine that it just says approved, approved by the Commissioner, or who else, and who complies with the provisions subsection (3) and that is that other one.

Now, subsection (3), what is subsection (3) in the new Bill? Which are they referring to? Then you go on to say that the Commissioner can issue a temporary permit for a period not exceeding twelve months, he can do it on his own, he does not have to listen to any advice. Then 3 "the holder of a temporary permit may be required to make all reasonable efforts to qualify for registration and on so doing shall immediately make application under Section 4". He could make the efforts but they may not have results. He might write all sorts of letters all over the country to see whether in fact his qualifications are acceptable, those are efforts, but they may not be.

Then, the Commissioner can accept these efforts, he may after consultation again with the Medical Association just consult, no requirement to listen, renew a temporary permit for a further period of twelve months.

So, you have left a big loophole there and I do not think that that should be left that way. If you are going to be that strict and have your rules and the qualifications so well defined as you have here, why in heaven's sakes are you not doing something about 7 and 8?

Mr. Deputy Chairman: I take it, Mr. Hibberd, in reference to Section 3 is the subsection of 4, which is part of the amendment. Is this correct? Section 3 and 4, subsection 1, the one that Mrs. Watson brought up. That is in reference to the subsection 3, is it not, of the same section?

Hon. Mr. Hibberd: What, in the Bill? Sorry.

Mr. Deputy Chairman: Yes. Is it in reference to the old section?

Hon. Mr. Hibberd: Yes.

Mr. Chairman, the idea of the permit was if someone who

had otherwise qualified but did not have this, the LMCC, would have a permit which would have a definite termination date, and if he was not successful, he would no longer have a licence to practice.

But, I should add, Mr. Chairman, that the whole business regarding the Commissioner's role in the licensing procedure is precisely what is under review as far as licensing and discipline in the medical profession. That will be forthcoming in the new Ordinance. It would entirely change the method by which that is done.

I think it would allay your fears regarding a permit holder. It is just, at this time, as you well know, we tried to get the whole new Ordinance before the House, indeed, because we recognized other weaknesses in the Ordinance itself. It just turned out to be impossible to do so because it was such a major rewrite, but these things are under consideration.

Rut, the two very serious defects in the Ordinance are being corrected by this amendment. There are other areas that, indeed, require improvement and they will be forthcoming.

Mrs. Watson: Mr. Chairman, I am not satisfied with that. I think that you could take care of 8 on a temporary basis, where the Commissioner may issue a temporary permit, where they meet, and like you are saying, an approved university of school of medicine. Why do you not put in there "a medical school recognized by and acceptable to the College of Physicians and Surgeons of British Columbia, but who does not meet with (b)"?

That is all you have to do, in order to tighten that up a little, because right now a person could have from an approved university or a school of medicine, approved by whom, could get a temporary permit and it could be extended 12 months, could practice medicine in the Yukon Territory for two years with no checks or balances there at all. That is a long time.

Mr. Deputy Chairman: Mr. Hibberd, I take it you are bringing forward an amendment to Section 4.(1).

Hon. Mr. Hibberd: Yes, Mr. Chairman.

Mr. Deputy Chairman: And I think there has been continued general discussion for quite some time now and with the Committee's consent, I would like to stand this over until the amendment is brought forward and then you can complete the debate on this particular Bill. Otherwise, we are just running around in a circle at this point in time.

Clause 1 stood over

Mr. Deputy Chairman: I would like to go to Bill Number 14, *An Ordinance to Amend the Tobacco Tax Ordinance*.

On Clause 1

Hon. Mrs. Whyard: Mr. Chairman, this amendment is brought in because although metric packaging of tobacco products is not expected to become standard until late 1978, one of the major tobacco manufacturers is already receiving shipments of cut tobacco packaged in metric sized containers. In order that they can supply the requirements in Yukon with metric containers, it is necessary that this Government have the required legislation in force so that metric sized containers of cut tobacco cannot be shipped by the tobacco manufacturers until such time as they are advised in respect of tobacco tax rates.

The tobacco manufacturers are concerned about losing valuable sales in Yukon because of lack of legislation relative to metric tobacco tax rates. Also, there would be a related tax revenue loss to the Government of Yukon if these shipments did not continue. So having reviewed the situation and finding that legislation has already been passed in every other jurisdiction of Canada, the Government of Yukon is now proposing to adopt legislation to bring our Bill into line with all the other jurisdictions in Canada.

This is based on the understanding that all cut tobacco is packaged in 25 gram units or multiples thereof and the respective tobacco tax rate will be 5.5 cents per 25 grams. There is more of this fascinating information for background, Mr. Chairman, if you require it, but I think it is only necessary to say that an estimate of additional revenue which this packaging on metric rates will bring in is approximately \$1,500.

Clause 1 agreed to

On Clause 2

Clause 2 agreed to

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

Shall I report the Bill out of Committee without amendments?

Some Members: Agreed.

Mr. Deputy Chairman: We will now proceed to Bill 9, *An Ordinance to Amend the Community Assistance Ordinance*.

On Clause 1

Mrs. Watson: Mr. Chairman, I wonder whether we could have a little bit more explanation of this section?

Hon. Mr. McKinnon: Yes, Mr. Chairman. The amended section presently reads and the difference between the section, as it presently reads and what it will be following the amendment, is that no portion of the cost of the project, which is funded by Canada or the Territory, any corporation or agency thereof is eligible for funding pursuant to this Ordinance.

The amendment will read: "The Commissioner may make it a condition of a capital payment to a municipality that no portion of the cost of the project which is funded by Canada or the Territory or any corporation thereof is eligible for funding, pursuant to this Ordinance".

Mr. Chairman, the change is that under the present *Community Assistance Ordinance*, that no municipality or L.I.D. that shares any funding under the *Community Assistance Ordinance* is eligible for any present federal, political funding that is directly available to the communities. The two that I always remember because I love the initials of them are N.I.P. and R.A.P., which is the Neighbourhood Improvement Program, the Rural Assistance Program and now, Mr. Chairman, there is what is called a Municipal Infrastructure Agreement, that can be signed between CMHC and the Commissioner of the Yukon Territory, which will allow the municipalities to receive direct funding from the CMHC for a capital contribution to the sewer and water, or to the sewage treatment centre.

Under our present legislation, none of these programs which are available for direct funding to municipalities from different agencies of the federal government are available to the municipalities if those projects are eligible for the 90-10 funding, under the Community Assistance Program.

So, it is obvious that there are some tax savings for: (a) the municipalities, and (b) eventually the taxpayer of Yukon, if we avail ourselves of the ability, of the municipalities taking the advantage of receiving these grants from the federal agencies, programs and corporations that allow municipalities to share under them, Mr. Chairman.

Mr. Lengerke: Just a question of the Minister: does this alter the way that this is applied for? The application is still a joint application, is it? Or does the municipality just make direct application to the federal government?

Hon. Mr. McKinnon: Mr. Chairman, it is worded in such a way that the Commissioner may make it. So that we are into the problem that we know the problems of direct funding by senior governments to municipalities or L.I.D.'s. Possibly the federal

government, in a fit of generosity, could say that there is a program available of capital funding, which we know that the municipality and the taxpayers know that the municipality or the L.I.D. is not going to be able to meet the operation and maintenance costs of such a grandiose facility and it is just going to be a millstone around the taxpayers' necks in perpetuity.

There must be some discretionary ability of this Government to be able to allow the cost-sharing program or not. We cannot see this really happening, well whoever knows what the Federal Government is going to do, but generally, the programs are under CMHC in well defined programs what the responsibilities and conditions of the government agency and the municipality are going to be. It is in those areas of these programs that we know that money is pointed out to us. Unless these agreements and unless these amendments to the *Municipal Ordinance* which were passed at the last session and the *Community Assistance Ordinance* are made, that the municipalities and Territorial Government is not going to be able to take advantage of these programs and these monies which are available.

In the area of the sewage treatment plant, it is a straight out grant to the City of \$100,000 that we are talking about that if the amendments are not made to the Community Assistance Program it simply is not going to be able to take the full advantage of it.

Mrs. Watson: Mr. Chairman, I would like to be more specific with the wording. Does this mean that for example the sewage treatment plant is worth \$6 million and under the 90-10 split, the municipality would pay \$600,000 and the Territorial Government would pick up the rest, right, under the Community Assistance? Now that they have got this \$100,000 or there is the possibility under this program of \$100,000 from the CMHC, does this section then state that the price of the sewage plant will not be estimated at \$6 million, it will be estimated at \$5,900,000 and the split will be done on the basis of that. Is that what you are saying with subsection (2)? I am not interpreting it well.

Hon. Mr. McKinnon: Mr. Chairman, under the present *Community Assistance Ordinance*, the breakdown would be that the 90-10 cost-sharing would be \$590,000 to the City to the net cost of the project, and \$5,310,000 YTG to come up with the \$5,900,000, the \$6 million total cost, less the CMHC contribution of \$100,000. So the total cost would be \$5,900,000 with the 90-10 sharing then applied: \$590,000 of the City and \$5,310,000 the YTG. In effect, Mr. Chairman, under the Ordinance as it now stands, the City is benefiting to the extent of 10 per cent of the CMHC grant or \$10,000, and the YTG is benefiting by \$90,000.

With the proposed amendments, it will allow us to give the full effect of such federal grants to the municipality so applying the formula after the amendments are passed, the total cost of the project, \$6 million, the 90-10 sharing will be \$5,400,000 of YTG money, \$600,000 of the City money, and \$100,000 of the CMHC grant applied against the City's share so the net cost to the City taxpayers, instead of \$600,000 will be \$500,000 and the whole operation will reduce the net cost to the City by \$90,000, Mr. Chairman.

Mrs. Watson: This is saying the same thing. You take the contribution off the total price before you apply your 90-10 cost-sharing.

Hon. Mr. McKinnon: Yes.

Mrs. Watson: All right, one more question, then. Why do we say that no portion of the costs for the project which is funded by Canada, I can see Canada under CMHC or something like this or even a straight grant for a big convention centre for the Arctic Winter Games going to the City of

Whitehorse, but you say "or the Territory". What grant would a capital project in the Territory be getting, other than under the Community Assistance?

Hon. Mr. McKinnon: The eventuality, Mr. Chairman, that there may be other funds available to the Territory, in the future, following the creation of a Heritage Fund. It is just for the eventuality that these things may come about.

Mrs. Watson: Mr. Chairman, that does bring a question, though, which has concerned me for some time. There are capital monies available for museums and our museums are defined as community facilities, so if an organization got \$50,000 for a museum out of a \$200,000 project, could they come to the Territorial Government then for the 90-10 split on the \$150,000 that is left?

Hon. Mr. McKinnon: Mr. Chairman, the museum contributions are not under the Community Assistance Program and I think that my honourable colleague to my right is more aware of the grants to the museums program than I am.

Hon. Mrs. Whyard: I was about to point out that there is a total, I believe, of only \$30,000 in that museum program and it is not only for capital now, but also for O & M.

As the Honourable Chairman should recall, it stresses the requirement for activity-related historical functions.

Mrs. Watson: Mr. Chairman, I wonder if the Minister of Local Government could, in fact, check that with your departmental people because when you say Territory, it immediately sort of makes your mind say, well look, are there other areas where we can get a grant and then we can still qualify for the Community Assistance.

I wonder if you could sort of just take that up? I do not want to delay the Bill.

Hon. Mr. McKinnon: Mr. Chairman, of course we are only speaking of the eligible programs under the *Community Assistance Ordinance* and the museum program is not an eligible project under the Community Assistance Program. They are under a completely different program that I have not the responsibility for, under the Community Assistance Program.

Eligible projects, under this area are all extremely well defined and everytime we make an addition, which, whether it is the TV program, we make an amendment to the Ordinance, Mr. Chairman. So, if the museum program comes under this Ordinance and is then eligible for the funding, we are all going to know about it because it is going to be a conscious decision for us to make it an eligible program, under the *Community Assistance Ordinance*, which it is not at the present time.

Mrs. Watson: All right, now what if a museum is part of a hall.

Clause 1 agreed to

On Clause 2

Clause 2 agreed to

On Clause 3

Clause 3 agreed to

Mr. Deputy Chairman: The Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory, enacts as follows: *An Ordinance to Amend the Community Assistance Ordinance*. Shall I report the Bill out of Committee without amendment?

Some Members: Agreed.

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

Recess

Mr. Deputy Chairman: I call Committee to order.

Hon. Mr. Hibberd: Mr. Chairman, I would like to bring to the attention of Members of Committee a document that is now in front of them regarding the special RDA that was to have been tabled with the Introduction of the Bill this morning. I

bring it to your attention because it is a significant part of the package.

Mr. Deputy Chairman: Thank you for enlightening us on its importance, Mr. Hibberd.

We will now proceed to Bill Number 11, *An Ordinance to Amend the Highways Ordinance*.

On Clause 1

Mr. Lengerke: Mr. Chairman, this might be a bit picky, I do not know, but I was just wondering about this. Let us say a fellow was driving a particular truck and he had permission from the owner to drive it, no problem with that at all, but in the course of his duties of driving that vehicle he stops off somewhere and picks up a load that then makes that vehicle particularly overloaded, in other words, it is an unauthorized load as far as the owner is concerned. What is the situation then?

Hon. Mr. McKinnon: Mr. Chairman, I really advise that we ask Mr. Cosman who drafted the Bill. It is obviously a legal question and I do not have the capability of giving an answer for it.

The reason for the amendments to this Ordinance is to make it consistent with the *Motor Vehicles Ordinance* which contains the same clauses. The reason is that so both the driver and the owner of a vehicle can be charged with offences under the Ordinance in cases where the driver is operating the vehicle under the direction of the owner.

Recent violations of the weight restrictions have made it apparent that in many cases under the provisions of the *Highways Ordinance*, it was possible to charge only the driver with the offence, notwithstanding the fact that the driver was simply obeying the company instruction.

We believe that the *Highways Ordinance* should be consistent, in this respect, with the *Motor Vehicles Ordinance*, and that when vehicles are loaded and operated by the Company and are subject to the control of the Company, that the Company must take the responsibility for the manner in which these vehicles are being operated on the highways.

To leave the *Highways Ordinance* as it is, with the result that, in court cases, the sole responsibility will be placed on the driver and the Company escaped any responsibility, it must be made clear, we feel, Mr. Chairman, as in the *Motor Vehicles Ordinance*, that both the driver and the Company have a responsibility to comply with the Ordinance and what I am really saying is that it was an oversight in the drafting of the *Highways Ordinance*, that this section, consistent with the *Motor Vehicles Ordinance*, was not taken in total and included in the *Highways Ordinance*. We came to the position where certain companies were violating the terms of the *Highways Ordinance* by over-weight permits and the only person who could be charged, and it was obviously the company who was at fault and not the driver, who was strictly just obeying the company's orders, regardless of over-weight, to use the Yukon highways, that the only position that we had was to charge the driver and not the company and I just did not think that that was fair at all and I do not think that the Government felt that that was a sensible position, so we brought forward these amendments to the *Highways Ordinance* to make them consistent, Mr. Chairman, with the *Motor Vehicles Ordinance*.

Clause 1 agreed to

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

Shall I report the Bill out of Committee without amendment?

Hon. Mr. McKinnon: Mr. Chairman, when we were going through the final draft of this Bill the other day, it was pointed out by the Registrar of Motor Vehicles that Section 22.(2), of the *Highways Ordinance*, presently reads as follows:

"22.(2) A Registrar of Motor Vehicles is responsible for the weighing of vehicles in the issuance of overload and oversize permits and may, upon application, accompanied by the prescribed fees issue" et cetera, et cetera.

Mr. Chairman, I think I was away from work one day and when I came back I found out that as Minister of Highways I was now responsible for not just Registrar of Motor Vehicles, but also for the weigh stations, and the Registrar of Motor Vehicles which is no longer, it is under the Director of Consumer and Corporate Affairs. I think this was the first action of the Minister, in fact, when he was appointed was to give me the responsibility of weigh scales for whatever reason, and suggested that it would be an opportune time, even though it was not included in the present amendments to the *Highways Ordinance* to bring in an amendment that would read as follows: The *Highways Ordinance* by inserting immediately before Clause 1 thereof, a new clause as follows: The *Highways Ordinance* amended by repealing subsection 22.(2) thereof and substituting the following therefor, The Commissioner or such persons as he may designate will have the responsibility for weighing vehicles and issuing overload and overweight permits and may upon application therefor, accompanied by the prescribed fees, issue (a) and (b). So, Mr. Chairman, with the concurrence of the House, I would pass such an amendment to the Chairman for his consideration.

Mrs. Watson: Mr. Chairman, I would like to see this amendment in writing.

Mr. Deputy Chairman: Mr. McKinnon, in this amendment you are proposing to open a new Section of the Bill itself.

Hon. Mr. McKinnon: Yes, Mr. Chairman.

Mr. Deputy Chairman: With the Committee's concurrence, I would like to stand this Bill over in order for Committee to look at this amendment before the decision is taken whether to adopt the amendment.

We will go on to Bill Number 10, *An Ordinance to Open a Certain Portion of Land in the City of Whitehorse*.

On Clause 1

Hon. Mr. McKinnon: Mr. Chairman, I have talked before in the House of housekeeping ordinances and amendments, but this is the housekeeping amendment to mend them all. The parcel referred to by this Ordinance is a portion of former Elliot Street located between the existing RCMP Compound and Sixth Avenue.

Mr. Chairman, our records show the street was closed by Ordinance in 1906, would you believe, in order that the RCMP might occupy it. As they no longer had any use for the parcel, it was transferred to the YTG by Order-in-Council in 1977 and the south 40 feet were disposed of to the Yukon Housing Corporation for incorporation with their adjacent apartment block site.

Our present intention is to open the remaining 40 feet of roadway in order to provide proper legal access to a dwelling on the north side of the parcel presently privately owned.

Mr. Chairman, this is necessary because the refinancing of a mortgage secured by the lot was only provided upon the undertaking that the Government of Yukon provide such access through the opening of a portion of land for use as a street by the public, because this Lot 5, Block 45 does not have proper legal access.

As the street was originally closed by Ordinance in 1906, we were advised by our legal advisors that it would have to be reopened by another Ordinance, Mr. Chairman.

Clause 1 agreed to

Mr. Deputy Chairman: The Commissioner of the Yukon Territory, by and with the advice and consent of Council of the said Territory, enacts as follows: *An Ordinance to Open a Certain Portion of Land in the City of Whitehorse*.

Shall the title carry?

Some Members: Agreed.

Mr. Deputy Chairman: Shall I report the Bill out of Committee without amendments?

Some Members: Agreed.

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

Mr. Fleming: I second that.

Mr. Deputy Chairman: It has been moved by Mr. Lengerke, seconded by Mr. Fleming, that Mr. Speaker do now resume the Chair.

Motion agreed to

Mr. Speaker resumes the Chair

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

May we have a report from the Chairman of Committees?

Mr. McCall: Thank you, Mr. Speaker.

Mr. Speaker, the Committee of the Whole has considered Bill Number 9, *An Ordinance to Amend the Community Assistance Ordinance*, Bill Number 14, *An Ordinance to Amend the Tobacco Tax Ordinance*, and Bill Number 10, *An Ordinance to Open a Certain Portion of Land in the City of Whitehorse*, and directed me to report the same.

Committee has also considered Bill Number 12, *An Ordinance to Amend the Medical Professions Ordinance*, and Bill Number 13, *An Ordinance to Amend the Students' Financial Assistance Ordinance*, and Bill Number 11, *An Ordinance to Amend the Highways Ordinance*, and directed me to report progress on the same, and ask leave to sit again.

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

Some Members: Agreed.

Mr. Speaker: Leave is so granted.

May I have your further pleasure?

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

Mr. Fleming: I second that.

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

Motion agreed to

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

Adjourned

The following Legislative Returns were tabled April 18, 1978.

78-1-20

White Pass/Aquisition of Land

(Oral Question - March 20/78 - Page 227)

78-1-21

Human Rights Act

(Written Question No. 3)

The following Sessional Papers were tabled April 18, 1978.

78-1-24

Yukon Mutual Aid Board Annual Report - March 31/78

78-1-25

White Paper on Pioneer Grant Program

LEGISLATIVE RETURN # 20

1978 (First Session)

Mr. Speaker

Members of the Assembly

On March 20, 1978 Mr. Fleming asked if we had any knowledge of the fact that White Pass has acquired some land in the last few weeks in the Carcross area, close to the town of Carcross.

The answer to the above oral question is as follows:

Not to our knowledge.

Date 17 April, 1978

Signature

LEGISLATIVE RETURN # 21
1978 (First Session)

Mr. Speaker

Members of the Assembly

On March 6, 1978, the Member from Ogilvie asked the following question:

Since the Human Rights Act guaranteeing access to certain government information has now been passed, how does this affect access to Territorial Government information? If it has no effect on our Government, does this Government intend to legislate these rights for the Territory?

The answer to the above question is as follows:

Part IV of the Canadian Human Rights Act entitled Protection of Personal Information applies to "all federal information banks". The Yukon Territorial Government records are managed under the Archives Ordinance and its pursuant regulations. They are not part of any federal information bank and therefore the new federal Human Rights Act does not apply to any of them.

Presently the right of access to Yukon Territorial Government records is prescribed in the C.O. 1974/53 amended 1975/27, Regulations Respecting Access to Public Records. Any individual may apply for access to any Yukon Territorial Government records according to the Provisions of these regulations. Records less than thirty years old may be consulted only with the permission of the Commissioner, and access to exempted records or those which contain personal information is controlled by certain additional conditions to safeguard the right of privacy of individuals.

No new legislation regarding government records is planned at this time. However, the Canadian Human Rights Act is under review by the Territorial Archivist.

Date

Signature

April 15, 1978

Sessional Paper No. 25

WHITE PAPER

ON

PIONEER GRANT PROGRAM

1978 (First) Session

Mr. Speaker
Members of the Assembly

When the Yukon Territorial Government's Executive Committee appeared before the Lysyk Inquiry last summer to present their views regarding the conditions resulting from the construction of a gas pipeline through the Yukon, one of the topics was the apprehension of many Yukoners regarding the social impact of the proposed pipeline project.

Speaking on behalf of the Department of Health, Welfare and Rehabilitation, I told the Inquiry that it was the objective and intention of this department to maintain an adequate level of all our services to the public before, during and after the pipeline project. We said, "It is the intention of this department that the Yukoners whom we now serve...the elderly, the young, the families needing help, the handicapped and the ill, will not be victims but rather beneficiaries of any pipeline project.... this department intends to see that the people of the Yukon are not the losers".

Since that Inquiry was held, the Department of Health and Human Resources has conducted a territorial survey of Yukoners 60 and over; has sponsored a conference on aging which resulted in the formation of a steering committee of senior citizens (or Citizens with Seniority as they prefer to be known) and received a number of specific recommendations aimed at improving future conditions for the elderly.

One of the recurring problems listed by senior residents of the Yukon throughout these activities has been the increased cost of utilities in their households. One of the specific requests from the Steering Committee to this government has been for a subsidy to help with the heat and light bills.

At the same time the Yukon Housing Corporation had suggested a utility grant as one way of alleviating the financial pressure on seniors' households. Dr. Cope Schvenger, the main guest speaker at the first Yukon Conference on Aging in September, 1977, said in summing up the Conference, "I was surprised, in a way, to hear that the cost of living is such a concern to elders, and particularly things like the percentage of one's fixed retirement income which goes to pay for the cost of fuel. I thought that the cost of fuel was going up in Toronto, but apparently it's not anything like the rate at which it's going up here. That may be the kind of thing which you will be needing subsidies for. It appears to me that many seniors who would prefer to live and remain in the Yukon may be forced to leave because of the higher cost of living and higher cost of utilities as compared to southern provinces. It may be that the Government may have to seriously consider whether or not subsidies in these areas are valid..".

The Department of Health and Human Resources has invested a considerable amount of time in consideration of various plans in the provinces which assist the elderly citizens, but we have found none which specifically address themselves to subsidization of utilities. Yukoners already receive an equalization on their electrical and fuel bills from the Territorial Government, as well as benefiting from the Territorial Home Owner's grant.

There still appeared to be a need for some additional help so that the elderly in the Yukon living on limited or fixed incomes would not be forced out of their accustomed homes into substandard, or subsidized housing. The survey completed in recent months by the Human Resources Branch, which included those from age 60 up (some of them still in the labour force), indicated that 50% were living on an income of less than \$6,000 per annum.

We therefore proposed that a utility subsidy be made available upon application, to residents of the Yukon 65 years and over, who either own or rent unsubsidized accommodation and are not in receipt of social assistance.

The Executive Committee approved this proposal in principle and instructed us to prepare a detailed program for presentation to this Assembly.

Approximately 300 senior households in the Yukon could benefit from this plan, and the proposal is that the annual grant per dwelling would be \$300. This figure has been arrived at after consultation with the Yukon Housing Corporation and utility companies. In addition, a survey was carried out on April 12 - 14, 1978 by the Seniors' Steering Committee in conjunction with the Human Resources Branch. The results indicated that the average Whitehorse senior using the Golden Age Drop-In Centre on those dates paid an average monthly figure of \$70.12 for light and fuel, totalling a yearly payment of \$841.44. Recognizing that more than 50% of those over 65 years of age are living on an income of less than \$6,000 per annum, those utility costs plus the average accommodation costs of those surveyed (See Appendix A) highlight that in excess of over 33% of income is being expended by seniors in maintaining a residence. The annual grant per dwelling of \$300 is aimed at cutting utility costs by approximately one-third. Total annual costs of the subsidy would be approximately \$90,000.

The program would be administered by the Human Resources Branch to which applications would be sent, with grants being paid through the month of December. It will be necessary to ensure that all those who may benefit from the plan are aware of it, so that they can apply accordingly. This might be done by newspaper or radio advertising, or notices in appropriate locations throughout the Territory. Some of the proposed guidelines include qualification requirements of age, residency within the Territory for 185 days during the calendar year for which the application is made, grants for a principal residence only, and the disqualification of the applicant if their present accommodation is already subsidized or they are receiving social assistance. (Appendix C).

Presently, a Yukon resident 60 to 64 years of age whose spouse is receiving an Old Age Security pension, is provided with a spouse's allowance. A spouse's allowance ceases when the pensioner dies. The surviving spouse is confronted with a suddenly decreased income and the continuing high costs of maintaining a household. Recognizing this, the program is designed to provide the utility grant to the surviving spouse, aged 60 to 64 years, where the deceased pensioner was a qualified applicant for the grant.

Basically, this program is designed to be a means of encouraging those who are able to remain independent in their own homes or rented accommodation, where it is desirable for them to be, as long as they are physically able to do so. The cooperation of the Minister of Local Government in enriching the Home Owner's Grant this year on behalf of this age group is appreciated. Furthermore, this Pioneer Program is expected to offset for many elderly owners the impact of increased expenditures in recent months, and assist them to remain independent.

We are convinced that the program will repay Yukon taxpayers many times over in ultimate capital savings, because those individuals now able to maintain their own life style will not require heavily subsidized public housing or high-cost care in a senior citizen facility.

The support of all Honourable Members is solicited for this Pioneer Grant Program.


Flo Whyard
Member, Executive Committee

APPENDIX "A"

SUMMARY RESULTS - SURVEY OF ACCOMMODATION FOR USERS OF
GOLDEN AGE DROP-IN

(SURVEY CONDUCTED APRIL 12-14, 1978)

AVERAGE COST FOR FUEL OIL OR WOOD =
 (# respondents) \$ 41.93 per month
 (\$507.16 per year)

ELECTRICITY FOR LIGHT (OR HEAT & LIGHT) =
(14 respondents)

Average of \$ 26.19 per month
(\$314.28 per year)

AVERAGE COMBINED UTILITY COST = \$ 70.12 per month
(\$841.44 per year)

AVERAGE ACCOMMODATION COST =
(16 respondents)
(includes rent or mortgage and/or taxes)

\$ 96.15 per month
(1,153.80 per year)

APPENDIX "C"

PIONEER GRANT GUIDELINES

1. Grants of \$300 per household will be paid on an annual basis, upon application, through the month of December.
2. Qualified applicants will be those who are 65 years of age and older on or before December 31st of the year for which they are seeking the subsidy.
3. Applicants will be those seniors who either own their own homes or are in rented accommodation. Their accommodation must be unsubsidized. They must not be in receipt of social assistance.
4. To be qualified, an applicant must have resided for a minimum of 185 days within the Territory during the year for which he or she is applying.
5. Only one application per household can be made.
6. Where an applicant owns more than one residence, he may apply for a subsidy grant for his or her principal residence only.
7. In the event of the death of a pensioner who previously qualified, or would have qualified, for the calendar year in which he or she died, the surviving spouse if between the ages of 60 and 64 years, will qualify upon application.
8. Administration of this utilities grant program would be the responsibility of the Human Resources Branch. Applications would be sent to the Administrative Officer, Human Resources Branch.

APPENDIX "B"

People 65 Years and Over With Spouses 21 to 24 Years

Old Crow	None
Clinton Creek-Ogilvie	None
Dawson City	"
Pelly Crossing-Klondike	"
Carmacks - Klondike	1
Faro - Pelly River	2
Ross River - Pelly River	None
Mayo	None
Elsa-Keno	None
Watson Lake	2
Beaver Creek - Kluane	2
Burwash - Destruction	None
Haines Junction - Kluane	1
Teslin - Hootalinqua	4
Carcross - Hootalinqua	2
Tagish - Hootalinqua	None
Whitehorse	18
Total	41

