



# The Yukon Legislative Assembly

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Number 9

9th Session

23rd Legislature

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Debates & Proceedings

**Thursday, November 17, 1977**

Speaker: The Honourable Donald Taylor



## Whitehorse, Yukon Territory

November 17, 1977

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

We will proceed with morning Prayers.

## Prayers

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

**Hon. Mr. Lang:** Mr. Speaker, on a Point of Privilege, I would like to rise and welcome the Grade Six class from Selkirk Street School to these chambers this morning.

## Applause

**Mr. Speaker:** At this time, we will proceed with the Order Paper.

## ROUTINE PROCEEDINGS

**Mr. Speaker:** Are there any documents or correspondence for Tabling this morning?

The Honourable Member from Whitehorse West?

## TABLING OF DOCUMENTS

**Hon. Mrs. Whyard:** Mr. Speaker, I have for tabling a White Paper on the *Workmen's Compensation Ordinance* changes and a White Paper on Workmen's Compensation Rates.

**Mr. Speaker:** Are there any further documents for Tabling this morning?

Are there any Reports of Committees?

Petitions?

Introduction of Bills?

Notices of Motion for the Production of Papers?

Notices of Motion or Resolution?

Are there any Statements by Ministers? The Honourable Minister of Human Resources?

## STATEMENTS BY MINISTERS

**Hon. Mrs. Whyard:** Mr. Speaker, I would like to bring to the House the latest information on the timing of the transfer of delivery of Health Services from the Federal Government to the Territorial Government. As of this morning, Mr. Speaker, I have received a timetable for this transfer from the Federal officials who are in Whitehorse presently conducting discussions with our officials.

Next Thursday, Mr. Speaker, on November 25, with their next pay cheque, all Federal employees of Health Services, in the Yukon, will receive a written statement from the Public Service Commissioner of the Yukon, that the YTG guarantees to make a job offer to each one of them.

On December 9th, they will receive a comparison of the Federal and Territorial benefit packages. This will be mailed out to each individual Federal employee.

On December 22nd, individual offers of employment will be mailed to all of the Federal employees of Health Services, from the Territorial Government. They will then have, individually, eight weeks to consider these offers of employment, prior to the reply deadline, which is February 17th, 1978.

Thank you, Mr. Speaker.

**Mr. Speaker:** Is there any further—

The Honourable Minister of Education.

**Hon. Mr. Lang:** Mr. Speaker, last week the Honourable

Member from Kluane inquired whether or not the Beaver Creek School facilities that are unused could be used on a temporary basis for the, utilized as a post office.

The situation has been reviewed, Mr. Speaker, and I am pleased to announce this morning, that for an interium period, and I stress, an interium period, we are prepared to allow the use of the unused portion of the school facility for a post office.

I have been advised by our educators, that with the present school population in Beaver Creek, that it should have no adverse effect upon the children. If we find that the situation does effect the children's education, obviously, the post office will have to be moved.

It must be made very clear that we are making this one exception only, in respect to our school facilities, in view of the circumstances surrounding the Beaver Creek post office situation and, as a Government, we will be pursuing very firmly, with the Federal Government, a review of their Northern Post Office Policy, as it relates to isolated areas, in order that they assume their rightful responsibilities.

I have instructed my officers to contact the Post Master for Yukon and the Community Club of Beaver Creek to work on an agreement in respect to the use of our facilities, on a temporary basis.

**Mr. Speaker:** Are there any further Statements by Ministers?

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

## QUESTION PERIOD

**Hon. Mr. Lang:** Mr. Speaker, last week Mr. Berger asked a question, and I quote: "I wonder if the Minister could supply us with the current rent structures, especially in the Dawson City area of off government owned accommodations?"

The reply is current rents on properties owned and administered by the Yukon Housing Corporation are based on either comparative market rent or rent to income scale. Where all Territorial staff housing comparative market rents are charged, monthly rent of \$205, excluding utilities is common for new single family dwellings in Dawson City. Apartment rents range from \$101 to \$143 per month. For all public housing projects rents are geared to income according to graduated to income scale. Rents may vary from 5 per cent to 30 per cent of the tenant's gross income.

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

## Question re: Young Canada Works Program

**Mr. Fleming:** Yes, Mr. Speaker, a question to the Honourable Minister of Human Resources. In the case of a Young Canada Works Program where children of 15 or 16 are working and it would be under almost anybody that applied for the program that would be responsible for it, and responsible for the wage and all the tax situation and everything, would they also be obliged to deduct Medicare in this case?

**Mr. Speaker:** The Honourable Minister of Human Resources?

**Hon. Mrs. Whyard:** Mr. Speaker, I am not sure of all the details of this question. I think I should discuss it with the Honourable Member and try to get additional information for him later.

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

## Question re: YWCA, Proposals for Building

**Mr. Lengerke:** Mr. Speaker, a question for the Minister of Education this morning: last week, I believe, I asked a ques-

tion with respect to the YWCA, and we did get a reply from the Minister of Human Resources and the Minister of Education. I am wondering, with respect to that answer that he provided, if something has gone out in writing to the City of Whitehorse? Has a proposal been made or has a letter of intent been sent, suggesting that YTG are, in fact, looking at other proposals for the building?

**Mr. Speaker:** The Honourable Minister of Education.

**Hon. Mr. Lang:** Mr. Speaker, you will recall, last week, I stated that we were doing a financial assessment in respect to that particular facility. Once that has been done and looked at the various alternatives there could be possibly put forth, in respect to the utilization of that facility, a letter would be going to the City.

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

**Question re: Grants to Post-Secondary Students**

**Ms Millard:** Mr. Speaker, a question for the Minister of Education: will the Department be considering increasing grants to post-secondary students in the coming year?

**Mr. Speaker:** The Honourable Minister of Education.

**Hon. Mr. Lang:** Mr. Speaker, that particular area is being reviewed at the present time and a decision has not been made, as of yet, and if a decision is made, all Members will be made totally aware of it this forthcoming Budget Session.

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

**Mrs. Watson:** Yes, Mr. Speaker, I have a written question for the Minister of Education.

**Mr. Speaker:** Order, please. I believe the Honourable Member has five questions standing on the Order Paper at this time. Perhaps the Member could wait, perhaps until tomorrow.

**Mr. Speaker:** The Honourable Minister of Human Resources.

**Hon. Mrs. Whyard:** Mr. Speaker, I have for tabling a legislative return in answer to written question number 13. I am afraid it won't help the Honourable Member from Kluane. It is for Pelly River.

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

**Question re: Teslin Franchise with Yukon Electric**

**Mr. Fleming:** Yes, Mr. Speaker, as the Minister of Local Government is not here this morning, I guess I would have to refer this, or Mr. Speaker could refer this to Mr. Commissioner, maybe. What is the status of the Teslin franchise with Yukon Electric, to date, and if that franchise is in now, when will it expire?

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

**Mr. Commissioner:** Mr. Speaker, I will have to take that question under advisement and refer it to the proper people for an answer and we will bring that back immediately.

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

**Question re: Recreation Per Capita Grants**

**Mrs. Watson:** Mr. Speaker, I have an oral question for the Minister of Education. Mr. Speaker, what recreation authority will receive the Recreation Per Capita Grant on behalf of the people who live on the Mayo Road, the Takhini Hot Springs Road, and the Alaska Highway North outside the boundaries of the City of Whitehorse?

**Mr. Speaker:** The Honourable Minister of Education?

**Hon. Mr. Lang:** Mr. Speaker, to my knowledge the Recreation Department has not been approached by anybody in that particular area, but I will check on it and bring back a reply.

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

**Mrs. Watson:** Supplementary, Mr. Speaker, would it be

possible that the City of Whitehorse would have applied for and received the grant on behalf of these people?

**Mr. Speaker:** The Honourable Minister of Education?

**Hon. Mr. Lang:** Mr. Speaker, no. As you know, under the legislation, the Statistics Canada is used and it is the boundaries of Whitehorse that determines the population within Whitehorse proper.

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

**Question re: Training of Native People in Government**

**Ms Millard:** Mr. Speaker, a question for the Minister in charge of Manpower. If he could comment on what the administration is doing, if anything, to promote training and employment of native people in this government.

**Mr. Speaker:** The Honourable Minister of Education?

**Hon. Mr. Lang:** Mr. Speaker, I welcome that question in respect, if the Honourable Member goes back to the budget of the Vocational School in respect to monies being allocated to upgrade the Indian people, the BLADE, LINC and Life Skills Program exceeded the amounts of monies put forth for the normal Vocational training programs that are offered by the Vocational School at the present time.

At the same time, Mr. Speaker, I should point out that our programs are open to everybody and I haven't taken a blood count of any kind, but I am sure that there are native people involved in the various programs.

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

**Ms Millard:** Mr. Speaker, the Honourable Minister has misunderstood my question. It was to promote training and employment within this government, in other words through something like Northern Careers.

**Mr. Speaker:** The Honourable Minister of Education?

**Hon. Mr. Lang:** Mr. Speaker, the Northern Careers program is available to this government and in particular in the area of education, there are two areas we are prepared to make available through that program if we get applicants. That is one in respect to the Assistant to the Superintendent at the administrative level, and also a Counsellor in the Vocational School.

But the problem is, Mr. Speaker, the way I understand it, applicants haven't been coming forth to my knowledge to date, and at the same time, I think in respect to that particular program as it relates to the government, I think it is fair to say, Mr. Speaker, that it is a training program and there are no job guarantees at the end once the training has been completed, but we are attempting to get people within the civil service, but whether or not they are going to take advantage of it remains to be seen.

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

**Question re: Selkirk Street School Gymnasium**

**Mr. Lengerke:** Mr. Speaker, an oral question for the Minister of Education: with respect to the Selkirk Street School gymnasium, I know we discussed that one other day, in the House, Mr. Speaker, but, the question is, why did it take so long, from the time of budget approval, to actually get construction started. You realize, construction didn't start until September, of this year. What was the delay?

**Mr. Speaker:** The Honourable Minister of Education.

**Hon. Mr. Lang:** Mr. Speaker, this is one of the problems with our budgeting process, in respect to the letting of contracts. It is my understanding, in respect to that, letting of that contract, that once the budget had been passed, it went to an architect and changes were made and then had to go back. So, subsequently, the contract was not let until August. I understand this was the major reason.

If the Honourable Member wants, I could bring in a chronological step of events of how they took place, in respect to the final tendering of that particular facility.

**Mr. Speaker:** Are there any further questions?

The Honourable Member from Whitehorse South Centre.

**Question re: Local Hire Policy for Pipeline**

**Mr. Hibberd:** Mr. Speaker, I have a question for the Minister of Education, this morning. Has this Government been able to develop any guidelines for the local hire policy, with regard to the up-coming pipeline?

**Mr. Speaker:** The Honourable Minister of Education.

**Hon. Mr. Lang:** Mr. Speaker, the Member will recall, when we went before the Lysyk Inquiry, we proposed a definition of a Yukoner to the Lysyk Inquiry. In fact, I recall the Honourable Member from Pelly appearing before that particular Inquiry, and I was pleased to see that he supported our definition for direct pipeline employment.

It was a very difficult position, or very difficult position or policy to work out, when we tried to determine what a Yukoner was. As it turned out, Mr. Speaker, it appears that the Federal Government has accepted it, as well, and I am hopeful that we can get some confirmation in the near future from the Canada Pipeline Advisory Council.

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

**Mr. Hibberd:** Mr. Speaker, I do not think I got an answer to my question. I asked if the Government has developed any local hiring policy, with regard to the pipeline, not the definition of a Yukoner.

**Mr. Speaker:** The Honourable Minister of Education.

**Hon. Mr. Lang:** Mr. Speaker, could the Honourable Member restate his question. I am not clear what he is getting at.

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

**Mr. Hibberd:** I am asking, Mr. Speaker, if this Government has developed any policies for local hiring, when the pipeline construction comes about, both with regard to the pipeline and other construction projects that might be involved.

**Mr. Speaker:** The Honourable Minister of Education.

**Hon. Mr. Lang:** Mr. Speaker, basically, the policy is the definition as set forth to the Lysyk Inquiry and that, in respect to the pipeline, a major development, we would like to get the co-operation of the Federal Government and the Applicant and management and labour, and, hopefully, all other hiring will be done outside of Yukon. If we can get acceptance in this particular area, then it is going to be very much of a major step into preventing a great in-migration of people coming to Yukon on speculation of jobs.

**Mr. Speaker:** Are there any further questions? We will then proceed at this time to Orders of the Day, Public Bills.

**ORDERS OF THE DAY**

**PUBLIC BILLS**

**Madam Clerk:** Second Reading, Bill 6, *Labour Standards Ordinance*, standing in the name of the Honourable Mr. Lang.

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

**Hon. Mr. Lang:** Next sitting day, Mr. Speaker.

**Madam Clerk:** Second Reading, Bill 10, *Elections Ordinance, 1977*, standing in the name of the Honourable Mr. Lang.

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

**Hon. Mr. Lang:** Next sitting day, Mr. Speaker.

**Madam Clerk:** Second Reading, Bill 11, *An Ordinance to Amend the Interpretation Ordinance*, standing in the name of the Honourable Mr. Lang.

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

**Hon. Mr. Lang:** Next sitting day, Mr. Speaker.

**Mr. Speaker:** We will then proceed to Private Member's Public Bills.

**PRIVATE MEMBER'S PUBLIC BILLS**

**Madam Clerk:** Bill 101, *An Ordinance Respective the Legislative Assembly*, standing in the name of the Honourable Member, Mr. Hibberd.

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

**Mr. Hibberd:** Next sitting, Mr. Speaker.

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

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

**Mr. Fleming:** I second that.

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

*Motion agreed to*

*Speaker leaves the Chair*

**COMMITTEE OF THE WHOLE**

**Mr. Chairman:** I call this Committee to order, and we will have a recess.

*Recess*

**Mr. Chairman:** I call Committee to order.

We will carry on with Bill Number 5, then 7 and then 8.

Mr. Spray and Mr. O'Donoghue are present as witnesses for these three Bills.

Bill Number 5, *An Ordinance to Amend the Society of Industrial Accountants Ordinance*.

*On Clause 1*

**Mr. Chairman:** General debate on Bill Number 5.

Mr. Lang.

**Hon. Mr. Lang:** Mr. Chairman, I think the explanatory note explains adequately just exactly what the Bill is for. As was mentioned in the Throne Speech, it is a request by the Society of Industrial Accountants here in Yukon, and we felt that we could present it to the Legislature and get concurrence in respect to this particular area of concern.

**Mr. Chairman:** Any more general debate?

Any debate with reference to Clause 1 itself?

*Clause 1 Agreed to*

*On Clause 2*

**Mr. Chairman:** Mrs. Watson.

**Mrs. Watson:** Mr. Chairman, was there any change in the requirements for membership in the Society of Industrial Accountants, for them to have a change of name, because, when we brought in the legislation, the Society of Industrial Accountants

tants was the name of the national organized association, I believe. Why did the national association change its name? Is there any explanation for that?

**Mr. Chairman:** Mr. Spray?

**Mr. Spray:** Mr. Chairman, the name change we are told is to make the name of the organization more meaningful to the public and to the persons who deal with these accountants, since they are primarily management related accountants. Industrial accountants is a misleading name insofar as their clients and the public is concerned. However, there is no change in the make-up of the organization or the requirements, according to the information we received.

*Clause 2 agreed to*

*On Clause 3*

*Clause 3 agreed to*

**Mr. Chairman:** Mr. Lengerke?

**Mr. Lengerke:** Just a question of general interest, Mr. Chairman. How many members do we have in Yukon of the Society of Industrial Accountants?

**Mr. O'Donoghue:** We don't know exactly, Mr. Chairman, but I think it is six.

*On Clause 4*

*Clause 4 agreed to*

**Mr. Chairman:** The Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory, enacts as follows: *An Ordinance to Amend the Society of Industrial Accountants Ordinance*. Shall the title carry?

**Some Members:** Agreed.

**Mr. Chairman:** Shall I report the Bill without amendment.

**Some Members:** Agreed.

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

**Hon. Mr. Lang:** I would like to move this particular Bill out of Committee.

**Mr. Chairman:** Progress.

**Mr. Lang:** Mr. Chairman, I move that you do now report that Bill Number 5, *An Ordinance to Amend the Society of Industrial Accountants Ordinance* to the Assembly.

**Mrs. Watson:** I will second that.

**Mr. Chairman:** It has been moved by Mr. Lang, seconded by Mrs. Watson, that we do now report Bill Number 5, *An Ordinance to Amend the Society of Industrial Accountants Ordinance* to the Assembly.

*Motion agreed to*

**Mr. Chairman:** Bill Number 7.

*Metric Information Agreement Ordinance.*

I understand the Metric Information Officer would be available, if Committee so desires. We will carry on and see.

*On Clause 1*

**Mr. Chairman:** Mr. Lengerke.

**Mr. Lengerke:** Yes, Mr. Chairman, my comments are very short as far as general debate is concerned, but, I just think it is, it is just my personal opinion, that the move to metric is certainly costing this country of ours a lot of money and I really wonder what the benefits are going to be, but, maybe I am of that age, already, that I am just a bit reluctant to change.

However, as I say, I feel that that movement is very costly to a country of this size and so sparsely populated. I guess we are in that age.

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

**Mr. McCall:** Yes, Mr. Chairman, I take it we are on general discussion on this Bill?

**Mr. Chairman:** Yes.

**Mr. McCall:** Thank you.

My first question would be, Mr. Chairman, have we already allocated man years for this proposed Metric Information Officer? Do we anticipate an increase in these man years, perhaps, in the next Budget?

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

**Hon. Mr. Lang:** Mr. Chairman, to refresh the Honourable Member's memory, you will recall, during the debate of Vote 3, there was a man year set aside for this particular program.

At that time, I informed Members that we are negotiating with the Government of Canada, in respect to putting a person on staff to take care of this particular area of concern.

I think it is fair to say, at the same time, Mr. Chairman, that, if this Government was not prepared to participate, you would undoubtedly have seen a staff increase in respect to the Federal Government, up the Hill, which would not, in my view, adequately serve the purposes of the public.

So the answer, Mr. Chairman, to his question, specific question, is no, there won't be an increase in man years, because we have already voted it.

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

**Mr. McCall:** My next question would be: has this individual been hired? Has he been working continuously, this year, for this Government, dealing with this new metric system?

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

**Hon. Mr. Lang:** Mr. Chairman, it is my understanding that an individual has been hired, but it was just a short time ago. I do not know exactly what date it was.

In respect to the program, I think it is fair to say that, with the Legislature voting a man year, and, in respect to the fact that the House had agreed that we should be negotiating for an agreement with Canada, then, once that agreement had come to fruition, that we felt that we should carry on with the program.

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

**Mr. McCall:** I am not quite satisfied, Mr. Chairman, with the Minister's explanation, because if we have budgeted for man years in the last budget in anticipation an individual would be hired or gainfully employed by this government to do this particular assignment or work, I would assume if he has only recently been hired that we should have a surplus in funds come next Budget.

The next point, Mr. Chairman, would be, just how far have we progressed in our discussions with the Federal Government in dealing with this particular system or program or introduction of this metric system?

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

**Hon. Mr. Lang:** Mr. Chairman, I have to disagree with the Honourable Member, the man year was included in the vote, but it all depended on whether or not we were going to get monies in respect to the Federal Government to be negotiated under the Agreement you have before you today. Subsequently the Agreement, and maybe Mr. Spray can add to this, I think we finally came to an agreement here approximately a month ago and now this is what you have before you. Is that not correct, Mr. Spray?

I should point out also at the same time, Mr. Chairman, that metrication was under the auspices of the Department of Education, and as I informed you during Second Reading, we have transferred the responsibility to the Territorial Secret-

ary. We had it for over a year and we felt it was time for some other department to take it on for a while.

**Mr. Chairman:** Mr. Spray?

**Mr. Spray:** Mr. Chairman, the metric conversion, or metric information officer was engaged approximately two months ago. It is Mrs. Saunders, she has spent two weeks in Ottawa on an orientation program prior to her coming on to staff, the duties of that position were handled initially by a member of the Department of Education, and subsequently was transferred to our department where Mr. Lawson acts as Chairman of the Metric Conversion Committee for this government. He was doing the work that Mrs. Saunders is now doing, however, he was not able to devote sufficient time to act as an information officer.

Mrs. Saunders is now passing out the information that she is receiving from the committee in Ottawa. She is setting up a program of visiting all the departments in this government, the media, the schools, business community to assist them in obtaining the information they require for conversion, assisting in explaining the information to them, and helping them in any way possible.

It is a one man year operation. Any clerical support that she requires will be obtained from the balance of the staff in our department. At this time we do not anticipate any increase in that staff.

It was just about two months ago that we finalized agreements with the Federal Government for the funding and it was for that reason that we did not fill the position sooner.

**Mr. Chairman:** I wonder if the witness could tell us how much this metrification will cost this government, how much of it is recoverable, and I am also wondering what the total cost of metrification in Canada would be?

**Mr. Spray:** Mr. Chairman, I am unable to tell you the total cost of metrification in Canada, I am not even in a position at this moment to estimate the cost of, you know, change of metrification to this government.

I can tell you that the metrification officer, or information officer, herself is not costing the Government of Yukon or Canada a great deal of money, however, it is a very costly program to convert, there is just no doubt about it. We can obtain these figures if they are available to us for Committee, but I do not have them with me at this moment.

**Mr. Chairman:** Mr. Lengerke.

**Mr. Lengerke:** My question was asked by yourself, Mr. Chairman. Thank you.

**Mr. Chairman:** Mrs. Watson.

**Mrs. Watson:** Mr. Chairman, have the terms and conditions of the Metric Information Agreement been agreed to, and, could we have copies of the Agreement that are before the Government of the Yukon, at the present time?

**Mr. Spray:** Mr. Chairman, I believe that we do have, on file, details of what would be included in the Agreement and we are prepared to bring it forward, yes.

**Mr. Chairman:** Mrs. Watson.

**Mrs. Watson:** Mr. Chairman, is the position of the Metric Information Officer part of that agreement?

**Mr. Chairman:** Mr. Spray.

**Mr. Spray:** Yes, Mr. Chairman, the Agreement is for the purpose of providing information on the international system and it is solely, or mainly, for the funding of the position of the officer.

**Mr. Chairman:** Mrs. Watson.

**Mrs. Watson:** One further supplementary: metric information and this position, this Metric Information Officer will

be required dispense information to the people of the Territory, regarding conversion to the metric system. How many years do you see a requirement for this position?

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

**Hon. Mr. Lang:** Mr. Chairman, this Agreement is for three years and, at that time, then it would be reviewed and I think at the same time, to my knowledge anyway, I believe all Members do get a copy of the Metric Newspaper that is sent, I think, almost on a monthly basis, to give you an idea of what is happening across Canada, in respect to this program.

I think the target date for total conversion is in the early '80's. I do not have the specific date. Maybe Mr. Spray does.

**Mr. Chairman:** Mr. Spray.

**Mr. Spray:** No, Mr. Chairman. The Honourable Member is quite correct. It is in the early '80's. However, it is obviously going to depend entirely on progress made in the country and I anticipate meeting this goal.

We are only requiring this officer for three years, at this point in time, and I would anticipate that that may very well be enough time to handle the problem in the Yukon Territory. If it is required beyond that time, then we will have to re-evaluate the position and the requirement for it, and the duties of the position.

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

**Mr. Fleming:** Yes, Mr. Chairman.

I am a little concerned with the word "officer", so many times in the last while in all of our Ordinances. Now I find it coming up again and I might refer back to the *Motor Vehicles Ordinance*, where there is officer, officer, officer doing all sorts of things to people, and yet, the definition of officer, I do not think, is even in that particular ordinance.

I find officer coming up again in this one, where it just is something, information being given out. I am wondering just what is the reason for calling this person an Information Officer?

**Mr. Spray:** Mr. Chairman, the choice of the title is not ours. It is being used by all the provinces, the term Metric Information Officer is the term applied to the people in this position in every province in Canada, so that there is some continuity and so that no matter if people move from one province to another, they are still dealing with a person of the same title.

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

**Mr. McCall:** Yes, Mr. Chairman, I have difficulty with Section 3, subsection (1). I cannot really accept this type of language. We have just about given everything to the Commissioner we can possibly think of, or come up with, or authorize, or give away, and imagine, there it says the Commissioner may, but when you read Section 3.(1) we have no choice. I would like some further clarification as to why this type of language is suggested in this Bill, Mr. Chairman.

**Mr. Chairman:** Mr. O'Donoghue?

**Mr. O'Donoghue:** Mr. Chairman, there is a drafting problem in doing two things in subsequent sections. One is an agreement such as this does not have the force of law unless it is ratified by this House and the appropriate method used to ratify the agreement is to pass it through by legislation.

The second thing, then is to give the Commissioner the power to carry out the agreement, or to give someone else the power for that matter. So this section is not intended to increase the Commissioner's power in any way, it is directly related to the agreement. It gives him the power, under this Ordinance, to carry out the agreement and not to do any other thing, because there are numerous things to be done, not personally by the Commissioner, but by his officials, such as the

person must be paid, correspondence must be written, space must be hired, the public must be given printed information by way of pamphlets or letters or something. This has to be done.

So, this is the usual formula we use to do a simple agreement of this type.

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

**Mr. McCall:** I am not quite happy with that explanation, Mr. Chairman. When you look at language suggesting that the Commissioner has the authority to do every act and exercise every power for the purposes of implementing every obligation, I don't like that, Mr. Chairman. That is so wide open anybody could have a field day with it, and surely we must come up with some better language than that.

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

**Hon. Mr. Lang:** Mr. Chairman, the Honourable Member should read to the end of the Section, it says: "under the agreement entered into pursuant to this Ordinance." The agreement dictates how much authority, and the terms and conditions in respect to this particular position, and he can't exceed that, Mr. Chairman. I think what the Honourable Member wants to do is maybe amend the *Yukon Act*, which isn't a bad idea either.

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

**Mr. McCall:** What the Minister has just said, Mr. Chairman, even makes it worse, really.

**Mr. Chairman:** Mr. Lengerke.

**Mr. Lengerke:** Mr. Chairman, yes, a question: does the agreement with the Federal Government allow for the provision of all the materials, the pamphlets, the handouts, or, does the Territorial Government have to develop a program of its own, with respect to that?

**Mr. Chairman:** Mr. Spray.

**Mr. Spray:** At this point, Mr. Chairman, we are receiving a great abundance of material from the Federal Government. Crates and boxes of material is coming through and it is standard material that is given, used across Canada, including candies, for handing out to the school children.

**Mr. Chairman:** Mrs. Watson.

**Mrs. Watson:** Mr. Chairman, when this piece of legislation is assented to and the Agreement is entered into, that means that the Territorial Government has agreed to make itself to convert to the metric system.

Okay, Mr. Chairman, is there an Act of Parliament, that has invoked the metric system, change-over to the metric system in Canada, by what year?

**Mr. O'Donoghue:** Mr. Chairman.

**Mr. Chairman:** Mr. O'Donoghue.

**Mr. O'Donoghue:** Any Act of the Parliament of Canada dealing with this matter, has to take care only to deal with the matters which are federal in nature.

**Mrs. Watson:** That's right.

**Mr. O'Donoghue:** So, viewing us as a province, from a legislative point of view, it would be improper for Canada to attempt to legislate, within this Territory, in the metric system, in areas which are Territorial responsibility.

So far as I understand it, Canada has not attempted to do that and this is why the matter is proceeding in this manner.

**Mr. Chairman:** Mrs. Watson.

**Mrs. Watson:** Mr. Chairman, then Canada really does not have a law which enables them to convert to the metric system, where they have jurisdiction.

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

**Hon. Mr. Lang:** Mr. Chairman, it is my understanding

that there has been no act put before Parliament with respect to metrication. I believe it was a policy decision that went through Governor-in-Council, and that is as far as it has gone.

I know that some of the Members of Parliament that you speak to, from especially the western provinces, are upset with that, because there are areas with respect to their farming communities that it effects very much, in changing over to metrication.

But it is my understanding that the Government of Canada never ever did take anything to the House of Parliament.

Maybe the Legal Advisor could elaborate a little bit more.

**Mr. O'Donoghue:** Mr. Chairman, a number of individual pieces of legislation, Canadian in nature, that would be set out in feet, acres, inches and so forth, require to be changed as pieces of legislation by Canada. It has the program for doing this and equally, each province has a program for changing all of the legislative requirements. They include a multitude of things, such as road signs, building standards, measurements of various sorts. It is not any more necessary, for instance, to change medical figures for apothecaries or chemists or pharmacists use, but all of these things have been done.

Canada has its own variety. It has to deal with the communications and what have you, and it has to turn these into metric measurements and it is just a part of that program, as time permits, and the omnibus bill permits, this is done province by province.

**Mr. Chairman:** Mrs. Watson?

**Mrs. Watson:** Mr. Chairman, we cannot look then for umbrella legislation in the Yukon, which in fact says that the Yukon will now use a metric system of measurement in the Yukon Territory.

**Mr. O'Donoghue:** Mr. Chairman, I do not want to anticipate what the policy of the government would be, but it would be my recommendation to the government that we introduce an omnibus piece of legislation at a convenient time, and it would have an amendment inserted into it, section by section, amending each of the Ordinances of the Territory, and another group of Regulations amending every Regulation, so that what we would call an omnibus would go through this House and enable this to be done in an intelligent fashion, rather than piecemeal Ordinance by Ordinance, bringing the Ordinances back to this House changing 30 feet into 10 metres or something like that. That is the way I would recommend you do it, and I would imagine that the government might very well do that. Canada will be doing the same thing.

**Mr. Chairman:** Mrs. Watson?

**Mrs. Watson:** Mr. Chairman, then why are you changing your *Motor Vehicles Ordinance* at the present time. You are changing all of your speeds and this type of thing, where you are going into specifics, to the metric. So, rather than waiting for an omnibus thing that is going to be brought in?

**Mr. O'Donoghue:** Mr. Chairman, the decision to start working on the motor vehicles was taken before we were faced up with this decision, it is one of the Ordinance, it is not really appropriate for an omnibus bill, because you are changing realities, you are changing 50 or 60 miles an hour to kilometres, and it has got to be explained section by section, and these changes are right through the Bill and this decision was taken, before it came to be realized, really, that we have a host of other Ordinances, not just the *Motor Vehicles Ordinance*.

**Mr. Chairman:** Mrs. Watson?

**Mrs. Watson:** Well then, Mr. Chairman, when and if and should you bring in the omnibus bill and then it will give the government the authority to convert everything to metric, will it then be mandatory for private enterprise to also convert,

to the metric system by a certain date?

**Mr. Chairman:** Mr. Spray?

**Mr. Spray:** Mr. Chairman, there are really two things involved here. One is that regardless of whether or not we change our legislation, such as Building Standards in the Yukon Territory, private enterprise and people in the Yukon will probably be forced to convert to the international system, because the plywood they buy will not be 4 feet by 8 feet, it will be measured metrically, and therefore, in order to follow along with the manufacturers and to follow along with what the other parts of Canada are doing, and what the other provinces are doing, we will automatically then revise our billing standards to fall into line with the availability of materials.

Your paper will no longer be 8½ by 11 inches, and we will not be able to buy 8½ by 11 inch paper. So we have to keep in line with the rest of Canada, otherwise we would find that our private enterprise people in the Yukon Territory are operating under standards which are contrary to the availability of goods with which they work, and tools.

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

**Hon. Mr. Lang:** Mr. Chairman, I think, as to the importance of this particular Bill, and the ability to have somebody totally familiar with this area. For an example, it is my understanding, in the area of income tax, that there may be considering, for private enterprise, like in the area of mechanics and this kind of thing, where they have to, over a period of time, convert their tools, which is a very costly endeavour, that this could be provided through the Income Tax Act, if a proper amendment was put through.

So, if private enterprise is made aware that these things are available, on a certain timeframe and this kind of thing, then they can make the conversion at a minimal cost to themselves.

I understand the Federal Government is considering this kind of thing. Whether or not they have done it, I do not know.

**Mr. Chairman:** Mr. McIntyre.

**Mr. McIntyre:** Mr. Chairman, I was just going to point out that, in connection with the *Motor Vehicles Ordinance*, all of the new vehicles have their speedometer in kilometers and, consequently, the Government of Canada must have made that a standard for motor vehicles that are sold in Canada, that their speedometers are marked off in kilometres and it would be kind of ridiculous for us to continue having miles per hour in our Ordinance, when, from now on, all cars and trucks are going to be made with the speedometers in kilometres.

**Mr. Chairman:** I am wondering what the situation is in the USA? Are they having a concomitant change at the same time or?

**Mr. Spray:**

**Mr. Spray:** Mr. Chairman, the Government of the United States is in a different position than we are. I understand that industry in the United States is converting, or moving towards conversion to the international system and the Government is not moving at quite the same rate.

The change in administration, apparently, had a delaying effect on the appointment of the appropriate officials to move into the conversion to the international system.

To the best of my knowledge, they have not made that specific move yet.

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

**Hon. Mr. Taylor:** Yes, Mr. Chairman, that raises another kind of interesting point, inasmuch as, perhaps, take for example, the posting of our highways in kilometres, in the fact that we are on the staging route between Alaska and the United States, would there, or has there been any consideration given by the Administration to providing dual signing on the

Alaska Highway, in order to accommodate the situation?

**Mr. Chairman:** Mr. Spray.

**Mr. Spray:** Mr. Chairman, no, we are not considering dual signing, as far as I know, since the Americans passing through Canada between Alaska and the lower 48 states, are not only going through the Yukon, where we would have the signs in metric, but they will also be going through British Columbia and Alberta, where the signs are in metric only, and are not in miles per hour.

**Mr. Chairman:** Is there any further general debate?

Are there any amendments to Clause 1.

*Clause 1 agreed to*

*On Clause 2*

*Clause 2 agreed to*

*On Clause 3*

*Clause 3 agreed to*

**Mr. Chairman:** The Commissioner of the Yukon Territory, by and with advice of the Council of the said Territory, enacts as follows: *Metric Information Agreement Ordinance*.

**Some Members:** Agreed.

**Mr. Chairman:** Shall I report the Bill without amendment?

**Some Members:** Agreed.

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

**Hon. Mr. Lang:** Mr. Chairman, I move that you do now report Bill Number 7 without amendment, to the Assembly.

**Mr. Chairman:** Seconder?

**Hon. Mr. Taylor:** I'll second that.

**Mr. Chairman:** It has been moved by Mr. Lang, seconded by Mr. Taylor, that Bill Number 7 be reported out of Committee without amendment.

*Motion agreed to*

**Mr. Chairman:** Bill Number 8.

*An Ordinance to Amend the Partnership Ordinance.*

*On Clause 1*

**Mr. Chairman:** I assume in line one, the word "by" is supposed to be in.

**Mr. Spray:** Yes, Mr. Chairman.

**Mr. Chairman:** General debate?

Mrs. Whyard?

**Hon. Mrs. Whyard:** Mr. Chairman, as I said earlier when giving second reading to this Bill, this is taking one step further the changes we made in the *Companies Ordinance* recently for the benefit of the consumer who will now be able to determine who are the owners of various companies registered under a name which is not the name of the owner. There are times when it is important to find out. As I said, at that time there is no particular burden implied on the people this will effect because registration costs are only \$5.

*Clause 1 agreed to*

*On Clause 2*

*Clause 2 agreed to*

*On Clause 3*

**Mr. O'Donoghue:** Mr. Chairman, in (c), the typing should have been cut off after the word 'judge', Mr. Chairman.

**Mr. Chairman:** So subsection (c) should read: "at any time, if a fiat is obtained from a judge".

**Mr. O'Donoghue:** A judge is a judge of the Supreme Court by the *Interpretation Ordinance*, but it should be cut off completely there, because we do not have a district court.

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

**Hon. Mr. Taylor:** I have a question that occurs to me. Would this require, for instance in the mining exploration business where a prospector has become partners for the course of a season, would that require by law that they have to register or would this not apply?

**Mr. O'Donoghue:** It is the law, Mr. Chairman, according to Section 47.

*Clause 3 agreed to*

*On Clause 4*

**Mr. Chairman:** I am assuming, Mr. O'Donoghue, that the same—

**Mr. O'Donoghue:** That is correct, Mr. Chairman, it is an error the typewriter carried through.

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

**Hon. Mr. Taylor:** Sorry to jump back, I didn't have my Ordinance open. I just have another question related to the question I asked a moment ago on partnerships involved in exploration. The Ordinance provides for mining purposes, would exploration be considered as mining?

**Mr. O'Donoghue:** I don't want to give the Member personal legal advice, but just answering a general question, it looks to me that mining purposes is a very broad purpose.

**Mr. Chairman:** Mr. McIntyre?

**Mr. McIntyre:** Following Mr. Taylor's question, under both the placer and quartz mining Acts, if two or more claim owners are required to enter into an agreement to work their claims in common, in order to take advantage of a grouping certificate under either Act, would this constitute a partnership agreement for the purposes of this Ordinance? If it does, it shouldn't?

**Mr. O'Donoghue:** No, Mr. Chairman, this appears to me to be, to cover mining, when you are mining, not mainly for the purpose of owning a claim, unless the claim is being mined. Or manufacturing, it doesn't cover trading and it doesn't cover the myriad forms of commercial agreement that two people make, as a partnership, informally. It is just limited to these two purposes, manufacturing and mining. Trading, manufacturing or mining.

*Clause 4 agreed to*

*On Clause 5*

**Mr. Chairman:** Mr. Lengerke.

**Mr. Lengerke:** Mr. Chairman, does that mean in 5.(1)(2), that you could have two partnerships in Yukon operating, or in Whitehorse operating, under the same name?

**Mr. O'Donoghue:** This, up to the moment, Mr. Chairman, in theory, can happen. In fact, it could be quite common because people would be using their own personal name.

What really is being meant here is the attempt to control firm names.

**Mr. Lengerke:** I am talking about firm names, Mr. Chairman. With consent, you can.

**Mr. Spray:** Mr. Chairman, you have situations where the branch, a branch business is being established, which may have a majority of beneficial ownership may be the same as another business in another part of the Territory, yet there is a difference in the ownership, some slight difference. Because they are connected, and because there is a majority of owners and both business are the same, they may wish to carry on under the same name.

You also have the case of, occasionally, where a business is sold, but the company that owned that business is not sold, and a portion of that original business name, which may have been

the corporate name, may be sold with the business as goodwill, and, therefore, they wish to be able to carry on that name, under the original name of the business. With consent, they would be allowed to do that.

**Mr. Chairman:** Mrs. Watson.

**Mrs. Watson:** Mr. Chairman, Section 5.(3), why are we using that discretionary power, where, in the opinion of one person, a name is offensive or discriminatory in any way. Is that the type of, is there a section like that in other legislation?

**Mr. Spray:** Mr. Chairman, that is a common power given to the Registrar of Companies, in all jurisdictions. We now use it here in the Yukon and we are carrying it on to this Ordinance and it is very common legislation and if there are any objections to the opinion of the Registrar, then there is access to the courts to have his opinion overruled.

Mr. Chairman, if I may make one comment on this Ordinance right now, we have a situation in the Yukon where we do have control over the names used by corporations. We do not have that same right of approval of names used as trade names for a business. Therefore, we are in a position where we may tell a corporation that they may not use a particular name because it is similar to another corporation in the Territory, or it is designed to deceive the public, or it is offensive, they can then incorporate under a name which acceptable to us, and then operate their business under the name which we said was offensive or discriminatory or designed to deceive. The amendments to this Ordinance, which require that they register their trade name, would also have the same checks on the use of that name as the *Companies Ordinance*.

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

**Hon. Mrs. Whyard:** Mr. Chairman, this isn't specifically on subsection (3), because it doesn't deal with anything offensive, but we had an interesting example of a problem area in this municipality a year or so ago, when a local hotel was operated under the name of the family which owned it, but which also happened to be the name of a chain of hotels at a nearby jurisdiction, which was a very interesting sort of case. The Sandman family was operating their own private hotel here, and many travellers, I am sure, assumed that it was part of a Sandman chain, although they were not doing anything to encourage this in any way.

If they had, now, under the terms of this new amendment, attempted to register that name, what would be the position the Registrar would have to take?

**Mr. Spray:** In a situation like that, Mr. Chairman where you have a name that is so similar to a chain, it does deceive the public, and you would encourage the owners of that hotel to register their company perhaps under their own name, but to operate the hotel under a trade name, which was registered. Something different than say the Sandman Hotel.

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

**Hon. Mr. Taylor:** Yes, back on (3) as well, subsection (3), the registration clerk has the power to say if, in his opinion, a declaration accepted for filing is offensive or discriminatory in any way, and this bothers me. Ought not there be some, you know, maybe the Registrar, or someone else, or some appeal, or something where this person, if he doesn't feel in fact that this is offensive or discriminatory, notwithstanding the clerk does, where he can go to somebody higher up, or somebody down the trail, you know, there are a lot of people have different views on different things, and what is offensive to one person may not be offensive to another.

**Mr. O'Donoghue:** Mr. Chairman, perhaps too much has been made over the clerk's power in this. It is a power which is exercised by the Registrar of Companies, not only in every province in Canada, and by the Registrar of Companies, of

Canadian companies in Ottawa, but in all jurisdictions all over the world, it is a power.

Now, it causes a certain amount of grumbling from new registrants, not usually because the words are taken to be offensive or something, but because it is very close to an existing company. The Registrar does not use his power in an opportune fashion anywhere in Canada, including this jurisdiction. It becomes a matter for telephone conversations and letters and agreement, usually, in those cases, between the lawyers of the respective applicants, because it usually is a big operation and it gets to a lawyer's hands.

Now, if they do not like it, they can go for a declaration of the court without any form of appeal and they often threaten, when a name is rejected, but they never actually do it. This is what happens, in fact.

There are lots of law cases that are won and lost on names, all over Canada. Law cases involving companies such as Yellow Cabs and what have you, and some people have lost the right to their own names and have been bitter about it, but this has happened. But they have access to the courts.

*Clause 5 agreed to*

*On Clause 6*

*Clause 6 agreed to*

*On Clause 7*

*Clause 7 agreed to*

*Clause 8*

**Mr. Chairman:** Mrs. Watson.

**Mrs. Watson:** Mr. Chairman, why do we have that section? Is it the intention to bring in certain parts of this legislation before the other?

**Mr. Chairman:** Mr. Spray.

**Mr. Spray:** Mr. Chairman, the *Partnership Ordinance*, as it now exists, requires that all persons operating a business under a name other than their own, that they are not a corporation or partnership, must register that trade name with us. We have, virtually, none of these trade names registered with us right now. We want to advertise the fact that we are going to be, not only insisting on the registration or trade names, but clearing these names. Therefore, I would think that this Ordinance may not come into force, if it is enacted at this Session, on, say, the first of December or the first of January, but would come into force on the first day of April, which would give us time, on a new licencing year, to enable people to register their trade names, prior to obtaining new business licences with the Territorial Government and to give us a chance to advertise the fact that we will be implementing this section.

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

**Hon. Mrs. Whyard:** Mr. Chairman, could I ask for clarification. This requirement for registration would not apply to a partnership where the names of the two partners are in actual fact the name of the company. We are only requiring the registration of partnerships where the names of the owners or operators are not reflected in the name of the company.

**Mr. Spray:** Mr. Chairman, we require registration of partnerships if they are in mining, trading, or whatever. However, if they register in their own names and operate the partnership in their own names, that is one thing. They must register that partnership with us, but, although it sounds confusing, the *Partnership Ordinance* is also dealing with proprietorships. That is an individual who owns his business and operates it under a name other than his own. He must also register under the *Partnership Ordinance*, his trade name.

If a partnership is operating their business under a name

other than the names of the partners, then they must also register their trade name.

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

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

**Mr. Fleming:** Mr. Chairman, I must be a little confused, because I have a particular case probably, not now, but I did have, and the sale transaction and the two names which, as I say, this was Geddes & Fleming Construction the example. They are no longer Geddes & Fleming Construction in the sense that it was a corporation and that was registered, so forth and so on, through the proper channels, everything was taken away, except the name, the name Fleming standing at the end of anything the company is now doing. In this case what would this person have to do to, does he have to remove that name, or is that name allowed to stand as long as it is registered?

**Mr. Spray:** Mr. Chairman, if it is a corporate name, if it is a corporation, then he need not register under this Ordinance, if he is operating under the name of his corporation. If it is Geddes & Fleming Construction Company Limited, and that is the registered name of the corporation, who is a person, and that is the name under which they operate, he need not register it. But if it is Geddes & Fleming Construction Company Limited, who operate as Teslin Construction, then they must register the name Teslin Construction, in order that the consumer who is dealing with Teslin Construction can come to our office and determine from us who actually owns and operates that business. They may not know who the owners are, and this way they will be able to check through and find who actually owns and operates that business.

**Mr. Chairman:** The Commissioner of the Yukon Territory, by and with the advice and consent of the Council for the said Territory, enacts as follows: *An Ordinance to Amend the Partnership Ordinance*. Shall the title carry?

**Some Members:** Agreed.

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

**Hon. Mrs. Whyard:** Mr. Chairman, I move that you report Bill Number 8, without amendment to the Assembly.

**Hon. Mr. Lang:** I will second that.

**Mr. Chairman:** It has been moved by Mrs. Whyard, seconded by Mr. Lang, that Bill Number 8 be reported out of Committee without amendment.

*Motion agreed to*

**Mr. Chairman:** We will be carrying on after the noon break with Bill Number 102. We will recess until 1:30.

*Recess*

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

Bill Number 102, *An Ordinance to Amend the Public Inquiries Ordinance*.

*On Clause 1*

**Mr. Chairman:** Mrs. Watson?

**Mrs. Watson:** Yes, Mr. Chairman, again with apologies to the Members of this Assembly that we have had to use the terminology "Council", but it is just to be consistent with the rest of the Bill. Basically all the first amendment proposes, is to add a second section to Section 3 where the first part is the Commissioner may cause an inquiry to be made into any matter (a) and (b): "connected with the conduct of the public business of the Territory, or (b) any matter of public concern." The second part of that section is: "The Commissioner shall, upon the recommendation of the Territorial Council, cause an inquiry to be made into any matter." We are just asking for equal powers with the Commissioner in that instance.

The recommendation of the Council would, of course, in-

clude the terms of reference and the details of the inquiry, so there is provision for that in that Section.

**Mr. Chairman:** General debate?

Mr. Lengerke?

**Mr. Lengerke:** Yes, Mr. Chairman, I have some concern with that and it may be valid and it may not be. If, in fact, Territorial Council, as we have got in the Bill, is given that right, then what will happen is we are going to have the general public making requests for inquiries to individual members of this Legislature and that will mean that we will probably have great debate and many instances where people are going to be getting up and calling for public inquiries. Is this a good situation?

I may be wrong in my interpretation, Mr. Chairman, I do not know. I just, that may not even happen, but I am just questioning.

**Mr. Chairman:** Yes, Mrs. Watson.

**Mrs. Watson:** May I answer?

I think the comments of the Honourable Member have to be taken into consideration, however, we must remember that any member of the public can, at this time, go to the Commissioner and have to convince one person that there has to be an inquiry.

Here, you have to convince twelve, and, later on, sixteen persons, that there is a need for an inquiry. It must be, with regard to two very important things, not on individuals, but connected with the conduct of the public business of the Territory, or any matter of public concern.

So, there is limitations on what you can have your inquiry into. There is a provision now for an inquiry, where all you have to do is go to the Commissioner.

As I said yesterday, I feel if the Commissioner has this power and can use it judiciously, why cannot we, as an Assembly, also have the power. Won't we use it judiciously?

Your reply may be that you have political pressures on people within this Assembly, but do not forget the Commissioner is subject to those same political pressures, from the public, that this Assembly would be.

As we said yesterday, also, that there is no need for this type of power to be given to an Assembly in the provinces, because they do have the power, through the Government, who is, really, a majority of the members of that House. But, we don't have that power.

In a province, a premier can call an inquiry, but he calls it upon the recommendation of the majority of those people in that House, which is his caucus and no premier in his right mind would embark upon any inquiry, public inquiry, unless he had the support of his caucus.

We don't have that right. We do not have that opportunity here. It is not putting the Commissioner into a second position to the Assembly. We are just asking the right to have equal powers with him.

Everyone is afraid, and there are dangers, I suppose of abuse of power, but power can be abused, whether it is one person, or sixteen. The biggest check to the abuse of the power is the fact that it originates here in the asking for an inquiry, and every Member of the Assembly is answerable to the public, he is elected by that public. He is answerable for embarking upon spending money to inquiry into something and he has to go back to his electorate, and say yes, that was justified, it was a serious enough thing that we felt that we had to have an inquiry.

**Mr. Chairman:** Mr. McKinnon?

**Hon. Mr. McKinnon:** Mr. Chairman, I spoke on the principle of this Bill at Second Reading, and I still maintain that

there is a very great principle involved in the Bill that we are presently deliberating.

Mr. Chairman, speaking in general on the Bill, I don't think, to paraphrase the Honourable Member's words, that there is a Commissioner in his right mind that would refuse a request of this House for a public inquiry into any matter by a resolution of this House. Here we are passing, or attempting to pass an Ordinance that will in effect diminish the executive power which presently reside in Yukon.

We have all stated that it is long past the time that that executive power should rest rightfully, as in the provinces, in the hands of the elected members. We all feel that this is coming and the only thing is the timeframe in which it is going to be allowed. I am of the opinion that if a resolution went through this House requesting of the executive of this government an inquiry into any matter, it would be folly, at this point in the constitutional development of the Yukon, for the executive to refuse that request. If they did, that's exactly what we want, because we want to know exactly where we stand at this point in the constitutional evolution of the Yukon. If a majority of the members of this House pass a resolution calling for an inquiry into some matter, and the executive refuses, then there is no use playing these games of responsible government anymore, we know exactly where we stand and where we are, and I would be the biggest supporter of the Honourable Member from Kluane or any other Honourable Member of writing Commissioner-in-Council and forcing through every piece of legislation that comes in this House, the rights of the executive back into "Commissioner in Council".

But we should do it in every Bill or no Bill at this time. We should use the system as it is presently in place to see whether we do have some weight with the executive arm of this government. I think we do, and I don't think we are using it, but I know how we can use it, it's just by passing a resolution of this House by a majority of members and saying look, we want this, are you going to do it, or are you not going to do it?

Fine, and this is exactly the type of legislation that we bring in every instance. Not only in one instance, but in every bill.

Of course, it is done, then, of course, that is the recognition by the Executive of this Government, that the elected members are calling the shots.

So, Mr. Chairman, with those remarks, if there is a resolution that needs to be passed for a public inquiry into some matter, I would suggest we go that route and leave this Bill in the Committee stage, to see whether that resolution is going to be accepted or not.

I think, then, all Honourable Members, at that point in time, can make a decision on the very real principle of what is happening constitutionally in the Yukon at this time, and where we are and where we should be going.

So, I think that we are doing it bass-ackwards, excuse me, Mr. Chairman, at the present time. Let us try the system as it is. Let us see where we are and let us see if the Executive still has the temerity to refuse a legitimate request of the representatives of the people of the Yukon. That puts it right out there in the open, where it should be, where we are constitutionally and whether the people's wishes are going to be accepted in a resolution of this House, by the Executive.

I can tell you, if in instances with the resolution of this House, the Executive refuses, I will be one of the champions and the leaders, which, just the opposite that I have been. Leave the strength of the Executive as it is because responsible government is coming, because a cabinet system is evolving and, when we reach that stage, we don't want to be going through all the ordinances and taking out "the Commissioner-in-Council, and with the advice of Council", because it will be a normal cabinet type system, as the Honourable Member knows, functions in the provinces.

For goodness sakes, let us try and use this system, as we have at first, to see where we stand, before we start a really great principle of whether we are going to start amending all of our legislation, to bring back that term "Commissioner-in-Council", or "with the advice and consent of the Council", or, terms of that nature.

That would be my advice to the House, at this time, and that is why I would like to see the Bill, as it presently is, remain in Committee until the other route is chosen, because I know, at that point in time, I will be a defender of this Bill and a champion of the elected representatives of the people, in supporting bills of this type in every aspect of Yukon legislation.

**Mr. Chairman:** Mrs. Watson.

**Mrs. Watson:** Mr. Chairman, I can see the thinking of the Honourable Member. I don't agree with him.

I do not think that he has thought out the process that is required if this Assembly does, in fact, want to have an inquiry. I have thought of using the same tactics as the Honourable Member has suggested, and I cannot agree that that is the type of tactic that we should use.

I think we should be open and aboveboard with it.

**Hon. Mr. McKinnon:** Right on.

**Mrs. Watson:** And take and amend the *Public Inquiries Ordinance*, as I am suggesting in this case.

The Honourable Member saying he does not want to take away the Executive powers, you are not taking away Executive powers, not one bit. You are giving us a little more power. That is all.

I am not going to continue to stand here, and I have been here for eight years now, waiting for that day when we do have that cabinet type of government. Let us face it, we are not destroying that concept whatsoever with this Bill. Not a bit.

In fact, even if you do have a cabinet type of government, this still allows the backbencher a little bit of room, if he wants to put a little pressure onto his Government.

There is nothing wrong with allowing an Assembly by resolution. It gives them the opportunity. It gives them the power. If they can't get the resolution through, fine. It does clean up, the amendment, that is before you, to the *Public Inquiries Ordinance* clearly defines the conditions, some of the conditions if an inquiry is held by resolution from this Assembly.

It says in here, that this Assembly, in the recommendation, also recommends the members of the board, but there is nothing, nothing at all in the existing legislation which says that our advice has to be accepted. Now, if we have a resolution to say that we want an inquiry and we want certain members on that board of inquiry, there is nothing to say, in the existing legislation, that that is in fact what will happen. I think that it's all, with all due regard to the position of Commissioner, this outlines the position of a Commissioner much better than going this route with resolutions and try to force it through this way. This gives the rules of the game, and I think that is only fair.

Are we prepared to put it down in legislation the powers we would like to have, or are we prepared to use the political pushing route to use this in the first instance? I think that is the question that is before us, and I have thought a great deal about it and I think this is the most honourable way of approaching it. If you want that power, put it into legislation, define it clearly so that we know, the public knows, and the Commissioner knows. To me that would be the fairest way of approaching when, and if we find ourselves, in a position that we want an inquiry, rather than a big political confrontation in the first instance.

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

**Hon. Mr. Taylor:** Mr. Chairman, I have listened with some interest to the remarks respecting this Bill, and so far I haven't really heard any reason why the Bill is here, or any valid reason why the Bill is before us. Perhaps there is a situation that requires immediate attention.

It makes me reflect upon the remarks made by the Honourable Member from Whitehorse North Centre when he said that if there is such a situation which, you know, requires the attention of a public inquiry, then perhaps a resolution at this time would be in order. I agree with him, hold this Bill in abeyance unless some other cause can be shown as to the need for this legislation.

I am certainly the first to support any type of reasonable legislation which would allow this Legislative Assembly to function as widely as it possibly can, but I certainly can't find enough reason in the argument that the Honourable Member from Klwane has made in this matter, and I would like to see a resolution on this matter before the Committee and this Bill held in abeyance as well, and then if there is no action, then we should give further consideration to the Bill, Mr. Chairman.

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

**Hon. Mr. Lang:** Mr. Chairman, I have heard with great interest the various speakers speaking in respect to this particular amendment to the *Public Inquiries Ordinance* and I think that my colleague on the Executive Committee had some valid points in respect to the Executive.

The point is, Mr. Chairman, we have been in the Executive arm of government, I have had the opportunity of being in the Executive arm of government for about two and a half years. I have heard the word "process", I have heard the word "review", "we are going to take that matter under consideration" by the Federal Government, and to be quite frank Mr. Chairman, I am fed up with it, because I think presently, the way the Executive Committee is structured, it would appear to me that the three elected members, to some extent, form a buffer zone, in some areas, and I am getting fed up with it. I firmly believe that if we are going to take any major constitutional steps during the life of this Legislature, the action is going to have to come from here. It's got to be action, it can't be requests, it can't be anything like that, it's got to come under legislation.

As far as I am concerned in this particular area, and we all know the matter we are talking about, and it's going to be discussed at a later date. As far as I am concerned, the authority has got to lie here and it should originate here, and it has got to be out in the open.

So, Mr. Chairman, as far as I am concerned, I will support this Bill, give it my wholehearted support, as far as I am concerned. We all realize that the Executive Committee, the way it is composed with three elected and two appointed, and the point is we aren't going anywhere towards responsible government the way it is now, and somebody is going to have to make a move. It is going to have to happen here.

So, Mr. Chairman, I support this amendment.

**Mr. Chairman:** Mr. Lengerke?

**Mr. Lengerke:** My point has been well taken.

**Mr. Chairman:** Ms Millard?

**Ms Millard:** Mr. Chairman, it makes me pleased indeed to be able to say that I wholeheartedly agree with the Minister of Education.

**Hon. Mr. Lang:** Point of Privilege, that doesn't happen too often.

**Ms Millard:** That doesn't come too often. He has said exactly what was going through my mind and said it far better than I will. I think there is a need now for us to take ourselves

in hand, to put ourselves together, and to demand rights that we can demand.

That is exactly what I was saying in my Reply to the Speech from the Throne. If we don't get it together now, somebody else is going to get it together for us, especially over the next few months. This is one step we can take, we must take it now. I am embarrassed to see members of the Constitutional Development Committee standing up and saying that we should go by any other route than legislation. It is very important that we do the things now that we can do now. I have had too many replies, the same as the Minister has, saying, "I'll bring that back. I'll see you about that next week", and we never hear anything. This way we can take the matter into our own hands whatever that matter may be. We have to have the courage to become a Legislature.

**Mr. Chairman:** Mrs. Watson.

**Mrs. Watson:** Yes, Mr. Chairman, it makes me feel good to hear some of the remarks that are being said in the House today, and yes, I think we are all aware that there is a situation that some of us feel quite strongly requires an inquiry.

An inquiry which would probably boil down to an issue of law of our constitution. That is basically what it boils down to, it is going to, eventually, become a constitutional thing. Not the type of thing that a lot of people envision with an inquiry. That is not what I am interested in. I am not interested in a witch hunt.

I want to know, under what legislation, certain powers can be exercised. When one looks and wants to get answers to these and you think about an inquiry and then you look at the piece of legislation on our books and you are going to have to start playing pushy, dirty type of politics to be able to do what you want to do.

That is why I am saying, put it into legislation. Look at it from the overall. Should we have the right, if some issue comes up, to be able to call an inquiry without digging in our heels and making a big political play. We certainly should. We do not have to have a test case all the time.

If we feel we want to have that power to investigate some legal constitutional issue at hand, and that is what it is, then we can call an inquiry. Not because of one situation that exists today, but situations that might exist within the next few years before we get that constitutional reform that we are waiting for, and I am not holding my breath.

Let us just not live for today, let us make some provision for tomorrow, too.

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

**Mr. Fleming:** Yes, Mr. Chairman, I welcome the Bill before us. I have heard some Members stand and say that, possibly, this is going to put the onus on one individual somewhere, or somebody comes to him and says we must have a public inquiry, we want a public inquiry, and it is up to him to set forth, by himself, and decide to come to this House with that.

I say, Mr. Chairman, that that is no harder job than what the Commissioner has to do, if he is going to do it by one person.

I welcome the concept of this, that when that one person comes here there are twelve Members, possibly sixteen Members, to decide whether that will be carried on, whether we will have an inquiry or not have an inquiry.

So, I think we start with something like this right at the bottom, where it belongs, instead of any individual person being able to say yes or no to any inquiry.

Therefore, Mr. Chairman, I am going to support this Bill.

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

**Hon. Mr. Taylor:** Yes, Mr. Chairman. I thought I might be

able to draw out, from the Honourable Member from Kluane, the reason behind the Bill, and I still have not, but I can only make an assumption that something is in the wind.

Section 3, in any event, of the *Public Inquiries Ordinance*, says that the Commissioner may cause an inquiry to be made into any matter. It obviously is not compelling upon the Commissioner.

It occurs to me, in listening to this debate, that what does one do in the case of causing an inquiry which may involve the Commissioner and which he may be reluctant to cause an inquiry. Certainly, if this be the case, then this legislation would be necessary.

I still have a lot of sympathy with the argument made by the Honourable Member from Whitehorse North Centre, though.

You know, it is the chicken and egg thing, do we try the resolution and get turned down, and then go ahead with the legislation or vice versa? I am really not too sure, but if there is a public inquiry to be held, I want to ensure that it is held. It also occurs to me that if we did pass a resolution perhaps as it took so long to bring into force, sections of the *Legal Profession Ordinance* and we have had resolutions affecting the fourth member of this Executive Committee which have never been enacted upon that well indeed, this Session could be long over before the Commissioner either decided to cause an inquiry into any matter, or not cause an inquiry into any matter.

I am pleased to see the members perkied up a little bit on constitutional senses, and that makes me feel pretty good, especially with one member of the Executive Committee, and I certainly support his position, so albeit, I will vote for the Bill.

**Mr. Chairman:** Mr. Lengerke?

**Mr. Lengerke:** Thank you, Mr. Chairman. I would just like to reply to the Member from Hootalinqua. I don't know if his remarks were directed to me or not, but if he listened carefully when I stood up initially, I asked a question of what the ramifications might be and the question was really just to try and get some reactions, certainly a reaction from the members, because, Mr. Speaker, I stood in this House yesterday and talked of leadership and I talked of two oaths that we have available to us, and that is exactly what we have got right here, we have got one of those tools that we can pick up and use. Even by passing this amendment, I still expect to see a resolution in front of this House that has to be given concurrence by all members, asking that this inquiry go. So therefore, Mr. Chairman, I will be in support of the amendment.

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

**Mr. McCall:** Thank you, Mr. Chairman. I have listened to the Honourable Member from Watson Lake get up and start talking about the chicken and egg concept dealing with this particular Bill, and the Honourable Member must realize that a chicken does not lay all its eggs in the same basket.

I am going to support this Bill, I think it is very necessary. I am surprised at past members of this House have not enforced it before today. You know, it seems to be touching some very sore points the way the debate is going, seeming to want to support the existing Bill which I don't accept, because it wasn't too long ago the Member from Watson Lake was in a very frustrating situation himself in dealing with inquiries, and he sought the support of this House and got it very much. Short memory. But I think he should support this amendment, but I think it is in need of a change for better things to come.

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

**Mr. Berger:** Yes, Mr. Chairman, I am going to be very short. I am in full support of this Bill, I can see no argument against it, because I think it is high time that this Assembly

takes on the power that it should have had a long time ago, and as the Honourable Member from Riverdale pointed out, he is, I think, very correct when he says there has to be a resolution forthcoming anyway. I think this is the only way to go.

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

**Hon. Mrs. Whyard:** Mr. Chairman, I am sorry that I was late for the sitting of this debate, because I have not heard all of the remarks made by Honourable Members and I do not want to cover the same ground again.

I had expected there would have been some kind of request forthcoming, from this House, asking for an inquiry, which, of course, there is a procedure now, covering. I did not anticipate there would be a new ordinance for that specific purpose.

However, I have no problem in supporting the Ordinance, because, in my opinion, Mr. Chairman, it is giving Members of this Legislative Assembly only the same power enjoyed now by Members of the medical profession and other professions in the Yukon. We surely should have the same access to an inquiry into any public matter of concern to citizens of the Territory. However you do it, I have no objection to it being done.

If, for some reason, Members feel that they are not going to succeed in the first procedure, use this one. I have no problem in supporting this Bill.

**Mr. Chairman:** Are there any amendments to Clause 1?

*Clause 1 agreed to*

*On Clause 2*

*Clause 2 agreed to*

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

**Hon. Mr. Taylor:** Yes, Mr. Chairman, just before we carry along here, in the Ordinance, it provides in Section 8 thereof, of the *Public Inquiries Ordinance*, that the Commissioner still has all the power, because he can do many things and make regulations respecting many things.

I am just wondering if the Honourable Member from Kluane had taken into account this, and particularly in (c), the procedures governing the conduct of the inquiry? Does this seem reasonable?

**Mrs. Watson:** Mr. Chairman, yes, I have certainly taken that into account and these are the types of things that will certainly have to be covered in the recommendation or the resolution that comes, if the Legislature does want to have an inquiry.

That is why it is so essential to make the amendments to the Bill, so that you have the right to give the direction.

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

Shall the title carry?

**Some Members:** Agreed.

**Mr. Chairman:** Mrs. Watson.

**Mrs. Watson:** Mr. Chairman, I move, Mr. Chairman, that you do know report the Private Member's Bill Number 102, *An Ordinance to Amend the Public Inquiries Ordinance*, to the Assembly.

**Mr. Lengerke:** I second it.

**Mr. Chairman:** It has been moved by Mrs. Watson, seconded by Mr. Lengerke, that Bill Number 102, *An Ordinance to Amend the Public Inquiries Ordinance* be reported out of Committee without amendment.

*Motion agreed to*

**Mr. Chairman:** Bill Number 4.

*On Clause 1*

**Mr. Chairman:** Mrs. Watson?

**Mrs. Watson:** Mr. Chairman, 3.1(1) "Subject to subsection (2) the Commissioner may, upon request in the form of a petition from the Board of Trustees of a District", why do they use the phrase in the form of a petition from the Board of Trustees? Does that mean that it has to have unanimous support from the Board of Trustees, what is the idea of that terminology?

**Hon. Mr. McKinnon:** I understood it to mean, and I would have to get a legal interpretation, that it was just a request from the Board of Trustees. I understand that that is the form that it is put in, but I think it is exactly that, a request from the Board of Trustees that this is what they want.

As all members know, what we are trying to do in this Section is that there is no present procedure in the Local Improvement Districts for a district to form a new one, they have to dissolve, and their book is bound up for a day, it's just a course to form a new district of a larger size, so we are attempting in this section to put in the procedure by which without the dissolution of the district, that they can expand their boundaries, or alter their boundaries. Many of the areas have faced problems in this area where they wished to alter their boundaries to this point in time. That's the reason behind it.

I don't know whether the words, "in the form a petition" are needed if you drew them out, whether it would make any difference, and as I say that would have to be a question addressed to a legal advisor, who, Mr. Chairman, I think should be present in this House when we are discussing Bills where we need legal advice.

**Some Members:** Agreed.

**Mr. Chairman:** We will have a recess.

*Recess*

**Mr. Deputy Chairman:** I call this House to order.

We now have, for Legal Advisor, Mr. Cosman.

Mrs. Watson, I believe, is looking for clarification to a question dealing with subsection 1. Would you like to repeat it, please, for the record?

**Mrs. Watson:** Yes, Mr. Chairman, regarding subsection 1, "The Commissioner may, upon request in the form of a petition from the Board of Trustees", and we were wondering what meaning to petition was being put in that phraseology?

**Mr. Cosman:** In the absence of a definition of petition in the definition section of the *Local Improvement District Ordinance*, and in the absence of a prescribed form, such as the one mentioned in Section 3.1(1), the existing 3.1(1), of the Ordinance, which refers to a petition in the prescribed form, signed by not less than ten persons, et cetera; in the absence of a definition or a clear direction, as I said, I would take it that this is a very general type of thing that, in fact, the word "petition" does not refer to a document, but it means, upon the request of the board of trustees.

I would, as a draftsman, like to point out that there is a possible ambiguity there and that, perhaps, we should chose more definitive wording, if something else might be intended there.

**Mrs. Watson:** Mr. Chairman, that is why I am asking the question. I know that the Member from Hootalinqua is concerned, too, because, if I were a member of the board of trustees and sat there and read it, I would not know whether we had to get a petition from the community at large or whether the request for the increase of boundaries, or a change in the boundaries of the L.I.D., was merely a request that had to come from the five members of the board of trustees.

I think that we really should clarify that section so that they know, without any doubt, what procedure they have to follow.

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

**Mr. Deputy Chairman:** Mr. Legal Advisor?

**Mr. Cosman:** It does refer to a request in the form of a petition from the Board of Trustees of a district, so in any event, whatever the form of petition that would be presented, it would certainly only be from the Board of Trustees and not the all-encompassing type of petition that we may be thinking of involving signatures of residents of the area.

**Mr. Deputy Chairman:** Mrs. Watson?

**Mrs. Watson:** Mr. Chairman, I think even a Board of Trustees would read it this way. Do they just have a type of form that we petition the Territorial Government to expand the boundaries and then sign the five trustees, but I could also interpret it that if the Board of Trustees wanted to have the boundary enlarged, they would embark upon going to the people and saying now if you are interested, and have a meeting, and then the people who are interested and do sign the petition and their request would be accompanied with a petition. I think there is both of these implied, and I think we should need it clarified.

**Hon. Mr. McKinnon:** Why not just say upon request by resolution of the Board of Trustees?

**Mr. Cosman:** That would resolve the doubt, I would feel, yes.

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

**Mr. Fleming:** I think my answer was pretty well as the Minister of Local Government has said, I think that would solve it. Upon request in the form of a petition, and then go over to where the Commissioner receives a petition in the prescribed form by not less than ten persons, would they not involve each other somewhere, sir, the way it is here now.

**Mr. Deputy Chairman:** Mr. Legal Advisor?

**Mr. Cosman:** Mr. Chairman, yes I feel that that inference could possibly be made, yes. It is possible.

**Mr. Deputy Chairman:** I take it, the problem we have in there is a typo error?

**Hon. Mr. McKinnon:** Depending upon the number of other amendments in here, Mr. Chairman.

**Mr. Deputy Chairman:** Is the Committee agreed on the problem then, the typo error?

**Some Members:** Yes.

**Mr. Deputy Chairman:** Will you take note of that, Mr. Legal Advisor?

On Clause 2

**Mr. Deputy Chairman:** Mr. Fleming.

**Mr. Fleming:** Mr. Chairman, could I possibly go back to 3, for a moment?

A question regarding: "A person who, having attained the age of 19 years, and have resided within the boundaries of the district and the area of the proposed alteration for one year prior to the date of the plebiscite", I am wondering, how old you have to be to own and have a title to a piece of property, eighteen years? Could you have this? If you hadn't been there a year and you are a Canadian citizen, could you vote in this situation? As a taxpayer?

**Mr. Deputy Chairman:** Mr. Legal Advisor.

**Mr. Cosman:** There is probably one day that the person couldn't vote, as I see it. It would be where he had not completed his year of residence, where he had completed his year, but he is not yet 19. If 18 is the age for holding property, then, technically, it is possible that he would be disallowed from voting in that Local Improvement District.

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

**Ms Millard:** Mr. Chairman, I might be quite confused here and I would not be surprised, and I may even have an old copy of the old *Local Improvement District Ordinance*, but, where I have got it, be repealing Section 5, you are repealing the right of the chairman to vote, and not replacing it by anything. Is that right?

**Mr. Deputy Chairman:** Mr. Legal Advisor.

**Mr. Cosman:** I believe you do have an older copy. The consolidated version of the revised Ordinance is being the ringbinder ordinances, from which you may have a photocopy, I am not sure, has been updated by Chapter 11 of the 1977 First Session, and that Section 10 has been repealed and replaced in its entirety and the existing subsection 5, that we are amending, if you would like me to read it, does deal with the matters that the new subsection 5 deals with.

**Ms Millard:** No, there is no need to read it, Mr. Chairman, I am just embarrassed that I did not have the knowledge to go and see the amendment.

**Mr. Deputy Chairman:** Mr. Berger.

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

Just a question of clarification, in 2. (c), we are talking about a superannuation benefit, are we talking about the Territorial Government's superannuation plan or are we talking about an ordinary pension plan?

**Mr. Deputy Chairman:** Mr. McKinnon.

**Hon. Mr. McKinnon:** Mr. Chairman, it has been one of my prime desires, since I have been Minister of Local Government, to attempt to get a municipal employee benefits plan going, so that the L.I.D.'s of both the Northwest Territories and Yukon can share in the benefits of a larger plan.

There have been tragic, and I mean tragic circumstances where an employee of an L.I.D., because he has not been a beneficiary of any plan, because the small L.I.D. is not capable, in themselves, of having employee benefits plans, has died and left a family, a young family, in pretty destitute straits

We have not had the co-operation from the two major centres, and it has been disappointing, Whitehorse and Yellowknife, as being members of this plan to make the whole thing work. I don't mean that the municipal authorities and the elected people in both Yellowknife and Whitehorse have been trying to join such a plan but the employees, up to this point, have seen fit not to join such a plan where all people working in municipal related type work would be the beneficiaries.

We are still trying to put the plan together without the involvement of those two major municipalities, and there may be enough people, if all of the rest of the smaller hamlets in the Northwest Territories, the L.I.D.'s in the Yukon and in the Northwest Territories all joined, that there may be still a pretty good plan that can be put together, which we hope to be able to offer on April 1st of this year.

It has been a tremendous long, hard grind up to this time trying to get something like this installed, and it hasn't been altogether too successful, though we spent a lot of time, effort, and money on it up to this point in time. I really hope that we are successful because it is just not fair in this day and age, because presently in the Yukon, the only people I think, other than the politicians who are working who don't benefit through any kind of benefit plan through employees are those working with the L.I.D.'s in a government structure, and I think that the time is long past when this is acceptable, Mr. Chairman.

**Mr. Deputy Chairman:** Mrs. Watson?

**Mrs. Watson:** Mr. Chairman, with your consent, I would like to go back to (3) on the bottom page 1, Section 1, subsection (3), and I note that there is only provision made in this legislation for the boundaries to be altered so that you make your L.I.D. District larger. Is it contrary to government policy to make provision for altering the boundaries to make the L.I.D. District smaller?

**Mr. Deputy Chairman:** Mr. McKinnon?

**Hon. Mr. McKinnon:** Mr. Chairman, we didn't look at that approach. We have never had a request, up to this point in time for a diminution of the L.I.D.'s boundaries, and I can't think of one in the foreseeable future. I would be rather surprised if in that future we received a request for a smaller L.I.D. boundary. We don't anticipate any requests for smaller L.I.D. or municipal boundaries so we didn't take that into consideration at this time.

**Mr. Deputy Chairman:** Mrs. Watson?

**Mrs. Watson:** Mr. Chairman, also in that same section, it's not just as clear as it should to me. I think I know what you mean, but I wonder whether people who are reading it know it. "The Chairman of the Board of Trustees of the Old District shall continue as Chairman of the New District, until his successor is sworn to office." Are you implying that you have an election after you enlarge the boundaries, or are you implying there that the old officer shall continue their normal term of office and then when they go to the election, that's when the chairmanship may or may not change. It is not that clear, is it?

**Mr. Deputy Chairman:** Mr. McKinnon?

**Hon. Mr. McKinnon:** Exactly what you stated is what we were attempting to do and I don't know whether it has to be done this way, or whether it could be put in simpler terms, but there is no implication that you have to—what we are trying to do is just not upset the whole apple cart just as you have to do

now. You really have to declare the Trustees, I think, out of office if you presently want to enlarge your boundaries and of course that wasn't our intent. It was to have, with the plebiscite and with accordance have the district continue just with enlarged boundaries, and if that does say it in the clearest terms possible, I don't know whether it has to be that way or whether it could be put in simpler terms.

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

**Hon. Mrs. Whyard:** That's all right, Mr. Chairman, it is answered.

**Mr. Deputy Chairman:** Mrs. Watson?

**Mrs. Watson:** Mr. Chairman, I would like to hear the Legal Advisor's comments on that.

**Mr. Deputy Chairman:** Mr. Legal Advisor?

**Mr. Cosman:** Yes, Mr. Chairman, I have no difficulty with this section in the sense that the Chairman of the Board of Trustees of the Old District continues until such time as he is replaced in office pursuant to valid elections, but I don't think there is any idea of an authority written in here that an election must be held immediately subsequent to the enlargement of the boundaries and so on. In other words, we would have to expressly write in provision directing that there be an election immediately. I don't think that there is any problem there, however.

*Clause 2 agreed to*

*On Clause 3*

*Clause 3 agreed to*

*On Clause 4*

**Mr. Deputy Chairman:** Mr. Berger?

**Mr. Berger:** If I may go back to 11.2 once more. I just was wondering, in the *Municipal Ordinance* we say that the Registrar should publish in the newspaper circulating in a municipality a copy or summary of each report, of the audited report. I was wondering if—I am just asking a question if this wouldn't be wise to adopt a similar policy in an L.I.D.?

**Hon. Mr. McKinnon:** Mr. Chairman, in the L.I.D.'s we were trying to keep it as simple and as neat as possible and thought that subsection (4), where the electors did have the right to inspect any of the reports, it's difficult for some of the L.I.D.'s to have to take the trouble and the time and the expense of getting their audited statement printed in the newspapers which are all, of course, printed in Whitehorse. So, rather than going the total formal route that the municipalities take, we though we would try and compromise on not making them do this, but making it evident that any person who wanted to have a look at the books was available to do so.

Of course, we have no objection at all if that is the wish of Committee. I am not so sure that some of these things which seem to be so simple for the municipalities to do, which would seem simple, are just not all that available for L.I.D. Boards and members to be doing quite as easily as we would like to think it is for them to do.

**Mr. Deputy Chairman:** Mrs. Whyard.

**Hon. Mrs. Whyard:** Mr. Chairman, on 11.(4)(b), I would like to express my pleasure of seeing subsection (i), under (b), because this fills the need for establishment of hospital advis-

ory committees or boards or a public health committee, in areas which, up until now, have not had them, and I am afraid, up until now, only the municipalities have been authorized to establish such boards.

I would certainly hope that there will be an immediate reaction to this and that we will see such committees forming, wherever there are interested citizens.

**Hon. Mr. McKinnon:** Mr. Chairman, the only reason it is in there is probably because my colleague is going out and doing it without any authority.

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

**Ms Millard:** Mr. Chairman, I think, after careful perusal, if this is correct, in the first part of the fourth item in the changes here, Section 13 is amended by repealing paragraphs 1(f) and (g), and comparing everything, I think the only change, if I am correct, is that the word "and" has been eliminated, after Ordinance. Is that correct? Or is there other change?

**Mr. Cosman:** In Paragraph 4(a), the (f) and (g), yes, that is exactly the reason.

**Ms Millard:** I am on the right track.

**Mr. Cosman:** Mr. Chairman, if I might elaborate on the procedure. This is a drafting style which I have developed because I anticipate that, in consolidating the ordinances from year to year, as we do, I have noticed that, in the past, certain punctuation and words, such as "and", that sort of thing, have not been directed to be deleted by this Assembly, and this is the reason why I put sections such as this in, so that in effect, when the ordinances are reprinted in the consolidated version, we have removed the period at the end of (g), for example, and continue on and it will flow.

**Mr. Deputy Chairman:** Mr. Fleming.

**Mr. Fleming:** Mr. Chairman, under (1), "controlling, regulating or prohibiting all-terrain vehicles, motor cycles and motorized toboggans whether on or off a highway", I am presuming this, although it does not say snowmobiles, actually, and it does in our Vehicle Ordinance, does this mean a snowmobile. There is no, I do not think, any reference to a motorized toboggan or, maybe, I do not know about an all-terrain vehicle, possibly, but I cannot remember that either, in our *Motor Vehicles Ordinance*? I wonder whether that should not be looked into?

**Hon. Mr. McKinnon:** Mr. Chairman, the area here needs some cleaning up in conjunction with the *Motor Vehicles Ordinance*, depending on its passage or not. It would have to be something like subject to the *Motor Vehicles Ordinance*, in making sure that they are in consistency with one another.

The (h) and (1), what we are attempting to do and we will have to make sure that that is what we have done, depending upon how other ordinances go, we knew that the L.I.D.'s did not want the total municipal responsibility of all of the control of the streets and lanes, as you see, in the new *Motor Vehicles Ordinance*, the power, the far-reaching powers of the municipality in dealing with traffic within its boundaries.

We thought that subject to the *Motor Vehicles Ordinance* which means that they could not go a greater speed, the L.I.D. couldn't create a greater speed than the maximum under the *Motor Vehicles Ordinance* and because of certain things within the L.I.D., certain playgrounds, certain districts where

they wanted to lower that speed, that they should have the ability of saying look, because of such and such a reason there should be a ten of fifteen mile an hour speed zone through this area, and have it posted for the protection of kids or dogs, or vice versa, or anything else.

We also thought that one of the real complaints that we get constantly in both municipalities and L.I.D.'s is the problem of motorcycles and snow machines harassing and keeping people awake at all hours of the night. Certainly the local people should be able to set those rules and regulations they want in their community, other than having to phone the Territorial Secretary to say a skidoo kept me up at 3 o'clock in the morning, just like I get phoned from Dawson City when there is a leak in the water system presently, because the YTG owns the system.

These are normal municipal type local responsibilities. So this is the tight rope that we are on all the time with the L.I.D.s, trying to get those nitty-gritty, gut local issues which are much better handled and settled by local people without the total responsibility of a municipality.

It is difficult, that is what we are attempting to do, we think we have come pretty close with these amendments and without going into too many particulars, and without getting too detailed and too complicated. I think there has to be some cleaning up in this section (1) depending on the status of the *Motor Vehicles Ordinance* to make sure that they are not inconsistent with one another. That is the philosophy we are trying to reach which I think is a sensible approach.

**Mr. Deputy Chairman:** Mrs. Watson?

**Mrs. Watson:** Yes, Mr. Chairman, I would agree with the (h) and the (1), but the (k): "providing for the creation of a reserve or revolving funds resulting from any operational surplus, and determining the purposes for which such funds may, pursuant to this Ordinance, be expended", and I have quite a bit of concern about this section.

The L.I.D.'s do not have the responsibility of raising revenue and they operate on a budget which they prepare and submit to the Government of the Yukon Territory, and the funds are voted by this House.

We want realistic budgeting, of course, but there are going to be times when there is a deficit within their budgeting and we have to come and haul them out, the Government does, but on the other hand, when there is a surplus, what do we do? Do we let them determine what the surplus is to be used for? Let's be honest, surplus is from good management, and I am going to say it, before the Honourable Member says it, if they can save money because of good management, that's fine, then they shouldn't have to budget for so much.

If this type of thing, because that section in there, if it is going to lead to padded budgets and the people are human, well I think we are into a very, very dangerous area here and I think there should be a maximum on it. You have got an open ended thing. If you can squeeze that much money out of here and we haven't been in the habit in this House, and I think I have done it to some degree, of questioning the amount of money that L.I.D.'s receive. We never have. We just say they asked for it, I guess they need it, we will give it to them.

What we are saying is they can ask for it, we will give it to them. If they do not spend it this year, they can keep it and spend it next year and ask for more.

You know, I think we had better have a look at this and just

put a few terms and conditions on it, because, we, in this House, have to stand up and raise that money. If the L.I.D.'s had to accept the responsibility of setting a mil rate and collecting the revenue, in order to operate under, and, with our grants and with their revenue, they had a surplus, well then, fine. Then let the pressures come from the public in that area to lower the mil rate.

You know, it is pretty open-ended, the way that is. I am very reluctant. In fact, I do not know whether I could go along with it.

**Mr. Deputy Chairman:** Mr. McIntyre.

Mr. Fleming.

**Mr. Fleming:** Not too many times I have to agree with my colleague from the North, disagree, I mean, with her, on these issues. This one, I do not wholeheartedly disagree, but I am looking at this in a little different light, because I feel, under the present *L.I.D. Ordinance*, where ten people can, at any time, put their name on the board and get rid of that, or have a try at getting rid of an L.I.D. that is there, I do not think that problem would come up in this Government, because the people are still, they are responsible. The L.I.D. is responsible to the people in that district.

I think if that money was being kept over, which we, as citizens of that district know, and, you know, at the meetings, we know what is going on. I am sure that if the people thought that that money was being not spent where it should and was being kept over and padded and, you know, going for something else, that there would be a complaint from them.

I think that it would be taken care of.

**Mr. Deputy Chairman:** Mr. McKinnon.

**Hon. Mr. McKinnon:** Well, Mr. Chairman, the budget game as it is played at the federal, territorial, municipal and L.I.D. level is all one and the same thing.

When the L.I.D. present their original budget to the Department of Local Government, it is padded and there is a hard, long series of negotiations, the normal budget type of negotiations that go on between the two governments. It is a good learning experience for everybody concerned and it is good, tough, hard negotiation.

Those budgets are approved, following that, by this House, but they are also approved and gone over in detail, with my officers, by myself, because I know the importance of making sure that the budgets are in line, one with the other, and that the territorial taxpayer is not getting dinged for costs over and above what he should be paying in the Local Improvement Districts.

I am satisfied and very pleased with the Local Government advisors and the job that they have done in meeting with the elected members of the L.I.D., in coming to acceptable and reasonable budgets, following these negotiations and, in fact, in every instance, rather than saying that they are too much, different members representing L.I.D.'s have asked me, on a consistent basis during the budget sessions, why they were cut from the maximums that the L.I.D.'s originally asked for in their budget presentation, but after those negotiations, the budgets are realistic and they can be worked and accepted by both parties.

Regardless of that, there was a case of one of the L.I.D.'s

that had a particular pet project in mind and their budget was realistic and they did scrimp and save and cut down on some of the services that they were going to provide, because they wanted a special project that they had in mind.

We had not method, and what we did, is they came at the end of the year and said, boy, you know, because we were so, you know, our constituents complained that the roads were not like they were supposed to, but we wanted this special project and we have got \$50,000, I forget what the sum was, and we said, well, tough luck, for being frugal, you are being penalized because that money has to, by law, come back to the Territorial Treasury and it will just, or, you can keep it, but it will be removed from the funding that you get in next year's budget.

It was pretty intense because they had taken the political abuse for doing this, and yet they were to no advantage under the law as it now stands. So there is a real good point in whether we want the L.I.D.'s to be able to be allowed to do this or not.

We felt that that was really a choice of the elected members of the L.I.D. I don't know how practical it is to think of a maximum basis, but I am inclined to agree with the Honourable Member from Teslin that that's pretty close grass roots democracy in the L.I.D. and the public, if the services are being stunted on, are being short changed, they are going to make sure that they get to their L.I.D. members. So anyway, that's the background to why the section is in there, and we are at the pleasure of the House whether it remains, whether it is amended, or whether it is thrown out.

**Mr. Deputy Chairman:** Mrs. Watson?

**Mrs. Watson:** Mr. Chairman, but there is a very, very basic principle here, and that's the principle that we, in this House, have to find that money. That's the basic principle, and when they say they need \$50,000 or \$70,000 in their budget, and we have to raise \$70,000 to give them and we find out that they got \$10,000 they didn't use, or didn't need—

**Hon. Mr. McKinnon:** Didn't use.

**Mrs. Watson:** —or didn't need.

**Hon. Mr. McKinnon:** Didn't use.

**Mrs. Watson:** I really mean this. This is a very, very serious thing as far as I am concerned, because it is great to spend money if you don't have to raise it. I mean we could all stand around here and just spend money beautifully, I would be the greatest Santa Claus you ever did see, but I don't like being the ogre that has to set the mill rate and then has to provide for some revenue to come into this House.

I look at funds, and I look at money carefully. I am not going to give anybody a blank cheque until I know what he is going to fill that cheque in for and how much. That's what we are doing here, almost. At least set a maximum on it. At least put some type of maximum where they have to be accountable for it. We are not saying that they have to be accountable.

I can see where they have money left over, there is one area they budget so much for snow removal, so you don't have any snow one winter, which is not inconceivable at all, so they do have some money, a few thousand dollars left, because they didn't have the big snow removal program, well that type of thing I can buy; but this is not only that type of thing that we are looking at here, and I don't agree with the Member from Hootalinqua. Every L.I.D. doesn't have a Bob Fleming going

to the meetings and know where they spend their money and where are the valves on the sewer system or the whole thing. You know that type of thing.

I am not even saying that the L.I.D.'s are careless. It's just that when you don't have to stand up and account to the people that you are charging for money, that it's a different thing. It's the most amazing thing for the maintenance of Local Improvements. We have charges, monthly charges, which are set by the Territorial Government, incidentally, and they are sort of uniform. But the criticism that the L.I.D. receives from the general populace is we pay so much a month, why is my sewer not operating.

That is where the checks and balances come, when people pay. If people do not have to pay directly, as they do not here, the checks and balances are not there.

So, we had better put a check in there.

**Mr. Deputy Chairman:** One clarification, Mrs. Watson, was that an insult or a compliment to Mr. Fleming.

**Mrs. Watson:** Mr. Chairman, it was certainly a compliment.

**Mr. Deputy Chairman:** Oh, thank you, Mrs. Watson.  
Mr. Lengerke.

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

I think both members, certainly the Minister of Local Government and the Member from Klwane have both made good points, excellent points on this.

I have been in this situation myself, many times, where, you know, just wishing to be able to spend that operational surplus and usually did, yes.

I do agree, I think that we could put a limit to it, and I was wondering if consideration could be given to, when you budget, as you all know, you usually put in a contingency amount, for certain. You know, you add up your budget and then you say, well, let us throw in another 10 or 15 per cent for contingency. Could we use that figure or that percentage for maybe establishing a limit of that operational surplus that they might be able to use?

**Mr. Deputy Chairman:** Mr. McKinnon.

**Hon. Mr. McKinnon:** Well, I think we certainly should have a look at that, whether it is practical or not. I'll check with the Department of Local Government, to see whether that is practical solution, or the compromise solution to the problem.

**Mr. Deputy Chairman:** Mr. Berger.

**Mr. Berger:** Mr. Chairman, this may sound facetious, but, (c)(2), subject to the *Public Health Ordinance* they may dispose of garbage and I was thinking, shouldn't there also be in it, subject to the Department of Environment, subject to the Department of Fisheries, and all sorts of other federal government agencies, because right now, there is no municipality can dispose of garbage with approval of all those other departments, and the *Public Health Ordinance* has nothing to do with it.

**Mr. Deputy Chairman:** Mr. McKinnon.

**Hon. Mr. McKinnon:** I said we were trying to keep it as simple as possible, and I heard the ultimate, from Dawson, the other night, if the story was correct. It was that the Territorial Government building that has icebergs this winter, got into terrible difficulty because they did not apply for a water use licence to be able to pump the water from the Yukon River off the bridge.

**Mr. Deputy Chairman:** Mr. Lengerke.

**Mr. Lengerke:** I think you should also change that word

"may pass by-laws", if you are going to look at it that way, to "shall pass by-laws", because I do not think they will be able to get away with not passing the by-laws for all those types of...

**Mr. Deputy Chairman:** Mrs. Watson.

**Mrs. Watson:** Mr. Chairman, I sort of overlooked the disposal of garbage. Is that sewage lagoons, or is that garbage dumps?

**Mr. Deputy Chairman:** Mr. McKinnon, do you want to answer that question?

**Hon. Mr. McKinnon:** I am sorry, I wasn't paying attention to the question, Mr. Chairman, could you repeat it?

**Mrs. Watson:** The question was to do with the disposal of garbage. Would that refer to sewage lagoons or is that just for garbage dumps, the collection of garbage?

**Hon. Mr. McKinnon:** This section is totally permissive, Mr. Chairman. We wanted to be able, and the intent of this section was for the L.I.D.'s, if they so desired, to set up their own garbage collection type of operation and have rules and regulations as to where they were going to dispose of that garbage if they so wanted. I am not positive, whether any of the L.I.D.'s are into garbage collection at the present time. I know that some of them have made attempts to be in the garbage collection business, and what we are trying to do is put the authority for that type of a normal local responsibility into the Ordinance, but not make it mandatory that the L.I.D. had to go into it if they so desire.

If they did make it broad enough so that they could pass by-laws in any of those areas with the removal, collection, and the disposal of the garbage and the refuse, but it is certainly up to them into which areas they want to move, and in which areas they want to make the by-laws.

**Mr. Deputy Chairman:** Mrs. Watson?

**Mrs. Watson:** The sewage lagoons is a different thing completely, and if it's going to be lumped under this, I don't think there is enough provision made for the different steps. Now, sewage lagoons, the location of a sewage lagoon, and the capital expenditure are two big questions again, and really, if you are going into a sewage lagoon, the things that the Honourable Member from Klondike brought up about the Territorial Water Board and all the rest of these people who have to be involved, and then I believe, now I could be mistaken on this sewage lagoon, there would be a mil fee charged for a very small portion of the capital expenditure, but there would be a mil fee charged against the rate payer so you would have to have a referendum on that then. You couldn't just have them look at the by-law and then come and object. I think you would have to go through the normal route of referendum when it would be a Local Improvement. That's why, if you are just referring to garbage and not including sewage lagoons.

**Hon. Mr. McKinnon:** Well, we didn't intend that but we would have to look at subject to the *Public Health Ordinance*. I don't know whether the *Public Health Ordinance* deals at all with the sewage lagoon and the effluent problem, and I don't know either the definition of garbage and refuse, whether they include that definition also so that the question is something that is over and above, of course, what we are attempting to do. I think probably the definition, whatever it would be of garbage and refuse, and the line subject to the *Public Health Ordinance* that all of those would preclude that the matter of sewage disposal coming into this area, but that is something that we will check.

**Mr. Deputy Chairman:** Mr. Lengerke?

**Mr. Lengerke:** It's okay, Mr. Chairman.

**Mr. Deputy Chairman:** Mrs. Watson?

**Mrs. Watson:** Mr. Chairman, it may be that a sewage

lagoon is considered as a local improvement, and then it wouldn't come in there, but that's the type of thing you would have to look at, wouldn't you?

**Mr. Deputy Chairman:** Mr. Lengerke?

**Mr. Lengerke:** Mr. Chairman, let's get down there then. The Minister of Local Government said that sewage lagoons are not to be included in there, did he say that?

**Hon. Mr. McKinnon:** They weren't intended to be.

**Mr. Lengerke:** Right. Well, let's get the interpretation of the garbage and refuse with what you have suggested, and if that's—

**Mr. Deputy Chairman:** Could you give me some direction on that, Mr. Lengerke? What are you suggesting? Nothing? Very well.

*Clause 4 agreed to*

*On Clause 5*

*Clause 5 agreed to*

*On Clause 6*

**Mr. Deputy Chairman:** Mr. Berger.

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

Mr. Chairman, 5, if I may go back to it again, I was just wondering if this was a normal procedure. I could think of the possible confusion arising here.

You have one street entitled one name in the district in the L.I.D. and registered in the Lands Title Office as a different name altogether. This could go on and on, actually, without those people getting together.

**Hon. Mr. McKinnon:** Mr. Chairman, I know why the changing of the streets is there, because the L.I.D. was doing it, so we might as well give them the authority when they have been doing it for years anyway. Why the other legal section towards the end of it is there, I would have to ask Mr. Cosman.

**Mr. Deputy Chairman:** Mr. Cosman.

**Mr. Cosman:** Well, it is merely saying what the Member thinks it says, that there is no requirement to regard the name that is shown on the plan registered in the Land Titles Office, they can go ahead and change it.

**Mr. Deputy Chairman:** Mr. McIntyre.

**Mr. McIntyre:** Yes, Mr. Chairman. It really doesn't matter much anyway, because almost, in fact, all of the modern plans in the Land Titles Office, of subdivisions, do not indicate street names. It is only the very old plans that do.

**Mrs. Watson:** Mr. Chairman, just the numbers on the plans, so the street name wouldn't make any difference.

**Mr. Deputy Chairman:** Or they assign just lot numbers.

**Mrs. Watson:**

**Mrs. Watson:** Mr. Chairman, number 6, if the board of trustees holds land, acquires land or in recreational facilities, are they obligated to pay taxes on that land and on the improvements on that land? Territorial taxes?

**Hon. Mr. McKinnon:** The L.I.D. holds them, Mr. Chairman. It is an answer that I am not prepared to give off the top of my head, I would like to see some legal opinion on it. I do not know whether the *Taxation Ordinance* or the *Community Assistance Ordinance* or any of the present legislation addresses itself to that problem, specifically.

**Mr. Deputy Chairman:** Mrs. Watson.

**Mrs. Watson:** Well, it certainly needs to be clarified, if you are going to do this in Section 6, if the board of trustees pays taxes.

Also, are the boards of trustees' buildings, do they come under the fire insurance scheme that the Territorial Govern-

ment has for being self-insured, or do the board of trustees of L.I.D.'s have to carry fire insurance for the buildings, such as their fire halls, if they happen to get a community hall or a skating rink? Would they have to carry fire insurance?

**Hon. Mr. McKinnon:** Another question that I would have to seek answers to, Mr. Chairman.

**Mr. Deputy Chairman:** Mrs. Watson?

**Mrs. Watson:** All right, if you are getting answers, get an answer to this one. If the L.I.D. acquires a community club, a skating rink or curling rink, and they operate it, and the deficit of the maintenance and utility costs are then recovered from the taxpayers by their two or three mills. Now would your taxes and your insurance be maintenance costs?

**Mr. Deputy Chairman:** Will you take that under advisement, Mr. McKinnon?

Mr. Fleming?

**Mr. Fleming:** Mr. Chairman, I think my question has been more or less answered. That was to acquire and to operate, I was wondering about these words, this was not an ownership. There are places here it says that you sell, lease, or otherwise, and of course otherwise could cover almost anything, but I think that they should be separated and you should know whether you own and pay the taxes, whether you operate the situation, and in that case, would you have to, or would you not have to, pay the taxes. You don't own it, you just operate it. I think the whole section should be cleared up, I would say, and I would like to have a little clarification when it comes back.

**Mr. Deputy Chairman:** Mrs. Watson?

**Mrs. Watson:** Mr. Chairman, the *Community Assistance Ordinance* lays out some of the terms and conditions where the L.I.D.'s can take over and operate and maintain existing community facilities. I believe the *Community Assistance Ordinance* says the facilities shall revert to the Territorial Government, and here, I believe, we are saying the facilities should go to the L.I.D., and I think there is a conflict of policy there, not of drafting.

You see, they can acquire, operate, maintain, hold, sell or lease.

**Mr. Deputy Chairman:** Mr. McKinnon?

**Hon. Mr. McKinnon:** Mr. Chairman, I'm sorry, I don't see the conflict in policy.

**Mrs. Watson:** Well, there is.

**Mr. Deputy Chairman:** Mrs. Watson?

**Mrs. Watson:** Mr. Chairman, under the *Community Assistance* legislation, a community club can turn over their assets to the Territorial Government and then the L.I.D. operates them. Here, and this is why you have this section in here. Here, we are saying the L.I.D. can acquire, because before we have never given the L.I.D. the right to. They can acquire personal property and operate and maintain and hold and sell or lease the personal property. The big question now that people are going to be asking is if we turn our assets over to the YTG, are we in fact going to be turning them over to the L.I.D. If we are turning them over to the L.I.D. are they going to have to pay taxes. Are they going to have to carry insurance. How does the L.I.D. acquire these these assets? Do they buy them? If they do, great. So I think that you have got to look at the two of them in context of the *Recreation Ordinance*, the *Community Assistance Ordinance*, and the *Local Improvement District Ordinance*, as far as recreational facilities are concerned.

**Mr. Deputy Chairman:** I think, Mrs. Watson, you have posed the Minister a number of questions which he is going to have to receive further advice on, therefore, I declare a brief.

recess.

*Recess*

**Mr. Chairman:** I call Committee to order.

The Chair will entertain a motion to revert to the House.

**Mr. Fleming:**

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

**Mr. Chairman:** Seconder?

**Hon. Mr. McKinnon:** I'll second it.

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

*Motion carried*

*Mr. Speaker resumes Chair*

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

Could we have a report from the Chairman of Committees.

**Mr. Hibberd:** Mr. Speaker, the Committee of the Whole have considered Bill Numbers 5, 7, 8 and 102, and directed me to report the same, without amendment.

The Committee of the Whole have considered Bill Number 4, and directed me to report progress on same, and asked leave to sit again.

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

**Some Members:** Agreed.

**Mr. Speaker:** Leave is so granted.

May I have your further pleasure?

The Honourable Member from Whitehorse Riverdale.

**Mr. Lengerke:** Mr. Speaker, I move that we, excuse me.

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

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

**Mr. Speaker:** It has been moved by the Honourable Member from Whitehorse Porter Creek, seconded by the Honourable Member from Whitehorse North Centre, that Bill Number 5 be now read a third time.

*Motion agreed to*

**Mr. Speaker:** Are you prepared to adopt the title to the Bill?

**Hon. Mr. Lang:** Yes, Mr. Speaker, I move, seconded by the Honourable Member from Whitehorse North Centre, that Bill Number 5 do now pass and that the title be as on the Order Paper.

**Mr. Speaker:** It has been moved by the Honourable Member from Whitehorse Porter Creek, seconded by the Honourable Member from Whitehorse North Centre, that Bill Number 5 do now pass and that the title be as on the Order Paper.

*Motion agreed to*

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

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

**Mr. Speaker:** It has been moved by the Honourable Member from Whitehorse Porter Creek, seconded by the Honourable Member from Whitehorse North Centre that Bill Number 7 be now read a third time.

*Motion agreed to*

**Mr. Speaker:** Are you prepared to adopt the title to the Bill.

**Hon. Mr. Lang:** Yes, Mr. Speaker, I move, seconded by the Honourable Member from Whitehorse North Centre, that Bill Number 7 do now pass and the title be as on the Order Paper.

**Mr. Speaker:** It has been moved by the Honourable Member from Whitehorse Porter Creek, seconded by the Honourable Member from Whitehorse North Centre, that Bill Number 7 do now pass and that the title be as on the Order Paper.

*Motion agreed to*

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

**Hon. Mrs. Whyard:** Mr. Speaker, I move, seconded by the Honourable Member from Whitehorse Porter Creek, that Bill Number 8 be now read a third time.

**Mr. Speaker:** It has been moved by the Honourable Member from Whitehorse West, seconded by the Honourable Member from Whitehorse Porter Creek, that Bill Number 8 be now read a third time.

*Motion agreed to*

**Mr. Speaker:** Are you prepared to adopt the title to the Bill?

The Honourable Member from Whitehorse West?

**Hon. Mrs. Whyard:** Mr. Speaker, I move, seconded by the Honourable Member from Whitehorse Porter Creek that Bill Number 8 do now pass and that the title be as on the Order Paper.

**Mr. Speaker:** It has been moved by the Honourable Member from Whitehorse West, seconded by the Honourable Member from Whitehorse Porter Creek, that Bill Number 8 do now pass and that the title be as on the Order Paper.

*Motion agreed to*

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

**Mrs. Watson:** Mr. Speaker, I move, seconded by the Honourable Member from Pelly River, that Private Member's Public Bill Number 102, *An Ordinance to Amend the Public Inquiries Ordinance* be now read a third time.

**Mr. Speaker:** It has been moved by the Honourable Member from Kluane, seconded by the Honourable Member from Pelly River that Bill Number 102, be now read a third time.

The Honourable Member from Whitehorse North Centre?

**Hon. Mr. McKinnon:** Mr. Speaker, before third reading is given to this Bill, I would just like to rise and say that I am going to vote against this Bill, even though I know full well the reason and the background for it. Be that as it may, Mr. Speaker, I feel that there is a much broader principle involved here. I firmly believe that the diminution of executive authority is a step backwards, rather than a step forward. If what we are eventually looking for is the emergence, Mr. Speaker, of a responsible cabinet system of government for Yukon.

**Mr. Speaker:** Is there any further debate on third reading.

*Motion agreed to*

**Mrs. Watson:** Mr. Speaker, I move, seconded by the Honourable Member from Pelly River that Private Member's Public Bill Number 102, do now pass and that the title be as on the Order Paper.

**Mr. Speaker:** It has been moved by the Honourable Member from Kluane, seconded by the Honourable Member from Pelly River that Bill Number 102 do now pass and that the title be as on the Order Paper.

LEGISLATIVE RETURN # / O

(1977 Second Session)

*Motion agreed to***Mr. Speaker:** Bill Number 102 has passed this House.

May I have your further pleasure?

The Honourable Member from Pelly River.

**Mr. McCall:** Yes, Mr. Speaker, I rise on a personal Point of Privilege. For clarification, Mr. Speaker, am I to understand that these Bills will be assented to on Monday?**Mr. Speaker:** A request will go forth to Mr. Commissioner asking for assent to these Bills on Monday next.**Mr. McCall:** Thank you, Mr. Speaker.**Mr. Speaker:** The Honourable Member from Whitehorse Riverdale?**Mr. Lengerke:** Mr. Speaker, I move that we do now call it five o'clock.**Ms Millard:** I second that.**Mr. Speaker:** It has been moved by the Honourable Member from Whitehorse Riverdale, seconded by the Honourable Member from Ogilvie that we do now call it five o'clock.*Motion agreed to***Mr. Speaker:** This House now stands adjourned until 10 a.m. Monday next.*Adjourned*Mr. Speaker  
Members of the Assembly

On November 15, 1977, the Honourable Member from Pelly River asked the following question:

What arrangements are made between the Government of Yukon and contractors outside the Yukon with respect to Workmen's Compensation when contractors are working on jobs in Yukon?

Has there been to your knowledge any contractor from outside the Yukon allowed any exemptions under the Workmen's Compensation or other related legislation?

The answer to the above question is as follows:

Outside contractors, if employing workmen, must register with the Workmen's Compensation office and comply with the ordinance, the same as any Yukon contractor. All YTG contracts are given a final clearance by the Workmen's Compensation office prior to final payment by YTG.

There have been no exemptions, except those outlined in the ordinance. (Aircrews and domestic workers.)

November 17, 1977.

  
Signature

SESSIONAL PAPER NO-15

WHITE PAPER ON

WORKMEN'S COMPENSATION ORDINANCE CHANGES

1977 (Second Session)

Mr. Speaker,  
Members of the Assembly

The purpose of this paper is to provide information with respect to the amendments proposed to the Workmen's Compensation Ordinance to bring the Ordinance in line with the legislation of other jurisdictions.

Amendments to the Workmen's Compensation Ordinance

1. Most Workmen's Compensation Boards in Canada have changed their name to 'Workers' Compensation Board'. We have received inquiries as to when we will be changing the references in The Yukon Legislation.

2. The present Ordinance does not provide authority for a Workers' Compensation Administrator. The Auditor General's Department, along with others, have questioned this omission. We recommend that a new section be added to authorize the Commissioner to delegate powers to the Administrator.

3. On January 1st, 1977 Alberta and the Northwest Territories extended coverage to flight crew members on a compulsory basis. This resulted in Yukon employers' private insurance rates being increased by approximately 50 per cent. These employers have requested coverage under the Workmen's Compensation Ordinance. After consultation with our Actuary, an assessment rate of \$5.00 per \$100.00 of payroll for 1978 was recommended. This covers ground and air crew.

We advised all employers in the industry of the proposed rate, who subsequently requested protection under the Ordinance at the proposed rate.

The assessment rate for 1977 in other jurisdictions is:

Alberta .....	\$3.50 per \$100.00 of payroll
British Columbia .....	\$15.17 per \$100.00 of payroll
Manitoba .....	\$10.00 per \$100.00 of payroll

The reason for the difference in rates is that British Columbia and Manitoba have two classifications for air transportation: one for air crew and one for ground crew. The rate for ground crew is 52 cents in British Columbia and \$1.50 in Manitoba. Alberta and Yukon rates cover air and ground crew as all classifications are based on the industry, not on occupations. To classify everyone on the basis of occupation would be a very expensive program to administer and a higher rate would therefore be required to cover added administrative expenses.

**The following Legislative Return was Tabled (November 17, 1977)**

77-2-10

**Contractors and Workmen's Compensation**  
(Written Question No.13)**The following Sessional Papers were Tabled (November 17, 1977)**

77-2-15

**White Paper on Workmen's Compensation Ordinance changes.**

77-2-16

**White Paper on Workmen's Compensation Rates.**

4. Section 5 of the Ordinance exempts certain types of employment from compensation and under no circumstances may these workers receive protection under the Ordinance. The intent of this amendment is to allow the Commissioner, upon application from an employer, to extend the same protection that is now given to all other workers presently under the Ordinance.

5. The Workers' Compensation Board of the Northwest Territories is now a corporate body. We recommend that the words "the Commissioner of the Northwest Territories" be deleted from Section 8(8)(9).

6. Section 8(2)(6) allows a proprietor who is an employer to apply for personal coverage for himself or members of his family who dwell in his household. It sets the minimum amount of personal coverage at \$3,000.00. In January of each year the maximum amount of coverage is increased by Section 8(3), however, the minimum amount remains at \$3,000.00.

It is further recommended that we increase the minimum amount each year by regulation as is done for the maximum amount. This method is used in Alberta and British Columbia. Minimum coverage in other jurisdictions as of July 1st, 1977 are:

Alberta .....	\$6,976.00 per annum
British Columbia .....	\$6,600.00 per annum
Ontario .....	\$6,400.00 per annum

7. Under Section 16, an injured worker entitled to compensation as a result of an accident, in circumstances that give rise of action, may commence such action against an employer or worker, other than the employer by whom he was employed at the time of the accident or any worker of that employer. The purpose of Workmen's Compensation is to provide financial assistance to workers injured during the course of employment and to protect employers from such action.

In the provinces of Alberta and British Columbia no worker may take action against any employer or worker who come under the scope of the Workmen's Compensation Act.

A worker, or a dependant of a worker, who is entitled to compensation as a result of an accident that give rise of action shall, not later than six months after,

- (a) the day of the accident, or
- (b) if the worker dies as a result of the accident, the day on which he dies,

either commence such action or claim compensation.

This method is unfair to the worker. He is totally disabled, without earnings and must decide if he can afford to commence action. In most cases the worker cannot either afford the legal costs or live without some financial assistance. Even if the worker does elect to commence an action, he experiences financial difficulties while he is totally disabled because of the length of time it takes to reach the settlement. If the settlement is less than the amount of compensation that would have been payable pursuant to the Ordinance, the Commissioner is still liable to make up the deficiency. This again is a poor method, both for the worker and administratively, as further delays are experienced in obtaining the evidence necessary to make up the deficiency and the worker suffers further financial burdens.

To eliminate the above problems we recommend that the Commissioner be automatically subrogated and that the worker claim compensation in order that his claim may be adjudicated as per the provisions of the Ordinance. The worker may then commence action with the approval of the Commissioner. This will give the worker financial assistance while he is proceeding with third party action. The Commissioner will be able to monitor the proceedings and if the settlement is less than the amount of compensation payable, the worker will not have to wait for the Commissioner to obtain the evidence to make up the deficiency. If the settlement is more than the compensation payable, the Commissioner would distribute the settlement in the following manner:

- (a) twenty-five per cent of total to the worker to cover legal costs which the Commissioner does not pay
- (b) the Commissioner's costs
- (c) any excess would go to the worker for pain and suffering.

If the worker does not wish to take action the Commissioner may commence action to cover his costs. This method is used by the Alberta Workers' Compensation Board and we are advised that it works very satisfactorily.

8. Where a worker alleges to have a greater disability than he was found to have, has a right to continuation of compensation, beyond the period for which compensation has been awarded; or the medical opinion upon which the determination of his claim was made erroneously, he may request an examination by a panel of specialists under Section 22 of the Ordinance. The panel is chosen by the employer and the worker, each selecting one specialist from a total of four nominated by the Referee.

This method is very difficult to administer as the nominees must exclude those previously involved in the case. The names of the specialists are then circulated to the worker and the employer for appointment. This then commits us to the two specialists with no ability to substitute. We recommend that Section 22 be amended to allow the Referee to nominate a duly qualified medical specialist after consultation with the worker and his attending medical practitioner. This is done in Alberta and British Columbia.

9. The amounts of compensation payable to dependants of workers who have died as a result of an accident were set by the Ordinance on October 1st, 1973. Since January 1st, 1975 they have been increased in proportion to the percentage change in the level of the average Annual Consumers Price Index, established by Statistics Canada. The amount of increases have been:

Year	Percentage	Monthly Amount	
		Widows & Widowers	Children
1973		\$170.00	\$55.00
1975	10.9%	\$189.00	\$61.00
1976	10.8%	\$210.00	\$68.00
1977	7.5%	\$226.00	\$73.00

The following are amounts paid to widows and children in other jurisdictions:

Northwest Territories	\$250.00	\$70.00
Saskatchewan	\$325.00	\$85.00
Ontario	\$280.00	\$77.00
New Brunswick	\$250.00	\$50.00
Nova Scotia	\$273.00	\$56.00

Prince Edward Island	\$150.00	\$40.00
Newfoundland	\$225.00	\$50.00
Alberta	July 1, 1976 equiv. to Permanent Total Disability Minimum - \$405.00 month Maximum - \$906.25 month	(\$90.00 - no special allowance
Manitoba	\$250.00 minimum equiv. Permanent Total Disability - age 16 pension where death after December 31, 1973 in respect of all dependants.	\$70.00 - under age 16 - over 16 - education
British Columbia	Equiv. to permanent Total Disability Less Canada Pension Plan. Minimum \$9,179.45 yearly. Widow and one child 85% Less Canada Pension Plan. Of age 50 or over 60% less Canada Pension Plan. Minimum \$275.37 under age 40 no children. Lump sum \$13,113.52. Widow age 40 to 50 no children \$275.37 per month plus 1/11 of Permanent Total Disability Less Canada Pension Plan.	Age 16 - \$74.92/ month plus \$35.40 if not receiving Canada Pension Plan. Age 18 - \$84.31/ mo. plus \$35.40 if not receiving Canada Pension Plan. Age 21 - \$93.67/ mo. plus \$35.40 if not receiving Canada Pension Plan. Includes invalid child of any age Each additional child over two \$85.23/mo.

We are recommending that widows' pensions be increased to \$275.00 and children's pensions be increased to \$90.00. This, along with Canada Pension payments, would give an average of \$650.00 per month to a widow with two children. This amount provides what is considered to be a livable income and is in line with most other jurisdictions.

This increase would not have any significant effect on assessment rates. It is estimated that the cost of the increase to the Compensation Fund would be \$12,000 per year, together with the increase which is due in January, 1978.

10. In the past we have encountered problems in evacuating an injured worker to a hospital or physician as some air transportation companies request a guarantee that the Workmen's Compensation Office will cover the cost of transporting the injured worker.

We recommend that a new section be added to the Ordinance that will allow the Commissioner to pay, out of the Compensation Fund- the cost of transporting an injured worker and proceed to collect the amount from the employer in the same manner as an assessment. This will guarantee the transportation companies that the account will be paid and will provide immediate transportation and treatment to the injured worker.

11. The Ordinance provides for assessments to be collected but does not provide for uncollectable amounts to be written off.

It has been recommended that a new section be added which will allow the Commissioner to write off amounts which are considered to be uncollectable. Since the formation of the Compensation Fund over \$5,000,000 (Five million dollars) have been collected whereas only \$7,000.00 (Seven thousand dollars) are considered to be uncollectable.

12. As we are recommending that a Merit Rebate System be established and that no worker injured in the course of his employment may commence an action against another employer or his workers, it is necessary to add a new section that will allow the Commissioner, where it appears to the satisfaction of the Commissioner that a worker has been injured or killed due to the negligence of another employer or his workers, the right to direct that the costs of the claim be included in the experience account of the negligent employer.

The current trend is to subcontract work which results in having numerous employers and their workers on one job site. In the past the principal contractor has been responsible for the subcontractors.

This section will penalize the negligent employer by increasing the costs charged to his account. This could deprive him of the Merit Rebate and at the same time not maintain the right of the employer, whose worker was injured through the fault of the negligent employer, to obtain a Merit Rebate. This will also encourage employers to be more responsible for the safety of their workers. Alberta and British Columbia have adopted this procedure.

13. Subsection 59(1) of the Ordinance provides that no assessment of less than ten dollars may be levied in respect of an industry. This amount does not cover the cost of establishing the account and the amount should be increased to \$25.00.

The minimum assessment in other jurisdictions is:

Alberta .....	\$25.00
British Columbia .....	\$10.00
Northwest Territories .....	\$25.00

14. Subsection 71(1) provides for the levy of a penalty in addition to the late filing penalty, on an employer who refuses or neglects to make or transmit his payroll return or statement where during the period of default a worker has been injured during the course of his employment.

Some employers will not register under the Ordinance until a worker is injured. When an accident is reported and the employer has not complied with the registration provisions, we do assess from the day he commenced hiring a worker. As the assessment has not been included in the Compensation Fund we have lost investment revenue for that industrial classification. The employers who have contributed on time are paying for the costs of this injured worker. The intent of this additional penalty is to attempt to recover some of the investment revenue which the Fund has lost.

Every employer is required to comply with the Ordinance when it is brought to our attention that the employer has commenced or recommenced hiring workmen.

15. Section 77(1) allows us to levy a penalty on an employer who directs a worker to do work in an industry to which the Ordinance does not apply.

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The purpose of this section is to extend the protection of the Ordinance to those workers who are injured while, on the direction of the employer, perform work in an industry which is not under the scope of the Ordinance. As other employers in the same industrial classifications are not performing work that is not in their classifications it is unfair to charge the full costs of the claim to the class. The employer should be expected to pay for some of the costs.

The maximum penalty that may be levied is \$50.00, whereas the average cost of a time loss claim is approximately \$1,000.00. The employers then, have to absorb the remaining costs.

It has been recommended that the maximum penalty be increased to \$500.00 in order that the employer pay at least one half of the cost of the claim.

16. Section 80(3) states that the maximum wage rate in January 1975 (and revised in January of each succeeding year or as soon as possible thereafter) shall be 90% of the annual earnings of a worker. This is to be paid at the weekly rate established by Statistics Canada as the weekly earnings of a worker pursuant to the industrial composite of average weekly wages and salaries for the Territory for the immediately preceding year.

The following is a statement detailing the methodology employed in establishing the maximum wage rate for 1977, at \$13,000 (Thirteen thousand dollars).

July	1975	\$ 293.68
August	1975	\$ 308.52
September	1975	\$ 303.11
October	1975	\$ 286.88
November	1975	\$ 282.56
December	1975	\$ 271.92
January	1976	\$ 274.79
February	1976	\$ 279.29
March	1976	\$ 287.11
April	1976	\$ 283.06
May	1976	\$ 277.76
June	1976	\$ 267.94
		\$3,416.62
Average		\$ 284.72
Annual \$284.72 x 52		\$14,805.44
90% of above		\$13,324.90
Rounded off to		\$13,000.00

It should be noted that the annual earnings for the preceding year are not available from Statistics Canada until April of the following year.

The maximum wage rate for the following year is required in September for the purpose of:

- establishing the assessment rates for the following year
- advising employers to enable them to estimate the assessable wage expenditure for the following year and to budget for the assessment.

As the figures used in September are only to and including June of the preceding year the maximum wage rate proclaimed is lower than other jurisdictions.

It is being recommended that Section 80(3) be amended to allow the maximum wage rate to be 100% of the annual earnings of a worker paid at the weekly rate established by Statistics Canada as the weekly earnings of a worker pursuant to the industrial composite of average weekly wages and salaries for the Territory.

This will allow available statistics to be used in the calculation and will bring the maximum wage rate in line with other jurisdictions. The maximum wage rate for 1977 in other jurisdictions are as follows:

Alberta	\$15,600
British Columbia	15,600
Northwest Territories	14,500
Saskatchewan	16,000
Manitoba	16,000
Ontario	16,000
Quebec	15,500
Nova Scotia	12,000
Prince Edward Island	12,000
New Brunswick	12,000

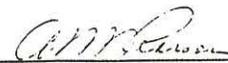
The Workers' Compensation Boards are estimating that the maximum wage rate for 1978 will be between \$17,000 and \$18,000.

If the proposed amendment is passed by Territorial Council the maximum wage rate for the Yukon Territory will be \$17,000 for the year 1978.

Date

Nov 15/77

Signature



## WHITE PAPER ON

## WORKMEN'S COMPENSATION RATES

1977 (Second) Session

Mr. Speaker,  
Members of the Assembly

## 1. Introduction

When the Workmen's Compensation Ordinance was revised in 1973 to establish a separate Accident Fund for the Yukon, the Assessment Rates for all Industry Classifications were set after consideration of Yukon requirements and were based on the experiences of The Alberta Compensation Fund. It was then expected that these rates would require a minimum of change for a period of three years, until enough data was available from the experience of the Yukon Accident Fund on which no base required alterations.

The rates for one or two small Classes had to be changed in 1976 for the year 1977, as they were in a deficit position. There had been more accidents in these classes at a greater cost than were covered by the assessments collected.

At the end of 1976, there were even more Classes in a deficit position. The Yukon Government had a study made by a Consulting Actuary to determine what changes were required in the classifications and rates in order to prevent the Fund incurring additional losses.

The Consulting Actuary proposed certain increases in rates, however, as these were quite large in some cases, the Workmen's Compensation Advisory Board recommended a policy of more gradual increases, in most cases to be effected over a three year period.

The new Industry Classifications and revised rates for the year 1978 have now been established by Commissioner's Order. This White Paper will provide an explanation of these changes.

The new rates will apply to Assessable Payrolls in 1978, which will be based on the Maximum Earnings determined through changes in the average weekly wages in the Yukon (Industrial Composite Index).

In some Classes the actual assessments paid by Employers will be increased as a result of increases in assessment rates as well as increases in assessable payrolls.

Due to the impact these increases will have on employers in the Yukon, the Board has had to give them adequate notice of the changes. They have also offered to meet with Employers' Associations to explain the reasons for the changes, and to receive any representations that the Associations wish to make on behalf of their members.

The full technical details of the changes are contained in the Report by the Consulting Actuaries - Crawford E. Laing Ltd., - dated June 2nd, 1977. This is attached as Exhibit "A".

The changes recommended by the Workmen's Compensation Advisory Board and established by Commissioner's Order are contained in Exhibit "B".

The Executive Committee has arranged for the Consulting Actuary to be available as a witness to answer any questions that Members may have with respect to assessment rates.

## 2. Collective Liability System:

The Accident Fund is an insurance fund created for the purpose of pooling all of the risks in connection with all compensable accidents in the Yukon.

The pooling, or sharing, of risks among employers of workers in the Territory is an annual calculation and is not an averaging of risks over several years. A principle common to all Provinces of Canada is that the total costs of claims arising from all the accidents that happen in any one year must be met out of assessments on employers for that year.

If there is a delay in raising assessment rates to meet the actual costs of accidents the Accident Fund will be placed in a deficit position. Eventually rates will have to be raised to meet the original deficit and lost interest earnings.

## 3. Future Claims Provisions:

During the year of accident, only a limited amount of the total claims costs have to be met in cash. If an accident happens late in December, it is probable that some of the medical and hospital costs will be paid in the following year. The worker may not return to work until February or March, or even later, therefore some of the wage loss payments for temporary disability will not be made until the year following the accident. It may then be many months before there is enough information available about the worker's long-term prospects of recovery, to enable the Referee to assess the degree of permanent disability and the amount of pension to be paid.

In order to determine the total cost of any one accident, it is necessary to determine, at the end of the year in which the accident occurred, the total of:

- the actual costs incurred to date,
- the appropriate portion of the administrative costs of handling the claims, and
- an estimate of the cost of benefits that remain to be paid after the end of the year of accident.

The "Estimates" referred to in (c) above are made for every "open" claim at the end of every year and the results are checked statistically to ensure that they are reasonable. These "Estimates" are then charged to the appropriate Classes as part of the claims cost for that year's accidents and the balance is transferred to a special provisional account. The future costs that arise from that year's accidents are paid from the provisional account.

Open claims are reviewed each year to determine if the claim costs have exceeded estimates. The additional costs are then charged to the Industry Class of the employer. A close check is maintained of the liabilities of the Accident Fund and the actual costs of accidents in each class for each year. The trends in costs and in frequency of accidents are therefore identified promptly and appropriate actions are taken to retain the solvency of The Fund.

#### 4. Pension Fund:

When a pension is awarded, a calculation is made of the present value of all future payments based on the life expectancy of the pensioner, the rates of interest that may be earned and expected increases in the pension. This capitalized amount is then transferred to the Pension Fund and all future pensions are paid out of that portion of the Accident Fund.

The liabilities of the Pension Fund are reviewed each year by the Consulting Actuary. If any deficits develop as a result of extended life expectancy of pensioners or interest rates not meeting the cost of living increases an appropriate share of the deficit is charged to the appropriate Classes.

#### 5. Contingency Funds:

The capital cost of a pension to a worker who is 100% disabled as a result of an accident at work, or as a result of an industrial disease, may amount to hundreds of thousands of dollars. Therefore the assessment income from a small employer, or a small class of employers in one industry, may not be able to meet the total cost of even one claim.

In order to pool the risks between different industries, the Ordinance provides for Contingency Funds, in Section 57. These funds are designed to:

- (1) meet the excess costs arising from any one claim and the total costs arising from several claims as a result of a disaster (Section 57(1)(d)).
- (2) meet the costs of silicosis, and other industrial diseases, which may arise years after the year of exposure (Section 57(1)(e)).
- (3) meet the costs of rehabilitation and retraining of an injured worker to return him to the work force. (Section 57(1)(f)).
- (4) meet part of the cost of a claim which may not reasonably be charged to the industry in which the worker was engaged at the time of a second accident because of the "enhancement" of the degree of disability caused by a previous accident. (Loss of the second eye would be an example of this).

The Ordinance also provides in Section 57(1)(g) for amounts to be retained in the Class Balances of each Industry Class as Rate Stabilization Reserves to preclude too many changes in the rates charged.

These Contingency Funds are used to provide a form of "reinsurance" for the employers in each Industry Class, to ensure that all employers contribute their fair share to the total cost of accidents for each year.

#### 6. Classification of Industries:

If the averaging process were carried too far then all employers would pay the same rates. This would be obviously unfair to those employers in non-hazardous industries who would subsidize those employers in more hazardous industries.

Employers in industries which have in the past proved to have a similar level of accident cost are grouped together in one Class. Their total experience of claim costs form the basis for the averaging process on which the rates are based for that Class.

The most important concern is to classify employers properly into the rate class which is appropriate for their industry. Within each industry some employers may have a better safety record than others and it is necessary to give them an incentive to maintain this record.

Although they may not be transferred to another Industry Class with a lower rate, a system of Merit Rebates has been developed and introduced (from 1978 on) that will enable them to pay a lower rate if their good accident record is maintained over a three year period.

The details of this system are outlined in attached Exhibit "C".

In respect of the 1978 rates, several industries have been changed to another Class as a result of their noticeably different accident experience, and some have been placed in a separate Class. An example is the subdivision of the building trades in the construction industry. These changes have been made as a direct result of the detailed analysis of the accident cost experience for each industry. (See Consulting Actuary's Report for details).

#### 7. Basis of 1978 Rates:

The total costs in respect of all accidents since the start of the Collective Liability System in Yukon on October 1st, 1973 have been considered in determining the basic rates required for each Class. These total costs include:

- (a) the actual costs incurred by the Fund up to December 31st, 1976 for all accidents reported,
- (b) the "Estimates" of the future costs expected to be incurred in later years in respect of these accidents,
- (c) the capitalized cost of all pension awards made or expected to be made in connection with these accidents,
- (d) the administrative cost of processing all claims,
- (e) the "reinsurance premiums" transferred to the Contingency Funds in order to stabilize claim costs in the case of disasters, etc., and
- (f) an allowance for that part of the total claims costs that have been or will be met out of these Contingency Funds.

In addition to these total claims costs, the Fund must recover an amount in future years to provide for the deficits arising from inadequate assessment rates in the past. The Board has recommended that where possible these deficits should be recovered over the next three years. If this period is not a relatively short one the employers who gave rise to the deficits may no longer be in business in the Yukon and their claims will then be paid by other employers.

#### 8. Maximum Assessable Earnings:

Assessments are only levied on Assessable Payrolls; that portion of the earnings of workers up to the limit of "Maximum Assessable Earnings." For 1977 this was \$13,000, however, due to increases in the Industrial Composite Index of wages in Yukon this may be increased substantially for 1978.

An increase in the ceiling has two effects:

- (1) it increases the Assessable Payrolls on which assessments are levied, and
- (2) it increases the maximum benefits paid to workers who are injured and to the dependants of those who are killed as a result of a compensable accident or industrial disease.

As accident costs and Assessable Payrolls increase more or less together, any increase in the ceiling will not help to reduce the percentage rates that will have to be charged.

The only thing that can reduce assessment rates is a drop in either or both of:

- (a) the frequency of accidents, or
- (b) the severity of accidents.

Good safety practices and accident prevention programs established by employers will prevent further increases in Workers' Compensation costs and subsequently increases in assessment rates.

#### 9. Future Increases in Benefits:

One of the important aspects of Workers' Compensation in the Yukon, that differs from those in other jurisdictions is the escalation of benefits to workers in respect of all past accidents when there is an increase in the Consumer Price Index or in the benefit level for new accidents.

In Alberta these cost of living increases are paid by the Government out of General Revenue. In Yukon (and in B.C.) these additional future costs must be borne by the Employers in business in the Territory.

It is not possible to forecast this increase in cost as future rates of inflation are not known. Since the principle of escalating benefits was adopted on January 1st, 1975, the Cost of Living increases have totalled 29.2%. It is, of course, equally impossible to charge Employers this year (in 1977 dollar terms) for the total costs of all future inflation. Therefore in part the cost of future inflation for past accidents will have to be met in future years.

#### 10. Comparison with Other Jurisdictions:

It is difficult to make meaningful comparisons of rates with other jurisdictions, and such comparisons may prove misleading. For example,

- (a) the classifications may not include exactly the same group of industries in each case.
- (b) the proportion of clerical employees, in the head office of a company in a Province, may not be the same as the proportion in the Yukon, where only field workers (subject to higher risks of accident) are employed.
- (c) there may be more extensive accident prevention and safety programs sponsored by the Boards in the Provinces.
- (d) there may be more active accident prevention and safety supervision by the employers within a Province.
- (e) the benefits payable may not be exactly the same.
- (f) there may be different arrangements with regard to the use of the contingency and rate fluctuation reserves, and more or less use of a merit rebate system.
- (g) political factors may have prevented rates being increased as much as would be necessary on the basis of the claims experience.
- (h) different periods may have been chosen for funding any deficits.
- (i) there may be different arrangements for paying for escalation of benefits based on cost of living increases.
- (j) there may be greater (or lower) reserves with respect to annual assessment income where the Board has been in existence for a longer period.

The attached table - Exhibit "D" - shows a comparison between the 1977 and 1978 rates for the Yukon and the 1977 rates in B.C. and Alberta. It may be that the 1978 rates in these Provinces are established higher (or lower) than their 1977 rates.

#### 11. Summary and Conclusion:

The review of the assessment rates has been made, with professional assistance where necessary, and every care has been taken to avoid increasing rates for individual employers unnecessarily.

In most cases, if an employer has a good accident record for the last three years, the Merit Rebate system will prevent his being charged any higher percentage rate in 1978 than in 1977. Only employers with a poor accident record will be paying higher rates.

Now that the basic experience data for three years is available, the rates will be reviewed annually.

Date

Nov 15/77

Signature

*[Handwritten Signature]*



