



# The Yukon Legislative Assembly

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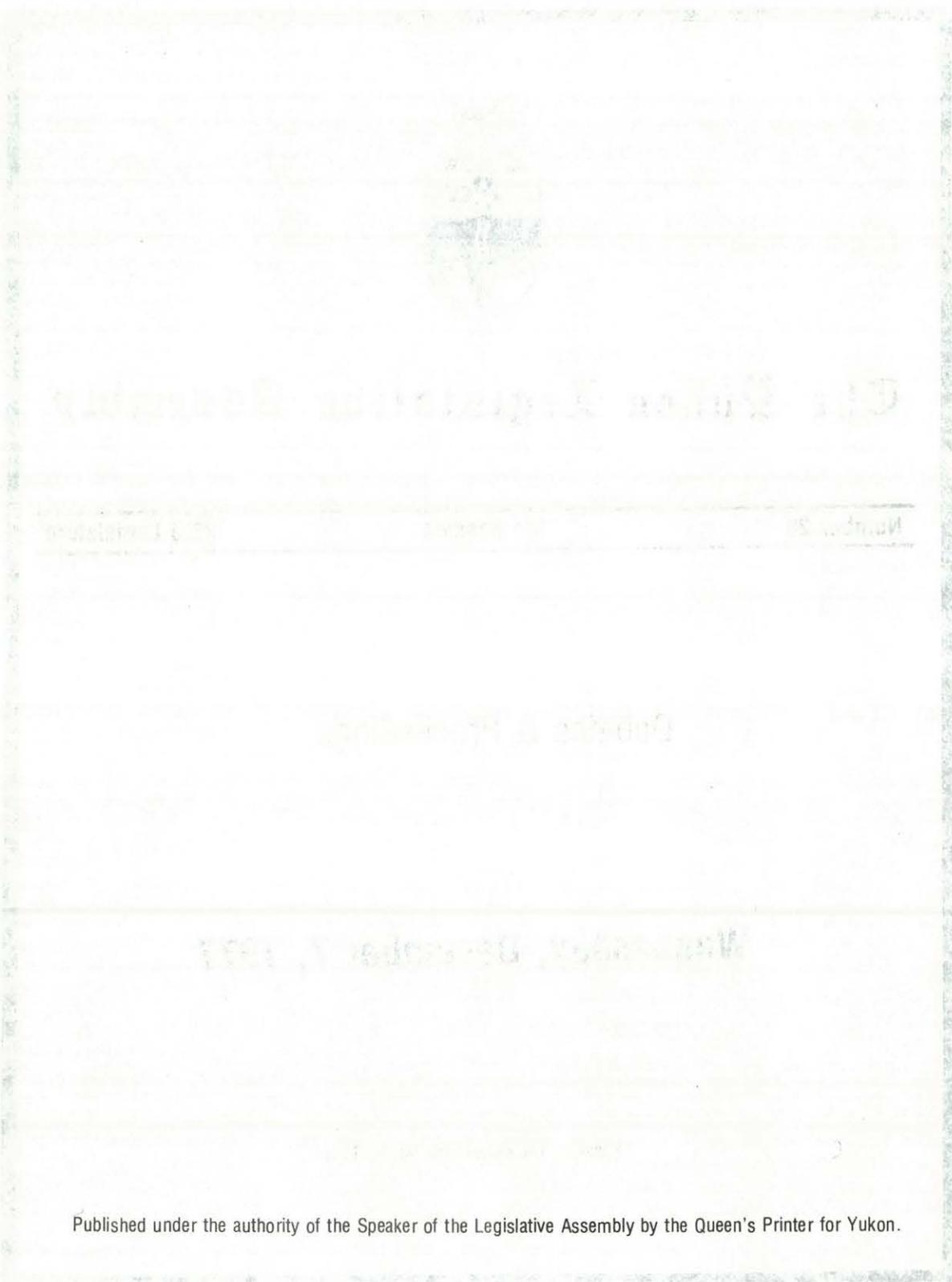
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Debates & Proceedings

**Wednesday, December 7, 1977**

Speaker: The Honourable Donald Taylor

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Whitehorse, Yukon Territory  
Wednesday, December 7, 1977

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

We will proceed with morning prayers.

*Prayers*

**Mr. Speaker:** At this time we will proceed with the Order Paper. Are there are Documents for Tabling this morning?

The Honourable Member from Whitehorse Porter Creek.

## ROUTINE PROCEEDINGS

### TABLING OF DOCUMENTS

**Hon. Mr. Lang:** Mr. Speaker, I have for tabling a report of the Northern Yukon Research Program for 1977.

**Mr. Speaker:** Are there any Reports of Committees? The Honourable Member from Hootalinqua.

### REPORTS OF COMMITTEES

**Mr. Fleming:** Yes, Mr. Speaker, I have, this morning, for retabling, the Fourth Report on the Standing Committee on Statutory Instruments.

Also, I have the honour to present the Fifth Report of the Standing Committee on Statutory Instruments.

**Mr. Speaker:** Are there any further Reports of Committees?

Petitions? Introduction of Bills? Notices of Motion for the Production of Papers? Notices of Motion or Resolution?

The Honourable Member from Whitehorse Riverdale.

### NOTICES OF MOTION

**Mr. Lengerke:** Mr. Speaker, Notice of Motion that the Second Report of the Standing Committee on Constitutional Development for Yukon be concurred in.

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

**Mr. Fleming:** Yes, Mr. Speaker, moved by myself and seconded by the Honourable Member from Pelly, that the Fourth Report on the Standing committee on Statutory Instruments, presented December 7th, 1977, be concurred in.

Moved by myself, seconded by the Honourable Member from Pelly, that the Fifth Report of the Standing Committee on Statutory Instruments, presented December 7th, 1977, be concurred in

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

Are there any Statements by Ministers?

This then brings us to the Question Period.

### QUESTION PERIOD

**Mr. Speaker:** Have you any questions? The Honourable Member from Whitehorse Riverdale?

**Question re: Electrical Franchise Agreement**

**Mr. Lengerke:** Mr. Speaker, I have a question for the Minister of Local Government this morning with respect to a question that I had asked earlier about a franchise agreement between YTG and Yukon Electrical in the Whitehorse fringe area. The Minister did supply me with a good comprehensive answer and there is just one little point that I wanted to get cleared up on.

In his answer he said in view of the announced intention at

that time by the Northern Canada Power Commission to build a power grid main to serve the community of Teslin and any intervening users following the Alaska Highway from Whitehorse, it was decided that the Marsh Lake area would be serviced by NCPC and Yukon Electrical Company and the Electrical Public Utilities Board were so informed.

I am just wondering, Mr. Speaker, if the Minister could tell me who decided that it would be serviced by NCPC? Is this not a function of the Public Utilities Board to decide, or can it just be abitrarily done by the government?

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

**Hon. Mr. McKinnon:** Mr. Speaker, it was an Executive Committee decision and then Yukon Electrical Public Utilities Board is duly informed of that decision.

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

**Question re: White Paper on Decentralization**

**Ms Millard:** Mr. Speaker, to any member of the Executive Committee. When can we expect the White Paper on Decentralization?

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

**Hon. Mr. McKinnon:** As far as I understand, it is presently at the Queen's Printer to be put from its draft form on White Paper to Green Paper to be presented. I will check on it, but I am sure that is the status at the present.

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

**Question re: Legal Aid**

**Mr. Fleming:** Yes, Mr. Speaker, a question for any one of the Ministers, a written question. The question of legal aid, how many cases has the department had in the last year, and how effective has the program been to the people who did apply?

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

**Question re: Xerox Machines in Libraries**

**Mrs. Watson:** Yes, Mr. Speaker, this is an oral question, or they can take it under advisement, for any member of the housing government. The Government of the Yukon, about two years ago, put xerox copy machines in all the libraries within the Yukon. It is a wonderful service for the people and people were able to use it and pay their fee for the use of the xerox machine at the library, however, there has been a new policy brought in by YTG that you can only pay, I think to a maximum of five dollars at the library so it you use the xerox machine beyond that, the library has to send the bill into Whitehorse and then Whitehorse has to send it out to the individual.

Mr. Speaker, I would want to know from the government why the administrative, sort of red tape that was invoked and why can't we just pay the librarian for the services that we use the xerox for regardless of the maximum?

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

**Hon. Mr. Lang:** Mr. Speaker, we will have to take that under advisement.

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

**Question re: Control of Day Care Centres**

**Mr. Hibberd:** Mr. Speaker, a question for the Minister of Human Resources. What method does the Government have controlling the day care centres in the Yukon, and how are these day care centres policed?

**Mr. Speaker:** The Honourable Minister of Human Re-

sources.

**Hon. Mrs. Whyard:** Mr. Speaker, as all Honourable Members know, we have been trying to reach the stage where we could impose regulations upon day care centres throughout the Yukon for some time. This is a co-operative process between the operators of the day care through the Yukon Child Association and the Department of Human Resources, who have been working together very closely on this.

The problem is that if you impose regulations, there must be assurances that there are financial safeguards to raise the standards to meet the regulations. Otherwise, you would see day care centres being closed.

It is most desirable to have regulations in place. We are very close to having that. At the moment, such day care centres must comply with the usual requirements for health and fire inspection only. We would like to see more stringent regulations in place for the safety and health and well-being of the children in some of those areas.

As Members also know, I have come before this House, asking for approval for funding for these centres and you also know the answer on that one, Mr. Speaker. It is a chicken and an egg situation.

We must, very soon, impose these regulations. The day care centres themselves wish to have those regulations in place. It is a matter of dollars to meet the standards required.

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

#### Question re: YMCA Financial Analysis

**Mr. Lengerke:** Mr. Speaker, a question for the Minister of Education: I was wondering if the Minister could report any progress on the matter of the financial assessment or analysis, with respect to what he was doing with the YWCA?

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

**Hon. Mr. Lang:** Mr. Speaker, the financial assessment is almost completed and then I hope to start having some discussions with the City.

**Mr. Speaker:** Are there any further questions? We will then proceed to Orders of the Day.

### ORDERS OF THE DAY

#### PRIVATE MEMBER'S PUBLIC BILLS

**Madam Clerk:** Second Reading, Bill 104, *An Ordinance to Amend the Condominium Ordinance* standing in the name of the Honourable Member Mr. Lengerke.

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

**Mr. Lengerke:** Thank you, Mr. Speaker. Just a few words of explanation with respect to this Ordinance.

**Mr. Speaker:** Order please. What is the Honourable Member's intention. Is it to make a motion at this time?

**Mr. Lengerke:** Second reading, Mr. Speaker.

**Mr. Speaker:** Could the Honourable Member indicate to the Chair what his intentions are in relation to Bill 104?

#### Bill 104: Second Reading

**Mr. Lengerke:** I would move, seconded by the Honourable Member from Kluane that Bill Number 104, Private Member's Bill, entitled *An Ordinance to Amend the Condominium Ordinance* be read for the second time.

**Mr. Speaker:** It has been moved by the Honourable Member from Whitehorse Riverdale, seconded by the Honourable Member from Kluane, that Bill Number 104 be now read a second time. Is there any debate? The Honourable

Member from Whitehorse Riverdale?

**Mr. Lengerke:** Mr. Speaker, just a few words of explanation. As it says right in the Explanatory Note attached to the Bill, this amendment specifically empowers a condominium corporation to mortgage property in order to secure borrowed monies, and they did have this right, or I determined that they do have this right under the present Ordinance, but it isn't quite explicit enough. Apparently some of the lending agencies just do not like the wording. The amendment, as we have presented to Section 9.(1) does make it a little more explicit and if you take a look at the existing Ordinance—

**Mr. Speaker:** Order please, the Honourable Member should attempt to confine his remarks to the philosophy of the Bill.

**Mr. Lengerke:** To the principle, yes, Mr. Speaker, I am sorry. Okay, the idea behind this is that you do have a condominium corporation existing in Whitehorse and these are people that do now own space. They have space in a structure that is similar to a multiple duplex or I guess the phrase is condominium and I guess we would have to look up the definition of "condominium" if anybody is interested.

In this day and age, with multiple structures and the complexity of housing, we have gone a little further than just owning one single structure. It has made it quite apparent that there has to be some legal way of people owning an apartment within a multiple structure and this is what the *Condominium Ordinance* allows to happen.

So, what you have is really a co-operative approach to the ownership of living quarters. In Whitehorse, a corporation such as this exists and these people do contribute to a fund to maintain the buildings in their entirety. They look after their individual units, but the outside of the building, the grounds and fences and things like this, are looked after by the corporation on a co-operative basis.

In order to upgrade these facilities, certain dollars are required and what they have been doing, is they have been putting \$40, I believe it is, into a fund, each individual, but however, this has not proven to be quite enough to carry out some of the improvements that they wish to do.

So, now they are faced with borrowing some money in order to do this. They have got a repayment program well set out and they have gone to the lending agencies, who said, fine, we agree, we will do this, but it just doesn't appear that you have got the right to, in fact, borrow the money.

This is the problem and this is why we are presenting the amendment.

**Mr. Speaker:** Is there any further debate? The Honourable Member from Whitehorse North Centre.

**Hon. Mr. McKinnon:** Well, Mr. Speaker, speaking on the principle of the bill, I think that the Honourable Member said that he believes that presently the Legislation allows the condominium corporation to mortgage money. That is our belief also and that is our legal department's opinion, also.

We suspect, Mr. Speaker, that perhaps people do not want to lend money under the *Condominium Ordinance*, and are using the terminology of the Ordinance as an excuse not to lend that money to the Condominium Corporation.

If, in fact, the terms of the amendment do clarify that principle, that they are allowed to borrow monies, then well and good. Perhaps lending corporations can then not hide behind the Ordinance not being specific or clear enough to lend them money and will have to state that they don't want to lend the money because they do not believe that the condominium organization is solid enough for them to advance the money on.

So, if that is the intent of the Ordinance and if, in fact, it does

that, of course, that is the area we will have to examine, then, of course, there would be no problem to agreeing with the principle of such an amendment, Mr. Speaker.

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

*Motion agreed to*

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

**Some Members:** Agreed.

**Mr. Speaker:** So ordered.

The Honourable Member from Pelly River.

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

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

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

*Motion agreed to*

*Mr. Speaker leaves Chair*

#### COMMITTEE OF THE WHOLE

**Mr. Chairman:** I call Committee to order. We will continue dealing with the *Yukon Legislative Assembly Ordinance* following which we will deal with the revisions to the *Worker's Compensation Ordinance*. I will declare a recess.

*Recess*

**Mr. Chairman:** I call Committee to order. Our first business this morning will be consideration of amendments to Bill Number 9, *An Ordinance to Amend the Workmen's Compensation Ordinance*. Mr. Berger?

**Mr. Berger:** Mr. Chairman, with the concurrence of Committee, I would request to stand that over. We just received draft report, tabled report from the Statutory Instruments Committee and I think it is very vital for all members to go through those things and the Workmen's Compensation Board.

**Mr. Chairman:** Mr. Berger we do not intend to go completely through Bill Number 9. There will be time for further amendments later, but because of the pressure of other business, it was felt better to deal with this particular amendment at this time.

**Mr. Berger:** Well, Mr. Chairman, being on this Committee, there are also recommendations in there on the subject we are dealing with before this Committee right now and I think it would be very vital for all Committee members to study this thing first.

**Mr. Chairman:** Well then I would have to rely on members of the Committee to give us this information, the report that was tabled this morning.

**Hon. Mrs. Whyard:** Mr. Chairman, with respect, I have no ability to discuss that report until I have had time to read it and certainly I am not going to read it before we get into something in this Committee this morning. Mr. Chairman, I have been trying very hard to get this Workmen's Compensation Board into Committee for revision. The members were circulated with the additional amendments as of Monday at 4:55 p.m. It is now Wednesday, surely, Mr. Chairman, we should continue with what we are trying to complete. There is urgency that this Bill be passed.

**Mr. Chairman:** In recognition of that urgency it was on the agenda for yesterday, there just simply was not time to get it on yesterday, and I would like to continue with this amend-

ment at this time. Further amendments may be forthcoming. Mr. Berger?

**Mr. Berger:** With all due respect to the Chair, Mr. Chairman, I think it is a waste of time and an exercise of wasting time and taxpayers' money. I would appeal to all members not to let this occur because the thing is, there are a lot of important things applicable to these particular amendments. I would say we are making a total circle right now with the amendments put forward by the Executive Committee, because the amendments before us do exist and the Workmen's Compensation Board is calling for the establishment of an independent board. The amendment to the amendment brought forward by the Executive Committee to this Committee has gone back the old route again, establishing a Board.

**Mr. Chairman:** Mr. Berger, it was a member of your Committee that proposed the amendment with which we are going to deal with this morning.

**Mr. Berger:** Yes, but, Mr. Chairman, with all due respect, the ...

**Mr. Chairman:** And with Committee's concurrence, we will be continuing with this amendment this morning.

**Some Members:** Agreed.

**Mr. Berger:** And then, Mr. Chairman, I would like, again with all due respect to the Chair, we not only discuss an amendment proposed by a member of my Committee, we are also discussing an amendment to the amendment, brought forward by the Executive Committee.

This is what my point is, Mr. Chairman.

**Mr. Chairman:** We are dealing with Bill Number 9. The amendment has previously been read from the Chair. There was discussion at that time, concerning some amendments to that amendment, which I believe are now available for consideration.

**Mrs. Whyard.**

**Hon. Mrs. Whyard:** Mr. Chairman, I would move a sub-amendment to the Private Member's amendment, of (A)(2)(a), and I would move that subsection 2.(1) of the said Ordinance is amended (a) by adding immediately after the definition of "accident" the following definitions:

"Secretary" means the secretary appointed by the Board, pursuant to subsection 10.(1)(2).

**Mrs. Watson:** Mr. Chairman, do we have copies of this amendment?

**Mr. Chairman:** No, I will read it out.

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

**Hon. Mrs. Whyard:** Mr. Chairman, I have already provided all Members with copies of these amendments. They have them before them. I am now providing another copy for the Chairman.

**Mrs. Watson:** Mr. Chairman, I have a point of order. I stood up on a point of order. Fine, if this is where the amendments are coming from, would they please indicate where they are.

**Mr. Chairman:** The amendments are, as you have indicated, they are present for you and they do not have to be circulated. They can be read from the Chair and they will be read from the Chair.

**Mr. McCall.**

**Mr. McCall:** I am a little concerned with the type of procedure that is now being used. You are now proposing to read into the record and debate sub-amendments to an amendment that has not even been passed yet and I find that rather unusual.

First of all, I would suggest you pass the amendment, before

you start amending them.

**Mr. Chairman:** No, no, not at all.

You are the one who proposed the amendment. There are sub-amendments to your amendment now available to us. They are the ones to be voted on first, then your amendment is to be voted on.

**Mr. Berger:**

**Mr. Berger:** Mr. Chairman, again, as was pointed out before, we are discussing a very vital and far-reaching...

**Mr. Chairman:**

**Hon. Mrs. Whyard:** NDP lines.

**Mr. Chairman:** Order please.

**Mr. Berger:** It may be NDP, but at least the NDP has a brain in their heads enough to discuss this thing at this time.

**Mr. Chairman:** Order, please.

Your point has been made, Mr. Berger, and we are continuing. If you have anything further to add at this time, go ahead. If not, sit down.

**Mr. Berger:** Yes, Mr. Chairman, we are discussing again, and I am pointing it out again, we are discussing an amendment to an amendment. It is not what the Chair said to us. We are not discussing the original amendment to the Bill. We are discussing an amendment to the amendment, Mr. Chairman.

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

**Mrs. Watson:** I have a question on the amendment, is it in order, on the amendment to the amendment?

**Mr. Chairman:** Yes.

**Mrs. Watson:** Mr. Chairman, the amendment to the amendment on this paper suggests a new definition of secretary, but it is my understanding that the definition of administrator is being dropped in the amendment to the amendment?

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

**Hon. Mrs. Whyard:** No, Mr. Chairman, we are not deleting the administrator, we are adding a definition for secretary.

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

**Mrs. Watson:** Mr. Chairman, the nature of the proposal here does delete the definition of administrator. It does.

**Hon. Mrs. Whyard:** Mr. Chairman, that is not the intention.

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

**Mr. McCall:** The way the proposed amendment to the amendment reads, it does show and display that subsection 10.(1)(2) will be amended by adding secretary, instead of administrator, which in turn defeats the amendment on that particular subsection.

**Hon. Mrs. Whyard:** Mr. Chairman, could I ask for a ruling from the Legal Counsel.

**Mr. Cosman:** That was my interpretation, Mr. Chairman, that administrator was being struck and that secretary was being substituted, however, it would be no difficulty to redraft the section if that is not the intention.

**Hon. Mrs. Whyard:** Mr. Chairman, these two positions are interchangeable. The secretary or the administrator is the same person, he is administering the fund, but he is secretary to the Board.

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

**Mr. McCall:** That's not quite correct, Mr. Chairman, the secretary could mean the Territorial Secretary and the administrator is entirely different, it would come under the Workmen's Compensation Board per se. A secretary could mean anybody within this government under the title of secretary, that includes the Territorial Secretary.

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

**Mrs. Watson:** Mr. Chairman, I wonder whether the government could explain why they are deleting the position of administrator and substituting it with the position of secretary. What benefits are there, and would the secretary then be performing the functions of what the administrator used to perform under the existing legislation and under the legislation that they have brought in themselves earlier in this Session? I think we need a little clarification of the whole philosophy behind the substitution of one for the other, or the deletion of one.

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

**Hon. Mrs. Whyard:** The point behind this change is that it is the Board that would appoint the secretary.

At the moment, the Administrator is a public servant. The secretary and the staff will be members of the Public Service of the Yukon, but appointed by the Board. I am afraid I can't give you anymore explanation than that, Mr. Chairman.

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

**Hon. Mr. Lang:** Mr. Chairman, presently it is my understanding that the Administrator goes to an advisory board. Now, with the advent of an independent Board, the secretary is appointed by the Board. The Board will make the policy decisions that at one time were made by the Administrator and the present situation would it go to the Advisory Board, if there were problems. But, the Administrator, to all intents and purposes, drew up the policy and had it subsequently ratified by the Board.

With the change, the Board makes the policy rather than the Administrator. The Board is dictated with that responsibility, so, obviously, the secretary is serving the Board.

This is my understanding.

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

**Mr. McCall:** I can understand the reasons why the Ministers are pretty confused, because I do not think, with all due respect, they realize what they are doing.

Under Workmen's Compensation, there has been no recognition of a proper Administrator even though we have had one here for eons.

Under Section 10.(2), we make the position that the Administrator shall be appointed by the Board, along with his staff. The recognition in the Interpretations Section, under Section (a), where there is being proposed to be amended just to include a secretary, again you are making the Administrator concept redundant.

As far as I am concerned, that is wrong. You cannot substitute a secretary for an administrator. An administrator shall be recognized under the Interpretation where he should be.

This is the whole name of the game. Now you want to get rid of it completely, and just have the principle or concept of a secretary, which doesn't make sense. We already have provisions under the subsections of 10, for that point or for that particular reasoning.

**Hon. Mr. McKinnon:** Mr. Chairman, as I understand the change is directly as a result of having the Workmen's Compensation Board, instead of being only an advisory board on policy, being a completely independent autonomous body. The only difference between the Honourable Member's suggestions, which are the amendments and the sub-amendments, the only difference is that we do not feel, the Government does not feel, we agree with the concept of having the autonomous board for Workmen's Compensation, but we say is with the number of cases which are proven to be 1,600 a year, and the next smallest jurisdiction, either the Northwest Territories or P.E.I., being up in the neighbourhood of \$3,000 a year, that that autonomous board should not be a full-time cost upon the

employers who have to pay the cost of that board out of the Compensation Fund. It will be expensive, it will be an increase in the classes upon the employer who has to pay.

It is my understanding, and I would ask Committee for clarification and would ask the present administrator that under this system where you do have autonomous boards that you no longer have the administrator of the fund, but you have a secretary working under the autonomous board to go along with the direction and policy of that autonomous board.

That is the terminology that transpires when you adjust from an advisory board to a completely autonomous board, which we are suggesting should be done, the secretary is then a proper role, because all he is doing is fulfilling a function of putting into administration, the independent decisions of that independent board.

The only thing that we are saying from all the statistics that we have, that we agree with the autonomous board, we agree with the secretarial function the same as it is in the provincial boards and I would ask the present administrator to be invited to Committee if that is not right. That is the way it was explained to me, and that all we are saying is that at this time, the present case load, that that person, because it is a charge upon the employers of the Yukon, should not be a full-time member of the Public Service. That is why we are saying "secretary" because it is going to be an autonomous board and that it shouldn't be full-time.

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

**Mr. McCall:** Under the Workmen's Compensation of Alberta, which this legislation originated from, they have an executive director appointed by the Board, which in turn is the administrator. Now we are going one step retrograde back by replacing the administrator with a secretary. There is no logic.

**Mr. Chairman:** Perhaps Mr. Booth could join us for clarification.

**Hon. Mr. McKinnon:** Mr. Chairman, I just want to clarify, if I insinuated that the secretary is not a full-time member of the Public Service of the Yukon, that is not correct, because I know that he or she will not be a full-time member of the Public Service of the Territory under the proposed set of amendments, would be the chairman of the independent board, Mr. Chairman.

**Mr. Chairman:** Mr. Booth can you help us?

**Mr. Booth:** The reason this was changed from administrator to secretary was strictly as a corporate body. Every jurisdiction has a secretary. In the larger boards, they also have an executive director, but they had various executive directors of assessment, claims department, this type of thing. This is one and the same person, as the administrator and the secretary.

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

**Mrs. Watson:** Mr. Chairman, he would be performing the same functions as the existing administrator, or as the administrator in the proposed amendment, the original proposed amendment, but now the terminology would be secretary because of the fact that you have an autonomous board. Is that correct?

**Mr. Booth:** That is correct.

**Mrs. Watson:** Thank you.

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

**Mrs. Watson:** But, Mr. Chairman, this secretary would also be a member of the Public Service. They would be a member of the Public Service but then the Board would pay back to the Government of the Yukon Territory for the wages.

**Mr. Booth:** That is correct.

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

**Hon. Mr. Lang:** It is my understanding, Mr. Chairman, that the Administrator and all the staff are paid by the Public Service, but the Yukon Consolidated Revenue is reimbursed even presently from the Workmen's Compensation.

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

**Hon. Mr. McKinnon:** Mr. Chairman, the simplest term, Mr. Booth, you are presently an Administrator to an advisory board, you would presumably be a secretary to an independent corporate body.

**Mr. Booth:** That is correct.

That is the title of the one in the Northwest Territories, He is the, I believe, Chief Administrator and Secretary to the Board, is his title.

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

**Mrs. Watson:** Mr. Chairman, I am having a bit of a problem then. If we are doing away, or suggesting doing away with the Administrator's position, then, in the amendment that was brought into this House, Section 3.(4)(1)(1), is that deleted? I am getting mixed up with the numbering and it is no wonder.

Is it repealed?

**Mr. Cosman:** Mr. Chairman, perhaps I could answer to that.

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

**Mr. Cosman:** I believe that the original amendment proposed by the Honourable Member from Pelly deleted Section 3 of Bill 9, which deals with the 4.1, subsection 1, "There shall be Worker's Compensation Administrator having such powers and duties..." et cetera. That section is repealed in the original amendment.

**Mrs. Watson:** Thank you.

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

**Mr. McCall:** The proposed amendment put forward by the Minister, all that the Minister is doing is amending their own proposed Bill. They are not amending the proposed amendment that I put forward, because if you look at subsection 3, they have put forward an administrator and now they are changing their minds.

**Hon. Mrs. Whyard:** Mr. Chairman, with respect, we have been forced into this position because when we first went through this Bill clause by clause, we were not allowed to clear any sections or amend any sections because the Honourable Member was bringing in an amendment. He has now circulated the amendment. We have now proposed sub-amendments to his amendment.

In the proper order of events, amendments to the amendment are voted on first, and I am trying, this morning, to lead Honourable Members through our proposals so that we can deal with them and then deal with the Honourable Member's amendments.

**Mr. Chairman:** This is precisely what we are doing. Mrs. Watson?

**Mrs. Watson:** Mr. Chairman, I have another question, I don't know who wants to answer it, on the definition of commissioner. With the new structure that is being proposed in the amendment and the amendment to the amendment, "Commissioner means the Commissioner of the Yukon Territory or such other person". it is singular, "as may be authorized by the Commissioner to act on his behalf, including the Workmen's Compensation Board."

Is there a necessity with this new concept to have that more than the singular, because the Workmen's Compensation Board isn't a person, it's a corporate body. Right? Now, is it necessary to have someone else, such as the secretary, au-

thorized by the Commissioner to act on his behalf, because you are limiting it only to the Worker's Compensation Board in that definition, or am I wrong?

**Mr. Cosman:** I would like to take that question under consideration, if I may. I think possibly we should look at that, Mr. Chairman.

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

**Hon. Mrs. Whyard:** Mr. Chairman, is the Honourable Member implying that only the person on the board is included here. The definition says, "Commissioner or such other person, including..."

**Mrs. Watson:** Mr. Chairman, person is singular there. You wouldn't be including anything else. When you are saying that, you are saying one, and you are saying the Worker's Compensation Board, which is a person. That is all you are saying, right?

**Mr. Chairman:** I think you should look at it.

**Mr. Cosman:** If I might, Mr. Chairman, speak to that, then I see the question as to whether person or persons should be singular or plural, as opposed to the entire definition remaining in the amendment. The word "person", as may be authorized by the Commissioner, the Commissioner may authorize this person, that person, and that person and so on, so that in effect you do get a plural effect. Each appointment or authorization would be a singular act, but there is no significant difference in that word remaining as "person", as opposed to "persons".

**Hon. Mrs. Whyard:** Mr. Chairman, what we are saying is it could certainly be amended to persons, if Honourable Members feel more comfortable with it. The legal interpretation is that what it means.

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

**Mrs. Watson:** Mr. Chairman, my question, this is one part of it, the legal interpretation has been clarified, but also I have a question regarding whether it is the intention to, or whether it is going to be necessary, with the Board, as a corporate body, to have a secretary, or anyone else, may be authorized by the Commissioner to act on his behalf, because your board is autonomous. That is the answer I want.

**Mr. Cosman:** Yes, Mr. Chairman, this is the question that I want to take under consideration. I think in effect, the result would be a decision either to leave this definition in, or delete it entirely from the Bill. That would be the effect. I would like to take that under consideration.

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

**Mr. Lengerke:** Mr. Chairman, I have a question on that. I don't have any difficulty with that because I was interpreting that the secretary is part of that corporate body now, which is the Board, an independent board. If that was the case, then there would be no problem but if the secretary is outside that independent board, then there is a problem.

**Mr. Cosman:** Mr. Chairman, I don't interpret the secretary as being a person independent from the board again. He is an employee of the Board and would be recognized under that blanket of such person, including the Worker's Compensation Board, as the Commissioner may authorize, so.

**Mr. Lengerke:** So there is no problem with it.

Then, Mr. Chairman, why would the Legal Advisor want to take that, he has got a definite opinion on that now, why would he want to take it under further advisement?

**Mr. Cosman:** I question whether the definition "Commissioner" is necessary at all or not, since the purpose of defining Commissioner had been to show that the Administrator, I believe the original wording of that definition had been, in Bill 9, had been to include the Worker's Compensation Adminis-

trator, who, at that point in time, was not a corporate entity and so on. It was to give him a recognition in the statute.

I believe that purpose now has been removed and that is why I question whether the definition is necessary or not. The definition of Commissioner will still remain in the Ordinance, because it is already in the Ordinance.

**Mr. Lengerke:** But you won't have to use it there.

**Mr. Cosman:** We now would, in effect, if we were not including this definition, we would not be adding the words "or such other person as may be authorized by the Commissioner to act on his behalf, including the Workmen's Compensation Board".

I believe the Board that is envisaged, under the proposed amendments, will have authority to operate anyway, without the definition, and so, it is now redundant, I think, to have that in this.

**Mr. Chairman:** Under our *Interpretation Ordinance*, "person" means: " 'Person' includes a corporation and the heirs, executors, administrators or other legal representatives of a person".

**Mr. Lengerke:** That is what I understand.

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

**Mrs. Watson:** But, Mr. Chairman, am I to understand then, the question from the Honourable Member from Riverdale, that when you refer now to Workers' Compensation Board you mean all of the staff. You mean secretary and all of the people who are part of that staff who work for the Board?

**Mr. Cosman:** Mr. Chairman, might I attempt, once again, to clarify the matter.

In looking at the existing *Workmen's Compensation Ordinance*, unamended, there is no definition of Commissioner. It is therefore necessary that we do have a definition of Commissioner incorporating such person, including the Workers' Compensation Board, to act on the behalf of the Commissioner, because throughout the *Workmen's Compensation Ordinance*, as it now stands, there are many, many powers given the Commissioner, many discretionary powers and duties and this definition is an attempt to authorize the Board to act in the place where the word "Commissioner" appears throughout the Ordinance.

It is because we are not amending the *Workmen's Compensation Ordinance* in a holistic way to delete Commissioner and substitute Board throughout, that we have to have this definition.

So now I am of the opinion, having had a moment to research the question, that we definitely do need this definition of "Commissioner" and that it remain as it is.

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

**Mrs. Watson:** But my question now, wherever it says Commissioner in the existing legislation in the part that hasn't been amended, it is going to mean the Workers' Compensation Board, and when it means the Workers' Compensation Board, it means the secretary and all of the people who are part of that, all of the employees who are part of that Board. Is that correct?

**Mr. Cosman:** That would be my interpretation, yes.

**Mrs. Watson:** Well, Mr. Chairman, okay a further question then. This amendment, I forgot what to call them so I just display them, 10, subsection (1), "the Worker's Compensation Advisory Board, established by Regulation under Commissioner's Orders 1977/278 shall be continued as a corporation with the name Workers' Compensation Board." All you are doing is changing the name, but you are not tying in its new function to the old.

**Mr. Cosman:** If I may, again, Mr. Chairman, that is the

original proposed amendment, and it is my understanding that we are now proposing an amendment to that particular section. I would refer the Honourable Member then to the proposed amendment to the amendment given by the Honourable Mrs. Whyard.

**Mrs. Watson:** It isn't there.

**Mr. Chairman:** It's coming, it's coming. Mr. Lang?

**Hon. Mr. Lang:** Mr. Chairman, it is my understanding and I would like to hear maybe further clarification from Mr. Booth, the definition of commissioner allows the Commissioner, for an example, to do an independent audit of the Workers' Compensation if something comes to the government's attention in respect to the running of the Board and this kind of thing. Could I hear Mr. Booth on this, because it is an important section?

**Mr. Booth:** Yes, the changes come about because we were going to establish this board and leave the Commissioner's Order 1976/278 in. Now it is proposing that 10.(1) be changed to incorporate right in the Ordinance and because all throughout the Ordinance, the Commissioner is only the authority, you need that interpretation section to give the authority down to the corporate body, the Board.

**Mrs. Watson:** Mr. Chairman, are you going to take out 10.(1)? Page two, top of the page, 10.(1).

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

**Mr. McCall:** Perhaps I can answer this. We found inadequacies in 10.(1) which was rightfully pointed out by Mr. McIntyre.

This has now been taken under consideration by the Legal Advisor, with my instructions to come up with the proper legal redraft, because of Mr. McIntyre's valid point, he pointed out, in previous discussion on the amendment.

This is what is being put together right now.

**Mr. Cosman:** Mr. Chairman, if I might, I believe that is in the proposed amendments, that the Honourable Minister is proposing. We are jumping the gun, that is all that is happening here. It is in.

**Hon. Mrs. Whyard:** With respect, you are now in possession of the written proposed sub-amendments. I would just like to say that this is one of the problems I see when a Bill, which is brought in by the Government, is then open to substantial alteration by a Private Member's Bill or amendment, and we had said at the outset when we introduced this Bill, that because the Board had only been in business for a year, we had not yet prepared changes which would provide for its autonomy and change in format and so on.

Now, we are dealing, in mid-stream, with efforts to do this in the proper way. There is a difference of opinion only on minor sections of this amendment. We have given you the background on our minor objections to the Private Member's proposal. They are now before the Committee. I would ask the Chairman if they can be all read as one sub-amendment proposal now, as the Private Member did with his.

**Mr. Chairman:** They can be read as one, but they must be voted separately.

**Mr. McCall:**

**Mr. McCall:** I would like to correct the Honourable Minister for that statement she made a moment ago about not being prepared. If she checks the regulations in the Commissioner's Order, the Workmen's Compensation Board has been in effect for well of a year and all the language that you propose it identical to the Commissioner's Order under the Regulations.

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

**Mrs. Watson:** Mr. Chairman, just one more question: I can understand now why the definition of Commissioner is

required to give the authority where the Commissioner has had the authority in the existing Legislation, the Workers' Compensation Board shall now have that authority.

But, there was also authority in the existing legislation, given to the Workers' Compensation Board, right? That was established pursuant to the Commissioner's Order. But, somehow in this new legislation, we have to give the authority that was with the old Advisory Board, we have to give it now to the Worker's Compensation Board and I don't think the amendment that you have at the top of page 2 does that. You say, "There is hereby established a body corporate to be known as the Workmen's Compensation Board, consisting of four members appointed by the Commissioner as follows:"

That is fine for the amendment Bill Number 9, and that is fine for the Private Member's bill, or the Private Member's amendments, but what about in the existing legislation? Does that accommodate and give the new corporate body the authority to exercise the authority that the old Workmen's Compensation Board did, as specified in the legislation?

**Mr. Cosman:** Yes, Mr. Chairman, if I could answer that question. First of all I don't believe the Workmen's Compensation Advisory Board that presently exists is mentioned in the Ordinance whatsoever. Perhaps Mr. Booth could correct me on that. That being the case, then so far as the amendments to this Ordinance are concerned, we need not concern ourselves with the Workmen's Compensation Advisory Board and its powers under the Regulations and so on at this time. We are, by these amendments, suggesting the establishment or creation of a brand new board, in effect.

**Mrs. Watson:** Legal board.

**Mr. Cosman:** Yes, a corporate body.

**Mrs. Watson:** Under what authority, which you utilize and use and appoint the Workmen's Compensation Advisory Board then?

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

**Mr. McCall:** As Mr. Berger pointed out this morning, that fifth report is coming in tomorrow. It says in the Commissioner's Order 1976, these Regulations create a corporation, and that is how long that has been in effect, but under the parent legislation, the Commissioner has no authority to do this. Through our investigation, we found out that under the Commissioner's Order 1976/278, that the Board has been created as a corporation. We doubt the proper authority under the parent Bill, and this is one of the concerns that Mr. Berger was trying to bring up this morning with the Regulations. Once you get the opportunity you will see what we found in our investigation in the Committee.

Now we see the identical Commissioner's Regulations that has been in effect since 1976 presented in proposed amendments to the original amendment, which creates a proper legal body. This is my concern, Mr. Chairman.

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

**Hon. Mr. Lang:** Mr. Chairman, I don't know, I am not a lawyer and I know the Honourable Member isn't as well. All I know is that the legal advice that was given to this government said that we had the ability legally to create an advisory Workmen's Compensation Board.

Now, the Honourable Member shakes his head, fine, but that was the legal advice that was given to us by our legal counsel within the government. My understanding of the section that was used was in respect to the referee I believe. I would like Mr. Booth to put more clarification on this.

**Mr. Booth:** The problem was that the Commissioner may appoint a person to act as referee. This is spelled out in the Ordinance now. So he could not form an advisory board as a corporate body in the Ordinance, because we were not opening,

the Ordinance. So to get around this, the legal advice we got was that we could constitute this as a corporate body under the *Interpretations Ordinance* and this is where this Regulation was brought into effect just to get the referee.

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

**Mr. McCall:** I would just like to read an item from the Fifth Report, if I may: "The broad scope of Section 81.(1) of the Ordinance permits this Regulation to be implemented. It gives the broadest possible power to the Commissioner. He could create anything under that particular Ordinance." An advisory board is an advisory board, it has no jurisdiction as a corporate board, which is being used now. In fact it is being abused.

It has been incorporated as a board and all it is is an advisory committee and that is our concern.

There is no such thing in the legislation where there is such a thing as a corporate board, known as the Commissioner's Order Workmen's Compensation Board.

An advisory board is an advisory board, it is not a corporate board and there is no terms under the legislation to allow that to happen. But it has been done by Commissioner's Order which is going beyond the scope of the parent bill and the prerogatives of this House.

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

**Mrs. Watson:** Mr. Chairman, I find that quite shocking, really. I really do and why, why do the coniving, why do all of the, you know, looking at the *Interpretation Ordinance*, looking where we have the authority under regulations we can do this. I have gone through this piece of legislation so often, looking to see where Workmen's Compensation Board is actually named in the piece of legislation.

Mr. Chairman, why, when there was a necessity to have an advisory board to the Commissioner, why wasn't legislation brought in? Why weren't the amendments brought in, rather than have to look at devious means by regulations to accomplish it? It would have been a very simple thing to...

**Mr. Chairman:** Order, please.

**Hon. Mr. Lang:** On a point of order, Mr. Chairman, nobody was looking for a devious method of doing anything. We were told by the Executive Committee Member responsible at that time...

**Mr. Chairman:** Order, please, order please, Mr. Lang.

Mrs. Watson.

**Mrs. Watson:** Mr. Chairman, the normal way to do it is to change your legislation. It appears very devious when it is done another way and it is most unfortunate, because I think that many people realize the necessity for an advisory board, because of the fact that there is a large sum of money within the Workmen's Compensation Board Fund and there have to be decisions on how that money should be invested so that you get the best return on your investment. I think, that type of decision being made by the Commissioner alone put him in a very difficult position to determine.

It is a big decision and I can see the necessity for the Workmen's Advisory Board. I can also see the necessity of the referee, but why, in heaven's name, was the amendment not brought in to this House at that time?

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

**Hon. Mr. Lang:** Well, Mr. Chairman, I just want to say to the Member who is making innuendoes that the Government was intentionally using devious...

**Mrs. Watson:** On a point of order, I was not making innuendoes about a thing.

**Hon. Mr. Lang:** Mr. Chairman, order please.

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

**Hon. Mr. Lang:** Mr. Chairman, it was our understanding, as a Member of the Executive Committee who doesn't happen to be responsible for this portfolio, but it was our understanding that there was a necessity for an advisory board. The House was not sitting and, subsequently, was told that it could legally be done, in respect to getting some direction to the Administrator and the Fund, for that matter.

So, I would just like the clarification on the record that it was not done in a devious manner and if the legal advice that we received in respect to creating this Board was not correct, then that should be taken internally.

**Mr. Berger:** Mr. Chairman, the House sat since that Regulation, that order came in, three times already. If it wouldn't have been for the Honourable Member from Pelly to bring up the subject of the Workmen's Compensation Board, this matter would never have been raised by the government in front of this House or Committee. This is where I completely agree with the Honourable Member from Kluane, it is devious. I wish this would be underlined in the record, because if the advice was such at this particular time, there was a need for an advisory committee or a board, was fine. But why didn't the government at the first opportune time bring an amendment to the existing legislation in front of this House, where it is supposed to be properly discussed? That to me is devious, Mr. Chairman.

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

**Hon. Mr. Lang:** Mr. Chairman, I just want to clarify to all members once again. It was our understanding that the advisory board could be struck without an amendment to the legislation, and subsequently was done on the legal advice that was given to this government.

**Mr. Chairman:** With due deference to all your rhetoric, I think we have strayed from the amendment to the motion before you, and I wish you would confine your remarks to that motion.

Is there any further debate? Mr. Berger?

**Mr. Berger:** Mr. Chairman, with all due respect to the Chair, I think all the remarks made in this House up to now are very important to that particular amendment to the amendment to the amendment.

**Mr. Chairman:** They are not pertinent to the amendment before the House right now, Mr. Berger.

**Mrs. Watson:** Point of Order, Mr. Chairman, they certainly are because I asked the question why 10.(1) was changed—

**Mr. Chairman:** Order please, you have not been recognized from the Chair. Mr. McCall?

**Mr. McCall:** I think any particular concern that is displayed by any member of this Committee is very valid and very important, whether we have an amendment on the floor, or whether we have an amendment to the amendment on the floor, or whether we have a Bill on the floor.

**Mr. Chairman:** Mr. McCall do you have anything to say about the amendment that is before the House at this time.

**Mr. McCall:** I am speaking on the amendment, Mr. Chairman.

**Mr. Chairman:** What are you saying to the amendment?

**Mr. McCall:** That is my decision on what I decide is—

**Mr. Chairman:** No, it's my decision Mr. McCall.

It is the intention of the Chair, because all of these amendments are interwoven, I will read all of the amendments that are proposed by the Minister and will have them printed up over the noon hour so that they will be available to all members for perusal before going into them in more detail. Is

Committee agreed?

**Mr. McCall:** Disagreed.

**Mr. Chairman:** It is moved that paragraph (2)(a) of the proposed amendment is amended by deleting the definition administrator throughout and substituting thereby the following secretary. Secretary means secretary appointed by the Board pursuant to subsection (10.)(1), subsection (2).

**Mr. Chairman:** Subsection 10.(1) and 10.(2) of the amendment are deleted and the following substituted therefore:

(1) There is hereby established a body corporate to be known as the Worker's Compensation Board, consisting of four members appointed by the Commissioner as follows:

(a) one member shall be appointed from among representatives of the industry in the Territory;

(b) one member shall be appointed from among representatives of labour in the Territory;

(c) the remaining members shall be appointed from among the representatives of the public at large in the Territory, one of whom shall be designated as Chairman.

(3) Section 10.(3) of the amendment is deleted and the following is substituted therefore:

3. the Commissioner shall fix the remuneration of each member of the Board and such remuneration shall be paid out of the Compensation Fund.

4. Subsections 10.(5) and (6) are deleted and the following substituted therefore:

5. The Chairman shall be the Chief Executive Officer of the Board, having the supervision over and direction of the work of the Board, and shall not engage in any other businesses or employment for remuneration, during the term of his employment, which may create a conflict of interest with his duties as Chairman.

6. Where the Chairman or other member of the Board is ill, absent, or unable to act, the Board may appoint an acting chairman from amongst the members who, for the period of his appointment has all the power and shall perform all the duties of the Chairman, in respect of whom he is acting.

Subsection 10.(1), (2), (4), (7) and (9) are deleted and the following substituted therefore:

(2) The Board shall appoint a secretary and a staff of such other persons as it considers necessary for carrying out the provisions for this Ordinance and it may designate their duties.

(4) The secretary and the staff shall be members of the Public Service of the Yukon.

(7) The Board may from time to time appoint one or more persons having special technical or other knowledge to inquire into and report on any matter which the Board or in respect of which the Board deems it necessary to have information.

(9) The Board shall report to the Commissioner once in each year or oftener as directed on all matters respecting the administration of the Ordinance, including reports on:

(a) investment policies concerning the assets of the Compensation Fund;

(b) actuarial reviews of assessment rates;

(c) actuarial reviews of the liabilities of the pension and other reserves and provisions forming part of the Compensation Fund;

(d) financial and management practices, plans and policies; and

(e) such other matters as the Commissioner requests,

and the Commissioner shall lay the report or reports of the Board before the next Session of the Territorial Council.

Committee shall recess until 1:30.

*Recess*

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

We will proceed with the first review of the *Legislative Assembly Ordinance*, Bill 101. We have with us to assist us, the witness Mr. Mike Clegg. We finished off at Section 30 in general discussion on Section 30. If there is any further discussion on Section 30 it is still open, otherwise I will proceed with the reading of Section 31.

**Mrs. Watson:** I didn't hear the last number you stated.

**Mr. Deputy Chairman:** Section 30, Mrs. Watson, on page 10. I had completed reading of Section 30. If there is any further discussion on it, if not I will proceed reading Section 31.

*On Clause 31*

*On Clause 32*

*On Clause 33*

*On Clause 34*

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

**Hon. Mr. Lang:** Mr. Chairman, does this apply in Committee as well? For an example, the numbers in our House are very small to begin with and even going to sixteen, it may be a problem.

**Mr. Deputy Chairman:** I think that is covered under Section 32 isn't it, Mr. Clegg, the Standing Orders?

**Mr. Clegg:** Mr. Chairman, I was just about to say that the Standing Orders can define this. Whether you wish this chairman to have a casting vote, or whether you wish to give him a vote is something which can be determined in Standing Orders.

If it is not defined in the Standing Orders, then you will be referred by standing orders to parliamentary practice, and I believe the practice in Ottawa is that the chairman of Standing and Select Committees does not have a casting vote, but votes in his own right.

That is a separate issue, it is something which is to be dealt with in the Standing Orders.

**Mr. Deputy Chairman:** Another point of clarification, Mr. Clegg, Section 34.(1), would that not be more appropriate being in Section 33.(2)?

**Mr. Clegg:** It could be done either way, Mr. Chairman. They are of similar subject, but I decided to split them into different sections because one deals with the casting of a vote and the other deals with the method of determination of a motion.

**Mr. Deputy Chairman:** Okay.

**Mr. Clegg:** Mr. Chairman, I would just like to mention that the Speaker's casting vote is obligatory upon him, it is not optional.

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

**Mrs. Watson:** Mr. Chairman, that was the question I was going to ask. Section 33 deals with questions. Section 34 deals with motions. What is the Speaker's position on voting on questions? Is it the same as voting on motions?

**Mr. Clegg:** Mr. Chairman, the use of the word "questions" in this context means a question to be resolved. It could be a question resolved on a motion or on a bill or on anything and it is a general use of the word.

**Mrs. Watson:** But then, Mr. Chairman, would then the Speaker's position be the same whether it is a motion or a question?

**Mr. Clegg:** Yes.

**Mrs. Watson:** Well, why is there the difference then in Section 31 and then in Section 34?

**Mr. Clegg:** Mr. Chairman, it might well be clearer if we used the same word.

**Mrs. Watson:** I think so.

**Mr. Clegg:** I cannot, myself, think of an example of anything upon which this Assembly would vote which is not a motion.

**Mrs. Watson:** In the House, yes, yes.

**Mr. Clegg:** The use of the word "question" there really means motions. It may be that that word "question" in 33, should read "motions", or they should both be questions, it doesn't really matter.

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

**Mrs. Watson:** Wouldn't a question in the House, when you want to waive Standing Orders to discuss something of an emergency, that isn't a motion, is it? That is a question.

**Mr. Clegg:** Mr. Chairman, I believe that is, in fact, a motion, because somebody has to move that Standing Orders be waived to permit business to be handled. Everything upon which this Assembly votes is pursuant to a motion and they are one and the same. I think it might be better if we used the word "motion". The word "question" appears in many precedents in other legislative assembly acts across the country, but those aren't always particularly consistent in their word usage anyway.

**Mrs. Watson:** Mr. Chairman, just one further question. Motion and resolution are considered to be the same then?

**Mr. Clegg:** Yes, Mr. Chairman, that is correct. A resolution is a result of motion, and they are not quite the same. The resolution is the result of a motion and the motion is what is moved to bring the resolution into effect. A motion is a means, it is a proposal; a resolution is a result. So they are not quite the same. Every resolution which is brought before this Assembly is brought before it by a motion, the fact that this resolution be adopted.

*On Clause 35*

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

**Mrs. Watson:** Mr. Chairman, this of course, is one that has been in all the provincial assembly ordinances, and it is the one that is open to so many different types of interpretation. The interpretation of the money vote section in the *Assembly Ordinance*, is it ever defined in the standing orders?

**Mr. Deputy Chairman:** Mr. Clegg?

**Mr. Clegg:** The answer to that, Mr. Chairman, is no. It is just repeated in the standing orders. It is not really possible to further define this by any provincial or territorial legislation or by standing orders because this is a provision of the *BNA*, which is applicable to you through the *Yukon Act*, and is applicable to every province through the *BNA* and that is why the wording cannot be touched, and it cannot be interpreted by any statutory provision, except by an amendment to the *BNA*.

**Mrs. Watson:** But Mr. Chairman the interpretation varies from province to province almost by precedent, does it not?

**Mr. Clegg:** That is true. The way in which you interpret this here will depend upon which precedents you choose to follow and it will depend on usage in this House.

**Mrs. Watson:** Mr. Chairman, would there be anything wrong then if a precedent is established and you define it then in your standing orders?

**Mr. Deputy Chairman:** Mr. Clegg?

**Mr. Clegg:** There might be a challenge to the validity of

the Standing Order which did this. Standing Orders are of a nature of a regulation, although they are not quite the same things, they are not promulgated the way that regulations are, and it might well not be challenged in the Standing Order, but if any attempt was made to define it in this legislation, then I have no doubt that the Ministry of Justice would advise that it was beyond the competence of this jurisdiction to attempt to expand or amplify or amend or, by legislation, interpret something which comes from the *Yukon Act*.

*On Clause 36*

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

**Hon. Mr. Lang:** Is this the authority invested in all provincial jurisdictions across the country?

**Mr. Deputy Chairman:** Mr. Clegg.

**Mr. Clegg:** Yes, Mr. Chairman.

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

**Mrs. Watson:** Mr. Chairman, I wonder if Mr. Clegg could tell us how strong the word "command" is?

**Mr. Clegg:** Mr. Chairman, the strength of it lies in the punishment that can be applied to people who disregard the command and it is provided further along in this Ordinance that the Assembly can cause persons to be imprisoned for the duration of the Session, who are in a breach of this Ordinance.

That is exactly the same as is provided in all provinces. The Assembly is a court with jurisdiction which is limited to certain matters, but within those matters, it excludes the jurisdiction of the other courts.

Yes, the courts have held that they do not have jurisdiction in areas in the internal dealings of the Assembly.

**Mrs. Watson:** Thank you.

**Mr. Clegg:** Provisions of this section and the ensuing sections deals with provisions for the enforcement of the Legislature's business and deal with the enforcement of what is necessary for the Legislature to carry out its public duty.

*On Clause 37*

**Hon. Mrs. Whyard:** Mr. Chairman, what if a Standing Committee asks for certain papers and the public servant in whose bailiwick work those papers are is ordered not to produce them? Where do you go from there?

**Mr. Clegg:** In that event, the Committee has to choose between accepting the reasons for them not being given and getting a warrant from the Speaker, commanding their production. If that warrant is breached, then the person who fails to produce the papers is liable in the same way as any other person as provided further down in this Ordinance.

But, the Committee, of course, would normally in those circumstances, hear argument as to why the papers were not produced. It is open to a Committee to decide that if the grounds are given that the matter is confidential, it is open to that Committee to decide that it will receive those papers in camera and then to issue the warrant for their production, which will remove the objection that they are to be kept confidential, in most cases.

I would not pretend that this is a subject which has an easy solution. It is a subject which Ottawa has difficulty with. They have the same provisions in their legislation, and I don't know what could be put in here to make your access to public documents more certain without it being *ultra vires* and this is why I haven't strayed from the precedents in this regard.

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

**Hon. Mr. Lang:** Mr. Chairman, how would this apply in the evolution of the Legislature where we are at at the present time if the Legislature were to—I gather it has to be a majority of the Legislature to begin with.

**Mr. Clegg:** Yes.

**Hon. Mr. Lang:** Okay. If they were to ask for confidential papers that were in the possession of say the Commissioner, who is a federal civil servant.

**Mr. Deputy Chairman:** Mr. Clegg?

**Mr. Clegg:** I believe the Honourable Minister's question was how this situation would develop, and I wasn't quite certain whether he meant if the constitutional position of a territory develops, if that was a question, then there will be no change, because what is written in here is the same as in the power of a province. It would not change from a legal point of view, but in practice, the members of the Assembly who were members of the Cabinet would, of course, either command a majority in the House through party discipline to vote against such a motion, or if they supported the motion would command Cabinet, and Cabinet would order the public servant to do its wishes, therefore the problem which would perhaps arise here, and not be easily solved at the interface between the legislative authority and the administrative authority would be solved in Cabinet, in effect, if the Yukon were to become a province.

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

**Hon. Mr. Lang:** Mr. Chairman, my point is this: prior to becoming a provincial jurisdiction and prior to party politics, if that request, if a request from the Legislature were asking, the majority of the members were asking for papers held by a federal civil servant, an example the Commissioner, does he have to produce those papers?

**Mr. Clegg:** Mr. Chairman, that is a question which, as far as I can establish is not properly solved legally. It doesn't appear to be clear in your circumstance, because there is very little precedent for an order from an Assembly which does not have control over the administrative authority in the province, through an elected Cabinet.

I don't know whether anybody would be able to give a definitive answer on this. I don't think your opposition would be quite as strong as it would be. Well, there is no doubt, the opposition wouldn't be as strong as it would be in the case of a province. But again, I have hesitated to amplify the powers in any way, to take them beyond the words which existed in your Ordinance before they were removed some years ago and before the words which were in the provincial assemblies', constitutional legislation.

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

**Mr. Fleming:** I may be slightly confused, but I understand these sections to be speaking of the Legislative Assembly, really, and not speaking of other persons, such as a Commissioner. I may be wrong, but this is the way I understand it.

**Mr. Clegg:** This section is providing for the Assembly to determine that they wish to have documents produced by another person. That other person could be the Commissioner or it could be any member of the public. It is an order directed to the Assembly, it is ordered direct from the Assembly, through the Speaker, directed to somebody else.

*On Clause 38*

*On Clause 39*

**Hon. Mr. Lang:** Mr. Chairman, outside the Territory, in what particular instance would that come into play?

**Mr. Clegg:** This means, for example, that a member of this Assembly could take an oath from a Territorial resident if they were both together in the City of Edmonton, and he could sign that and, for use within the Territory, if that document was produced in the Territory, it would have been deemed to have been properly sworn.

By international convention, the only person who can take

oaths to be used in a different jurisdiction are notaries public and one of the reasons for that is that there is a very careful control of and knowledge of the identities of notaries public and they can be certified both interjurisdictionally, in a country like Canada, and internationally.

So, a notary public can have his seal and title and name authenticated in any country and he can sign a document where it can be used anywhere else, but, provincial and territorial powers for Commissioners of Oaths are only for use locally.

That is to say, the document sworn may only be accepted locally. It doesn't matter where, in fact, the oath is taken. That is the clarification.

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

**Mrs. Watson:** Mr. Chairman, do we have a position such as a Commissioner of Oaths, within the Yukon Territory?

**Mr. Clegg:** Mr. Chairman, your *Commissioner for Oaths Ordinance* has been repealed. That means that individuals cannot be created Commissioners for Oaths, pursuant to that Ordinance.

It was presumably thought not necessary to have this office and in other jurisdictions people can be made Commissioners for Oaths, such as realtors who regularly have to have documents sworn and you have chosen not to have an Ordinance by which these powers can be granted by an administrative process, such as issuing out a commission to a Commissioner of Oaths.

That does not mean to say that it is impossible to have such a thing as a Commissioner for Oaths and, for example, barristers and solicitors are *ex officio* Commissioners for Oaths in the Territory and so are Members. I think it is a very useful power to have and I think you should take it. All other provincial MLA's do have that power.

Quite often an MLA is regarded as an important and central figure, I shouldn't say quite often, but always, his electoral district, and therefore people will come to him and he may be required to help them by having documents sworn.

**Mr. Deputy Chairman:** Could you give us some examples, Mr. Clegg, where, in other provincial legislatures, the particular sections I have just read have been used, like commanding the bringing forward of papers and witnesses and this sort of thing?

**Mr. Clegg:** No, I can't cite a particular instance because they are used very rarely, and the reason for this is because the power is there, the witnesses always volunteer. They come forth voluntarily and they bring the papers which are asked of them voluntarily, or there is some negotiation and agreement about what will be produced and what will not be produced, or the Committee agrees to sit in camera if the documents are thought to be contentious and perhaps harmful to some innocent bystander.

I can only cite one example where a witness who was unwillingly before a committee of the Province of the Legislature of Alberta. He telephoned me beforehand and said, "what happens if I don't come?" I just told him that these powers existed and that the warrant would be issued and the police would come and fetch him. He came and he gave some very useful evidence which made that committee much more active than it had ever been before.

But that is the closest that I can cite as an example. The fact that the power exists makes it unnecessary to use it in most cases.

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

**Mrs. Watson:** Mr. Chairman, I do think the word Commissioner there is a little misleading. It isn't misleading to us, but I think that anyone else who is reading it would find it a little

misleading. Is an *ex officio* Commissioner empowered, a commissioner of oaths I would hope. A Commissioner of Oaths is not empowered to sign affidavits regarding passports and that type of thing, are they? There are limitations as to what the Commissioner of Oaths has the power to affirm an oath for?

**Mr. Clegg:** That is true, Mr. Chairman. A Commissioner for Oaths cannot sign passports because they are to be used outside the jurisdiction. They are to be used internationally, and therefore, they specify a more complex signing authority, although it is not necessarily one which one would regard as more certain. A Commissioner for Oaths or a commissioner in power to administer oaths and affidavits, and declarations is the correct term. The word "Commissioner", with a capital 'C' has special meaning in this territory, but I wouldn't advise the Committee to move away from the correct word, purely because it might be understood by somebody who had a very limited understanding of what was involved. I doubt whether anybody could interpret it to mean, or imagine that it meant, that members were Commissioners of the Yukon Territory.

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

**Mrs. Watson:** Mr. Chairman, another question, just for my own clarification. A justice of the peace, is a justice of the peace a Commissioner for Oaths. Maybe the Honourable Member from Mayo could answer that?

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

**Mr. McIntyre:** A justice of the peace can take affirmations, but he is not a Commissioner for Oaths. The Ordinance that deals with affidavits and declarations is the *Evidence Ordinance* and an oath, affidavit, affirmation, or statutory declaration for use in the Territory may be sworn, affirmed or made within the Territory before a number of people, and one of them is a commissioner for taking oaths within the Territory. That's left in because barristers and solicitors are *ex officio* Commissioners for Oaths. Of course, we will be too.

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

**Mrs. Watson:** Can a Member of the Legislature charge for serving as a Commissioner of Oaths? Barristers and Solicitors do, don't they?

**Mr. Clegg:** Mr. Chairman, barristers and solicitors may. I think they very rarely do.

The question of whether you can or not would perhaps hinge on whether you were therefore accepting an office of profit and I would think it would be wiser not to. If you were to ask me whether it would be prudent to charge, I would say it would probably be best to charge what I charge, which is nothing.

*On Clause 40*

*On Clause 41*

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

**Mrs. Watson:** I wonder if Mr. Clegg could explain why we have that provision for the 20 days preceding the 20 days following the session?

**Mr. Clegg:** Mr. Chairman, the purpose for this, the purpose of this section is to avoid interference with the business of the Assembly, which is the most important body in the Territory, by persons bringing civil actions during the sessional time. This has traditionally been expanded to cover the time usually before and afterwards, because of the preparation and follow-up work which is necessary.

The purpose is primarily to avoid the interruption of the public business of the Assembly, because of Members' involvement in a civil matter.

*On Clause 42*

*On Clause 43*

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

**Mr. Lengerke:** Just a simple question with respect to 42.(1): where it says you are exempt from serving. This would be a member of the Legislative Assembly, but just, for instance, in the case of, well, take the Member, Dr. Hibberd. If he was required to serve, this doesn't prevent him from not serving, is that correct?

**Mr. Clegg:** That is correct, but the *Juries Ordinance* provides that members of Council are exempt from jury service permanently.

**Mr. Lengerke:** That is exempt, but it doesn't prevent you.

**Mr. Clegg:** It is generally been regarded as being an exemption situation. One can always volunteer if one is exempt. That is my opinion.

I spoke to the Sheriff of the City of Edmonton on this matter. They maintained that they had always regarded a person who is exempt as being disqualified and I said that I felt that he was wrong there. But he couldn't recall an instance where somebody who they thought was exempt had volunteered and had been refused the right to sit on a jury.

So, he hadn't put that issue to test.

I think an exemption is personal to the exemptee. It does not exclude him from waiving his exemption. Because it is provided for his benefit, he can waive it. The general principle of interpretation is that a person can waive something which is provided for his benefit, because it may turn out when he may feel that it is not in fact to his benefit, he does not wish to be prevented from exercising his exemption.

**Mr. Lengerke:** Thank you.

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

**Hon. Mrs. Whyard:** Mr. Chairman, what about members being summonsed to appear before a board of inquiry?

**Mr. Clegg:** They aren't covered by this in so many words, but in fact, they are covered by the previous sections which say that the member may not be compelled on a civil cause. This means that if you refuse to attend the board of inquiry because perhaps you have more important business in this House, and they issue a subpoena to command you, you are then saved by that section which says that you are not liable to civil arrest or molestation. In other words the subpoena may not compel you. This Assembly has jurisdiction to call to task any person who issues a subpoena which impedes or molests a member during the twenty days before and after a session.

Outside that time, of course, you are compelled and there is nothing here to exempt.

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

**Mr. Deputy Chairman:** Could I have clarification of 42.(1)(b)? Do you not think that is very broad, Mr. Clegg?

**Mr. Clegg:** It is broad, but in fact it would be very annoying to this House and in fact it would interfere with the public business if your chief witness was taken away to be a juror, particularly considering the fact that anybody can serve on a jury, and he doesn't serve on a jury because of his unique knowledge and the unique service that he can give to this Committee, as is the case of a witness, but purely because his number has come up and that is one of the justifications for saying that a witnesses' position here is dominant over his duty to be a juror.

**Mr. Deputy Chairman:** My concern here, Mr. Clegg, we usually have defined sittings during the period of one year, and reading that subsection (b), I am to assume that the exemption could be for that period of one year, irrespective of the sitting of the Legislature.

**Mr. Clegg:** Mr. Chairman, my understanding is that normally this House has several sessions in a year, and it is prorogued from session to session and that they are not

merely separate sittings of one session. In the case of the Province of Alberta, to give a different example, that province has one session a year and the session commences normally in March and is finally prorogued in late November. Therefore the officers and staff are by a similar provision, exempt from jury duty for nearly the whole year. If you chose to have one session a year and merely adjourn from April to July and July to September and then finally prorogue in November, then you would be so exempt for a longer period. But it does say session and not sitting.

**Mr. Deputy Chairman:** Well, with the reading of subsection (b) elaborated, is very broad in its intent and I am left with the feeling that the exemption could last the whole year. Is that the real intent?

**Mr. Clegg:** The exemption would last the whole year if your Session lasted the whole year, but it doesn't do that at the moment, but the intent here is to prevent you from being hampered in scheduling your Committee work by the fact that your main witness has been called for jury duty.

You might wish to call back in the Fall, a person who had been an valuable witness to you in the Spring and find that he was previously compelled by his civic duty as a juror.

My advise is to keep it wide. The cases where the court would be disadvantaged by a lack of jurors is very, very, very, very slight. Normally speaking they have to impanel a hundred or so jurors to chose out of them and you are only likely to have a few witnesses during the year.

**Mr. Deputy Chairman:** Thank you.

Mr. Fleming.

**Mr. Fleming:** I was just wondering, Mr. Chairman, I probably just don't quite understand and I am wondering about the, I am actually going back to 41, if I may,

**Mr. Deputy Chairman:** Proceed.

**Mr. Fleming:** Where no member is liable to any civil action and it goes on to explain arrest, imprisonment or damage or a reason of any matter being brought by him before the Legislature or any committee thereof by petition, bill, resolution, motion or, and we have this word in, "otherwise", I felt might be, have some effect, when you go back to 12 or 13, I guess it is, 13.(3), where any other member may bring a suit against a person.

Would there be any conflict there at all, with that word "otherwise" in there?

**Mr. Clegg:** The word "otherwise" is to cover such instances as debate, where the matter which is brought before the Assembly is not brought in a formalized document, such as a resolution or bill, but is brought up in debate.

This, the basic purpose of Section 40 is to save you from defamation charges, is to give you absolute privilege to speak freely in this House.

*On Clause 44*

**Mr. Clegg:** A typographical omission of some words in (i), which you have just read out. Subsection 1.(i), it should read "the causing or the effecting of the arrest, detention or molestation of a member during any Session of a Legislative Assembly or during the 20 days proceeding or the 20 days following".

**Mr. Deputy Chairman:** Typo error, Mr. Clegg?

**Mr. Clegg:** Yes, Mr. Chairman.

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

**Hon. Mrs. Whyard:** I just am intrigued by 44.(1)(b), because I find several members of this Assembly intimidating at times.

**Mr. Deputy Chairman:** That is what they call lobbying, Mrs. Whyard.

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

**Mrs. Watson:** There is very little reward in it, anyway.

**Mr. Deputy Chairman:** In what, lobbying?

**Mrs. Watson:** Molesting.

**Mr. Deputy Chairman:** I see you have excluded harrasment, Mr. Clegg.

*On Section 45*

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

**Hon. Mr. Lang:** Isn't there something wrong with the wording in the second last line?

**Mr. Deputy Chairman:** It seems to be the last sentence on there, Mr. Clegg, that subsection there.

**Mr. Clegg:** Mr. Chairman, the wording is perhaps a little formal. Maybe the Honourable Minister is referring to the words "then being held". I could be: being then held, or being held at that time. I think the wording here though is, in my view, it is precise and is gramatical.

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

**Mrs. Watson:** Yes, Mr. Chairman, those are very, very strong powers aren't they, power of imprisonment? Really, order someone liable to imprisonment under the appearance of having committed something under Section 44. "Every person who, upon an inquiry under Section 44 appears to have committed or done any of the acts...in addition to any other penalty", they can be subject to imprisonment by this Chamber, by the members of this chamber.

**Mr. Clegg:** Mr. Chairman, the wording in that Section is traditional. It is equivalent to the normal legal treatment of the word "appears". It means really, appears in the judgment of the Assembly to have committed. That really leaves it open to the Assembly to decide what degree of proof they require, whether it is a total 100 per cent proof, which is very rarely available for anything, or whether it is the kind of burden of proof which is acceptable in criminal matters, which is beyond reasonable doubt, not beyond all doubt, but beyond all reasonable doubt, and the burden of proof which is required in civil matters which is on the balance of probabilities. That means anything with a probability of 50 per cent up.

What I am really saying here is that it is left to the Assembly to determine when a matter has been sufficiently proved to their satisfaction.

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

**Mrs. Watson:** Mr. Chairman, further to Section 44, the Legislative Assembly is a court, and it can try, almost, all of the situations that are outlined in Section 44, subsection (1). Right?

**Mr. Clegg:** Yes.

**Mrs. Watson:** Then in 45, it acts as a court on a person where there has been an infraction under Section 44. If there is a penalty under that, they can award him a penalty and an additional one when the Legislative Assembly are trying the person under Section 44.(1)?

**Mr. Deputy Chairman:** Mr. Clegg.

**Mr. Clegg:** Mr. Chairman, there may be some cases where the person who has committed the offence against this Ordinance has also committed a civil offense and may have been prosecuted under that offense and this provision clarifies that no other court in the Territory pre-empt the jurisdiction of this Assembly by taking the issue and trying it themselves.

I can give you an example. Say, for example, that members were molested by people and prevented from entering the building in order to attend the Session, or they were interfered with in some way, which is a breach of this Ordinance, which

was extremely serious to the members. If the matter was dealt with by the police by laying information and the people involved were tried before a magistrate and convicted, but were given a very light sentence or no sentence at all, perhaps they were convicted and discharged, the Assembly would then find itself in a position of having its authority taken away and quite inadequate punishment awarded by the courts.

If they were in a position that their jurisdiction was preempted by that court's action, what this section does is to make certain that if the Assembly wishes to intervene after some other court has taken a position, they can still retain jurisdiction and deal with the matter themselves.

These matters seem to be most unlikely to arise, but they are there to provide for circumstances of great civil strain, which, fortunately, don't exist in Canada at this time, and to prevent the Assembly being bullied or pushed around by the civil authority.

*On Clause 46*

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

**Mrs. Watson:** Mr. Chairman, but in addition to the Legislative Assembly, if someone commits an offense, there is also the possibility of some civil action which is taken by the State.

**Mr. Clegg:** That is true, except in those few cases where the civil courts decline jurisdiction and that is merely to do with what goes on within this Chamber.

Of course, that only relates to civil matters. If one member brought an action for slander against another member for something said in debate in this House, no court would look at it and the determination of this House in that regard would be final.

**Mrs. Watson:** Thank you.

*On Clause 47*

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

**Hon. Mr. Lang:** Mr. Chairman, just out of curiosity, has this section ever been exercised in any of the provincial jurisdictions?

**Mr. Clegg:** Mr. Chairman, I am afraid I don't know the answer to that question.

**Mr. Deputy Chairman:** Thank you.

**Hon. Mr. Lang:** Wouldn't that be interesting.

**Mr. Deputy Chairman:** Yes, you would be first.

*On Clause 48*

**Mr. Deputy Chairman:** Clarification Mr. Clegg.

**Mr. Clegg:** Mr. Chairman, the purpose of this Section is to extend the protection from civil action to cover persons who print or distribute authentic copies of your debates, Journals, "Votes & Proceedings", or reports thereof, to go with Section 49, this covers the printing of extracts and this gives a qualified privilege to the press and to the printers of your records, under the umbrella of your absolute privilege.

The distinction between absolute privilege and qualified privilege, generally is that absolute privilege is not lost by reasons of malice, whereas qualified privilege can be lost if malice can be shown.

Therefore, this qualified privilege which extends to the press of reporting pieces of your speeches, or all of them, is lost as a privilege if they make their extracts in a way which can be shown to have been motivated maliciously. So it is possible to make extracts from somebody's speeches with a malicious intent. The result of that is that they will not then enjoy the protection from civil proceedings as a result of those, and the result of the publication of what you have said.

If a member says something in this Assembly which is de-

famatory of another person, that is printed literally or without malice, by any newspaper, that newspaper is also exempt from civil pursuit for a defamation, but if they act maliciously carve up the context of what was said so as to make worth, then they lose that privilege and that is the purpose of these sections.

**Mr. Deputy Chairman:** He could then be prosecuted.

**Mr. Clegg:** He could then be prosecuted for defamation.

**Mr. Deputy Chairman:** The public press is taking notice of that.

**Mrs. Whyard?**

**Hon. Mrs. Whyard:** Mr. Chairman, this Section refers only to printed matter. Is there any necessity to include other media?

**Mr. Clegg:** Mr. Chairman, I am just considering that question.

**Hon. Mrs. Whyard:** Mr. Chairman, I rose on that point because I believe there are some considerations being given in the House because of the televising of daily proceedings and there is some question as to how far the responsibility or the immunity extends through television and radio.

**Mr. Clegg:** Mr. Chairman, to clarify further, these sections do not, themselves, constitute the common law of defamation and do not themselves constitute these defences. These defences are in existence as a result of common law and what these sections are doing, in fact, perhaps I didn't stress this point properly when I explained them before, is to clarify the means by which this defence is brought forward.

It is brought forward by showing that they are certified copies and by showing that they are proper copies. If this section was not here the press would still enjoy the qualified privilege under common law, and so would the members enjoy the absolute privilege under common law.

The purpose of these sections is to clarify the machinery by which the issues are proven, by which it is proven that this was a speech in the Assembly and this was an authenticated copy of the debates from that speech, or that this is a proper extract printed by the press, from such a speech.

It is a procedural provision, rather than a substantive provision of law.

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

**Hon. Mrs. Whyard:** But, Mr. Chairman, in the context of 49.(1)(b).

**Mr. Clegg:** Just further to answer the Honourable Minister's question, the qualified privilege which the broadcast media enjoy exists, notwithstanding what we have in this Ordinance, if we wished, we could expand this to say that the tapes or records of the broadcast media can be introduced as evidence to show that they were proper, but that is something which is very difficult to work out and there is the technical aspects of this have not yet been formally recognized in any of the Assemblies in this country.

To refer to the way by which these privileges are proven, in the case of a media recording, comparable to the way in which they are proven for a printed recording.

*On Clause 49*

**Mr. Clegg:** If I may refer it to the previous question, if this Committee wished to consider the position of the broadcast media, then it would be quite simple to substitute for the word "printing", in the first line of Section 49, the word "publishing", because publishing has been interpreted to include publishing by broadcast means.

Then, it would be open to the press to show that what they had published by television broadcast program, if they had

records of that, was in fact in accordance with what had happened and this section would then provide that and cover that.

But, as I said before, this course is open to them under the common law of defamation in any event. But that is the word which is sitting in the middle of the issue, the word "printing", which does not relate to broadcasting.

**Mr. Deputy Chairman:** Are you suggesting that publishing is a more appropriate word as to printing, in a broader scope?

**Mr. Clegg:** Yes, Mr. Chairman. If you wish to broaden this to cover broadcast media, it would be covered by adding, by putting the word publishing instead of printing, because it would then mean publishing by any means.

**Mr. Deputy Chairman:** Is it Committee's concurrence that we look at that as a typographical error?

**Some Members:** Agreed.

**Mr. Deputy Chairman:** Thank you.

*On Clause 50*

**Mr. Deputy Chairman:** Mrs. Watson, do you have a problem with that?

**Mrs. Watson:** Yes, Mr. Chairman, but I'm not going to comment.

**Mr. Deputy Chairman:** I think by adopting that word, Mr. Clegg, there ought to be some changes somewhere.

**Mr. Clegg:** Mr. Chairman, I think that in Section 50, we are looking at the other side of the coin. All that has to be shown is that the matter published which was complained of was in accordance with the record and this section just shows that the record can be accepted without formal verification.

*On Clause 51*

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

**Mr. Fleming:** Yes, Mr. Chairman, I am wondering whether the Legislative Assembly is sitting and the board is completed, they table their report and if the Legislative Assembly is not sitting and their report is completed, then why do they need the fifteen days to put it into the Assembly. If everything was going properly we might be gone home again.

**Mr. Deputy Chairman:** Mr. Clegg?

**Mr. Clegg:** Mr. Chairman, quite often the first few days of this Assembly's business is taken up with the more formalized matters of the Throne Speech and response to the Throne Speech, and normal business is not reached until perhaps the second or third week. Perhaps in drafting this I did not take the fullest cognizance of the way in which business is handled here. You may reach a stage where something should be tabled at an earlier stage.

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

**Hon. Mrs. Whyard:** Mr. Chairman, is there any other section in this Ordinance which details what members require when they say summarizing transactions and affairs of the department for a whole year, because Mr. Chairman, with respect, there are a number of statutory reports which come from my department annually covering all the health statistics, all the corrections, all the other things. I am interpreting this section to mean that Honourable Members are giving me latitude to present to this House and read my report, if I wish, the state of the nation statement covering everything that I have done, which will be a great joy to me but may not be considered necessary by all members when they have already received the statutory reports.

**Mr. Deputy Chairman:** Mr. Clegg?

**Mr. Clegg:** Mr. Chairman, to take the Honourable Minister's last point first, it is only provided that the document is tabled. If there is no motion to debate it, then it will not come

up. I have chosen broad wording for this and I use the word "summarizing" which does enable the Minister to make a judgmental decision about how much detail he inserts and that will depend upon how many other reports have been submitted by the department.

It would not be necessary, in my view, to comply with this Section to repeat things which have been provided in other reports and the main purpose of this is to make sure that there is a report in every department, even if there is no other statutory report from it.

Members may be interested to know that the reports submitted by different departments in other provinces, and I have seen reports from several provinces under similar provisions, vary in detail quite widely, and the Minister's reputation in the House and sometimes, in that regard, will depend on the completeness of his report. If it is very cursory, then it is open to members, having looked at it, to raise debate on the issue.

Or to ask further questions. In many cases, it removes the necessity for members to ask detailed questions concerning the operation of the department in the previous year, if they have got a formalized report from the department.

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

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

**Hon. Mrs. Whyard:** I would welcome this opportunity. I have always wished I had the opportunity to stand in this place and explain all that has happened between Sessions to members, whom I frequently don't see between Sessions, nor hear from.

But, I am also asking for instructions here regarding the inclusion of financial matters, because a complete detailed report of every department is available to all members when it is placed before this House in the Budget Session.

**Mr. Clegg:** Mr. Chairman, as I said before, what need to go in such reports is, perhaps, for the Minister to determine and for the House to respond to when it is tabled. It might well be felt that material that was in the budget, as a report and which was retroactive and retrospective, would not have to be repeated here, but the budget in the Main talks about the future year and this is only a provision for a summary and I think one has to leave the matter to the discretion of the Minister involved.

**Hon. Mrs. Whyard:** Mr. Chairman, I appreciate these comments, it is just that this section says "shall" and I am asking for clarification on what I shall produce in this House. It doesn't say "may".

**Mr. Clegg:** Mr. Chairman, I don't really have anything further to add. I think that it is something for the Assembly to comment on, when they receive documents from the Minister. If it is in fact a summary of the department's transactions, then the Minister will have complied with it. If the members do not like the way in which the summary has been prepared, then they will have the opportunity to raise that in debate after the fact.

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

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

*Recess*

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

I would like for a moment for further clarification to go back to Section 37. Mr. Clegg?

**Mr. Clegg:** Mr. Chairman, during the recess, I have had some further consideration on the better way to answer the question which was put to me on Section 37 regarding an attempt to compel the Crown to produce information. This Section would not purport to give the Assembly the power to demand information in cases where the information was

withheld by lawful authority. The Assembly, of course, is subject to the law. If that lawful authority emanates from federal law, that by a power granted under federal law, that information is made not available, then there is nothing which can be done about that in this jurisdiction.

If the authority by which the information is made not available is territorial law, then the only thing that can be done is for the Assembly to initiate legislation if they wish to change that law, because until that is done, they are still bound by it. Of course the Assembly itself, without the consent of the Commissioner, cannot legislate, so all they could do about those circumstances will be to initiate legislation. I wouldn't want to give the impression that this would enable this House to demand access to information which was lawfully withheld, and the question will be, of course, whether it is withheld lawfully and by what authority. That will have to be a matter which will have to be determined. This really is the answer to the question of what happens if the Commissioner is asked to bring papers and he says that he will not do so.

**Mr. Deputy Chairman:** Thank you, Mr. Clegg.

Mr. Lang.

**Hon. Mr. Lang:** Mr. Chairman, to carry this a little further, under the *Yukon Act*, we are delegated various legislative authorities. Say, for an example, there was papers in respect to where the Assembly has authority, could that be taken as papers that would have to be produced?

**Mr. Clegg:** Not if that legal authority in the Ordinance has said that they were confidential papers that should not be produced. The only way around that would be to change the legislation in some way. If the legislation said that they should not be made public, then the only way in which they could then be compelled would be if the Assembly were to sit in camera or a Committee, and therefore the documents being produced to the Assembly would not be made public.

You can always adjust your affairs in that manner. It depends on what the authority says. If the legal authority says they shall not be given anybody except X, Y, and Z, then there is not way around that except to change the legislation. If it says they may not be made public, then you have to go in camera to receive them.

This does not enable you to abrogate the law, with regard to confidentiality or access.

**Mr. Deputy Chairman:** Thank you, Mr. Clegg.

*On Clause 52 through Clause 60*

**Mr. Deputy Chairman:** Mr. Clegg.

**Mr. Clegg:** In Section 59, I think there is a typographical error in that the provisions should be that the indemnities and expense allowance mentioned in Sections 53 to 55, and 58, should be payable in 14 days. The indemnity to members of Advisory Committee.

*On Clause 61*

*On Clause 62*

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

**Mr. McIntyre:** Yes, Mr. Chairman, in Section 58.(2), I think the Committee should be Committees, because there is a possibility that the Committees might not be the same.

**Mr. Clegg:** Mr. Chairman, I see the member's point, but if we provide the words to the Committees, then this Section will only apply to members who are appointed to both. Now, I know that the present practice is that members are always appointed to both, and that the reason why the advisory committee on finance remains an important committee, which can't be merged into the Executive Committee, is because it is provided for in the *Yukon Act*. It might be more precise if this was worded, appointed to either or both of the Committees,

because that is what Section 58.(1) says.

**Mr. McIntyre:** That is correct.

**Mr. Clegg:** I think that is how it would be interpreted in any event, but it is a little clearer to put it that way.

**Mr. Deputy Chairman:** Doesn't 58.(1) clarify that properly here, Mr. Clegg?

**Mr. Clegg:** Yes, I think it does and that's why the word Committee there is a reasonably accurate reference to 58.(1), and the words the Committee would have to be interpreted as meaning either or both of those two Committees. I would be happy to leave it as it is, but if members feel uneasy, then we could amend that.

**Mr. Deputy Chairman:** It makes reference to subsection (1) which clarifies subsection (2), which is the concern of Mr. McIntyre.

*On Clause 63*

**Mr. Deputy Chairman:** A very unusual cost of living clause. Mrs. Watson?

**Mrs. Watson:** Mr. Chairman, reverting back to 58.(1). Is it clear there the intent that the \$14,212 per annum is paid to a member if they sit on the Executive Committee, or if the member is on the advisory committee on finance, or if a member sits on both committees, they just receive the \$14,000?

**Mr. Deputy Chairman:** Mr. Clegg?

**Mr. Clegg:** Mr. Chairman, my view is that it is very clear, and that is why I spelled out the three alternates. It says appointed to the advisory committee, or the Executive Committee, or to both Committees, an indemnity calculated at the rate of \$14,000. I believe it is quite clear.

*On Clause 64*

*On Clause 65*

**Mr. Deputy Chairman:** That concludes the first review of Bill 101. Mr. Clegg?

**Mr. Clegg:** Mr. Chairman, before we leave this, may I mention the fact that I wanted to propose an amendment to the coming into force section, because it may be necessary to proclaim this Ordinance in parts.

I would want to add the word, in subsection 1, "on such day or days as the Commissioner may proclaim", and that the only part that I can think of that might be necessary to proclaim a different date would be Section 3, because Section 3 provides for 16 members, effectively, by its reference to the *Electoral District Boundaries Ordinance*, and, of course, if this Ordinance were proclaimed during the current Legislature, then we would have an immediate problem.

So, I think that Section 3 probably can't be proclaimed until this particular Legislature is dissolved. That is the reason why I think that change should be made and the law clerk has proposed that subsection (2) of that Section should be reworded, for clarification, to say that "upon proclamation of this Ordinance, Section 63", which is the escalation section, "shall be deemed to have come into effect the 15th Day of December", which is a slight change in this wording.

I will, if the Committee agrees, propose amendments to the sponsor of the Bill, for his consideration on these points.

**Mr. Deputy Chairman:** Would you prepare that amendment for the second review of this Bill, Mr. Clegg?

**Mr. Clegg:** Yes, Mr. Chairman.

**Mr. Deputy Chairman:** Thank you.

With the Committee's concurrence, can the Chair report progress on Bill 101?

**Some Members:** Agreed.

**Mr. Deputy Chairman:** I would like to thank Mr. Clegg for his generous assistance in dealing with this Bill. Thank you very much.

**Mr. Clegg:** Thank you, Mr. Chairman, it has been a pleasure.

**Mr. Deputy Chairman:** We will now proceed back to *Workmen's Compensation*, amendments that we dealt with this morning.

I would ask the Chairman to take the Chair.

**Mr. Chairman:** I now have for distribution, the proposed sub-amendments. Mrs. Whyard, are these all the same?

**Hon. Mrs. Whyard:** Yes.

**Hon. Mr. Lang:** Just for clarification, while these are being distributed, what is going to be dealt with in Committee tomorrow. The reason I am asking is that the amendments to the *Elections Ordinance* will be prepared for tomorrow.

**Mr. Chairman:** Are they ready for tomorrow?

**Hon. Mr. Lang:** Yes.

**Mr. Chairman:** We will proceed with them. I was intending to proceed with Bills 2, 3, and 4, as well.

**Hon. Mr. Lang:** Bills 2, 3, and 4, and, Mr. Chairman, if there is time permitting, then possibly we could go on with the *Elections Ordinance* after that, tomorrow. I will distribute them first thing in the morning.

**Mr. Chairman:** We run into the same difficulty, in that the sponsor of the Bill is not going to be here in the afternoon, we might run into difficulty in what we can deal with if he has to be again absent on Land Claim negotiations.

**Mr. Chairman:** I will read from the Chair the sub amendment as now submitted.

1. Paragraph 2(a) of the Proposed Amendment is amended by deleting the definition "Administrator" therefrom and substituting therefor the definition "Secretary"

"Secretary" means the secretary appointed by the Board pursuant to subsection 10.1(2);

2. Subsection 10(1) and 10(2), of the amendment are deleted and the following is substituted therefor:

10.(1) There is hereby established a body corporate, to be known as the Workers' Compensation Board, consisting of four members appointed by the Commissioner as follows:

(a) One member shall be appointed from among the representatives of industry in the Territory

(b) One member shall be appointed from among representatives of labour in the Territory;

(c) The remaining members shall be appointed from among representatives of the public-at-large in the Territory, one of whom shall be designated as Chairman.

3. Subsection 10.(3) of the amendment is deleted and the following substituted therefor:

(3) The Commissioner shall fix the remuneration of each member of the Bboard, and such remuneration shall be paid out of the Compensation Fund.

4. Subsections 10.(5) and 10.(6) are deleted and the following substituted therefor:

(5) The Chairman shall be the chief executive officer of the Board, having the supervision over and direction of the work of the Board, and shall not engage in any other business or employment for remuneration during the term of his employment which may create a conflict of interest with his duties of chairman.

(6) Where the Chairman or other member of the Board is ill, absent or unable to act, the Board may appoint an acting

chairman from amongst the members who, for the period of his appointment, has all the powers and shall perform all the duties of the chairman in respect of whom he is acting.

5 Subsections 10.1 (2), (4), (7) and (9), to be deleted and the following substituted therefore:

(2) The Board shall appoint a Secretary and a staff and such other persons as it considers necessary for carrying out the provisions of this Ordinance and it may designate their duties.

(4) The Secretary and the staff shall be members of the Public Service of the Yukon.

(7) The Board may, from time to time appoint one or more persons having special technical or other knowledge to inquire into and report on any matter before the Board or in respect of which the Board deems it necessary to have information.

(9) The Board shall report to the Commissioner once in each year or more often as directed on all matters respecting the administration of the Ordinance including reports on:

(a) investment policies concerning assets of the Compensation Fund,

(b) actuarial reviews of assessment rates,

(c) actuarial reviews of the liabilities of the pension and other reserves and provisions forming part of the Compensation Fund,

(d) financial and management practices, plans and policies, and

(e) such other matters as the Commissioner requests and the Commissioner shall lay the report or reports of the Board before the next session of the Territorial Council.

Mrs. Whyard.

**Hon. Mrs. Whyard:** Mr. Chairman, our position is that these amendments provide for a corporate body, acting independently, but not yet on a full-time, full salary basis. I believe those are the wishes of members, as expressed in earlier discussions.

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

**Mr. McCall:** Yes, Mr. Chairman, I have a lot of reservations in the proposed amendments to the amendments already being proposed previously.

It takes away the whole meaning and intent of the Workmen's Compensation as a proper body. It defies any logic, really, by replacing an Administrator in the principle of an Administrator, by the concept of as secretary, which could mean the Territorial Secretary.

When I look at the proposed drafts that were given to us, they were proposed by the Territorial Secretary and not the Minister, I have a lot of reservations and I don't propose to support an amendment to my own amendments.

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

**Mr. Fleming:** Yes, Mr. Chairman, I can't see a problem here as to why we are arguing over an administrator or secretary and I would like some clarifications just to why there was such a hub bub about changing that one thing and I have my doubts as to just why. I certainly want to know if my doubts are right or wrong and the only way I can get that if I get an answer is to why, just why did we go to that extent to just change that, when, in all appearances, it really doesn't make any difference, according to the members who are opposing the amendments that were put forward before.

**Mr. Chairman:** Mr. Booth?

**Mr. Booth:** It doesn't make any difference whether it is an administrator or secretary. The reason secretary was put in there is to be uniform with the rest of the boards, that are a full

autonomous corporate body.

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

**Mrs. Watson:** Mr. Chairman, we are tossing around the size of this board and we are all looking at having an autonomous board, and we are looking at ways and means to achieving this. The original amendment proposed a five man board, the Private Member's amendment, proposed a five man board. The government came back and are suggesting a four man board.

I wonder whether the government, for tomorrow, could do some cost analysis for us?

**Hon. Mrs. Whyard:** I am sorry, Mr. Chairman, I can't hear.

**Mrs. Watson:** I wonder if the government for tomorrow could do a cost analysis for us? How much it would cost the Fund, if we had a four man board or a five man board? I would also ask the government to do a complete cost analysis, not just their salaries, office space and the whole bit. Also, how much it would cost if we had a full-time chairman, completely and fully autonomous board with a full-time chairman and how much it would cost with what the government is now proposing, a part-time chairman. Also, I want an analysis of how much the advisory board is costing the Compensation Fund at the present time.

I don't think that is too much to ask. We have to make decisions on the size of the board. We want to have an autonomous board, we want to, yet we don't want it to cost too much, we don't want it to be too great a charge on the Fund. There has to be some way that somebody can tell us, look, it is going to cost you so much for four, it will cost you so much with five, it will cost you so much for the full-time chairman, and so much for the part-time. We have got to know. It's one thing to say it is going to cost too much money but how much? I would really like that information tomorrow before a decision can be made. I think everyone here wants it.

How much money are we looking at?

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

**Hon. Mrs. Whyard:** Mr. Chairman, I think that information is available in the other sections of the Ordinance. There is a daily rate paid to members of the board. You can add it up, but if you wish to have us bring in an estimate, yes, they are getting \$3,600 per year now, Mr. Chairman. These facts have been brought out in discussion of this Section. There are four members now. I don't see the difficulty in working out so much— three or four people times \$3,600. However, if Mr. Chairman, you wish to have us estimate what a full-time chairman would be paid, and what the other expenses would add up to, this could be done very quickly.

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

**Mrs. Watson:** Mr. Chairman, I think that was rather unfair. I don't think I am asking for anything that I am not able to calculate myself, and I make quite an effort to be self-sufficient, but I don't know exactly how many days the Board sits and whether a five man Board, whether it would be not necessary to have as many sittings as they have with a four man Board. These are types of things that we people who are not involved in the operation, the day to day operation of the Compensation Fund, can't estimate, so we would like a realistic estimation.

Also, I believe that the Fund does pay rent and if we have another Board member, is the rent for the office space going to be increased and will the secretary's classification be the same classification as the Administrator? Will he be paid at the same rate of pay? This hasn't been indicated and I think these are the types of things that some of us want to have.

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

**Mr. Booth:** The thing is that, first of all, there is insufficient work, if you want a full-time chairman, then there is no need for us to have an administrator, because we have an average of 59 claims a year go to the referee. At the present time, they are handling this work on a once a month basis. We are estimating, for next year, if it becomes a corporate body, that they be required to meet twice a month.

That averages out at \$3,000 per member, with approximately \$3,600 per year for the Chairman, is what we are estimating, meeting twice a month.

There would be, again, no additional office space because they meet in the Conference Room.

**Mrs. Watson:** A further question, it is rather interesting, now, they have been meeting once a month and yet you say there has only been 59 referrals to them as a referee. Were the monthly meetings justified and now you are saying that if we have it as a corporate body, they are going to have to meet twice a month. Will it be necessary for them to meet twice a month? What additional business will they have?

We don't know the day to day operation of the Compensation Board and I think this is the type of information we are looking to have so we can make a decision. We would like to have an autonomous board, but we want to be realistic on the cost, the charge to the Fund and I really would like more information on the dollars and cents.

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

**Mr. McCall:** Mr. Chairman, just a couple of points I have, Mr. Chairman. I don't know how accurate this annual report is, but on item 7, administrative expense in the Compensation Fund, it says salaries paid were \$221,195 for 1976, professional services were \$30,000. \$278 in 1976, and office services, which I think Mrs. Watson is concerned about, was \$32,439. Then there are sundries at \$13,516 for a grand total of \$297,428. I take it that was the administrative expenses out of the fund itself.

The other point I am concerned about that still needs to be clarified, as Mrs. Watson pointed out, the only part I am concerned about, we are making reference to the present claims load at this point in time, and we are not taking into consideration the future. We talk about a five man board, I have already expressed myself a number of times, and the concept of a five man board or a three man board, or a seven man board. It is specifically established that way in all jurisdictions. A four man board is completely negative.

The cost factor of a five man as to a four man board is a very appropriate point of concern, considering they are a part-time board. If they meet once a month or twice a month, that is fine. I do not see a great escalation of the cost expenditure for the administration of this type of a board. The concept of an administrator over and above the secretary, that was the initial amendments to the Workmen's Compensation put forward by the government in Bill 9. In my amendments I took that into consideration and now it is being drastically changed by the government itself, simply because somebody brought forward an amendment to the original Bill.

I don't see any logic in replacing an administrator by a secretary, because the next thing he will become an employee, because somebody else will take it over. What I am concerned about is this dragging our feet on realistic amendments put forward by an individual that is concerned.

Simply, for one, we do not have a properly, duly incorporated Workmen's Compensation Board, or Worker's Compensation Board in the Yukon. The last place in Canada, probably always the last place in Canada, where we get considerations.

There was reference made this morning, it been under consideration for well over a year, perhaps, this particular point. As I pointed out this morning, Mr. Chairman, we had already seen, in our investigation, the Statutory Instruments Commit-

tee, in fact the Government has been going beyond the realm of the parent Bill by having a Board recognized as a board and all it is is an Advisory Committee.

I don't want to keep belabouring this particular situation. I would sooner see the amendments put through. I will not be supporting the proposed amendments to the amendments, as it takes away the spirit and intent of what is trying to be achieved here in the creation of a Workmen's Compensation Board and its independence. What the Government is asking to do in their proposed amendments is to put it right back at square one and completely defeat the intent of the first proposed amendments. To me it does not make any sense whatsoever.

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

**Hon. Mrs. Whyard:** Mr. Chairman, if the Honourable Member is trying to imply that changing the name Administrative Secretary is going to destroy his whole concept of an independent statutory body, I can hardly believe this.

If the fact that we are going to call the Administrator the Secretary to the Board is upsetting the Honourable Members, we can call him an Administrator. We can call him the Lord and High Purple Exalted Elk, it doesn't matter, he is fulfilling the same position and the Board is going to be continuing to do what it has been doing, except they are going to be operating with more independence and we are giving them provision here to go on and become a provincial type Board.

Mr. Chairman, we have already explained two or three times today that that position is called secretary on a provincial board and, you know, I thought the Honourable Member was attempting to achieve that kind of reality. I really haven't got any problem at all on what you are going to call the Administrator. He can remain the Administrator and he can still continue to serve the Board in that capacity, but I cannot accept the other remarks, Mr. Chairman, that we are destroying the intent of the amendment. We are not destroying the intent of the amendment. We are, indeed, putting into effect what members have said they want the status of the Board to be.

Mr. Chairman, if we are going to discuss losing the possibility of passing these amendments because of semantics between administrator and secretary, there is no problem.

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

**Hon. Mr. Lang:** Mr. Chairman, I would like to ask the Honourable Member from Pelly River, who feels that he is such an authority in this particular area. We have been told by the members of the board and the administrator that there isn't enough of a workload to justify a full-time chairman. Why, at this time, would he advocate a full-time chairman if the workload is not there? I can't understand it, because it is my understanding that it would be a full-time position and he would be looking, as the member from Kluane has asked for some figures, which can be brought in tomorrow, we are looking in the area of probably \$30,000 to \$40,000 a year to get an individual who would be on full-time. I am just wondering what he would accomplish. I agree with the intent of what he is saying, that in time, you know, and undoubtedly it will become a full-time occupation, as far as the board is concerned, but at this time in our evolution in the number of people that we have in the work force, obviously from what the administrator has said and the chairman of the advisory board that was here earlier, said that it just wasn't justified at this time. I don't know what the Honourable Member is trying to accomplish right now?

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

**Mrs. Watson:** Mr. Chairman, I would certainly hope that we are not asked to vote on the amendment tonight before we get the information on the dollars and cents that I have re-

quested from the government.

**Mr. Chairman:** Good, we won't. I will entertain a motion.

**Mr. McCall:** Yes, Mr. Chairman, I would move Mr. Speaker do now resume the Chair.

**Mr. Chairman:** Seconder.

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

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

*Motion agreed to*

*Speaker resumes the Chair*

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

May we have a report from the Chairman of Committees?

**Mr. Hibberd:** Mr. Speaker, the Committee of the Whole have considered Bill Number 101 and Bill Number 9 and have directed me to report some progress on same and ask leave to sit again.

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

**Some Members:** Agreed.

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

May I have your further pleasure? 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.

**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. tomorrow.

*Adjourned*

**The following Sessional Paper was Tabled  
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Northern Yukon Research Programme

