



YUKON LEGISLATIVE COUNCIL

VOTES & PROCEEDINGS

AND

PAPERS

22ND WHOLLY ELECTIVE COUNCIL

1973 SECOND SESSION

VOLUME 1

SPEAKER: MR. R.A. RIVETT

I N D E X

1973 (Second Session)

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Sessional Dates - Wednesday, June 13, 1973 to Saturday, June 16, 1973.

<u>BILLS</u>	<u>1st & 2nd READING</u>	<u>DISCUSSED</u>	<u>3rd READING</u>	<u>ASSENTED TO</u>
32. Workmen's Compensation Ordinance	6-7	7-26 34-43	---	Died in Committee
33. Workmen's Compensation Supplementary Benefits Ordinance	7	43	---	Died in Committee
34. Third Appropriation Ordinance, 1973/74	7	43	---	Died in Committee
<u>SESSIONAL PAPERS</u>			<u>TABLED</u>	<u>DISCUSSED</u>
1. Commissioner's Opening Address			1	---
<u>LEGISLATIVE RETURNS</u>			<u>TABLED</u>	<u>DISCUSSED</u>
<u>CORRESPONDENCE AND DOCUMENTS</u>			<u>TABLED</u>	<u>DISCUSSED</u>
Liquor Vendor's Memo			26	31-34
White Pass Telex			26	---
Compensation Rates			47	---
<u>MOTIONS</u>		<u>MOVED</u>	<u>DISCUSSED</u>	<u>RESULTS</u>
1. Hours of the House		26	26-27	Carried
<u>MOTIONS FOR THE PRODUCTION OF PAPERS</u>		<u>MOVED</u>	<u>DISCUSSED</u>	<u>RESULTS</u>
1. Expense Accounts for the Elected Members of the Executive Committee		26	26	Carried
<u>QUESTIONS</u>		<u>ASKED</u>	<u>DISCUSSED</u>	<u>RESULTS</u>
<u>MISCELLANEOUS</u>				<u>PAGE</u>
Minister's Address (set out in Appendix "A")				1
Hotel-Motel Association Brief				31
<u>ORAL QUESTIONS</u>				<u>PAGE</u>
White Pass Telex				2
Land Freezes in Subdivisions				2-3
Funds Allocated for TEST Program				3
Financial Position Y.H.C.I.P.				3
Administration of Medicare Fund				3
Liquor Ordinance Special Occasion Permit				3
Federal Negotiating Team -- Indian Land Claims				4
Annual Ball in Dawson				4
Defoliant				4
Question #7 Raised Last Session				4
Trip to Australia By Mr. Chamberlist				5
Number of Employees on Y.T.G. Payroll				5
Insect Control Spraying Program				5
Letters of Cancellation to Teachers				5
Motion #40 and Motion #1				5-6
Public Input into Terms of Workmen's Compensation Ordinance				6
Public Service Negotiations				6

ORAL QUESTIONS (Con't)

	<u>PAGE</u>
Liquor Vendor's Memo	27
Emblem of the Yukon	27
B.C. Railway Extension	27
North Canal Road & Tungsten Road	28
Hobbs' Report	28
Mr. Steeves	28-29
Medicare Charges	29
Faro Conditions	29
Territorial Parks Policy	29
Involvement with Ministry of Transport	29
Education Policy Paper	30
Outpatient Charges	30
Transport Public Utilities Board	30

WITNESSES

		<u>PAGE</u>
Bills #32, 33, & 34	Mr. Fingland	7-48
	Mr. Taylor	7-48
	Mr. Hough	7-48
	Miss Wasylynchuk	18-48

ERRATA

Page 1 Commissioner's Opening Address is set out in Sessional Paper No. 1.

VOTES AND PROCEEDINGS
OF THE
COUNCIL OF THE YUKON TERRITORY

Page 1
Wednesday, June 13, 1973

The Second Session of the Council for the year 1973, being the Eighth Session of the Twenty-Second Wholly Elective Council of the Yukon Territory, was convened in the Yukon Order of Pioneers Hall in Dawson City at 4 p.m. on Wednesday, June 13, 1973.

The Members present were:

Mr. Norman S. Chamberlist, Whitehorse East
Mr. Michael G. Stutter, Dawson
Mr. Donald E. Taylor, Watson Lake
Mrs. Hilda P. Watson, Carmacks-Kluane Lake
Mr. J. Kenneth McKinnon, Whitehorse West
Mr. Clive Tanner, Whitehorse North
Mr. Ronald A. Rivett, Mayo

The Clerk reads the Proclamation.

Mr. Speaker enters the Chambers, announced by the Sergeant-at-Arms.

Mr. Speaker: Please be seated. Mr. Clerk is there a quorum present?

Mr. Clerk: There is Mr. Speaker.

Mr. Speaker: The Eighth Session of the Twenty-Second Wholly Elective Council of the Yukon Territory will now come to order. Mr. Clerk, will you please ascertain when the Commissioner might be available to give his Opening Address to Council?

Mr. Clerk leaves the Chambers to confer with the Commissioner, and returns.

Mr. Clerk: Mr. Speaker, the Commissioner is prepared to give his Opening Address to Council at this time.

Mr. Speaker: The Council now stands adjourned to hear the Commissioner's Opening Address.

The Commissioner of the Yukon Territory, Mr. James Smith, is ushered into the Chambers.

Mr. Commissioner gives his Opening Address (set out in Sessional Paper No.

Mr. J. Chretien, Minister of Indian Affairs and Northern Development now addresses Council.

Mr. Speaker: I now call Council back to order, and wish to advise you that I have a copy of the Commissioner's Opening Address. What is your pleasure at this time?

Mr. Chamberlist: Mr. Speaker, I move that the Commissioner's Opening Address be given consideration on a day following.

Mr. Speaker: Is there a seconder?

Mrs. Watson: Mr. Speaker, I will second that motion.

Mr. Speaker: It has been moved by the Honourable Member for Whitehorse East, seconded by the Honourable Member for Carmacks-Kluane, that the Opening Address of the Commissioner be taken into consideration on a day following. Are you prepared for the question? Agreed? I declare the motion carried.

MOTION CARRIED

BILL #32 INTRODUCED

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 32, an Ordinance intituled Workmen's Compensation Ordinance be introduced.

MOTION CARRIED

BILL #33 INTRODUCED

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 33, an Ordinance intituled Workmen's Compensation Supplementary Benefits Ordinance be introduced.

MOTION CARRIED

BILL #34 INTRODUCED

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 34, an Ordinance intituled Third Appropriation Ordinance 1973-74 be introduced.

MOTION CARRIED

Mr. McKinnon: Mr. Speaker, before you call for adjournment I wonder if I could rise on what I think is a matter of personal privilege. I was wondering, Mr. Speaker, I think that the itinerary of the Minister calls for him to leave either tonight or early tomorrow to the Northwest Territories, I understand. It's so seldom, Mr. Speaker, that the Council gets an opportunity to have the boss present at a Session of Council. I am getting a little tired of hearing answers from the Commissioner or asking questions at any rate, and not getting any answers from the Commissioner. I wonder, Mr. Speaker, with the unanimous consent of the House, whether it would be possible at this time to ask Mr. Minister to appear before Council for a short Question Period.

Mr. Chamberlist: Mr. Speaker, with respect, I doubt whether prerogative of this House draws a Minister of the Crown to appear before this Legislative Assembly as a witness, but, I am sure if the Minister would like to indicate in some way to the House whether he would like to take the opportunity to do that, I am sure consideration will be given to you.

Mr. McKinnon: Further on the point of privilege, Mr. Speaker, I would think that the Minister would probably jump at the chance because he meets the pros in the House of Commons every day and as a Minister of the Crown must be very adept at answering any queries that Members in that Chambers would have. I think that he would have no problems at all sidestepping some of the questions from his poor Country cousins Legislative Assembly.

Mr. Speaker: Are we all agreed?

Mr. Chretien: I have no objections, I am very pleased to do that and to accommodate everyone I will do as I do in the House of Commons, I will reply in French.

Mr. Chamberlist: Okay Ken?

Mr. McKinnon: Monsieur le Ministre, Mr. Speaker I am not sure that, looking at the Yukon Act, whether French is one of those languages which is used in the Yukon Territory as one of the official languages. I only wish, Mr. Speaker, that I could convert with the Minister in his native tongue and I wish also that I could convert fluently with some of the other tongues which are indicative to the Yukon, namely some of the Indian tongues that are still in use. Mr. Speaker, seeing that we are in Dawson City, if the Minister were to walk out of the Yukon Order of Pioneers Hall, pull a quick right he would see, depending I guess on what political party you belong to, either an edifice called the Dawson City Skyline or Laing's Lament which it is known as in some quarters and I wonder if Mr. Minister

Shaw, June 14/73

could tell us, Mr. Speaker, if in the foreseeable future a bridge is in the offing over the Yukon River at Dawson City.

Mr. Chretien: To give you a short answer I don't see that in the immediate future because if you look at the priorities it is something that we would like to do but I don't think that it is very high as a priority. As you know, we are spending a lot of money in the Capital Expenditures in the Territory and we are building at this time or trying to finish within two to three years the Dawson-Inuvik Road that is called the Dempster Highway which takes a lot of money and I have to go for supplementary estimates this year to find the money to start construction of the three miles -- ten miles of the thirty miles that we have to come back from Carcross to the border of Alaska to reach the tide water zone. With that kind of capital expenditure I can't see us seriously considering that before those two roads have been completed unless there is a change in the appropriation, we could do that but I don't think it is likely to happen.

Mr. Taylor: Mr. Speaker, first of all I would like to say that I am very pleased to have the opportunity of meeting with Mr. Minister in Council. I have a question that I would like to direct to Mr. Minister, Mr. Speaker, which is uppermost in the minds of most Yukoners and has been for most particularly these past three years and that is the matter of constitutional reform. It was my hope that today while Mr. Minister is visiting with us that he could advise us on the plans that the Cabinet and the Federal Government may have for the development of a responsible government in the Yukon. I would like to ask Mr. Minister, Mr. Speaker, if he could outline to the Members of Council, today, just what the plans are for the immediate future with respect to the constitutional reforms and development of a responsible government in the Yukon Territory.

Mr. Chretien: You know I cannot give you the position of the Government on the substance of that. I have discussed with many of you informally and you have passed as Members of Council resolutions respecting your wishes in that field but I have never, as yet, discussed that with my colleagues in the Cabinet. I do hope that this matter will be dealt with by the Cabinet during the summer and I can introduce legislation in the fall. This is the plan I have but it is always subject after the bill is ready to what is happening in the House of Commons. It looks like we are in quite a capable position but we never know. It is not my fault but we could be subjected to elections or problems in the House but if everything is normal I would expect we should have this dealt with by the House of Commons by next fall, subject to changes according to the priorities of the House Leader and so on. I intend, if I have my way, to bring about some changes that will be in force for the next election of the Council.

Mr. Speaker: Thank you very much Mr. Minister.

Mr. Chretien: Merci beaucoup, Monsieur orateur.

Mr. Speaker: Council now stands adjourned until 2:00 p.m. tomorrow afternoon.

ADJOURNED

Thursday, June 14, 1973

Mr. Speaker reads the daily prayer.

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

Mr. Clerk: There is, Mr. Speaker.

Mr. Speaker: The House will now come to order. Are there any Documents or Correspondence to be tabled? Are there any Reports of Committees?

Mr. Tanner: Yes, Mr. Speaker. I wish to inform the House of my resignation from the Whitehorse Indian Village Relocation Committee. There has been a change on the Committee recommendation from a potential village twenty miles outside of Whitehorse to a potential site below the Whitehorse Hospital and it is my recommendation to the Committee that, having changed the location, they should have a representative on their committee from the City because they are always in the boundaries of the City. They didn't see fit to go along with my recommendation, Mr. Speaker, so consequently I resign. I would also like to announce my resignation from the Whitehorse Hospital Advisory Committee, Mr. Speaker. It has been my observation after two and a half years on that Committee that it has virtually no power and no authority and it is not accomplishing anything and I don't think it will until such time the Territory or the City, or somebody within the Territory, takes over that administration.

Mr. Speaker: Are there any further Reports of Committees? Are there any Bills to be introduced? Are there any Notices of Motion or Resolution?

Mr. Stutter: Yes, Mr. Speaker, I have Notice of Motion regarding the specific times of sittings for this particular Session, seconded by Councillor Tanner.

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

Mr. Tanner: Mr. Speaker, I have a Notice of Resolution which I haven't completed. Basically, it is a Notice of Resolution to discuss in Committee of the Whole a resolution to be forwarded to the Minister of Indian Affairs and Northern Development, Mr. Chretien, with regards to expansion of Council. I haven't got a seconder at this time.

Mr. Speaker: Are there any further Notices of Motion? Are there any Notices of Motion for the Production of Papers?

Mr. McKinnon: Yes, Mr. Speaker, I have a Notice of Motion for the Production of Papers concerning the expense accounts of the elected members of the Executive Committee.

Mr. Speaker: Are there any further Notices of Motion for the Production of Papers? As there are no Motions for the Production of Papers or Motions we come to the Question Period. As I see the Commissioner is already with us we will now have a short recess.

RECESS

Mr. Speaker: I will now call Council to order. We will proceed with the Question Period. Are there any questions?

QUESTION RE WHITEPASS TELEX

Mr. Stutter: Yes, Mr. Speaker I have a question for Mr. Speaker. I regret being a bit late so I must assume that my question is in order. Did Mr. Speaker, in fact, receive a telex from Whitepass Company yesterday regarding the Compensation Ordinance and, if so, would Mr. Speaker be prepared to divulge the contents of that telex.

Mr. Speaker: Yes, I did. Do you wish me to read the whole telex, it is very lengthy? I will let you have a copy if you so desire.

Mr. Stutter: A copy would be fine, if at all possible, Mr. Speaker.

Mr. Speaker: Are there any further questions?

QUESTION RE LAND FREEZES IN SUBDIVISIONS

Mr. Taylor: Mr. Speaker, there has been a policy laid down apparently by the territorial administration respecting land freezes in subdivisions throughout the Territory. Inasmuch as it is becoming extremely difficult in many points of the Territory to acquire subdivided land I am wondering if Mr. Commissioner could advise Council, this morning, the reasons for these land freezes and as to

when this freeze will be lifted and this ground made available to potential purchasers.

Mr. Commissioner: Mr. Speaker, there was some prior notice of the Honourable Member's question which was very much appreciated and I can advise that the Lands Branch will be advertising the availability of residential lots in Watson Lake, Ross River, Carmacks and Haines Junction within the next two weeks. Vacant highway and commercial land in Watson Lake has not been re-offered for sale at this time pending the Community Development Plan to be started by consultants during July and I may say that this action has been taken in consultation with the Local Improvement District Trustees and the planner whose services are being retained for this purpose. I would also add that very few lots are available in the subdivisions in metro Whitehorse at the present time due to an unprecedented land -- amount of land sales this spring and we have requested the permission of the City of Whitehorse to re-lease for sale additional trailer residential lots in Porter Creek and an additional block of serviced residential lots in Riverdale. Honourable Members will recognize that although we do control these lands within the City it is only with -- in concert with the wishes of the municipality and their planning advisers that this land will be re-leased. That is the best answer that I am able to give to the Honourable Member at this time and our thanks for the prior notice of the asking of this question.

QUESTION RE FUNDS ALLOCATED FOR TEST PROGRAM

Mr. Tanner: Mr. Speaker, could the Commissioner give the House any information on the funds that are being allocated for the TEST program and whether or not they are coming through to the Yukon this year. I understand there has been some question, I have this only on the heresay of one person or the telling of one person, I understand there is some question as to whether or not the Northwest Territories and the Yukon are going to get them this year.

Mr. Commissioner: Mr. Speaker could I ask Councillor Watson to answer your question?

Mrs. Watson: Mr. Speaker, it is very true that the TEST program has not received their grants for this year. The Department of National Health Fitness and Amateur Sport are sending someone from their department to evaluate the TEST program but I personally feel that I don't think there is going to be too much question that they do get, probably not all of the grant that they requested, but they will continue to be funded by National Health.

Mr. Tanner: In respect of that question could I ask the Minister in that case to ensure her best efforts to get this fund.

Mrs. Watson: Mr. Speaker, we certainly will assist the person who is coming up to do the evaluation and try to indicate to him the value of the TEST program in the Yukon. I think this is where the criteria will be set whether the grant will be continued.

QUESTION RE FINANCIAL POSITION Y.H.C.I.P.

Mr. Stutter: Mr. Speaker, I have a question for our Minister of Health, Welfare and Rehabilitation. I am sure that he has anticipated my question and so hopefully he has the answer. Now that the Yukon Medical Health Care Insurance Plan has been in effect for fourteen and a half months, I wonder if he might give some indication of the financial position of that fund.

Mr. Chamberlist: Yes, Mr. Speaker, I am pleased to advise Honourable Members that the fund will have approximately two hundred and ten thousand dollars surplus. This will be over and above the payments out for April and May which catch up with the year previous. The details that I have available are for ten months to March 31st that we have billing for April in the amount of eighty-four thousand seven hundred and in May for ninety-five thousand six hundred. These are approximate figures. For the ten months showed a surplus of just under four hundred thousand dollars but with these two items taken off plus some other items that may be coming up, I would say it is a little over

two hundred thousand dollars will be the surplus for a full year of operation.

Mr. Stutter: Supplementary question, Mr. Speaker. I would like to ask the Minister if he can give us any indication as to the amount of funds that might be available through pending actions, prosecutions retroactive payments back to 1972 or April 1972.

Mr. Chamberlist: Mr. Speaker, I regret that any matter that is before the Court is sub judice and I do not wish to make any comment.

Mr. Speaker: Are there any further questions?

QUESTION RE ADMINISTRATION OF MEDICARE FUND

Mr. Tanner: I have personally, repeatedly been to the Minister with regard to the administration of the medicare fund and he doesn't seem to believe me when I tell him that he is having problems within the administration branch of that department. Consequently, I am bringing this to the attention of Council and asking whether or not he would have the administrative branches of that particular department come up with a better scheme of handling both incoming and outgoing costs. I understand the doctors aren't happy by the late payments and I know an awful lot of the residents of the Yukon are unhappy by the fact ... The question is, would -- Mr. Speaker, would the Minister give this House some assurance that he is going to straighten up the administrative details in his department?

Mr. Chamberlist: Mr. Speaker, I can assure all Members of the House that administrative difficulties happen in any business or any government. There are difficulties. I can assure the Honourable Member that on a continuing basis the administration is always looking at ways and means whereby it can improve its operation as we are continuing to do. The administrative costs for the year work out to 6.59 percent of the overall monies that are involved so we are just .09 percent over the estimated amount. I can assure the Honourable Member who has put the question forward that every consideration will be given to each specific instance that he can show where we can improve the administration of the plan and we would certainly like all Members of Council to bring forward to the department any areas where we can use periods of improvement in the administration of the plan itself.

Mr. McKinnon: Mr. Speaker, a supplementary question. I wonder if the Minister of Health, Welfare and Rehabilitation can tell us how soon before the next election he will be announcing increased benefits under the Yukon Health Care Insurance Plan in a futile attempt Mr. Speaker to retain his seat on this Legislative Council.

Mr. Chamberlist: The Honourable Member is under the impression that anything I do is futile but I can assure the Honourable Member that his sentiments are not echoed by the vast majority of the public in the Yukon. I might indicate that there has been a continuous review of the medicare plan and there is some consideration being given to some areas of expansion of the plan itself. The Honourable Member, Mr. Speaker, has already requested, although it didn't come directly from the plan, requested the expansion of medical travel. The result of this, which has been put into force, thirty-seven thousand dollars that was voted will now be increased to something like one hundred and eight thousand dollars and I trust he will not give us any difficulty when we come forward with a supplementary estimate ...

Mr. McKinnon: Here, Here.

Mr. Chamberlist: to pay for the balance that we have put forward for the benefit of the people of the Yukon.

QUESTION RE LIQUOR ORDINANCE SPECIAL OCCASION PERMIT

Mr. Taylor: Mr. Speaker, I have a question that I would like to direct to Mr. Commissioner relevant to the Liquor Ordinance and I believe Mr. Commissioner is aware of the difficulties that arose since the Sourdough Rendezvous last year or I should say this year in relation to allow-

ing the juveniles in under Special Occasion Permit. I am wondering now, if the administration have overcome this in passing and if they could inform Council as to what decisions have been made in this regard.

Mr. Commissioner: Mr. Speaker, the problem of Special Occasions Permits and Reception Permits and the abuse, I don't know if that is the right word, I question that, but the problems that were arising from them have been brought to my attention very forcefully by Members of Council, by some of the recipients of this, and as a consequence there has been a memorandum that has been given to the Liquor Vendors and the various people who handle this various kind of permit. We are hopeful this is going to take care of the problems that have given rise to the question that the Honourable Member has raised at this time and perhaps the easiest and best way to answer this question would be to have this memorandum circulated for the information of the Members of Council and it has had an opportunity of implementation since about the twenty third of May. I don't know whether that is a fair test of the time that would be required for fair test or not, but this is the clear cut indication of what we have done Mr. Speaker and I will circulate this ask the Clerk to circulate it and be prepared to answer any further questions that anyone will have arising from this. Is this satisfactory?

Mr. Taylor: I wonder if copies could be made available?

Mr. Commissioner: There are only limited availability of copies but certainly ...

Mr. Speaker: Are there any further questions?

QUESTION RE FEDERAL NEGOTIATING TEAM - INDIAN LAND CLAIMS

Mr. Tanner: Mr. Speaker, I have a question for Mr. Commissioner. During the last few days, or the last eighteen hours the Commissioner has had an opportunity to speak with the Minister of Indian Affairs and Northern Development and has the Minister given the Commissioner any indication as to whether there will be a change, if any, that the Minister is prepared to make on the Federal Negotiating Team on the Indian Land Claims. If he has had conversations with him could he also tell us whether or not we can expect the same occurrence as happened recently at the airport and ...

Mr. Speaker: What is the question?

Mr. Tanner: have you any comments in regard to what happened at the airport?

Mr. Commissioner: Mr. Speaker, I would be very reluctant to answer the question concerning any conversations that I had with the Minister. I would refer the Honourable Member to the Minister's public statement which involved the question that the Honourable Member has raised and this was made by my Minister during a question that was asked of him on a local talkback show at a private radio station in Whitehorse yesterday. I think that would be the best reference that I can give in this connection.

Mr. Tanner: Supplementary, Mr. Speaker, I didn't hear that program and perhaps the Commissioner could tell us what the public statement was.

Mr. Commissioner: Mr. Speaker, in essence the Minister said that his nominee to this negotiating team was the Commissioner and his alternates were to be either of the two elected people who sit on the Executive Committee. I am not certain of any other things that were said but that was basically the answer that the Minister gave to the questions, Mr. Speaker.

Mr. Speaker: Are there any further questions?

QUESTION RE ANNUAL BALL IN DAWSON

Mr. Stutter: Yes, Mr. Speaker. In a bit of a lighter vein and if I might be permitted a slight preamble, any of those that were at the Ball last night I am sure would agree with me that K.V.A. and those catering to the cocktail

party did a fantastic job. My question to the Commissioner is: Have these people shown any interest in putting on a ball annually of this nature and would he be prepared to commit territorial funds to the same extent to see that there is an annual ball in Dawson?

Mr. Commissioner: Mr. Speaker, the committing of Territorial funds for projects of this nature generally fall within the purview of entertainment funds that we have available and quite frankly the K.V.A. put this on to the extent that we were able to assist them in the presence of people here in Dawson and things of this nature. I am sure that that same kind of assistance would be forthcoming in the future under similar circumstances. While I am on my feet, Mr. Speaker, I would like to personally express my thanks to the K.V.A. for having put this particular little celebration on as I think it was very fitting and very well handled. To speak for myself on this matter I enjoyed it very, very much and was quite thankful to be able to stay in bed for an extra couple of hours as a consequence.

QUESTION RE DEFOLIANTS

Mr. Taylor: Mr. Speaker, I have a question I would like to direct to Mr. Commissioner respecting the use of defoliant in the Yukon. I am wondering if the administration has yet undertaken a study to determine to what extent defoliant are used in the Yukon and would also like to ask Mr. Speaker, ...

Mr. Speaker: Did you say defoliant?

Mr. Taylor: That is correct, Mr. Speaker. I would also ask if it is the intention of the administration to bring down legislation which would restrict or prohibit the use of defoliant in the Yukon Territory.

Mr. Commissioner: Mr. Speaker, the Honourable Member raised this question approximately three years ago and at that time we investigated this and, if my memory serves me correctly, we were told that the -- a federal department, I believe that it was the federal department of the environment, passes judgment on whether or not these defoliant can be used and the areas in which they can be used and if the Honourable Member would like to leave this question with me I would be prepared to supply a written answer, in other words, I will raise the question with the applicable federal authority and will give him a proper answer because I think he is entitled to it. The use of defoliant here in the Yukon Territory where it affects foliage that is only seasonal in its growth has, in my personal opinion, some pretty far-reaching effects and the people who use it are maybe using an expediency that they shouldn't be permitted to use except under very extenuating circumstances. I would not profess to be able to answer the question properly and if the Honourable Member would give us notice we will see that a proper answer is available.

QUESTION RE QUESTION # 7 RAISED LAST SESSION

Mr. Taylor: Mr. Speaker, I have a further question which I may direct possibly to yourself Mr. Speaker. I am wondering when I may expect an answer to Question No. 7 raised at the last Session relevant to asking the Governor General of Canada as to what his disposition is in relation to the public petition asking for dissolution of this House.

Mr. Speaker: I wasn't at that Session.

Mr. Commissioner: Mr. Speaker, this is a question that should be directed to the Governor General or to whoever the recipient of the petition was, the petition was not by the Government of the Yukon Territory.

Mr. Taylor: Mr. Speaker, the question that was placed is quite within the prerogative of this House and I believe it was forwarded to Ottawa. Maybe, Mr. Clerk could answer this question.

Mr. Speaker: I think this question is out of order. Are there any further questions?

Mr. Taylor: Mr. Speaker, with respect, I can't feel it is out of order, it is a matter of record and has been approved by this House as a question.

QUESTION RE TRIP TO AUSTRALIA BY MR. CHAMBERLIST

Mr. Taylor: I have one further question today Mr. Speaker. I will address this to the Honourable Member for Whitehorse East. I would ask when it is his intention to bring down a report covering his activities at territorial expense in Australia, I believe he went there to study something. I am wondering when we may receive a report in relation to this.

Mr. Chamberlist: The capabilities, Mr. Speaker, of those members that have already reported would be duplicated. I can report that I concur with the written reports that have already been submitted.

Mr. Speaker: Are there any further questions?

QUESTION RE NUMBER OF EMPLOYEES ON Y.T.G. PAYROLL

Mr. McKinnon: Mr. Speaker, in an address to the Whitehorse Chamber of Commerce, the Commissioner related that there were now eight hundred territorial public servants on the payroll of the Government of the Yukon Territory. In a reply to a question asked in the House of Commons Mr. Digby Hunt replied that there were now twelve hundred and twenty-five employees on the payroll of the Government of the Yukon Territory. I wonder, Mr. Speaker, just who a poor boy is to believe these days.

Mr. Commissioner: Mr. Speaker, I would be prepared to refer to the statement that I made to the Whitehorse Chamber of Commerce but I believe that I was referring to government employees who were within the metropolitan area of Whitehorse and I believe that that is the number referred to and I think that the other number referred to is the number of Territorial Government employees within the confines of the Yukon Territory. If the Honourable Member wishes I am prepared to look into this further but to the best of my knowledge that is within the context of my statement to the Whitehorse Chamber of Commerce. At the same time I gave them the number of Federal Government employees within metro and within ...

QUESTION RE INSECT CONTROL SPRAYING PROGRAM

Mr. McKinnon: Mr. Speaker, I noticed that in the contracts for May let by the Territorial Government that there is a contract for seventeen thousand three hundred and fifteen dollars and sixteen cents for aerial spraying for insect control let to Estabrook Construction Ltd. Whitehorse and another seventy-five hundred dollars, Mr. Speaker, for a study for the effectiveness of aerial spraying for insect control in Whitehorse. Mr. Speaker, I don't think anybody has to go any further than the suburb of Porter Creek to know the ineffectiveness of the spraying program in Whitehorse this year and also to go to any of the resort areas close to Whitehorse to realize the ineffectiveness of the insect control spraying this year. I wonder if I could ask Mr. Commissioner, Mr. Speaker, what happened to the insect control spray program this year, why it was so ineffective, is it going to be rectified so that people can at least go outside of their homes and cottages this summer? When will we have the report of the effectiveness of the study because any child with the number of mosquito bites on him this year in Metropolitan Whitehorse could show you the results of the effectiveness of it. It is just a seventy-five hundred dollar waste of money as far as I am concerned.

Mr. Commissioner: Well, Mr. Speaker, first and foremost the Honourable Member I think will recognize that this is the third year in a row in which there has been great questions raised concerning the effectiveness of the aerial spraying program. This is exactly why we are spending some money to find out if indeed the aerial spraying program is worthwhile carrying on. I think that Honourable Members know that there has been very great restriction, maybe restrictions is not the right word, but a very strict guidelines laid down to what chemicals can be used in these aerial spraying programs. We are beginning to wonder if maybe the insects are thriving on this and increasing their biting and noise ability instead of being destroyed by them and this is exactly why we are spending seventy-five hundred dollars, Mr. Speaker. All I

can say is that just as soon as we know what the end result of this is we will make it publicly known and at that point of time maybe we'll have a proper and intelligent decision as to what can be done to reduce the effectiveness of these mosquitoes and gnats on human beings. I entirely agree with the question that he raises as a proper one but what the answer is if he knows it I will spend seventy-five hundred bucks on top of spending the seventy-five hundred.

Mr. McKinnon: Supplementary question, Mr. Speaker, the Government of the Yukon Territory is then satisfied that as far as the spraying program went by the contractor that they fulfilled their contractual obligations to spray those areas which they are contracted to do properly?

Mr. Commissioner: I can't answer that question, Mr. Speaker, but I will get the answer.

QUESTION RE LETTERS OF CANCELLATION TO TEACHERS

Mr. McKinnon: Mr. Speaker, I wonder if I may ask a question of the Member of Reform School and the Department of Education. How many letters re cancellation of employment to teachers were sent out by the Department of Education this year?

Mrs. Watson: Mr. Speaker, I can't answer that question in exact numbers and I would be quite prepared to get that information for the Honourable Member.

Mr. McKinnon: Mr. Speaker, I wonder would she also at the time she presents this information before the Council, give the answer as to how many of those letters that originally went out asking for teachers termination were later reneged by the Department of Education of the Government of the Yukon Territory.

Mr. Chamberlist: What do you mean reneged?

Mr. Speaker: Order.

Mr. McKinnon: Mr. Speaker, clarification was asked by one of the Members; registered letters went out asking for the teachers termination, further letters went out from the Department of Education asking that the registered letters in effect be ignored and that their termination was no longer requested by the Territorial Government.

Mrs. Watson: Mr. Speaker, I would be glad to get the information but I don't believe that any second letters went out saying to ignore the letters asking for resignation but I am quite prepared to table for Council the procedure that the department follows when they feel that it is necessary act in this manner.

QUESTION RE MOTION #40 AND MOTION #1

Mr. McKinnon: Mr. Speaker, I heard a very interesting program on a private radio station in Whitehorse, which will remain nameless, and it was between the Honourable Member for Whitehorse East and the Member of Parliament for the Yukon Territory. On that program I understood that the Honourable Member for Whitehorse East promised to bring before the next Session of Council either Motion No. 40 which was agreed to by the House in April 15th, 1966, or Motion No. 1 which was agreed by this House on January 23rd, 1968, asking for responsible institution of democratic government to be brought to the Yukon Territory. I wonder, Mr. Speaker, whether the Honourable Member is prepared to proceed with that motion as promised at the Next Session of the Yukon Legislative Council.

Mr. Chamberlist: I find it difficult, in a way, to answer that because the Honourable Member knows full well, because he always listens to what I say on this private radio station, but I have indicated that if Council wanted this to happen I would be prepared to take exactly the same stand that I have taken in the past and the stand is still the same. If the Honourable Members of Council want to see me or hear me repeat exactly what I have said in the past vis a vis responsible government and it would encourage them further to recognize the fact that this Council must work hard together to get those aims then I would gladly do it. I can indicate, Mr. Speaker, for the

Honourable Member that the continual battle for a responsible government for the Yukon is being won with the co-operation of the Minister of Indian Affairs and Northern Development.

QUESTION RE PUBLIC INPUT INTO TERMS OF WORKMEN'S COMPENSATION ORDINANCE

Mr. McKinnon: Mr. Speaker, I wonder if anyone on the government side of the House could inform the House whether there will be public input into the terms of the Workmen's Compensation Ordinance. I think this is a very important question as I think it could decide how some of us would be ready to vote on First and Second Reading of this Bill. I think it is incumbent on the government to tell us what they would think the normal procedure of this Bill would be and whether the public, after Second Reading or at some point in the Bill's discussion would be able to have input and make representation to the Government of the Yukon Territory as to the contents of this Bill.

Mr. Chamberlist: I did wish to rise on a Point of Order but I thought it only right to allow the Honourable Member to have his say in this but the Honourable Member I am sure is well aware that once legislation is before the House, questions to the House on that legislation is improper at this time. The Honourable Member will have the opportunity when the First and Second Reading is given to put those questions and he will certainly receive the answers that he is seeking.

Mr. Taylor: I would like to ask the Honourable Member a supplementary question, Mr. Speaker, if it is then the intention to ram this legislation through?

Mr. Chamberlist: With respect, Mr. Speaker, as I said I would suggest that no questions be put in relation to legislation today. I would suggest that we proceed with the legislation and then he too can put the same question forward and perhaps can drop out the word "ram" because it is sort of a pushy type of wording but I would suggest that we proceed with the normal Orders of the Day and then we can answer accordingly.

Mr. Speaker: Are there any further questions? I'd like to thank Mr. Commissioner for his attendance in Question Period. Are there any Private Bills and Orders? Are there any Public Bills and Orders?

BILL # 32 FIRST READING

Mr. Chamberlist: I would move, seconded by Councillor Watson, that First Reading be given to Bill No. 32, An Ordinance intituled Workmen's Compensation Ordinance.

Mr. Speaker: It has been moved by the Honourable Member for Whitehorse East, seconded by the Honourable Member for Carmacks-Kluane that First Reading be given to Bill No. 32 An Ordinance intituled Workmen's Compensation Ordinance. Are you prepared for the question? Are you agreed?

Some Honourable Members: Agreed.

Mr. Taylor: Contrary.

MOTION CARRIED

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

Mr. Chamberlist: Now, Mr. Speaker.

BILL #32 SECOND READING

Mr. Chamberlist: I move, seconded by Councillor Watson, that Second Reading be given to Bill No. 32, An Ordinance intituled Workmen's Compensation Ordinance.

Mr. Speaker: It has been moved by the Honourable Member for Whitehorse East, seconded by the Honourable Member for Carmacks-Kluane, that Second Reading be given to Bill No. 32 An Ordinance intituled Workmen's Compensation Ordinance.

Mr. Taylor: Mr. Speaker, speaking to the Motion on Second Reading I would like to say that this Bill has just been tabled yesterday and has been on the confidential list until that time, it is a very important piece of legislation and we have, all I am sure, received some recommendations in respect of it. We have worked at great lengths to have the Government bring in this legislation. I think that it behooves the administration and the Council itself to let this Bill remain in the public domain until the Fall Session. I think that it also behooves the administration to solicit from industry, the public, the employer, employees, their opinion in respect of this Bill. I have a great fear that if this Bill is entered into Committee and is read that it will be rammed down the people's throats here in the Yukon Territory just like medicare and all the others were rammed down our throats. I no longer condone this particular type of action and it is for that reason I would ask that we do not give this Bill Second Reading at this time, that it be circulated among the public, that we solicit response from the public so that in the fall we can come up with a final draft of a meaningful piece of legislation acceptable to all, both the legislature, the administration and the public.

Mr. McKinnon: Mr. Speaker, I wonder if I may repeat my previous question as to how the government intends or if they intend to allow any public input into the Workmen's Compensation sometime before it has passed the plebiscite?

Mrs. Watson: Mr. Speaker, in answer to the question that the Honourable Member for Whitehorse West raised and in reference to the remarks that the Honourable Member for Watson Lake brought up the Council has requested this legislation for some time now and the government has been working on this legislation and has run into some difficulty, but we have been able to bring forth the legislation for the consideration of the people who are the legislatures for the Territory. I personally think that it is a decision that this Council will have to make now, whether they want to deal with the legislation, whether they want to delay the reading of the legislation, whether they want to have input from the public: I think the Government must stand prepared to act on the direction from this Legislative Council at this time. I think it is the decision that the Members here must make.

Mr. Stutter: Mr. Speaker, I am personally prepared to proceed with the reading of this Bill but am certainly not prepared to go into Third Reading or final passage of the Bill until there has been some input from the public. I make this statement as a Member of this Council and as an employer and I do need guidance on this particular Bill.

Mr. Tanner: I concur with the sentence of the last speaker, Mr. Speaker.

Mr. Chamberlist: Just in closing this part of the debate on this motion, the Government has the responsibility of complying with the requests of Council. The Government feels it has provided its commitment by bringing forward to this House this legislation. Now, it has also, by bringing forth this piece of legislation, has also brought forward the associated bills of this Workmen's Compensation package. I think that a need for Members to have explanations given to them of the Ordinance, I think that a need for those sections that have not been changed to be pointed out to Honourable Members, that a need for the sections that have been changed by a few words with worthy intent is the same to be pointed out to all Honourable Members and there is certainly a need to have explained to all Members those new Sections of the Ordinance which pertain to the pensions, funding and all the benefits which will come from the new Workmen's Compensation Ordinance and the Workmen's Compensation Fund. The Government is not going to be doing what the Honourable Member for Watson Lake has suggested and that is to, using his own words, to ram this down this Council's throats. It is only proper, and I agree with my colleagues to the left and right of me that this Bill be proceeded with as far as Reading. We have with us to help the Councillors in their consideration of the various sections, Mr. Hough and Mr. Taylor, Mrs. Wasylsynchuk who is prepared to give any answers that any Honourable Member wishes to ask. I would hope that the sensible attitude is

to go through these areas of the legislation, and deal with it in the normal manner and then it is entirely up to this House to decide at that time, after it is read, what will be done with the Bill. There will be no such thing as the Government wanting to complete this as it is not necessary for this to be done. This is the only answer I can give you to this and I wonder if we can put the question at this time Mr. Speaker.

Mr. Speaker: Are you prepared for the question? Are you agreed?

Mr. Taylor: Contrary.

Some Honourable Members: Agreed.

MOTION CARRIED

BILL #33 FIRST READING

Mr. Chamberlist: Mr. Speaker, I move, seconded by Councillor Watson, that First Reading be given to Bill No. 33, An Ordinance intituled Workmen's Compensation Supplementary Benefits Ordinance.

Mr. Speaker: It has been moved by the Honourable Member for Whitehorse East, seconded by the Honourable Member for Carmacks-Kluane, that First Reading be given to Bill No. 33 An Ordinance intituled Workmen's Compensation Supplementary Benefits Ordinance. Are you prepared for the question? Agreed?

Mr. Taylor: Contrary.

MOTION CARRIED

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

BILL #33 SECOND READING

Mr. Chamberlist: Mr. Speaker, I move, seconded by Councillor Watson, that Second Reading be given to Bill No. 33, An Ordinance intituled Workmen's Compensation Supplementary Benefits Ordinance.

Mr. Speaker: It has been moved by the Honourable Member for Whitehorse East, seconded by the Honourable Member for Carmacks-Kluane, that Second Reading be given to Bill No. 33 An Ordinance intituled Workmen's Compensation Supplementary Benefits Ordinance. Are you prepared for the question? Agreed?

Mr. Taylor: Contrary.

MOTION CARRIED

BILL #34 FIRST READING

Mr. Chamberlist: Mr. Speaker, I move, seconded by Councillor Watson, that First Reading be given to Bill No. 34, An Ordinance intituled Third Appropriation Ordinance 1973-74.

Mr. Speaker: It has been moved by the Honourable Member for Whitehorse East, seconded by the Honourable Member for Carmacks-Kluane, that First Reading be given to Bill No. 34 An Ordinance intituled Third Appropriation Ordinance 1973-74. Are you prepared for the question? Agreed?

Mr. Taylor: Contrary.

MOTION CARRIED

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

BILL #34 SECOND READING

Mr. Chamberlist: Mr. Speaker, I move, seconded by Councillor Watson, that Second Reading be given to Bill No. 34, An Ordinance intituled Third Appropriation Ordinance 1973-74.

Mr. Speaker: It has been moved by the Honourable Member for

Whitehorse East, seconded by the Honourable Member for Carmacks-Kluane, that Second Reading be given to Bill No. 34 An Ordinance intituled Third Appropriation Ordinance 1973-74. Are you prepared for the question? Agreed?

Mr. Taylor: Contrary.

MOTION CARRIED

Mr. Speaker: What is your further pleasure?

Mr. Taylor: Mr. Speaker, I believe at the close of the last Session of Council there was a resignation in the good office of the Deputy Chairman of Committees and I believe it would be proper at this time that a new Deputy Chairman of Committees be appointed.

Mr. Stutter: Mr. Speaker, at the time that I handed in my resignation I did state that that resignation held unless the House adopted a set of working rules that we could all abide by and as far as I know that hasn't been done, so my resignation still stands.

Mr. Speaker: This appointment has to be done by motion.

Mr. Taylor: That's correct.

Mr. Speaker: Could we have a Notice of Motion?

Mr. Chamberlist: With respect, Mr. Speaker, there doesn't seem to be very much difficulty at this time as the Chairman of Committees is available and he knows he has the prerogative any time that he wishes to turn the Chair over to anybody when he wishes to speak on a matter. He can just ask somebody to take the Chair and I am sure no Member of this House will object to spelling him off so that he can properly represent his constituent at the time he wishes to discuss the matter.

Mr. Speaker: May I have your further pleasure?

Mr. Tanner: Mr. Speaker, I move that Mr. Speaker do now leave the Chair and that Council resolve itself into Committee of the Whole for the purpose of discussing Bills, Sessional Papers, Motions and Legislative Returns.

Mr. Speaker: Is there a seconder?

Mr. Stutter: I second that motion, Mr. Speaker.

Mr. Speaker: It has been moved by the Honourable Member for Whitehorse North, seconded by the Honourable Member for Dawson, that Mr. Speaker do now leave the Chair and Council resolve into Committee of the Whole for the purpose of discussing Bills. Are you prepared for the question? Are you agreed?

I declare the motion carried and the Honourable Member for Watson Lake will please take the Chair in Committee of the Whole.

MOTION CARRIED

Mr. Chairman: Before calling Committee to order, I will declare a short recess.

RECESS

BILL #32

Mr. Chairman: At this time I'll call Committee to order and the first matter of consideration before Council today is Bill No.32. We have with us Mr. Fingland, Mr. Taylor and Mr. Hough to assist in the discussions of this Bill. We will proceed.

Mr. Chamberlist: Mr. Chairman, I would like, for the record, to read the explanatory note: "The purpose of this Ordinance is to transfer the eventual responsibility for payment of compensation in respect of the injury or death of workmen from employers and their insurers to the Government of the Territory. The whole of the former Ordinance is

repealed and re-enacted with the necessary changes to effect this purpose. Opportunity is taken to increase the levels of compensation being paid and also to organize the payments so that in future years the levels will reflect changes in the cost of living and in average wage levels paid to workmen in the Territory." Thank you.

Mr. Tanner: Mr. Chairman, just before we talk to the witnesses, I think, really, the Honourable Member for Carmacks-Kluane should ask a question, but I'm going to. Why do we insist on the word workmen, why don't we use employees, because workmen appears to eliminate women?

Mr. Chamberlist: Oh no. In the interpretation section, man and woman, I would take it as an employee.

Mrs. Watson: Mr. Chairman, workman is workwoman, it includes woman.

Mr. Chairman: I wonder if I could ask a question from the Chair, possibly of Mr. Legal Adviser who has no doubt drafted this Ordinance. Is this Ordinance related to any Provincial Ordinances? Could we have some background on the Bill?

Mr. Legal Adviser: It is basically related to Alberta, Mr. Chairman. We would be using the Alberta Workmen's Compensation Board as our referee and its drafting along the lines of their advice.

Mr. Chairman: Are there any questions?

Mr. Chamberlist: I wonder, Mr. Chairman, if Mr. Fingland can proceed with his witnesses, to perhaps go through the Ordinance and make the necessary explanations without us not necessarily reading it, so that we can give consideration after the explanations have been made by them.

Mr. Fingland: Mr. Chairman, thank you very much. I think that the explanatory note encapsulates the main purpose of the Bill, but perhaps I could elaborate a little bit on some of the things that it does as well. As Members of the Committee are aware, of course, present legislation requires that employers carry certain levels of insurance coverage for their employees, but they are required to do this by means of contracted insurance with private carriers. They also, of course, pay the cost of administration to the Territorial Government, by means of assessing the payroll. But what we propose to do now is to gradually phase in a system, whereby, the actual provision of the insurance coverage will come from the Compensation Fund rather than by means of private insurance coverage. Now that, of course, is the, I suppose you might say, the largest and most significant change in the legislation that we propose. Ancillary to that and perhaps of all most equal importance is our wish to try to establish a level of compensation which is in keeping with the jurisdictions that are adjacent to us, most particularly British Columbia and Alberta and also to take into account the cost and special circumstances of the Yukon. We recognize, of course, that this is an endless problem of keeping abreast of changing costs and as you can see from the Bill, we have set a level that we think is appropriate in relation to British Columbia and Alberta and the special circumstances of the Yukon. We will provide a formula whereby in future years this would be without actually having to open the Ordinance. Now the Ordinance would apply, but it would provide special funds for this purpose. I think in this regard, Mr. Chairman, if I might be permitted to do so, I could distribute the comparison that we have here of the benefits that we propose in this Bill and the existing levels of benefits in British Columbia and Alberta.

Mr. Chairman: Mr. Clerk, could you distribute this for us please.

Mr. Fingland: Perhaps, Mr. Chairman, rather than trying to deal in detail with the page that has just been circulated, I would let the Committee have a look at it and perhaps I might just take a moment to explain how we see this arrangement going into effect. In the first instance, of course, when the new legislation comes into effect, all existing private insurance contracts must provide benefits at the

new level, but I think, one important feature of this is that the existing private insurance coverage will continue for it is our intention that the legislation will permit the private contracts to continue until their normal date of expiry, at which point the employer then becomes subject and participates in the Fund. Now, as I expect all Members are aware the existing contracts expire at different times, depending on what the employer has done in this particular instance. The bulk of them, however, expire at the end of the calendar year. But, it is our hope that as they expire that there will be a gradual phase-in because the existing contracts continue and then when they terminate they will come into the Fund. So there will be sort of a stepping-in process. Of course, the relationship between the -- apart from the level of benefits required, the relationship between the employer and the private insurance company is between the employer and the company. As the employers become participants in the new Fund, however, we will have our own rates and we have had to determine the rates at which we would propose to set it off with the Fund. Again, Mr. Chairman, I think it is a manner of some importance, perhaps I might ask again if I might distribute the rates of Calgary which we would propose to set with our new Fund.

Mr. Chairman: Yes. Mr. Clerk, could you have these distributed, please. I have one question from the Chair, at this point. Is there a reciprocity factor embodied in this plan to provide a workman working for instance in British Columbia or the Yukon to still be covered. Someone who is covered under Yukon Workmen's Compensation and was working across the boundaries within British Columbia, say on the Atlin Road, would he then still be covered?

Mr. Fingland: Yes. I should perhaps explain this connection. One of the things that this legislation does is to put an end to exemptions as I expect Members know, employers coming in from the south can now make application to the Territorial Government for exemption from the application of the Territorial legislation because they are carrying coverage for their employees in outside jurisdictions. Now, we found that this in fact places Yukon employers in quite a considerable, competitive disadvantage. This is one of the things that this new legislation will end. An employer coming in from outside the Territory will be, not only required to register under the Yukon legislation, but will also have to participate in the Yukon Compensation Fund and be contributing to the rates.

Mr. Rivett: Mr. Chairman, may I ask the witness what a workman would get daily in British Columbia, Alberta or the Yukon? I don't see any reference to this compensation that the workman would get. Perhaps I'm not reading it correctly.

Mr. Hough: The workman, sir, gets 75 percent ...

Mr. Rivett: Excuse me. I would like to know what the maximum is.

Mr. Hough: Well at the present time, Alberta is ...

Mr. Rivett: How much a day is it?

Mr. Hough: It is around \$16 to \$17. Three hundred sixty-five into \$7600.

Mr. Rivett: Where does it show on the sheet?

Mr. Hough: Seventy-five percent, yes it would be about \$7600. It doesn't show on the sheet.

Mr. Rivett: Could you give me those figures?

Mr. Hough: The first item on that sheet, Mr. Chairman, the \$9000 under Yukon is the wage base and the compensation is 75 percent of that per year.

Mr. Rivett: Could you just give me the daily rate?

Mr. Tanner: Mr. Chairman, while Mr. Hough is getting that figure, perhaps I could ask the Commissioner or some Members of the Executive, something that has

troubled me some what. In the covering letter that we got with this legislation, the last sentence said, it would be appreciated if this material was treated as confidential, until such time as it was tabled in the House. Whenever we get an Ordinance before Council, they always ask that it be confidential, but specifically and intentionally this one asked that it be particularly confidential. First of all, what is the reason for that confidentiality and secondly, if it had to be before the -- before we say the legislation, if it had to be confidential, what are we now doing that is going to make it unconfidential. What was the concern at that time?

Mr. Chairman: Mr. Commissioner.

Mr. Commissioner: Mr. Chairman, this has been the general procedure within the context of distribution of legislation prior to it being tabled in the House that it be distributed to the Councillors and this we would hope they would use for their own edification and not allow it to become a public document all at the same time. In other words, that it simply wouldn't be some people having it in the public domain and others not able to have it in the public domain. I think, that Honourable Members know that in most legislatures that there is no prior notice given to any Members of what the Government's legislative policies will be prior to being tabled within the legislature, but we continue this practice because we think it is a good one to advise Councillors. We do it on a confidential basis simply to protect the Government's position in case prior to tabling it in the House we find there is some technical reason that we have to make changes which could conceivably result in the potential, should I say, the destruction of the whole basis of what we are putting out. It is as simply as that, it is the protection of all concerned.

Mr. Tanner: Mr. Chairman, thanks very much Mr. Commissioner, but was there any other concerns with regard to insurance companies because, if so, that concern should have been out the window when we tabled this Bill.

Mr. Commissioner: Well, to the best of my knowledge I am not aware of any special reasons specifically for this legislation.

Mr. Tanner: Mr. Chairman, that leads me to my other question for Mr. Finland. That is, why can't we bring all the contracts to an end at the same time as we did with Yukon Medicare, when there were a number of private insurance contracts out. Why can't we set April 1st the financial year, or the calendar year and bring it all in at once rather than spreading it over a period of a year and having contracts terminating at different times?

Mr. Finland: Well, of course, that is an alternative, Mr. Chairman, and we could have done that, but I think it must be recognized that we are also in a position where we have to mount a certain amount of additional new administration. We also have the problem of developing the Fund to the point it can handle all possible contingencies. There must be a gradual build-up of this Fund and we feel that in terms of building up the Fund and in terms of notifying the employer getting the administration operation it's going to be a simpler and smoother process of doing it on a transitional basis rather than have it convert all at one time. But certainly that is a possibility. We considered that possibility and decided that the other would provide a smoother and better administrative arrangement.

Mr. Tanner: Mr. Chairman, my initial reaction to that decision and I appreciate that the Executive Committee has been considering this for some considerable length of time, but my initial reaction is that eventually, at the end of the year, you are going to have some people who have still got a contract with a private company and they are not going to get public service, I would suspect, because the company is in the process of going out of the business. I think it warrants discussion by the Committee on whether or not that discussion shouldn't be resigned.

Mr. McKinnon: Mr. Chairman, I wonder if Mr. Hough could be introduced to Members of Committee, I don't know if whether all Members have had the pleasure of meeting him, I certainly haven't. I wonder if that could be done, so we would know who we were speaking to.

Mr. Chairman: In that case I will just declare a brief recess.

Mr. McKinnon: All right. If the witness would just identify himself, Mr. Chairman, and tell us what his background is and what his interest is in Workmen's Compensation and in this Ordinance, I think it would be to edification of Members who haven't had the pleasure of being introduced to him.

Mr. Hough: Mr. Chairman, my background goes back a number of years. I spent from 1929 to 1939 in the Bank of Toronto which is now the Toronto-Dominion. I joined the services of the Alberta Workmen's Compensation Board after working in the bank and I was with them until a year ago last September when I retired, after thirty-two and a half years. During my ten years, I was employed with the Toronto-Dominion assessment department, started out first as an auditor with them and took over in charge of the assessment department, also worked in the -- with the rate structuring of the Alberta Board. I was Director of Assessments when I retired. I think that is pretty well a brief resumé of what I have done. Now, I was asked by your Government, actually while I was still employed at the Alberta Board, to do a survey of the annual report of the Workmen's Compensation Ordinance. This report I submitted to my own Board at the time and I believe it was sent up here. This was just prior to my retirement and after that I was asked to come up and take a look at it and I have submitted my report on it. I was also responsible to a great degree drafting the Ordinance which was then considered by your Executive Committee and we have arrived at where we are today.

Mr. McKinnon: Thank you very much, Mr. Chairman, I certainly appreciate the neighbouring provinces, British Columbia and Alberta loaning their senior officers to help the Government of the Yukon Territory in drafting legislation, and we have always been very happy with the help and expertise that we have received from our neighbours both to the East and to the West, and to the South, I should say also. I was wondering, Mr. Chairman, two charts that would help me greatly and I think would help many members of the public and I'm sure that they should be available without too much difficulty, would be a comparison of the Workmen's Compensation Benefits as they are now in the Yukon: we have what is to be expected in future, also what the Yukon Workmen's Compensation rates are with a breakdown of the various industries at present. I think, that both of these charts would be very helpful to people who are looking at the new Ordinance and also to Members of Council, and I think they should be readily available.

Mr. Finland: Mr. Chairman, we could quite easily obtain a comparison of the Yukon's position on benefits as they are now to provide a fourth column on the one chart. Of course, on the other aspect of this the rates are really established by the private insurance carriers.

Mr. McKinnon: Depending upon the size of the company that is making the insurance risk.

Mr. Finland: It's a normal risk.

Mr. Tanner: Would the witness have any idea of any comparison at all. It is very vital to any employer in the Territory to have some idea. Is there any indication of what this is?

Mr. Hough: First of all, may I ask if it is the wish of this Committee that I now make public some of the information from my survey of last year. I don't think it should be made public as we have people sitting here. It is confidential information from the insurer and the insurance company.

Mr. Fingland: Mr. Chairman, I think we have got to be quite clear about this. The present coverage is provided by means of a private contract between the employer and the private insurance company and while of course, we have the means of obtaining such information from them we have an understanding that it is confidential.

Mr. Stutter: Mr. Chairman, may I ask the witnesses how they arrive at the suggested Yukon Workmen's Compensation rates?

Mr. Hough: The rates that are shown here, I must say this doesn't cover all of them, are mostly major industries which were arrived at by doing a pre-year survey of your costs. That is the amount of money that was paid out by the insurance company over a three-year period from industry in Yukon to people that were injured or pensioners. Because that information ... and arriving at that, knew what the total assessment payroll would be in the Yukon and for the various industries taken across on the basis of the survey at the other rate. Now, you have got to appreciate when you first set up a fund, that you have got to provide some reserves, you have got to provide for unfinalized claims, that is not everybody that is injured in 1973 is going to be off compensation at the end of 1973. You are going to have people who have had injuries, maybe a partial permanent disability. You can't set up the amount of money that you expect to pay that claim until he has attained the degree of recovery that he is going to attain. It may take a year, it may take two years. So you have to set aside so much money each year to cover these unsettled claims. In Alberta, and you can go back, any of you can get an annual report from the Alberta Board if you so desire, but you can go back over the years and we found that normally in the year of occurrence, you pay out between fifty -- anywhere between 45 to 50 percent of the cost of the accident. The other comes from subsequent years and this one has to be provided so that has to be taken into consideration. You also want to build up a reserve in your classification. In the case of a bad year, you're not going to come along to everyone in the construction industry or the mining industry and hit them with a higher rate, a big jump the following year. So if you have a reserve built up then it maintains the rate -- one bad year isn't going to change the picture. You have to provide for a reserve for disasters ...

Mr. Fingland: There's one thing that I might explain in a general way and that is that we are between the devil and the deep in striking these rates. We are embarking on a scheme in which we have to develop reserves within the Fund that are going to be sufficient to meet all contingencies. At the same time, it is our feeling that at the level of benefits that are going to be provided under the new legislation, we are going to increase the infow as it were into the Fund. But, of course, we are also going to increase the coverage. We also hope that eventually we can provide coverage at rates that will cost employers less than it would if they were to continue on a private coverage. Now I know that is going to seem rather anomalous at the outset because with the increase in cost, or with the increase of benefits, of course, there is going to be increased costs to an employer. But we must, I think, be quite clear that when we embark on this there must be enough funds -- enough money coming into the Fund to enable us to build up the reserves to a point where we can handle all costs of the claims against the Fund. So it is this kind of dilemma that we have to resolve in setting these rates. We want to make sure that they are high enough and that we won't find ourselves in a year having to increase because we didn't make enough allowances for all the contingencies that we would have to face. Particularly in relation to these new benefits.

Mr. Stutter: Mr. Chairman, thank you for the explanation and I understand that his answer was more or less pointing out that it has to be self-funding, but in general I would like to ask, just looking at this would suggest that one can normally say that hotels which would be paying one percent, mining, four percent, one could assume that an employer or an employee working in a mine isn't likely by four times to have an accident as against an employee of a hotel. Is this a correct assumption?

Mr. Hough: Your degree of is much greater in a mine than it is in a hotel, but ...

Mr. Stutter: But are they directly or fairly directly proportioned?

Mr. Hough: Well,

Mr. Commissioner: Mr. Chairman, I don't think that any of the questions that Councillors are asking are going to be any where near satisfied until there is another column included immediately in the proposed Yukon benefits. Because what Councillors want to see is what today's benefits are as a whole to what the new benefits are going to be. All my question is, can this be given immediately to fill out this fourth column? Well, can we dig it up right now and put it down? Nobody is going to be satisfied until it is shown.

Mr. Hough: We have the old Ordinance here and it would just be a question of going through the Ordinance and picking out...

Mr. Commissioner: How fast can this be done? In five minutes?

Mr. Hough: Maybe.

Mr. Commissioner: Mr. Chairman, can I suggest that you would consider a few minutes recess to have this done, because until that question is answered you are just wasting time.

Mr. Chairman: I'll declare a brief recess.

RECESS

Mr. Chairman: At this time I'll call Committee back to order. I believe we have some information.

Mr. Taylor: If each one of you Councillors would like to write down these figures as I read them off I will give you the present benefits. The maximum earnings are calculated on a base of \$6,600 which worked out to \$13.56 per day. The second item - \$13.56 per day. The statistics allowance at present is \$8 per day. The widow's pension is now \$100 per month plus \$300 in a lump sum. The widow's allowance upon remarriage is now \$1,500. The children's benefits are \$45 in the first case and \$45 in the second case. The next item 18 to 21 we don't differentiate here. The \$70 per month under invalid child is now \$45. The funeral expenses ...

Some Honourable Member: What was a single child?

Mr. Taylor: \$45. The funeral expenses are \$300 at present. We don't have anything under cemetery or cremation allowance. The last item, transportation of body is presently \$100.

Mr. Commissioner: The rate per day under the proposed \$9,000?

Mr. Hough: \$18.49.

Mr. Chamberlist: I wonder, Mr. Chairman, if Mr. Hough can indicate to Members of Council the source behind the Commissioner's discretion on the two systems.

Mr. Hough: Sir, I had nothing to do with this. This was your committee.

Mr. Fingland: Can you elaborate on that?

Mr. Taylor: It was the same feeling of the committee that we shouldn't set a figure in there because you might want to fluctuate it. Depending on where the man was his subsistence allowance would of necessity be made to raise or lower.

Mr. Tanner: It is presently fixed in the Ordinance.

Mr. Taylor: It is fixed now at \$8.00.

Mr. Commissioner: With respect, Mr. Chairman, this is totally unrealistic because in some instances we have people who are perhaps having, I was going to use the word, rehabilitation, but that is not the right word. But there may be outpatients somewhere and this subsistence allowance may be quite adequate in one location, but it is totally unrealistic in another. As a consequence if we don't have some flexibility in this we are just going to be continuously harassed with coming back and asking for changes which in turn are just going to be as bad as what we had originally. Because of the variation in where people require this subsistence allowance is far too great to nail it down to one fixed figure.

Mr. Chairman: By what formula do you tie this to the Consumer Price Index?

Mr. Fingland: There is an index called an Average Weekly Wage and this is the figure that is put out by Statistics Canada. Then, each year approximately in January or early February the average per year is stuck and we felt that since this is in fact an official figure stuck for the Yukon each year that this would be the basis on which we might raise or lower the levels that we had originally set. This would mean then that we wouldn't have to open the Ordinance each time nor would it be necessary for the Commissioner to determine for himself what was the appropriate level to be set. It would raise and fall depending on the actual wage level current in the Territory. We have built this right into the legislation. There will be a proclamation or a declaration by the Commissioner, but that will be simply to make public what in fact the Statistics Canada formula produces. It won't be determined by the Commissioner, it will be determined by formula.

Mr. Commissioner: There is no Commissioner's discretion at all?

Mr. Fingland: No. No Commissioner's discretion.

Mrs. Watson: Mr. Chairman, the new formula is not to be used until January of 1975, I believe. The new formula is not to be used until it should be. No changes will be made until January of 1975.

Mr. Fingland: In other words, the levels of benefits that are shown here will remain in effect until late January or early February of 1975 and at that point whatever Statistics Canada says is the average wage level, we will then change at that time.

Mr. Tanner: Mr. Chairman, why is there such a jump in an invalid child?

Mr. Chairman: A question from the Chair.

Mr. Tanner: Mr. Chairman, I had a question. Why is there such a jump in the rates of an invalid child when the others have all gone up 20 percent and that one has gone up double almost?

Mr. Fingland: The only answer that I can give, Mr. Chairman, that in relation to the level that is in effect in British Columbia and what we understand to be forthcoming changes in Alberta, this seemed to be the level that we should strike for this particular purpose. It is a matter of arriving at what we consider to be an equitable level for the Yukon and then go from there on the basis of Statistics Canada formula.

Mr. Chamberlist: I wonder, Mr. Chairman, if Mr. Hough could indicate that what we see as British Columbia levels now are the most recent changes that they have made and the Alberta ones are not the ones that have been immediately ... other agents going over and above that it is in that high ... particular charge in that area.

Mr. Hough: Well, these are the latest from British Columbia at the moment. Same thing with Alberta. Now I think the British Columbia level is going to be raised, I was talking to them a couple of weeks ago and they feel that their

maximum earnings will definitely be increased by a further \$1,000. Alberta, although at the last sitting of the legislature of the Act when it was before Committee, they didn't deal with it. They are dealing with it this fall. They don't know what they are going to do, but the feeling is that your maximum earning is going to \$9,000 a year. Now as to any of the other benefits, I just can't tell you.

Mr. McKinnon: Mr. Chairman, I'm becoming a little confused as to how we are proceeding with this Ordinance. I was wondering, most of the questions that are being asked would have resulted through the reading of the Ordinance. Now do we want to read the Ordinance through or do we want to ask any question of a general nature that we have and then deem the Ordinance to be read. I am just hoping for the Chair's direction to know how we intend to proceed with it. Because I have general questions which either could flow out of the reading of the Ordinance or should I be asking these questions now?

Mr. Chairman: I believe it is the intention to ask questions relative to any part of the Ordinance rather than the reading of the Bill.

Mr. Chamberlist: I thought, Mr. Chairman, with respect, the procedure would be for the witnesses to just go from the Ordinance and just give the explanations of the various changes that have been made and then Members could question on those particular changes as we go along. We could do it that way, without necessarily doing the reading of the Ordinance. If this would be agreeable to Members of Committee, Mr. Chairman, I think -- the changes, you know.

Mr. Stutter: Mr. Chairman, I think there are some points in the Ordinance that even though they haven't been changed, there may be questions by some of the Members.

Mr. Chamberlist: Sure.

Mr. Stutter: I know that I have some questions on areas that haven't been changed. This is the first time the Compensation Ordinance has come up and it is giving us a chance to question perhaps things that might be considered to be changed, and haven't been changed.

Mr. Chamberlist: I wonder if I might suggest, Mr. Chairman, that Mr. Chairman go through it in this manner, section 1 and let them deal with it, section 2 and deal with it, in that way, without necessarily reading it. As long as we get on with it.

Mr. Chairman: Is this the way Committee wish to proceed?

Some Honourable Members: Agreed.

Mr. Chairman: Will there be anything in section 2?

Mr. Stutter: I would like to ask the witnesses or Legal Adviser when an accident is not an accident. I am not trying to be funny, if you later go on in the Bill and section 19(2) it appears that no matter what happens there is an onus on the employer to report an accident to the Commissioner. But surely in any area you have seen a man fall from a small height and get the wind knocked out of him and perhaps he doesn't work for a half hour or an hour, something to this effect. He goes back to work. Now is this in fact an accident, by such cases going on now, that later a workman could turn around and say, I had a fall three days ago and wasn't off work, but now my back is bothering me. And the point is, when is an accident not an accident?

Mr. Legal Adviser: Mr. Chairman, an accident includes every thing that could by chance cause injury to a workman, except something that he deliberately does himself. Something that is deliberately done by another person, a fellow workman swings an axe intending to hurt the workman, that is an accident within the meaning of the word. But if he puts his foot on the block and chops the end off it, that wouldn't be an accident, at least not a compensation-worthy accident.

Mr. Stutter: But again, Mr. Chairman, this man is climbing a hill, for example, in his duty and he falls down the hill, he didn't do it on purpose, it is an accident. Does the employer have to report that?

Mr. Legal Adviser: That is a different question. That is a question of an accident that is reported that is covered in section 6. Where he is injured, disabled or dies of a relevant accident and becomes a dependant, that type of thing would be reported.

Mr. Stutter: Again, Mr. Chairman, in section 19 on page 11, it doesn't necessarily refer to an accident where a workman is disabled or a workman has for some reason had to lay off work.

Mr. Legal Adviser: No, but it only affects the one where a workman is injured. It says where an accident occurs in which a workman is injured. Then something has to happen.

Mr. Stutter: In other words, he has to sustain injury for it to be an accident?

Mr. Legal Adviser: Yes, at least I presume -- have cause to think that an injury has occurred over the time.

Mr. Rivett: Mr. Chairman, has there ever been some compensatable accidents? Have you any word about compensatable accidents?

Mr. Legal Adviser: An accident has a very wide meaning. It probably takes a column and a half in a dictionary. But when we are talking in normal terms, we talk about an accident that has injured some body and that is the only type of accident which is meant for this Ordinance.

Mr. Tanner: In the definition, Mr. Chairman, the definition of compensation it includes expenses relating to the provision of medical aid. Shouldn't it also say and loss of wages?

Mr. Legal Adviser: Compensation is something different from loss of wages. Compensation is what he is getting paid by the Government as a result of an accident and he would also get in addition to his money he would get the cost of that medical aid. So compensation plus medical aid is what is paid out of the Fund.

Mr. Chairman: Anything on page 2?

Mr. Tanner: Yes, Mr. Chairman, maximum wage rate has been included what is new from the old Ordinance.

Mr. Legal Adviser: Maximum wage rate has changed, instead of being a figure it is now a calculated figure. I am correct in what one of the Honourable Members said dealing with a varying ability in this Ordinance. There are two things which are varying. One is the wage rate, which is based on the index figure published at the end of each year which comes around January. The other is the cost of living. A compensation is geared to the cost of living. The payroll is geared to the changing wages. As the cost of living goes up and down, I think every body understands about the cost of living index is a calculated figure. As it moves percentage wise year by year so also will this. As the wages change year by year the premiums -- the amount of the premiums the employers will pay will vary.

Mr. Chairman: Just one question while we are on this subject. I believe it is the policy of private insurers now that the performances of the company that are receiving the goods it reflects in their premiums. Now, is it intended in this plan that past performances of a company which say they have been good for the last five years, this company moves into this area, will that five years be considered as determining their premiums.

Mr. Legal Adviser: Yes.

Mr. Fingland: Mr. Chairman, I think I might ask Mr. Hough to elaborate on that because I think that is important.

Mr. Chairman: It is very important.

Mr. Hough: Well, in setting up the suggested rates this was taken into consideration, the past performance, I used a three year on the industries that were surveyed. Now, when you go through this further, you will also find a section where it is deemed advisable you can put in what is termed a merit rating system, which would apply to individual employers with good experiences. At the same time there is provision made to apply a demerit system to those with a bad experience. Now, I don't think that should come in year one.

Mr. Chairman: What I'm getting at, is that if a company or an individual group have shown in the past five years, that they have an excellent record in terms of compensation, then this would be wiped out when consideration is given at day one.

Mr. Hough: All your rates are based on their passed experience of industries as a whole.

Mr. Chairman: I'm talking about individuals.

Mr. Hough: Well, you defeat the mutuality of the whole Fund if you start individuals other than a system of merit rating.

Mr. Tanner: Mr. Hough, how many years experience would you consider would be required to set up the merit and demerit system?

Mr. Hough: With the Alberta Board, a new employer coming in, in an industry to which the merit rating is applied, must have three full calendar years of operation in Alberta before he is considered for that merit rating.

Mr. Tanner: Would you suggest that is what we should be looking at, in other words, in the fourth year you could start making those decisions.

Mr. Hough: That, I think would be my recommendation, sir.

Mr. Chamberlist: The situation is then, Mr. Hough, at the commencement of this new proposed plan everybody is rated at one rate, in that particular industry and then after three years, the recommendation is, that then the quality of safety services, of conduct, of the operation and the claim considerations are taken into consideration in setting a rate this was meritorious or otherwise and then the rate structure is changed by percentage degree. Is this the idea?

Mr. Hough: I would say that after year one you are going to take a look at your classes and if you find one particular type of industry has had an excellent year and they have a substantial surplus, you are going to reduce their rate per year, too. You should examine each class of industry or each of your classifications each year.

Mr. Chamberlist: The specifications each year of the individual industries that was updated from three years.

Mr. Stutter: Mr. Chairman, might I ask Mr. Hough if, he must be very familiar with insurance, if I take out insurance on an automobile and I have received a good rate of insurance for past performance, but all of a sudden I switch to a new company, would not the new company also give consideration, would they not be in consultation with the original company?

Mr. Hough: No, sir. You have lost your good rating when you switch to another company normally.

Mr. McKinnon: Yes, I agree that is a fact, it isn't fair, because certain companies in industry over a period of ten, twenty any number of years could apply themselves to making sure that their company was run in the best safety interest possible because of their ability to run their company at low risk to their employees. They have a very satisfactory arrangement with

their insurance company which reflects their long career of safety, their long record of safety, so they have a low premium rate. All of a sudden that is to be wiped out because the Government is coming in now, as the person with which they have to write their contracts. Surely, other companies do it, but is it their way. Isn't it possible to look back at a company's record over a past twenty year period and find out whether they do have a record of safety in their operation and whether or not that can be applied at a saving to the company, because you know they are a good, safe operating company.

Mr. Tanner: How do you get that information?

Mr. McKinnon: Well if the information was received from the companies as to what their rate of insurance was there would be no difficulty. If that was made available from the companies. Certainly it reflects, it has to reflect, the rate has something to do with the pay out of the insurance company and reflect whether that company was operating a safe business or not.

Mr. Tanner: Mr. Chairman, you can get company's point of view, but how do you get the insurers' point of view. The insurance company that used to insure, I'm sure is not going to give out that information. All you have got is what the company says.

Mr. McKinnon: You have got the contact with the company and the rates that the company is charging the company for insurance and certainly those rates reflect from the policy of the company whether that company is safe or not. Certainly the same applies to the individual, if you are running around smashing up your car left and right every week your insurance rates are sky high because the company has this horrible safety record, his rates are reflected in the insurance policy that he has with the private insurer. Now, I am saying that certainly the company is going to get a good deal from the insurance company under Workmen's Compensation if they have a good operation record and a good safety record. I am just wondering if there is anyway that Mr. Hough knows possible. I just hate to see a company who has been acting in the best interests of the Yukon and its employees by having a terrific safety record over a period of time, and a company who has prided itself on having this safety record, having it reflected in their rates of all that corporate citizenship in the Yukon is to be wiped out by the Government moving into the Workmen's Compensation field. Isn't there kind of a balance that could be set?

Mr. Hough: I think, Mr. Chairman, that first of all you have got to decide -- consider the question of mutuality. One of the big things in compensation, as far as assessment is concerned, is to treat all the same type of industry on the same basis. I can tell you, and I'm not quoting any figures, that in my analysis of some of the industries here in the Territories, in the same type, in construction, if summer contractors in the Yukon knew what other contractors were paying, they would be up in arms. There was such a wide varied -- you found that there were very few actually on the same. The larger the company, yes, the better the rate, but not the little fellow, because if he had a big accident, his costs went up, his insurance rate went up accordingly. Now, under compensation if they are all paying the same level, your largest company or your companies that do have the good experience are going to help carry the fellow who hasn't got it. But it may, the next year, it might be reversed. If you try to get into individual rates, you are just asking for trouble, right...

Mr. Chamberlist: That could be a very simple situation to arise, where you have a small company with a good safety record and even with the merit status that the insurance company gives him, its rate, it is still a part if the rates that some of the companies can get as a result of having a large number of employees and therefore getting it in that area, so we have to I think write a reasonable commencement then go on from there. Certainly every company that has a record of safety will continue to have a good record of safety, notwithstanding, that it is a Government Fund.

Mr. McKinnon: I understand the argument, for both sides, I do have a little trouble though, having worked for both large companies and small ones, seeing the turn around of Mr. Hough, they might take claims that these small companies have a better safety record than the big ones. I think that you just have to accept the fact that the bigger companies are going to be, as striking the average, for the smaller companies generally do have a poorer safety record than a major corporation. You must be honest about this.

Mr. Hough: Mr. Chairman, if I might just say a word here. Your cost of compensation to a large company is not as costly as losing a key man due to an accident which could reduce his production and the minute his production is down, he is losing more money there. This is one of his big costs and this is why they have large and very active safety programs. They are also thinking, of course, of the welfare of the people working for them. But, loss of production could be pretty expensive to a large company.

Mr. Chairman: Anything further on page 2?

Mr. Stutter: Mr. Chairman.

Mr. Chairman: Proceed.

Mr. Stutter: It is just in the definition of referee, the Legal Adviser a short while ago stated that in this case the referee could be the Board in Alberta. Should not that be plural, "persons" then if this is to be the case?

Mr. Legal Adviser: Singular includes the plural by definition in the Interpretation Ordinance.

Mr. Tanner: Mr. Chairman, in medical aid there is no specific definition of special treatment would that include for example, chiropractic treatment?

Mr. Legal Adviser: I don't know, I think the Board would answer that question.

Mr. Chamberlist: Workmen's Compensation has nothing, it is the Board which deals with it.

Mr. Commissioner: Is it not a fair statement, Mr. Hough, that it is up to the Workmen's Compensation Board to direct the injured workman to treatment for his cure and rehabilitation? Is this not the requirement of the Board's placement?

Mr. Hough: No, a workman can go to his doctor of his own choice, but for any special treatment, yes, at the direction of the ..

Mr. Commissioner: Of the Board.

Mr. Hough: Yes.

Mr. Tanner: I'm sorry you've lost me there. In that case could the Board direct him to go to a chiropractor? Is that what that special treatment is?

Mr. Chamberlist: Yes.

Mr. McKinnon: But what we are worried about, they now do. Would they be able to in the future.

Mr. Chamberlist: Oh, yes.

Mr. Tanner: Okay, I have one more question. Permanent total disability definition includes everything except permanent total disability through silicosis. I know lower down you have got a definition of silicosis, but it seems to me that you can be totally disabled through silicosis too. Shouldn't that definition be in there too?

Mr. Legal Adviser: No, we just say permanent total disability includes certain things which would not necessarily be permanent total disability.

Mr. Chairman: Should not asbestosis be considered in that particular interpretation?

Mr. Legal Adviser: If the person is permanently disabled by silicosis he will be permanent disabled and he will come within that definition. This is only in addition to permanent disability. Some people are not totally disabled because they lose their eye, but seem to be nevertheless.

Mr. Chairman: Should not asbestosis be spelt out in this interpretation section under possibly silicosis?

Mr. Legal Adviser: It is intended to do that.

Mr. Chairman: I don't see it there. You are talking about dust containing silicosis.

Mr. Fingland: Mr. Chairman, I think there, now I'm open to question on this, but it is my understanding that asbestosis is in fact a phlebotic condition of the lungs.

Mr. Chamberlist: So is silicosis. That is what it says in my medical dictionary.

Mr. Tanner: I am still confused by what the Legal Adviser says. I usually am confused in a way, but I'm even more confused now. This definition of permanent total disability is not a complete list, it is things that are added to it as total disability, is that correct?

Mr. Legal Adviser: Yes, Mr. Chairman.

Mr. Tanner: In that case, why don't you include silicosis?

Mr. Legal Adviser: It is too difficult, Mr. Chairman. Because you would then have to define the degree of silicosis. It stands without saying a person who has silicosis is permanently disabled and you don't have to say so. You are just tinkering around with the definition of permanent total disability in that way you are risking extremely bad battle.

Mr. Chamberlist: I think Mr. Chairman's question regarding asbestosis seems to be a reasonable one, a very sound one. We should perhaps have it clarified from the medical standpoint whether or not that should be included as a form of silicosis, or if not it should at least be indicated that it is included.

Mr. Chairman: I think they are two separate..

Mr. Chamberlist: They might be, I think we should get that a little clearer.

Mr. Legal Adviser: I would like to straighten this out, but I think it is right to say that it is only caused by dust containing silica. We might have to think of dust containing silica salts or salts.

Mr. Chairman: You may have a point. Is there anything further on page 2? Page 3?

Mr. Tanner: Yes, Mr. Chairman, the definition of workman, I find very cumbersome, also I go back to my original point, right at the beginning of this debate, I don't know why we are using the word, workman, when the word should be employee.

Mr. Legal Adviser: It is a good point in a sense. It means that workman should point to the Ordinance, plus the fact that all the literature, all the books, all the law of the other countries and in Canada all use the word, workman, everybody knows what it means, instead of using employees.

Mr. Chamberlist: It is the Workmen's Compensation Ordinance.

Mr. Tanner: Mr. Chairman, in the Commissioner's opening address he was very proud to announce that this is the first jurisdiction to have a woman Clerk of Council. I think we should be equally proud to be the first jurisdiction to use the word that encompasses women, by definition rather than the word, workman.

Mr. McKinnon: Give them an equal and separate Ordinance.

Mr. Chairman: Anything further on page 3?

Mr. McKinnon: Yes, I have a lot of problems with section 3(1) and (2). The Ordinance applies to employers in respect to employment by workmen involved in industries except the industries of farming and ranching, which I would like to ask a question. Why they are excluded? Secondly, in subsection (2) which always worries me even though all employers have to -- are bound by the Ordinance, the Commissioner may exempt any industry from the application of this or any other portion of the Ordinance. So one section makes all the employers of the Yukon subject to the Ordinance except farming and ranching, and I would like to listen to an explanation of why they are excluded. And then in the next subsection you say, but if the Commissioner is advised to exclude any of the industries or any employer of the Yukon from the terms of this Ordinance, he may willy-nilly be able to do it. I don't like to see that power in the hands of an appointed official of the Minister of Indian Affairs and Northern Development and I don't ever like to see discretionary powers to such an extent left in bureaucrat's hands.

Mr. Chamberlist: You're being unkind now.

Mr. McKinnon: I intend to be. I wonder if somebody could ...

Mr. Legal Adviser: Our old Ordinance exempted farming and we asked Mr. Hough to complete the matter, by acting as though we ... I think Mr. Hough could give some explanation of the original reason.

Mr. Hough: One of the big reasons for excluding farming and ranching in Alberta is first of all your question of administration and how you are going to control it. Collection of assessment and there are an awful lot of farms where they don't employ full-time people, maybe just certain times. Now, the Act was also left open that if a farmer felt that he wanted the coverage he could apply for it and get it. But basically it was a question of trying to administer. Now, practically every Board in Canada excludes farming and ranching. Ontario has certain provisions for they do cover tobacco growers, something that is a basic industry. of course, farming is an industry too, but it is more or less on the basis of trying to administer it. Now, it was also left open that if the farming association wished to come to the Board and asked to be brought under, yes. They don't want to. It was in your previous Ordinance and it was left in this one.

Mr. Stutter: Mr. Chairman, surely the farmers and ranchers particularly nowadays when the farms and ranches have gotten to be fairly large, they have payrolls. As far as administration and collection is concerned they have a payroll, they must make deductions by all the other laws of the country, and by the laws of the provinces.

Mr. Hough: There are no deductions from the workmen. The assessment is based on the payroll and is payable by the employer only.

Mr. Stutter: But you have taken the administrative point of view. My point is that the employer does have a payroll. He must be bound by other laws to ...

Mr. Hough: Yes, It could be handled. It could be handled.

Mr. Chamberlist: Mr. Chairman, in view of the facts that farms and ranches today have modern and heavy equipment where it is not like the old-time when you used the -- most of the Mexican dragline operators use the shovel as a pick, type of thing. Should maybe consideration where equipment is being used; threshing machines and the like. It may never happen in the Yukon, but we have a couple of farms where people are employed from time-to-time. Is there any danger at all that people are being deprived of compensation?

Mr. Tanner: Mr. Chairman, this might be a little bit more practical, we have got one maybe two farms in the Yukon. The one that is doing anything at all has two self-employed persons. What are we going to do, rewrite this Ordinance for those two people?

Mr. Chamberlist: No, I'm not suggesting that. I am just disturbed. Suppose there was a Government experimental farm. I want to come to a particular point. Right now the Government is covered by the Alberta Board. Isn't this so? Any Government department up here is covered by the Workmen's Compensation Board of Alberta to act as the referee. For Canada.

Mrs. Watson: Federal.

Mr. Chamberlist: That's right, federal. The federal department is covered by the Workmen's Compensation Board. I just want a point of interest, if Mr. Hough can help us here. What would happen if there was an experimental farm and there were people working on that. Would the Workmen's Compensation Board of Alberta ask them to be covered or deal with them in that manner.

Mr. Hough: They would automatically be covered, Mr. Chairman, because they are employees of the Federal Government. It doesn't matter what industry the Federal Government is doing.

Mr. Tanner: I have one more question, it has nothing to do with this paragraph. Did you say that presently the Federal Government employees of the Yukon are covered by a Federal Government plan and secondly what about Territorial Government employees, and thirdly, are they now going to be covered under our Ordinance and are we going to pick up the Federal Government.

Mr. Hough: At the present time your Territorial Government employees are covered. They are what is termed as Government self-insurers, and that will continue under the Ordinance as it is written. As to picking up the Federal Government that will have to be negotiated because they are covered under what is known as the Federal or Government of Canada Workmen's Compensation Employees Act and they have agreements with each of the Boards of the other provinces to cover their own employees. That agreement for both the Yukon Territory and the Northwest Territories is with the Alberta Board at the present time. There will be no -- I shouldn't say there'll be no problem, I don't just know how Ottawa will look at it, but as far as the Alberta Board is concerned it wouldn't make any difference to them if that came under this Ordinance, administratively.

Mr. Tanner: Mr. Chairman, can I then ask the members of the Executive Committee is it the intention to negotiate and bring that back to the Yukon, the Federal Government employees and secondly, why are Territorial Government employees exempted because..

Some Honourable Members: They're not.

Mr. Commissioner: Mr. Chairman, the answer to the first question, if there is any advantage to be gained for the workmen of the Federal Government by having an agreement with the Federal Government to get them covered under this, certainly we would endeavour to negotiate it. But all it is, is a stand-down of substituting one piece of paper for another one. Why there is no point. The second thing is that the terminology, self-insured simply means that the Consolidated Revenue Fund of the Yukon Territory stands behind any compensable accident that has happened to a Territorial employee by coverage in a private insurance market. That is what the terminology means.

Mr. Tanner: Mr. Chairman, this is an interesting point here, because isn't this going to be an accepted fund as I understand it, in which case money should be provided in the budget at the end of each year, the same way with medicare, in which case if you have got -- if it affects Territorial employees it is going to look different if it doesn't.

Mr. Fingland: Mr. Chairman, I wonder if I could elaborate on this. At the present time Territorial Government employees are covered by the legislation and that won't change. The difference is that the Territorial Government is self-insured, but other large employers are also self-insured and that arrangement will also continue. The way they are covered is by making advances into the Fund and from those advances compensation is paid as required. That is the only difference. The Territorial Government is exactly the same as CP Air or any of the other companies that are self-insured. As far as the Federal Government is concerned, there is one further thing that I think I should say, and that is what the Commissioner has always said and that is the arrangement for the coverage of employees of the Federal Government in the Yukon coverage for are under the Alberta Act. It is filled out in Federal legislation. Now, we have been informed at the official level that when we have our own Fund that they will, in Ottawa, endeavour to have Federal employees in Yukon covered under the Yukon legislation. But, of course, I think we have to be realistic about this. It means amending a piece of Federal legislation and that is not going to happen tomorrow, it is going to take some time.

Mr. Tanner: Thank you for the information. Could one of the Executive Members substantiate what I just -- the question -- the suggestion that I made. This is going to be a separate identifiable fund, in the budget.

Mr. Chamberlist: It is not a budget item.

Mr. Fingland: It will be through a separate fund within the Consolidated Revenue Fund.

Mr. Chamberlist: A separate account.

Mr. Fingland: Yes, a separate account.

Mr. Chamberlist: It is not the same.

Mr. Commissioner: Mr. Chairman, with respect the authority to operate the Act -- or to operate the Fund is contained within this Bill. It does not require a separate vote item to require the authority to work upon it.

Mr. Stutter: Mr. Chairman, I would just like to ask one thing, I would just like to get it straight in my mind. You have talked about self-insurer, now, if a light company had a payroll let use the figure of a million dollars, it would normally pay in \$40,000 of premium into the Fund. As a self-insurer does he have the option, as long as he pays the benefits that the Ordinance is demanding can he not pay into the Fund as a self-insurer as long as he picks up the benefits that would be payable?

Mr. Fingland: No, you must operate through the Fund.

Mr. Tanner: Perhaps you did get away with it.

Mr. Fingland: Well, they made an advance into the Fund from which any compensable payment are drawn. But they must do it through the Fund.

Mr. Hough: Yes, the question here is how does CPA get away with it, Mr. Chairman. All your other Boards in Canada have all your Government accounts which includes Canadian National Railways operation and Canadian Pacific Railway covered on what we term as self-insured basis on a deposit basis. One of the big reasons for it, or a lot of it is, particularly with your railroads, your divisional points are not on a border of a province and you will have crews running every day from one province to another and in order to arrive at an equitable way of handling it they were placed on this self-insuring basis. Now, another thing most of your other Boards exclude the air crew of industries engaged in commercial aviation, but there again with CP and Air Canada which is part of CN, they are covered on a deposit basis. This is self-insurance and it covers all air crew. Any of the other companies they are operating they do not, you just cover the ground personnel.

Mr. Tanner: I don't know how the other Councillors feel, Mr. Chairman, but I am getting increasingly confused. Why don't we for example, going back to Territorial employees again, why don't we make -- put their funds in a separate account. Surely it is going to be advantageous to the Fund.

Mr. Hough: Mr. Chairman, if I may speak to that, my recommendation there was that it be handled the same as any other self-insurer and that is that the Territorial Government be required to place a deposit with the Fund and each month your claim costs are charged against that deposit. You send the Territorial Government a statement of the costs of the month, they reimburse it, technically speaking, back up to the original figure, but you are on into your next month. If they should happen to overdraw, you charge them interest. Does that explain it, Mr. Chairman.

Mr. Chamberlist: Of course, the Fund itself is outside the vote power because it is self-paying fund it means that we have to raise extra money to pay that money into the Fund. You are in a position of having to increase your budget to do that. You have to raise taxes to do that, what is the point of doing that. It is like the blind leading the blind.

Mr. Tanner: What happens to the money that is already in those funds. Aren't they going to be invested?

Mr. Chamberlist: Oh, yes.

Mr. Tanner: Why not use the funds in the Territorial Government which they are going to have to pay in a self-insuring plan, why not invest those too.

Mr. Chamberlist: The point is that you don't pay the money into the Fund. If you do it the way it has been suggested, you have to raise money from the taxpayer to take the money to put into the Fund. Whereas if you do it yourself, you are self-insured.

Mr. Stutter: Mr. Chairman, I am still having difficulty with this self-insured thing. Surely, that is the same thing as the merit system. If you have got a big company, that has the opinion or is allowed to be self-insured and he is looking after the payments to his own accidents, his own cases, then that is the same thing. If he doesn't have cases, really he doesn't have any demand on the Fund.

Mr. Hough: There are only just the two Governments, CP Air and CN that are on a deposit basis or self-insuring basis with any of the other Boards. No one else.

Mr. Stutter: Would they be allowed to be on it.

Mr. Hough: No, they wouldn't, nobody else.

Mr. Chairman: Anything further?

Mr. McKinnon: No sir, this is a very interesting discussion, but nobody told me at all or even attempted to tell me why the Commissioner should be able to make regulations for exempting any industry from the application of this or any other portion of the Ordinance. That fact remains that in my estimation, I think if Council looks seriously at it, it should be in their estimation too that the Commissioner just doesn't have the power of exempting any company for any purpose, that comes to him and asks to be exempted from this or part of the terms of this or any other Ordinance. I don't know how you get around it, but I just don't think that that is the way the Government of the Yukon Territory should be operating. I just don't believe in leaving this amount of discretionary powers in the Office of the Commissioner. I hope that everybody understands, it is not the person of the Commissioner, it is the Office of the Commissioner. My goodness if we are moving towards any type of executive authority or the legislative authority having any authority in the Yukon that this should be the prerogative of the Office of the Commissioner to be able to exempt a company for any purposes, coming in and saying exempt me from certain terms or exempt my company from the terms of the Workmen's Compensation Ordinance. I just can't buy it.

Mr. Tanner: Mr. Chairman, can the Commissioner or somebody gives us an example of where he would use his discretion I mean, for what reason?

Mr. McKinnon: One hundred thousand bucks.

Mr. H. J. Taylor: I can't imagine any case where he would exempt a company and I don't think it would do any harm if you took that section out.

Mr. Fingland: I do think we have to allow for including fines.

Mr. H. J. Taylor: I mean if you took out the discretionary powers of the Commissioner, but this is just a carry-over from the old Ordinance, it was exactly the same before and ..

Mr. Tanner: Mr. Chairman, is there still the same discretion in Alberta, not with the Commissioner, of course, but to the Board.

Mr. Hough: To the Board. I don't think so, this was in your previous Ordinance.

Mr. McKinnon: Mr. Chairman, I leave the question before we come back to the Ordinance and I certainly appreciate an explanation to it. I don't think what you are developing is at all any type of a democratic government that the day is long past that the Commissioner should have the discretionary powers.

Mr. Fingland: It was in force, of course, because we were recognizing employers who were covered under provincial ...

Mr. Chamberlist: I have to agree with my colleague from Whitehorse West at this point. We have decided that there would be no exemption. We decided on principle that there should be no exemption and now look it, we are saying, notwithstanding, that we have decided on the policy that there should be no exemptions, we are still going to give the right to the Commissioner to exempt. I think there is something-- perhaps the Commissioner could indicate why he should have the right to exempt.

Mrs. Watson: Mr. Chairman, I would like to point out that this was brought up when we were discussing the legislation and the Honourable Member from Whitehorse East is it...

Mr. Chamberlist: Yes.

Mrs. Watson: ... was absent. We thought it worthy of the reaction to leave it in. We knew it won't stay in very long so we just thought...

Mr. Chamberlist: I am very sorry. I must apologize as it was read through and through, I didn't come across this point. I have to agree that there is no point in having it there. We are saying no more exemptions, everybody is going to pay and then we say, notwithstanding, ...

Mr. Commissioner: The only thing that you should check on, insofar as the discretionary power or the exercise of this discretionary power is concerned, to the best of my knowledge it is only used now not on the basis of exempting industry, but exempting a company that can prove they have Workmen's Compensation funding in a neighbouring jurisdiction. This is what happens at the present time. Now, we are eliminating that because we are simply saying, if you are going to operate in the Yukon Territory you have to operate under the rules here and the laws here irrespective of what transpires in any other jurisdiction that you are in. I cannot conceive of anything, however, I say this, and this is something that the Legal Adviser has got to determine, in the wording of this particular section. And that is what I think you will find other Ordinances in the Territory at the present time which say that people who are effected by this Ordinance, the Workmen's Compensation Board doesn't apply here. Before this thing is scratched out of here, personally, I would just as soon scratch it out from a personal point of view because I don't see where these discretionary things are -- they are in all kinds of

Ordinances and they are never exercised. Before that is eliminated entirely, I am simply saying that you have got to check other Ordinances to make darn sure that you are not in the process of eliminating that, that you will not have to amend a lot of other Ordinances also.

Mr. Chairman: Just from the Chair, I wondered about this section, because in the old Ordinance subsection (2), states and for exempting any industry from the application of subsection (1) appears you've changed this and you have said for this and any portion giving exemption throughout the Ordinance.

Mr. Commissioner: Mr. Chairman, with respect, other Ordinances have got to be thoroughly checked before that can be removed. That is the point that I'm making.

Mr. Chamberlist: We'll take a look at that.

Mrs. Watson: Mr. Chairman, I think that also we have to be very careful for the date of coming into effect of this Ordinance and the expiry of some of the agreements that some of the present companies have who the Commissioner would have to exempt who are now working in the Territory. I think, there is a matter of possibly six months where it would be necessary for him to still retain that power. I think that has to be looked into also.

Mr. Commissioner: It is a pretty complicated question from the point of view of other portions in the Ordinance.

Mr. Chamberlist: We'll take another look at this.

Mr. Stutter: Might I ask, Mr. Chairman, if they are also going to be taking a look at striking out that exception of farming and ranching. I would like to ask what happens to a workman that is hurt on a farm, what compensation does he get, and who from?

Mr. Hough: Mr. Chairman, the only thing that he would get at the present time would be what certainly he could get from his employer and what he decided he might want to give him. It might not be anything.

Mr. Chamberlist: You see what would happen now is this, Mr. Chairman, it would mean that if the farming is not -- even it is the one particular farm, it means the burden for paying for an accident would be on the medicare program which is going to be burdened enough because after all we would have to pay the insurer when there is insurance there that the insurance the Workmen's Compensation Fund would pay.

Mr. Chairman: Order, please. I am wondering under the existing regulations, under the existing current Ordinance, has the -- Order please. Has the Commissioner, not in the case of an individual group of industries, but as a class of industry, has the Commissioner under the existing Workmen's Compensation Ordinance regulations exempted any?

Mr. Taylor: No. The only exemptions that are issued now are for employers who bring employees in from any of the neighbouring provinces.

Mr. Commissioner: With respect, Mr. Chairman, carry that provincial coverage into the Territory.

Mr. Tanner: It is probably the same debate, Mr. Chairman, probably the same discussion we are talking about right now paragraph 4(2), section 3, subsection (4) -- I beg your pardon, section 4, subsection (1), it is all same thing. Why would the Commissioner want to have that power? Why don't we itemize those subclassifications and so on now?

Mr. Chamberlist: Might I suggest, Mr. Chairman, that we take note of this whole section and we have a look at it and then we can go on.

Mr. Chairman: Anything further on page 3?

Mr. Tanner: I have one more. Why -- could Mr. Hough tell us why casual employees are not covered by Workmen's Compensation?

Mr. Legal Adviser: They are. They are covered, Mr. Chairman.

Mr. Chamberlist: Why not?

Mr. Legal Adviser: They are covered. There is no why not.

Mr. McKinnon: Would somebody explain subsection (5) under section 3.

Mr. Legal Adviser: Mr. Chairman, casual employees are in fact covered. There is an exception, however, for a type of employee who is not connected with the business, such as a person getting a window cleaner to do work for him at a private residence. That is not an industry. It is not included in a private residence, so he wouldn't be covered for that type of work. But he must be covered in a different way by his own company. If you hired a gardener for gardening and it takes two days to mow the grass, he wouldn't be covered by me, I wouldn't be responsible for paying the insurance companies inspection. He is a member of a firm, the employer would pay the inspection.

Mr. Tanner: Mr. Chairman, that is fine, and I have read that particular bit two or three times, it certainly isn't very clear to me that casual employees are covered.

Mr. Legal Adviser: It may not be clear, Mr. Chairman, it is very precise.

Mr. Chairman: At this point I'll declare a recess until 7:00 p.m.

RECESS

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

...

Mr. Hough: First of all I wonder if I could ask Committee's permission to have Miss Wasylynychuk join us at the table. Second thing I would like to, Mr. Chairman

...

Mr. Fingland: ... the question of exemptions, and without actually going back into the question of exemptions, which -- I think we would like to have the opportunity of examining it further before we come back to Committee. I would like to clarify the fact that there are more than two self-insuring people under the Workmen's Compensation Ordinance at the present time. I just wanted to make that statement to clarify ... I didn't want to leave the Committee with the impression that there were just the two. We will come back to this when we come back ...

Mr. Tanner: ... said previously that they couldn't tell us because the information had been given in confidence as to what the rates of the companies were but the Territory itself used to be privately insured. Would the Commissioner give us some indication of what their experience was while they were insured privately.

...

Mr. Commissioner: I think that Council must understand that we have basically two policies, one of them is a result of the Workmen's Compensation coverage for workmen who had no other coverage; perhaps Mr. Chairman, Mr. Taylor will be able to explain that one a bit further; then, of course, ... the assessment -- the administration assessment into the Fund, as to whether or not they ever bought insurance as such from any of the private carriers that is something that Mr. Taylor, Mr. Chairman, would know and the information would have to come from him.

Mr. H. Taylor: Yes, Mr. Chairman. We did have two policies. The one main policy covered the employees and our premiums were about \$75,000 ... payouts were somewhere in the neighbourhood of \$13,000 for compensation and medical so then at that point we decided we should be self-insured. Then we had another policy which was called an uninsured

employers policy to ... workmen's compensation coverage lapsed the employees didn't get any coverage, so we took out a separate policy to cover all of these uninsured employers. The premium for that policy was about \$20,000 a year and I don't think we ever paid over -- we never paid out more than ... self-insured, supposedly the two policies -- the premiums were just as I said, out of this world.

Mr. Chairman: At this time I would like to introduce to you Miss Dorothy Wasylynchuk ...

...

Mr. Commissioner: Mr. Chairman, this may be an opportune time to clarify a further point that all workmen in the Territory as described in here as workmen, if this Ordinance comes into effect and this type of funding comes into effect, all workmen as described here will be covered. It will then be the duty of the Government as the purveyor of the insurance to collect the premiums from the employers.

Mr. Chairman: Is there anything further on Page 3? I have one, just from the Chair, I have a question to submit possibly to Mr. Commissioner. Throughout the Ordinance -- a review of the Ordinance would indicate that everything is more or less oriented to the Commissioner. Was or is consideration being given to the ... Workmen's Compensation Board rather than putting a weight on it under the Commissioner, somewhere along the lines of the Housing Corporation.

...

Mr. Commissioner: ... we, who decides upon the validity or otherwise of the workmen's claim and the administration of the scheme itself comes under the purview of the Yukon Territorial Government and in the name of the Commissioner and that is what is being used here. I think that you have -- you know you have two distinct and separate situations here ... that decides on the validity or otherwise of a claim made against the Fund. That is not the Commissioner's prerogative but it is the requirement of the Ordinance that the Commissioner do all the things that are required of -- it is up to the Commissioner to see that all the things that are required for the Government of the Yukon Territory. In the sustenance of the Board's decision prior to ...

...

Mr. Finland: ... I realize that there are certain advantages from jurisdictions in having the separate corporate entity ... prepared and we feel that the actual administration of the ... should function as part of the Territorial Government and as such appeared all the way through the legislation in the name of the Commissioner. The Board as such or the referee really if you describe it as it appears under this legislation ... was a judicial function and is therefore separate from the administration.

...

Mr. Chairman: ... require to implement this program?

...

Mr. H. Taylor: ... at the present time seven who handle claims only and when we get into the field of assessments and collection and accounting we ultimately will have about fourteen.

Mr. Tanner: Do you know how many the insurance company has with them?

Mr. H. Taylor: I beg your pardon.

Mr. Tanner: Have you any idea how many insurance companies ...

Mr. H. Taylor: How many they check?

Mr. Chamberlist: Mr. Chairman, I have been informed. On one occasion I was speaking to the Manager at Prudential who told me that ten of his administration deal with workmen's compensation for Yukon and Northwest Territories.

Mr. H. Taylor: There are ten in the Toronto Office.

Mr. Chamberlist: Toronto office.

Mr. H. Taylor: There is another office in Edmonton the adjusters office too.

Mr. Chamberlist: I wasn't aware of that.

Mr. H. Taylor: They have, I think, five or six in there isn't that right Dorothy?

Miss Wasylynchuk: Seven or eight.

Mr. Tanner: Excuse me, Mr. Taylor, but are you saying that we are going to be able to do it with seven in excess of the seven we presently have?

Mr. H. Taylor: Yes, a total of fourteen.

Mr. Tanner: You mean the government is going to be more efficient than private enterprise?

Mr. H. Taylor: It always is, isn't it?

Mr. Hough: May I speak Mr. Chairman?

Mr. Chairman: Yes, please.

Mr. Hough: At the present time, for your information, your local office compiles all the data, assembles it, all that is necessary to accept a claim. In other words, they see that the employer's report is in, the workmen's report is in and the medical report is in. That file is complete before it is sent into the insurance company so really you have got to add the people who are working here onto the insurance because they are doing this for the insurance companies right now.

Mr. Chairman: Any further questions then on Page 3?

...

Mr. Chairman: Page 4.

...

Mr. McKinnon: ... explanation of why outworkers and domestic servants are to be excluded from coverage under the Compensation Ordinance.

Mr. Legal Adviser: This is always indicated in all jurisdictions... that works for a factory or a similar operation works in his own house on his own premises and returns the finished product and is paid, he is sort of a sub-contractor and he is not an employee in the true sense of the word ... these are people who are in a private household as a cook, a nurse, or a maid or a babysitter. They are not included as they are domestic help. It is impossible to get private people on their own to pay the premium that controls the whole operation.

Mr. McKinnon: I would presume then that their only compensation ... if it was an accident that occurred in the home where they were domestic servants and it was-- could be proven that it was the cause of the equipment or a cause of some fault in the home itself. Their only recourse would be in filing a civil action against the home that employs them.

Mr. Legal Adviser: Not entirely, but in general terms this is correct Mr. Chairman. The ordinary household domestic in a liability policy ...

Mr. Stutter: Mr. Chairman, I would like to ask the Legal Adviser if in the case that an outworker were to become an employer as an outworker, the employee ... if an outworker became an employer as a result

Mr. Legal Adviser: Employer?

Mr. Stutter: An employer, would the employee under the outworker than be covered by the Ordinance?

Mr. Legal Adviser: Yes, in fact he would.

Mr. Tanner: Mr. Chairman, I have a question I wish to ask. As I see it, section 6 is set up so that you can get coverage when you are working outside of the jurisdiction of the Territory but is the burden of proof on the person, the injured person, or on the survivor to get compensation for an accident that might have happened outside of the jurisdiction of the Yukon? You could find -- an employee could find himself in the position of falling into a rift between the jurisdiction for example: B.C. and Yukon both saying the other person's accident and not getting compensation at all.

Mr. Legal Adviser: No, Mr. Chairman, the section is designed in such a way that he either gets compensation under our Ordinance or he gets compensation under the Act or whatever province is concerned. They are linked in such a way ... except for the responsibility to us in certain circumstances if he is working for a Yukon employer.

Mr. Tanner: I understand that, but my question is if there is a dispute between who has the liability, B.C. or the Yukon, what is the employee who has been injured or the survivors, where is his ability to get compensation from either if both can say it isn't even our case.

Mr. Legal Adviser: Assume he is covered under general terms, I can't visualize a dispute which would hurt the employee, I can understand that Mr. Taylor might be arguing with his opposite number in Edmonton as to who is going to foot the bill. Somebody would in the first instance foot the bill and then fight it out. You need it with governments but not insurance companies.

Mr. Taylor: Mr. Chairman, if I could just add to that. If you did run into such a case where there was difficulty of this height, this is the type that can be referred to the referee for a decision as well as to who is going to take the claim. The workman is not going to suffer.

Mr. Finland: I think, Mr. Chairman, the determining factor surely is the particular program under which the employer is in fact registered. If he is an employer of the Yukon Territory and the employee is injured the determining factor will be which jurisdiction the employer is registered in.

Mr. H. Taylor: No, no.

Mr. Tanner: That is quite a different thing now, that is quite a different criteria. You are saying the employer -- the employee will benefit from that jurisdiction in which the employer is working or operating.

Mr. Finland: No, the employee will derive his coverage by virtue of this section which allows him to be covered even though he may be working for a Yukon employer but happened to be out of the Territory when the accident occurred. He would be covered by this legislation.

Mr. Tanner: Well, the insurance really that I am looking for is the fact that somebody would cover them. I mean fine there would be a jurisdictional dispute between the two governments.

Mr. H. Taylor: Yes.

Mr. Legal Adviser: The employee would be covered. The only area of the dispute which might conceivably occur to a lawyer is if we had a materially higher rate of compensation than Alberta or vice versa then the employee who is advised by a lawyer might attempt to claim within the jurisdiction that suited him best. But in fact there is no question but that he would be paid full compensation by one of the jurisdictions.

Mr. Chamberlist: Surely, Mr. Chairman, Mr. Hough could indicate this. Section 6(2) indicates that where a workman of an employer to whom this Ordinance applies, surely that must be the key. If this Ordinance applies

to a specific employer then automatically the employee of that employer is covered because of the requirements that that employer is registered under this Ordinance. Would this appear to be the situation?

Mr. Hough: That is right.

Mr. Chairman: Anything further on page 4?

Mr. McKinnon: Mr. Chairman, paragraph 7(1)(b) fascinates me, particularly the apprehended attack. I wonder if Mr. Legal Adviser could clarify that paragraph.

Mr. Legal Adviser: Apprehended means when an attack imminent or thought to be imminent when somebody does something like working and something falls on him then he's covered.

Mr. McKinnon: So he is not covered?

Mr. Legal Adviser: He is not covered.

Mr. McKinnon: If one thought that a foreign force were going to invade the Yukon and a person, out of pure Yukon nationalism went to stop this apprehended attack, acting in the best interests which he thought were of the Yukon, if something happened as a result of his actions then he wouldn't be covered under the Ordinance.

Mr. Legal Adviser: I expect the section that deals with emergency measures and people who are employed in emergency measures they, in fact, are covered. I know that the Chairman has an interest in this point. This is covered.

Mr. Chairman: From the Chair, I would like to draw the attention of Committee to 7(2) where except in the case of silicosis, and I think this should be considered when you consider the interpretation of silicosis and asbestosis. I wonder how it relates to 7(2)(b)? The accident in the case of silicosis or asbestosis could well be caused partly by conditions encountered by the employee.

Mr. Chamberlist: Isn't this again a case for the referee to decide which is the amount percentage?

Mr. H. Taylor: Mr. Chairman, this is to cover the case of where a person may have something, a hereditary disease such as T.B. of the bone. That is one good example and this is not attributed to the accident but possibly the accident that occurred has aggravated the situation so this allows you to take care of a portion of it.

Mr. Chairman: I wonder why you exclude silicosis? You say except in the case of silicosis because there certainly must be some circumstances that ...

Mr. H. Taylor: Pardon me, Mr. Chairman, but under silicosis you pay one hundred percent. It is covered. This is for other types of conditions that you may run into in respect of ...

Mr. Hough: Actually, Mr. Chairman, and perhaps we just haven't gotten far enough along but silicosis is dealt with as an entirely special and separate condition.

Mr. Chairman: Anything further on page 4?

Mr. Tanner: Mr. Chairman, on whom lies the burden of proof in 7(3)?

Mr. Legal Adviser: There is no burden. The presumption here is that the death was the result of an accident and compensation is paid.

Mr. Chairman: What protects the employer, for instance, if death comes to an employee as a result of drugs or something of this nature?

Mr. Legal Adviser: The employer doesn't need protection. The Ordinance is covering and the government fund pays. In order to -- he would have to prove it. If a person is found and known to be in possession of drugs steps will be taken and I presume that there will be a Coroner's Inquest. It is a question of proof otherwise he is presumed to be dead as the cause of an accident at work.

Mr. Chairman: Page 5.

Mr. Legal Adviser: May I draw the attention of the House to section 9.

Mr. McKinnon: Before we get to section 9, Mr. Chairman, subsection 8(13) in this section, "current year" means the period fixed by the Commissioner. Once this current year is fixed, does it remain fixed from year to year or is it within the Commissioner's discretion to change it -- the current year at his discretion?

Mr. Finland: That would be the current year at that time, but the Commissioner's discretion could change it there-after would certainly remain in effect but it would be certainly illogical to do this on an irregular basis.

Mr. McKinnon: I will just make the point, I think I made it before but I do have problem with the discretionary powers because for the employer to have a current year fixed and be under the gun of the current year that he is setting his books to and setting everything to could be changed in the following year at any given time upon the discretion of the Commissioner which as Mr. Finland correctly puts out -- points out is exactly what could happen. Far be it for me to say that this is what would happen because it shouldn't happen in the normal course of events but I think this should be pointed out to Committee that this could happen at the Commissioner's discretion.

Mr. Tanner: What concerns me about this is sections 10 and 11. It appears that Mr. Commissioner can go ahead and withdraw any part of that whole section and there is no obligation on him to show cause.

Mrs. Watson: Mr. Chairman, this refers to a specific situation where an employer is employing members of his own family and the whole section refers to coverage of the situation where the employer and his family are working in one business and this is not generally for all employees. This is a specific case.

Mr. Tanner: That is fine but if an employer or his family has made application and it has been granted then surely there is an obligation of the Commissioner or whoever performs that function to show reason why he should withdraw that having given it to him in the first place. I don't think he should just *carte blanche* say well we don't like you today, off you go.

Mr. Finland: Well, Mr. Chairman, I can't argue. It is in fact a discretionary part of this particular section, but I think it has to be read in context with the earlier part and this is to cover situations where the employer makes application to be covered but he would normally not be covered but if he himself asks to be covered and this does happen quite frequently. Most employers, in fact, do wish to be covered and so there is a fairly wide degree of flexibility that goes into this section to enable an employer to have any part or various parts of the Ordinance pertaining to the particular situation.

Mr. Tanner: Mr. Chairman, I am not arguing that point, Mr. Finland, I am merely saying that once, and I can see you need flexibility on the application and you have to have discretion, but once the Commissioner has exercised his discretion to get them in, surely he won't just for the purpose of seeing they go out, he has to show cause of the discretion. He has already made the initial decision to bring the individual into the scheme. So there has been a discretion exercise been made and to revoke that decision I think he should show cause why he is going to do so.

Mr. Hough: If I may speak, Mr. Chairman, on this particular section. In my years with the Alberta Board I only saw this section used once and that was where an employer had applied for coverage for himself and his family and we experienced nothing but difficulty in trying to collect and this is when it was revoked. There was just cause definitely. That is the only time we have ever applied that section to my knowledge. You have got to have something in here whether you expand it or just what you do with it to cover such a situation.

Mr. Finland: I really don't know how else you could handle it, Mr. Chairman. If it is the case of an employer making application who isn't otherwise covered by the Ordinance and then who may at a subsequent point in time want to withdraw I don't know really how else you might ...

Mr. Tanner: Mr. Chairman, I am not saying about the applicant who wants to withdraw I am saying the Commissioner, maybe he is a bad risk, maybe we could have collected from him but the Commissioner, as it presently reads, can just say I am sorry we don't want you. I think he should have that discretion but I think he should have to show reason why he is going to do that; why he is going to exercise that prerogative.

Mr. Chamberlist: Mr. Chairman, I wonder if Mr. Hough could indicate in this particular instance what would be the general reason where that particular section was used.

Mr. Hough: Mr. Chairman, for non-payment of assessment and the Board couldn't collect it. They were experiencing some difficulty with this particular operator year after year after year. This is to do with personal coverage, it is not in industry, personal coverage to the employer and members of his family. This whole section.

Mr. Chamberlist: With your permission, Mr. Chairman, I wonder if Mr. Hough could indicate whether or not the members of that family are employees within the meaning of this Ordinance because an employer can be operating in business and have his family members as employees. What would be the damage to the employees, would they be deprived of being covered by Workmen's Compensation under this section or would the other section that we were talking about, we had a separate section in this existing one dealing with those people who are not employed. We did have a section of that particular instance.

Mr. H. Taylor: Mr. Chairman, if this particular employer was employing workmen, there is no way you can revoke the coverage to the workmen, but it was to the members of his family who come within the definition set out in 8(1) or to himself if he has applied for coverage for himself. Now when he applies for coverage for a member of his family that comes within this definition you then deem that member of the family to be a workman at that time.

Mr. Tanner: I think the last Member of Committee who spoke merely confused us about just about everything he has talked about or mentioned here. What I am saying is that somewhere in subsection 8(10) you can write the words, "with showing cause the Commissioner can go ahead and use that discretion" but I think the words with cause or the right phraseology should be included in this section.

Mr. Chairman: Mr. Legal Adviser drew the attention that subsection 9(1) ...

Mr. Legal Adviser: I don't disagree with the principle but I think maybe the matter of the decision or request should go to the referee for his decision. The referee is the adjudicator throughout and any questionable dispute should go to the referee first. It shouldn't go to the ordinary court. None of the disputes in fact should go to court.

Mrs. Watson: Mr. Chairman, if a dispute for non-payment of premium dues go to a Board, to a referee, ...

Mr. Legal Adviser: The suggestion was to make the words with cause have a technical meaning to the adjudicator of a court.

Mr. Chamberlist: This judicial court would have to then show whether there was cause or there wasn't cause.

Mr. McKinnon: If I read this section -- or the way I read it seems to indicate that if a workman who is working for an example, for his father-in-law and that person did not pay the premiums to the workman's compensation and the Commissioner because of repeated violations deemed that family no longer to be under the protection of the Workmen's Compensation Ordinance, if that son-in-law happened to reside in the family of the employer he would not be eligible for any benefits under the Workmen's Compensation Act but if he happened to live with his family outside the house of the employer he would be eligible, am I correct so far in my assumptions? It seems to me to be unfair to that person who may not have any knowledge of whether the employer being his father-in-law is paying the premiums or not. I think that is correct.

Mr. Legal Adviser: That fact that he is living in his father-in-law's household ... a member of the family should know the situation.

Mr. H. Taylor: Mr. Chairman, Bill Hough has just pointed out to me that members of family are defined in the definition section and an in-law is not.

Mr. McKinnon: Is not? The son would be.

Mr. H. Taylor: Yes.

Mr. Tanner: Mr. Chairman, could I ask Mr. Legal Adviser to maybe make the same consideration ... in the fall and see if we can come up with something to satisfy my ...

Mr. Chamberlist: Your presumption that we are meeting in the fall ...

Mr. Legal Adviser: I know you are trying to further ...

Mr. Tanner: Would the Legal Adviser take a look at it and try to come back with something that would satisfy my hang-up?

Mr. Chairman: Back to, if I might for a moment, to section 9(1) there appears to be a word missing and the word may be "may". I believe you have some remarks on it Mr. Legal Adviser.

Mr. Legal Adviser: Yes, the word "may" is missing out -- is left out in the first sentence. We did not intend to put in shall, Mr. Chairman.

Mr. McKinnon: Was this in the old Ordinance?

Mr. Legal Adviser: No.

Mr. Chairman: Does this apply if you were clobbered by a flying book or microphone?

Mr. Legal Adviser: No. It's the kind of accident that might occur at the Commissioner's Ball, Mr. Chairman.

Mr. Chairman: Have you anything further on page 6?

Mr. McKinnon: Eleven one. These questions always give me problems as they do -- or used to give problems to the Honourable Member for Whitehorse East too. "The action or decision of the referee thereon is final and conclusive and is not open to question or review in any court, and no proceedings by or before the referee shall be restrained by injunction, prohibition or other process" etc. I would like to hear Mr. Legal Adviser on this, I don't see any subject to subsection or any other section in this section 11 and I was wondering, you know a referee, even though he probably or could be one of the most qualified people available, is still subject to making a mistake. It seems to me that's it if the referee does move that the person whose decision is affected doesn't have any recourse.

Mr. Legal Adviser: As the Chairman will see from the amount of paper passed to and fro along the table, this caused a lot of anxious concern for at least one of the

Honourable Members who is here and contributed to the legislation when it was drafted. We gave a tremendous amount of thought, argument, discussion, decisions and looking for advice to whether or not, and that particular Honourable Member instantly did this, we could try and see if we could find some way of giving some form of appeal to the Court. Our research shows that originally all this type of legislation came before court in the normal way and by its consistent decision in jurisdiction after jurisdiction it was taken out of the court's hands and transferred into the hands of a board which both administered and adjudicated the same matter. No jurisdiction that has ever gone this route has ever allowed a decision to go back with any degree of success. All are unanimously in favour of not putting the power of going to the court in this type of section. I had in fact a draft for quite a period with an appeal to the court in a limited form and we eventually took it out. It was a hard decision to make for the Government is in favour of appeals to the court wherever possible. It was a definite decision after tremendous thought. This is written in such a way that to take it out of the courts, except when a pure point of law arises which is not really a question of adjudication in the normal way. You must realize the Government has given this tremendous anxious thought and has come down on the side of no appeals to the court.

Mr. Chairman: On whose advice does the Board ...

Mr. Legal Adviser: The Alberta Board is very, very strong on this subject and I don't think we would be able to get any Board in Canada to act for us if we had an appeal to the court.

Mr. Fingland: I don't think there is any Board in Canada is there in which there is an appeal to the court, Mr. Chairman.

Mr. Legal Adviser: I don't think there is any Board-- No, Mr. Chairman. It is an unanimous route which has gone in Britain, throughout the world, to move from a claim by a workman against an employer for whom the insurance companies act and in which a judge will usually at the county court level will take the decision. It has gone in most jurisdictions into the Board situation which we have now and I don't think anyone in Canada, or the British Commonwealth, have gone another route, they have all gone the same route.

Mr. McKinnon: I wonder if I could ask Mr. Hough if there is in any jurisdiction an appeal back to the Board from the referee.

Mr. H. Taylor: It is coming on the next page.

Mr. Chamberlist: There is another ... that Honourable Members will be able to consider at a later date. This is one of the reasons why there is a requirement for an ombudsman. In this area that is where you can go and ask where there has been apparent administrative wrong done then the ombudsman could look into the matter and give his recommendations too.

Mr. Chairman: Yes, I don't think that would have any bearing on it, speaking from the Chair. The way section 11(1) is written even an ombudsman couldn't do a thing with it.

Mr. Legal Adviser: But, in fact Mr. Chairman he could review it. It is not an uncommon thing in any jurisdiction and in this jurisdiction for appeals to be made from the referee back to the Board for rehearing. Circumstances change and in the majority -- I won't say the majority but in very many cases those appeals when made on behalf of workmen are protected. The Board does not lock itself into its decision if circumstances change or fresh evidence arises or a new medical report becomes available.

Mr. Chamberlist: Mr. Chairman, I think our witnesses could indicate that even now under our present system there have been cases referred back to the referee once there has been a suggestion of new evidence for the referee to consider. Isn't this so Mr. Taylor?

Mr. H. Taylor: Yes, many times they can give more than one review, Mr. Chairman.

Mr. McKinnon: I asked specifically whether the referee's decision could be appealed to the Board and I was told yes read the next page, but I see only an appeal to the Commissioner, not to the Board.

Mr. Legal Adviser: The Commissioner always refers back to the Board.

Mr. McKinnon: Why doesn't it read, "may appeal to the Board?"

Mr. Legal Adviser: It's a question of drafting and administration because you have to have an intervening action in order to get it back a second time to the Board.

Mr. Commissioner: Mr. Chairman, with respect, I am sure that Mr. Taylor could give Honourable Members many instances which are, I won't say they are constantly recurring, but letters are drafted in Mr. Taylor's office and I imagine claims people hear invariably when there has been some question raised on behalf of the workman or normally it is the workman's union who goes to Mr. Taylor and says that they want this referred back to the Board and the letter comes to me to sign and it automatically comes up for re-hearing. Certainly, this is the route that is followed at the present time and as I would gather there is no real change suggested in that routing the way it is here right now.

Mr. Chairman: Have you any further questions on page 6? Page 7.

Mr. McKinnon: A comment, Mr. Chairman. I particularly like subsection (4) and I wonder if the legal profession has made any decisions in acting along this line.

Mr. Legal Adviser: This expresses the intention of the whole section. He is not bound by his own decisions, but it has to be expressed in this fashion. Courts are hide-bound.

Mr. Chairman: Could I have an explanation of 16(1)?

Mr. Legal Adviser: Where an accident occurs in the circumstances for example, a visiting truck driver, with the worker, the workman would get compensation in the normal way but the Commissioner has the right to go against that other party or its insurance company as North America would say to recover the costs thereof. It is killing the right of the workman to sue his employer and that right is transferred. If a workman is injured in an accident, he cannot sue his own employer. He is given the choice in this legislation of taking the compensation. His action is dead. That is what the employer in fact is insuring against.

Mr. Chairman: Only if he refuses. I was just wondering as I still have difficulties with that one.

Mr. Legal Adviser: It prevents him from getting paid twice, Mr. Chairman, once the claim on the workmen's compensation and once they have sued the employer for the full amount of the broken leg or whatever it happens to be.

Mr. Fingland: Actually, Mr. Chairman, this is a standard arrangement. You will find the same thing under Hospital Insurance Legislation. In other words, where a benefit is provided they lose then the right to sue for the same benefit because they obviously shouldn't be allowed to have it twice. That doesn't mean that the government should lose the right to sue because we in fact may feel that there is a legal right but it deprives the beneficiary of the right to get it twice.

Mr. Chairman: Anything further on 8?

Mr. McKinnon: Just before we get too far, I would like to beg Committee's indulgence to ask Mr. Legal Adviser why domestic servant isn't defined in the Interpretation Ordinance?

Mr. Legal Adviser: It is not specially defined because people know what a domestic servant is and they don't have to have it specially defined. Once you start to define some of these you are going to run into problems.

Mr. Chairman: Page 9. Under subsection 5(a) the Commissioner has the right in his own name to carry out an action in respect of workmen's compensation, why is this so? Why is it not the Commissioner on behalf of the Government of the Yukon Territory? Why isn't the government taking the action?

Mr. Legal Adviser: It is a question of either commencing an action or joining in an action that might be commenced. The normal ... the Commissioner of the Yukon Territory and Joe Blow, workman, XYZ Company ...

Mr. Chairman: What I am asking is, I understand that, but I am saying why is it not the action to the Government of the Yukon Territory?

Mr. Legal Adviser: There hasn't been any such entity in the law books since about 1958, Mr. Chairman.

Mr. Chairman: Thank you Mr. Legal Adviser, that is the perfect answer I wanted. Page 10 please.

Mr. Stutter: Yes, Mr. Chairman. Eighteen one on page 10, if you refer back to 16(2) it seems that there is a difference in time requirements. Sixteen two it is no later than six months and in 18(1) it is now twelve months.

Mr. Chamberlist: Eighteen two says notwithstanding anything in 16(2).

Mr. Stutter: I am referring to the first part in 18(1).

Mr. Hough: Mr. Chairman, under 18(1) it is referring to compensation that is payable to the man, "No compensation is payable in respect of a claim unless notice of the claim is made to the Commissioner by the workman within twelve months." The other section refers to a right of action where there is another employer I believe involved, outside employer. That action must be commenced and notice of it must be given within six months. Isn't that right Mr. Legal Adviser.

Mr. Legal Adviser: Yes and no, Mr. Chairman. The twelve months is delivered on the claim but can be extended, you must within six months either commence the action or claim compensation and if he doesn't nobody can make a claim under this Ordinance. That is where there is a choice of two routes to follow. That is dependent on the lawyer rather than the client. You often have a choice whether to make an independent claim in the case or you might claim compensation as the driver of your employer's car. You must make the choice.

Mr. Chairman: I would just like to draw your attention to 18(b) to again the use of silicosis as we have asbestosis. Anything further on page 10?

Mr. Stutter: Yes, Mr. Chairman, I have a note on (c) and I would like to ask what happens if death does occur more than two years later but at the same time an autopsy shows that the cause of that death can nevertheless be related back to employment conditions further back than two years?

Mr. Legal Adviser: You mean an autopsy held two years after the death.

Mr. Stutter: No, I am sorry. Two years after the termination of employment. My point is that it is possible -- a man could die two or three years after he has left employment and an autopsy is performed and the autopsy shows that the cause of death or perhaps part of the cause of death is a result of an accident or a disease incurred during employment even though it was more than two years previous. Therefore, he should be -- or his dependent should be eligible for some type of compensation.

Mr. Legal Adviser: The section allows extended late notice in special cases. I am not sure whether you read the section as to late notices.

Mr. Hough: I think, Mr. Chairman, this refers actually to a year after the death of the employee. Not after the termination of employment.

Mr. Chairman: Or by the workman within twelve months of the day on which he is found to be so disabled.

Mr. Hough: That is in the event of the employee not dying. That is where he survives, but in the case of death it is a year after the death. It is not a year after the termination of employment.

Mr. Chairman: I think another look should be given to that.

Mr. Stutter: It just appears, Mr. Chairman, that there is a two year limit.

Mr. Hough: Well, in fact there is a one year limit on the filing of a claim but that year doesn't expire until twelve months after the actual death of the employee. From the point of death there is still a year in which your claim can be filed.

Mr. Chairman: Anything further on page 10? I think at this time I will call a short recess.

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Mr. Chairman: At this time we'll call Committee back to order. Do you have anything else on page 10? Page 11?

Mr. Stutter: Mr. Chairman, it is partly back to 10 and on top of 11. I would like to ask in normal cases, once the Commissioner had appointed a referee would decisions be an either/or type of decision such as suggested in both 18(2) and on page 11 at the top under section (b) it says in the opinion of the Commissioner or the referee and then on 18(2) back on page 10, the Commissioner or the referee. Once the referee is appointed would it not be the normal duty of the referee to make these type of decisions?

Mr. Legal Adviser: It depends who the people come to who would give the decision, who has jurisdiction of the case at that particular time. But either of them giving a decision is a just cause can stop the bar effect of the section.

Mr. Chamberlist: I wonder if Mr. Legal Adviser would clarify, and I think perhaps Councillor Stutter made the opening. Suppose the Commissioner gave the one decision and the referee gave a different one, what would be situation then.

Mr. Legal Adviser: Then the workman would -- if either -- he could persuade either one.

Mr. Chairman: He could take either one.

Mr. Chamberlist: As long as it is in favour of the workman.

Mr. Tanner: Mr. Chairman, are we on page 11?

Mr. Chairman: Yes.

Mr. Tanner: There is some bit of contradiction here on page 11. Section 19, subsection (2) in the middle of the paragraph, it talks about an expiration date of three days. Then in section 20, subsection (1), paragraph (a) it says a written report has to be made within seven days why are they both not the same? Two of 19 and (1)(a) of 20. Why -- if there is an obligation on one part of party then the employer had only three days, why cut it down to three days why not make it seven in both cases. Why should the medical profession have any other than the employer?

Mr. Rivett: Different laws for different people.

Mr. Tanner: That is what we are trying to avoid, Mr. Speaker.

Mr. H. J. Taylor: Mr. Chairman, I think the secret is there in 19 too. The three days is after they have been, a demand by the Commissioner has been served on them for a report and he wouldn't serve that demand until quite a bit after -- it wouldn't be within the first three days after the accident. But once he has been served with a demand then he has to produce it before three days, that is probably because we have got the doctor's report already and we haven't got the employer's report.

Mr. Tanner: Supposing it was given -- supposing the Commissioner informed the employer on Friday - Saturday and Sunday the employer normally doesn't work and he has to have it back in from Thursday, and something happens and he doesn't do it on Friday, by this legislation he has got to have -- he is in jeopardy already. I don't see any point in making it this tight. Why not just make it just seven days and make it more reasonable.

Mr. Legal Adviser: Where something is required to be done on a Sunday there is an extra day added automatically.

Mr. Tanner: Even so, why not give him a bit more reasonable time. What is the sense of the speed why not seven days.

Mr. Legal Adviser: The workman cannot get his money until the employer does something, all the employer does is make a report.

Mr. Tanner: Well, yes. The employer has other obligations besides making a report to the Government, you make enough of those anyway to the Federal Government, now the Territorial Government. Why should a medical practitioner have seven days and the employer not have seven days?

Mr. Commissioner: Mr. Chairman, is this particular fog causing any difficulties now because I gather this is exactly the same as in our current Ordinance. Perhaps Miss Wasylynychuk would like to pass judgment on this.

Mr. Tanner: I'm sorry I didn't hear what you said.

Mr. Fingland: There is no problem.

Mr. Tanner: Well I am an employer, Mr. Chairman, I can think of a situation where it would be difficult to have that report in three days. I see no reason why to be so strict on three days. Why not make it seven?

Mr. Hough: Mr. Chairman, could I say a word here, maybe it will help clarify it. This is not the initial report, this particular employer has failed to file a report where there is a man injured. He is being served with a notice to report. He has already had the opportunity to report in the normal time, so he has failed to do something and this is to endeavour to make him file it. You could have a workman, if you are going to give him seven days probably there has already been fourteen days gone by from the date of the accident.

Mr. Chairman: Anything further on 11?

Mr. Chamberlist: I have already pointed out to Mr. Fingland during recess, Mr. Chairman, that section 20(1) would have to be looked at because 20(1)(a) requires a written report within seven days after the day of his first attendance on the workman, this is the medical practitioner. Then (b) says a progress report on the first and fifteenth days of each month. Now the point is that there is nothing in here to say that if the patient doesn't go to see the doctor after he has been advised to see the doctor, then the onus is still upon the medical practitioner to make out a progress report on the first and fifteenth day, notwithstanding. There is a section in the Alberta legislation which perhaps Mr. Hough will read out, which I think is the intent of the wording here.

Mr. Hough: Mr. Chairman, the Alberta Act sets out (b) such reports from time-to-time as he considers necessary as a physician or where as may be required by the Board. In this case it would be by the Commissioner. And in discussing it, the Member has mentioned we are going to take a good look at the Alberta Act on this one. This is the way your previous Ordinance was written.

Mr. Chairman: Section 20, subsection (2) states that the medical practitioner referred to in subsection (1) shall, without any charge therefor, give all reasonable and necessary information, advice and assistance. If a medical practitioner provides service shouldn't he be paid by somebody or is this inferring that he is not supposed to charge the individual, but certainly he is charging somebody for it. I question the way that that is termed.

Mr. Chamberlist: This is, Mr. Chairman, why I raised this specific point and I wonder if there is anything in the Alberta section dealing with that.

Mr. Fingland: Well, I think, Mr. Chairman, I think we have to be very clear here. We are not really talking about service, we are talking about the provision and the information and advice. The provision of actual medical services is separate and distinct in the actual provision of information and advice.

Mr. Tanner: Yes, but if he is going to make a legible report surely he is going to get paid for it.

Mr. Chairman: If he goes to some extent to prepare a report it wouldn't be fair to say that he can't charge for it.

Mr. Fingland: He certainly is not going to be the pride of appropriate compensation for payment of the actual lending of the service, then we don't want him to be able to say I'm sorry I can't give you information or advice as to what should be done in this particular case.

Mr. Hough: Mr. Chairman, the Alberta Act is a little more definite, it says that the physician shall also without charge to the workman. But that doesn't mean he can't charge the Ordinance.

Mr. Chairman: That right, now let's get that point in here. I think the whole thing should be looked at and made similar to the Alberta Act. Anything further on 11? No. 12?

Mr. Tanner: It is not on this, but a suggestion was made this morning or this afternoon about having a caucus meeting this evening, I wonder if the other Members have any questions.

Mr. Chairman: Will there be anything further on No. 12? Page 13?

Mr. Stutter: Mr. Chairman, I don't know if it is in my reading or the wording itself, but in (4), it appears that the two physicians that were selected may examine the -- may have to or be required to examine the workman two or three times before they come to a decision. Am I wrong in reading this?

Mr. Legal Adviser: The only thing, it says after examination it doesn't say after one examination. It is quite understandable they may require two or three examinations, but there is up a medical arbitration to people after proper examination can nominate a third doctor and who then decides.

Mr. Stutter: No, but it points out that, if you read the second part of the paragraph, it says there that a third shall be selected by the referee from such list and the three medical practitioners shall examine the workman. This is the second examination right after the first one, a further examination.

Mr. Chairman: How do you relate in (4), relate, you say a list of those nominated pursuant to subsection (1).

Mr. Chamberlist: They nominate, Mr. Chairman, the last part of the sentence, if any, may nominate four or more duly qualified medical practitioners.

Mr. Chairman: Oh, I get it now. So these are standing nominations sort of thing.

Mr. Chamberlist: No not necessarily.

Mr. Legal Adviser: Nominations are made each time under subsection (1), Mr. Chairman.

Mr. Chairman: You will have four physicians.

Mr. Legal Adviser: You might nominate specialists in certain fields. You may have a planner or people to advise that you may refer to, but in fact depend on the physicians ability whom you have selected.

Mr. Chairman: Anything further on 13? 14? Nothing on 14? 15? 16?

Mr. Tanner: Yes, Mr. Chairman. Section 29, I can see the merit of having the section which says the Commissioner may divert compensation from the workman to his dependent who is not being properly supported, and I can see the benefit of having that section in there, but is the section going to work the other way where the dependent might try to substantiate a claim that she or he is not being supported or a child is not being supported whereas in fact it is just an internal family. Consequently the Commissioner could be convinced that he should divert these funds and I'm just wondering how the Alberta -- Perhaps Mr. Hough could tell us how the Alberta legislation reads in that particular section. Is it exactly the same?

Mr. Hough: Very much similar, Mr. Chairman. You are referring to section 26, I believe?

Mr. Tanner: 29.

Mr. Hough: Oh, you're away ahead of me. Yes, Mr. Chairman, in Alberta we can run into this situation there where well a workman takes off and he leaves his wife and family and they are victims of circumstances. He is injured, the Board may direct that a portion of it, I think maybe all of it, but I know a portion of it will be paid, it maybe paid to a public trustee to be administered.

Mr. Tanner: That is what they are doing in Alberta and B.C?

Mr. Hough: Yes.

Mr. Fingland: Mr. Chairman, I wonder if before we go any further if there isn't some embarrassment, that a section has been left out. I find here looking at the old Ordinance, that we have missed a section and I think that...

Mr. Chairman: I noticed you've missed some sections, when I've been going through here, but I thought it was intentional.

Mr. Fingland: No, well some were left out intentionally, but there is one here that we have overlooked and I think that I would like to point it out to Committee at this point, to make sure we pick it up when we do in fact -- section 28 of the old Ordinance providing for occupational retraining of workmen. I think we would like to have that section left in.

Mr. Hough: It should go in on page 15 as section, well it will have to be a new section 26.

Mr. Fingland: It will be between 25 and 26.

Mr. Chairman: Anything further on page 15?

Mr. Legal Adviser: I think it was left out there because of one typing draft of Leg. Prog. or another.

Mr. Fingland: I think it was just a typing error, but I wanted to point it out to Committee because it will appear as though it has been put in as a new item.

Mr. Chamberlist: What was that subsection?

Mr. Fingland: It is section 28 of the old Ordinance and we would suggest inserting it between section 25 and 26 of the new Bill.

Mr. Commissioner: I think the Legislative Drafting Committee may already find that this is already covered in an agreement that we have with Canada, under the Canada Assistance Plan and I doubt that it is required to be put back in the Bill.

Mr. Chamberlist: Mr. Chairman, with respect, I remember I was in on that particular part of it, but the Canada Assistance Plan provides for the cost-sharing basis of rehabilitation and that is we agreed that it could be left out of the Workmen's Compensation.

Mr. Fingland: I think that is true, Mr. Chairman but there is an element in there that I think we should re-examine and that is the power of the referee to order this kind of rehabilitation and retraining.

Mr. Chamberlist: It would be cost-sharing.

Mr. Fingland: It may in fact be cost-sharing, but you see we are also removing the power of the referee to instruct or to direct that particular type of retraining. So there are two aspects to it, who would pay and who in fact has the power to order it be done.

Mr. Chamberlist: Wouldn't you be involved then in getting a refund -- refunding back for half of it? Isn't it going to involve some administrative area. For instance, all of a sudden we have the rehabilitation, the cost of rehabilitation would come back to the Territorial Government from the Canada Assistance Plan or part of it, instead of it being paid for by compensation out of the Compensation Fund.

Mr. Fingland: Certainly, they would have to be upset by any existing programs that were cost-sharing. I really can't comment on the actual technical application of it, but there are two elements in this thing as I see it, Mr. Chairman. One is the actual allocation of cost which I think is what Mr. Chamberlist is referring to. But the other element in the thing which concerns me at this particular glance is the power of the referee to direct that a particular type of training or rehabilitation will take place.

Mr. Tanner: Mr. Chairman, Committee can surely proceed with the -- and the drafting committee can look at this before it comes back to Council.

Mr. Chairman: Anything further on page 16?

Mr. McKinnon: Mr. Chairman, section 30, sub (a), the necessary expenses of the burial of a workman not exceeding four hundred dollars. I was in contact with our friendly mortician, they seem to indicate that -- what they consider to be not to be a class burial with all the minimal burial services in Yukon run in the neighbourhood of some \$675. I was wondering whether this had been looked into and checked into because maybe prices of funerals like everything else has escalated. I would like this to be looked at because I don't think on top of everything happening at the moment, that the widower or the family should be expected to lay out a couple of hundred dollars as such is necessary for the burial at the moment. As far as I can understand we are looking into the neighbourhood of several hundreds of dollars that we have put into the Ordinance here, for a funeral in the Yukon.

Mr. Chamberlist: I think there might be some merit in what the Honourable Member has said. If we looked at British Columbia where it is \$380 and \$20 here and as the Honourable Member for Dawson has indicated you may have the cost of thawing out the gravesite. This would take a long time and even a lot of work. There might be some merit in that we should leave that item in and we can discuss it again.

Mr. McKinnon: I have trouble with section (c) too. Because I think there has to be a great deal of flexibility in the

Yukon in this area. I can think of section 30, subsection (c), I can think of, for example, young people who are equipment operators from Old Crow that are at the very other extent of Yukon and the price of bringing their body back from that place of employment to a place like the Village of Old Crow, I think that you will find will exceed \$100 or \$105 and I don't think that this cost should be borne by the family or dependents at that time. I think that you are going to have to arrive at some type of flexibility in this section to take care of these anomalies or these different situations that do occur in the Yukon Territory. I think that if one were to check, and I think it could be checked pretty simply, the rates, from one extremity to the Yukon to another which could very easily happen. You would find that the cost would be more than that which is allowed in the Ordinance.

Mr. Chairman: I would think, just from the Chair, that I would agree and I think that probably the way around it is to flat out say that you are going to pay the actual cost, transportation ...

Mr. Commissioner: With the last four or five workmen each year.

Mr. McKinnon: It can be looked at at the next draft, there are situations that are so different in the Yukon that just don't apply in a province where you can take a flat fee and average it out that it won't be more than this, it just doesn't hold true in the Yukon.

Mr. Fingland: Of course, I think, Mr. Chairman, I should point out that if I do it in this particular way we are reintroducing Commissioner's discretion.

Mr. McKinnon: In this area I am more than happy because I know present holder of the ...

Mr. Rivett: Because you said you need it now, come on now.

Mr. Stutter: Mr. Chairman, I would like to point out now that if we do delete those last few words what happens if a workman happens to have come from Australia or New Zealand, it doesn't necessarily say the Yukon.

Mr. Commissioner: Well we are not involved. Mr. Chairman, our jurisdiction is only within the Yukon Territory.

Mr. McKinnon: I just have to disagree with Mr. Fingland because as the Commissioner said if the last words were excluded there is no Commissioner's discretion at all for the actual cost of transportation.

Mr. Fingland: It would be the necessary expenses, someone would have to determine.

Mr. Chairman: Anything further on page 16? Page 17?

Mr. McKinnon: Seventeen. I, Mr. Chairman, to a dependent widow or widower it almost seems an insult that she is in a financial circumstances to be allowing \$15 a month in this day of age, I mean really isn't that more in addition even -- you can't even buy a good roast for \$15 anywhere.

Mr. Chamberlist: I think (g) is also something -- I don't know why, I know I asked for it to come out, but it says to a dependant child who is sixteen or seventeen years of old, which one, sixteen or seventeen in legislation, now what is it one or the other. Well let's say with a maximum age of seventeen then, I don't know why we say sixteen or seventeen.

Mr. Legal Adviser: It is a drafting point. We considered this and I ask you not to accept the Honourable Member's suggestion.

Mr. Chamberlist: I want to know why, because when you say that I want to know why. Mr. Legal Adviser better give a very good explanation, now, because I want to know why if it is a drafting point, why it should be drafted like this. To have it drafted to a dependent child who is sixteen or seventeen years of age, now which way are we going to have it sixteen or seventeen. That is discretion again.

June 15/73

Mr. Legal Adviser: Mr. Chairman, we are dealing with certain types of certificates of payment, and we want to give this payment to a child who is sixteen, in other classes a child will get payment who is seventeen we want to give to him, but only to a child who is sixteen or seventeen, not one who is fifteen or eighteen. So, there are 18 different ages a child can be between one and eighteen, we want to take two of that class of people, a class of sixteen and a class of seventeen. It will save them as we thought very clearly a class of child which is sixteen and a class of child which is seventeen.

Mr. Fingland: I think, Mr. Chairman, I should point out that this really has to be looked at in relation to 32(1) I see it goes into this whole question of whether there is school. It is quite an involved section.

Mr. Chamberlist: I just raised the question because I don't think Mr. Legal Adviser should say in the manner that he did say. If I stand up and answer questions, I just want an answer from him, just so that I can deal with him after nine o'clock. So let's get an answer on the record.

Mr. McKinnon: I still have trouble with both (i) and (j) and I can just see circumstances where the widow or the child is in dire circumstances because of all the tragedy that has transpired. Finally, goes to somebody and they say, yes, we can help you. Now we want to help you and the maximum we can do is give you an additional \$15 a month. I would rather see the section out of there than paying \$15 a month. Let's be serious, it is just not going to help anyone, it is more of an insult than anything else to have to go and ask for additional help and be allowed an magnificent sum of an extra \$15. It is an insult.

Mr. Chairman: I would draw the attention of Committee to the time.

Mr. Chamberlist: Could we take this under advisement then, Mr. Chairman, this particular point. Thank you.

Mr. Tanner: (i) and (j)?

Mr. Chamberlist: (i) and (j). that Mr. Speaker do now resume t

Mr. McKinnon: I'll second that.

Mr. Chairman: Order. Committee witnesses be excused at this time could be prepared to attend tomo Orders of the Day have been comp by the Honourable Member for Whi the Honourable Member for White Speaker do now resume the Chair. question? Are you agreed? I de

Some things don't change.

MOTION CARRIED

Mr. Speaker: Council will now c a report from the Chairman of Committees?

Mr. Taylor: Yes, Mr. Speaker. Committee convened at 2:50 p.m. to discuss Bills. Mr. Fingland, Mr. Taylor, Mr. Hough attended Committee to discuss Bill No. 32 and Committee recessed at 4:45 p.m. and reconvened at 7:05 p.m. this evening. Mrs. Wasylynychuk attended Committee to assist in discussion of Bill No. 32. I can report progress on Bill No. 32. It was moved by Councillor Chamberlist, seconded by Councillor Tanner that Mr. Speaker do now resume the Chair and this motion carried.

Mr. Speaker: You have heard the report of the Chairman of Committees, are you agreed? May I have your further pleasure?

Mr. Taylor: Mr. Speaker in respect of the agenda, it is the intention of your Committee to consider Bills tomorrow.

Mr. Speaker: May I have your further pleasure?

Mr. Tanner: Mr. Speaker, I move we call it nine o'clock.

Mr. Stutter: I'll second that.

Mr. Speaker: It has been moved by the Honourable Member for Whitehorse North, seconded by the Honourable Member for Dawson, that we now call it nine o'clock. Are you prepared for the question? Are you agreed? I declare the motion carried.

MOTION CARRIED

Mr. Speaker: This House now stands adjourned until 10:00 a.m. tomorrow morning.

ADJOURNED

Friday, June 15, 1973

Mr. Speaker reads the daily prayer.

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

Mr. Clerk: There is, Mr. Speaker.

Mr. Speaker: The House will now come to order. Are there any Documents or Correspondence to be tabled.

TABLING OF LIQUOR VENDOR'S MEMO & WHITE PASS TELEX

Mr. Chamberlist: Yes, Mr. Speaker, we have this morning for tabling a memo dated May 25, 1973 to all Liquour Vendor's and a telex from the White Pass re Compensation legislation.

Mr. Speaker: Are there any Reports of Committees? Are there any Bills to be introduced? Are there any Notices of Motion or Resolution? Are there any Notices of Motion for the Production of Papers? We now come to Motions.

MOTION FOR THE PRODUCTION OF PAPERS # 1

Mr. Speaker: Motion for the Production of Papers. It has been moved by Councillor K. McKinnon, seconded by Councillor D. Taylor, that a copy of the expense accounts of the elected members of the Executive Committee since the Executive Committee was instituted, be provided to all Members of Council. Are you prepared to proceed with this motion at this time? Are you agreed? I declare the motion carried.

MOTION CARRIED

MOTION #1

Mr. Speaker: Motion No. 1, it has been moved by Councillor M. Stutter, seconded by Councillor C. Tanner, that the hours of Council meetings during this Session shall be from 10:00 a.m. to 12:00 noon, and from 2:00 p.m. to 6:00 p.m., Mondays to Fridays, inclusive. Are you prepared to proceed with the motion.

Mr. Stutter: Yes, Mr. Speaker. It now appears to be not sensible to proceed with the motion because I believe probably this Session will be over tomorrow, so with permission of the seconder, I am quite prepared to withdraw this motion.

Mr. Chamberlist: I think we should call it, so we can agree on it.

Mr. Speaker: Are you prepared for the question?

Mr. Tanner: Mr. Speaker, before you put the question to the floor, surely we have got to pass something in this House, so we can sit tomorrow.

Mr. Chamberlist: No, we don't need to.

Mr. Speaker: Are you prepared for the question?

Mrs. Watson: Mr. Speaker, I'd like further clarification. This says 10:00 a.m. to 12:00 noon and from 2:00 to 6:00 p.m. from Mondays to Fridays, inclusive.

Mr. Speaker: It is going to be a long Friday.

Mr. McKinnon: Mr. Speaker, I think that Members are worried about sitting tomorrow and this can easily be resolved when Mr. Speaker resumes the Chair at the end of the day.

Mr. Speaker: Are we agreed? I declare the motion carried.

MOTION CARRIED

Mr. Speaker: We now come to the Question Period.

Mr. Tanner: Mr. Speaker, I draw Mr. Speaker's attention to Motion No. 2, may I proceed?

Mr. Speaker: I have no copy of the motion.

Mr. Taylor: I don't either, Mr. Speaker.

Mr. Tanner: Well, Mr. Speaker, I informed the House -- With the indulgence of the House I don't intend to proceed with this motion today, but I do want to proceed with it tomorrow.

Mr. Speaker: Mr. Clerk, would you like to see if the Commissioner is available.

Mr. Clerk: Mr. Speaker, the Commissioner is performing a short function at the Canadian Bank of Commerce's 75th birthday in the Yukon Territory today. He should be here very very shortly. I suggest within five minutes.

Mr. Speaker: We will have a short recess.

RECESS

Mr. Speaker: The House will now come to order. Are there any questions?

QUESTION RE LIQUOR VENDOR'S MEMO

Mr. McKinnon: Mr. Speaker, we have received a memorandum from Mr. Thibault concerning a special occasion permit and reception permit. I find things in it which really, as an elected member, are repugnant and I would like to ask Mr. Legal Adviser a question on the memorandum. On the page dealing with special occasion permits (1), no person under the age of 19 years is to be permitted at a function. I wonder, Mr. Speaker, if it wouldn't be wiser if we moved this memorandum in to Committee for discussion. Unfortunately, I missed the opportunity at the time of motion. I think, I know that many Members have questions on this subject and whether, Mr. Speaker, would rather it be moved in to Committee or rather allow it to be in a Question Period of this nature in Council, I would like him to proceed.

Mr. Speaker: I would rather have it in Committee. Any further questions?

QUESTION RE EMBLEM OF THE YUKON

Mr. Tanner: Mr. Speaker, I have a question for the Commissioner concerning the emblem of the Yukon. What private enterprises can use the emblem and do they have to obtain special permission from the Government to be able to use it, this emblem on their stationery?

Mr. Commissioner: Mr. Speaker, there is no limitation of inhibitions on the use of this except that prior permission is required. The requests come in, not in any great amount, I turn them over to the Legal

Adviser and he in turns a letter for my signature and I cannot recollect any that have been refused in recent time. Perhaps the Legal Adviser would like to add to the explanation that I have given you.

Mr. Legal Adviser: I have nothing to add. What the Commissioner says is perfectly correct, but an endeavour is made, occasion, especially in the word, using the word, Klondike, and, of course, the emblem to retain it in noncommercial purposes and purposes in the Territory.

Mr. Tanner: A supplementary question, Mr. Speaker, can a commercial enterprise make an application to the Commissioner to use the emblem, for example, on their business stationery?

Mr. Legal Adviser: They can make an application and if an application is made it will be considered in light of all the circumstances at that time and the purpose for which it is used.

QUESTION RE B.C. RAILWAY EXTENSION

Mr. Taylor: Mr. Speaker, I have a question I would like to direct to Mr. Commissioner, this morning. It has reference to discussions that were held some months ago between the Commissioner of the Yukon Territory and the Premier of the Province of British Columbia and the Governor of the State of Alaska, Governor Egan, in respect to the B.C. railway expansion. I am wondering if Mr. Commissioner could, if he has this information, relate to the Council just what the current status is of a northern extension of the B.C. rail system into the Yukon and on through the Yukon.

Mr. Commissioner: Mr. Speaker, I think in all fairness I would like to suggest that the discussion that took place between the parties with whom I was one, really did not touch on the policies of the B.C. Government with regards to the expansion of the railway. So if the Honourable Member would allow me to offer the information that I have at the present time, I would like to offer it in the context that it has nothing at all to do with the private discussions that took place between Premier Barrett and Governor Egan and myself. Is that a satisfactory approach and it is agreed? I think that Honourable Members are aware that the former Minister of Transport announced a very comprehensive policy of the Federal Government in cooperation with the British Columbia Government of combining not only the use of present lines that exist of the British Columbia railroad and the Canadian National railroads and northern British Columbia, but an expansion program designed to see that neither of these two railroads would wind-up building what could be called a competing line and as part of this they took the port of Prince Rupert was to be designated as a national harbour for port and would become the, shall I say, the part that would be developed as the rail port particularly for the northern resources of British Columbia and, of course, very obviously for the Yukon because part of these rail expansions were to go into the Yukon Territory. After that was publicly announced the Government of the Yukon Territory made very strong representations to our Minister that the short range interests of the Yukon Territory had been neglected in this statement and that we were very upset about this and wanted to see the study that was referred to and encompass not only the long range, but the short range needs of the Yukon Territorial Government. This has been done and as a consequence there has been considerable revision to the short range and long range thinking of the expansion of rail transport as referred to in that initial statement by the Minister of Transport. The end result of this being that the needs of the Yukon are being examined by a committee of the Ministry of Transport, the Department of Indian Affairs and Northern Development, and the Yukon Territorial Government and I am quite confident that as a consequence of this committee being set up and our transportation needs being examined as a separate entity in this whole package that our needs are going to get the proper priority in this total transport package. Now the balance of the question, can I say anything about the program, or the time element as far as implemtation of any rail expansion in northern British Columbia is concerned,

Mr. Speaker, I am sorry I cannot answer that question at this time, because I simply do not know.

QUESTION RE NORTH CANOL ROAD AND TUNGSTEN ROAD

Mr. Taylor: I have an additional question to direct to Mr. Commissioner, Mr. Speaker, this morning. In view of the marked and sharpened and I should say, recent increase in activity in the North Canol Road north of Ross River and on the Tungsten Road north of Watson Lake and the Campbell Highway. Is the Administration, I don't intend this to be a direction, Mr. Speaker, but is the Administration taking a look at this situation with a view to upgrading both roads and also the airstrips in the area.

Mr. Commissioner: Mr. Speaker, I would like to take this part by part. I think, all Honourable Members are aware that as a consequence of representations made to the Federal Government several years ago, money was provided for us to bring the North Canol Road from Ross River to the Macmillan Pass area up to a standard which permits its use for the type of activity that has been going on in that area up until now. The question of doing further work on this old road into the Northwest Territories, I feel is of very great importance to the continuation or the ease of exploration work in that area and the matter is on the agenda for the Interdepartmental Roads Committee meeting which will be held in Whitehorse some time in the course of the next few days. Certainly from the Yukon Territorial Government's point of view, we are going to attempt to make a very strong

for the next sixty odd miles of this road, to be rehabilitated in a manner similar to what the section in the Yukon, from Ross River to the Macmillan Pass has been. The second thing, concerning the Tungsten Road. This road is in constant use, a portion of it is maintained by the Canadian Tungsten Mine as a mine access road, the balance of it is maintained as part of the Territorial highway system under the formula that we presently have with the Federal Government and no changes are contemplated in this particular situation at this time. The third thing concerning airfields, I think that Honourable Members are aware that insofar as resource type airfields are concerned this becomes part of the northern airfields policy and all that can be done here is that those people who want to build airfields can apply for assistance in the normal manner and to the best of my knowledge that assistance will be forthcoming if they can make a case for it, just the same as other entrepreneurs will have similar applications under that policy of the Federal Government.

QUESTION RE HOBBS' REPORT

Mr. Tanner: Mr. Speaker, I have a question for the Commissioner. Could the Commissioner outline to the House the general thinking or the general policy with regard to prosecuting various alderman within the city as a consequence of the Hobbs' Report? City of Whitehorse. I understand that the papers for the case have not yet been filed in Court and consequently there is time for an explanation before this comes before the Court.

Mr. Commissioner: Mr. Speaker, the questions raised by the findings of the Hobbs' inquiry resulted in us taking the action that we did. It is just that simple.

Mr. Tanner: I have a supplementary question, Mr. Speaker, I think that all Members probably read the final of the Hobbs' Report and I personally didn't see anywhere in there where the question of the validity of the aldermen of the City of Whitehorse staying in their positions as being questioned at all. I understand this question of the purchase of land is in answer to that. Could the Commissioner elaborate at all on this.

Mr. Commissioner: Mr. Speaker, I am very reluctant to become involved in what could become a debate on this, but let me say this, Mr. Speaker, that the findings of the Hobbs' Report according to the way the report was written clearly indicate that certain actions had been done with the word, improperly, would that be correct, Mr. Legal Adviser, and this raises the question that these improper actions were done. Is there a legal city government in

the City of Whitehorse? The recommendations of the Hobb's Report did not seem to have any reflection or have any direct bearing on how the findings were sticking. This question was before us and we felt it was not right for the administrative arm of a government to be undertaking or taking upon itself any kind of a decision with regard to this; it was a matter which should be referred to a judicial body to make a decision. That is where the matter is at this time.

Mr. McKinnon: Mr. Speaker, a supplementary question to ask Mr. Commissioner to point out the need -- the area in the Hobbs' inquiry that stated that the aldermen sitting on the present city council of the municipality of Whitehorse were not sitting there legally?

Mr. Chamberlist: I raise on a point of order, Mr. Speaker. Mr. Speaker, I would ask all Honourable Members and Mr. Commissioner especially to be very careful indeed to answer this type of question. Notwithstanding that the Government of the Yukon Territory hasn't actually commenced any proceedings. There are proceedings before the Court in relation to this. I caution anybody in making any reference or giving any answers to any method that is sub judice at this time. Perhaps, Mr. Legal Adviser, at this time because he can't get up in this Council without somebody asking him, I would ask Mr. Legal Adviser at this time to indicate whether or not it is proper for any Member to question this particular area because the subject method is before the courts as a result of certain proceedings that have been commenced by the City of Whitehorse jointly with various members of the Whitehorse Council. I wonder if Mr. Legal Adviser would make some comment on this.

Mr. Legal Adviser: I have little comment to say, Mr. Speaker, except that it is an action presently before the courts which is due to come for a hearing on June the 22nd, which is a week from today. There is another action which is about to commence, but the amounts, it is true, have not but we find out Monday.

Mr. Speaker: Let us consider the matter closed. Are there any further questions?

QUESTION RE MR. STEEVES

Mr. McKinnon: Mr. Speaker, I wonder, if I could direct a question to the Director of Legal Affairs. Mr. Speaker, as I understand the Director of Legal Affairs, the hierarchy of his department would be a crown attorney or the member of barristers and solicitors active in the Department of Legal Affairs under it would be a crown attorney plus an assistant -- the Director of Legal Affairs. I'm talking about professional help in this department, plus I understand that the Director of Legal Affairs has recently taken on an additional lawyer in his department which seems to be four professional people that are active in the practice of law within the purview of the Director of Legal Affairs. I was wondering, Mr. Speaker, with this amount of talent being paid by the taxpayers, why the Director of Legal Affairs, thought it necessary to seek a solicitor by the name of Mr. Steeves from Vancouver to prosecute certain actions that are being taken by the Yukon Territorial Government at the present time. Whether the present staff of the Legal Department is incompetent or they haven't got the confidence to direct those prosecutions that the Government of the Yukon Territory is now undertaking?

Mr. Legal Adviser: Mr. Speaker, two of the people referred to by the Honourable Member are Crown servants of the Department of Justice, Mr. Wong and Mr. McIntyre. There are two lawyers in my department, myself and Mrs. Walters. The Government took the decision in taking the action, which is not a prosecution, it's an action to engage an outside person who is not formerly connected with the Government to act as their counsellor in this case in an attempt to keep this matter in a non-political feeling and purely on a legal aspect of the court.

Mr. McKinnon: Well then is, Mr. Legal Adviser, saying that the Department of Legal Affairs of the Government of the Yukon Territory would be acting in a political manner if they undertook a prosecution for the Government of the Yukon Territory in these matters.

Mr. Legal Adviser: I didn't suggest that, Mr. Speaker, but the department was involved in the prior decisions leading up to this and I appeared for the Government in the Hobb's inquiry itself. The Government felt an outsider could possibly cool things off a little bit better than a person who is actually a civil servant of this Government to conduct any action.

Mr. McKinnon: I understand, Mr. Speaker, and I would like to ask Mr. Legal Adviser, if this solicitor which is I imagine is on a retainer from the Government of the Yukon Territory is also being -- going to be used in the prosecution under the medicare act and also the prosecutions of those people who have claimed to fail to register and also in the charges of the Government of the Yukon Territory as level that Dr. Wigby in Watson Lake.

Mr. Legal Adviser: Yes, Mr. Speaker, he'll be accepting briefs in that and his method of payment will be the normal method in which a lawyer is paid, he'll submit a bill in the normal way. It is not one of those personal matters, it is services rendered by one of his members to the company and the bill will be made up on a time basis.

QUESTION RE MEDICARE CHARGES

Mr. McKinnon: Mr. Speaker, a supplementary question. Could I ask the Director of Legal Affairs what the fee will be for a lawyer of Mr. Steeves' stature to the Government of the Yukon Territory per day and where this money is found in the estimates of the Government of the Yukon Territory?

Mr. Legal Adviser: It will be under Special and Professional Services which is under my department which permits engagement of counsel and we do engage outside counsel from time-to-time, the crown does the same thing when the crown prosecutors office is too busy on a theme basis and this is where the money will be found and the bill by a firm call Russell and DuMoulin which is a firm in Vancouver which in fact is engaged in this. Mr. Steeves is the person nominated by that firm to handle the briefs in this matter.

Mr. McKinnon: I wonder, Mr. Speaker, if Mr. Legal Adviser would answer my question, what would be the cost per day to the taxpayer of the Yukon for Mr. Steeves services.

Mr. Legal Adviser: I couldn't say, Mr. Speaker, with certainty, but on the last occasion when we engaged outside help the bill was \$300 a day.

Mr. McKinnon: I wonder, Mr. Speaker, a supplementary question whether the Director of Legal Affairs could tell us how many days now, Mr. Steeves has been retained by the Government of the Yukon Territory and how many more days he will continue to be retained by the Government of the Yukon Territory?

Mr. Legal Adviser: I couldn't say exactly have many days because I haven't received any bill yet, Mr. Speaker. I would estimate in the forthcoming action on behalf of the Government perhaps possibly two days and there may be other actions of prosecutions. I expect in the medicare prosecutions it will be for a total of four days.

Mr. Speaker: Are there any further questions?

QUESTION RE FARO CONDITIONS

Mr. Taylor: Yes, Mr. Speaker, I have one question related to the town of Faro. In view of the alarming situation there in relation to the breakage of the water system and the frequent breakage and breakdown of the system and also in relation to the alarming condition of the subsoil in some parts of the community, the subsoil condition. I am wondering and also in light of the very great fiscal consequences that has upon the municipality. I am wondering if Mr. Commissioner could advise me if he is aware of the situation and also if he could give Council some assurances that his Administration will, as early as

possible do something to rectify this or to assist the municipality in finding solutions to these problems?

Mr. Commissioner: Mr. Speaker, I am reasonably aware of these conditions that the Honourable Member has referred to and I think that Honourable Members are aware that I was in the town of Faro here most recently about a week ago and while I was unable at that time to speak to any of the members of the city council who really carry the ultimate responsibility for these things. I was able to speak with certain members of the Anvil Mine, the corporation managerial staff there and I certainly recognize that there is potentially a very heavy burden that could be placed on the municipality if the waterline problems and the subsoil problems that the Honourable Member has referred to were to continue or if they were, should I say, become chronic as opposed to urgency and difficulties that happened last winter. However, I would like to assure all Members that we have available all the resources of the Territorial Government's staff and the Federal Government's staff to assist the municipality in any examination of any of these problems and more than happy to assist them to look at it in any kind of a cooperative manner at all. We hesitate to run in there with a whole team of experts and say, do this, do that, and do the next thing. I would strongly suggest to the Honourable Member that if we have any representations from the municipality of Faro or any of the organizations that are basically connected with the municipality seeking our assistance or advice in this matter it would certainly be given.

QUESTION RE TERRITORIAL PARKS POLICY

Mr. Taylor: Mr. Speaker, I have just one final question this morning and that is related to the territorial parks policy. I would like to ask Mr. Commissioner, Mr. Speaker, if he could advise Council if a policy has yet been formulated since the Spring Session and if so if copies of this policy could be made available to Members of Council?

Mr. Commissioner: Mr. Speaker, progress towards the establishment of a parks policy in the Yukon has been -- there has been no progress at all. The only document that we have at the present time is a document prepared a few years ago, I am sorry the man who prepared it -- Mr. Baker and this will be the basis of it, but I would like to suggest that we wait at a year of having any thing of a definitive nature which will be before Council and certainly it will be distributed and made available as quickly as it can be put together. I don't want Members to be under the illusion that there has been any progress up until now nor is it liable to happen tomorrow.

QUESTION RE INVOLVEMENT WITH MINISTRY OF TRANSPORT

Mr. Stutter: Mr. Speaker, I have a question for the Commissioner. I may require a written answer, but I would like to know to what extent the Territorial Government is being involved with the Ministry of Transport in relocating their office from Dawson here to the airport. I am talking about financial involvement and to what extent they have been involved with the provision of a waiting room at the airport and the building of a power line between Dawson and here?

Mr. Commissioner: Mr. Speaker, we are very heavily involved with the Ministry of Transport in this matter and I would like to take this opportunity in congratulating the Ministry of Transport for being so willing and cooperative in these endeavours, not only as it applies here in Dawson, but it as it applies to airfields throughout the Yukon Territory. I think that all Honourable Members know that there have been several resolutions of this Council over the years before the total inadequate public facilities at the Dawson airfield and there has been a definite movement on the part of the Ministry of Transport to make it possible for this deficiency to be corrected and while I cannot guarantee that this is going to happen this year, it is certainly being put together at the present time by the Territorial Department of Public Works and the applicable people in the Ministry of Transport from the Regional Offices in Edmonton and if

we can get the package together on a cooperative basis, as we hope we can, the ultimate result will be adequate waiting room facility at the Dawson City airfield and the housing there at the airfield of those Ministry Transport services which are presently located here in the City of Dawson and very obviously, of course, we will include the very necessary communications lines and power lines to make all this possible.

QUESTION RE EDUCATION POLICY PAPER

Mr. McKinnon: Mr. Speaker, I have a question for the Commissioner. I have in my hand an information release released by the Information Services of the Government of the Yukon Territory on June 7, 1973 and the headline is Federal Government Educational Policy Will Create Apartheid in the Yukon Territory Say Councillor. I was wondering, Mr. Speaker, if the Commissioner could say whether the Information Services of the Government of the Yukon Territory could be used by any and all Councillors for the dissemination of their personal opinions on any Government policy?

Mr. Commissioner: Mr. Speaker, the answer is in the negative and the situation here is that Councillor Watson in her capacity, as Administrative arm of the Government, as the individual responsible for the Department of Education has seen fit to put this particular comment forward in the normal course of the duties that she is charged with.

Mr. Tanner: A supplementary question, Mr. Speaker. Could the Minister of Education inform the House whether that policy that she has defined in that newsletter is the policy of the Government or is it a personal policy?

Mrs. Watson: Mr. Speaker, the policy that was put forward is the policy of the Government and has been the policy of the Government in the past and will continue to be the policy of the Government. The Honourable Members will have an opportunity when we bring our legislation, our School Ordinance down to recommend the various changes that they want made, that this is the policy that the Government has been following in the past and this will continue until certain changes are made by this Legislative Assembly.

Mr. Tanner: A supplementary question, Mr. Speaker. Could the Minister inform the House whether or not she has changed her view or treated it any differently since meeting with the Minister of Indian Affairs.

Mrs. Watson: Mr. Speaker, my view remains the same in that it might be interesting to the Honourable Member that the Minister was quite in agreement with the idea. I think the interpretation of the Indian policy that has been taken by various native organizations in Yukon really was not the interpretation that was meant by the Minister to be taken on the Educational Policy. The Minister and the Government of Canada feels that in situations such as Yukon we should continue with the school system that serves all children and in only very specific areas where you have a large community of native people would you even be able to consider having just native schools.

Mr. Speaker: Are there any further questions?

QUESTION RE OUTPATIENT CHARGES

Mr. McKinnon: Mr. Speaker, I would like to direct a question to the Executive Committee Member in charge of Health, Welfare and Rehabilitation. I would like to ask him, whether any consideration is being given to dropping the outpatient charges at the hospital. There is a value judgement here, whether the outpatient department feels whether the service is an emergency or not. There are many, many instances of a person who in his mind thinks that it is an emergency nature to go to the outpatient and the only reason he is using the facility and then is being charged back by the outpatient department of the hospital.

Mr. Chamberlist: Mr. Speaker, in answering this question I would first bring to Council's attention that there is a vacancy on the Hospital Advisory Board and I would suggest that the Honourable Member to help facilitate this thought of his make application to Members of Council, I'm sure it would be given, that he become the Member of the Territorial Council on the Advisory Board. I say this, Mr. Speaker, because in answering this question I must indicate that the charges that are made for out patient services is not a charge that comes under the purview of the Department of Health, Welfare and Rehabilitation. But in fact it is a charge that is made by the Whitehorse General Hospital which still at this time is a facility of the Department of National Health and Welfare. This is the reason why I cannot get involved in to this particular area, but I would ask, Mr. Speaker, that the Honourable Member does consider, and I mean this in all seriousness, consider going on that Hospital Advisory Board so he can bring his influence there on that particular area.

Mr. McKinnon: Mr. Speaker, the Honourable Member well knows my stand on bringing all the health institutions in the Yukon under the purview of the Yukon Government. I wonder, Mr. Speaker, if the hospital does come under the purview of the Yukon Territorial Government in the near future will it then -- will the outpatient charge now being charged to people in emergency treatment going to hospital be dropped by the Government of the Yukon Territory?

Mr. Chamberlist: Mr. Speaker, I can indicate that when that situation does come about, very close consideration will be given to that particular item and I can indicate that personally I am in favour of the suggestion that has been made by the Honourable Member.

QUESTION RE TRANSPORT PUBLIC UTILITIES BOARD

Mr. McKinnon: Mr. Speaker, I wonder when Committee is called into order and prior to our discussion of the Workmen's Compensation Bill, whether I would be permitted to ask Mr. Taylor, a question as chairman of the Transport Public Utilities Board?

Mr. Speaker: Are we agreed?

Mr. Commissioner: Mr. Speaker, I would ask that the question be directed to me.

Mr. McKinnon: I have no problem in directing the question to the Director of Legal Affairs, Mr. Speaker, except that I don't get answers to questions that I understand very well. If I'm going to ask Mr. Taylor a question at least I can pretty well understand his answer. In any rate, Mr. Speaker, I was wondering -- there have been many complaints not only single complaints, drawn to my attention from bona fide Yukoners holding P.S.V. claims that temporary plates are being issued to operators on a temporary basis who come in which are not residents of the Territory who do not have to fulfill nearly the qualifications of the rest of the truckers and are taking the trucking contract away from those who have permanent P.S.V. licences and are resident of the Territory. I wonder whether there is any consideration being given to make it tougher to get these temporary permits for the protection of these people and the P.S.V. holders who are resident and living in the Territory, year round?

Mr. Commissioner: Mr. Speaker, the Transport Public Utilities Board when they have applications before them, of the nature that I think the Honourable Member is referring to, hold public hearings and the members of this board, I am sure would be very perceptive to any basic policy -- argumentation that would be put forth to them by the transportation industry. I may say that the transportation industry has a very effective spokesman, they have a unit that use to be associated with the Whitehorse Chamber of Commerce and I now believe that they have this found loose entirely and they have a very active transportation body. I think, that Honourable Members are aware that under -- there are certain circumstances under which these so-called temporary permits, particularly for through traffic are practically a reciprocal type of licence that is available. But on the other hand, the body that we have set up who

have judgment on the issuing of P.S.V. licences. When they are holding their public hearings they are well publicized in advance and I would strongly recommend that if the trucking industry is finding that there are abuses creeping in or these licences are being issued under what they consider to be an area of detriment to the economy of the Territory. And that they are finding that their representations to the Transport Public Utilities Board are not receiving what they might call to be a fair or proper hearing, it is possible for the Government of the Yukon Territory to appear before the court and if a case can be made to me that the economy of the Territory is being adversely affected by actions of the Board, the issuing of these licences, I am quite prepared to examine this situation and if it can be proven to be factual I am quite prepared to have a proper paper put together and have a Government of the Yukon Territory appear before the Board to outline the problem that is being put.

Mr. McKinnon: For a point of clarification, Mr. Speaker, the difficulty is not in the issuance of the P.S.V. licences, itself, which are public in the paper, which are given notice, which people are allowed to go and file their objections to. However, it seems to be the opinion of many of those holdings, P.S.V. licences, that the actual P.S.V. licences being perverted by the issuance of temporary P.S.V. licences were none or many of the stipulations concerning the granting of the P.S.V. licence do not have to be fulfilled.

Mr. Commissioner: Mr. Speaker, can I ask the Honourable Member to allow me notice on this question, I recognize this is a short session of Council and I might not be able to, in fact I cannot get an answer back to you in this Session. It is going to be prorogued within the next 24 hours, but I will undertake to get a proper written answer and made available to all Members of Council concerning the point that the Honourable Member has made. Is this a satisfactory answer, Mr. Speaker?

Mr. McKinnon: Thank you.

QUESTION RE PUBLIC SERVICE NEGOTIATIONS

Mr. Taylor: Mr. Speaker, along with line two, the Government of the Yukon Territory is in the process of concluding agreements with the Public Service of the Territory, and I understand it will be some weeks yet before all matters will be resolved. I am wondering if at the time these matters have been resolved, I am wondering, if the Administration, Mr. Speaker, would undertake to send a memorandum to all Members of Council explaining what happened and also what the financial costs of these negotiations would have to the Government of the Yukon Territory?

Mr. Commissioner: Mr. Speaker, the answer is in the affirmative, but I would caution Members that this matter is not completely resolved at this time and as soon as it has been resolved I will see that Mr. Clerk advises all Members of Council in the fullest detail at that time.

Mr. Speaker: We thank the Commissioner for his attendance. As there are no Private Bills and Orders or Public Bills and Orders may I have your further pleasure.

Mr. Tanner: Mr. Speaker, I would move that Council move into Committee of the Whole to discuss Bills, Sessional Papers and memorandums.

Mr. Speaker: Is there a seconder?

Mr. Stutter: I'll second that.

Mr. Speaker: It has been moved by the Honourable Member for Whitehorse North, seconded by the Honourable Member for Dawson City, that Mr. Speaker do now leave the Chair for the purpose of convening into Committee of the Whole to discuss Bills and memorandums. Are you prepared for the question? Agreed? I declare the motion carried.

MOTION CARRIED

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

RECESS

Mr. Chairman: At this time, we will call Committee to order. We have with us Mr. Frank Finland to assist us in discussions relevant to the Liquor Ordinance.

Some Honourable Member: Memorandum.

HOTEL-MOTEL ASSOCIATION BRIEF

Mr. Tanner: Mr. Chairman, before we get into that, one general question, at the last Session of Council, there was a brief presented by the Hotel-Motel Association and at that time we got the assurance from the executive that there will be a meeting between the Liquor Board executive of any department concerned and the Hotel-Motel Association. Could Mr. Finland inform the House as to whether these meetings have taken place and roughly outline what questions, if any, were resolved?

Mr. Finland: Mr. Chairman, a meeting has in fact been held between representatives of the Territorial Government and the Yukon Hotel-Motel Association. We discussed the contents of the Association brief, but there were, in fact, no specific conclusions on the individual items raised by the Association. The meeting was primarily designed to enable the Association to elaborate on the points in their brief and to enable the representatives of the Territorial Government to get a better comprehension of the areas of difficulty in the eyes of the association and to see or not there might be ways and means of making recommendations to the Territorial Government by which the association's recommendations can be brought into effect. That actually is the only point that we have reached. Mr. Chairman, these discussions have taken place and the administration is now at the point where we will have to consider these specific recommendations and the elaborations of these recommendations that took place at the meeting and decide what to do, but we haven't reached that point yet.

Mr. Tanner: Mr. Finland, Mr. Chairman, did you set up another meeting, is it going to be an ongoing thing?

Mr. Finland: What we did, Mr. Chairman, was to agree that we would make ourselves available for further meetings of this kind without actually specifying a time and a place but we did agree that it was a useful arrangement and either the representative of the government or a representative of the association would be willing to meet at the call of either party.

Mr. Tanner: Thank you Mr. Chairman.

LIQUOR VENDOR'S MEMO

Mr. McKinnon: Mr. Chairman, the file on the special occasions permit controversy is becoming my all time favourite government file. I don't think there is a more perfect example where the expressed intent and the wishes of the Members of this House have been absolutely perverted by bureaucracy run wild to begin with, everybody knows the concept of the special occasion permit, particularly in areas outside the Metropolitan Area of Whitehorse was to allow community functions to take place under the control of the community and with people under 19 years of age allowed in the premises under the control of their parents and under control of the community, and, all of a sudden, from somewhere, and I understand it was the Yukon Liquor Board came to edict and on every special occasion permit was to be printed, the condition that no person under the age of 19 years of age be permitted at this function. Of course, it happened right in the middle of the bonspiel and hootenanny season, some of the ridiculous manoeuvres that went on, because of this ridiculous stipulation which was ill-considered, ill-thought and gave no consideration at all to what actually is the Yukon, that is

taken place in the Yukon went on the special occasion's permit, and, of course, those communities who didn't want to flaunt the law, found themselves not being able to bring their children to any of the hootenanny celebrations, those who didn't want to, either that, or they couldn't serve any liquor in the community club whatsoever. Now, there was immediate reaction from the communities throughout the Territory which was reflected to all Territorial Councillors, I know that I, as a Councillor, made representations directly to the Commissioner. Other Councillors did, and I received a report either by phone or by letter at that time, of a majority of the Members of the Yukon Legislative Council. They agreed wholeheartedly with the stand I has taken. They were behind me completely. They considered the edict and the stipulation ridiculous and everything in their power was going to be done to be able to revoke the abnoxious areas from the special occasions permit. Now, following several months, we see a memorandum from May the 23rd, and I frankly don't think it takes care of the situation at all, and the questions I want to ask of Mr. Legal Adviser will determine whether it does or not. Now, in Section I of the memorandum, it says, "no person under the age of 19 years may be permitted at this function to be used a permit if for a social function, such as a dance, or no person under the age of 19 years is to consume, be served or purchased of this function, note that if persons under 19 years of age may be allowed of the function but not to consume liquor to be used for wedding receptions, for activities, banquets or community functions." Mr. Chairman, my question to the Legal Adviser is, if there is a dance being held in the community, may persons under 19 attend that dance if they do not consume liquor?

Mr. Chairman: Legal Adviser.

Mr. Legal Adviser: Is this question directed to a dance in respect of which a special occasion permit has been granted?

Mr. Chairman: Yes.

Mr. Legal Adviser: The intention as I understand of the directive to the Liquor Vendors is to impose a condition. The validity of the condition hangs on section 103, enabling the government to impose conditions and the conditions are made in respect of the application. The intention is that people under 19 will not be permitted in that part of the area, arena hall, where liquor is in fact being consumed, but this may cause difficulties in areas where there is one area, unless I am wrong, certain amount of leeway is given to the official as to how to handle the situation. the legal condition is imposed.

Mr. McKinnon: Will Mr. Legal Adviser tell us how this Council, and I'm sure there will be no problem getting a majority can amend the Ordinance in that a person under the age of 19 years of age may be allowed in the community to attend a community dance where liquor is being consumed providing they do not consume liquor at that dance.

Mr. Legal Adviser: The question appears to be how can you amend the Ordinance. The method of amending an Ordinance, I think is admittedly out of bounds. Exactly what procedure a Member should adopt to initiate a directive to the government is a different matter, isn't it?

Mr. Commissioner: Mr. Chairman, as I gather this situation, the biggest, single problem is, are we going to permit the people who get special occasion permits to exercise the same restraints with regard to the selling or making available to people under 19 years of age, liquor, as we understand it as what a commercial operator is required to do under similar circumstances. As I seem to think, it is totally unwise for any government directive to say that people under 19 years of age cannot attend a community function, for the simple reason that liquor is being made available at the function. I think the question is, are the people who are going to be given the permit have the same restraints placed upon them about making liquor available to people under 19 years of age as what a commercial occupant would be, under those circumstances. Certainly, I don't think there is any government that can

keep a person under 19 years or any age out of a community hall unless there is something other that I am not aware of yet, in this particular issue. Perhaps, I got the question wrong, and if I have, why ...

Mr. McKinnon: Mr. Chairman, I am not as a Member of this Council going to allow a particular situation which would be taking place in the City of Whitehorse to be used as a scapegoat to the detriment of every other community of the Yukon Territory. If we have to make an exclusion permit for Whitehorse, I'm prepared to go along with that because I know the abuse that was taking place in Whitehorse. I was present where the abuses were taking place and I was also present at community functions such as dances and every community of the Yukon Territory, where there were no abuses taking place in any way, shape or form. Nothing should be changed because there didn't have to be the owner on the pub that was there present already. The place was well policed and the dance was well policed, and I don't think I have seen any trouble at these community functions outside the area of Whitehorse. We all know of which we speak, which was the dance at the Rec Centre and I don't know how it should be worded, it's not my job, all I'm saying is, I'm telling you what the people of the Yukon are saying to the representative and what the representatives say at community functions, there is no reason whatsoever to restrict those people under 19 being at those dances. It is ridiculous to make the community build a separate bar area where only those over 19 can be permitted at this year's Klondike '73 celebrations, if this ridiculous edict is not stopped from the Director of Liquor Control and the bureaucrat don't move out of this area of special occasions permits then you are going to ruin more Klondike '73 celebrations than you can think you are. Certainly there has to be some way, some easy way of making the exclusion to the one area that was giving the problem and not putting an onus and not punishing every other area of the Yukon for one abuse that has taken place in Whitehorse. The Whitehorse Recreational Centre problem is cleared right now because it's closed for the summer, it won't be open until September the 15th.

Mr. Chamberlist: I wonder, Mr. Chairman, if the Honourable Member would be prepared, now that we have heard him, I must agree with the point that he has made, because in many of the communities outside of the Whitehorse area and I've been to a few of them I've never seen any abuse at all take place, because usually it's on such a local community level that the parents can by their conduct show the children how to act. I wonder if we can just leave it now, allow Mr. Fingland, the Executive Committee Member in charge of that department to deal with it, to take in consideration the abuse that has been expressed and then, we'll have this particular situation clarified more clearly. I wonder if that would satisfy all the Members?

Mr. McKinnon: This Council will have to make it absolutely clear to the Administration that we are not going to put an impediment on any of the Klondike '73 celebrations, by not allowing the communities within the Yukon to have special occasion permit, where people under the age of 19 are admitted to the dance of the celebrations in that community. That has to be made abundantly clear because from, you know, from the very beginning this thing has been botched up completely and statements have been made which are erroneous. There have been press releases issued by the government which would try to fool the public that the situation has been rectified, and even with the latest edict from the Superintendent of the Liquor Control, the situation isn't solved in any fashion whatsoever. Besides that, I object most strenuously and I find it repugnant. Section 3 of the latest memorandum, saying that the permittee must comply with the suggestions of a Liquor Inspector and/or R.C.M. Police Officer without dispute and immediately. Just who the hell does the bureaucracy think they are getting to be. Here the community club that applied for a special occasion permit has to obey the regulations under the Liquor Ordinance that are stated to be able to get the permit, and now we're going

to write in another section on that permit which says, this condition could be typed in ahead in order to avoid delay, and is printed on the permit saying the permittee must comply with suggestions of Liquor Inspector and/or R.C.M. Police Officers without dispute and immediately. We already have to obey all the terms of the Liquor Ordinance, all the regulations of this licence and an inspector or an R.C.M.P. can go in there and tell the permittee whatever he wants to, cut that person off, cut that person off, open the bar, to shut the bar, to only serve in a certain area, not to serve in a certain area. These types of edicts from Administration. Departments are becoming more and more everyday, and affect the individual lives of the citizens of the Yukon and every time I see one, it almost makes me want to regurgitate. I'm telling you, Mr. Commissioner, that every time that I see one of these things and it almost is at a point where the Public Service is no longer there for the service of the public of the Yukon Territory, but is there for the service of the public servants and the whole philosophy that the Public Service is paid by the public and is there for the service of the public of the territory has to be re-exercised in the dealings of the separate department. This is just a pretty good example of the way a department of government could set itself above the legislature and the legislation that is passed by this Council. I'll object to it and I'll fight it on every moment where I see it creep again and believe you me, this whole file on this very, very simple problem has been so confused and it becomes so ridiculous just because the people and the representatives of the people aren't being listened to but it's for administrative and bureaucratic convenience that the stupid, silly petty regulations are being put out by different departments.

Mr. Chamberlist: Mr. Chairman, I have to agree, because I have indicated that I will be approached always where anything is done for administrative convenience and I regret very much that I didn't have the opportunity of seeing this memorandum and I am sure all Members will appreciate, that we don't see every piece of paper that comes out and I think some of the words and especially the words that have been referred to in that memo are not very well chosen words, a person would agree, are not very good, as I stated before. I think that there is every reason to take a look at this situation, however, there must be some consideration given to the separation of the two particular areas when it comes to special occasion permits for private banquets or community functions. I think that all Members of the Council heard, Councilor McKinnon and I think that very few if any of us disagree with the general comment that he has made, in this particular area and I would have to ask that we get on with this matter and we'll leave this with Mr. Fingland. He has heard them and he knows exactly what is expected in this particular area. If you come up with something that doesn't in any way interfere with this year's birthday celebration, but certainly not just simply for this year's only. I think this whole attitude of having types of memos put out like this which, I tell you, I'll say this to Mr. Commissioner and to everybody else here that certain circumstances being different, I would take a little bit more of the clothes off the Commissioner as well. It's strange that I'm not very unhappy with it, I feel really sorry that we should have to have something like this brought forward, because it is a bad memorandum, you know, I feel really unhappily about it and I can't get everybody to agree with Council, you know.

Mrs. Watson: Mr. Chairman, after all this emotionalism, and we get back down to common sense, I can't help but agree that this type of restriction of community functions particularly in the area of dances, we have to be very careful and look at it very close and I think one of the best cases and points would be the dance that was held here the other night and I'm quite sure there were people under 19 years of age present at that dance, and if that regulation had been adhered to these people wouldn't have been permitted in the hall. However, there is an area where we should take a little bit of caution because I know personally, that I had complaints from people who buy a business license, who buy a liquor license, who buy a cocktail license, and these people have to adhere to the Ordinance and to the Regulation.

I also know that some of the community organizations who get, or whoever it is, who get these special permits, seem to feel or seem to forget that there is an Ordinance and that there are Regulations that apply to this special permit that they receive, and I think this is where the misunderstanding is. I think this is where community organizations should be made aware of the fact that this special permit doesn't allow them to operate outside of the law and outside of the Regulations. I think this is the area and if we become too slack with the special permit, we are going to have more of a reaction from private enterprises who are paying money for a license to operate a liquor outlet and who have to adhere to the laws and the Regulations of the Yukon. We shouldn't get carried away on this, we should use a little bit of caution and this is the area where communities should be aware of the fact that the special permit still forces them to obey the law and the Regulations.

Mr. Chamberlist: Well, there is no doubt about that, I wasn't being emotional at all, I was just being considerate. Excuse me, I was just being considerate of the fact, the law certainly has to be maintained. I think it's wrong for anybody to interpret the law or misinterpret the law to their own administrative convenience, and this is what I'm talking about, and I think the wording and the manner in which this has been brought forward, is the problem. I support the contention that the community organizations must recognize the fact that the problems and restrictions are put out for them as well, to conduct themselves properly, but this doesn't mean that we must not recognize that where there has been an area administering the law itself, by an administrative person, once again. This is the area where the ombudsman's function comes into being. This is where people come down and complain if you can't get the Government to listen, but obviously the government never listens. Here is an Administrative Officer who is not listening.

Mr. Fingland: Mr. Chairman, I must say that I'm sorry I'm not familiar with all the circumstances that have been arising and I'm also sorry that this doesn't in fact, reflect the wishes of the Council and the Public at large. I think that we also have to recognize that this particular directive as I understand it, is an attempt to arrive at an administrative arrangement with the vendors who are issuing these permits, which will enable the kind of function that has been referred to, that which 19 year olds can attend, and yet, at the same time, do this within a framework of the enforcement and application of the Legislation.

I think that one thing that seems to me might be helpful advice is if you get some indication of what is attempted here, give at least a reasonable policy, and as I understand it, the attempt has been to make a distinction between functions for which corporations recognize societies, associations or clubs would be able to sell liquor but these would be closed to members and no one under the age of 19 would be allowed to attend. On the other hand, it also attempts, as I understand it, to provide the situation where, and this is not figured, where an application can be made for a license for the sale of liquor but which would be community functions at which members and the public might be able to attend other than to strictly members of the association or the invitees. But, people under 19 would be able to attend, but would not be allowed to buy and consume liquor. Am I right?

Mrs. Watson: Mr. Chairman, I think you've failed -- what they fail to recognize is that most of the community functions are dances, and if you pull the dances out of this -- so they could not attend, I think this is where the whole problem is, community functions, most of them are dances and all the 19 year olds would want to go.

Mr. Fingland: Mr. Chairman, I think the wording is intending only, I had read it anyway, reference to dances, under # 1 was really only an illustration of the type of social function referred to but it

wasn't to be confined just to dances in the one case. In the other case wedding receptions, banquets or community functions, because I would take it that a community function could in fact include a dance, and that is as I read, but maybe ...

Mr. McKinnon: ... that's where the Government won't get together, what are you telling us, the Legal Adviser tells us one thing, that was my first question, does a community function include a dance or not? I was told that no, that it didn't, so naturally there ends the community function because dances are involved, now we're trying to weasel out of it another way.

Mr. Commissioner: We have the message, loud and clear.

Mr. Legal Adviser: Mr. Chairman, I just want to ask a couple of questions of the Members and that is this, I never saw this directive before, it's a directive which is an internal directive from the Director of Liquor Control who have sent it. After this is over, Mr. Fingland and myself will be asked questions as to what the Councillors really want at this stage is a great area to me, and I won't give any definite answer, because each Member seems to express it a different type of way. Now, it was mentioned by one of the Members that he is prepared to accept a different type of set of conditions for outside Whitehorse and Whitehorse itself, is this generally acceptable?

An Honourable Member: I don't think they do that.

Mr. Legal Adviser: Is it generally acceptable that a different set of conditions occur where there is a definite bar area, such as in Faro, where the dances held in one area, and the people 19 and over are dancing in a different area, or must it be the same set of rules, whether or not there is a bar area and stay in one single place, such as Haines Junction, where everybody must assemble. The Liquor Board would be asking what are the guidelines on the directives.

Mr. McKinnon: Community functions including dances. I agree with Mr. Fingland that where a corporation goes in with the impression of making a thousand dollars out of selling, which you can do if you run a dance properly. That's exactly what it is there for, for a profit organization, or a sport organization can make money. I have no objection to that being called to people under the age of 19, but a dance that is held in the community, under the agent of the community hall which is involving the community, the community members under the age of 19 are going to be allowed in to that dance. Now, people of the Yukon Territory, say that they are going to be allowed in to that dance, so dances that are held, under the agent of the community, any community in the Yukon that shall be deemed to be a community function. People under the age of 19 are allowed in to the dance, providing they do not purchase or consume liquor.

Mr. Chamberlist: I wonder if we can say, Mr. Chairman, that a registered community association.

Some Honourable Members: Oh, no.

Mr. Commissioner: Mr. Chairman, with respect, we have the message loud and clear.

Mr. Chairman: Speaking from the Chair, it seems to me that time has proven a system of proposed bills worked doesn't mean that it has worked in the past up until these differences arose. I think that in reflection of the whole basis of British law based on the premise that is not, it isn't what is the law, what suggestion in the eyes of reasonable men, and this is what we

have been talking about. Now, it would be clear to Chair the administration have stated yes, this is fine, we fully now understand the position of most Councillors, but I think I would add to the administration under the Territory, that an early decision be made on this matter and that the public be fully informed that as soon as possible of this change so everyone might know that the problem has been resolved, and those are my only comments from the Chair. Would this be agreeable to Council?

Some Honourable Members: Agreed.

Mr. Chairman: Have you anything further in this matter?

An Honourable Member: Once they clear section 3, you're darn right.

Mr. Chairman: I think at this time then, with the concurrence of Committee, I will ask for further witnesses to come before Committee and proceed with Bill # 32. I declare a brief recess.

RECESS

BILL #32

Mr. Chairman: At this time, we'll call Committee to order and we have with us witnesses again today to continue discussions relevant to Bill No. 32, and when we rose in Committee, we were discussing page no. 17. Do you have anything up to 17, and including 17?

Mr. Chairman: The next page is 18.

Mr. Chamberlist: You know, this might seem funny, but I can't in 18 (b) cohabit immediately preceding his death, immediately preceding is just a few minutes before or something like that

Mr. McKinnon: I understand there is a distinction between (a) and (b), Mr. Chairman. It seems that one prevents the other.

Mr. Legal Adviser: There is a distinction made between a union which produces children and a union which does not.

Mr. Chamberlist: Yes, but one is three years before and one is immediately before.

Mr. Fingland: Mr. Chairman, maybe I can elaborate on that. This was done deliberately because it was recognized a woman or a man who was living with same or cohabiting, for a period of three years immediately preceding the workman's death. There had to be a period of three years before this person would be considered dependant except for this Ordinance. This is a situation where there are no children. (b) refers to cohabitation for which there has been children and we make that distinct where there are no children, they must have been living together for at least three years. Where there are children, there is no time limit whatsoever.

Mr. Chamberlist: That's why I asked that word. Why immediately, why not cohabited preceding his death? Immediately, do we leave that in there.

Mr. Legal Adviser: We do, otherwise, a person could cohabit during the Council Session in Dawson, and die fifty years later. If you didn't have word immediately, then the dependancy would commence to exist.

An Honourable Member: I suppose it's been done in the past.

Mr. Legal Adviser: It's a technical expression.

Mr. McKinnon: I wonder whether I could have it explained to me the thinking behind the three years, one would think that one year would be long enough.

Mr. Fingland: Mr. Chairman, this is a matter of judgement. We decided on the three year period, because under the

Divorce Legislation in Canada, two married people who are living separate and apart from each other for a period of three years are eligible for a divorce under the existing legislation and this is why we stuck on three years rather than two years or one year or four years.

Mr. Chamberlist: In the existing one, we've got, cohabited for three years immediately preceding and now we've got, immediately preceding. Where is the cut off date, is it the day before?

Mr. Legal Adviser: It's very hard to say, if a person is cohabiting with somebody at the time of their death. What if two people are sharing a double bed. You've got to use technical expressions to express what you mean. What we mean to imply is, there is a current situation which extends up to the time of death.

Mr. Chairman: Is there anything further on page 18? Page 19? Page 20?

Mr. Chairman: I have one question in relation to 42 (1), Mr. Legal Adviser. Yesterday we related the existence of the Emergency Measures Ordinance, and there is no conflict here between the two, is there?

Mr. Legal Adviser: No. This is in fact a special bonus where people are doing rescue work, above which they would normally get doing their normal wage, Mr. Chairman.

Mr. Chairman: Is there anything further on page 20? Page 21? Page 22?

Mr. Chamberlist: I wonder, we've submitted something that I didn't ask previously. I wonder, Mr. Legal Adviser, where we're dealing with section 47 to the amount of payment of compensation to a workman under 19, I wonder if it would be more appropriate if we said under the age of the majority? Otherwise, if we don't have that, that means we have to change the Ordinance, wouldn't you say?

Mr. Legal Adviser: It was previously under the age of 21. It presently stands at 19 and I can't visualize the reasonable future, but the age of majority will be changed, it may be and if it is, it will automatically be picked up. The method that we have adopted in that Liquor Ordinance was to repeal automatically every statute where 21 appeared and as it was reprinted, 19 was put instead.

Mrs. Watson: Mr. Chairman, I'd like to have the Legal Adviser look at page 21, 44(1). I wonder, the last phrase, I just want to clarify whether the last phrase in that annual rate of remuneration, whether you can substitute maximum wage rate? whether that statement is correct? It seems a little ambiguous to me and I think it really needs to be cleared. If you read the whole section.

Mr. Legal Adviser: From a drafting point of view, it wouldn't make much difference. They are using the pronoun 'that', and that is a reflective pronoun, which actually means, maximum wage rate. It's only a question of semantics. You're not allowing the wage rate to go past the maximum annual rate. If anything would result in the next excessive calculation, it shall be pulled back to the maximum wage rate, and because it is used once in the sentence, the flow of the words would say, "that kind of a wage rate."

Mrs. Watson: Mr. Chairman, that is why I'm bringing up the question. Is it clear that 'that' referred back to the maximum wage rate, there is almost sort of an implication there that the annual rate of remuneration could be more than the maximum wage rate and you don't want that. You want to make sure that 'that' refers back to the maximum wage rate because in there, you are implying that it could be more.

Mr. Legal Adviser: You're implying that it could be more, but it won't be allowed to be more. If it is not clear, we can change the draft, as you say, result in the maximum wage rate.

Mrs. Watson: I think it should be clarified.

Mr. Commissioner: I wonder, with all due respect of Committee and Members, I wonder if all Members could rise individually so we don't get this interchange, of two speaking at the same time.

Mrs. Watson: Thank you, Mr. Chairman.

Mr. Chamberlist: I think there is another point where we left Mr. Chairman. I think we should take another look at it.

Mr. Chairman: Back on 18, and speaking from the Chair, on page 22, I should say, under 48 (1), the whole section should come under review with the view to including asbestosis with silicosis.

Mr. Legal Adviser: We will be examining context with the other point made earlier by the Honourable Member.

Mr. Chairman: Page 23.

Mr. McKinnon: Fifty sub two Mr. Chairman. "All question as to the necessity, character and sufficiency of any medical aid furnished or to be furnished shall be determined by the Commissioner." Certainly this would be through some medical practitioner. What would be the sequence of events, I can't see the Commissioner acting in a medical capacity also.

Mr. Legal Adviser: What is the section, Mr. Chairman?

Mr. McKinnon: Section 50, subsection (2). Seems that the Commissioner is acting in a medical capacity in determining what charges should be levied in the capacity as a medical expert.

Mr. Legal Adviser: He would act on advice, I would suggest Mr. Chairman, but in the case of a dispute it would be referred to the referee, the referee would then be able to use the terms of the Medical Arbitration Board which were set out earlier.

Mr. Chairman: This is only in the case of a dispute?

Mr. Legal Adviser: It says all questions so that would apply to me a potential dispute.

Mrs. Watson: Mr. Chairman, I hate to bring these points up but I think where there are amounts of money it is important that it be cleared. Page 22, 45(1), "the lesser of fifty dollars per week, or his average weekly earnings." Should it not be seventy-five percent of his average weekly earnings?

Mr. McKinnon: This is permanent disability.

Mr. H. Taylor: Mr. Chairman, I think that we have lost sight of the fact that this is the minimum amount of compensation that can be paid. If his average weekly earnings are less than fifty dollars then that is what he gets. Otherwise he gets a minimum of fifty dollars. In other words we don't want to get into the position of having to pay him more than his average weekly earnings. If he is not earning fifty dollars per week. This is the absolute bare minimum that he gets.

Mr. Chamberlist: Not less than the lesser of ...

Mr. H. Taylor: It is the lesser of those. Anything above that is seventy-five percent of his average weekly earnings.

Mr. Fingland: Mr. Chairman, are we clear then on that query on 45?

Mrs. Watson: Yes, Mr. Chairman.

Mr. Fingland: I wonder if I could revert for a moment Mr. Chairman, to 50(2) again. The old Ordinance actually refers to the referee rather than the Commissioner. "All questions as to necessity, character and sufficiency of medical aid" and it should be referee rather than Commissioner.

Mr. Chairman: Have you anything further on page 23? Page 24.

Mr. Tanner: The same thing is here, Mr. Chairman, in 51(2)(h). It is a sort of carte blanche thing again for the Commissioner to make that decision. Surely you ...

Mr. Chamberlist: That's a payment.

Mr. Tanner: It is the same thing. You said right at the beginning that -- without using the foregoing you can do all these things and pay all the expenses that have accrued. Why bother with the last paragraph. You are putting discretion where it isn't needed anywhere.

Mr. Legal Adviser: In addition to the staff wages of the people who are administering the Ordinance it puts them payable out of the expansion of the fund instead of out of the other portion of the Consolidated Revenue Fund. It needs the power of the Commissioner to say, no, your salary is high enough.

Mr. McKinnon: Section 50, subsection (3), Mr. Chairman. "the amount shall be at such rates as have been mutually agreed upon by the Commissioner and the hospital authority." Why wouldn't this just be the actual charges that are levied by the hospital authorities rather than going through this agreement situation between the hospital authority and the Commissioner?

Mr. Hough: Mr. Chairman, in Alberta you have various grades of hospitals. A Board as is graded there, I don't know whether the same situation exists here or not, probably it does to a lesser extent. The Board enters into an agreement with the hospitals as to the amount that they would pay for a public ward rate. I think you should definitely have similar agreements here. Now you have a hospital that doesn't have the same services as say your larger ones, so naturally the larger ones, their rates are higher.

Mr. Chamberlist: This is the same thing, with due respect Mr. Chairman, that applies here because for instance we have a rate structure for the Whitehorse General Hospital under Y.H.I.S. as one rate, and rate structures under nursing stations are different as well. So because there are different rate structures this has to be left in this particular section.

Mr. McKinnon: Different rates would be charged to the Fund. If the persons were in the Dawson Cottage Hospital it would be different than the Mayo General and Whitehorse General. Even with those different rates there is still supposed to be an agreement between the Commissioner and the hospital authority even regardless of what the rate structures in the hospital are.

Mr. Chamberlist: There is one hospital authority which is the difference such as Y.H.I.S. One hospital authority but different hospitals and different rates for different hospitals.

Mr. Commissioner: Mr. Chairman, as a prime example a hospital could come along and say, 'Our actual costs for operating a hospital are \$98.00 a day and therefore as the Workmen's Compensation Fund is a Government Fund then a full charge must be made and they are revising this charge every month. This is just an intolerable situation. We want the ability to be able to have an agreement between the hospital and the administrators of this Fund that for the period of the next twelve months or the next two months, whatever the period would be, that the actual charge to the Workmen's Compensation Fund would be X number of dollars. Without that protection in there this Fund could be getting milked by any kind of a hospital, if an unscrupulous hospital administration decided that they were simply going to tap the Workmen's Compensation Fund to beat their losses.

Mr. Chairman: Any further questions on this particular issue? I think, in view of the time, that Committee will stand in recess until 2 o'clock.

Mr. Commissioner: Mr. Chairman, with respect, I would ask to be excused for the balance of the Session and Mr. Fingland who stands in my place when I am not available

will continue to be here for the balance of the Session. If any Members wish any money to be placed in a certain spot on their behalf at any time I assure you that tomorrow I would be happy to do it for you. Thank you Mr. Chairman for the opportunity of participating in this Session.

Mr. Chairman: Thank you, Mr. Commissioner. I am sure that Committee wish you well and a safe journey home. Committee now stands to recess until 2 o'clock this afternoon.

RECESS

Mr. Chairman: At this time we'll call Committee back to order and we are dealing with Bill No. 32. When last we rose we were at page 24. Is there anything further on page 24? Page 25?

Mr. Tanner: Mr. Chairman, section 54 on page 25. On the investment of the funds, maybe Mr. Legal Adviser could tell me, governed by the Financial Ordinance?

Mr. Legal Adviser: No, Mr. Chairman, they are governed by handling trust funds, they are entrusted in the Ordinance a type of securities that govern the Ordinance.

Mr. Chairman: I have a question relating to 55(1), although in this annual report we can conclude that it will not only involve the administration of the Ordinance or the compensation function, but it will also involve the whole disclosure of the financial position of the whole situation as a ...

Mr. Fingland: I think, Mr. Chairman, I might say on that point that we have to keep in mind that this Fund is still going to be part of the Consolidated Revenue Fund of the Territory and the Yukon Act requires that this be audited by the Auditor General. The authority to expand, of course, is contained in this Ordinance. In terms of auditing and the provision of financial statement and so on, it will be part of the Consolidated Revenue Fund.

Mr. Chairman: Again, I draw your attention to 56(e), in respect of silicosis. Anything further on 25? 26?

Mr. McKinnon: Subsection (4), section 57, Mr. Chairman, it is not necessary that assessments upon employers in a class or subclass be uniform, I have a little difficulty with that. How is anybody ever going to know what the actual rates are, if there is going to be a different rate for the asbestos miner as compared to the lead-zinc miner as compared to a gold miner. I thought that we were setting the rates in the industry as one and would vary from industry to industry, now it appears that there can be even varied rates within the actual industry. I am wondering just how an employer is suppose to know what category that he is going to fall under and what rate is going to be applied to him.

Mr. Hough: Mr. Chairman, actually this section is used, or would be used in a case where there might a very, very extreme hazard in a particular operation. You might want to adjust your rates just for that employer, but it would be by discussion and notification to him. I think, as far as I know, there was only one case where we ever used this section in Alberta and it was in the Tar Sands of Fort McMurray where they were going to dig a test hole going down some 60 feet. Our safety department advised us--advised the board, that they thought this was going to be rather a hazardous operation. The company didn't think so, but the board was concerned about it. As it turned out the the board's findings were correct. They were using 12 x 12 timbers, to timber a hole while it was actually going straight down, 12 feet by 10 feet in size. They were using 12 x 12 to get down about 30 feet. These timbers started to crack and groan, they were using miners with power hand shovels, they got out and the whole thing just eventually spliced right in. You can run into a serious -- something like this. You

can also use this section if you have an employer who is not complying with your regulations, if you wish to give him an additional rate. You can do this. There is another case that we had too, of a company, I'll tell you. It was one of the cities where they were not doing proper shoring, they had been told to do it. They had another very serious accident, a paraplegic, in fact two of them. The board applied an additional rate, just to their operations for so many years to help recover some of this cost for failure to comply with some of their regulations.

Mr. Chamberlist: Looks like this is a penalty clause.

Mr. Hough: It gives you the authority to fix their rate over and above the other people, if there is some reason for doing so. Otherwise your rate remains the same for each employer in that particular industry.

Mr. Chamberlist: I wanted to indicate whether or not this was a penalty clause in cases of -- as described by yourself. It could be termed that it is a penalty clause.

Mr. Hough: To a certain degree, yes. There are provisions here for other types of penalties, such as lump sums or charging back the cost of an accident as well.

Mr. Chamberlist: By the same truth, that where there is a penalty clause, I take it also that there are some areas where you can reduce the amount by this merit system that comes in at a later area. In other words, we have an area where we impose a penalty, we have an area where we can give a meritorious, for carefulness in the areas of safety that can be taken out. We are not just dealing on a one side area, this is what I'm trying to get across to the Council.

Mr. Stutter: I was going to bring up this point when we got back to general questions, but I would like to ask Mr. Hough, now perhaps under this section. In the rate structure that we have been given, it does indicate that each industry will be treated just as such, but yet the figures that I obtained through the Mining Association of B.C. for the first quarter of 1973 show in the Yukon that the two underground mines, Keno Hill and Whitehorse Copper had 22 accidents for a total loss of 275 days. That is 22 accidents out of 288,000 man-hours worked. Whereas Clinton Creek and Anvil operations only had six accidents in the same time period for a total shut down of 84 man-days. This is 6 accidents out of 460,000 man-hours worked. This indicates that the open pit mine has an accident only one to eight in the underground mining. Now, under this particular section that we just discussed would it not be possible then, if these figures are true over a longer period of time, I realize that they are just for the first quarter in 1973, but would not this be the place then to get some sort of merit. At a later date, I realize that you don't wish to -- don't suggest what the outset is, at a later date this would be taken into consideration.

Mr. Hough: Mr. Chairman, I think that you'll find a little later on there is a provision for applying merit to any classification of industry that you deem should be applied to. This will give you also the authority to adjust the rate. This really has nothing to do with merit, it has more to do with an employer who is not complying with the regulations that he has been told to do to your safety and if they wish to add an additional rate you may add fifty cents a hundred for a year only. Then, if he improves you are going to knock it off the next year for this one individual. This gives you the authority to do so, this is the intent.

Mr. Chairman: Anything further on 26?

Mr. McKinnon: Yes, Mr. Chairman, I think that subsection (5) of section 57 is probably one of the most important areas of the Ordinance. I was wondering just how soon publication of the north, containing the notice of percentages and rates determined and fixed by the Commissioner, can be available to the public and to the employers of the Yukon.

Mr. Hough: Mr. Chairman, we follow the Alberta system. Each year they start in October to study each classification to determine your rate for the forthcoming year. This should certainly be carried on here, the rates in Alberta are set in December of 1972--were set in December of 1972 for the year 1973. The notice was published in the various papers in January. I could see no reason why the same procedure would not be followed here. It should be because you have got to give them advance notice. In Alberta when they send out the payroll return which goes out before the 31st of December, it requests the employer to show his total payroll for the year and his estimates for the new year. This return contains his rate for the new year.

Mr. McKinnon: I was wondering, Mr. Chairman, I imagine that the date of coming into force, I think, providing everything goes along the way people would like it to, would be the beginning--the first day of January, 1974. I wonder, if it is possible long before December 31st deadline, 1973 which may apply in other years, at what point in time between now and December 31st can the rates of various industries be published and made public knowledge so that everyone knows, every six months prior to the coming into effect of the Ordinance, what the actual rates are going to be to the employer in a year, 1974.

Mr. Chamberlist: Mr. Chairman, I don't think we should first of all talk -- surmise that the suggestion is the first of January. It may be that we might be able to do that earlier so that we don't run into another year of compensation policies from private areas. Certainly I agree that these rates should be made available as early as possible once this legislation is passed, so that people do know long before the date of the coming into force.

Mr. McKinnon: Well, Mr. Chairman, I think the passage of the legislation is incumbent upon the publication of the rates. Who is going to buy a pig in a poke, who is going to approve the legislation before we know in actual dollars and cents what we are talking about? I think it is incumbent upon the Administration in the Government to make those rates available as quickly as possible to insure the passage of the Ordinance as quickly as possible.

Mr. Chamberlist: With respect, Mr. Chairman, we have already tried to suggest the Yukon Workmen's Compensation there already. We are prepared to give any other information as well in that area.

Mr. McKinnon: Mr. Chairman, I saw suggested figures prepared by the Government and estimates on everything from soup to nuts, but I want to see the actual costs to the employers in the Yukon Territory under the proposed new Workmen's Compensation Act and I don't think that a Member of Committee is asking for any type of an impossible task to be conducted. I think that in the area of good Government and good Administration and good legislation that this -- the availability of this information should be ready long prior to the day of December 31st, 1973 for the year 1974, the charge against the employers of the Yukon Territory.

Mr. Chamberlist: We have already told you, that these will be available before the coming into force of the legislation. What more can we say.

Mr. McKinnon: What point in time, the day before the coming into force of the legislation. No.... Mr. Chairman, in all seriousness I think that this is one of the most important issues that this legislation hinges on. Certainly, Mr. Chairman, perhaps maybe a member of the Administration whose job it will be to administer the Ordinance on a day-to-day basis could provide Committee with information as to when this will be available and how long prior to the date of coming into force of the Ordinance.

Mr. Fingland: Mr. Chairman, this stage of rates that we have issued is as it shows suggested rates and at the time of working this -- working up this Ordinance, this seemed to be the levels that we would initiate the program. But, of course, as it says, it is only suggested, your answer

would be right that this is not in fact the final rate, because we have to have the legislation in effect before we can legally speculate. But, I do want to say that as soon as this legislation is passed we would immediately declare the rate and notify the employers. We would do that as much in advance as possible of the actual date of coming into effect of the Ordinance. At the present time we would expect that there would be at least three and maybe four months advance notice.

Mrs. Watson: Mr. Chairman, a great deal of the rates are dependant upon the benefits that you are giving in the legislation. Until we decide on the legislation, we can't accurately publish the rates because they are definitely tied into these benefits.

Mr. Tanner: Mr. Chairman, maybe you can take the other route and say, as far as the suggested rates are concerned would Mr. Fingland or anybody else from the witnesses think that that is probably the rate that will come in?

Mr. Chamberlist: I would like to comment at this stage that the legislation isn't based on simply rates. The legislation is based on needs, people needs as well which have to be given consideration, too. No just employers, but employees as well. Certainly we want to bring forward this rate structure and what has been brought forward has already been indicated as close as possible to the rates that will be supplied.

Mr. McKinnon: It is hard to sell an idea that has just been around the bend too often in this respect and when you try to tell me that the Government with all this administrative confidence can't provide a very close estimate of what is going to be the actual cost to the employer then I just won't accept it. Because there are so many intangibles, how do you know how many widows or widowers there are going to be in the passage of the Ordinance. You set your rates on the presumption that both over this number or under that number and there are so many factors of the entire Ordinance if you go through and pick it out where you are acting on nothing more than a sure guesstimate you can possibly come to through all the offices of the Government of the Yukon Territory. Certainly to goodness, someone is going to have to say these are as close as actually possible to the figures that we can relate the employers of the Yukon Territory are going to pay once the Ordinance is accepted with these benefits. I want to know whether these figures that are given here which is a partial list, I would understand of the industries. Well, I would like to know whether the whole list of all the industries in the Yukon Territory is now available to the public at the suggested rate as the selected industry; if not when they will be available; if there are no major changes in the benefits upon the preliminary reading of the Ordinance, whether these rates will remain the same as they are now. What effect made in the Ordinance, if any, will have upon the rates. I think that this information has to be made available if you are trying to sell the Ordinance, if you are trying to get the public behind the Ordinance which they should be and which could be, if the Ordinance is presented properly and which other Ordinances could have been excepted if they were presented properly to the public.

Mr. Chamberlist: Mr. Chairman...

Mr. McKinnon: I wonder if I could have answers to my questions.

Mr. Chamberlist: Mr. Chairman, the submission that has been given at suggested Yukon Workmen's Compensation rates in these areas as are indicated by Councillor Watson is based on the premise that all the benefits that are shown in the proposed legislation will be acceptable to Council. If these are acceptable to Council, dealing with the particular industries that are listed in this list, they are the suggested rates. Other areas as well, if there is any specific particular industries because we can break down industries to the end result. You can break down one industry into ten -- make them ten sub-industries, but generally what has been indicated by Councillor Watson is what is the

situation -- that based on the benefits that are shown in the legislation, that this is the suggested Workmen's Compensation rates, if these are acceptable, these will be the suggested rates. Perhaps the witnesses could add further to that, but this is what it appears to me, and it is to most people.

Mr. Rivett: Mr. Chairman, what are they going to add to the merit of the mine and just how much is it going to cost?

Mr. Chamberlist: Based on this, there it is.

Mr. Rivett: Are they going to pay \$4.00. Then what happens when the figure is varied?

Mr. Fingland: Well, it won't vary once the ...

Mr. Chairman: Order, please.

Mr. Rivett: Well these figures are the figures that are going to be issued then? Because that is all these people are asking. How much is it going to cost us?

Mr. Chairman: Order, please.

Mrs. Watson: Mr. Chairman, if the legislation remains the same, then this is the answer you can give, yes. But if you start tampering with the maximum wage -- weekly wage and we start tampering with the benefits then you are going to have to start tampering with your rates.

Mr. Rivett: Mr. Chairman, we haven't changed the benefits as far as I can see to any great extent.

Mr. Chairman: Order, please. I wonder, Mr. Fingland, if you could answer this question.

Mr. Fingland: I think I would not be quite so categorical in saying that these will be absolutely the rates that we will initiate, because they could vary, but as far as we can determine at the present time, on the basis of the benefits that are spelled out in the proposed legislation this is the rate that we will start at and this is the rate that we will have to start at in order to build up the necessary reserves and to meet the necessary drawdowns from the Fund. That really is the best that I can say at the present time.

Mr. McKinnon: One specific question to ask, Mr. Chairman. Was the whole category of industry rate available?

Mr. Fingland: They are not available immediately, but we can certainly get them for you.

Mr. McKinnon: In what period of time from today are they available?

Mr. Fingland: Well, they are all suggested...

Mr. McKinnon: They are available as fast as we can be talking, is that correct?

Mr. Fingland: Well...

Mr. McKinnon: Right, thank you.

Mr. Fingland: We can show you them by class and sub-class, but you would have to -- have you got the breakdown on the actual -- what the classes relate to.

Mr. Tanner: Mr. Chairman, shouldn't the assumption of the Alberta breakdown users -- breakdowns be fitted in approval which is to be ...

Mr. H. J. Taylor: Not necessarily, Mr. Chairman, we have a full list and that can be made available at the first chance we get at the copying machine, as far as we know, but there may be other industries that haven't just been added to our list yet, but that can be given as additional information.

Mr. Tanner: Can we make the assumption that the lowest rate is 50 cents and the highest rate is \$4.50?

Mrs. Watson: I think there is a higher rate than \$4.50.
Mr. Chairman, I believe there is a higher rate than \$4.50 because of the lumber industry.

Mr. Fingland: Yes, Mr. Chairman, that is quite right.

Mr. Rivett: I'd like to raise another point here. The other question I'm going to get is how much do I receive when I get hurt? Can I use these figures?

Mr. Fingland: On the other sheet that you have here, yes.

Mr. H. J. Taylor: That is, Mr. Chairman, you can use those figures provided the wage base remains at \$9,000 and you don't feel like lowering it. If you feel like lowering it, if you feel like lowering the wage the other figures have to change accordingly.

Mr. Tanner: One further question, Mr. Chairman, we might be getting some meat out of this thing yet. Would it also be logical to assume that in the first year the rates won't change, once they have been established? For the first year the rates will stay the same?

Mr. H. J. Taylor: Yes, Mr. Chairman, once the Ordinance comes into effect and these rates have been published, that will be the rate in the first year.

Mr. McKinnon: Mr. Chairman, why is subsection (6) of 57 then, "Publication of percentage or rate as provided in subsection (5) does not limit the right of the Commissioner to increase or decrease the same from time-to-time, so long as notice of the increase or decrease is also published", so all they have to do is publish it ...?

Mr. H. J. Taylor: Mr. Chairman, that means that at the end of the first year it won't be done, the rates will be altered once a year only.

Mr. Hough: Mr. Chairman, I would like to speak to section 6. That section is in there so that, should your Council when sitting during a year decide to change benefits that are going to affect your complete rate structure, you have some authority then, but that would be the only time that would ever be done. The only time that it ever happened in my thirty odd years with Alberta was one time all workmen had to pay anywhere from one cent to five cents a day towards the cost of medical aid. That was taken out in 1943 at which time the employer had to pay the shot, that amounted to many hundreds of thousands of dollars and it was necessary for the board to go back then, due to the legislation changing that provision in the Act, and reassess every employer and change the rate in every industry. That is only there in case your legislature sometime sits to make a change.

Mr. McKinnon: Thank you very much, Mr. Hough. That is exactly the next point that I was going to raise, that if such an event would occur which would be -- not within the normal round of rate changes and that change should be done by the Legislative Council and not by the Commissioner.

Mr. Chamberlist: Okay I agree, it should be Commissioner-In-Council...

Mr. McKinnon: No, oh no, subsection (6) as it stands now applies that the Commissioner can vary the rate charge upon any industry at any time by simply publishing a notice that the change is going to come about. Mr. Hough has properly stated that should be the responsibility of the legislature if something so abnormal happens that rate changes must take place in the course of the year and, of course, that should be Commissioner-In-Council and not Commissioner.

Mr. Legal Adviser: Mr. Chairman, I think the House has forgotten the fact that there are automatic built-in changes in the last few sections of the Statute. This Ordinance is not going to be coming back to the House for any changes at a different point. This is an automatic built-in function.

Mr. Chamberlist: Let's leave that in question, I'm sure we'll come to ..

Mrs. Watson: Mr. Chairman, does the Legal Adviser insinuate that it is not necessary to have this section?

Mr. Legal Adviser: I'm not insinuating that it is not necessary to have section 6, Mr. Chairman, but there are two changes to be made, one in relation to the payroll and one in relation to the coverage of the index, so that if the cost of living extends in a particular year, then the benefits will automatically be excludated. Therefore, the rates to pay for the change must be escalated. That is why you change the rates. The cost of employer -- the cost of living increases so that the benefits are going up from say a pension of \$189 to \$210. That has got to be paid for and the rates have got to be adjusted to the employer to pay for the rate change. I would think it would have to come to the House to get that done.

Mrs. Watson: Mr. Chairman, that is taking care of number five. This is yearly isn't it. Number five. I wonder if Mr. Hough would comment on it? This is number five, subsection (5), this is a yearly adjustment that we make using the formula that we have in the legislation now. Number six wouldn't be required for that or would it?

Mr. Hough: Well, six, as I mentioned is required in case, for some reason or other your legislature here makes a definite change which is going to affect your complete rate structure. Now, five is a publication of the rate to the public on a yearly rate.

Mr. Legal Adviser: Rather than put in Commissioner-In-Council we better take out that section altogether because you say in one Ordinance you need another Ordinance to do it. If you need another Ordinance to do it, there is no point in having it in there.

Mr. McKinnon: I agree, let's take it out altogether.

Mr. Chairman: Anything further on 26? 27?

Mr. McKinnon: Mr. Chairman, I may be misreading this because I haven't had all the time that I would like to get to the end of the Ordinance. Would you correct me if I am wrong, in subsection (16) does that mean that if a person under estimates his payroll for a fiscal year that he will be punished for his under-estimating by an assessment on top of his ordinary assessment?

Mr. Hough: Mr. Chairman, no. First of all if you look at (12), the Commissioner may adopt a system of merit rating. That is to give money back for good experience. Sixteen is the reverse. It says, if in any year or other fiscal period, as determined by the Commissioner, the costs of claims chargeable to the experience account of any employer are in excess of a sum equal to the amount of the ordinary assessment and so on, you may add a further assessment. I would strongly recommend that if you adopt your merit plan, that you adopt this and tie the two in together. In Alberta, an employer with an excellent experience can get up to 33 1/3 percent of his yearly assessment back. He has an assessment of \$300 and his costs are low he can get \$100 of that back. Now it works on a basis of, if you want a little explanation on it as how it works. First of all you take a three year average, and if his costs for the three years are less than 75 percent of his total assessment for those three years, then you look at the year itself. If the same condition exists, his costs for the year are less than 75 percent of the amount of money that he paid in. He paid in , we'll take \$100, his assessment; if his costs are less than \$75 for each dollar below the \$75, he gets a one

percent merit back up to a maximum of 33 1/3. So you take 33 1/3 off 75 in order to get a maximum merit, his cost for the year must be less than \$33.66. Now, your demerit works in the reverse, but before you apply it you are going to give him a little spread, his costs have got to go over 105 percent. You don't start at the 100, you have got to give him a little leeway. You may say to me, why don't to start at 100 and work down, why do you start at 75 percent. That 75 percent -- that 25 percent, between the 75 and 100 is to take care of the administration charges and your provision for your various reserves.

Mr. Chairman: Anything further on 27? 28?

Mr. Tanner: Mr. Chairman, I don't understand paragraph 58(2). Could Mr. Hough maybe explain this.

Mr. Legal Adviser: This section must have taken about two days in Leg. Prog. to understand.

Mr. McKinnon: Well we are sharper than they are.

Mr. Legal Adviser: It concerns a workman who employs a workman for the purpose of that workman and another workman. A different workman may hire another person to check weigh their goods when they are being paid on work or some such thing. That workman is then a workman of the workman. Not a workman of the employer and that is how difficult it is to draft.

Mr. Hough: Mr. Chairman, we have this in Alberta with your underground coal miners, where the miners arrange with their own unions employ a check weighman. He is not employed by the mining company, he is employed as the check weighman, or he is employed by the miners and he is termed a check weighman. His function is to tag the coal if they are under contract being paid by the tonnage as to how much each miner produces and he is paid by a deduction from the miner's salary. This is where you get a workman of a workman or a group of workmen. Now, you may not even have it, but it is here just in case it should ever originate, you have got it here and you are covered.

Mrs. Watson: Mr. Chairman, his compensation would be paid by the miners. No, by the miners, the employer deducts it off the miners, right?

Mr. Legal Adviser: Actually yes.

Mr. Hough: Mr. Chairman, the actual way it is handled, the account is set up in the name of the employer re check weighman, the employer is billed, he pays the assessment, but he can recover that by deduction from the workman.

Mr. Chairman: Anything further on page 28? Page 29?

Mr. McKinnon: Section 59, subsection (2), maybe some clarification could help me on that. From my reading it seems to be that if a person is rendering to a service or corporation even though he has no contract and even though it is a private contract on the part of the person providing the service, with nothing binding or nothing written about it, that that corporation can be assessed by order of the Commissioner that that person was actually working for that corporation and assessed an amount to the corporation for that person's service. Which may not even be a valid contract.

Mr. Legal Adviser: Mr. Chairman, for tax purposes, people make arrangements with their own companies and some times they get no salary, but they take it out in capital gain. In reality they are deemed to be even though they are not getting any salary.

Mr. Chamberlist: Are there a few words missing out of (2) there right at the end there? "In any one year the aforesaid maximum wage rate, and the Commissioner shall for the purpose" isn't there something missing there.

Mr. Legal Adviser: No, I don't think so.

Mr. Chamberlist: There is something wrong there.

Mr. Hough: Mr. Chairman, if I might speak to that section. Other than the reference to the Commissioner, the section is almost word for word with the Alberta Act and you will find that, just as your Legal Adviser has mentioned, you have many farms, they may be small individual corporations where they are incorporated into a company and in the first year too, they may not make any drawings out for themselves. They may wait. Now you have got to, if you are going to consider them to be workmen and it is the corporation that is the employer and if you are going to consider them as workmen you have got to have an assessment on them. Now, if it is a real small business, it would be up to the Administration to take a look at the business. We had it all the time in Alberta, we would discuss it with the particular officer of the company as to what he felt his value was to the company, if he knew he was talking about assessment probably it wasn't very much, but if you asked him what you would anticipate being paid if you were injured and he goes to the other length, he wants the maximum then you are going to assess him at the maximum rate. You are going to put it in his payroll. Normally, you would try to work out with him a fair and equitable amount. That is the amount that he would be compensated on if he was injured.

Mr. Chamberlist: The wording doesn't seem right.

Mr. Chairman: I still have difficulty with (2). Every person rendering service to a corporation whether it is a contract of service written or oral, express or implied bothers me because I don't think that that is really fair. If the person for instance contacts the mining company to for instance stake a claim and there is nothing whatsoever; virtually the mining company has said now you go stake some claims and we will give you so much for these claims. I don't think that the company who is buying those claims should be responsible for the contract in terms of the maintenance I don't think that should fall upon the corporation. I read that and say that it will.

Mr. Legal Adviser: Mr. Chairman, at the risk of being technical, there are two forms of contract. One is a contract for service and the other is a contract of service. A contract for service is when you have a contract and you hire somebody to do a job for you, a contract of service is the legal term used for the normal employment contract that people have with their own company or with their employer. I am under contract of service to the Territorial Government, not a contract for service.

Mr. Chairman: Anything else on page 28? 29?

Mr. McKinnon: Mr. Chairman, I am always afraid of the inspectors of the Territorial Government having as far as I can see power. I wonder, under the Workmen's Compensation Ordinance whether it is absolutely necessary that the inspectors have to go into a business prior to giving notice. I agree with subsection (6) it seems to be a reasonable type of approach there are problems concerning the books and the company and the inspectors of the Territorial Branch inform the company that they will be there to inspect the books within a certain time. I am wondering whether the really stringent clauses of subsection (4) are now necessary where you have the raise this type of thing. Where you go to a place to see the books and go through them.

Mr. Hough: Mr. Chairman, when I was with the Alberta Board we had 22 auditors throughout the province you can call them inspectors who operated under my jurisdiction. These men, if you were going to let people know you were going to be there on a certain day, if there was anything wrong with their books, by and large most of them are honest, but you have got the other element and you are going to have it up here, just the same as anywhere else. They then have the opportunity of covering up. Now, I would like to point out here too, that

our inspectors going in, gave back by way of credit where people had overpaid thousands of dollars a year and I think, of course, I can't speak for your Administration, but my men were proud at all times that they didn't go in as if there was something wrong. They didn't go in with a stick on their shoulder or holding it over the other fellows' head. They went in to find out if they could help in any way, and to further promote the administration the Act. We used to try if we found an employer who didn't have an account with the board to sell him the idea that he should have it before we came around to telling him that he had to have it. If you can do a selling job and you have properly trained men to do this, it can be handled quite easily. I think it only strengthens your relationship between industry and the Administration. Now, to start off with on the proposal, you are not going to have an inspector attached, I don't think, that will come as you grow. You may see fit to have one, but that is about all you will require here.

Mr. Chairman: Anything further on 29? 30? 31? 32?

Mr. McKinnon: Mr. Chairman, 31 section 65. I would like some advice on this section. To me it seems that the hardships under the terms of this section will be on the small operator who generally has difficulty in keeping up with the Acts and the regulations.

Mr. Hough: Mr. Chairman, this has been a section only used about two or three times in my tenure with the Alberta Board. But, I don't agree with the Honourable Member that this is a hardship on the small employer, you don't usually have too much trouble with him, you might encounter it with an employer coming in from the outside. He does a job here, he gives the estimate, and he takes off and pulls out on you. You may not have any way of recovering it, or getting the money from him. If he returns you are going to make him in a subsequent year, at least you will consider then whether or not you are going to make him put up some security before he ever commences operation in here.

Mr. McKinnon: The point is that you will never get it the first time, you have to get him after the last time.

Mr. Hough: You will probably get him in the first time, but you will get him on an estimate and his payroll might be way over it. By the time you get the payroll and find out he is gone.

Mr. McKinnon: There is a reason why I raised the point, Mr. Chairman, if a person--this section only applies to a person that the Commissioner for some type of cause realizes that they may not need an assessment. Bonding is difficult for a small business and expensive for a small business and yet -- if this section were to apply on an indiscriminate basis. This is my point it could cause hardship only in the instance where the Commissioner or the officer has reason to believe that this company is going to default on their assessment payment. I agree that there should be a -- this type of assessment level. I am just worried. I brought this here to the Table that if it were used indiscriminately it could provide hardship on them. But, Mr. Hough, has explained the Alberta experience would probably be the same as Yukon.

Mr. Chamberlist: I should point out that even in a private insurance company, that when you insure with a private insurance company you have to pay your premiums ahead of time in any event. You are not allowed to pay your premiums later on, get your policy, unless the insurer knows who you are and who is he is doing business with, they will be asking for your money in advance.

Mr. McKinnon: My point, Mr. Chairman, as the section reads, it is not a discriminate section, it appears upon reading that this could apply to any company at the Commissioner's whim if he decides this the type of a policy that he wanted to place upon that company. It doesn't say that the Commissioner will do this if a company has done that type of thing.

Mr. Chairman: Anything further on 31? 32? Sixty-seven one, brings us back to the area that I questioned just a short while ago in respect of contracts.

Mr. Legal Adviser: These sections are applying to contractors and subcontractors, in relation to the principal employing the contractor. It is very difficult to understand and it is very difficult to draft. The explanation would be far longer than it is worth.

Mr. Hough: Mr. Chairman, if I just might add, now maybe I'll pass over it, but this particular section has been a worrisome one. It was to the Alberta Board for years and years and they obtained some of the best legal advice they could to draft this section to where it was workable and this is what they came up with about eight years ago. I may say that since this section was made, practically every other board in Canada has adopted it, almost word for word, not all of them, but most of them. As to do just as your Legal Adviser mentioned, you are an individual and you let a contract out to build a garage and the employer of these workmen, for some reason or other doesn't pay; the Administration can't collect from him, they come back on you as the principal of that contract. It is your responsibility to see that he has paid and all you would have to do is to get a letter of clearance from the compensation office and then you are clear. Now, all of your large contractors or your Federal Government when they let a contract out in Alberta, they require a letter of clearance from the Alberta Board in respect of every contractor or subcontractor that has worked on a project. Once they have that, they will pay the signed contractors. This goes all the way down the line, if your own Government here is building a building, they should have a clearance on every contractor that works on the building.

Mr. Chairman: I will certainly be looking at that section anyway. Anything further on 32?

Mr. Tanner: Yes, Mr. Chairman. Mr. Hough, why would they deem it expedient to collect assessments by installment? For the convenience of the employer or their own convenience.

Mr. Hough: Actually it would be for the convenience of the employer. Not the board, because if the board got all their money in at the first of the year, they have a lot more money to invest and have on hand. But, when you are dealing with large employers and even down to a certain level, it is the same principal on your smaller employer as it is on the larger, maybe in some cases it is more difficult for the small one because he can't get the financial arrangement with a bank, where the larger one can. Let's take some of your large industry here. Your mining industry. When they have to pay, pay their assessment in one lump at the first of the year, they have got to borrow money. Now, if you put it in installments then they can don't have to borrow as much. They have got the use of the money too. It keeps an even flow coming in as well. The Alberta Board uses the two installment systems. Half of the assessment is payable thirty days of the date of notice and the other half is approximately six months later, although, they use a receding. The company that gets his assessments paid in the first or second week in January, the first installment is payable 30 days from then, the second installment is payable on September 30th. The one who gets his assessment dated the next day, his second installment would be September 29, it comes down, so that the fellow who gets his assessment last, in the year, say around about March, he has to pay his second one along about July, because he has use of his own money. That is just to sort of equal it out.

Mr. Tanner: Excuse me, that comes from a request of the employer?

Mr. Hough: The board bills him, they know the assessment says payable in 30 days, if the employer wants to turn around and send a cheque right back, why the board just gladly takes it. The same thing, they send out a notice for the second installment, they send that out about 15 days ahead of the due date. He can return the notice with his payment.

Mr. Chamberlist: I think, I'll ask Mr. Hough, whether the employer would have to make application as to whether he wished to take advantage of the bi-yearly appearance. Who would make the application. Would we decide it or would the employer handle it.

Mr. Hough: No, you set it out that -- the Alberta Board does it by regulation. It has been set and established. Everybody who has an assessment of over \$25 in respect of anyone year.

Mr. Tanner: I would suspect you are getting that from private companies because you get all that money all at once

Mr. Hough: For example, in your Province of B.C., the B.C. Board use a quarterly payment, payable for every three months.

Mr. Chamberlist: Do we need to do this, because wouldn't it be increasing the administrative costs on our part?

Mr. Hough: Not that much.

Mr. H. J. Taylor: Mr. Chairman, one of the biggest complaints here has been that the small employer doesn't pay the full year's premium at the first of the year. I have had lots of them come to me and say we would like it if we could collect quarterly and this has been the process that we may now go into the quarterly installments. That would only be on old established Yukon firms, not on transient people who come in here for six months in the summer. If they do that, we collect from them for the total period in which they expect to be here in advance, but not from the established employers.

Mr. Chamberlist: Shouldn't we say in this, I have thought about this some time ago, shouldn't we say specifically in the legislation whether it will be every six months or every three months. Shouldn't it be part of the legislation instead of in a regulation, so that ...

Mr. Hough: Well, as I said just a minute ago, we don't want to treat all employers the same way, that is why it should be in regulations. Some of them we want to get their payment for the full year or for the full period when they are going to be in Yukon in advance.

Mr. Chamberlist: Then, there is a discretion, that is being used here. We want to get away from that don't we?

Mr. Fingland: I don't think we can completely, Mr. Chairman. I think that the short-term employer, the seasonal employer, I don't think we can. I think we must in fact collect for the full period in which he is in Yukon.

Mr. H. J. Taylor: To give an illustration of how 50 percent of the money will be recalled, a seasonal employer came into the Yukon Territory, he employed about 40 men for three or four months. He had them out in the bush, out in the boondocks, and they didn't draw their wages under and of the men had worked for him for four months, some of them were university students and when they came to collect wage at the end of the season, he was gone out of the Territory, there were some 40 people that didn't get a nickle for their summer work. We don't want the same thing to happen to some of our premiums.

Mr. Chairman: In section 70(1), you say, any employer who refuses or neglects to make or transmit any payroll, return or other statement required, would you not say payroll information? I don't think you could ask a person to transmit their payroll.

Mr. Legal Adviser: I think the information is fine here.

Mr. Chairman: It is payroll statement, but should that not read payroll statement, I don't think it is ...

Mr. Hough: That comma should just come out of there.

Mr. H. J. Taylor: It says, payroll, return or other statement.

Mr. Chairman: But I think you have got to identify it. That is 70(1) line two. You are asking the people to submit their payroll.

Mr. H. J. Taylor: To transmit any payroll, return or other statement, in other words, it is a payroll statement or return.

Mr. Chamberlist: Payroll, return or statement. It is either one or the other.

Mr. Chairman: Anything further on 33? 34? Clear on 34. 35?

Mr. McKinnon: Once again, Mr. Chairman, I always have problems with sections, like subsection (7), where the company has no registered office and the last known registered office of the company which may be abandoned building with no door on it even and yet the company is said to be served as the person delivering the notice puts it in that abandoned building. That company is deemed to have been served and then the prosecution can commence without the knowledge of the company.

Mr. Legal Adviser: With respect, Mr. Chairman, this is not so, I'll add to it, but I may be wrong. You have to have an adult person and that adult person can be at the registered office or where it hasn't got one at the last known address. It still has to be left with an adult person.

Mr. Chamberlist: You can't throw it in the door.

Mr. McKinnon: If that person, who is the person with the order says this is for the company that had this building six months ago, this office. He says, I don't know who the hell they are, I have no knowledge of the company or anything about it. I don't ... Has she the right to refuse to accept that order from the person delivering it.

Mr. Legal Adviser: First thing, the person must be at a registered office or the last known registered office. Very often there is a fault in their returning to Mr. Taylor, when in fact they have got an office. I think it is a matter of common sense.

Mr. Chamberlist: I must relate something that happened just four weeks ago in my house where I'm living. There was a company that lived there at one time and they were issued a writ against this particular company and I opened the door to a knock and the Deputy Sheriff gave me a writ. He said here you are Norm, this is for you. I looked at it and I said I have nothing to do with it, with this company. You'll have to leave it at the registered office. So he gave it to me, what would I do with it. I have nothing to do with the company. I did what I thought was the best thing to do, I picked up the garbage can and put it in the garbage can. This is right, it had nothing to do with me. It might be that somebody has gone and lived in an old building and again a guy just came in from Whitehorse and he picked up his sleeping bag and he is sleeping there overnight. The server comes along and he serves this guy, who is sleeping in there. It is the first time he has ever been in Dawson. I know it is a bit far-fetched, but what do you do in instances like that? What is the alternative. All you have got to do is let it be known or publish it in the paper, I think that would be better really, is to make a publication.

Mr. Chairman: Anything further on 35?

Mr. Tanner: Mr. Chairman, I have one small point on 34. The Commissioner has the power and the board has the power and the Commissioner has the power to for non-payment seize property and real estate and so on and so forth. The preference over everybody else other than wage due to workmen. Do we not have to say that he doesn't have preference over the Federal Income Tax Act.

Mr. Legal Adviser: I think the Federal Income Tax people are well able to take care of themselves.

Mr. Hough: Mr. Chairman, if I just might speak to that. In Alberta we had an agreement, you may wonder at this, but it was in writing from the Federal Tax Department that if the board happens to move in first, we shared.

They didn't step in and take the works. If we were both involved and we moved in first, we got our pound of flesh as well as them. But if they were in ahead of us, then, of course, they took it.

Mr. Tanner: It became a race after a while.

Mr. Hough: Just about. No, we had very good working relations, really with the tax department. They were so good that sometimes when they knew of somebody that was going to go wonder, shall we say, they would advise us.

Mr. Chairman: Anything further on 35? At this time we will take a brief recess.

RECESS

Mr. Chairman: Now we will proceed with page 36. Clear?

Honourable Members: Clear.

Mr. Chairman: Page 37, clear?

Honourable Members: Clear.

Mr. Chairman: Page 38. The next item of consideration will be Bill No. 33.

Mrs. Watson: Mr. Chairman, I would like to draw Committee's attention to a very important question on page 38, section 80, the formula for the maximum wage rate and section 79, the formula for the benefits. I think those are very important sections and the Honourable Members may wish to look at them a little more carefully.

Mr. Chamberlist: They did indicate that they were clear on them.

BILL #33

Mr. Chairman: Anything else on Bill No. 32? We will proceed then to Bill No. 33, Workmen's Compensation Supplementary Benefits Ordinance.

Mr. Chamberlist: Mr. Chairman, for the record the Explanatory Note; "The purpose of this Ordinance is to enable the Territory to subsidize widows' and dependants' Workmen's Compensation pensions payable under the former Workmen's Compensation Ordinance to raise them to the levels being paid by the new Workmen's Compensation Ordinance.

Mr. Chairman: Mr. Fingland, would you care to give us a brief outline of the intent and purpose of this Bill.

Mr. Fingland: Thank you, Mr. Chairman. The main purpose of this Bill is to provide from public funds an amount of money which will enable the recipients of workmen's compensation to obtain benefits at the levels that are provided in the new legislation. There are actually two categories of people involved, those who are the recipients of permanent disability pensions or their dependants whose disability pension was struck at a time when the benefits were lower than what will be provided for in the new legislation. Since these pensions are being paid for under the private contract insurance there is no way in which the insurance company or the beneficiary can alter those arrangements and in the view of the Territorial Government it is quite inequitable that people whose pensions were struck as long ago as 1954 should be placed in the position of having benefits which are no longer adequate in the light of current living costs. The other category are those who are in receipt of temporary disability benefits, but are expected to make full recovery. These, of course, are people who would be getting their disability benefits at the rates established under the old legislation and whose benefits we feel should also be brought into line with those who would receive temporary disability benefits under the new legislation. The main purpose, Mr. Chairman, is to bring the level of benefits of people who are currently in receipt of benefits under the old rate interlined with the new rate and the only way we can do this is by making payments from

the Consolidated Revenue Fund of the Yukon. I would like to say one further thing and that is that the cost of those whose benefits would be increased to the new rate who are only temporary recipients, this would disappear we estimate in approximately one year, at a total cost of \$12,000 over the twelve month period. The cost of the recipient of permanent disability benefits is estimated in the first fiscal year at \$57,500 and this will, of course, gradually disappear but it is a longer range because the way in which it will disappear is by virtue of dependants reaching maturity or wives remarrying or husbands remarrying, as the case may be or recipients dying and that sort of thing or accepting lump sum settlements. I don't think I have anything further that I can add to that in a general way, Mr. Chairman.

Mr. Stutter: Mr. Chairman, I wonder if I might add to Mr. Fingland if this is just for the additional benefits, those that are presently disabled or partially disabled are getting their benefits through private insurance companies who will continue to pay on that basis.

Mr. Fingland: That is quite right, Mr. Chairman. They will continue to get the benefits that they are actually receiving under the old contract of insurance and all this will do is supplement these benefits up to ...

BILL #34

Mr. Chairman: Are there any further questions on this Bill? The third Bill is just a matter of introduction.

Mr. Chamberlist: The third Bill Mr. Chairman, is to supply the funds for the purpose that has been indicated in Bill No. 32.

Mr. Chairman: Do you have any further general questions of the witnesses before they may be excused? Are there any further questions?

Mr. Rivett: Yes, Mr. Chairman. Mr. Hough said that this figure of \$9,000, he figures it is too high. I am curious as to why he said that.

Mr. Hough: Mr. Chairman, I am on a spot I guess. Maybe I spoke out of turn, I don't know.

Mr. Chairman: I am not so sure but I might just caution the witness that anything that might have been stated outside of Committee I don't think you are required to answer unless you so wish.

Mr. Hough: Well, all right, it is at the pleasure of the Chair.

Mr. Chairman: I wish to make it abundantly clear that any discussion taking place outside of the Committee you are not required to answer for in this place.

Mr. Hough: I think then we should leave it until a later date.

Mr. Chairman: I wonder if at this time the witnesses may be excused. The Committee would like to thank the ...

Mr. Chamberlist: Excuse me Mr. Chairman, I wonder if before the witnesses are excused perhaps some indication can be given by Council as to how much time Council would require before we go into this Workmen's Compensation Ordinance package. It may or may not be necessary to have, we know we can get our own departmental witnesses here but whether it may or may not be necessary to have Mr. Hough here as a witness. Can I make a suggestion Mr. Chairman? Some time is required to have those people and Members that wish to discuss the legislation mainly Bill No. 32, might I suggest that three weeks be ample time for this to happen. It is up -- I think Mr. Chairman should put it to the Members of Council and with respect not make his decision for the Members of Council so that Members of Council can speak on this point. It is very important.

Mr. Chairman: I would just like to caution the Member that it is not competent for any Member to impute the motives of the Chair.

Mr. Chamberlist: Oh, come, come, come.

Mr. Chairman: ... the matter and I caution the Member.

Mr. Stutter: Mr. Chairman, I would like to ask the two Executive Committee Members what plans there are for any Session between now and the Fall Session. The rumors have had it that we may be calling another Session approximately a month from now to discuss the Education Paper. Is there any basis to this?

Mrs. Watson: Mr. Chairman, I don't think we should rely on handling the Compensation Ordinance at the same time as we call a Special Session for the Education package because this would be quite an extensive package of legislation. I would caution the Members not to rely on this but any plans that they make should be separate and apart from the Special Session for the Education package.

Mr. Stutter: The understanding at the beginning of this Session was that we would read this or review it and then bring it back again. If the next time we will be sitting will be for the Education Ordinance it would seem convenient and intelligent to do this at the same time. However, if that Education Ordinance is six or eight weeks away then there is no problem. Are the Members now suggesting that we have another Special Session to do the Workmen's Compensation Ordinance?

Mrs. Watson: Mr. Chairman, I'm not suggesting anything. I think that it is up to the Members of the Legislature here to decide how long they want or what they want to do with this piece of legislation now. We are ready to serve any direction that you may want to make. I am just indicating to you that the Special Session-- we haven't determined exactly when the Special Session for the Education package will be held and that we will have -- it will be an extensive package in itself at that time.

Mr. Stutter: Mr. Chairman, it would be my suggestion that the Government itself should also be prepared to talk to employers and talk to interested parties on the Workmen's Compensation Ordinance and try to talk -- for example we have had a couple of briefs and those people should be talked to. There should be a Government office where those people could come and talk to Executive Members or Mr. Hough or someone like that. I don't think it is beholden on us as Members to explain this, but it is also beholden on the Government to sell it to the people who are going to be having to use it.

Mr. Chairman: Councillor Tanner will you take the Chair a moment.

Councillor Tanner takes the Chair.

Mr. D. Taylor: Mr. Chairman, it is rather difficult being in the Chair ... outside of the Session I think I made it clear as to what my position was in relation to this Bill. I think, or I hope that I am not misinterpreting the replies I received. I think it is incumbent upon all Members and is the desire of all Members now that we have taken the first whack at this Bill of legislation and we hopefully feel with all these alterations and changes that we discussed here it will better the Bill. I think it behooves us to allow industry, labour and indeed everyone in the Territory an opportunity to digest it and to make representation to the administration or to the individual Councillors themselves in respect of it. I hope that the administration when they do organize back in Whitehorse that they will sit down and consider this question and I am hopeful that they will set a date hypothetically I was thinking of the first day of August up to which time they would receive representation from all parties concerned in the Territory. Then I would hope that the administration would bundle copies, photostatic copies of all these representations and circulate them to individual Councillors prior to the Session next at which we would then finalize the Workmen's Compensation Ordinance. I do believe that this would then be giving everybody a fair opportunity of representation and time

to digest it and would allow us to present to the people of the Yukon Territory a meaningful and very workable piece of legislation.

Mr. Chamberlist: Mr. Chairman, the government side has made it quite clear and I am sure the Honourable Member who has just spoken will recognize by the manner in which we have dealt with this piece of legislation that we are not forcing anything upon Council. It is agreed that it is far, far too important to even consider that we would ever do that, we never do it with any legislation. I am just simply wondering whether or not it would be helpful if perhaps public meetings could be held, one or two, on the legislation itself to allow people generally, not only the employers but employees to give their pitch. I see no objection to accepting the date of the first week in August for Council to deal with this as the Honourable Member for Watson Lake has indicated. We would just simply want to know when and then the Government will act upon it. But when?

Mr. D. Taylor: Mr. Chairman, I suggested it only as an arbitrary, hypothetical date. I did suggest that the first of August would give sufficient time, I would think for industry and the general public that opportunity to make representation, up to and including the first day of August. Now having achieved this, then copies of these submissions made to the administration and Office of the Commissioner would then be circulated to all Members for themselves to digest prior to the next Fall Session of Council at which time the matter could be considered and finalized. This is what I suggest. In respect of public meetings, I think that one or two public meetings would be fine. I think this is a prerogative of the administration and, as I say, when we get back to Whitehorse then that would give you the time to make that decision. I think some time must now transpire to make this public to the people and copies of this Bill to be made available to the public for their comments. I think that probably ... Session no doubt into September and if this was the case this would allow the time to make this possible. I would personally suggest for consideration of Committee that the Fall Session of Council after say September would be the time to deal with this Bill.

Mr. Chamberlist: I would like to just indicate one more point that I think Members of Council must consider that this indeed is a piece of people legislation which everybody should be concerned about and that the longer this is put off, the longer the working man is being deprived of Greater benefits which the Government is trying to give at this particular time. Beyond that, as far as I am concerned, whatever date that Council wishes to set.

Mr. Chairman: From the Chair, if no Members of the Executive Committee have any objections there is no other reason that we specifically have to get this out within the next two or three weeks. Is there any objection to the suggestion?

Mr. McKinnon: I was just thinking of the neatest way of tying everything together and I personally have no objections and I don't know what Committee feels about at the next Session of Council witnesses who want to appear on the Workmen's Compensation may appear and have their say. If there are any changes out of the representations that we want to be made to the Bill, have them made and have the package finalized at that Session of Council. I have never had any problems that I don't think any Member here has had experience with representations being made before Committee and questions being asked, and legislation either being changed or amended or a decision made to keep the legislation the same forming out of these representations. This is a neat final way of dealing with the package now that we have gone through a preliminary reading of it and pretty well understand the philosophy and content behind the Ordinance and we are able to explain it to people who phone up and ask us what different sections mean then let them know that they are allowed to make representations before Committee at the next Session of Council; hear the representations; make any necessary amendments that have to be made and finalize the legislation and take on the Education Ordinance at the same time. I have no objections to that kind of procedure being followed. I like that kind of approach.

Mrs. Watson: Mr. Chairman, I would like to make a suggestion I don't know how acceptable it would be to the Members here that the Government now has prepared the legislation here. I can't agree completely with the administration's thinking on the role of adjudicator in this position to have representation from industry and from union. I would like to suggest that possibly we could have a committee from our Council here who would in Whitehorse have hearings, they could have them at Faro or Watson Lake, where industry and the unions could make representation to this committee of the Council, then this committee of the Council could bring back to the administration the recommendations and then the Bill could be put before a Special Session of Council, Fall Session or any time Council wanted to. This way we would designate certain Members of the Territorial Council to take on this job of trying to get some feedback from specific people who are specifically interested in this piece of legislation.

Mr. D. Taylor: Mr. Chairman, what the Honourable Member has proposed has some merit, however, I think one should also view the fact the terms of cost to establish a Committee of Council to go around the Territory I think would be in a way an unnecessary expense. I certainly feel we should use the central Post Office that being the Office of the Commissioner and the Government of the Yukon Territory. A notice filed in the newspaper by the administration would then make it possible for people to send all their letters into the administration and I think that is a pretty good idea because as the representations come in, the Legislative Program Committee or Members of the administration would be sifting through this material as it arrives and looking at the Ordinance and coming up with new ideas how we might better it. I would think that that would be the proper course. In terms of the fiscal responsibilities, I think the cheapest course and in terms of efficiency, the most efficient course in the handling of this data coming from the public.

Mr. Stutter: Mr. Chairman, maybe I am taking a selfish view, but for my part, if I could be given a half dozen copies of the Bill and related Bills and also the Votes and Proceedings I can digest and allow other people to digest the remarks of the witnesses. I am quite prepared to handle any briefs and any comments from my particular area. Maybe in this particular instance, as I say, I am being a bit selfish as my area isn't as big as others. Then, I would be quite prepared to go back at the next Session in Council, whether it be a special one for Education or anything else, and discuss this along with the briefs at that time.

Mr. McKinnon: I would like to bring this to a head, Mr. Chairman, by the suggestion that I offer and see if the Committee will accept that and if they won't then I will let someone else try their suggestion. I would move that at the next Session of the Yukon Legislative Council opportunity be provided for interested parties to make representation before Committee on the Workmen's Compensation Ordinance.

Mrs. Watson: Mr. Chairman, ... the fact that after you have representation you are going to have representations from various organizations, you have to sit down and assess all the representations and then make recommendations. Now if we were to sit in Committee in Council and try to recommend some amendments as of the next day for the Compensation Ordinance, we could find ourselves in trouble. I admire Councillor Stutter who is quite prepared to take care of the representation in his own constituency, maybe this is the way we should be doing it. Each individual Councillor go back to his own constituency and get the feeling of the people and be prepared to handle this at the next Session of Council. I do, I am quite opposed to the Honourable Member for Watson Lake's position on this where the administration should take on the task to ask for briefs and to accept the briefs, and again make a decision. This isn't the administration's responsibility. It is our responsibility as elected people to decide what you want in this Ordinance.

Mr. Chairman: From the Chair, since we are going to be here tomorrow, could we not let this go and maybe discuss this individually and come up with a decision tomorrow morning when we are again in Committee.

Mr. Chamberlist: I would just like to comment that the administration's view is already in this legislation.

Mr. D. Taylor: Mr. Chairman, I would like to direct a question to Mr. Fingland and ask him if indeed this would be too weighty a program for the administration to undertake and receive these admissions or would it not?

Mr. Fingland: Of course, I think actually, Mr. Chairman, that we could certainly do as the Member for Watson Lake has suggested. One other additional factor that I think should be considered is that we are talking about a period of time during the year when things are at probably their lowest ebb in terms of availability of staff and capacity to handle the situation. We are also dealing with the period of the year where industry and the unions and employers, employees generally are not most available. I would think that probably we should examine with some care and caution whether we just simply put it onto the administration. I think our feeling is that we have embodied in the Bill what we thought would be an appropriate piece of legislation and that it should be now in the hands of Council to dispose of it as they best see fit.

Mr. McKinnon: Mr. Chairman, there is no way that I want to pluck my responsibility off the Administration and I have made my point that I am willing to sit, listen, amend, say yes and say no to any group any representation or any person that wants to appear before Committee while Council is at their next Session. I think that is the best way of doing it, the best legislation comes out of it and my suggestion has not been accepted by Council and now it is up to Council to find some other suggestion. I am willing to be available any time Council so desires to hear representation.

Mr. D. Taylor: I will second the motion, Mr. Chairman.

Mr. Stutter: I merely wanted to point out that obviously the Next Session of Council will be in Whitehorse and there are many employers and employed people who can't necessarily make it. This is another reason why I said that I would sit through any briefs from this end. If they want to go to Whitehorse, that is fine as well.

Mr. Chamberlist: Mr. Chairman, I kind of like the idea that has been indicated by Councillor Watson about the Committee because then it would answer Councillor McKinnon, it would answer Councillor Stutter and it should answer Councillor Taylor. This Committee can be set up and this Committee can go to these particular places. I am sure government funds are available for this type of matter and if a committee is formed to do this particular thing it should answer everybody and I know Councillor McKinnon wants people to come along to him so he wants to give up the time to go I think he should do that. I think we should try and start getting used to the fact that we shouldn't have to do everything altogether but lets get some committee reports from a few people. There is an opportunity that has been suggested by a Member of the Executive Committee and a darned good one.

Mr. D. Taylor: Mr. Chairman, ... doing things is the Government way, the right way and I would suggest that to embark on the program as suggested by the Honourable Member is quite unnecessary. I think that rather than going to communities on this thing I don't think it was intended that this occur. It was more intended that those people who wish to make submissions in respect of the Bills could do so. The question only then remains, if we can agree on the timing, as to whether they send them to the Government of the Yukon Territory or whether they send them to the Clerk of Council as long as this information as it is received is disseminated to all the Members as it is received. What we are really talking about here in one essence is a post office box. Do we send it to the Office of the Commissioner or do we send it to the Clerk of the Territorial Council. I think that is the question. I don't think that a Committee of Council roaming the Territory would achieve anything.

Mr. Chairman: I suggest that Committee have a five minute recess.

RECESS

Mr. Chairman: I'll call Committee back to order. What is Committee's pleasure at this time?

Mr. Taylor: Mr. Chairman, I would like to suggest that the matter be set aside for the Fall Session.

Mr. Chamberlist: Are you making an effort to move?

Mr. Taylor: I would so move.

Mr. Chamberlist: I wonder if I might suggest, Mr. Chairman, so that we can give some little thought to the various ramifications that will be involved. That we deal with it in this manner and that we allow the Bill to rest in Committee or die in Committee because if we have another session we would have to bring the Bills back with the proposed changes that have been suggested. That the Executive Committee consider the changes and then we will speak individually to the Councillors in about a three weeks to a months time to ask when a or whether a session should be called within the next few weeks after that. But we should really get to a specific state. I am just trying to go along with everybody's thought on this and the Government does not want to push the thing in any way, except to have you understand that there is a need for the legislation and we should try and deal with it as early as possible, but not at the same time as the educational package which a special session will have to be called for. Councillor Watson is more familiar with this than me, as to when this would be called, but we should have a special session for this particular piece of legislation and that is to try to be helpful by saying about on it.

Mr. Taylor: Mr. Chairman, does the Honourable Member agree that if a special session is called that it should not be called before September on this matter?

Mr. Chamberlist: July, August -- two and a half months. No, I don't agree with that at all. I don't agree with that at all it is too far away. I can't visualize that even mine managers, business people or employees would want all that time to make up their mind. I think, that the Honourable Member from Dawson, he has clearly indicated that he is prepared to deal with the subject-matter by going into personal discussions with those companies that are operating in his area. We could all do that. We could all consult with both employers and employees and then come back on a particular date. I really can't with respect, understand why the Honourable Member for Watson Lake should want to stretch it out to a couple of months. Why not let us say, let us make an effort to do it in a month's time, so that we can get this thing through. That is reasonable. You know that there is no question, to use the word, ramming, but we don't want to do that, but we do want some compromise from the Honourable Member. I hope he can see that too.

Mr. Taylor: Just in reply to the question laid by the Honourable Member. I can only say that it is going to take some weeks to get this information disseminated throughout the Territory. For one thing, it is the active period of the year. The month of July and the month of August are very active periods for all of us in the Territory. Especially anybody who is interested in making representation to us in respect of these Ordinances, it is going to take us sometime to put it together and I think that by putting this matter off until at least September, we can provide the time and I cannot see where it causes any hardship upon the Administration people of the Territory to do this. I really can't. During those two -- well actually the 15th of June to about the 15th of August, is the peak period of time for corporations, for individuals and people who scatter south. I would suggest that if indeed it is the decision of Committee that they wish to deal with this thing sometime in September, I would go along with this, but I would suggest that we must give a couple of months, at least.

Mr. Stutter: Mr. Chairman, I believe this is a very important Bill, and I think it is a Bill that we all want to see go through, not too rapidly, nevertheless. We all want a chance to talk this over with different people, both employed and employers. If I can find a seconder, I have a motion here. I would move that the Commissioner be requested to call another session of Council anytime after mid July to reintroduce the Workmen's Compensation Ordinance and related Bills.

Mr. Chamberlist: I would be pleased to second that motion.

Mr. Chairman: Any Councillors want to speak to the motion?

Mr. McKinnon: I have some questions, Mr. Chairman. In the Council, a special select committee be struck rather than been calling a session of Council and I have no qualms at all if the special select committee may comprise of the seven Members of Council were struck rather than form a session of Council to discuss at some period of time in the middle of July this specific representation that is being made to the Workmen's Compensation Ordinance. It seems more expedient or easier to call a session in either instance, I will do everything in my power to be before at that session, at the select committee to hear representations to the Workmen's Compensation Ordinance. I have no objection, by having it the way the Honourable Member for Dawson wants to or striking a special select committee of all the Members of Council, not calling a formal Council session, but allowing representations to be made to the special select committee dealing with the Workmen's Compensation Ordinance.

Mr. Chamberlist: Councillor Stutter, could you read the motion again, please.

Mr. Stutter: I would move, now seconded by Councillor Chamberlist that the Commissioner be requested to call another session of Council at any time after mid July to reintroduce the Workmen's Compensation Ordinance and related Bills.

Mr. McKinnon: The motion, Mr. Chairman, doesn't specify representation will be allowed to be made to Council at this session of Council. I wonder if it is the Member's desire that this can take place at this time?

Mr. Stutter: Well, it is a question, if I might be permitted to answer, I did perhaps purposely leave it that way because I feel that now surely through the press and other media people are going to be well aware that the reason that there is now much delay in the Compensation Ordinance is purely to discuss the Ordinance and related Bills with employers and employees. The onus is partly on them as well to contact their Councillors and if it is the wishes of Council at that time to receive representation all well and good.

Mr. Chairman: Councillor Taylor will you take the Chair.

Mr. Taylor resumes the Chair.

Mr. Tanner: I think the composition of the motion put by Councillor Stutter resolves most of our individual objections to what we have before us and it seems a very reasonable motion.

Mr. Chamberlist: Question.

Mr. Chairman: I believe the motion has to be read from the Chair. May I have a copy of the motion? It has been moved by Councillor Stutter, seconded by Councillor Chamberlist, that the Commissioner be requested to call another session of Council anytime after mid July to reintroduce the Workmen's Compensation Ordinance and related Bills. Question has been called.

Mrs. Watson: Mr. Chairman, should that not say a special session.

Saturday, June 16, 1973

Mr. Chamberlist: Amend that.

Mr. Chairman: The motion now reads, it has been moved by Councillor Stutter, seconded by Councillor Chamberlist, that the Commissioner be requested to call another special session of Council anytime after mid July to reintroduce the Workmen's Compensation Ordinance and related Bills. Are you prepared for the question? Are you agreed? I declare the motion carried.

MOTION CARRIED

Mr. Chairman: What is your further pleasure?

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

Mr. Tanner: I second the motion.

Mr. Chairman: It has been moved by Councillor Chamberlist, seconded by Councillor Tanner, that Mr. Speaker, do now resume the Chair. Are you prepared for the question? Are you agreed. I declare the motion carried.

MOTION CARRIED

Mr. Speaker: The House will now come to order. May we have the report from the Chairman of Committees?

Mr. Taylor: Mr. Speaker, Committee convened at 11:00 a.m. to discuss Bills and memorandums. Mr. Fingland attended Committee to discuss matters relevant to the Liquor Ordinance administration. Mr. Fingland, Mr. Taylor, Mr. Hough and Miss Wasylynchuk attended Committee to discuss Bill No. 32. Committee recessed at 12:00 noon and reconvened at 2:00 p.m. It was then moved by Councillor Stutter, seconded by Councillor Chamberlist, that the Commissioner be requested to call another special session of Council anytime after mid July to reintroduce the Workmen's Compensation Ordinance and related Bills. This motion carried. It was then moved by Councillor Chamberlist, seconded by Councillor Tanner, that Mr. Speaker now resume the Chair and this motion carried.

Mr. Speaker: You have heard the report of the Chairman of Committees, are we agreed? May I have your further pleasure?

Mr. Taylor: Mr. Speaker, it would appear that at this point your Committee has concluded all the work placed before it.

Mr. Chamberlist: We have a motion coming on tomorrow.

Mr. Taylor: Yes, Mr. Speaker, Committee cleared all the work that is currently before us, at this time.

Mr. Speaker: Do we have an unanimous approval to meet tomorrow at 10:00?

Some Honourable Members: Agreed.

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

Mr. Chamberlist: Mr. Speaker, I move that we call it five o'clock.

Mr. Stutter: I second that motion.

Mr. Speaker: It has been moved by the Honourable Member for Whitehorse East, seconded by the Honourable Member for Dawson City, that we now call it five o'clock. Are you prepared for the question? Agreed? This House now stands adjourned until 10:00 a.m. tomorrow morning.

Mr. Speaker reads the daily prayer.

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

Mr. Clerk: There is, Mr. Speaker.

Mr. Speaker: The House will now come to order.

Mr. Taylor: Mr. Speaker, we have two chores before us, one is I think to draw the attention of all Members of the House, public gallery and the media, today we have with us a sergeant-at-arms, of course, who is celebrating his 45th birthday, pardon me, his anniversary in Dawson City where we now sit 45 years ago in the year 1928. I am sure I would echo the sentiment of all Members of the House wishing him and his wife a very happy anniversary.

All Honourable Members: Applaud.

Mr. Taylor: Also today, following many years of service in the service of the people of the Territory, in various positions of Government we pay tribute to Mr. Clerk. For the last several years, Mr. Clerk has given us many long hours and direction in administering the duties reposed in him as Clerk of the Council. In recognition of his good humour and hard work and in service generally to the House and the appreciation of those services and with great wishes for his future prosperity in the public domain in the realm of the business community and on behalf, I'm sure, Mr. Speaker, all Members of the House would like to present Mr. Pearson with a small token of our esteem.

All Honourable Members: Applaud.

Mr. Speaker: The House will now come to order.

Mr. McKinnon: Mr. Speaker, I wonder if I might rise at this time on a point of personal privilege. I believe that the Votes and Proceedings of the House for yesterday will show that I intimated that it was Yukon Liquor Board that brought forth the edict of the 19th on special occasion permits, it was brought to my attention that it was not the Yukon Liquor Board that made this edict, but rather the Government of the Yukon Territory. Thank you, Mr. Speaker.

Mr. Speaker: Are there any Documents or Correspondence to be tabled?

TABLING OF COMPENSATION RATES

Mr. Chamberlist: Mr. Speaker, yesterday, during discussion of the Workmen's Compensation Ordinance we presented all Members with copies of the proposed rates of all categories. I would ask that that be considered as the tabling of those rates.

Mr. Speaker: Any Reports of Committees? Are there any Bills to be introduced? Are there any Notices of Motion or Resolutions? Are there any Notices of Motion for the Production of Papers? We come to Motions. Since Councillor Tanner is not here, I have no copy of the motion there is nothing to proceed with. We come to questions. Are there any questions? There are no Private Bills and Orders and there are no Public Bills and Orders, this concludes our work.

Mr. Taylor: Mr. Speaker, in relation to your Committee I can re say that Committee has concluded all its work laid before it and would suggest now would be the time to effect prorogation.

Mr. Speaker: Do any of the Members wish to reply to the Commissioner's opening address?

Mr. Taylor: Mr. Speaker, I think all Members have speeches.

Mr. Speaker: The Member for Whitehorse North is not here. Member for Whitehorse West.

Mr. McKinnon: Mr. Speaker, the only thing that I would like to say and I couldn't let this opportunity pass without thanking the Clerk of the Council, Mr. Pearson, for all the help that he has given to the Council for the ten years that I have been a Member of this House. I don't think there is any person that I know of who could of fulfilled the onerous obligations that are placed upon the Clerk of the Council with better spirit and with more ability than Mr. Pearson has done. I think that there are many people in the Public Service that would be a little leary about entering the cold hard reality of the cruel business world, but with Mr. Pearson's ability, Mr. Speaker, I don't think he is going to have any problem at all in having a successful career in the business world as he was a successful Clerk of this House. Mr. Speaker, I only hope that the friendship that have built up over the years between Mr. Pearson and myself will continue now that he is in the private sector. Thank you very much.

Mr. Speaker: Honourable Member for Carmacks-Kluane.

Mrs. Watson: Mr. Speaker, I would like to also express my appreciation for the work that the Clerk of the Council has preformed for the Council. Although, I have only been a Member for a short time compared to some of the old hands around this Table, I realize that he has served the Council very well. I would also like to express my satisfaction, the deliberation that we made during this Session regarding the Compensation Bill. I am very happy that the public will now have an opportunity to have been put to their representatives so that at the next sitting we will be able to pass a piece of legislation that will be acceptable and satisfactory to all. Thank you.

Mr. Speaker: Honourable Member for Dawson.

Mr. Stutter: Mr. Speaker, at the risk of sounding a bit like a parrot, I would certainly like to reiterate some of the statements that have been made by both Councillor McKinnon and Councillor Watson. It certainly has been a pleasure working with Mr. Pearson for the last 2½ years and he has given me a great deal of assistance both in Whitehorse and I have always felt free to be able to phone him at any time almost at any hour. I must admit that I have always received very satisfactory help from him and I would certainly wish him all the best in his new ventures. Thank you.

Mr. Speaker: Honourable Member for Whitehorse East.

Mr. Chamberlist: Mr. Speaker, I cannot, but also agree with the sentiments that have been expressed to the Clerk of the Council. I am assured, however, that he will be able to take his place in the public gallery and watch the proceedings now that take place at a later date. I am a little bit disappointed at the lack of interest shown of the people of Dawson City in not attending these Council Sessions while it is here. But perhaps they have been busy elsewhere with their personal chores. Mr. Speaker, I feel quite sure that what has taken place in this Session in the dealing with the Workmen's Compensation package shows quite clearly the Government is concerned that the best possible piece of legislation will come forward in this very important regard and we hope that we will be able to bring for the people of the Yukon good, sound Workmen's Compensation legislation. Taking into consideration the needs of employers and employees alike. Thank you.

Mr. Speaker: Honourable Member for Watson Lake.

Mr. Taylor: Yes, Mr. Speaker, the Session itself has in my opinion not been entirely a waste as I suppose. Indeed, Mr. Speaker, it would be for at least one reason. We have come finally to the long-awaited Workmen's Compensation Ordinance in the form of a first review although I still feel and suspect that the Bill was intended for swift passage through the law at this time. We now have at least one month in which management, labour, and the public sector in general can view and comment on it prior to its furtherance in law at the next Special Session of Council. Mr. Speaker, we have on several occasions in the past produced clear and concise

resolutions directed to Ottawa, in which we have affirmed our desire for responsible Government here in the Yukon.

Mr. Speaker, apart from white elephant type programs there is little we receive from Ottawa or indeed may expect to receive from Ottawa without first asserting clear delimitation of objections and more than often as a result of the legislative struggles here in the House. In the past we have spoken decisively and in unanimity on this matter and it is my deep conviction that Ottawa must and will finally agree to our request and that at long last democratic institutions may ... Yukon. I hope it is not long in coming, Mr. Speaker. Finally, Mr. Speaker, I would be remiss if I failed on this occasion of Yukon's 75th anniversary to reflect upon the realization, development and opportunities that we enjoy today in all fields of consideration and endeavours have been made possible. Not just through our modern wonders, technology and life styles, but rather to the untiring efforts of those who came before it, and who indeed, Mr. Speaker, have hewed out of this great land a trail of development of the vast territory we now traverse. I would, therefore, at this time and with profound humility and respect, Mr. Speaker, on behalf of all whom I represent to this House, offer my deepest thanks and respect to the pioneers of the Yukon past and present who have by determination and often in great hardship brought our Yukon into the twentieth century and made it both possible and necessary that we may pay this tribute today where it all began here in Dawson. I would also like at this time to express my appreciation to the citizens of Dawson for the courtesy and hospitality they have accorded me during my visit here. I would also again like to wish well our retired Clerk, Mr. Pearson and I would hope that all Members of the House as well as the staff of the House enjoy a pleasant anniversary summer. Thank you.

Mr. Speaker: Does the Assistant Commissioner have any closing remarks?

Mr. Fingland: Thank you, Mr. Speaker. In summing up this Session on behalf of the Commissioner, it is a particular privilege for me to be able to do so. I have had a long association with the Government of the Yukon and a long association with Dawson City over the years. I am particularly grateful for the opportunity of being here on behalf of the Commissioner at this particular occasion. I would like to echo the sentiments of the Members of the Council in expressing their appreciation to the people of Dawson City and particularly the K.V.A. and the Yukon Order of Pioneers whose unflinching hospitality has made possible this particular Session of Council. I would also like to add to the appreciation expressed by the Members to Mr. Pearson, whom I have known for many years and with whom I have the privilege of working for many years off and on. I would also like to wish him the best in the future and hope that he is as successful in the private sector as he was in the Public Service of the Yukon. I must concur with the views of the Members that this has in fact been a fruitful Session and I think that the Council has done the right thing in not passing the legislation at this particular stage. It is extremely important, Mr. Speaker, that a Bill of this complexity and importance should have the fullest possible scrutiny, not only by the Members of the Council, but by the public at large. While the Bill has not been passed, of course, it would be improper to imply because it now dies in Committee that the work has somehow not been of use. I think that all of us have a much better appreciation of what the Bill contains, what the implications are and I know that for myself, I have a much better idea of what the representatives of the people would like to see in the Workmen's Compensation legislation. I am sure that as a result of our deliberations, Mr. Speaker, that we will in the few weeks ahead, be able to produce a piece of legislation that will contribute to the greater well-being of the people of the Yukon.

Mr. Speaker: Thank you Mr. Assistant Commissioner. This concludes all matters of business before us.

Mr. Clerk: It is the Commissioner's will and pleasure that this Council be now prorogued and this Council is accordingly prorogued.

PROROGUED

MR. SPEAKER

MEMBERS OF COUNCIL

I HAVE THE HONOUR TO WELCOME YOU TO THIS, THE EIGHTH SESSION OF THE TWENTY-SECOND WHOLLY-ELECTED COUNCIL OF THE YUKON TERRITORY.

JUNE 13 IS A VERY SPECIAL DAY IN THE HISTORY OF YUKON, FOR IT WAS ON THIS DAY THREE QUARTERS OF A CENTURY AGO, THAT YUKON EMERGED AS A DISTINCT POLITICAL ENTITY ON THE MAP OF CANADA.

THE LIFE AND TIMES OF THE NINETY EIGHTERS SYMBOLISHED THE GOLDEN AGE OF YUKON HISTORY. DAWSON - THIS RICH REPOSITORY OF MEMORIES - SPARKED ONE OF THE MOST SUDDEN AND DRAMATIC POPULATION MOVEMENTS IN THE HISTORY OF MAN.

POLITICAL CONFLICT IS PREVALENT IN EVERY SOCIETY BUT WHERE THE ENVIRONMENT IS FLUID, AS IT WAS IN THE KLONDIKE, THIS CONFLICT BECOMES MORE INTENSE. HISTORY, HOWEVER, INFORMS US THAT THE KLONDIKE ALSO WITNESSED THE EMERGENCE OF MEN TO MATCH THE MOMENT - SOME GREAT, SOME NOT SO GREAT.

INSPECTOR CHARLES CONSTANTINE OF THE NORTHWEST MOUNTED POLICE WAS ONE OF THEM. THE AMERICAN MINERS' MEETING, WHICH OPERATED IN FORTYMILE DURING THOSE DAYS, HAD THE POWER OF LIFE AND DEATH OVER THE MEMBERS OF THE COMMUNITY. IT COULD HANG A MAN, GIVE HIM A DIVORCE, IMPRISON, BANISH OR LASH HIM. THE MAJOR TASK FACING THE INSPECTOR WAS THE NECESSITY OF PURGING THE MINERS'

MEETING OF ITS AUTHORITY.

CONSTANTINE'S AUTHORITY WAS SOON PUT TO TEST. THE MINERS HELD A MEETING IN A SALOON AT WHICH, IN THEIR OWN ROUGH WAY, THEY TOOK A CLAIM AWAY FROM A MAN WHO HAD WELCHED ON A DEBT. CONSTANTINE HEARD OF IT AND PROMPTLY REVERSED THE DECISION. A DELEGATION OF MINERS CALLED ON THE INSPECTOR AND ARGUED THAT THE WHOLE THING HAD BEEN LEGAL - AT LEAST LEGAL ENOUGH TO SUIT THEM. CONSTANTINE, HIS JAW MUSCLES RIGID, HEARD THEM OUT. THEN HE SAID, "MY DECISION STANDS. BESIDES BEING A POLICE OFFICER, I'M ALSO A MAGISTRATE."

WHEN ONE OF THE DELEGATES MUMBLED SOMETHING TO THE EFFECT THEY WERE AMERICAN CITIZENS, CONSTANTINE SNAPPED, "IN THAT CASE, I'M ALSO THE FOREIGN SECRETARY!"

BECAUSE OF THE SWEEPING ECONOMIC AND SOCIAL CHANGES THAT BESET THE YUKON IN 1898, THE REGION WAS A FERTILE BREEDING GROUND FOR DISCONTENT. THE AGITATION THAT RESULTED WAS DIRECTED TOWARDS PUBLIC AUTHORITIES, WHO, MANY YUKONERS BELIEVED, WERE CAPABLE OF SOLVING ALL PROBLEMS ONCE SHOWN THE PROPER MEANS OF APPROACHING THEM.

TOM FAWCETT, WHO WAS THE GOLD COMMISSIONER DURING THE RUSH, WAS INEVITABLY BESET UPON BY A SWARM OF PETITIONERS WHENEVER HE APPEARED IN PUBLIC. TO QUOTE BERTON: " SO GREAT WAS THE PRESS OF THE CROWD ABOUT HIM THAT AT 12 NOON SHARP HE WOULD

BURST FROM HIS OFFICE AND HEAD FOR HIS BOARDINGHOUSE FOR LUNCH AT A DEAD RUN, HIS PETITIONERS IN HOT PURSUIT!"

IN A RESUME OF HIS FIRST TWO MONTHS IN OFFICE, GOLD COMMISSIONER FAWCETT NOTED THAT CONFLICTS AMONG THE MINERS WERE FREQUENT AND DIFFICULT TO RESOLVE, AND COMPLAINED THAT HE HAD TO SLEEP IN HIS OFFICE TO PROTECT IT FROM THIEVES.

YUKON'S FIRST COMMISSIONER, WILLIAM OGILVIE, WAS A REMARKABLE MAN. WHEN OGILVIE ARRIVED IN THE KLONDIKE IN 1898, HE FOUND IT FAR DIFFERENT FROM THE SMALL PLACER CAMP HE HAD LEFT LESS THAN TWO YEARS BEFORE. HE AND HIS FELLOW OFFICIALS AND COUNCILLORS WERE CONFRONTED BY MANY PROBLEMS THAT WERE UNIQUE IN THE HISTORY OF CANADIAN ADMINISTRATION. OGILVIE FOUND HIS POSITION INVOLVED NOT ONLY THE RESPONSIBILITIES OF COMMISSIONER, BUT ALSO THOSE OF DAWSON MAYOR, CITY ENGINEER AND FIRE CHIEF. HIS JOB WAS A DEMANDING ONE, EVEN MORE SO BECAUSE HE WAS CONSTANTLY SOUGHT OUT BY PEOPLE WHO THOUGHT HE, AS COMMISSIONER, COULD WORK MIRACLES.

LET ME QUOTE AN EXTRACT FROM THE FIRST ANNUAL REPORT OF YUKON'S FIRST COMMISSIONER: "IMMEDIATELY AFTER MY ARRIVAL I WAS BESET BY A GREAT MULTITUDE, EACH INDIVIDUAL OF WHOM EXPECTED THAT HE OR SHE WAS GOING TO SECURE EVERYTHING THAT WAS JUST AND RIGHT, AND OF COURSE, THEIR OWN VIEWS WERE JUST AND RIGHT, AS COMPARED WITH THE VIEWS OF THOSE OPPOSED TO THEM. FOR WEEKS AFTER MY ARRIVAL I WAS BESET BY THIS MULTITUDE DAILY; NOT ONE MOMENT

OF THE LONG DAY - GENERALLY FROM 8 IN THE MORNING UNTIL WELL TOWARDS MIDNIGHT - WAS I AT PEACE...."

BECAUSE BY NO MEANS ALL THE PEOPLE WHO RUSHED TO THE KLONDIKE WERE PHYSICALLY AND FINANCIALLY EQUIPPED TO WITHSTAND THE RIGOURS OF THE FRONTIER, THE GOVERNMENT'S GREATEST RESPONSIBILITY DURING AND JUST AFTER THE RUSH WAS CARING FOR THE INDIGENT SICK. LIVING IN AN ERA BEFORE THE RISE OF THE WELFARE STATE, OGILVIE SEEMED SHOCKED THAT SUCH A SERVICE SHOULD HAVE TO BE PROVIDED, BUT HE TOOK GREAT PAINS TO DEFEND AN EXPENDITURE OF \$100,000 - 48% OF TOTAL TERRITORIAL EXPENDITURES IN 1898-99 ON INDIGENTS.

ANOTHER COLOURFUL PERSONALITY WHO DOMINATED THE POLITICAL LIFE OF YUKON DURING THE KLONDIKE ERA WAS COMMISSIONER CONGDON.

FREDERICK TENNYSON CONGDON WAS AN AMBITIOUS MAN. IN THE DAYS OF COMMISSIONER CONGDON, THE TERRITORIAL CIVIL SERVICE HAD A CIVIL SERVANT WITH THE DESIGNATION "KEEPER OF THE GOVERNMENT DIAMOND DRILL" WHOSE DUTIES, AT LEAST IN THEORY, INVOLVED ASSISTANCE TO THE DEVELOPMENT OF THE QUARTZ MINING INDUSTRY. HISTORIANS SUGGEST THAT HIS REAL DUTIES INVOLVED ESTABLISHING WITHIN THE CIVIL SERVICE A COTERIE OF LOYAL FOLLOWERS WHO WERE TO ORGANIZE THE TERRITORY FOR ELECTORAL PURPOSES.

IT WAS DURING THE DAYS OF COMMISSIONER CONGDON THAT THE TERRITORY WITNESSED THE FIRST TERRITORIAL-MUNICIPAL RIFT.

IN AUGUST OF 1904, THE TERRITORIAL COUNCIL PASSED A BILL AMENDING THE DAWSON CITY CHARTER TO ALLOW THE RESIDENTS OF THE CITY TO VOTE IN A NEW PLEBISCITE TO DECIDE BETWEEN THE MAYOR AND COUNCIL OR APPOINTIVE COMMISSION FORMS OF GOVERNMENT. SHORTLY AFTER PROROGATION OF THE COUNCIL, CONGDON BEGAN PREPARING FOR THE FORTHCOMING PLEBISCITE, BUT ON SEPTEMBER 6, HE WAS OBSTRUCTED BY CITY COUNCIL. THE MUNICIPAL BODY DISMISSED THE CITY CLERK, WHOSE RESPONSIBILITY IT WAS TO ISSUE CERTIFICATES TO ELIGIBLE VOTERS. THE NEXT DAY, THE MAYOR, WHO WAS ALSO CONGDON'S CHIEF PREVENTIVE OFFICER, REINSTATED THE CLERK AGAINST THE WISHES OF THE COUNCIL MAJORITY, AND THE TERRITORIAL ADMINISTRATION SEIZED CITY HALL, BARRING ITS DOORS TO ALL ALDERMEN.

ON SEPTEMBER 13, 1904, THE PLEBISCITE WAS HELD IN DAWSON. LATE THAT EVENING, W.F. THOMPSON, EDITOR OF THE YUKON MIDNIGHT SUN TELEGRAPHED THE FOLLOWING PRESS RELEASE TO THE NEWSPAPERS OF CANADA: "THE LOCAL ADMINISTRATION OF THE YUKON TERRITORY TODAY STOLE FROM THE PEOPLE OF DAWSON THEIR CITY CHARTER IN AN ELECTION FORCED UPON THE PEOPLE BY THE COMMISSIONER OF THE YUKON TERRITORY WITH THE ILLEGAL ISSUE OF VOTING CERTIFICATES TO PEOPLE WHO HAD NO RIGHT TO VOTE....CONDITIONS HERE CONSTITUTE A REIGN OF TERROR."

CONGDON, ON THE OTHER HAND FELT THAT "POLITICAL AGITATION IN THE YUKON IS NEVER WORTHY OF ATTENTION, ESPECIALLY WHEN IT OCCURS IN THE WINTER WHEN MEN OFTEN HAVE NOTHING TO DO BUT

MAKE TROUBLE!"

THE YUKON HAD A VERY ACTIVE PRESS DURING THE DAYS OF KLONDIKE. TWO NEWSPAPERS BEGAN OPERATIONS IN JUNE 1898 - THE "KLONDIKE NUGGET" AND THE "YUKON MIDNIGHT SUN" - AND A THIRD, THE "KLONDIKE MINER" COMMENCED PUBLICATION LATER THAT YEAR. A FOURTH NEWSPAPER - "DAWSON SUNDAY GLEANER" WAS ESTABLISHED BY WILLIAM SEMPLE, FORMERLY OF THE NUGGET.

BERTON QUOTES BERT PARKER, ACCORDING TO WHOM, THE GLEANER WAS ONE OF THE HOTTEST SHEETS EVER PUBLISHED IN CANADA. THE PAPER WAS PUBLISHED TWICE A WEEK, AND MORE IN THE INTERESTS OF CIRCULATION THAN PUBLIC SPIRIT, ROASTED THE GOVERNMENT UNMERCIFULLY. "THEY BLAMED THE GOVERNMENT FOR EVERYTHING, NOT EXCEPTING THE WEATHER," PARKER RECALLED ACCORDING TO BERTON. AFTER COUNCIL IMPOSED A TWO-DOLLAR FISHING LICENCE FEE, SEMPLE PROCLAIMED IN GLARING HEADLINES, "THE NEXT THING WILL BE A TAX ON YOUR MOUTH."

IN RETROSPECT PERHAPS THINGS HAVEN'T REALLY CHANGED ALL THAT MUCH IN 75 YEARS.

AT THIS TIME I WOULD LIKE TO PAY TRIBUTE TO ONE OF DAWSON CITY'S FAVOURITE SONS, THE NEWS OF WHOSE DEMISE I LEARNED WITH PROFOUND SORROW.

MIKE COMADINA'S SIMPLICITY AND HIS TENDERNESS AS A GOOD MAN

PERMITTED HIM TO PENETRATE VERY DEEPLY INTO THE HEARTS OF THE PEOPLE OF DAWSON AND ALSO OF PEOPLES ALL OVER YUKON.

HE PLAYED AN ACTIVE ROLE IN THE ECONOMIC, POLITICAL AND SOCIAL LIFE OF THIS COMMUNITY AND WILL BE SADLY MISSED.

THIS SESSION OF COUNCIL MARKS THE LAST TIME THAT THE PRESENT CLERK WILL BE PERFORMING HIS OFFICIAL DUTIES ON YOUR BEHALF. HIS SUCCESSOR, MRS. LINDA ADAMS, CANADA'S FIRST WOMAN LEGISLATIVE CLERK, WILL BE TAKING OVER FROM MR. PEARSON AT THE END OF THIS MONTH THE MULTITUDINOUS TASKS OF HIS OFFICE. SHE HAS A HARD ACT TO FOLLOW AND I AM SURE ALL MEMBERS JOIN ME IN WISHING HER WELL IN ASSUMING THESE DUTIES. CHRIS PEARSON IS GOING TO THE HARD REALITY OF THE BUSINESS WORLD. IN MAKING THIS CHOICE, AFTER 13 HIGHLY SUCCESSFUL YEARS WITH THE GOVERNMENT OF YUKON, A VERY GREAT LOSS WILL BE FELT NOT ONLY IN THESE CHAMBERS, BUT IN THE DAILY SUPPORT HE HAS PROVIDED TO THE EXECUTIVE COMMITTEE AND THE COMMISSIONER. I EXPRESS MY OWN AND ALL MEMBERS SENTIMENTS IN TAKING THIS OPPORTUNITY TO PUBLICLY COMMEND MR. PEARSON ON HIS UNTIRING AND DEVOTED SERVICE OVER THE YEARS TO THE GOVERNMENT OF YUKON AND WISH HIM SUCCESS IN HIS NEW ENDEAVOURS.

MEMBERS WILL RECALL IN MY CLOSING REMARKS AT THE SPRING COUNCIL SESSION REFERENCE TO THE WORKMEN'S COMPENSATION FUNDING SCHEME AND THE DISTINCT POSSIBILITY OF SEEKING A SPECIAL SESSION TO PRESENT IT TO YOU. THIS OPPORTUNITY NOW PRESENTS ITSELF

AND THE FOLLOWING LEGISLATION WILL BE PLACED BEFORE YOU AT THIS SESSION:

- WORKMEN'S COMPENSATION ORDINANCE
- WORKMEN'S COMPENSATION SUPPLEMENTARY BENEFITS ORDINANCE
- THIRD APPROPRIATIONS ORDINANCE, 1973/74

I TRUST THAT THE MATERIAL PLACED BEFORE YOU WILL ENABLE YOU TO CARRY FORWARD YOUR DELIBERATIONS IN A MANNER THAT WILL MEET WITH YOUR APPROVAL. MY OFFICERS AND I STAND READY TO ASSIST YOU IN ANY WAY WE CAN TO HELP MAKE THIS A PRODUCTIVE SESSION FOR ALL YUKON.



J. SMITH,
COMMISSIONER.

MINISTER'S ADDRESS

THANK YOU, MR. COMMISSIONER. MR. SPEAKER AND MEMBERS OF THE TERRITORIAL COUNCIL. I DON'T INTEND TO MAKE A LONG SPEECH, I JUST WANT TO ASSOCIATE MYSELF AND MY WIFE WITH THIS ANNIVERSARY, THE 75TH ANNIVERSARY OF THE ESTABLISHMENT OF THE YUKON LEGISLATIVE COUNCIL. AS THE COMMISSIONER SAID IN HIS REMARKS, VERY COLORFUL REMARKS THE HISTORY OF THE YUKON IS A VERY SIGNIFICANT AND INTERESTING ONE WHICH HAS SHOWN THAT THE CHARACTERISTICS OF THE YUKON ARE STILL PREVAILING TODAY. I AM GLAD TO BE ASSOCIATED WITH YOU TODAY, BECAUSE IT IS THE OPENING OF THE SESSION IN THIS HISTORIC CITY OF DAWSON. IF THERE EVER WAS A CITY THAT MADE AN IMPACT ON THE WORLD VERY SUDDENLY, IT WAS WHITEHORSE AND GENERATION AFTER GENERATION THROUGHOUT THE WORLD WAS REALLY IMPRESSED. THE YUKON STARTED A BIT MORE THAN SEVENTY-FIVE YEARS AGO WHEN GEORGE CARMACKS AND A FRIEND CAME HERE AND DISCOVERED GOLD. THIS TERRITORY HAS BEEN EVOLVING SINCE THAT TIME IN MANY FASHIONS AND DURING THE 75TH ANNIVERSARY WE CAN ALL LOOK BACK AND SEE THAT WE HAVE MADE A LOT OF PROGRESS IN THE YUKON. THE SITUATION IS VERY GOOD AT THIS TIME AND I DO THINK, WE CAN LOOK FORWARD TO A VERY EXCITING FUTURE FOR THIS PART OF CANADA. ON BEHALF OF THE CANADIAN GOVERNMENT, MY COLLEAGUES IN THE CABINET AND THE MEMBERS OF PARLIAMENT, I WOULD LIKE TO EXTEND TO ALL THE PEOPLE OF THE YUKON OUR BEST WISHES ON THE OCCASION OF THE 75TH ANNIVERSARY OF THE YUKON LEGISLATIVE COUNCIL. I DO THINK, THAT FOR ALL CANADIANS THE YUKON IS VERY IMPORTANT, BECAUSE EVERYONE REMEMBERS FROM THE PACIFIC TO THE ATLANTIC THAT THIS PART OF THE WORLD AT THE BEGINNING OF THE CENTURY WAS SO IMPORTANT IN THE DEVELOPMENT OF ALL CANADA AND IN FACT, IT OPENED THE MOST NORTHERN AND WESTERN FRONTIERS OF THIS COUNTRY AND I WOULD LIKE TO EXTEND TO YOU BEST WISHES AT THIS OCCASION. I HAD THE OCCASION IN WHITEHORSE THIS MORNING TO PERHAPS

CORRECT ONE OF THE DIFFICULTIES THAT HAS EXISTED IN THE YUKON FOR SO LONG AND THE FEDERAL GOVERNMENT HAS AGREED TO START RIGHT AWAY TO BEGIN CONSTRUCTION OF THE CARCROSS-SKAGWAY ROAD IN B.C. AS I HAVE ALREADY SAID EARLIER TODAY, IT IS DUE TO THE COLLABORATION WITH THE B.C. GOVERNMENT THAT THE RIGHT-OF-WAY WAS GRANTED TO THE FEDERAL GOVERNMENT AND THE TERRITORIAL GOVERNMENT FOR THIS ENDEAVOUR. I WOULD LIKE TO THANK TODAY ALL THOSE WHO HAVE BEEN ASSOCIATED WITH THIS PROJECT, ALL YOU MEMBERS OF THE COUNCIL THAT HAVE ALWAYS PUT PRESSURE ON ME AND ON GOVERNMENT IN ORDER TO MAKE SURE THIS PROJECT WOULD COME TO THE RESULT WE HAVE TODAY. I WOULD LIKE TO THANK IN PARTICULAR COMMISSIONER SMITH WHO HELPED ME VERY MUCH IN THE NEGOTIATIONS AND ESTABLISHING CONTACT WITH BOTH THE ALASKA AND THE B.C. ADMINISTRATIONS, TO SOLVE THIS PROBLEM. SO AGAIN, THANK YOU FOR THE KIND INVITATION THAT YOU HAVE OFFERED TO MY WIFE AND I, WE ALWAYS ARE VERY HAPPY TO BE IN THE YUKON. I USED TO COME EVERY TWO MONTHS, UNFORTUNATELY I HAVE NOT BEEN IN THE YUKON SINCE LAST OCTOBER FOR THE REASONS YOU KNOW, BUT I AM VERY GLAD THAT I AM BACK WORKING AT MY JOB AND I HOPE TO COME AS REGULARLY AS BEFORE TO THE YUKON TO MEET ALL YOU AND I WISH YOU ALL THE BEST OF LUCK ESPECIALLY TO THE MEMBERS OF COUNCIL, A VERY FRUITFUL SESSION. MERCI BEAUCOUP.