



The Yukon Legislative Assembly

Number 10

2nd Session

23rd Legislature

Debates & Proceedings

Tuesday, March 18, 1975

Speaker: The Honourable Donald Taylor



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Mr. Speaker reads daily prayer

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

Madam Clerk: There is, Mr. Speaker.

Mr. Speaker: I will now call this House to Order.

ROUTINE PROCEEDINGS

Mr. Speaker: Are there any documents or correspondence for tabling this morning? The Honourable Member from Kluane?
Sessional Paper No. 6

Hon. Mrs. Watson: Mr. Speaker, I have for tabling today, Sessional Paper Number 6, Fuel Oil Transportation.

Mr. Speaker: Are there any Reports of Committees?

Introduction of Bills?

Are there any Notices of Motion or Resolution? The Honourable Member from Whitehorse Porter Creek.

Mr. Lang: Yes, Mr. Speaker. I give Notice of Motion respecting the Whitehorse Public Library.

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

Are there any Notices of Motion for the Production of Papers?

We will proceed to Orders of the Day.

ORDERS OF THE DAY

Mr. Speaker: We have Motion Number 6. Is the Honourable Member prepared to proceed with this Motion at this time?

Motion No. 6

Mr. McKinnon: Yes, Mr. Speaker. Motion Number 6, seconded by the Honourable Member from Kluane reads that "It is the opinion of this House that the maximum income level under which the Assisted Home Ownership Program should operate in the Yukon be fixed at \$18,000.00 per annum."

Mr. Speaker, the Assisted Home Ownership Program is only one of about a dozen C.M.H.C. programs available to residents in the Yukon. This Honourable Member -- and I think many Honourable Members, and in fact many members of the public

know very little about, in fact, perhaps nothing about.

Mr. Speaker, it is my intention through the vehicle of this Motion and depending on some Honourable Member accomplishing it for me, is to attempt to move this Motion into Committee and ask that the Regional Manager of the C.M.H.C., Mr. Jack Hadden, be available for Committee to answer questions dealing with the C.M.H.C. programs available to Yukon residents.

Mr. Speaker, Mr. Hadden has informed me that he would be available to Committee on Friday morning following Orders of the Day.

Mr. Speaker, speaking specifically on Motion Number 6, the Assisted Home Ownership Program is an attempt by the C.M.H.C. personnel to make single residence family dwellings available to people in the middle income bracket. The national program, Mr. Speaker, calls for a maximum fixed ceiling of income at the 11,000 level. Now anybody who has lived in the Yukon for any more than three months, would realize that this would make it impossible for anyone in the Yukon at that maximum level to receive any assistance under the Assisted Home Ownership Program.

So the C.M.H.C., being quite flexible in this area had raised that maximum to the area of some \$15,000.00. It is still my contention, Mr. Speaker, and I think that most Members of Council will agree with it, that this still does not meet the requirements of the average wage earner, and by this I mean the tradesman who is in about the \$8.00 an hour bracket in the Yukon Territory. The facts of life remain in the Yukon Territory that if a person is a tradesman, if he has made the decision of raising a family and having his wife remain at home to raise the family, that there is no program available that that person can own a home in the Yukon Territory.

Mr. Speaker, to me that is an absolute disgrace. The public of the Yukon and the newly married young couple are not made, the majority of them, to live in condominiums, to live in apartments and to live in townhouses without -- the vast majority, Mr. Speaker, talking to them, want their own home and when a government and government programs do not make it possible for the backbone, Mr. Speaker, of our society to be able to own their homes, then something is wrong, drastically wrong, dramatically wrong, with the society that we live in.

Mr. Speaker, it is the first priority of this Member in charge of the Department of Local Government, that houses, that lots, that monies, are going to be made available so that the person who, I think, has no programs of government which allow him to own his home, that these programs and that there are going to

be priorities given to make this happen.

Mr. Speaker, we have heard quite a bit in the last few days about the unavailability of lots for the current building season in the Whitehorse area.

Mr. Speaker, I would like to give the House the information from the Department of Local Government and from the person in charge of that Department, that lots are going to be made available in the Whitehorse area for building this summer. There will be 74 lots available in the Porter Creek area. Tenders should be called for the installation of sewer and water in that area within the next week. There will be some 170 lots available in the Riverdale area for building this summer. Tenders for sewer and water installation in this area will be called within the next two or three weeks, and Mr. Chairman, or Mr. Speaker, there is no reason why these lots, as soon as the contractor is on site for the sewer and water installation, will not be made available for people who want to build homes in the Whitehorse area this summer. Discussions are also ongoing, and further discussions will be held within the next week with the City Manager and the Mayor of the City of Whitehorse, concerning the disposition of the lands in the Takhini area. Mr. Speaker, as head of Local Government, I have no hang-ups at all on whether the Territorial Government allow the land under the usual Territorial Government policy to be made available for purchase from the public, or whether the land be turned over to the City of Whitehorse so that they make it available for purchase by the public.

There is only one principle and one priority that land is going to be made available and people who want to buy lots to build on, are going to have the availability of purchasing those lots.

Then we come into the next problem. If lots are available, is the money available to be able to build homes during the current building season. I am assured by Mr. Hadden and by local members of the C.M.H.C., that they have money available under all of the programs of C.M.H.C. for this summer.

Mr. Speaker, I think it's the responsibility of this House, and certainly the responsibility of this Member, to make sure that all Members of this House and all members of the public are absolutely aware of all the terms and all the conditions and all the programs that are available under C.M.H.C.

Mr. Speaker, it's my contention that there is going to be a busy building season in the Yukon this summer. It's also my contention that the Department of Local Government is going to have land available to meet the lands of -- or to meet the demands of the public, or I sure as hell am going to know the reason why, and Mr. Speaker, it's also my contention that monies are available under C.M.H.C. programming to make sure that monies are available under all the different programs of the C.M.H.C.

Mr. Speaker, I hope that a Member would move the Motion into Committee so that Mr. Hadden's attendance could be guaranteed on Friday, and that we could have discussion in Committee on land availability and mortgage money availability for the current building year in the Yukon Territory.

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

Dr. Hibberd: I so move, Mr. Speaker.

Mr. Speaker: Is there a seconder?

Mr. Berger: I second it.

Mr. Speaker: It has been moved by the Honourable Member from South Centre, seconded by the Honourable Member from Klondike, that Motion Number 6 be referred to Committee of the Whole. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: Carried.

Motion Carried

Mr. Speaker: We will now proceed to the Question Period. Madam Clerk, could you ascertain if Mr. Commissioner would be available to us this morning?

Madam Clerk leaves room

Mr. Speaker: I will declare a brief recess.

QUESTION PERIOD

Mr. Speaker: At this time we will call the House to Order, and we have with us Mr. Commissioner to aid us in Question Period this morning. Have you any questions?

The Honourable Member from Ogilvie?

*Question re: (1) Clinton Mine Site Testing
(2) Legislation Re Asbestosis*

Ms. Millard: Mr. Speaker, I have two written questions for the Minister of Health, Welfare and Rehabilitation.

The first one is, is there going to be continual testing at the Clinton Mine Site now, and if so how often?

The second question is when may we anticipate legislation being presented to the Assembly concerning airborne contaminants and Workmen's Compensation for Asbestosis and related illnesses?

Mr. Speaker: In relation to Question number 1, is this related to Asbestosis or -- you say testing. I'm just wondering if it's clear --

Ms. Millard: Yes, Mr. Speaker, testing of asbestos dust levels.

Mr. Speaker: Thank you. Any further questions? The Honourable Member from Whitehorse South

Centre?

Question re: Disposition Of Golden Horn Subdivision

Dr. Hibberd: Mr. Speaker, in view of the assurances given us by the Minister of Local Government regarding developments outside the boundaries of the City of Whitehorse, I'm wondering what the disposition of the Golden Horn subdivision will be.

Hon. Mr. McKinnon: Mr. Speaker, the City of Whitehorse officials and the Department of Local Government officials will be meeting sometime within the next week, and the reasons for the meeting are going to be two-fold. One of them is going to be dealing with the land in Takhini. The other reason is going to be the disposition of land adjacent to the city boundaries.

The City of Whitehorse has conducted recently, a survey of the number of squatters on the fringes and within the area of Whitehorse. It amounts, Mr. Speaker, to over some 100.

The City of Whitehorse is very disturbed at the extent and at the amount of squatting that is going on, both within the city limits and on the fringes of the city. It's the contention of the Department of Local Government that one thing that must be made available is land, so that people who want to build within the city limits, have the availability of receiving a lot of their choice.

Upon the land being available, Mr. Speaker, it is the hope of the Department of Local Government and the City of Whitehorse that we come up with some solution to the very real problem of the development of areas on the fringe areas of Whitehorse and the squatter situation within the City of Whitehorse and on the fringes of Whitehorse. I don't think that one has to belabour the fact, Mr. Speaker, that there are going to be some very hard decisions taken by the Members of the City Council of Whitehorse, by the Department of Local Government and by this House.

The specific question on the Golden Horn, because of the development or the desire of the City to have the majority of development within the limits of the City of Whitehorse, there is no priority being given by the Department of Local Government on the Golden Horn subdivision, with the provision that acreage lots, as planned by the City of Whitehorse in the Canyon Crescent area, are made available to the public during the course of this building season.

Mr. Speaker: The Honourable Member from Whitehorse West.

Question re: M.L.A.'s Involvement At Meetings With City Of Whitehorse And Local Government Officials.

Mrs. Whyard: Mr. Speaker, following on that explanation, which I appreciate hearing, from the Minister of Local Government, would it be possible for the M.L.A.'s representing those areas in the Whitehorse metropolitan area, to be involved in some of these discussions?

Hon. Mr. McKinnon: Mr. Speaker, I have no

problems at all because I think that there were indications from the City Council meeting last night that the City Fathers and the City Councillors wanted to meet with their counterparts at the Yukon Legislative Assembly, and if I could be instrumental in setting up this kind of meeting and this kind of rapport and this kind of cooperation between our colleagues at City Hall, I would be more than happy to do so.

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

Question re: Report Of National Council Of Health And Welfare

Mr. Berger: Yes, Mr. Speaker. I have a question for the Honourable Minister of Health and Welfare.

The National Council of Health and Welfare released its report on March the 5th, 1975. Would this report be made available to this House, and the Yukon?

Mr. Speaker: The Honourable Member from Klane?

Hon. Mrs. Watson: Mr. Speaker, I will certainly look into that and I will have a reply for the Honourable Member tomorrow.

Mr. Speaker: The Honourable Member from Whitehorse West?

Question re: Distribution Of Annual Report Of The Commissioner

Mrs. Whyard: Mr. Speaker, I note that the Annual Report of the Commissioner has been tabled in this House. I would like to take this opportunity to say that I think it's a tremendous production. I note that the colour photos, I presume all the colour photos are the work of our unusually talented staff photographer in the Department of Tourism and Information. This is a professional looking job which could stand up without any fear of unfavourable comparison with much more expensive productions from areas such as our sister Territories, and I'm really proud of it. I would like to ask the Commissioner if he could give us some idea of what the distribution of this report is?

Mr. Commissioner: Mr. Speaker, I would be very happy to. I think a little review from the distribution areas, there are four or five places in which we distribute these, I would be very happy to give the Honourable Members a run-down on it. Give me a day or two on it and I will get back.

Mr. Speaker: Yes, perhaps copies could be distributed to Members of the House as well.

Are there any further questions?

I would like to thank Mr. Commissioner for his attendance this morning, and we will proceed to Public Bills.

PUBLIC BILLS

Mr. Speaker: The first Bill for consideration for third reading is Bill Number 3, Financial Agreement Ordinance, 1975. What is your pleasure?

Bill Number 3 - Third Reading

Hon. Mr. McIntyre: Mr. Speaker, I move, seconded by the Honourable Member from Kluane, that Bill Number 3, entitled Financial Agreement Ordinance, 1975 be now read a third time.

Mr. Speaker: Could I have the seconder again, please?

Hon. Mr. McIntyre: The Honourable Member from Kluane.

Mr. Speaker: It has been moved by the Honourable Member from Mayo, seconded by the Honourable Member from Kluane, that Bill Number 3 entitled Financial Agreement Ordinance 1975 be now read a third time. Are you prepared for the Question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the Motion as Carried.

Motion Carried

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

Hon. Mr. McIntyre: Yes, Mr. Speaker. I move, seconded by the Honourable Member from Kluane, that the title to Bill Number 3, entitled Financial Agreement Ordinance 1975, be adopted as written.

Mr. Speaker: It has been moved by the Honourable Member from Mayo, seconded by the Honourable Member from Kluane, that the title to Bill Number 3, namely Financial Agreement Ordinance 1975 be adopted as written. Are you prepared for the Question?

Some Member: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the Motion as carried.

Motion Carried

Mr. Speaker: What is your further pleasure?

Bill Number 4 - Third Reading

Hon. Mr. McKinnon: Mr. Speaker, I would move that Bill Number 4, seconded by the Honourable Member from Kluane be given third reading.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse North Centre, seconded by the Honourable Member from Kluane, that Bill Number 4, entitled, Loan Agreement Ordinance 1975, Number 1, be now read for a third time.

Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the motion as carried.

Motion Carried

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

Hon. Mr. McKinnon: Mr. Speaker, I would move, seconded by the Honourable Member from Kluane, that the title to Bill Number 4, Loan Agreement Ordinance (1975) Number 1 be adopted as written.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse North Centre, seconded by the Honourable Member from Kluane that the title to Bill Number 4, namely, Loan Agreement Ordinance (1975) Number 1, be adopted as written. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the Motion as carried.

Motion Carried

Mr. Speaker: What is your further pleasure?

Bill Number 5 - Third Reading

Hon. Mr. McKinnon: Mr. Speaker I would move, seconded by the Honourable Member from Kluane that Bill Number 5 be given Third Reading.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse North Centre, seconded by the Honourable Member from Kluane, that Bill Number 5, entitled Municipal General Purposes Loan Ordinance be now read a third time.

Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the Motion as carried.

Motion Carried

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

Hon. Mr. McKinnon: Mr. Speaker, I would move, seconded by the Honourable Member from Kluane, that the title to Bill Number 5, namely, Municipal General Purposes Loan Ordinance be adopted as written.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse North Centre, seconded by the Honourable Member from Kluane that the title to Bill Number 5, namely, Municipal General Purposes Loan Ordinance be adopted as written.

Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: I shall declare the Motion as carried.

Motion Carried

Mr. Speaker: What is your further pleasure?

Mr. Lang: Mr. Speaker, I move that Mr. Speaker do now leave the Chair and the House resolve in the Committee of the Whole for the purpose of considering Bills, Sessional Papers and Motions.

Mr. Speaker: Is there a seconder?

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

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse Porter Creek, seconded by the Honourable Member from Hootalinqua that Mr. Speaker do now leave the Chair and the House resolve in the Committee of the Whole for the purpose of considering Bills, Sessional Papers and Motions.

Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the Motion as carried.

Motion Carried

Mr. Speaker: The Honourable Member from Whitehorse Riverdale will take the Chair in Committee of the Whole.

Mr. Speaker leaves the Chair.

Mr. Chairman: I call the Committee of the Whole to order and declare a ten minute recess.

Recess

COMMITTEE OF THE WHOLE

Mr. Chairman: I will now call the Committee to Order, and we have with us as witness, Mr. Gillespie. I understand that you would like to answer some questions which were raised earlier?

Mr. Gillespie: Thank you, Mr. Chairman. Some of the questions raised last week, I have the answers to with me now, and if I may, I would like to distribute to you first of all, the breakdown of the Police Services Agreement. The figures that were used to add up to \$982,547.00 for this coming year, so if I may, I would like to distribute that, and at the same time, the job description or terms of reference for the inspectors in the Territorial Secretary's Shop and finally, the question was also asked "What were the qualifications for these inspectors"? The professional qualifications, that is.

We don't ask for professional qualifications as such. Rather it's a matter of relevant background and I'll distribute as well the poster for that position.

If there are any questions about the Police Services Agreement calculation, I would be pleased to answer those as well.

A question, I believe, was asked, either on Friday last week or Monday this week, regarding how the Twa rink was to be honoured by the Territorial Government. Some of this, I think, you probably will have heard on the news, but what is planned now is a dinner on March 25th at the Travelodge. Seagram's has volunteered to host the cocktail hour, or I should say to pay for it. All Council Members will be invited, Executive Committee Members, the Mayor of Whitehorse and those representatives he chooses to bring with him.

The Commissioner of the N.W.T. and the N.W.T Council, the Mayor of Yellowknife, Jim Pauluk as the Master of Ceremonies, and of course the Twa rink itself, plus escorts. So that is what is being planned to honour the very great achievements of the Twa rink.

Hon. Mr. McKinnon: Mr. Chairman, I thought that the whole instance of the honouring of the Twa rink was for the governments, the various governments to arrange some sort of public reception, where the public who wanted to congratulate the Twa rink on what they had done on behalf of the Yukon, could go and congratulate them. Now we find that it's just another dinner with the certain list of dignitaries going, most of them not knowing one end of a curling broom from the other, and the public is excluded from going and congratulating these people who have done such a great job for the Yukon, and I would like to know where the plans went awry somewhere along the line?

Mr. Gillespie: Mr. Chairman, that certainly was the original intention, but when the Y.T.G. and the Mayor

of Whitehorse approached the Curling Association to see how they would like to fit into this overall scheme, the Curling Association said that they wanted to hold that public reception and ask the two senior governments to step aside and do something else on their own, but the Curling Association itself requested the privilege of handling that aspect of the ceremony.

Mr. Chairman: Mr. McKinnon?

Hon. Mr. McKinnon: Mr. Chairman, am I to understand from what I've heard, that there is no intention from any government at any level at the present time, to hold a public reception for the Twa rink?

Mr. Gillespie: That is correct, Mr. Chairman.

Mr. Chairman: For the record, I would like to say that I agree completely with Mr. McKinnon. I feel completely with Mr. McKinnon. I feel the public, this is a public occasion, and the public ought to have been invited.

Mrs. Watson?

Hon. Mrs. Watson: Mr. Chairman, actually I'm quite embarrassed, and I think all Members feel the same way, and I think maybe we should have a second look at this again. That was the idea of it, was to have a public reception. I really don't feel that I want to go to a dinner honouring them, unless it's open for the public, and I know that's impossible, so I would certainly suggest that maybe we should review our plans. There is time, it's March the 25th.

I would certainly like to see whether we can review our plans.

Mr. Chairman: Thank you, Mrs. Watson. Mr. McIntyre?

Hon. Mr. McIntyre: Mr. Chairman, I am in complete agreement with the other two Members of the Executive Committee, and this certainly should be a public function and not a function for the so-called dignitaries of the Whitehorse community.

Mr. Chairman: We will hear from a curler. Mr. Fleming?

Mr. Fleming: Mr. Chairman, I would --

Hon. Mr. McKinnon: That's debatable.

Mr. Fleming: --ask Mr. Gillespie if there's been anything let out, actually if the papers have been printing if the Territorial Government is going to have something all ready, and the news is around of what is going to happen, I mean it may be here, it may be farther than that, and I support the other members. I think possibly all Members in this because when we spoke a little bit before on it, it was a matter of congratulations from this House, and you know, that we felt that the public should know this, that these boys did a good job.

I myself, I wouldn't even go there, even as a curler,

in this case I don't think I want to go there at all. I don't believe in that sort of stuff.

Mr. Chairman: Thank you, Mr. Fleming. Dr. Hibberd?

Dr. Hibberd: Mr. Chairman, we are just one year away from the last completed Arctic Winter Games, and the work done of the various people involved in the Arctic Winter Games after the completion of the games, one of their main problems they realize was that most of the functions that were carried on did not include the athletes. Most of the social functions did not include the athletes. There was one exception, the Yukon contingent at their dinner had a representation of two athletes from each of the competing areas for a total of eight athletes. These were put on for the athletes.

I would have thought we would have learned from this. I'm in full support of what the other Members have said.

Mr. Chairman: Thank you, Dr. Hibberd. Mr. McCall?

Mr. McCall: Thank you, Mr. Chairman. I'm just wondering, this particular item that has come up this morning, whether you would accept a motion at this time pertaining to this particular situation?

Mr. Chairman: I think, Mr. McCall, any motion ought to be made in the House proper, not in Committee. Mr. Lang?

Mr. Lang: Mr. Chairman, I really hadn't had my hand up, but that's okay. I'm in full support of the other Members of the House, because I believe the public should be there to acknowledge what the Twa rink have done for the Yukon. I believe this is essential.

Mr. Chairman: It would almost appear that we wouldn't need a Motion in any event, because we are agreed. Any further comments?

Mr. Gillespie: Mr. Chairman, clearly we have to go back to the drawing board on this.

Mr. Chairman: Thank you, Mr. Gillespie. You got the message.

Mr. Gillespie: Mr. Chairman, I have one other answer which was raised, which, the question was, "How many people received Legal Aid in the Yukon Territory in 1974-75"? The answer to that question is that 153 people were granted Legal Aid from April 1, 1974 to March 17, 1975. That is the date at which this thing was -- the tabulation was made.

Mrs. Whyard: This is criminal?

Mr. Gillespie: This is Criminal Legal Aid, Mr. Chairman. I have no more answers at this point in time, I have others to bring answers on.

Mr. Chairman: Thank you, Mr. Gillespie. I think then we can proceed with the Bills, and the next Bill is

Bill Number 6, and we will go through a clause by clause reading.

Bill Number 6

Mr. Chairman: 1. (1)

Reads Clause 1(1)

Mr. Chairman: Clear?

Some Members: Clear.

Mr. Chairman: 2(1):

(Reads 2(1))

Mr. Chairman: Are there any questions about this Clause? Miss Millard?

Ms. Millard: Yes, Mr. Chairman. Under, in this Section under 7, a person formerly married to the victim, does that mean someone who has been divorced from the victim can claim damages on this?

Mr. Gillespie: Mr. Chairman, if that person is receiving alimony and is therefore dependent upon the victim, then that person is eligible for compensation.

Ms. Millard: Mr. Chairman, I would just like to make a commendation here that the definition seems to include a number of cases where a person is cohabiting with another. I think this is very progressive legislation, and I agree wholeheartedly with this kind of situation.

Mr. Chairman: Thank you. Any further questions or comments on any of the definitions? I have a question. Definition of crime means an offence contrary to the provisions of the Criminal Code and that is enumerated in the regulations. I take it that then a crime under this Ordinance not only has to be a crime against the Criminal Code of Canada, but it also has to be enumerated in the list, is that correct?

Mr. Gillespie: That's correct, Mr. Chairman. The list is one which is -- which the Federal Government is prepared to cost share. It shows only those items under which the Federal Government is prepared to cost share.

Mr. Chairman: I see, so there's two conditions precedent then? Any further -- just one other comment. Why the definition of peace officer on page 2, it's Criminal Code Canada in brackets, and on page 1 crime the Criminal Code without Canada in brackets. Shouldn't that be consistent?

The Legal Advisor: Yes, Mr. Chairman.

Hon. Mrs. Watson: Mr. Chairman, which is correct?

The Legal Advisor: Both are correct, but they should be consistent, Mr. Chairman.

Mr. Chairman: Clear?

Some Members: Clear.

Mr. Chairman: Section 3(1):

(Reads Section 3(1))

Mr. McCall: I would like clarification on this, "commission of a crime". Could this be explained a little --

Mr. Chairman: Mr. McCall, I will entertain your question when I finish the reading of 3(1).

Mr. McCall: Okay.

Mr. Chairman: (b):

(Continues reading 3(1))

Mr. Chairman: Now, Mr. McCall, you have a question relating to that sub-section?

Mr. McCall: Thank you, Mr. Chairman. I am not just clear on this "commission of a crime". I would like some sort of explanation on that, if I may?

Mr. Gillespie: I would like to refer to the Legal Advisor if I may?

The Legal Advisor: Mr. Chairman, a crime if it wasn't defined in this Ordinance, means anything which a criminal would do which is against the law, but we have narrowed it down to a specific list. The list will be taken directly from the agreement with Canada and will be reproduced in regulations. It's required in case there are amendments adding changes or making changes in numbers that we do it in regulations for ease of speed in order to make it possible to give compensation to people who are injured as a result of a potential new crime.

But crime has the normal meaning, except in this, that it is limited to the list which is part of the agreement which we intend to sign.

Mr. Chairman: Thank you, Mr. Legal Advisor. Mrs. Whyard?

Mrs. Whyard: Mr. Chairman, that's my problem with the previous section. You are going to be compensated if you suffer from some crimes but not others? So do we know at this stage which ones?

The Legal Advisor: Yes, Mr. Chairman, we do. Perhaps if we circulate, either the draught agreement, or the schedule to the agreement after lunch, it will assist members, and then they will know specifically what crimes we are dealing with.

Mr. Chairman: Thank you. Dr. Hibberd?

Dr. Hibberd: Mr. Chairman, I would also like some clarification regarding 3(1)(b). When can a citizen, an ordinary citizen take part in the arrest of an individual?

The Legal Advisor: I take, Mr. Chairman, that the Member wants a short answer and not a long answer?

Mr. Chairman: Yes.

The Legal Advisor: Whenever a peace officer is making an arrest, an ordinary citizen can assist him, and would be compensated under this. In addition to that, there are certain occasions when he sees a crime actually in progress and intervenes, then he would also be entitled to arrest him, if it is a crime.

Mr. Chairman: Dr. Hibberd?

Dr. Hibberd: Mr. Chairman, my problem still remains because 3(1)(c) outlines where a citizen may take action to prevent a crime, whereas 3(1)(b) actually refers to the citizen being able to arrest a person. This is my difficulty. When is a citizen able to undertake an arrest? Without the assistance of a peace officer?

The Legal Advisor: A citizen can arrest another person when he sees that other person committing a crime. He's got to see it. A peace officer can arrest when he knows from other evidence that a person has committed a crime and catches him running away, but a citizen must know definitely that a crime has been committed, and that that particular individual that he lays his hands on has committed that particular crime. On that occasion he can arrest, he's got to make his mind up about it.

Mr. Chairman: Mr. Fleming?

Mr. Fleming: Mr. Chairman, may I ask the Legal Advisor what happens if he makes a mistake?

The Legal Advisor: He lands himself in a difficult position from a legal point of view.

Mr. Chairman: I have a question that relates to (g) "The person who was responsible for the maintenance of the victim immediately before his death". What does -- what are you envisaging here? Why is that --

Mr. Gillespie: Mr. Chairman, where the victim is himself a dependent and the person responsible for his maintenance incurs, for example, medical expenses, incurred after the crime has been committed and the person injured, but before the time that person actually dies is an example.

Mr. Chairman: Thank you. Any further questions or comments? Mrs. Watson?

Hon. Mrs. Watson: Yes, Mr. Chairman, I should know -- this has always bothered me. 3(1)(b), "...offending or suspected of offending against an Act or Parliament or a regulation made thereunder..." That's very broad, isn't it? What -- you know, like the Clean Air Act or something like that is an Act of Parliament, and my goodness that's very broad.

The Legal Advisor: It appears at first sight to be broad, Mr. Chairman, but it's not quite so broad. It refers to what he is being arrested for. So there must be first an arrest, and there are powers to arrest under many, many Acts of Parliament.

Mr. Gillespie: Mr. Chairman, if I may add to that, that it still would have to be, as I understand it, a crime under the list made in the regulations, or is that separate, Mr. Legal Advisor?

The Legal Advisor: That's a different ball game. There's three separate ball games here, Mr. Chairman. What (b) is attempting to help is, where an arrest is being made, no matter what for, provided it's a Canadian Act, then if something happened in the course of that arrest which results in an injury, then compensation is payable.

So you have got two modifiers: One is that an arrest must have been made for a certain purpose, like an assault or something; then the arrest causes further injury and that's compensable.

Mr. Chairman: Mr. McCall?

Mr. McCall: Mr. Chairman, I would like to project to the Legal Advisor here. You leave me with the distinct impression as to what the Honourable Minister for Health and Welfare brought up was that when a man is arrested and charged, he's found guilty until he's proven innocent.

The Legal Advisor: Mr. Chairman, that doctrine has no relation to this particular Act. The reverse is true. We are attempting to provide a statute which will give compensation to anything that happens, whether or not it results in a court case and whether or not it results in a person being charged.

If we were to take the reverse stance, a very small number of people would be assisted under this legislation.

Mr. Chairman: Mrs. Watson?

Hon. Mrs. Watson: Mr. Chairman, there is another thing too and I realize that we cannot get cost sharing with the Federal Government on this at all, "Offending against an Ordinance of the Yukon Territory". I think this was one obstacle that we were considering very much, and really, when you think of the Liquor Ordinance, you know, where someone is attempting to make an arrest, there could be a victim of this type of thing and they wouldn't be able to get compensation under this ordinance, would they?

The Legal Advisor: Well I would ask the House to leave that to the Legal Department, because the charge that would be made then would be assault. If an arrest is being made or something has happened under the Liquor Ordinance, then it is true under that Ordinance there would be no compensation payable here. But we could think of nothing which would result in an injury to a person which would not be capable of founding a charge of assault or assault causing

grievous bodily harm or something.

So it's a little bit tricky but in the long run it will work out pretty good.

Mr. Chairman: Sub-section (2): (Reads sub-section (2))

Ms. Millard: Mr. Chairman?

Mr. Chairman: Ms. Millard?

Ms. Millard: To clarify this, does this mean that if the R.C.M.P. has got say, life insurance through his employment as an R.C.M.P. officer, that his family would not be compensated if he were a victim?

Mr. Gillespie: Yes, Mr. Chairman, that is the intent.

Mr. Chairman: Clear?

Some Members: Clear.

Mr. Chairman: Sub-section (3): (Reads sub-section 3))

Mr. Chairman: Any questions? Mr. McCall?

Mr. McCall: Yes, I would like the Legal Advisor, if he would, to correct me in an interpretation of this particular wording. What I am curious about here is that if this particular case came to court and it was found that the compensation is less than \$100.00, seemingly then this particular case would be thrown out of court? The point here, which should be taken into consideration, like I say I could be corrected on this, that if this particular case was dropped out of court with no review, and if this particular individual deteriorated at a later date, as far as health pertaining to this incident, where would the situation sit then as far as appeal, or et cetera, et cetera?

The Legal Advisor: Mr. Chairman, there is wide powers for review set into the Ordinance at a later point, in case that sort of thing should happen.

Mr. Chairman: Clear?

Some Members: Clear.

Mr. Chairman: Sub-section 4: (Reads sub-section 4)

Mr. Chairman: Any questions? Mr. Berger?

Mr. Berger: Yes, Mr. Chairman, this Section sort of bothers me because it goes back actually to 3(1) (c). It says here, "...assisting a peace officer in preventing or attempting to prevent the commission of an offence."

Now I feel like, for example, if a peace officer commandeers my car to assist him in making an arrest, and the car is damaged in the process of it, I should actually be compensated for it. And my question is, is there any other provision made in a different Act and a different law for this?

The Legal Advisor: Mr. Chairman, I couldn't give

exact day, time and place, but that would be a separate action or request for compensation for government expropriating property, and I think an action would lie. But this really reflects the fact that this is compensation for personal injury, and is not intended to cover compensation, but eyeglasses are merely thrown in as a makeweight.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Yes, Mr. Chairman, I could think of a hypothetical situation whereby a constable in attempting to apprehend a criminal, where a boat could become involved and the criminal attempts an escape in a boat and a citizen, in attempting to stop that boat gets rammed, gets hurt, and not only hurt, but also loses his boat, for instance.

Does it not seem that he should recover compensation for the loss of his boat, I mean this is just one hypothetical situation. It could be a youngster on a bicycle, it could be, you know, any number of conveyances?

The Legal Advisor: The principle is accepted, Mr. Chairman. It's just that this ordinance is draughted only to cover personal injuries. It's not taking account of the property element at all, so it will be wrong in principle to include that, although it might be a desirable thing. It would be a different ball game, Mr. Chairman.

Mr. Chairman: Clear?

Some Members: Clear.

Mr. Chairman: 5: (Reads sub-section 5)

Some Members: Clear.

Mr. Chairman: Dr. Hibberd?

Dr. Hibberd: Mr. Chairman, I have some difficulty with this particular type of approach when we have this kind of a legislation. I think the initiative should be on the part of the government agency to initiate the action for compensation of the victim. The victim might be lying in the hospital with a bullet wound in his chest or something. He's hardly in a position to be filling out claim 410A7, or whatever it might be.

It also might apply if the victim is dead, the relatives are not in a position to be tramping around various government departments to try and fill out these forms. I think the initiative should come from the other side.

Mr. Gillespie: Mr. Chairman, in 3(1), toward the bottom of page 2, it says "A judge on the filing of a claim for compensation therefor, by or on behalf of a person having an interest in the claim..." If a person is injured and unable to make the claim on his behalf, and I would think too that the government could also do that.

Dr. Hibberd: Mr. Chairman?

Mr. Chairman: Dr. Hibberd?

Dr. Hibberd: That doesn't change at all what I have just said. The point is, the claim has to be initiated on the part of the injured party or his behalf. What you have said I don't think has changed that.

Mr. Gillespie: I'm sorry, Mr. Chairman, I don't see where the problem still lies. If the person is injured and it's difficult for him to enter the claim, your concern, as I understand it, is that some other person can enter that claim on his behalf? Is that not right?

Dr. Hibberd: No, Mr. Chairman. My concern is that if there is an injured party, the onus should be on the government agency involved, on the courts, to initiate the claim on behalf of the injured party, rather than the injured party or his representative initiating the claim.

Mr. Gillespie: I believe, Mr. Chairman, the way is left open to the government to do just that, because the government can issue on behalf of the person who was injured.

Mr. Chairman: I think the point here, Dr. Hibberd, is that with all the crimes that we do have and so on, it would be just impossible. It would be creating a huge bureaucratic monster to initiate and investigate these kinds of things, and some onus has to be placed on the person injured or his representatives.

Mrs. Whyard?

Mrs. Whyard: Mr. Chairman, that leads up to the question I was about to ask. How many such cases occur? How many victims of assisting a peace officer do we have in a year in the Yukon?

Mr. Gillespie: My understanding, Mr. Chairman, is we anticipate one or two a year, under this Ordinance.

Mr. Chairman: Is that assisting a police officer, or--

Mr. Gillespie: Assisting--people injured who will qualify for compensation under this Ordinance, under any of its provisions.

But, Mr. Chairman, I really don't know the answer to that precisely.

Mr. Chairman: My point, Dr. Hibberd, is simply this, that what you still have to have is a monitoring of the entire legal process. Not only cases that came before the courts, but any attempts to arrest that did not come before the court.

Dr. Hibberd: Mr. Chairman, that is exactly my point, and that's what I think the responsibility of the courts should be.

Mr. Chairman: I doubt very much, Dr. Hibberd, if you could place that responsibility on any court.

Mr. Fleming: Mr. Chairman?

Mr. Chairman: Mr. Fleming?

Mr. Fleming: I agree with Dr. Hibberd. I think for example, I will cite a little case that I brought up the other day, the same thing. The government has regulations made that they pay transportation to so and so to go so and so, you know, and they don't administer that same thing in the case of our transportation for Health and Welfare, and this is exactly the same thing again. Where the government, or the law has provided the instrument here to have it--somebody do it, but they, on the other hand, I think should be doing this just as Dr. Hibberd--I feel the same way.

Mr. Chairman: Mr. Lang?

Mr. Lang: Mr. Chairman, I disagree the Honourable Member from Hootalinqua. I believe that you can put the onus on the individual. The government is doing almost, as one term has been put, they are going to be taking care of us from the womb to the tomb, I believe that if anybody is hurt and it does resolve in injury or death, I believe there is somebody interested enough to fill out the form. Surely we don't have to hire another bureaucrat.

Mr. Chairman: Mr. McCall?

Mr. McCall: I don't think some of the Members are realizing just what Dr. Hibberd is actually saying. He cited a good case about an individual being -- maybe on his last legs in the bed when he has been shot, etcetera, etcetera, and I don't think it is being cleared up or clarified as to what Dr. Hibberd was saying. Somebody seems to be running around in circles here.

Mr. Chairman: What is your point, Mr. McCall?

Mr. McCall: Well about this situation, someone is going to have to look after the actual particulars, information, etcetera, etcetera. I mean are you going to put all the onus on the patient itself, or the person that is involved?

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

Mr. Gillespie: If I may, Mr. Chairman. If that person has a relative, or some other person who can act in his interest, that person can initiate the claim on his behalf. It need not be the person at all.

Mr. Chairman: Dr. Hibberd?

Dr. Hibberd: Mr. Chairman, I would submit that we have many types of legislation which are not used to their utmost for this very reason, because people are not made aware of them and they, therefore are unable to use them.

They simply don't have knowledge of access to them. So without some initiation on the part of the Government then they just won't make their claims. They won't know about it. It won't happen.

Bereaved relatives are not pre-occupied with compensation as much as they are with the injury it-

self, or the death. I have seen it happen many times in compensation where the Compensation Board, according to their regulations, have to pay for -- a certain sum of monies for a funeral, they have to pay a certain sum of monies to the widow and I happened to have an incidental contact with a woman one year after her husband had died. The reason for the contact was that there had been no medical bills paid on behalf of the Compensation Board, she had paid the entire funeral costs, she was living on a small pension from other Sources, all of this was the responsibility of the Compensation Board and they didn't do a thing about it until myself, and others, wrote letters on her behalf and they immediately fell in and did their job.

This is what the situation is going to be. They just simply won't use this legislation unless there is someone who is capable of initiating it. The way it is worded now I don't think it will be. It will be one or two cases at a maximum.

Mr. Chairman: Yes, but, Dr. Hibberd, if I might ask you one question. What you are asking then, I take it, is for a full time person, possibly a secretary, a full time department to monitor it because they would have to monitor all crimes, and all arrests. They would have to be surely, there would have to be a person that would go to Court on a regular basis to see whether or not there have been any victims on crime or anybody injured in any arrests.

This would not only involve monitoring the court system, it may involve regular visits to the various law enforcement agencies within the Territory.

If that is what you are asking for I am clear on what you are saying.

Dr. Hibberd: Mr. Chairman, I would submit that if we are going to the extent of putting a Bill like this in and being the big benefactors to help people in their problems in terms of having a crime committed against themselves or their relatives, then I would think that we should be able to have the vehicle by which we can use this legislation.

Mr. Chairman: Yes, very well, but you will agree that involves the hiring of a person to do this monitoring?

Dr. Hibberd: No Mr. Chairman, I won't agree. You would be familiar with the -- with how this could be initiated, I am not. I would doubt if it would require all that.

Mr. Chairman: Mrs. Whyard?

Mrs. Whyard: Mr. Chairman, it seems to me that the peace officer who had been assisted is the obvious source of information. I will tell you right now, Mr. Chairman, if I assisted a peace officer in making an arrest and I were killed I would certainly never help him again if he didn't know -- my survivors

(Laughter)

Mr. Chairman: Miss Millard and then Mr. Fleming.

Ms. Millard: Mr. Chairman, I can't agree with my

friend across the way, as I usually do. Having had experience in Court I am sure it would be a monstrous affair to have someone, like you say, monitor every case that happens or doesn't even happen to come to Court. There are lots of sources of information. I found, especially in the Yukon, the Magistrate is aware of what is happening and is allowing things to be even put on the record stating the availability of different things to the victim or to other people. I feel our Court Worker system could be expended tremendously. I think that is one source of information, as well as public advertisements. There are lots of ways that people will know about this, I think, and especially if they are involved in it.

I think the next section probably explains a lot when it says that it can be made within one year after the occurrence. Certainly no one is going to be sitting in a hospital bed with a bullet in their chest for a year without someone being aware of the compensation that might be involved.

I think we would just be building a monstrosity if we tried to do everything. I am certainly supportive of any kind of social legislation but I don't think that we should take someone by the hand either.

Mr. Chairman: Mr. Fleming?

Mr. Fleming: Mr. Chairman, I have to disagree with the Honourable Member from Ogilvie and yourself, Mr. Chairman, due to the fact that I think that any peace officer arresting anyone, and if he does get assistance from anyone, that it will be in his record when it goes to Court and I don't see where they need a big organization to handle this.

It will be definitely brought to that Court in his evidence or somewhere in the trial anything that happens, or on his records even if it is just a small arrest. If he had any assistance it will be on that report I am sure. I don't think he would miss that.

Mr. Chairman: Mr. Fleming, have you any idea of how many arrests are made that don't ever get to Court?

Mr. Fleming: Mr. Chairman, why arrests that weren't assisted by a victim, as we may call it, or a private citizen, maybe I misunderstand this, but I think that is what we are speaking of, is a private person assisting a police officer.

I agree there is a lots and lots of arrests made and there is very few of this type.

I don't know why monitor all the others when, as I say, the evidence will go in on any one or two cases that do occur under this Ordinance.

Mr. Chairman: Well my only point is this, it would be a tremendous monitoring job because there is a tremendous number of arrests made where they don't even get to Court. There is a distinction made between the Government, through the Court Worker and through advertising, making people generally aware of their remedies and the Government creating a bureaucracy for the instigation of actions in Court on behalf of anybody who might have been injured by a crime, or who might have been injured in assisting a Police Officer, or in simply making an arrest on his

own behalf.

I can completely sympathize with a position whereby we would direct that the Court Worker assist people in making a claim, whereby we would advertise the benefits under this Ordinance.

That is a completely different thing than creating a government department, which is there solely to monitor and to make claims on behalf of victims. This is a tremendous responsibility and we would create a huge bureaucracy for, what is estimated by Mr. Gillespie, to be possibly two valid cases a year. I am not sure about those figures but I am sure of one thing, very few arrests or an amazingly small proportion of arrests actually get to Court and result in convictions.

The proportion is not all that great.

Mrs. Whyard?

Mrs. Whyard: Yes, Mr. Chairman, but all arrests do require a report whether they get to Court or not, right? There has to be a form filled out by the officer who made the arrest. Surely, in that form somewhere the information would be provided if someone were injured while assisting him.

Mr. Chairman: Yes, that is an internal thing with the R.C.M.P. that never gets to Court, necessarily.

Mrs. Whyard: It doesn't have to.

Mr. Chairman: You will also have, looking at 3. (1) (c), situations where there is lawful preventing or attempting to prevent the commission of a crime. You know, there is lots of cases where a report may not be filed under those circumstances.

Mrs. Whyard: Mr. Chairman, it seems fairly simple that the arresting officer would carry through on this report, that there was to be compensation, or instruct the person that there could be compensation. It's his responsibility, he's the one who was assisted, eh?

Certainly it would be his responsibility to instruct the victim that there was a straight-forward means of obtaining compensation.

Mr. Chairman: Yes, but Mrs. Whyard, that's a completely different kind of thing than creating a situation where the government itself, our government, has a bureaucracy established that not only tells people of what laws are available to them, but initiates the claim. And Dr. Hibberd's point was, and this discussion arose, because he was of the opinion that the government should be doing this, filing the claims on behalf of everybody. That was the point raised.

Dr. Hibberd: Mr. Chairman, I said initiate.

Mr. Gillespie: Mr. Chairman, I think the government does have the very real responsibility in this regard, to publicize the existence -- the availability of this fund in such a way that the peace officers, that the medical practitioners who may see a victim enter the hospital, that the court workers, that the Magistrates, and anybody who might become involved in that case is aware of it, and in a position to advise the person who needs to be compensated of what their rights are, and

in that way ensure as best we can, that real justice is done in this regard.

Mr. Chairman: Thank you, Mr. Gillespie. Any further questions or comments?

Sub-section 6:

(Reads sub-section 6)

Mr. Chairman: Are there any questions or comments on that sub-section?

Ms. Millard: Mr. Chairman, does that mean to have an extension the victim would have to make an application to the court, or can the judge just do this himself when he receives the complaint? If it's past a year, he could judge that it was all right type of thing.

The Legal Advisor: It is really a non-section. It's a recommendation that you bring your claim within a year, but either formally or informally, you can get an extension of time for some reason afterwards, if it's a reasonable reason. It doesn't have to be a big court case to get the extension.

Mr. Chairman: Clear?

Some Members: Clear.

Mr. Chairman: Sub-section 7:

(Reads Sub-section 7)

Mr. Chairman: Clear?

Some Members: Clear.

Mr. Chairman: Sub-section 8:

(Reads Sub-section 8)

Mr. Chairman: I have -- Mr. Taylor?

Hon. Mr. Taylor: Yes, Mr. Chairman, I'm wondering why the necessity for sub-section 8. Wouldn't it just naturally follow that no fixed procedure having been described in the Ordinance, which I don't believe there is, then why do you say it at all?

The Legal Advisor: Mr. Chairman, the history of this legislation is that in other parts of Canada, the local Workmen's Compensation Board are a board of people especially appointed for the purpose, with related skills administer the Ordinance.

Here, we are following the Northwest Territories system and we are allocating the decisions on the amounts of compensation to the judge, as a reasonably available local tribunal, but we do not want the strict rules of court to be applied to every situation so that every time something has to happen, a lawyer in a wig and gown has to jump in in front of a judge at tremendous expense. We want the thing to be able to proceed with a judge sitting, to some extent, as a board would sit in an understanding way dealing with the

public.

Mr. Chairman: The only thing that bothers me, Mr. Legal Advisor, is that successive judges may end up with entirely different procedures, and I'm wondering whether or not the procedures ought to be defined by the present judge.

The Legal Advisor: I would expect that the judge would fix his procedure. I would expect that the judge would publish a ruling saying how the procedures are to go, and what procedures to follow. I wouldn't expect to be at large to vary as equity does with the length of the judge's foot.

Mr. Chairman: Any further questions or comments?

Some Members: Clear.

Mr. Chairman: Section 4(1):

(Reads Section 4(1))

Mr. Chairman: Any questions or comments?

Mr. Legal Advisor: I'm wondering if you could explain why there seems to be a difference between 4(1)(e) and 4(1)(f)? Don't they in effect say the same thing?

The Legal Advisor: Yes, Mr. Chairman. The person who is injured in the circumstances where he's assisting a peace officer is treated on a potentially more generous scale than the person who is -- just involved in a crime. It's a public policy type of decision.

Mr. Chairman: Why -- what confuses me, Mr. Legal Advisor is (e) says: "...other pecuniary loss or damages including pain and suffering".

The Legal Advisor: Yes, Mr. Chairman.

Mr. Chairman: Well is there something else that (f) could refer to?

The Legal Advisor: We examined this and we can't think of any, but each province puts in an addition of this kind to a person who assists a peace officer. It's a question of interpretation on what common law is.

Mr. Chairman: Thank you, Mr. Legal Advisor. I wonder why we should leave it in if we are simply following the other provinces blindly?

Are there any other questions or comments? Miss Millard?

Ms. Millard: Mr. Chairman, I would like to know if the definition of pain and suffering includes psychological pain and suffering, especially in reference to 4(1)(d) as result of rape of a victim, could a woman who has been raped make a claim under this for mental pain and suffering?

Mr. Chairman: Mr. Legal Advisor?

The Legal Advisor: (d) is only talking about the maintenance of a child born as a result of rape. The victim herself when she is injured will be compensated under the other heads of it, so there would be two heads in the judge's order. One, compensation to the person who is raped for anything that happens to herself; and the second would be a maintenance order in respect of the child which would be independent of the injury done to the mother.

Ms. Millard: Mr. Chairman, I'm afraid that --

Mr. Chairman: Miss Millard?

Ms. Millard: --Mr. Legal Advisor hasn't answered my question. I wanted to know whether the definition of pain and suffering includes psychological pain and suffering?

The Legal Advisor: All I can say is sometimes yes and sometimes no, it depends on the type of psychological suffering, and what the finding of the judge would be in the particular case. It would depend on the evidence going before the judge, what the damage was to the person.

There is no question that some forms of psychological damage are compensable. Psychological damage may result in the person being unable to work, being unable to marry, and such like things. If that can be measured and shown to the judge, compensation would be payable. If it cannot be measured or demonstrated to the judge, then he would have to rule it as not being compensable.

Mr. Chairman: Mr. Legal Advisor, I question the wording of 4(1)(d), "maintenance of a child born as a result of rape", it seems to me that what you mean is conceived, and not necessarily born, because I can envisage a situation where as a result of a rape a child already conceived is born and is it intended that that child would be maintained?

The Legal Advisor: No, Mr. Chairman, it's not an accident. The child must be born, you don't compensate as a result of conception of a child until the child is born, and then has to be maintained, so that the wording is not accidental.

Mr. Chairman: I guess my question is, would it be possible that a child would be born, and yet not conceived as a result of rape?

The Legal Advisor: Only in one case that I know of, Mr. Chairman.

Mr. Chairman: I think we have that backwards, Mr. Legal Advisor, however I will pass.

Are there any further questions or comments?
Section 5(1):

(Reads Section 5(1))

Mr. Chairman: Are there any questions or comments on that sub-section?
Clear?

Some Members: Clear.

Mr. Chairman: Sub-section (2):

(Reads Sub-section (2))

Mr. Chairman: Clear?
6(1):

(Reads Section 6(1))

Mr. Chairman: Any questions or comments on that sub-section?

Mr. Legal Advisor, in that sub-section, "...the judge shall consider and take into account any behaviour..." Is that of the victim or of the wrongdoer?

The Legal Advisor: Well it occurs at sub-section (2) of Section 5, Mr. Chairman. The behaviour of the victim may be provocation, it might occasionally be one spouse nagging another spouse to such an extent that she got her head chopped with an axe. But if she goes too far in the provocation, or he goes too far, then the judge is entitled to take into account that the person brought the injury on himself.

Now, this isn't determining whether to make an order, but in 6(1) it talks about in making the order, that is in bringing down the amount, he may make an order and reduce it because of the circumstances. It would be two people jointly undertaking a crime and one person injured by the act of the other. It could be two people undertaking together to do an illegal act like attempting a joint suicide pact and possibly one person was saved by being pulled out of the gas oven. Well he is maybe injured as a result of this, and the judge can take all of these things into consideration. The draughting is intended to reflect the power on the judge's part to take into account what the people did who were involved in the thing, particularly the behaviour of the victim.

Mr. Chairman: Thank you. My point really is that if it's the victim, behaviour of the victim that's quite clear, but if it's the behaviour of the wrongdoer, then of course you get into an area of punitive or exemplary damages possibly.

The Legal Advisor: Yes, but nowhere you can give punitive or exemplary damages. This is not being envisaged at all.

Mr. Chairman: Right.

The Legal Advisor: This is Canadian rather than American legislation.

Mr. Chairman: Any further questions or comments?

Some Members: Clear.

Mr. Chairman: Sub-section (2):

(Reads sub-section (2))

Mr. Chairman: Mr. McCall?

Mr. McCall: Thank you, Mr. Chairman. I want to -- this particular wording here bothers me. If you go through your 301 sub-paragraph of sub-section (c) here, I am just wondering whether Section 2 is a necessity in this Ordinance.

The Legal Advisor: Mr. Chairman, I would think it's necessary, because a person is injured in a variety of circumstances which can be preventing or attempting to prevent or through the commission of a crime, and then the court case comes up. I think the judge has to have very good powers to say to the man, if you don't submit to a medical examination, or go to a specialist or have your eyes tested, whatever it happens to be, or if the person refuses to testify because he's a friend of the person who causes the crime and he's afraid he may do him damage, I think the person should then be, to some extent, disqualified from getting the benefit of this particular Act, which is intended for the benefit of these people.

Mr. McCall: Mr. Chairman?

Mr. Chairman: Mr. McCall?

Mr. McCall: Yes, but I don't think, Mr. Legal Advisor, that this particular word in here is really necessary, when you look at 301, sub-paragraph of Section (c).

The Legal Advisor: I don't quite see the point, Mr. Chairman. The connection.

Mr. McCall: I'm not a lawyer.

Mr. Chairman: Are there any further comments?

Mr. Fleming: I don't know. I think that maybe Mr. McCall didn't quite get the answer. I read it as 3(1) sub-section (c).

Mr. McCall: Sub-paragraph of section...

Mr. Fleming: Part of it, the last part is -- in his discretion exercised in accordance with this Ordinance, considers proper the payment of compensation to or to benefit, but it don't actually cover where he could order the victim or whosoever it may be to go to hospital or anything. Is that right? That's the way I understand it.

The Legal Advisor: They have been given a judicial discretion in paragraph (c), but this judicial discretion must be exercised exactly in accordance with rules, regulation and procedure in this Ordinance and in other ones.

Under (c) he would not have the jurisdiction given him under (c), under the last one, sub (2), he couldn't refuse compensation merely because the person refused to be medically examined, or refused to testify.

The judge would have to make up his mind without evidence and give a guess at it, because he must give

compensation under (c). This gives the judge a method of dealing with a situation in hand.

Mr. Chairman: Are we clear on that?

With respect, I would like to exercise my powers as Chairman and go back once again to the Section 4(d), (1)(d). What is bothering me about Section 4(1)(d), Page 4, it seems to me it ought to read "conceived and born", because I can see a situation where a rape is committed where, for example, a woman who was extremely pregnant was trying to assist the victim, and gave birth as a result of the assistance or of the rape, something like this, and surely you don't intend that the government should pay for maintenance of a child who was not conceived and born as a result of the rape.

The Legal Advisor: But the meaning that--

Mr. Chairman: Is the intention that clear?

The Legal Advisor: It doesn't appear to me at first glance to be open to the fact that if a man rapes a woman who is six months pregnant and the child is born, that that--

Mr. Chairman: That is true.

The Legal Advisor: --child is said to be born as a result of rape.

Mr. Chairman: Prematurely, born prematurely as a result of rape, or assisting--

A Member: Ask Dr. Hibberd.

Dr. Hibberd: You're a lawyer, I'm a doctor, okay?

Mr. Chairman: --could we have your opinion?

Dr. Hibberd: Mr. Chairman, it would be very unlikely that the labour could be precipitated unless the pregnancy were near term, and six months would be a very unlikely occasion.

Mr. Chairman: No, but say eight months?

Dr. Hibberd: It could occur at eight and a half months.

Mr. Chairman: And the other--Dr. Hibberd, the other possibility, assume that a pregnant woman comes to the assistance of a lady being raped. As a result of the ensuing struggle, she then gives birth. All I'm suggesting is that to make it perfectly clear, the sub-section ought to be changed to read "maintenance of a child conceived and born as a result of rape". It's unlikely.

The Legal Advisor: Mr. Chairman, shall we say we can consider the matter?

Mr. Chairman: Thank you, Mr. Legal Advisor. Any further questions on that? We are back then to page 5, 6 sub-section (3): (Reads 6, sub-section (3))

Mr. Chairman: Dr. Hibberd?

Dr. Hibberd: Mr. Chairman, I would again ask for clarification here. I can envisage a situation where the act was breaking and entering, and the victim was shot and there were circumstances that the victim has a family and six children and he hasn't got a job.

Now, is there any compensation available to his wife and children under this Ordinance?

Mrs. Whyard: He was doing the breaking and entering?

Dr. Hibberd: He was doing the breaking and entering himself, and his wife might very well have no knowledge of this. Is compensation available to them?

Mr. Chairman: Mr. Legal Advisor?

The Legal Advisor: The place to do that, I think would be to include that as a scheduled occupation of the Workmen's Compensation Ordinance, really.

(Laughter)

Mr. Chairman: Miss Millard?

Ms. Millard: My question with this Section is the judge shall decline. I was wondering if it can be changed to be "the judge may decline" rather than an imperative shall.

Mr. Gillespie: Mr. Chairman, I believe the judge is given some discretion at the end of that Section, where it says "Unless the judge considers that, having regard to exceptional circumstances, compensation shall be awarded".

Ms. Millard: Mr. Chairman, I'm no lawyer, but I really think that this leaves it fairly closed to some interpretations, having regard to exceptional circumstances. I think the judge probably is looking more at the shall or may decline, rather than having regard to exceptional circumstances. I don't know, that certainly open to interpretation.

The Legal Advisor: Mr. Chairman, I know the House will not believe me on this, but experience throughout Canada shows that boards tend to be more restrictive and judges, when they are allocating sums of government money, tend to be more generous. So it requires in this instance, that you should have shall and allow him to break through for exceptional circumstances, rather than you could reverse draught it and say "the judge may" and then put the exceptional circumstances the other way around. It could be draughted the other way around, but it's not an accident that it was draughted in this way.

Mr. Chairman: Dr. Hibberd, do you have--this might be an appropriate time to recess. Mr. Gillespie, we will look forward to having you with us again this afternoon, and I will declare a recess until two o'clock.

Recess

Mr. Chairman: I will now call the Committee to Order. I guess we will carry on with our reading of Bill Number 6, clause by clause.

We ended with discussion on page 5 of that Bill, 6 sub-section (3). I didn't ask whether that sub-section was clear, and so I will ask that question now. Is it clear?

Some Members: Clear.

Mr. Chairman: 7(1):

(Reads Clause 7(1))

Mr. Chairman: Clear?

Some Members: Clear

Mr. Chairman: 8(1):

(Reads Clause 8(1))

Mr. Chairman: Dr. Hibberd?

Dr. Hibberd: Mr. Chairman, I would suggest that if the victim -- if the payment is to be made to an infant, there is no parent or guardian, and the proceedings are to be initiated on the part of the victim, how can the judge do that when it has not yet been initiated? We are back to where we were this morning.

Mr. Chairman: I rather anticipated that last comment, Dr. Hibberd. Mr. Gillespie?

Mr. Gillespie: May I have a moment, Mr. Chairman? Mr. Legal Advisor, could you help me out on this one?

Mr. Legal Advisor: What is visualized here is a court hearing of some sort, an application is made, and it's using the application in the sense of making an application to the judge. The application is a formal application. It's got to be made and it's got to be grounded, there's got to be evidence, if necessary, produced. Where the person is an infant, then the person is deemed, in law, not to be competent to appear on his own behalf as a rule, to make the application, and to call his evidence and explain the matter to the judge.

So they then pick somebody else, and it's his parent or guardian would do it, or if as occasionally happens in this modern world, a person might be 16 or 17 and may have no person, then the judge will nominate somebody to do the work on behalf of the infant.

And if the person is a mentally disordered person, then the expression "committee" here is a technical word and committees are under the Lunacy Act and what have you, stand in the place of the mentally disordered person. If there is no formal committee, and it is very seldom you have in the Territory a committee dealing with the property of a mentally disordered person, they are usually people who have not got millions of dollars to deal with. The Public Administrator does it, or now-a-days, the last ex-

pression here is "such person as the judge may direct". This is put in because a custom has developed here, that where a person is mentally disordered, the judge appoints the wife of the person -- I don't know why it should all be men, that go mad, but there has been a lot of flack around our Department over the last couple of years over orders dealing with mentally incompetent people, that it should be more or less a matter of form that where the person is married, his wife or husband, as the case might be, is the person to deal with it properly. It is necessary because there are bank accounts and cheques to be signed and expenses to be paid, and it's much better that the wife does it, and in the case of an infant, if it's a young person who may be in care or may not be in care, then the people in charge of Social Welfare, the Director of Child Welfare would take over the chore of doing that.

And if necessary, and in a normal case it would appoint a lawyer or hire a lawyer to act on behalf of the infant.

Mr. Chairman: Thank you. Any further questions or comments?

Some Members: Clear.

Mr. Chairman: 9(1)

(Reads Clause 9(1))

Mr. Chairman: Clear?

Some Members: Clear.

Mr. Chairman: 10(1):

(Reads Clause 10(1))

Mr. Chairman: Clear?

Some Members: Clear.

Mr. Chairman: 11(1):

(Reads Clause 11(1))

Mr. Chairman: Any questions or comments? Miss Millard?

Ms. Millard: Yes, Mr. Chairman. It doesn't say what the punishment for that offence is. Would it be the same as under the Canada Evidence Act?

Mr. Legal Advisor: Mr. Chairman, that would depend on the formulation of the charge which would rest, in a normal case, on the Crown prosecutor.

If he laid a charge under the Criminal Code, the penalties of the Criminal Code would apply. If he laid it under this Section itself, then the standard penalty, which is a breach of an Ordinance which carries I think it's 30 days or two months or something would apply. He could, of course, lay a charge under the Criminal Code which would carry 14 years.

Mr. Chairman: I'm just wondering, Mr. Legal Advisor, whether this Section is really necessary. It's a contempt situation.

Mr. Legal Advisor: I wouldn't think it's very necessary, except to make sure that these are legal proceedings, so that a charge would lie under the Criminal Code.

But it does bring home to people who read this, that in fact they are committing an offence if they make a mis statement to the judge.

Mr. Chairman: Any further questions or comments?

Mr. Chairman: We continue on then with the next section, 12(1).

Reads Section 12 (1)

Mr. Chairman: Clear?

Some Members: Clear.

Mr. Chairman: 13 (1).

Reads Section 13(1).

Mr. Chairman: Any questions or comments on that sub-section?

Some Members: Clear.

Mr. Chairman: Sub-section (2)

Reads Section 13(2)

Mr. Chairman: Clear?

Some Members: Clear.

Mr. Chairman: Sub-section (3)

Reads Section 13(3)

Mr. Chairman: Clear?

Some Members: Clear.

Mr. Chairman: Section 14(1)

Reads Section 14(1)

Mr. Chairman: Miss Millard you have been remarkably quite about "his" throughout the--

Ms. Millard: Oh, Mr. Chairman, I know in law it also implies the female sex.

Mr. Chairman: Section 15(1):

(Reads Section 15(1))

Mr. Chairman: Clear? Dr. Hibberd?

Dr. Hibberd: Mr. Chairman, in a court of law, is it

not permissible for the -- those accused of such a crime to enjoy the same privileges?

In other words, you're giving the -- according to this the judge has the responsibility to withhold the information, should not the witnesses have the same prerogative?

Mr. Chairman: Mr. Legal Advisor?

Mr. Legal Advisor: I'm not sure that I get the point exactly. This is not saying that the witnesses can withhold something, it's merely saying that the judge can prohibit publication, or prohibit people to beat an inquiry.

Usually he will do this because an application is made to him, a particular witness is giving some kind of embarrassing evidence, and she will ask, or her counsel will ask, that this not be published, and the judge will accede to that. It doesn't put an onus on the judge to search out the type of case which must be held in secret. It's usually as a result of an application.

Mr. Chairman: Dr. Hibberd?

Dr. Hibberd: That's what I wanted.

Mr. Chairman: Clear?

Some Members: Clear.

Mr. Chairman: Sub-section (2):

(Reads sub-section (2))

Mr. Chairman: Mr. McCall?

Mr. McCall: Thank you, Mr. Chairman. I would like to ask the Legal Advisor why the limitation of \$10,000.00?

Mr. Legal Advisor: Because corporations in this Territory don't have much more to spend on clients.

Mr. Chairman: Mr. McCall?

Mr. McCall: I would differ on that, Mr. Legal Advisor.

Mr. Chairman: Any questions or comments on that?

I am wondering whether this is a new public policy to differentiate between persons and corporations?

Mr. Legal Advisor: No, it's not a new policy, it has always been inexistence, Mr. Chairman.

Mr. Chairman: Clear?

Some Members: Clear.

Mr. Chairman: Section 16(1):

(Reads Section 16(1))

Mr. Chairman: Any questions or comments on Section 16?

Some Members: Clear.

Mr. Chairman: Section 17(1):

(Reads Section 17(1))

Mr. Chairman: Any questions or comments?

Mr. Legal Advisor, I have a question about 17, sub-section (2). Intent or mens rea is a necessary ingredient of any offence under the Criminal Code, so why this sub-section?

Mr. Legal Advisor: With respect this is not necessarily so. We are talking about a person intending who is not legally capable of having mens rea and they include people under the age of, I think it's under 7, or under 10 I think under the Criminal Code, and also people who are insane, so to speak. He did the killing or he injured the person, but he has committed a crime according to this Ordinance, although he wouldn't be found guilty of it if we was charged under the Criminal Code, and it's for that saving that this Section happens to be necessary.

Mr. Chairman: So what you're trying to do is extend the application of the Code to include a situation where you did have an insane person who could not be prosecuted?

Mr. Legal Advisor: Yes, and a young person.

Mr. Chairman: I see. Any further questions or comments?

Ms. Millard: Mr. Chairman?

Mr. Chairman: Yes, Miss Millard?

Ms. Millard: I would like to know under 17(1) why it would make any difference whether the person was found to be guilty of an offence, or even if there were proceedings when it's not related to the criminal act, the compensation isn't available.

Mr. Legal Advisor: Mr. Chairman, in the normal case it would be related to criminal act, because the reasoning behind which this Ordinance is founded is that because the state has a duty to carry out criminal law, it then has a duty to compensate, to some extent, the people who become involved in breaches of the law, because perhaps that might be through failure of the state to enforce the law, so it's related directly to criminal law, and the exception to the rule is a young person or an insane person.

Ms. Millard: I still --

Mr. Chairman: Miss Millard?

Ms. Millard: --Mr. Chairman, don't quite understand why there would be an adjournment of proceedings pending the final determination of a prosecution or an intended prosecution?

Mr. Gillespie: Mr. Chairman, may I answer that?

Mr. Chairman: Yes.

Mr. Gillespie: My understanding is that one of the reasons for this is to determine whether or not the person who is claiming compensation was in fact involved in committing the crime himself, in which case he could not get compensation. So therefore you await the verdict of the court in the other proceedings to determine it.

Mr. Chairman: There also could be a substantial saving in court costs, et cetera, to wait for the criminal case to run its full gambit, in say a rape case, I would think.

Clear? Section 18(1):

(Reads Section 18(1))

Mr. Chairman: Clear?
Section 19(1):

(Reads Section 19(1))

Mr. Chairman: Clear? Dr. Hibberd?

Dr. Hibberd: Mr. Chairman, I realize we come, farther on in the Ordinance we come to the fact that there is application for court of appeal, but this -- that area applies to the order in itself, whereas this Section 19(1) applies to the amount of the payment involved. Is that also subject to appeal?

Mr. Legal Advisor: Yes, Mr. Chairman, these are subject to appeal, but in addition to that, sometimes the method of payment may vary. There may be an order for payment of a monthly amount, and an application might be made to put that back into a lump sum. It could vary the amount, it could be that because of the limitations in respect to the single occurrence because you are limited to \$75,000.00, there may be changes in the circumstances of victims, for one reason or another, which might make more money available so it could come back to the judge.

I view this particular Section with some alarm, because it is clearly intended to be to the benefit of the victim.

Mr. Chairman: Mr. Legal Advisor, for whom are you acting?

Mr. Legal Advisor: I won't answer that question.
(Laughter)

Mr. Chairman: Section 19, sub-section (2):

(Reads 19(2))

Mr. Chairman: Any questions on those two sub-sections?

Mr. Chairman: Mr. McCall?

Mr. McCall: Mr. Chairman, I would like to ask the Legal Advisor here, is it to my understanding that any

case that has been through the courts pertaining to compensation can be reopened at anytime, if new evidence came about?

Mr. Legal Advisor: It appears this way. I could say in amplification of my earlier remarks that there was one case under the Workmen's Compensation Ordinance that occurred in 1967 and the applicant lost their claim. The Commissioner has the power to appeal and there was, in the Ordinance at that time, a similar section to this one. The Commissioner could appeal on behalf of the dependant who was not granted compensation. At last count, which was eight months ago, the Commissioner had appealed eleven times in an attempt to get the order reversed and it failed on the eleventh time again, so it is about time for another appeal.

Mr. Chairman: Clear?

Some Members: Clear.

Mr. Chairman: Section 20, sub (1).
Reads Section 20 (1)

Mr. Legal Advisor: Can I explain that there are two rates of costs which are chargeable in a court case. One which is relatively low, called party and party and one which is relatively high which is called solicitor and client. This basis of 75 per cent of the solicitor and client costs is a compromise between the low and the high.

Mr. Chairman: I think I ought to add that this Section does not restrict the lawyer fees it simply increases the costs that the party may have to pay. I gathered from the jovial nature of some of you, that you thought this restricted the lawyers, that's not the case of this Section.

Section 21 (1):
(Reads Section 21 (1))

Some Members: Clear.

Mr. Chairman: Section 22 (1):
(Reads Section 22 (1))

Some Members: Clear.

Mr. Chairman: 23 (1):
(Reads Section 23 (1))

Ms. Millard: Mr. Chairman?

Mr. Chairman: Yes, Miss Millard?

Ms. Millard: I presume under this that the judge would be making a limitation on time, that the \$500.00 wouldn't be going perpetually?

Mr. Gillespie: Mr. Chairman, that is in perpetuity, yes. \$500.00.

Mr. Legal Advisor: With respect, Mr. Chairman,

the limitation is not imposed by the judge. It is imposed by the facts of life. If it's a \$500.00 payment to a widow, then there comes a point in time when it ceases because she's no longer a widow.

If it's payment in respect of a dependent, it may only be during the period of time when ordinarily that person would continue to be a dependent, so time does influence the length of time by operation of law.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Yes, Mr. Chairman, just as matter of curiosity, I would like to ask Mr. Legal Advisor how did you arrive at these figures? On what basis do these figures exist? Why, for instance \$125,000.00 instead of \$75,000.00 or indeed \$250,000.00? Why were these figures--how were these figures arrived at?

Mr. Legal Advisor: Well as far as the Territory was concerned, Mr. Chairman, we cut our cloth according to our measure.

Hon. Mr. Taylor: Explain, Mr. Chairman.

Mr. Legal Advisor: We were as generous in this as we could be within the parameter of what was to be cost shared. This is what the agreement is, it's a limitation within which we work. We didn't prepare these limitations.

Hon. Mr. McKinnon: Mr. Chairman, I think to put it a little blunt here, that if there were any higher amounts, they would have to be totally funded by revenues raised by the Government of the Yukon Territory, it would not be shareable with the Government of Canada.

Hon. Mr. Taylor: Yes, that is to say we are bound by the Feds on this one.

Hon. Mr. McKinnon: No, we could go higher, but it would be the responsibility of the Government of the Yukon to find the money to -- for the higher compensation. It wouldn't come under the agreement which all Members of Council -- of the House have now been provided with, Mr. Chairman.

Mr. Chairman: Any further comments or questions?

Section 23, sub-section (2):

(Reads Section 23(2))

Mr. Chairman: Section 23, sub-section (3):

(Reads Section 23(3))

Mr. Chairman: Any questions or comments on those two sub-sections?

Section 24(1):

(Reads Section 24(1))

Some Members: Clear.

Mr. Chairman: Section 25 (1):

(Reads Section 25(1))

Mr. Chairman: And sub-section (2):

(Reads Section 25(2))

Mr. Chairman: Any comments or questions on Section 25?

Some Members: Clear.

Mr. Chairman: Section 26(1):

(Reads Section 26(1))

Mr. Chairman: Sub-section (2):

(Reads Section 26(2))

Mr. Chairman: Sub-section (3):

(Reads Section 26(3))

Mr. Chairman: Any comments or questions on 26?
Mr. McIntyre?

Hon. Mr. McIntyre: I wonder if the Legal Advisor would explain what those Sections mean in somewhat more simple language, than he usually uses?

Mr. Legal Advisor: Well, Mr. Chairman, the intent is that where money is paid out of the public purse by way of compensation to a person who has been injured for something, then if the victim himself succeeds in getting \$20,000.00 in court for his damages, in any event, the Commissioner can recoup the amount that he has expended in compensating that victim, and this sets out how he does that.

And his technical involvement in the claim to prevent the Commissioner being defrauded by assessment taken without his knowledge.

Mr. Chairman: Mr. McCall?

Mr. McCall: Thank you, Mr. Chairman. I would like to ask Mr. Legal Advisor, that the way we are faced with a situation where the costs would be higher than the compensation. What is the position then?

Mr. Legal Advisor: Costs are never to that high to lawyers. Its costs may be medical costs, they may be transport costs, they may be costs of proving a case, and I suppose the costs would have to be paid first, whatever they were.

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

Mr. McCall: Thank you, Mr. Chairman.

I like the answer you gave me as far as the costs are never high to a lawyer, no, they are always higher to the claimant.

Mr. Chairman: We will treat that as a comment, Mr. Legal Advisor.

Mr. Legal Advisor: I think the Chairman would say that the lawyer is worthy of his hire.

(Laughter)

Mr. Chairman: Are there any questions or comments pertinent to this Section?

Dr. Hibberd?

Dr. Hibberd: Mr. Chairman, adequate provision has been made on behalf of the government that they shall recover the funds, but would the reverse be true? In other words, would there be prejudice involved in the courts in a civil action, knowing that this other legislation was in existence, and that the claimant had recourse under this Ordinance to collect?

In other words, would it prejudice any civil action?

Mr. Chairman: If I might answer that, this is normally the case in insurance claims, claims where a defendant is suing -- or a plaintiff is suing someone, and there is insurance, and if the insurance is mentioned to a jury, for example, the case is thrown out, and judges are quite used to blanking out their mind to the existence of insurance.

Mr. Legal Advisor: I'm not sure that that was the point asked by the Honourable Member. I think the point was, would the person who is making the claim suffer, or conversely, would the Commissioner suffer in the other action?

Now, if you look at Section 26, sub-section (2)(b), the Commissioner can reimburse himself for the value, and then any balance the Commissioner obtains does not go into the public purse, it goes to the victim in case of an excess.

Mr. Chairman: This also relates to Section 5(1).

Mr. Legal Advisor: Yes, the situation would be that if the Commissioner recovered in an action \$45,000.00 and he had only paid out \$20,000.00 in compensation, he could hold the 20,000, but he would have to give \$15,000.00 to the victim, so the victim would benefit by the action.

Mr. Chairman: Any other questions or comments on Section 26?

Section 27(1):

(Reads Section 27(1))

Mr. Chairman: Any questions or comments? Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, I'm just curious again as to why the words "or necessary" -- pardon me, "or advisable", why are they required in there? Couldn't you just say respecting any matter that he deems necessary to carry out the intent and purpose of this Ordinance?

Mr. Legal Advisor: I'm not sure it is necessary, it is just advisable to put it in there. It's a question of caution --

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Well, that doesn't give me my explanation, Mr. Chairman. I'm asking, you know, if it doesn't need to be in there, and these are the laws, why are they in there indeed?

Mr. Legal Advisor: A draughtsman's mistake, Mr. Chairman.

Hon. Mr. Taylor: So then we assume that those words will be deleted, Mr. Chairman?

Mr. Legal Advisor: It will be considered, Mr. Chairman.

Hon. Mr. Taylor: Well who is doing the considering here? Are we working on legislation, Mr. Chairman? I would like to know whether these words are considered typographical errors and will be deleted, or whether indeed they have some purpose in remaining there?

Mr. Gillespie: Mr. Chairman, I think it would be permissible to take out either "necessary" or "advisable", whichever the Chamber prefers in this case.

Would you prefer that we take out "or advisable". Is that the -- Mr. Legal Advisor, have you advice on which way is the better way to have it read?

Mr. Legal Advisor: I think -- I say take "or advisable", Mr. Chairman, if I was asked for an opinion.

Mr. Chairman: Thank you.

Hon. Mr. Taylor: So Mr. Chairman, possibly we could consider that was a typographical error then with the agreement of Committee, if Committee should agree, and that they just be deleted at this point?

Mr. Chairman: Agreed?

Some Members: Agreed.

Mr. Chairman: Section 28(1):

(Reads Section 28(1))

Mr. Chairman: Clear?

Some Members: Clear.

Mr. Chairman: Section 29 (1):

(Reads Section 29(1))

Mr. Chairman: Clear?

Some Members: Clear.

Mr. Chairman: Section 30, subsection (1):

(Reads Section 30(1))

Mr. Chairman: Clear?

Some Members: Clear.

Hon. Mr. McKinnon: Mr. Chairman, I wonder if I could ask a question of Mr. Assistant Commissioner or of the Legal Advisor. How many jurisdictions have now entered into agreements with Canada for compensation for the Victims of Crime?

Mr. Gillespie: Mr. Chairman, the Northwest Territories has, and most provinces have, but I am sorry, I don't know the exact numbers and which ones.

Hon. Mr. McKinnon: I wonder if that information could be made available to the Committee at some time? No urgency, just for our information.

The other question I always like to ask on these costs shared ordinances, is this one of the programs that Canada will continue her obligation on a cost shareable basis under, or is it one of those that will remain in effect for one or two years of operation and the total cost will be responsible to the Government of the Yukon Territory?

Mr. Gillespie: Mr. Chairman, at this point in time, it is our understanding both for the Yukon and the Northwest Territories and for the provinces as well, this is an ongoing program. But having said that, we have to rely on this as a matter of faith with the Territorial -- with the Federal Government. We have no way of knowing, with any certainty, that they will not leave us with the full costs at some point in time.

Hon. Mr. McKinnon: The Commissioner just indicated maybe three years.

Mr. Chairman: I will now read the preamble.

"The Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory, enacts as follows: --"And I will read the title, Bill Number 6, Compensation for Victims of Crime Ordinance". Clear?

Some Members: Clear.

Mr. Chairman: Just before we excuse the witness, I take it then that the Administration is treating the discrepancy between Criminal Code as written on Page 1 and Criminal Code Canada, that discrepancy as a typographical error?

Mr. Gillespie: Yes, Mr. Chairman.

Mr. Chairman: And with respect to page 4, Section 4(1) (d), I take it that the maintenance of a child born, and that was a typographical error, was it?

Mr. Legal Advisor: With respect, Mr. Chairman, there's a point of -- it may not be very important but it

is of substance. The wording of that section is taken directly from the agreement, and it's an agreement between the Department of Justice and the Territory which they want to enter into.

If it's changed, and I am not suggesting it should not be changed, but if it's changed, I think it would require the concurrence of at least the officials of the Department of Justice who are responsible for putting forward this agreement to the Cabinet.

I sent a telex to the Department of Justice suggesting that they concede this change, but I would not like to have it go forth that we would automatically make the change without their concurrence at any rate whatever about the draught.

Mr. Chairman: Then perhaps we shouldn't entertain a motion to move this Bill out of Committee until we have verification on that. Mrs. Whyard?

Mrs. Whyard: Yes, Mr. Chairman, I also wondered if we are going through the schedule of crimes covered by this Agreement?

Mr. Chairman: This is part of the agreement, and will become a Regulation passed by the Commissioner?

Mr. Gillespie: That is the intention, Mr. Chairman.

Mr. Chairman: Yes. Therefore, I don't think that we ought to deal with it at this point. It's not part of the Bill in the sense of being a schedule to the Bill

Mr. Taylor?

Hon. Mr. Taylor: While we are awaiting further information on this Bill, I would suggest that we simply report progress on the Bill at this time.

Mr. Chairman: Thank you, Mr. Taylor. That's what we will do, if that is agreed. Agreed?

Some Members: Agreed.

Mr. Chairman: Yes, thank you, Mr. Gillespie. We will excuse you at this time.

Mr. Gillespie: Thank you, Mr. Chairman.

Mr. Chairman: I would like to declare a 10 minute recess at this time.

Recess

Mr. Chairman: I will call the Committee to order. We will do a clause by clause, or a clause reading of Bill Number 7.

Bill Number 7

Mr. Chairman: Clause 1.

Reads Clause 1

Mr. Chairman: Any questions or comments? Mrs. Watson?

Hon. Mrs. Watson: Mr. Chairman, maybe I should briefly comment on Ordinance Number 7 and 8, and Ordinance to Repeal The Old Age Assistance and Blind Persons' Allowance Ordinance.

These programs are both being phased out by Health and Welfare in Ottawa, and as a result the Yukon ceased to administer the programs as of December of 1974. The Territorial Supplementary Assistance Program takes the place of these programs and they are more generous. For example, in the past the Blind Persons' Allowance maximum was \$75.00 per month. Now our Territorial Supplementary Allowance Program makes it available for all persons who are permanent exclusions from the labour force because of age or because of disability, physical disability.

I should point out that under the Territorial Supplementary Allowance Program that we have we have established minimum subsistence levels. A minimum subsistence level.

For single people, and it has been amended recently to bring it up, for single people, the minimum subsistence level in the Territory is \$229.00. For a married couple, the minimum subsistence level is \$435.00.

If we have a blind person who does not have any other income, the income from the Territorial Government would be \$229.00.

Mr. Chairman: Thank you, Mrs. Watson. Mr. Fleming?

Mr. Fleming: Mr. Chairman, I might just ask Mrs. Watson this is the same for the old age pensioner, it is exactly the same thing, is it not?

Hon. Mrs. Watson: Yes, Mr. Chairman, this is exactly the same thing for the people who are excluded from the labour force because of age. If they receive an Old Age Pension plus the Guaranteed Supplementary Income with the Old Age Pension from the Federal Government plus \$25.00, if they are single from the Territorial Government, they reach the minimum subsistence level of \$229.00.

If they are a married couple they get \$45.00 from the Territorial Government to bring them up to \$435.00.

Mr. Chairman: Mr. Fleming?

Mr. Fleming: I think you have explained it to me, Mr. Chairman, but I am a little doubtful because I had a case just the other day came to me. The Old Age Pension is \$173.00 in this case, and of course he was renewing, trying to renew his \$25.00 and didn't know how to fill the form in.

Am I to understand that there is something else -- it isn't possible always for him to get \$229.00 is it? Isn't there something -- it could be less?

Hon. Mrs. Watson: Mr. Chairman, that's exactly right. This program is based on need of the individual. If he has other income, then he isn't eligible for the Guaranteed Income Supplement from the Federal Government.

Now, if you've filled in these forms for old age pensioners, you have to declare their other income, and if your other income is beyond a certain level, they are not eligible for the Guaranteed Income Supplement.

But what we do, we get all of their income, their old age pension and maybe they have other income of \$50.00 a month, and then we bring them up to \$229.00 a month. That's our minimum subsistence level.

Mr. Chairman: Mr. Fleming?

Mr. Fleming: You also said that \$25.00 was the --

Hon. Mrs. Watson: Right.

Mr. Fleming: -- you know, no more or less than \$25.00?

Hon. Mrs. Watson: If he got the Guaranteed Income Supplement from the Federal Government. Now, if he didn't qualify for that because of his income, we would have to look at his Old Age Pension, plus the other income, and if the total didn't come to \$229.00 -- for example, if it came to \$220.00, we would give him an additional 9.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, it brings up another interesting question. What happens, or are there any programs to give relief to people who, for instance, were medically unable to be employed? Medically are burned out, and yet who are neither receiving compensation benefits, pension benefits and possibly aren't eligible for Old Age Pension? What happens to these people, because indeed there are some around the Territory. Do they simply go on flat out welfare, or is there a program similar to this for them?

Hon. Mrs. Watson: Mr. Chairman, that's a good question. This program does apply to these people also, permanent exclusion or exclusions from the labour force, burned out people, we establish this minimum subsistence level. And if you will note, the minimum subsistence level for a married couple is \$435.00 per month, that's the minimum level.

Now, if they have dependents, if they have children, then we use our other scale, under the Social Assistance, to augment that \$435.00 for their dependents.

Hon. Mr. Taylor: Thank you Mr. Chairman.

Mr. Chairman: Any further questions or comments? Mrs. Whyard?

Mrs. Whyard: Mr. Chairman, could I just ask, what the minimum subsistence level is in British Columbia?

Hon. Mrs. Watson: Mr. Chairman, I am not sure of that because they have a mini budget type of thing -- I shouldn't say the minimum allowance, a type of program that we have also, and in fact we were the first ones in Canada to bring this program in, but I can

certainly find out how much they subsidize their old age pensioners and their Guaranteed Income Supplement, to bring it to what level. Yes, I will find that out for you.

Mr. Chairman: Thank you, Mrs. Watson. Any further questions or comments?

Clause 1.

(Reads Clause (1))

Some Members: Clear.

Mr. Chairman: The preamble. "The Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory, enacts as follows: --" and the title, Bill Number 7, An Ordinance to Repeal the Disabled Persons' Allowance Ordinance.

Mr. Fleming?

Mr. Fleming: Yes, Mr. Chairman. I would like to just ask the Minister, has there been any consideration for, in the case of this one here, the Old Age Pensioners, to the effect that possibly some of their medicines may be paid for. You know, has there been anything considered in that respect?

Hon. Mrs. Watson: Mr. Chairman, that is true. Under the Territorial Supplementary Allowance, and under our Yukon Health Care and Medical scheme, people beyond the age of 65 do not have to pay premiums. There's no means test or anything, they just don't have to pay premiums for our Medicare scheme.

Mr. Chairman: Mr. Fleming?

Mr. Fleming: Mr. Chairman, thank you for that answer, though you know, I really appreciate that, but it wasn't quite the answer. What I say, has there been any thought or is there anything in the legislation anywhere that provides, other than Medicare, I mean for medicines that doctors prescribe to an old age person, to help them to pay for that medicine in any way, shape or form or part of it?

Mr. Chairman: Mrs. Watson?

Hon. Mrs. Watson: Mr. Chairman, I think some of it depends on the type of medicine. Some of the medicines for some of the diseases, it's under other legislation, is provided free of charge.

Now, if we have people like this who are on medicine that is extremely expensive, we will sometimes provide assistance in this regard, yes.

Mr. Chairman: Dr. Hibberd?

Dr. Hibberd: Apropos of the Minister's remarks, there are certain medicines that are covered by a chronic disease list, but they certainly do not cover the majority of the drugs that are -- that older people are faced with. They really refer to the diseases themselves and the drugs they are on.

Hon. Mrs. Watson: That's right.

Mr. Chairman: Thank you --

Dr. Hibberd: It's a very limited list in the terms of the old person.

Hon. Mrs. Watson: Yes.

Mr. Chairman: Thank you, Dr. Hibberd. Mr. Fleming?

Mr. Fleming: I would like to comment at this time. I would like to thank the doctor on that remark. This is what I was working towards, is I feel that as old age people, there's not quite enough help in the medicine field for them.

Hon. Mrs. Watson: Well, Mr. Chairman, as I said, if they come to the branch or if it's drawn to the attention of the branch that it's a hardship for them to provide the medical -- the medicine that they require, on their minimum subsistence level, then there is certainly consideration given and assistance.

But each one is treated as an individual case; it isn't a universal scheme. It's based on need.

Mr. Chairman: Miss Millard?

Ms. Millard: Mr. Chairman, I believe what Mr. Fleming was trying to get at was Pharmacare which is in effect in B.C., and I was wondering myself if the administration has any ideas on whether that will ever come into effect in the Yukon?

Hon. Mrs. Watson: Mr. Chairman, Pharmacare is a universal scheme where there isn't a need that has to be established and we haven't looked into that at the present time. I might as well be honest with you.

Ms. Millard: But Mr. Chairman, Pharmacare is in effect for old age people in B.C., not a universal scheme.

Hon. Mrs. Watson: Mr. Chairman, it is in effect for old age people, this is true, but it also is universal. There's no need has to be established for financial assistance for it. This is the point I was making.

Mr. Chairman: Any questions or comments on this particular Bill? Are we clear on the preamble and the title? Clear?

Some Members: Clear.

Mr. Chairman: In that case, I will entertain a Motion.

Hon. Mrs. Watson: Mr. Chairman, I would move that Bill Number 7, entitled "An Ordinance to Repeal the Disabled Persons' Allowance Ordinance", be moved out of Committee without amendment.

Mr. Chairman: Thank you. Do we have a seconder?

Mr. McCall: I will second that, Mr. Chairman.

Mr. Chairman: It has been moved by Mrs. Watson and seconded by Mr. McCall, that Bill Number 7, entitled "An Ordinance to Repeal the Disabled Persons' Allowance Ordinance", be reported out of Committee without amendment. Question?

Some Members: Question?

Mr. Chairman: Agreed?

Some Members: Agreed.

Mr. Chairman: I declare the motion carried.

Motion Carried

Bill Number 8

Mr. Chairman: We will now proceed to Bill Number 8, Section 1,

Reads Section 1

Mr. Chairman: Any questions or comments? Clear?

Ms. Millard: Mr. Chairman?

Mr. Chairman: Miss Millard?

Ms. Millard: As I understand it, Old Age Assistance is given to those 60 years of age and over who find themselves in need, but aren't eligible yet for the Old Age Pension. Is this still the case?

Hon. Mrs. Watson: No, no this is now being repealed, and we use the Territorial Supplementary Allowance, and if they are not able to work because of their age level, then we bring them up to the minimum subsistence level.

You see, these programs used to be in effect and we used to cost share them with the Federal Government. Now the Federal Government has programmed them out and they have replaced it with the Canada Assistance Act, and under the Canada Assistance Act we have been able to establish the Territorial Supplementary Allowance program that we have, and it takes care of older people and people who are not able to work. Old Age Pensioners -- when I say older people, I'm not specifically saying 65 years of age. Older people who are not able to work or don't have an income, so it's just the one program covers them all, one cost sharing.

Mr. Chairman: Dr. Hibberd?

Dr. Hibberd: Mr. Chairman, I would like to ask the Minister at what age is a person considered medically unfit for work?

Hon. Mrs. Watson: Mr. Chairman, I don't know why the Honourable Member is asking me that question.

Mr. McCall: 25.

Hon. Mrs. Watson: I would say it varies—I would say that it varies.

Mr. Chairman: Mr. Lang?

Mr. Lang: Mr. Chairman, the cost sharing, is this 50/50?

Hon. Mrs. Watson: Mr. Chairman, that's right. Under the Canada Assistance Act, it is 50 percent because you are establishing a need.

Mr. Chairman: Thank you, Mrs. Watson. Are we clear on Clause 1 in this Bill?
I did read it, did I not?

Some Members: Clear

Hon. Mrs. Watson: Mr. Chairman, I would move that Bill Number 8, an Ordinance --

Mr. Chairman: Hold on, Mrs. Watson. I will now read the Preamble.

"The Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory, enacts as follows: "and I will read the title, Bill Number 8, "An Ordinance to Repeal the Old Age Assistance and Blind Persons' Allowance Ordinance". Clear?

Some Members: Clear.

Mr. Chairman: I will now entertain a motion.

Hon. Mrs. Watson: Mr. Chairman, I would move that Bill Number 8 be moved out of Committee without amendment.

Mr. Berger: I second that, Mr. Chairman.

Mr. Chairman: It's been moved by Mrs. Watson and seconded by Mr. Berger, that Bill Number 8, entitled "An Ordinance to Repeal the Old Age Assistance and Blind Persons' Allowance Ordinance", be reported out of Committee without amendment.

Question?

Some Members: Question.

Mr. Chairman: Agreed?

Some Members: Agreed.

Mr. Chairman: I declare the Motion carried.

Mr. Chairman: We will now proceed to a clause by clause reading of Bill Number 9.

Bill Number 9

Mr. Chairman: Clause 1:

(Reads Clause 1)

Mr. Chairman: Any questions or comments? Mrs. Watson?

Hon. Mrs. Watson: Mr. Chairman, actually this Bill should have been repealed in 1969, and it was just sort of left on the books, and the -- and in 1959 there was an agreement between the Commissioner and the Department of National Health and Welfare to provide assistance to unemployed persons. We may think that the Unemployment Insurance payments were enough, people who didn't qualify for unemployment insurance or people who didn't qualify for unemployment insurance or people who had large families, so by that agreement in '59, the Commissioner, or the government was able to provide assistance to unemployed persons.

Since 1969, under the Canada Assistance Act, it wasn't necessary to use this legislation and the agreement has been redundant since 1969 so we are just cleaning up the books and repealing it at this time.

Mr. Chairman: Thank you, Mrs. Watson. Miss Millard?

Ms. Millard: Mr. Chairman, I would like to know if the Minister would be willing to give us some written information on this Territorial Supplementary Allowance. My concern mostly is that it may be on the books as Territorial Supplementary Allowance, but the client who comes into the office will probably treat it as simply social assistance, as straight welfare, because it seems to me that they have to go through that same system, and whether you call it Territorial Supplementary Allowance or whatever you want to call it, it still has that effect of putting these pensions which were before looked upon as being, you know, not assistance really, they were looked upon as being a right and something that because a person was blind or old, was able to get. There was a little more respect to it than straight welfare.

I don't know if the client would be made aware that this is actually a different kind -- just a different name for the same thing, or whether they would feel that it's an application for social assistance, which is really degrading to a lot of clients.

Hon. Mrs. Watson: Well, Mr. Chairman, the application forms for the Territorial Supplementary Allowance are quite different from the applications for social assistance, and it has been advertised as a separate program. Information is available at the Territorial agents, it's available from the Welfare Branch here in Whitehorse.

I know that some people feel that possibly there's a type of stigma attached to it, but there is no more stigma attached to it than there is to a guaranteed income supplement or old age pension. It's just an allowance that is being made by the Territorial Government, and it is very necessary to keep it within the Welfare Branch, because there are instances where applications are made for Territorial Supplementary Allowance where you have a couple with three or four dependents, who really require more than the \$435.00 a month, in order to provide a minimum subsistence level.

In that instance, then they use the other schedule under the Social Assistance, and provide them with the assistance that they require, so that there is the flexibility that if you didn't have them within the Welfare program -- I shouldn't say welfare, the assistance program, social assistance program, then some people may not be getting the maximum assistance that they require, particularly if they are in this situation and do have young children.

And I realize that there are a lot of -- I should say some people, who have not applied for it. I think that we are going to have to advertise again and indicate where they can get the forms for it, that you understand in order to get the Territorial Supplementary Allowance -- that's what it is, it's a supplementary allowance to what they would get on the Old Age Pension and the Guaranteed Income Supplement. It's a supplementary allowance, and I don't know of any other way that the government could handle it, unless you set up a separate office and bureaucracy, and then you wouldn't be giving yourself the flexibility you need.

But I am quite prepared to have another, you know, some advertising in the paper so that people will be aware that this supplementary income is available to particularly to the old age pensioners.

Mr. Chairman: Thank you. Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, I would suppose, and I would just like to -- some clarification, I would suppose that those people currently or who have been up to this point in time receiving disability payments of a Blind Persons' payments and this type of thing, would automatically find themselves on the rolls for the assistance that they are now getting under the new program, without having to go and make -- and renew applications. This would flow, is this correct?

Hon. Mrs. Watson: Yes, that is exactly right, Mr. Chairman.

Mr. Chairman: Mr. Fleming?

Mr. Fleming: Mr. Chairman, I would ask the Minister, is there a minimum requirement, this would be a minimum requirement I presume. In other words -- no it wouldn't be minimum, it would be how much really, maximum requirement, of property they can own or monies that they can own before this is available to an old age pensioner?

Hon. Mrs. Watson: Mr. Chairman, I believe the liquid assets are 15 or \$1,200.00 for single and \$2,000.00 for married.

Mr. Chairman: Are we clear on Clause 1?

Some Members: Clear.

Mr. Chairman: The preamble, "The Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory, enacts as follows:" Title of Bill Number 9, "An Ordinance to Repeal the Unemployment Assistance Agreement Ordinance". Are we clear?

Some Members: Clear.

Mr. Chairman: I will entertain a Motion then.

Hon. Mrs. Watson: Mr. Chairman, I would move that Bill Number 9 be moved out of Committee without amendment.

Mr. Chairman: Seconder?

Mr. Berger: I second that, Mr. Chairman.

Mr. Chairman: It has been moved by Mrs. Watson, seconded by Mr. Berger, that Bill Number 9 entitled "An Ordinance to Repeal the Unemployment Assistance Agreement Ordinance" be reported out of Committee without amendment.

Question?

Some Members: Question.

Mr. Chairman: Agreed?

Some Members: Agreed.

Mr. Chairman: I declare the Motion carried.

Motion Carried

Mr. Chairman: I will then proceed to a clause by clause reading of Bill Number 10.

Bill Number 10

Mr. Chairman: Clause 1.

(Reads Clause 1)

Mr. Chairman: Any questions or comments? Mr. Taylor?

Hon. Mr. Taylor: Maybe we have got the cart before the horse or vice versa, I'm wondering why, if as the explanatory note says that we are going to repeal the Occupational Training Ordinance, why it wouldn't have been done under Bill 11, which replaces it? Why could we not have simply stated at the end of Bill 11 -- if Committee agree with the Bill, that then, having accepted the Ordinance, that the Occupational Training Ordinance and so forth are repealed? Now why was this not done?

Mr. Legal Advisor: Not a particularly important reason, Mr. Chairman. I imagine it's just a question of the indexing, so that when a person looks up an index, they find it in the same portion of the index, you start off the Ordinance and then you repeal it, rather than track it back.

Hon. Mr. Taylor: Well, Mr. Chairman, I think with all due respect, I think and it may cause a little confusion to the chair in terms of keeping records and what we are doing, but I think we should first go to Bill Number 11 and look at the Ordinance which will replace this Ordinance, before we repeal the existing Ordinance.

Some Members: Agreed.

Mr. Chairman: We will then turn to a clause by clause examination of Bill Number 11.

Bill Number 11

Mr. Chairman: 1(1).

(Reads Clause 1(1))

Mr. Chairman: Clear?

Some Members: Clear.

Mr. Chairman: 2(1):

(Reads Clause 2(1))

Mr. Chairman: Clear?

Some Members: Clear.

Mr. Chairman: 3(1):

(Reads Clause 3(1))

Mr. Chairman: Any questions or comments on that sub-section? Mr. Berger?

Mr. Berger: Yes, Mr. Chairman, I have a question. I was wondering if this program applies now to Territorial Government employees also? Because right now, any upgrading program in the vocational school, Territorial Government employees are not eligible for it because they cannot go through the department of manpower. I was wondering if this ordinance also applies to Territorial Government employees.

Mr. Chairman: Mr. McIntyre?

Hon. Mr. McIntyre: I'm not aware that it doesn't apply, except under the same circumstances, it would apply to anyone. I can't understand why it wouldn't apply.

There may be -- it doesn't apply to people who are already employed obviously, because it's a retraining - basically it's a retraining program. If a person became unemployed with the Territorial Government because he was unable to pursue the trade that he was engaged in with the Territorial Government, he certainly would qualify under this program.

Mr. Chairman: Thank you. Mr. Berger?

Mr. Berger: My particular concern about it is that the Territorial Government is pressing licences for trades people in the Territorial Government, but they do not provide upgrading courses especially for people in outlying districts, and I feel that if on the one hand the Territorial Government is pressing for licences, they should also supply the necessary training programs for it too.

Mr. Chairman: Any further questions? Mr. McCall?

Mr. McCall: Yes, I am curious as to -- I would like some clarification on the wording of sub-section (e), the improvement of the labour force. What does this actually mean? Retraining program or what?

Hon. Mr. McIntyre: Yes, basically it's a retraining program and an upgrading program.

Mr. Chairman: Are there any further questions or comments? Mr. Fleming?

Mr. Fleming: I wonder, Mr. Chairman, I wonder if the Minister could -- maybe if you don't know today, bring that -- find out, in other words, if a Territorial Government employee without, say, a welding ticket, and if the government wishes him to work and have a welding ticket, could he not be taken to that school and upgraded there under this (c), "improvement of the labour force". I would take it for granted that that is more or less what that is what that was for, and yet I myself realize that I don't believe they are doing this today. I think if you are on the Territorial Government, you can't go to the school.

Hon. Mr. McIntyre: I will look into it.

Mr. Chairman: Thank you, Mr. McIntyre. Mr. McCall?

Mr. McCall: Yes, I would like to ask the Honourable Minister a question pertaining to what Mr. Fleming brought up. We have had some -- I would like to comment on it first.

We have had some very serious problems in the Cypress Anvil operation concerning the trade qualifications, especially if it's a journeyman. One of the questions I'm going to ask now, to give you time to think about it is, the inter-provincial status or certificate thereof. Now, some of the trades in our particular operation are not recognized by the Yukon government. Some are, some are not, and I'm just wondering if you are going to create some sort of recognition on some of these trades as to the inter-provincial licencing, where a lot of provinces have this sort of consideration. When an individual transfers say, from Nova Scotia to British Columbia, he's recognized as a journeyman. But in many cases in the Yukon he is not. And one of them, as a prime example, is welding. It is not recognized properly, according to the information I have received, so I am just wondering if this is being considered, when this Occupational Training Ordinance is enacted, this inter-provincial status will be recognized in the Yukon for the sake of all craftsmen, of any trade, because this is a very, very serious situation, especially in our operation.

Hon. Mr. McIntyre: Mr. Chairman, to the best of my knowledge, the Yukon recognizes all the red seal certificates, inter-provincial certificates.

Mr. Chairman: Mr. McCall?

Mr. McCall: I beg to differ with the Honourable minister, but I would suggest that the communication

be made with Mr. Skoles. I think he will argue that point.

Hon. Mr. McIntyre: I'll look into that.

Mr. Chairman: Mrs. Whyard. Or pardon me, Ms. Millard is first.

Ms. Millard: Mr. Chairman, I would just like to point out that probably Section 4(1) will be a very active section in this Ordinance then where it establishes that Boards of Committees would be established, it's obvious that there are Members here that are really willing to give a lot of advice on what is happening in this Section.

I think this is probably the best part of the whole Ordinance.

Mr. Chairman: Thank you, Miss Millard. Mrs. Whyard?

Mrs. Whyard: Mr. Chairman, during discussion in Committee the other day of estimates affecting the Vocational Training School, I asked whether or not students sponsored by Y.T.G. got the same allowance as the Manpower program, and I was assured they were, but I have now been informed from a number of people attending those courses, that this is not so, and that Territorially sponsored Vocational students are getting something like \$5.00 a week less than the Federal Manpower sponsored students.

I wonder if the Minister could look into this?

Mr. Chairman: Thank you. I have been rather reasonable in allowing some of these questions. Really overlooking a clause by clause reading of the Bill, and I would ask Members to try to restrict themselves to the clause by clause interpretation of amendments -- of the clauses. Some of these points raised are questions that could possibly ought to be asked during the Question Period.

Are there any further comments or questions on Clause 3?

Clear?

Some Members: Clear.

Mr. Chairman: Clause 4(1):

(Reads Clause 4(1))

Mr. Chairman: Sub-section (2):

(Reads Sub-section (2))

Mr. Chairman: Sub-section (3)

(Reads Sub-section (3))

Mr. Chairman: Are there any comments or questions relating to that Section? Mr. Taylor?

Hon. Mr. Taylor: It relates to the fact that we are creating Boards and Committees, and I always feel a little twinge of something here, whenever we talk about another Board or another Committee, and it

seems that we -- even though these Boards and Committees are serving very useful and important functions.

I would like to just direct a question towards Mr. Legal Advisor, and ask him how many Boards and how many Committees in rough, are required by this government under this type of legislation?

Mr. Legal Advisor: I couldn't even begin to give an answer, Mr. Chairman, but there is no question that the number of boards and committees will increase substantially every year.

Hon. Mr. Taylor: Would there, Mr. Chairman, be over 90 boards and committees be required by Ordinance?

Mr. Legal Advisor: I think 90 would be putting the figure beyond its upper limit.

Hon. Mr. McKinnon: Mr. Chairman, for members' information, there is a booklet prepared that has the total number of Boards and Commissions in the Yukon, and I think it would be very interesting for all Councillors to have a copy of it.

I found it most interesting for ammunition purposes when I was in a different position.

Hon. Mr. Taylor: Thank you.

Mr. Chairman: Mrs. Whyard?

Mrs. Whyard: But Mr. Chairman, as I understand it there has always been an Advisory Committee at the Vocational School, made up of members -- representatives of trades and professions and employers, teacher-employers, the students who had input into the content of the courses and advised them what training was needed in order to ensure employment in the Yukon, and I would see that as a very valuable Committee. This is not another or a duplication, is it, Mr. Chairman?

Mr. Chairman: Thank you, Mrs. Whyard. Mr. Legal Advisor, is that correct?

Mr. Legal Advisor: No, Mr. Chairman, it's not a duplication, but it is intended to have a number of these Committees related to various spheres of influence in order to have public input, both from the people who are concerned in the education, that the students and the people who they will eventually serve as employees.

Hon. Mrs. Watson: Mr. Chairman, at the present time they have an Advisory Board for each trade in the Yukon so there are a lot of them now.

Mr. Chairman: Are you in reply to Mrs. Watson, Mr. McCall?

Mr. McCall: Thank you, Mr. Chairman. In view of what Mrs. Whyard has just said, some of the members are not actually involved in the trades careers, they must realize that this particular Board is mentioned in

this Ordinance, is a very, very, very important Board pertaining to the modern day and age we live in.

When you consider the technology, the way it is moving today, you need to have an established board like it states in this Ordinance, or is suggested in this Ordinance, because of the work force in the Yukon, it is getting substantially larger, it's getting very, very professional.

I myself was involved in a very, very heavy situation, and I go back to Cypress Anvil, in our apprenticeship situation, where we need information for a particular board like they have at the Vocational School. We are in constant communication with these people, and without them, I don't know, we would probably have to go down to British Columbia.

Mr. Chairman: Thank you, Mr McCall? Mr. Taylor?

Hon. Mr. Taylor: Yes, Mr. Chairman, the question was asked, is there some duplicity here, and I can't see why, in a lot of cases, that one existent board cannot take on the added responsibilities imposed upon -- or imposed upon the government by this type of legislation.

For instance, is there not one of these multitude of boards that already exists that are competent enough to accept the additional responsibility of dealing with matters contained in the new Occupational Training Ordinance? There's got to be, I just find it hard to believe that -- I don't know what Committees we already have. If I had a list, I could probably find four or five boards, possibly, that could take on this function without the creation of another, yet another board.

Mr. Legal Advisor: Not to anyone's knowledge, Mr. Chairman, but the Honourable Member from Faro has put the situation well.

What you want is on these boards, people who know what they are talking about.

Mr. Chairman: Mr. McCall?

Mr. McCall: Yes, I would like to further a comment here to the Honourable Member from Watson Lake. Before we start debating on any particular board or committee, I would strongly suggest, for his own information, that he investigate the Vocational School and the board that is looking after their affairs, and all the other affairs pertaining to the trades in the Yukon, before we get into any further debate on it, because I find this a very important board.

Hon. Mr. Taylor: Well, Mr. Chairman, we are in fact, you know, when you get down to Section 5 here, we are providing -- the Commissioner again we are stating that he can establish, operate and maintain management of vocational and technical schools; it seems to me, though I don't have any research capability, as no member has any research capability, it seems to me in my recollections, that in fact that there is some duplicity here somewhere.

I find it hard to believe that a new board must be established to deal with matters of occupational training, and I also feel that there must be one of these

many boards in existence competent and capable of administrating this particular Ordinance.

Hon. Mr. McIntyre: Would the Honourable Member explain what he means by the word "duplicity"?

Hon. Mr. Taylor: Duplicating boards, two boards where one could serve the purpose, Mr. Chairman.

Hon. Mr. McIntyre: Mr. Chairman, do you think that in judging the merits, for example, of a welding program that the plumbers should be the people on that advisory board?

Hon. Mr. Taylor: No, Mr. Chairman, I certainly do not, and I am sure that the Honourable Minister knows indeed what I am getting at. As I say, I don't have a research ability, I do not have the list of these boards, but I find it very, very strange indeed that there is not a board involved with vocational -- the generalities of vocational training, now in existence that cannot accommodate the requirements imposed by the Occupational Training Ordinance.

I could be wrong, maybe I am, but I have seen a lot of paper and a lot of suggestions, and a lot of Ordinances go over this table over a lot of years, and as I say, I find it difficult to understand why we have to keep creating a board for this, a board for that. I know the administration in many cases want off the hook on many issues, so the first time that they get into trouble, they just create a board and say there, don't talk to me, I'm not the guy. The board did it. As whipping posts, but in this case I see the need for a board, and I am simply saying that we must start and consolidate some of these boards, where it's possible to do so, so that the plumbers aren't talking down to the welders sort of a thing, but where we have a general board dealing in general areas of vocational training or occupational training.

Mr. Chairman: Thank you. Mr. McCall?

Mr. McCall: I think what the Honourable Member is saying, we are heading for mass confusion as far as a board being created to cover all trades. My own personal feelings on that, every trade should have its own board, because we have our own types of problems.

If you look at the electrical field, you will find in our apprenticeship training, it takes five to six years, but if you look in the carpenter field, it only takes four.

Now, if you want to play with confusion, yes, by all means, create one board and put all the trades under that same board, and I don't think you will find one member on that board who will know what the other members are doing or talking about.

So therefore, I would strongly suggest, and I don't think this Ordinance here is suggesting creating a new board, it's just giving the power to create a board, and I think we should also investigate that under the system we have now, which I feel is going pretty good, they have an established committee or board now, and that this is good representation.

But like I say, in my own opinion, I feel that if the

powers to be was to create a board for every trade in the Yukon, and there's many, many trades, I see nothing wrong with it. There is a line of communication and assistance to other people within their careers.

Hon. Mr. Taylor: Mr. Chairman, I won't belabour the point. For instance when we dealt the the Education Ordinances and in dealing with teachers and so forth, we prescribed that we will also use the services of the Public Service Staff Relations Board and here is where one board is serving more than -- you know, under more than one Ordinance. As the Honourable Member who has just spoken stated, that maybe we won't have any new boards, maybe some existing boards may, this is my point. Let's just stop this business of proliferation of boards where it is not necessary to do so.

Mr. Chairman: Mr. Berger?

Mr. Berger: I would suggest to the Honourable Member from Watson Lake that if there is such a board exists right now, I personally am not aware of it and I am also in the labour movement for many years.

There is definite need to encompass all the people in the Yukon Territory. This is my point that I made to the Honourable Minister before that the Federal Government employees are excepted from anything that goes on in the Territory right now.

Hon. Mr. Taylor: Mr. Chairman, I just hope that the Honourable Members that don't seem to get my point or seem to agree with the general impression I am trying to leave here better think long and hard about it next year for perhaps when the Government of the Yukon Territory come hat in hand and say, "our programs have expanded so much we need more money, you must tax the people."

"Our government is getting too big. We haven't got enough money to run it." Who do they come to, they come right back to this same membership and say "okay, you guys, go find us the money." At that time, maybe you will understand what I am talking about.

Mr. Chairman: Mr. McCall?

Mr. McCall: I think there is one easy solution to that Mr. Chairman. We can always reduce our work force.

Mr. Chairman: Are we clear on Clause 5?

Some Members: Clear.

Mr. Chairman: Sorry, Clause 4.
That was a reading of the complete section. That is agreed, is it?

Some Members: Agreed.

Mr. Chairman: Clause 5.

(Reads Clause 5)

Mr. Chairman: Are there any comments or

questions on that section? Clear?

Some Members: Clear.

Mr. Chairman: The preamble,
"The Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory, enacts as follows:"
and the title of Bill Number 11, Occupational Training Ordinance. Is that clear?

Some Members: Clear.

Mr. Chairman: I will entertain a Motion in that case.

Hon. Mr. McIntyre: Mr. Chairman, I move that Bill Number 11, Occupational Training Ordinance be moved out of this Committee without amendment.

Mr. McCall: I second that, Mr. Chairman.

Mr. Chairman: It has been moved by Mr. McIntyre, seconded by Mr. McCall, that Bill Number 11, entitled Occupational Training Ordinance be reported out of Committee without amendment.
Question?

Some Members: Question.

Mr. Chairman: Are you agreed?

Some Members: Agreed.

Mr. Chairman: I declare the Motion as carried.

Motion Carried

Mr. Chairman: What are the wishes of the Members, do you wish a short break before we carry on.
Mr. Legal Advisor?

Mr. Legal Advisor: Mr. Chairman I suggest you go back to deal with the earlier one line Bill which was put back.

Mr. Chairman: Yes, very well. We will then have a reading of the Clauses of Bill Number 10.

Bill Number 10

Mr. Chairman: Clause 1

(Reads Clause 1)

Mr. Chairman: Is that clear?

Some Members: Clear.

Mr. Chairman: Mr. Legal Advisor?

Mr. Legal Advisor: That "first" should be "second", Mr. Chairman, should be Second Session.

Mr. Chairman: Thank you. It is a typographical error, is it? Clear?

Some Members: Clear.

Mr. Chairman: Preamble,
 "The Commissioner of the Yukon Territory, by and with the consent of the Council of the said Territory, enacts as follows:"
 and the title, Bill number 10, An Ordinance to Repeal the Adult Occupational Training Agreements Ordinance. Clear?

Some Members: Clear.

Mr. Chairman: I will entertain a Motion in that event.

Hon. Mr. McIntyre: Mr. Chairman, I move that Bill Number 10, An Ordinance to Repeal The Adult Occupational Training Agreements Ordinance be reported out of Committee without amendment.

Mr. Chairman: Is there a seconder?

Mr. Berger: I second that.

Mr. Chairman: It has been moved by Mr. McIntyre, seconded by Mr. Berger that Bill Number 10, entitled an Ordinance to Repeal the Adult Occupational Training Agreements Ordinance be reported out of Committee without amendments. Question?

Some Members: Question.

Mr. Chairman: Agreed?

Some Members: Agreed.

Mr. Chairman: I declare the Motion to be carried.

Motion Carried

Mr. Chairman: I will declare a ten minute recess.

Recess

Mr. Chairman: I will now call the Committee to order. The concern has been expressed to me by Miss Millard and Dr. Hibberd about proceeding with Bill number 12 at this time. They, for several reasons would like to have Mr. Richard Parker, Director of Special Programs and Mrs. Branigan to be invited to appear before the Committee as witnesses on Bill number 12. Possibly we could ask Dr. Hibberd to explain the reasons behind this request, at this time.

Dr. Hibberd: Mr. Chairman, we have discussed this Special Services Program before at some length, but I don't think we received a well-rounded explanation of what the Special Services Branch is doing, what their aims are and what their function is. I think the budget item has gone in our budget from \$30,000.00 to over \$400,000.00 so it is a major evolutionary step. I think that we should be in a position to understand what is happening in this area. And Mr. Richard Parker, I am sure, would be very happy to come and explain this to us.

Mr. Chairman: Thank you Dr. Hibberd. Ms. McCall do you have anything to add?

Ms. Millard: Mr. Chairman I would like you to know that my name is "Millard".

(Laughter)

I would certainly like to support Dr. Hibberd in this motion. I had a lot of questions when we were going through the budget on this item and another one further on called Rehabilitation Services or something like that. I still don't have any real answers to my questions, so I really think -- I was going to approach Mr. Parker myself personally, but I would certainly like the whole of the Assembly to know his answers on this question.

Mr. Chairman: Does anybody oppose this request? Mrs. Watson.

Hon. Mrs. Watson: Mr. Chairman I think we have the wrong program. This piece of Legislation is with the Rehabilitation Program and you would want the Co-ordinator, Mr. Woods. He is the Co-ordinator of the Rehabilitation Program. For this piece of legislation specifically. For Special Education it's Mr. Parker, right.

Mr. Chairman: Dr. Hibberd.

Dr. Hibberd: I think the two programs are fairly well integrated in -- but don't they overlap considerably?

Hon. Mrs. Watson: Mr. Chairman, I don't believe so. Special Education is for children, this is for adults.

Mr. Chairman: Does Dr. Hibberd wish to change his request, so that rather than Mr. Richard Parker, we would have Mr. Woods, is that the --

Dr. Hibberd: What I would suggest, Mr. Chairman, is that we have Mr. Richard Parker as well as Mr. Woods here. I think there is a good deal of information to be gained from both of them.

Hon. Mrs. Watson: Well that's fine. Mr. Chairman, I am sure these people could give us a great deal of information and answer a lot of questions that are required, but I'm just pointing out that this is a different program.

Mr. Chairman: Thank you, Mrs. Watson. Any further comments on the request? Can we agree then that we shall invite Mr. Richard Parker, Mr. Woods and Mrs. Branigan to appear as witnesses before this Committee on Bill number 12?

Agreed?

Some Members: Agreed.

Mr. Chairman: Very well. It would appear that we should invite them to appear. Earliest time would possibly be Monday afternoon at 2. Mr. Taylor?

Mr. Taylor: Mr. Chairman, I think it is becoming exceedingly difficult in -- and I think the Chair will find it so, when we start bringing people into the Chambers here. You just get started to work on something and you get 2 hours at it and you then look down your list and now you got to jump from one thing to another and I would hope that representations in relation to these Bills will be dealt with very hastily because otherwise it's going to be so confusing that -- with having this whole series of witnesses on this multitude of Bills.

Mr. Chairman: Yes--

Mr. Taylor: I hoped it could be expected as quickly as possible.

Mr. Chairman: Thank you Mr. Taylor. I think though that it does seem to be a Bill requiring a fairly substantial sum of money to be expended, so I myself would like to see this matter dealt with on Monday at 2. Is that agreeable?

Some Members: Agreed.

Mr. Chairman: Mrs. Watson?

Hon. Mrs. Watson: Mr. Chairman, I think the invitations to these people should be Mr. Wood should come for Bill number 12 and Mr. Parker and Mrs. Branigan for Special Education. They are two different areas -- two different establishments in the budget.

Dr. Chairman: Dr. Hibberd.

Mr. Hibberd: Mr. Chairman, what opportunity do we have left for us to have these witnesses to come before us? I think this is -- I think it would be reasonable to have them come at the same time on the basis that they have information that is in the same field. There's a lot of questions that are unanswered in these areas and I think that with deference to the Member from Watson Lake, I think we could speed things up perhaps a little by having them come at the same time.

The Chairman: I'm certainly agreeable to take that onerous task on. We aren't dealing really with a separate Bill, we are dealing with the Budget, and as a separate Bill of course, and items in the Budget, and with Bill number 12. So I would therefore, if we have agreement, ask Madam Clerk to make those arrangements. That would be Monday at -- March 24th at 2 p.m. And that will be witnesses Richard Parker -- Mr. Fleming?

Mr. Fleming: Mr. Chairman, I'm quite agreeable with all the proceedings and everything, but I would like to know the people, as a new Councillor, I don't know these people and I would like on something like this with them to state who these people are and what position they are in to come here as witnesses.

Mr. Chairman: Thank you, Mr. Fleming--

Mr. Fleming: I have no idea at all.

Mr. Chairman: Possibly Mrs. Watson could assist us in that. With the titles.

Hon. Mrs. Watson: Well if you look under page 18, Establishment 324, Rehabilitation Services. That's \$204,000.00. That's Mr. Woods, he's the Co-ordinator of that program. And then under Special Education, that's Mr. Parker and Mrs. Branigan. And that's Establishment 313 of page 50. So they're two different things here.

Mr. Chairman: Mr. Woods, just for my edification then, is page 18, is that correct?

(Laughter)

Mr. Chairman: Mrs. Watson, -- Mr. Woods, page 18. And Bill number 12. Is that right?

Hon. Mrs. Watson: Mr. Woods, page 18, Bill 12, right..

Mr. Chairman: And the other two witnesses are for what purpose?

Hon. Mrs. Watson: Page 15 I think, yes.

Some Member: Page 13 -

Hon. Mrs. Watson: No, page 15, Establishment 313.

Mr. Chairman: Very well. Now, it would appear to the Chair that we shall therefore by bypassing for now, Bill Number 12 and Bill Number 13, which is to dovetail with Bill Number 12, and we can move to a reading of--I would also like to bypass Bill Number 14, because of the time of day, and move with a certain amount of vigour into Bill Number 15, on a clause by clause.

Bill Number 15

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

Mr. Chairman: Clear?
Mr. Taylor?

Hon. Mr. Taylor: I was just wondering why you bypassed 14, the Housing Plan Ordinance.

Mr. Chairman: The only reason, Mr. Taylor, is the time of day. I would like to--

Hon. Mr. Taylor: Oh, I see.

Mr. Chairman: --have at that in one sitting. We are on Clause 1 of Bill Number 15, are we clear?

Some Members: Clear.

Mr. Chairman: 2 (1): (Reads Clause 2 (1))

Mr. Chairman: Mr. McCall?

Mr. McCall: Yes, I would like to ask one question here. I'm not sure whether the Honourable Minister of Education can answer it or not.

I'm just curious, the Scouts of Canada, will they have any input into this situation at all, or could you, you know, explain a little bit here?

Hon. Mr. McIntyre: This is a program which has been in effect for a number of years, Mr. Chairman, and a group of young people from the Yukon, from the Yukon school system put themselves forward to go onto this program, and on the basis of their qualifications scholastically and good school citizens, their selection is made and they will exchange with a similar group from another city. Say there will be 15 students from the Yukon will go to Winnipeg and stay with, in the homes of 15 students who later will come to the Yukon for approximately a week. This program has been going on for some time, and this Ordinance is just to regularize the program.

Mr. Chairman: Thank you, Mr. McIntyre. Mr. McCall?

Mr. McCall: It sounds all well and good, the Honourable Minister's description, but I am just curious as to—is this particular group or body of people have a separate identity as to the Scouts of Canada, or you know, I am just curious?

Hon. Mr. McIntyre: Mr. Chairman, no, they may or may not belong to the Scouts if they are boys.

(Laughter)

Mr. Chairman: Thank you, Mr. McIntyre. I see that Mr. Taylor has an interest in the subject.

Hon. Mr. Taylor: Yes, Mr. Chairman. What concerns me and it may have been a program in Canada, but it's certainly a new program here in the Yukon, to my knowledge, but this is the first time I have seen such legislation certainly at this table in the last 13 years anyway.

Might I ask, what is this costing the Territory, and what is the cost sharing formula for this program?

Mr. Chairman: Mr. McIntyre?

Hon. Mr. McIntyre: Mr. Chairman, the cost to the territory is very small. It only covers the transportation of those taking part from say Dawson to Whitehorse, and the balance of the travel, I believe comes from that fund which is handled by the Secretary of State. You know, the one we get some of our French program money from?

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Then, Mr. Chairman, I take it that there's no agreed upon cost sharing formula, it's an ad hoc thing—would it be possible to get a copy of the agreement at some point in time?

Mr. Chairman: Mr. McIntyre?

Hon. Mr. McIntyre: Yes, yes, when it's entered into.

Mr. Chairman: Thank you. Dr. Hibberd?

Dr. Hibberd: Mr. Chairman, several years ago the Yukon was involved in a program of exchange with other countries. Now this has been a fairly active program through the sponsorship of UNESCO, and there have been various schools throughout Canada who have taken part in this, and at one time the Yukon was becoming fairly well involved in it. This was a pretty good program, it involved an exchange with countries such as Japan, Poland. I'm wondering what happened to that program?

Mr. Chairman: Dr. Hibberd, with respect, I am going to disallow that question, simply because it ought to be possibly asked at Question Period. It doesn't really relate to Clause 2 of this Bill.

Mr. Legal Advisor?

Mr. Legal Advisor: Mr. Chairman, could the three words at the start of the third line be eliminated? I think it's a misprint, it should be "executed on behalf of the Territory", not executed on behalf of the government of the Territory.

Mr. Chairman: Thank you for pointing out that typographical error, Mr. Legal Advisor.

Mr. Chairman: Are there any other questions? Mr. Taylor?

Hon. Mr. Taylor: Yes, Mr. Chairman, I still have a hang-up. I really don't think that we should be approving the legislation, though I agree it's probably a very good Ordinance, but I don't think we should be giving the Administration a blank cheque. I think that we should have some information as to what this is going to cost us in terms of an ongoing program, and I would like to know what that cost sharing arrangement is.

Things like this, they start off small, and they say "Look in the budget, and you'll see items in there for one dollar". Wait 'til supplements roll around and you see a nice big figure in there, and you say well how did that ever get there? I don't think, until we know what this agreement is, that there must be a draught agreement obviously in existence, I don't think it's good sense to start passing legislation until you know all the answers.

Mr. Chairman: Mr. McIntyre?

Hon. Mr. McIntyre: Mr. Chairman, the amount is in the budget, the maximum amount we can spend for this year, and it's not a very great amount of money. It's not cost shared, the entire cost of transportation from Whitehorse to wherever these children go, is entirely funded by Ottawa, but we don't share that cost at all.

The only costs we are responsible for are the costs for moving these children from their locations in the Yukon through Whitehorse; from there on, it's—the entire cost is borne by the Federal Government.

Mr. Chairman: Thank you, Mr. McIntyre. Mr. Fleming?

Mr. Fleming: I might be ruled out of order, I'm going to ask --Mr. Chairman, I'm going to ask almost the same question as Dr. Hibberd did. I remember the Exchange Student Program: Is that this program here, that's the question I ask?

Mr. Chairman: I'll allow that question?

Mr. Legal Advisor: This program originally started as a Centennial program in 1967, and was continued on year by year since then. But some industrious civil servant pointed out that we were carrying on the program because Canada was spending the money, but we didn't actually have an agreement, so it's put forward for the legal reason that it's probably required pursuant to the Yukon Act before we can actually send the children next year.

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

Mr. Lang: Mr. Chairman, I'm curious to know how many students this actually does entail, who take part within this, and if I remember correctly when I was going to school, many, many years ago--yes, go ahead--

Mr. Chairman: Those days you went to school, Mr. Lang.

Mr. Lang: It was more or less on scholastic ability, was it not, and there were so many taken from each school, is that correct?

Hon. Mr. McKinnon: Where did you go, to Carcross?

Mr. Chairman: Mr. McIntyre?

Hon. Mr. McIntyre: Mr. Chairman, I don't really know how these students are selected. They come from various schools in the Territory. I think in the first place the principal will ask for students to hand in their names, those who want to go, and the selection is made from those, and I would think it's only reasonable to assume that the scholastic ability would have some bearing, also I think what is more important, the fact that the child is a good school citizen would count for the most.

Mr. Chairman: Thank you, Mr. McIntyre. Are there any further questions or comments? Mrs. Whyard?

Mrs. Whyard: Mr. Chairman, I think I have to rise to support this program. It's been a tremendous experience for many young Yukoners, and I would like to point out at this time that it's not just not white Yukon students, Indians and non-status are carefully included in each group, and it's a tremendous experience for many of them.

I think that the small portion we bear of the costs to

bring them into Whitehorse to start the plane charter flight, or whatever, is peanuts compared to the resources they return with and the amount they obtain from that program. In fact, in many cases they are driven into Whitehorse by their parents at no expense at all to this government, and it's one of the best investments that we can ever make with tax dollars.

I've had some experience with some of the groups who return here as well from other points in Canada, and have ridden many hundreds of miles around the Territory in the back seat of a school bus to write a feature on them, so I would certainly endorse it both ways, that the information that the students who visit here take back with them, and the conversion of them to the northern vision, if you like, is a tremendous investment in Canada for the Yukon.

It works both ways and I think it's a great program.

Mr. Chairman: Thank you, Mrs. Whyard. I agree. Are we clear on this?

Some Members: Clear.

Mr. Chairman: 3(1):

(Reads Clause 3(1))

Some Members: Clear.

Mr. Chairman: Mr. Legal Advisor, does your comment with respect to the third line of Clause 2 apply to the third line of Clause 3(1)?

Mr. Legal Advisor: I may be on the third line of Section 3. The only comment is I want the government out of the top, I don't mind it remaining in the second one.

Mr. Chairman: Well to be consistent, should it not be deleted there a well?

Mr. Legal Advisor: Yes, Mr. Chairman.

Mr. Chairman: Thank you. We will treat that as a typographical error.

Hon. Mr. Taylor: I just wish to make a point, Mr. Chairman, when in fact that the Government of the Yukon Territory, as a large G government does not in law exist, it should not be there in any event, should it? Could I have an answer, Mr. Chairman?

Mr. Chairman: Mr. Legal Advisor?

Mr. Legal Advisor: I would rather not like to hassle with the Honourable Member at 10 to five on the meaning of the Government of the Territory, Mr. Chairman.

Hon. Mr. Taylor: I would only cease this discussion by stating that if the Honourable Legal Advisor were to consult with the Yukon Act, which says yes or no, he will find that indeed there is no large G government of the Yukon Territory.

Mr. Chairman: Is there any further comments?

Hon. Mr. McKinnon: But is there an Assembly.

Mr. Chairman: Order. Clear?

Some Members: Clear.

Mr. Chairman: The Preamble, "The Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory enacts as follows:--" The title, Bill Number 15, "Young Voyageur Agreement Ordinance". Clear?

"The Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory enacts as follows: --" The title, Bill Number 15, "Young Voyageur Agreement Ordinance". Clear?

Some Members: Clear.

Mr. Chairman: I will entertain a Motion.

Hon. Mr. McIntyre: Mr. Chairman, I move that Bill Number 15, Yukon Voyageur Agreement Ordinance be reported out of Committee without amendment.

Mr. Berger: I second that, Mr. Chairman.

Mr. Chairman: It has been moved by Mr. McIntyre, seconded by Mr. Berger, that Bill Number 15 entitled Young Voyageur Agreement Ordinance, be reported out of Committee without amendment. Question?

Some Members: Question.

Mr. Chairman: Agreed?

Some Members: Agreed.

Mr. Chairman: I declare that motion carried. Do the Honourable Members, I think we have time to deal with the next Bill, which is Bill number 16. Before Their gastric juices do irreparable harm.

Mr. Chairman: What is the wish of the Members, do you want to proceed with, clause by clause, of Bill 16 or not? At this time?

Some Members: Agreed.

Bill Number 16

Mr. Chairman: Clause 1(1)

Reads Clause 1(1)

Mr. Chairman: Clear?

Some Members: Clear.

Mr. Chairman: 2(1)

Reads Clause 2(1)

Mr. Chairman: Any questions or comments? Mr. Taylor.

Hon. Mr. Taylor: Mr. Chairman, I would like to direct a question to Mr. Legal Advisor. And ask him what protection exists for the safety of the prisoners, both in transit or in our care in our Institutions or in police care.

Mr. Legal Advisor: Mr. Chairman, I don't really understand the question. What happens in practice is that the prisoner's escorted to and from the Territory at present are escorted by R.C.M.P. officers. When they're in custody.

Hon. Mr. Taylor: Well Mr. Chairman, I'm talking about the confinement in a Territorial Institution of persons and so forth. It's been a question that's been in the back of my mind for some time.

And that is where prisoners are beaten in their cells, sometimes with handcuffs on, and this type of thing. What safeguards are supposedly made available for the protection of such prisoners?

Mr. Legal Advisor: Mr. Chairman I'm not sure that that is a relevant question to the context of this particular ordinance, under the circumstances.

Mr. Chairman: Yes, I must agree with respect Mr. Taylor. It seems to me that the issue really here is -- we're eliminating the famous sentence of two years less a day, are we not, Mr. Legal Advisor.

Ms. Millard: Yes, Mr. Chairman?

Mr. Chairman: Miss Millard.

Ms. Millard: I would like to question that as a matter of fact, because as I understand this, this is doing away with having prisoners in a Territorial Institution -- I mean, it's doing away with anything -- restriction on the term of sentence as to where they go. And being which -- 'no'? That's not right?

Mr. Chairman: Mrs. Watson.

Hon. Mrs. Watson: Mr. Chairman, it just gives us the authority to enter into an agreement with Canada. When a prisoner from the Territory is sentenced to a penitentiary -- when he's sentenced to 2 years and more and he's supposed to serve his sentence in a penitentiary. For example, what if he is to serve it in a penitentiary in Eastern Canada. And a very well-behaved prisoner, there would be no problem with transferring him here to the Yukon to serve his sentence. It depends on the individual case. Each case has to be studied individually. At that time, we could enter into an agreement with Canada and they will pay the Territory the cost of transporting the prisoner and the cost of his care in our Territorial Institution. So he could be nearer his family. And vice versa, if we have Territorial people who are sentenced two years less a day to a Territorial Institution, we can make some agreement with Canada where they can be put into a

Federal prison where they may, or an institution, it doesn't necessarily say a prison, where they may get trades training or some type of education. Canada does have some institutions of this kind. So it gives us some flexibility.

Ms. Millard: Mr. Chairman?

Mr. Chairman: Go ahead, Miss Millard.

Ms. Millard: Mr. Chairman, that's exactly what my understanding is and it's still is exactly what my objection is. I would hate to see anyone have the power to -- in the Territory, to make someone who has been sentenced to two years less a day, to be -- to send him out to a Federal Penitentiary where most sentences are from five years. Where there are very hardened criminals and you're sending someone out who might have a theft charge from here to the B.C. Penitentiary. It says only penitentiary here, it says nothing about Provincial Institutions. It seems to me it's giving an awful lot of flexibility to where a prisoner can be sent with no restrictions. I really object to this if that's the case.

Mr. Legal Advisor: Mr. Chairman? Perhaps I might give an example which would make it clear. We have at the moment two boys who are over the juvenile age, that we can handle, and they are about to be sent out to Alberta and they will go to a Federal Institution, we hope. When this agreement has come into force, it will enable the legal power to be given to Canada to take them into a junior institution within the Province of Alberta where they will be with people of their own age group and given programs which would be suitable for their rehabilitation. We cannot do it without this agreement.

Now there is a second category of prisoners which are concerned and they are prisoners who are problem prisoners because of security reasons. When we have a prisoner causing a severe security problem, he should be sent to a place where he will be with other prisoners who are part of the same problems and not be treated as an isolated case locked up perhaps 24 hours a day almost in our own institutions and guarded by perhaps four officers taking a series of shifts with him. We need some flexibility.

But in the basic, the Magistrate or the Judge will sentence a prisoner to what he thinks the prisoner should have. Normally if it's two years less a day he will serve it here. If it's two years itself plus a day he would automatically go to a penitentiary outside. Now if the prisoner happens to be the type of prisoner who has relations here, perhaps a wife, perhaps children, it's far better for him that he serve, say a three year sentence in Whitehorse where he can receive a weekly visit, where he can be in touch with his family and friends, rather than have him transferred, say, to Ontario or some other place far away from everyone.

Now the same thing applies especially to native people. And this is part of a very forward moving program which is being fostered by the Department of the Solicitor-General. And it's a program which has

tremendous value for the good of prisoners. But has some small advantages for the Territory as well.

Mr. Chairman: Thank you Mr. Legal Advisor. Miss Millard.

Ms. Millard: Yes, Mr. Chairman, I can certainly see the positive side of this where people who are sentenced to three or four years can still remain within the Territory. I think that's the very, very good program. However, I would like to know that it was being -- that it could be decided upon or appealed to a Judge or a Magistrate in the event that some guard is having trouble with some prisoner and decides that he has to be sent out to Lower Mainland Regional Correctional which would have disastrous effects on someone who could be sent from here who had two years less a day.

I would like to see more restrictions on who's going to decide how -- when these people are sent out.

Mr. Legal Advisor: Mr. Chairman, every case is separately considered on its merits and there must be grave reason to send a person out. Because when we send a prisoner outside, we are committed a minimum sum of his total transport plus escort there and return, plus \$35.00 a day. And no ordinary guard, it takes the head of the department in consultation with his Minister to deal with each individual case that is to be handled under this particular program.

The Chairman: I would just like to say that I understand Miss Millard's concern. It may be that the system does not work satisfactorily that there could be the subject of additional legislation.

I would also like to say in support of this particular Bill that one of the this particular Bill that one of the things of concern to counsel is where you have a situation where your client is a fairly harmless type who is a chronic alcoholic, for example, and the Judge has finally -- or the Magistrate as the case may be -- finally feels that the person simply has to have treatment, that we don't have those facilities here. And so in order that the person involved have proper treatment he is forced under those circumstances at the present time to sentence that individual, however light the crime itself may have been, to sentence him to two years in order that he be taken out to a proper facility where he can receive treatment, so the unjustice worked by this kind of case is very, very grave indeed at times.

In other words, a person normally would only receive a sentence of, say, three months the Magistrate feels in that persons own interests, that person ought to be sentenced to two years so that he can be given proper treatment.

Now with a law such as this, the individual would be given three months and on the recommendation, I presume, of the Magistrate be taken outside for proper treatment. Because we don't have those kinds of facilities here. So I can see a lot of cases where this Bill would be very, very good indeed.

Mr. Chairman: Any other comments or questions? **Mr. Legal Advisor,** do you --

Mr. Legal Advisor: I have no comment to make.

Mr. Chairman: Clear?

Some Members: Clear.

Mr. Chairman: Section 3(1)

(Reads Clause 3)

Mr. Legal Advisor: No, Mr. Chairman, this matches top and bottom, I think--we could leave it alone. This section does not have to be the same as every other section, Mr. Chairman.

Shakespeare wrote 114 sonnets and they were all different.

(Laughter)

Mr. Chairman: I think the only concern as expressed by Mr. Taylor, is that we treat whatever entity we are dealing with by its proper legal name. However I won't belabour that point.

Are we clear on that Section then?

Some Members: Clear.

Mr. Chairman: The preamble, "The Commissioner of the Yukon Territory, by and with the advice of the Council of the said Territory, enacts as follows--" Clear?

Some Members: Clear.

Mr. Chairman: In that case I will entertain a Motion.

Hon. Mrs. Watson: Mr. Chairman I would move that Bill Number 16 be moved out of Committee without amendment.

Mr. Chairman: Thank you, do we have a seconder?

Mr. McCall: I will second that, Mr. Chairman.

Mr. Chairman: It has been moved by Mrs. Watson and seconded by Mr. McCall that Bill Number 16, entitled Transfer of Prisoners' Agreement Ordinance be reported out of Committee without amendment. Question?

Some Members: Question.

Mr. Chairman: Are we agreed?

Some Members: Agreed.

Mr. Chairman: I declare the Motion passed.

Motion Carried

Mr. Chairman: May we have a Motion, Mr. Lang?

Mr. Lang: Mr. Chairman, I move that Mr. Speaker do now resume the Chair.

Mr. Chairman: Do we have a seconder to that Motion?

Mr. Berger: I second that.

Mr. Chairman: It has been moved by Mr. Lang, seconded by Mr. Berger that Mr. Speaker resume the Chair. Question?

Some Members: Question.

Mr. Chairman: Are we agreed?

Some Members: Agreed.

Mr. Chairman: I declare the Motion carried.

Motion Carried

Mr. Speaker resumes the Chair

Mr. Speaker: May we have a report from the Chairman of Committees?

Mr. Phelps: Yes, Mr. Speaker.

The Committee of the Whole convened at 10:30 a.m. to consider Bills, Papers and Motions. We had present as a witness, Mr. Gillespie.

The Committee recessed at 12 and reconvened at 2:05 p.m.

I can report progress on Bill Number 6.

It was moved by Mrs. Watson and Seconded by Mr. McCall that Bill Number 7, entitled An Ordinance to Repeal the Disabled Persons' Allowance Ordinance be reported out of Committee without amendment. That motion was carried.

It was moved by Mrs. Watson, seconded by Mr. Berger that Bill Number 8, entitled An Ordinance to Repeal The Old Age Assistance and Blind Persons' Allowance Ordinance be reported out of Committee without amendment. That motion was carried.

It was moved by Mrs. Watson, seconded by Mr. Berger that Bill Number 9, entitled An Ordinance to Repeal The Unemployment Assistance Agreement Ordinance be reported out of Committee without amendment. That Motion was duly carried.

It was moved by Mr. McIntyre and seconded by Mr. McCall that Bill Number 11, entitled Occupational Training Ordinance be reported out of Committee without amendment. That Motion was carried.

It was moved by Mr. McIntyre and seconded by Mr. Berger that Bill Number 10, entitled An Ordinance to Repeal The Adult Occupational Training Agreements Ordinance be reported out of Committee without amendment and that was duly carried.

It was agreed, by Committee, that Mr. Parker, Mr. Woods and Mrs. Branigan be invited to appear as witnesses on Bill Number 12 and Bill Number 2.

It was moved by Mr. McIntyre, seconded by Mr. Berger that Bill Number 15, entitled Young Voyageur Agreement Ordinance be reported out of Committee

without amendment and that was carried.

It was Moved by Mrs. Watson, seconded by Mr. McCall that Bill Number 16, entitled Transfer of Prisoners' Agreement Ordinance be reported out of Committee without amendment and that was duly carried.

It was finally moved by Mr. Lang and seconded by Mr. Berger that Mr. Speaker resume the Chair and duly carried. Thank you.

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

Some Members: Agreed.

Mr. Speaker: What is your further pleasure?

Mr. Fleming: I move that we call it 5 o'clock, Mr. Speaker.

Mr. Speaker: Is there a seconder?

Ms. Millard: I second that, Mr. Speaker.

Mr. Speaker: It has been moved by the Honourable Member from Hootalinqua, seconded by the Honourable Member from Ogilvie that we now adjourn. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

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

Motion Carried

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

Adjourned

SESSIONAL PAPER NO. 6 [1975 FIRST SESSION]

Mr. Speaker
Members of Council

Fuel Oil Transportation

Introduction

In the 1974 (2nd) Session, Council Motion 49 requesting that a study be done on the economics and desirability of alternative methods of transporting fossil fuels used in the Territory. As requested, this study was undertaken cooperatively by the Territory and the Department of Indian Affairs and Northern Development. The following report has recently been received from the Minister.

ALTERNATIVE MEANS OF TRANSPORTING PETROLEUM PRODUCTS INTO THE YUKON TERRITORY

January, 1975

Introduction

On June 27, 1974, the Yukon Territorial Council passed a motion which stated in part that:

"The Territorial Government in consultation with the Minister of DIAND examine the economics and desirability of other modes of transporting fossil fuel such as the refurbishing and reuse by the Territorial Government of the Haines-Fairbanks pipeline."

The requested study was carried out under the aegis of the Transportation Committee of the ACND by an interdepartmental working group co-chaired by R. Ragnathan of the Yukon Territorial Government and J. Hawryszko of the Northern Policy and Program Planning Branch, Department of Indian Affairs and Northern Development.

Current Systems

There are three main transportation systems by which petroleum products reach Yukon consumers. These are described below. For ease of reference Whitehorse, the Yukon's principle market area and distribution centre is taken as the terminal point.

Gulf Oil

Gulf Oil Canada Limited uses the ships of a sister subsidiary to bring products from Vancouver to Haines, Alaska. From there they are trucked into the Yukon. The marine leg carries a transportation charge of 3 cents/ gallon and contract trucking to Whitehorse is at a rate of 7.4 cents/ gallon. Storage and handling at Haines or Haines Junction costs 1.7 cents/ gallon. The total transportation costs to Whitehorse via this system is 12.1 cents/ gallon.

White Pass - Gasoline

For gasoline Seaspan barges are used from Vancouver to Skagway and the railway is used for the land leg.

The Seaspan rate is 3.3 cents/ gallon, the rail is 6 cents/ gallon for a total transportation cost of about 9.3 cents/ gallon.

White Pass - Fuel Oil

For fuel oil White Pass uses its container ships to carry the product from Vancouver to Skagway and a 4-inch diameter pipeline from there to Whitehorse. The rate from the refinery to North Vancouver is 0.4 cents/ gallon. White Pass charges 3.2 cents/ gallon for the marine leg and 3 cents for the land leg and thus transportation costs to Whitehorse are about 6.6 cents. Storage and handling at Skagway and Whitehorse are included in the pipeline tariff.

A review of the various transportation costs quoted above indicated that they are generally reasonable. However, if road transport were available between Skagway and Whitehorse the rate would be about 4 cents/ gallon rather than the 6 cents/ gallon currently charged by the railway.

Alternative Systems

A number of alternative systems were studied in response to the motion of the Yukon Council:

1. The first system considered was based on trucking products from a refinery located at Taylor, British Columbia. The distance to Whitehorse is 915 miles and, at a rate of 3 cents/ gallon/ 100 miles the transportation cost would be about 27 cents/ gallon.

2. The second system which was considered was based on building a new pipeline, and ancillary storage tanks, between Skagway and Whitehorse. The capital cost of such a system would be \$7.5 million to \$8 million. Tariff would vary with throughput and would be about 2.6 cents/ gallon if all petroleum products consumed in the Yukon were shipped through the pipeline. However if the pipeline carried only fuel oil the tariff would be about 4 cents / gallon or 1 cent more than the current system.

3. The third system analyzed was based on a rehabilitated Haines-Fairbanks pipeline. One of the critical things with regard to the line is that it lies 100 miles west of Whitehorse. This gap could be bridged either by constructing a pipeline or by establishing a trucking service. Pipeline costs and tariffs would be similar to those for a line between Skagway and Whitehorse, that is a minimum of about 2.6 cents/ gallon. Trucking costs would be in the order of 2.9 cents/ gallon and to move the 30 million gallons of heating oil consumed annually in the Yukon would require about 15 trips daily each way between the pipeline and Whitehorse.

Three alternative systems based on the use of the Haines-Fairbanks pipeline were considered:

3a. The first method considered was based on rehabilitating the pipeline to Nation Energy Board standards from Haines to Haines Junction. It is estimated that repairing the line would cost in the

order of \$5 million and the tariff would be about 4½ cents/ gallon if all the fuel oil consumed in the Yukon was shipped via this route. A complex engineering study would be required to determine whether gasoline and fuel oil could be batched in the Haines-Fairbanks pipeline without incurring a high cost penalty. However if this did prove to be the case and if all gasoline and fuel oil consumed in the Yukon were shipped via the pipeline the tariff would be about 3.2 cents/ gallon.

3b. The second method considered was based on carrying Yukon products in conjunction with products destined for Alaska. If the pipeline were operated at its optimum throughput the rate from Haines to Haines Junction would be about 0.6 cents/ gallon.

3c. The third method considered is similar to the one proposed several years ago and involves construction of a refinery at Fairbanks and supplying the Yukon and south eastern Alaska from that source. The problem with this option was the difficulty in determining the size of the market that might be served and thus the pipeline tariff. If it is assumed that the pipeline operates at half capacity (which is three times current Yukon consumption) the tariff would be about 3½ cents/ gallon.

The results of the study of alternative systems are summarized in Table 1.

Table 1

Comparison of Cost of Transporting Fuel Oil From Refineries to Whitehorse, White Pass System and Possible Haines-Fairbanks Systems

	(cents per gallon)	3(a)	3(b)	3(c)
	White Pass	Haines-Haines Jct. (Yukon Use Only)	Haines-Haines Jct. (Yukon Use in Conjunction with Alaskan Use)	Fairbanks-Haines Jct.
Ocean Transp.	3.6	3	3	--
Pipeline Tariff	3	3.2 ⁽¹⁾	.6	3.5
Trucking Tariff	--	2.9	2.9	2.9
	6.6	9.1	6.5	6.4

(1) Assumes all Yukon products (43 million gallons annually) go via Haines-Fairbanks pipeline. Lower throughput would increase tariff.

Comparison With Other Areas

Table 2 indicates that the price of furnace oil is higher in the Yukon than in other parts of Canada which are remote from refineries. Of special significance is the price at Terrace, British Columbia, which is also served by Vancouver area refineries.

Table 2
Furnace Oil Price Comparison

Community	Price
Cornerbrook, Newfoundland	37.0
Terrace, British Columbia	38.9
Thompson, Manitoba	39.5

Kapuskasing, Ontario	40.0
Uranium City, Saskatchewan	40.5
Yellowknife, NWT	45.2
Whitehorse, YT	48.5
Moose Factory, Ontario	51.9

(Source: Imperial Oil Ltd. Department of Supply and Services; Territorial Governments)

Conclusions

1. The studies made by the Transportation Committee, ACND indicate that the cost of transporting heating oil cannot be reduced significantly below the price currently charged by the White Pass and Yukon Corporation Ltd. Cost elements in the price of furnace oil in the Yukon are shown in Table 3.

2. The cost of transporting gasoline is high, primarily because of the high rail tariff. A reduction of perhaps 2 cents/ gallon might be possible if road transport between Skagway and Whitehorse were available. An even greater reduction in the cost of transporting gasoline might be possible if shipping it via the Haines-Fairbanks pipeline in conjunction with Alaska-bound products was feasible.

Recommendations

1. Since pricing policies vary from company to company the exact reason why heating oil prices are higher in the Yukon than in other areas remote from refineries would be very difficult to determine. Nevertheless it does appear that Yukon prices are inexplicably high in comparison with those in other centres served by Chevron. Officials of the Yukon Territorial Government and the Department of Indian Affairs and Northern Development should initiate discussions with officials of the White Pass and Yukon Corporation Limited and the Standard Oil Company of California to seek reasons for this.

2. Haines-Fairbanks pipeline does not seem to offer much possibility for any substantial reduction in transportation costs of Yukon-bound products. Moreover, the savings that might be possible would be at high cost to refurbish the line and/ or to provide the link between Haines Junction and Whitehorse. However Yukon-bound products should have access to the Haines-Fairbanks pipeline at reasonable tariffs should the line be reactivated.

Table 3
Components of Total Cost of Furnace Oil at Whitehorse

	(Cents per Gallon)
Price at (Burnaby) refinery	34.5(?)
Cost of Barging to N. Vancouver	0.4
Ocean Transport in containerships	3.2
Pipeline tariff	3.0
Wholesaler's Margin (calculated 2)	3.6
Wholesale Price (Whitehorse)	44.8 1
Territorial Tax	1.0
Retailer's Margin (calculated 2)	2.7
Retail Price	48.5

1. If the refinery price is lower than estimated the wholesaler's margin is greater.
2. Calculated from other data in this table.

The Minister of Indian Affairs and Northern Development, in sending this report for Council's examination, also stated:

"In response to the conclusion expressed in the paper, I have asked Mr. A.D. Hunt to initiate discussions with officials of the Standard Oil Company of British Columbia to determine what action can be taken to reduce the price of heating fuel in the Territory."

**James Smith
Commissioner**