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Speaker: The Honourable Donald Taylor



The Yukon Legislative Assembly

Deputy Speaker

Justice Department

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

Madam Clerk: There is, Mr. Speaker.

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

(Prayers)

ROUTINE PROCEEDINGS

Mr. Speaker: The Honourable Member from Whitehorse Riverdale?

Mr. Lengerke: Mr. Speaker, I rise on a question of privilege this morning.

As this Assembly's newest Member, I've been questioned many, many times recently and particularly in the last few weeks, with respect to the calling of the — the naming of the Yukon Legislative Assembly. People are saying to me, how do you get away with calling yourselves the Yukon Legislative Assembly and the other point is that they're asking me how do we put the title of Minister on our Members in the ExCom, and their questions, Mr. Speaker, certainly concern me because I'm really wondering, you know, what the legalities of it are.

I'm convinced that under the Yukon Act, that we're quite rightful in what we are doing, but I wonder if you could give me a ruling on that, Mr. Speaker?

Mr. Speaker: I thank the Honourable Member for his point of privilege. Perhaps the House would permit me a day to consider this matter and bring down a ruling at some further date.

Mr. Lengerke: Very good.

Mr. Speaker: We will then proceed to the Order Paper. Are there any documents for tabling this morning?

TABLING OF DOCUMENTS

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

Hon. Mr. McKinnon: Mr. Speaker, pursuant to Section 4(1)(c) of the Fire Prevention Ordinance, I have for tabling, the Annual Report of the Protective Services Branch for 1975. I would also like to table the answers to written questions number 2 and number 3, Mr. Speaker.

Mr. Speaker: The Honourable Member from Whitehorse West?

Hon. Mrs. Whyard: Mr. Speaker, I have for tabling the following reports: Annual Report of the Corrections Branch for the year 1975-76, pursuant to Section 4(1)(f) of the Corrections Ordinance. The Historic Sites and Monument Board Report pursuant to Section 9(1) of the

Historic Sites and Monuments Ordinance; a Report on Regulations pursuant to Section 37(1) of the Interpretations Ordinance; the Electrical Public Utilities Board Report for the year 1975-76, pursuant to Section 18(1) of the Electrical Public Utilities Ordinance; the Annual Report of the Yukon Hospital Insurance Services for '75, pursuant to Section 8(1) of the Hospital Insurance Services Ordinance.

Mr. Speaker, I also have for tabling, an information sheet concerning Justices of the Peace in the Yukon Territory and a copy of the Justice of the Peace guide for the information of all Members, which I will leave with the Clerk.

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

Hon. Mr. Lang: Mr. Speaker, I have for tabling the following reports: Yukon Teachers Staff Relations Board Report pursuant to Section 232, Subsection 1 of the School Ordinance; Workmen's Compensation Board Report pursuant to Section 56, Section 1 of the Workmen's Compensation Ordinance; Yukon Territory Compensation Fund Report; the Auditor General's Report on the Accounts of the Yukon Territory, pursuant to Section 26:1 of the Yukon Act.

Mr. Speaker: Are there any further documents for tabling this morning? Are there any reports of committees? Petitions? Introduction of Bills? Are there any Notices of Motion for the Production of Papers? Are there any Notices of Motion or Resolution?

The Honourable Member from Whitehorse Riverdale.

NOTICE OF MOTION

Mr. Lengerke: Mr. Speaker, Notice of Motion, moved by myself, seconded by the Member from Whitehorse South Centre, that matters relating to the Motor Vehicles Ordinance be discussed in the Committee of the Whole.

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

The Honourable Member from Whitehorse South Centre.

Mr. Hibberd: Mr. Speaker, I would like to give Notice of Motion, seconded by the Honourable Member from Riverdale, regarding a fourth elected Member on the Executive Committee.

Mr. Speaker: The Honourable Member from Whitehorse Riverdale.

Mr. Lengerke: Yes, Mr. Speaker, I'd like to give Notice of Motion that, on Thursday, November 11, that I'll move a Motion dealing with the updating of the Car Report, by and through direct participation of Yukon citizens and the updating of the report will also provide a section dealing with Provincial status for the Yukon.

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

Ministers?

The Honourable Member from Whitehorse North Centre?

STATEMENTS BY MINISTERS

Hon. Mr. McKinnon: Mr. Speaker, the Assistant Commissioner Administrative and Members of the Executive Committee met with all Department Heads this morning in order to introduce financial restraint measures. Mr. Speaker, as some of you are already aware and others, of course, have no doubt suspected, the Government of the Yukon is in serious financial situation. For the past several months, Mr. Speaker, our economy has been virtually crippled by strikes, a decline in tourism and continuing inflation. During this fiscal year, we are now anticipating that our working capital eroded by 4.4 million dollars, and will fall to a low level of roughly 2.4 million dollars.

This deterioration is due to a combination of falling revenues and increasing expenditures of roughly 2.2 million dollars each. Clearly if this happens we will be left with virtually no working capital this year, and if the trend of the past two years continues, we will have none by next year.

This means that we will have no cushion to protect ourselves from unforeseen costs, inflationary price increases, new programs, or the effects of slowdowns in the economy.

In order to prevent any further erosion of our financial position, and to improve it if possible, we have taken steps to deal with the situation.

Our objective is to allow the Government to introduce financial restraint measures, but at the same time to justify the continuation of program operations. The purpose of introducing restraint measures is to assist in curbing present levels of government expenditures, to curtail forecasted levels of expenditures, and to provide the government with an opportunity to critically examine financial expenditures in relation to departmental operations.

Restraint measures have been introduced as of this day, and tentatively terminate on March 31st of 1977. However, prior to the removal of the restraint measures, the Executive Committee will examine their total impact on government operations.

The restraint measures include a systematic review of all requests for filling vacant positions and include, Mr. Speaker, a systematic review of the requirement of utilizing casual man years, an examination of staff established and patterns and departmental manpower requirements, an analysis of the need for new positions in the 1977-78 program forecast; an examination by Treasury officials with Departments of proposed 77-78 main estimate forecasts in relation to program activities, a review of administrative procedures and practices to reduce expenditures in the current fiscal year.

Mr. Speaker, we wish to make it very clear that the financial restraint measures we have just outlined to you are absolutely necessary. The decision by ExCom to impose these measures was, of course, not an easy one, but in the light of our current economic situation, considered essential.

We would urge, Mr. Speaker, that all Members of the

Assembly give their wholehearted support to the financial restraint program.

Mr. Speaker, I would ask at this time, the unanimous consent of the House to table a paper titled "Introduction of Financial Restraint Measures".

Mr. Speaker: Would the House agree with unanimity? Are we agreed?

Some Members: Agreed.

Mr. Speaker: Permission so granted.
Are there any further statements by Ministers?
We will then proceed to the Question Period.

QUESTION PERIOD

Mr. Speaker: The Honourable Member from Kluane?

Question re: Social Assistance for Steelworkers

Mrs. Watson: Mr. Speaker, I have a question for the Minister of Health and Welfare. You may take this as a written question.

How much money, in the form of social assistance has the Government of the Yukon paid out to members of the Steelworkers Union in Faro who are presently on strike with the Cyprus-Anvil Mines?

Hon. Mrs. Whyard: Mr. Speaker?

Mr. Speaker: The Honourable Member from Whitehorse West?

Hon. Mrs. Whyard: I can inform the Honourable Member from Kluane that no financial assistance has been given to any striking workers at the Anvil, Cyprus-Anvil Mine.

There have been a number of grocery vouchers distributed to families who had no money and children to feed. There has been no financial assistance, the grocery baskets were handed out under stringent conditions after the usual inquiry into all aspects and income circumstances, according to the Social Welfare Branch guidelines.

The situation has been reviewed every two weeks, in the cases of families requiring assistance with food. As soon as the United Steelworkers provided food to those who were on strike this assistance was cut off completely.

There was one instance of assistance being provided in the way of gasoline for a man who had arrived from outside for a job at Anvil after the strike had begun. There was no job, the Social Welfare Branch took steps to find him employment elsewhere and assisted him to get there.

There has been no money, Mr. Speaker, and no gasoline provided to any striking worker at Anvil.

The instructions given to the Social Welfare worker at Faro were the same as the policy which has continuously been the policy of this Department and that is that only food hampers can be provided to people who are on strike, and only that assistance until assistance comes from another source.

Mr. Speaker: Is this answer acceptable to the Honourable Member?

Mrs. Watson: Yes, Mr. Speaker.

Mr. Speaker: The Honourable Member from Hootalinqua?

Question re: Highway Show

Mr. Fleming: A question for the Minister of Local Government.

In the past there was, and I think there still exists, a Highway Show that goes up and down the highway, it did for many years, I think. You were well aware of it. I would ask, is that show still in existence and if so, could it be provided to such a place as Johnson's Crossing where there is no T.V. and that they are not government employees.

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

Hon. Mr. McKinnon: Mr. Speaker, the movie that travels up and down the Alaska Highway is completely under the jurisdiction of Federal departments. The Territorial Government, as far as I know, has no jurisdiction in the showing of the movie as it goes up and down the highway. I know that Territorial employees have been concerned with getting the movie from one area to another along the Alaska Highway. The Territorial Government's vehicles have been used in this instance.

If this has changed from the situation as I knew it when I worked along the Alaska Highway, I would be happy to find out and let the Honourable Member know.

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

Question re: School Attendance of Indian Children

Mr. Hibberd: Yes, Mr. Speaker, I have a question for the Minister of Education.

I was somewhat startled to learn yesterday that there are approximately 650 Indian students enrolled in the schools. By the same token, we have heard from various sources that possibly half of the population of the Yukon is Indian, or other quotes have stated it at 6,000.

Now, if we take it at 6,000 we would have to expect that there would have to be 2,500 Yukon Indian students in our schools. I'm wondering, Mr. Minister, why is there this disparity in the figures? Are the Indian children actually not attending school?

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

Hon. Mr. Land: Mr. Speaker, I find these figures rather startling myself. At the end of the '75-76 school year, we had approximately 5,250 students enrolled in the education system of the Yukon from kindergarten to Grade 12. I don't think it's a case of the native children not attending schools, I think it's a case that the number of registered Indians in the Yukon have declined rather

rapidly in the last 5 or 10 years.

I gave a figure of approximately 650 registered Indian students in the education system yesterday, and to correct myself, the exact number is 664.

I would like to possibly give some background to this situation, as far as the — how we arrived at the figures. The Minister of the day asked the Yukon Territorial Government to compile statistics for registered Indians attending our schools, so that he could be able to tell the rest of Canada the exact figures of native people participating in education systems across Canada.

It was a policy of this government that we do not differentiate by race, but we agreed to work with the Department of Indian Affairs locally here, send in our school list and they could compare it with the Band lists.

Subsequent to that, they came up with the figure of 664 registered Indian students within the school system.

I found it rather ironic that in further correspondence, the — that was sent to the Department of Indian Affairs from Ottawa, that they were questioning these figures and they sounded very disappointed that there wasn't more. I have to agree with the Honourable Member from Whitehorse South Centre as far as the figures being bandied around in the Yukon in relation to the number of people of native ancestry in the Yukon, because if these figures are correct, I find it very hard to believe that there are 6,000 natives within the Yukon. I'll have to see that list in order to be able to make a final — draw final conclusions as to the validity of the list, but I would definitely have to see it. Because in this case, it proves to me that that is not the case.

The Territorial Government has always said that there's probably 4,000 or 4,500 natives within the Yukon, of native ancestry that would be beneficiaries of a land claim settlement.

I think also before closing on this particular subject, I think it also should be pointed out that, in my opinion, it is just another case of the Department of Indian Affairs in Ottawa attempting to split the people in the Yukon by race.

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

Question re: Land Claims Selection Criteria

Mr. Hibberd: Supplementary, Mr. Speaker, is it possible that the criteria selection of those people who are eligible for Indian Land Claims is different than the actual Indian Status who are attending our schools?

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

Hon. Mr. Lang: Well, Mr. Speaker, I think all Members are aware that the pending Land Claims settlement is going to involve what they term non-Status Indians and Status Indians. This, the figure that I quote here, is registered Indians or Status Indians as the criteria drawn under the Indian Act.

Mr. Speaker: The Honourable Member from Whitehorse Riverdale?

Question re: Canada Land Surveys Act Amendments

Mr. Lengerke: Yes, I have a question for the Minister for Local Government this morning and it's my understanding that amendments have been made very recently to the Canada Land Surveys Act, and I was wondering if the Minister can find out or maybe he could possibly tell me now how those amendments are going to affect Yukon?

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

Hon. Mr. McKinnon: I'll take that question under notice, if I may, Mr. Speaker.

Mr. Speaker: The Honourable Member from Ogilvie?

Question re: Rural and Remote Housing

Ms. Millard: Mr. Speaker, I have a supplementary to the written reply from Mr. Commissioner. Perhaps Mr. Administrator would take notice of it. On the subject of Native Housing or Rural and Remote Housing, since there was four hundred thousand dollars passed in our budget eight months ago, why has it taken so long for this program to only now get to the point of community discussion?

Mr. Speaker: To whom is this question directed?

Ms. Millard: To Mr. Commissioner.

Mr. Administrator: Mr. Speaker, I would like to take notice before answering this question.

Mr. Speaker: The Honourable Member from Hootalinqua?

Question re: Teslin Subdivision

Mr. Fleming: Yes, Mr. Speaker, I have a question for the Member of the Local Government re the so-called Subdivision somewhere in Teslin created by the Federal government. My question is: did the Territorial Government have prior knowledge that this so-called subdivision as they call it was going to be created?

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

Hon. Mr. McKinnon: Yes, Mr. Speaker, we had prior notice; I don't know whether there was a consultative process or not, but I will certainly find out for the Honourable Member.

Mr. Speaker: The Honourable Member from Hootalinqua?

Mr. Fleming: Mr. Chairman. If so, and you did have prior consultation, could the Honourable Member inform me as to whether he tried to discourage this type of operation?

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

Hon. Mr. McKinnon: I could personally say yes, that I had objections to that subdivision being created a few miles out of Teslin.

Mr. Speaker: The Honourable Member from Whitehorse Riverdale?

Question re: Recognition of Athletes

Mr. Lengerke: Thanks, Mr. Speaker. I have a question for the Minister of Education. This question was prompted by a number of enquiries this summer and it's with respect to, is there a policy of the Territorial Government that somehow recognizes the athletes that achieve national acclaim or national record? Is there some policy that you have?

Mr. Speaker: The Honourable Member from Porter Creek.

Hon. Mr. Lang: Yes, Mr. Speaker, this is correct. To give some background on this question, and I think it's only fair to commend the Honourable Member from Whitehorse South Centre, Dr. Hibberd, in relation to the policy that the Government of the Yukon Territory now has; he wrote to me late last summer in reference to two constituents that he had that had achieved national recognition and it was his feeling that the Government of the Yukon should do something to recognize their achievement at the national level.

Subsequent to that point in time, I took a paper into the Executive Committee that was approved for the recognition of athletes. There's two parts to the policy. One is that the individual or teams who play at a national championship or Canada Games or has been selected as an all-star or equivalent, and the other area that we're prepared to recognize is individuals or teams who have finished first in the national championship. The Government of the Yukon Territory would give a plaque and a letter to the people that have achieved this recognition. I understand the plaque is very nice. I haven't seen it, but I understand that there were three awarded at the Yukon Sports Federation dinner, which I was unable to attend.

Hon. Mr. McKinnon: I haven't got one yet.

Hon. Mr. Lang: I don't think Mr. McKinnon will get one.

Mr. Speaker: The Honourable Member from Whitehorse Riverdale.

Question re: Changing of Letters

Mr. Lengerke: I have a question for the Administrator, Mr. Speaker. In view of the constraints policy that we have just heard about this morning, I would ask the administrator if he can tell me the cost of changing the letters on the posts out here. Can you tell me if there's been any direct costs to the people of Yukon for that?

Mr. Speaker: Mr. Administrator?

Mr. Administrator: Mr. Speaker, I'm afraid that I can't answer that question off the top of my head.

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

Question re: Remedial Tutoring Program

Mr. Hibberd: Mr. Speaker, I have a question for the Minister of Education regarding their remedial tutoring program. I'm wondering if he could give us the required funding for the program before it was interrupted, the funding that is now available, and is this funding a stop-gap measure and are we going to have to go through the same process every year?

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

Hon. Mr. Lang: Mr. Speaker, I was wondering if I could take that question under advisement?

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

Question re: Payment of Hospital Bills

Mr. Hibberd: Mr. Speaker, I have a question for the Minister of Health. It has been brought to my attention that there is considerable difficulty in patients who have been referred outside and admitted to hospital outside, and there has been difficulty in having that hospital bill paid. I realize that this is not directly in her department, but as we are in the trouble of having two departments of health in the Yukon, I would that she could help me on this matter. These people are admitted by doctors outside, the Referee, who is responsible for adjudicating whether the admission was necessary and therefore YHIS will pay it, is a man in Ottawa and if he comes back with a refusal of payment of that bill the patient is then encumbered by often a very large bill, not of any of their doing whatsoever.

Mr. Speaker: Order, please. I believe the Member is launching into a statement. Would the Honourable Member state his question?

Mr. Hibberd: It has also, I've been told, been told to the doctors in the Yukon, and I'm wondering if there's any solution that could be forthcoming to this problem.

Mr. Speaker: The Honourable Member from Whitehorse West?

Hon. Mrs. Whyard: Mr. Speaker, one or two of these cases have come to my attention recently, and our investigations have shown that in the cases I have seen there has been a lack of substantiating evidence from the medical people, who require to prove really to the medical referee that the patient required to be in hospital during the time that certain tests were being made.

The medical referee, Mr. Speaker, is there to rule on whether or not certain treatments and procedures are medically required. He is the medical referee, not a financial one.

In some cases, it is possible to go back with supportive information which can change the medical referee's opinion, and whenever I am approached by a Yukoner who has had this problem this is the course that I commend to them to get their doctor to put in writing exactly why they could not be an out-patient, that they were too ill or whatever the medical reasons were, and occasionally this is successful.

However, I quite admit that the Honourable Member has touched on a grey area and, as he said, there are a number of jurisdictions involved. I would certainly assure the Honourable Member that we are looking at this matter very closely and we recognize that there is a problem in some cases.

Mr. Speaker: The Honourable Member from Hootalinqua?

Question re: Appropriation of Lands

Mr. Fleming: A question, Mr. Speaker, for the Minister of Local Government.

In the past Session in this House, there was a sum of monies available — given or made available to Mr. Commissioner — to pay appropriation of lands. I'm wondering to date how much of that money has been used and how much land and where has been procured?

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

Hon. Mr. McKinnon: Mr. Speaker, we are actively negotiating for one parcel of land presently and I don't think that that should be made public at this time. I'm very prepared to let all Members know in confidence where that piece of land is being negotiated for, but I think that it would take away from the government's bargaining position if land under negotiation were made public.

I might say, Mr. Speaker, that I hope we will be able to use that fund to provide some land in Teslin for development purposes in the very near future.

Mr. Speaker: The Honourable Member from Klondike?

Question re: Flag

Mr. Berger: Yes, Mr. Speaker. I hope that the Honourable Member from Whitehorse North Centre can answer my question. I tried to look it up in the encyclopaedia on flags, but yesterday on the pole here there was a flag raised and I was unable to find out what country the flag represents.

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

Hon. Mr. McKinnon: I would be happy, Mr. Speaker, to take that question to the United Nations and attempt to find out for the Honourable Member an answer.

Mr. Speaker: The Honourable Member from Klondike?

Mr. Berger: It's just a supplementary, Mr. Speaker. Just, I was wondering if we could get a definite answer. What are we running — a circus or a government?

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

Hon. Mr. McKinnon: Mr. Chairman, the only thing I could say that the Capital Building is paid for by the Government of Canada and all the accoutrements and the decorations were also funded by the Government of Canada, and I think that if the people of the Yukon are against certain of the decorations that have been added, we can possibly get rid of them as time goes on.

Mr. Speaker: Have you any further questions this morning? The Honourable Member from Whitehorse Porter Creek?

Hon. Mr. Lang: Mr. Speaker, before we leave the Question Period, I have for tabling a Legislative Return to a question asked last Session concerning Land Use Permits, and I also have a reply to the Honourable Member for Kluane who asked the following question concerning the Department of Indian Affairs entering into the funding of transportation:

“Will they be assuming the funding of transportation for all Indian children, or are they only doing it in one specific instance?”

The answer is as follows: my information to this House on November 4th was incorrect. The Department of Indian Affairs and Northern Development is not providing funding for the transportation of any Status Indian children in Yukon. We have been advised by the Acting Regional Director of the Indian and Eskimo Affairs Branch that they will not assume the costs of transporting children to and from school.

Enquiries were made of the Carcross Band by the Indian and Eskimo Affairs Branch to determine if the Band is providing funding for the particular children, and the reply was negative. The individual presently providing the transportation for the children in question advised the principal of the Carcross School on November 5th that funding was being provided by the Yukon Native Brotherhood. My officers have been unable to confirm this statement.

Mr. Speaker: Just one point, with the Honourable Minister. I believe you have a document you wished tabled at this time?

Hon. Mr. Lang: Yes, this is correct.

Mr. Speaker: Well, this would normally be done under Tabling of Documents. Would the House agree that perhaps on this occasion we permit the Honourable Minister to table his document?

Some Members: Agreed.

Mr. Speaker: So tabled.
The Honourable Member from Kluane?

Mrs. Watson: Mr. Speaker, would the House then agree if I brought in a Notice of Motion?

Mr. Speaker: I believe this is the prerogative of any Honourable Member.

Mrs. Watson: At this time?

Mr. Speaker: Not at this time, no, I'm afraid not. Perhaps ...

Mrs. Watson: Mr. Speaker, would I understand a point of privilege you are going to make an exception in one instance and not in another?

Mr. Speaker: No, not so much in the case of Tabling of Documents inasmuch as documents were tabled later by unanimous consent of the House.

Mrs. Watson: But, Mr. Speaker ...

Mr. Speaker: Order, please. There is a procedure by which we could have a Motion put before the House to revert to Orders of the Day for the introduction of Notices of Motion and Resolution. If that Motion were placed before the House, then that could be dealt with, and I would suggest to the Honourable Member that this could be done following the Orders of the Day.

Hon. Mr. Lang: Mr. Speaker? I would ask if you would consider looking at the procedures because it's my understanding that Legislative Returns are tabled during the Question Period. I would like a ruling on this.

Mr. Speaker: Well, if it is a Legislative Return, it's my understanding that this is a — yes, perhaps you are correct, perhaps I have erred. This is an answer to a question. If this is the case, this is fine. If it is a document, a policy, it would be considered a White Paper. That is true. What is the nature of the document?

Hon. Mr. Lang: Mr. Speaker, as I stated a little earlier, it was a Return to a written question, a Legislative Return.

Mr. Speaker: I see, and forms part of the answer to the question?

Hon. Mr. Lang: Yes, that's right.

Mr. Speaker: Oh well then, I have erred. I had not that knowledge.

I thank the Honourable Member.

Is there any further questions?

Mrs. Watson: Yes, I have a question. Is this the procedure you're going to follow, have your Legislative Returns tabled during Question Period, or will they have to be tabled when documents are tabled, as the procedure that we followed in the past?

Mr. Speaker: Well perhaps I became confused for the information of the House. I perhaps became confused this morning inasmuch as formerly the House has called all papers Legislative Returns. Now we make the

distinction between White Papers, Green Papers and Legislative Returns that are now considered answers to questions and are properly tabled in the Question Period, and that was my mistake.

Mrs. Watson: Mr. Speaker, we have Statements by Ministers in our Orders of the Day in our Routine Procedures, and we have provision for Tabling of Documents.

Now, Legislative Returns, Sessional Papers, White Papers and Green Papers are documents, and they should be tabled in this House when documents are tabled.

Mr. Speaker: Well perhaps; I don't know if the Member did not indicate whether she was raising a point of order or not, but I'll accept it as a point of order and I'll take the matter under advisement.

Are there any further questions? We will then proceed to Motions.

MOTIONS

Motion for the Production of Papers - Number 1

Madam Clerk: Motion for the Production of Papers, Number 1, standing in the name of the Honourable Member, Mrs. Watson.

Mr. Speaker: Is the Honourable Member from Kluane prepared to proceed with the Motion for the Production of Papers, Number 1, today?

Mrs. Watson: Yes, Mr. Speaker, I'm prepared to proceed. I believe it is not debatable.

Mr. Speaker: That is correct.

Motion Number 1 has been moved by the Honourable Member from Kluane, seconded by the Honourable Member from Whitehorse Riverdale, that the Territorial Government's Position Paper for Yukon Indian Land Claims negotiations entitled "Meaningful Government for all Yukoners" be tabled in this House.

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)

ORDERS OF THE DAY

PUBLIC BILLS

Bill Number 3 - Third Reading

Madam Clerk: The Third Reading of Bill Number 3, An Ordinance Respecting the Institute of Chartered Accountants.

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

Hon. Mr. McKinnon: Mr. Speaker, I move, seconded by the Honourable Member from Whitehorse West, that Bill Number 3, An Ordinance Respecting the Institute of Chartered Accountants be now read a third time.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse North Centre, seconded by the Honourable Member from Whitehorse West, that Bill Number 3 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. McKinnon: Yes, Mr. Speaker. I move, seconded by the Honourable Member from Whitehorse West, that Bill Number 3, An Ordinance Respecting the Institute of Chartered Accountants, do now pass and that the title be as on the Order Paper.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse North Centre, seconded by the Honourable Member from Whitehorse West, that Bill Number 3 do now pass and that the title be as on the Order Paper.

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 and that Bill Number 3 has passed this House.

(Motion carried)

Bill Number 4 - Third Reading

Madam Clerk: Third Reading of Bill Number 4, An Ordinance to Amend the Insurance Premium Tax Ordinance.

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

Hon. Mr. McKinnon: Mr. Speaker, I move, seconded by the Honourable Member from Whitehorse West, that Bill Number 4, An Ordinance to Amend the Insurance Premium Tax Ordinance, be now read a

third time.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse North Centre, seconded by the Honourable Member from Whitehorse West, that Bill Number 4 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. McKinnon: Yes, Mr. Speaker, I move, seconded by the Honourable Member from Whitehorse West, that Bill Number 4, An Ordinance to Amend the Insurance Premium Tax Ordinance, do now pass and that the title be as on the Order Paper.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse North Centre, seconded by the Honourable Member from Whitehorse West, that Bill Number 4 do now pass and that the title be as on the Order Paper.

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 and that Bill Number 4 has passed this House.

(Motion carried)

Bill Number 6 - Third Reading

Madam Clerk: The Third Reading of Bill Number 6, An Ordinance to Amend the Justice of the Peace Ordinance.

Mr. Speaker: The Honourable Member from Whitehorse West?

Hon. Mrs. Whyard: Mr. Speaker, I move, seconded by the Honourable Member from Whitehorse Porter Creek, that Bill Number 6, An Ordinance to Amend the Justice of the Peace Ordinance, be now read a third time.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse West, seconded by the Honourable Member from Whitehorse Porter Creek, that Bill Number 6 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. Mrs. Whyard: Yes, Mr. Speaker, I move, seconded by the Honourable Member from Whitehorse Porter Creek, that Bill Number 6, An Ordinance to Amend the Justice of the Peace Ordinance, do now pass and that the title be as on the Order Paper.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse West, seconded by the Honourable Member from Whitehorse Porter Creek, that Bill Number 6 do now pass and that the title be as on the Order Paper.

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, and that Bill Number 6 has passed this House.

(Motion carried)

Bill Number 8 - Third Reading

Madam Clerk: Bill 8, An Ordinance — Third Reading of Bill 8, An Ordinance to Amend the Highways Ordinance.

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

Hon. Mr. Lang: Mr. Speaker, I move, seconded by the Honourable Member from Whitehorse North Centre, that Bill Number 8, An Ordinance to Amend the Highways Ordinance, be read a third time.

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

Are you prepared for the question?

Some Members: Question.

Mr. Speaker: The Honourable Member from Klwane?

Mrs. Watson: Mr. Speaker, I would like to speak against the principle of the Bill at the third reading. I don't think there's any necessity for the Bill. I think we

are jumping the gun, as I said before.

When we were discussing it in Committee of the Whole, I was informed that we didn't need it until September of '77. Well, why should it pass this House until it's required?

I recall too vividly the Mileposts. I don't know if the Yukon really wants to provide leadership for Canada in conversion to the metric system or not. It appears that this is the direction that we are taking. I'm certainly going to be voting against the third reading of this Bill. When we need it, bring it in.

Mr. Speaker: Is there any further debate? The Honourable Member from Whitehorse Riverdale?

Mr. Lengerke: Yes, Mr. Speaker. I, too, will be voting against this Bill because I feel that, as I said in debate earlier, there are provisions whereby we could provide a dual system within that Legislation so that the metric would be identified as well as the other, and I am opposed to it in the form it is.

Mr. Speaker: The Honourable Member from Porter Creek.

Hon. Mr. Lang: Mr. Speaker, I thought it was adequately explained in the Committee of the Whole that the purpose of this Bill and of these amendments was to get prepared for September 1st, 1977, for when the changeover is going to come nationally to various amendments as presented in the Highways Ordinance. There's not going to be any changes until September 1st, 1977, and this will give the opportunity to the government of Yukon to inform the public of what changes are going to be made and what we have to do to accommodate those changes.

Mr. Speaker: Is there any further debate? Are you now prepared for the questions?

Some Members: Division.

Mr. Speaker: Three Members having called division, I note that there is absent in the House today one Member who I believe is away on business; so at this time I will ask the Clerk to poll the House on division.

Madam Clerk: The Honourable Mr. McKinnon?

Hon. Mr. McKinnon: Yea.

Madam Clerk: The Honourable Mrs. Whyard?

Hon. Mrs. Whyard: Yea.

Madam Clerk: The Honourable Mr. Lang?

Hon. Mr. Lang: Yea.

Madam Clerk: The Honourable Member Mr. McIntyre?

Mr. McIntyre: Yea.

Madam Clerk: The Honourable Member Mr. Berger?

Mr. Berger: Yea.

Madam Clerk: The Honourable Member Mr. Hibberd?

Mr. Hibberd: I disagree.

Madam Clerk: The Honourable Member Mr. Fleming?

Mr. Fleming: Nay.

Madam Clerk: The Honourable Member Ms. Millard.

Ms. Millard: Yea.

Madam Clerk: The Honourable Member Mrs. Watson.

Mrs. Watson: Nay.

Madam Clerk: The Honourable Member Mr. Lengerke.

Mr. Lengerke: Disagree.

Madam Clerk: Mr. Speaker, the vote here is six yea, four nay.

Mr. Speaker: I will then declare that the motion has carried.

(Motion carried)

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

Hon. Mr. Lang: Yes, Mr. Speaker, I move, seconded by the Honourable Member from Whitehorse South Centre, that Bill Number Eight, an Ordinance to Amend the Highways Ordinance do now pass and the title be as on the Order Paper.

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

Are you prepared for the questions?

Some Members: Yes, Mr. Speaker.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

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

(Motion carried)

Bill Number Nine - Third Reading

Madam Clerk: Third reading of Bill Number Nine,

Ordinance to Amend the Securities Ordinance.

Hon. Mr. Lang: Mr. Speaker, I move, seconded by the Honourable Member from Whitehorse North Centre, that Bill Number Nine, an Ordinance to Amend the Securities Ordinance be read a third time.

Mr. Speaker: It has been moved by the Honourable Member from Porter Creek, seconded by the Honourable Member from Whitehorse North Centre, that Bill Number Nine 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: Motion carried.

(Motion carried)

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

Hon. Mr. Lang: Yes, Mr. Speaker, I move, seconded by the Honourable Member from Whitehorse South Centre, that Bill Number Nine, an Ordinance to Amend the Securities Ordinance do now pass and the title be as on the Order Paper.

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

Mr. Speaker: 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 and that Bill Number Nine has passed this House.

(Motion carried)

Mr. Speaker: May I have your further pleasure at this time.

The Honourable Member from Whitehorse Riverdale.

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

Mr. Speaker: It has been seconded by the Honourable Member from Whitehorse South Centre that Mr. Speaker do now leave the Chair and did the Member infer that he wished the House to resolve into Commit-

tee of the Whole?

Mr. Lengerke: Yes, the House, I'm sorry.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse Riverdale, seconded by the Honourable Member from Whitehorse South Centre, that Mr. Speaker do now leave the Chair and the House resolve in Committee of the Whole for the purpose of discussing 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 that the Motion is carried.

(Motion carried)

COMMITTEE OF THE WHOLE

Mr. Chairman: I declare this Committee open and declare a brief recess.

(RECESS)

Mr. Chairman: I now call Committee to order. We will continue with the Clause by Clause of the Insurance Ordinance. We are now on page 187.

We have with us as witnesses, Mr. Kennedy from the Insurance Bureau of Canada, Mr. Peter Gillespie and Mr. Herb Taylor.

Page 187, Clause 227, I would draw your attention to the second line, it should be spelled "indirectly".

(Reads Clause 227)

Mr. Chairman: Shall Clause Two hundred and twenty-seven carry?

Some Members: Agreed.

Mr. Chairman: Clause Two hundred and twenty-eight:

(Reads Clause 228)

Mr. Chairman: Mr. McIntyre?

Mr. McIntyre: Mr. Chairman, Clause Two hundred and twenty-seven deals with twisting and it seems to me that this would prevent an insurance agent from advising their client to change his kind of life insurance to one more advantageous to him. It doesn't make any provision for that.

Mr. Chairman: Mr. Kennedy?

Mr. Kennedy: Mr. Chairman, I know in fact that this is a point that has concerned the Canadian Life Insurance Association and they have made some representa-

tions on this matter to the Superintendent.

I don't know, I think the matter is still probably under some consideration. I know the life people were very concerned about it.

There is a real danger, but at the same time, there's a danger of the opposite way.

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: I can understand the Honourable Member's concern, but Mr. Chairman, it seems to me the wording here is quite clear. "Attempts to induce the insured". The agent is there to assist the insured if he wishes to change, that's not attempting to induce, but we all know cases of insureds who decide that they would like to cash in a policy and it takes, I can tell you from recent personal experience, some months for the insured to try to induce the insurer to give up the money at current interest rates which they've been using for some time, all of the present promises notwithstanding.

If you are counting on cashing in on some life insurance in order to handle a business deal, let me warn you, start early, and I don't have any serious problem with this Section. I cannot see that an honourable insurance agent would have any problem with it either.

Mr. Kennedy: Well, Mr. Chairman, I do know the life insurance industry had some concern over this. I think if I recollect properly, this is a fairly recent provision in the Uniform Act, and there was some discussion at the annual conference of the Superintendents of Insurance, and I think they still have the matter under consideration.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, my question isn't so much with the substance as with the format being used. Sub (3) of Two hundred and twenty-seven goes into the power for making regulations. Why is this one section sort of slipped in as a regulatory section, why isn't it put in with the full regulation section?

Mr. Kennedy: Mr. Chairman, I don't know, I really have no familiarity with the life part of the Act.

Mr. Chairman: Perhaps Mr. Legal Advisor could help us?

Mr. Legal Advisor: No, Mr. Chairman. We contacted the organization itself and asked them about this during the course of the drafting of this in comparing it with other Ordinances, and we were informed that the details are something horrendous, regarding the various situations which may occur in replacing one policy with another and the protection that must be given to the person who is surrendering a policy, in order to obtain equivalent value in a new policy, and that they are very detailed and not really suitable for an Ordinance of this nature.

This is my recollection of the reply.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: But that really wasn't my question.

Why is the regulation section put in here, rather than these regulations in the full regulatory section?

Also, what about the regulations? Since they are that detailed, are they available, are they prepared and will they be — when will the legislation be brought into force? These are all tied together.

Mr. Legal Advisor: Mr. Chairman, I cannot say precisely when the legislation is brought into force, but the thinking is in approximately a year's time. During the course of that, the regulations will be pulled together, because it's not easy to pull the regulations together fast, but the legislative time of this House is getting more valuable, and we need the lead time of approximately a year to bring the Ordinance into force. The regulations will be prepared and laid before the House.

But before the Ordinance is in fact proclaimed into force, the regulations will be ready.

Mr. Chairman: Mr. Gillespie?

Mr. Gillespie: Mr. Chairman, in answer to Mrs. Watson's first question, why is this particular subsection appearing here rather than the general regulation section, the answer is that this regulation making power pertains only to this one section, sub (2), replacement of life insurance policies.

If you gave that general power as it appears here, in the general regulation making section of the Ordinance, then it would have much wider application than what is intended.

Mr. Chairman: Mr. McIntyre?

Mr. McIntyre: Mr. Chairman, I would just like to mention that this particular section is used to prevent a person from converting say an endowment policy to a term policy, which may be more advantageous to him at this particular time in life.

I think that the people that drafted this should take another look at that particular section to see that there's no possibility of it being used to prevent a person from converting one type of insurance to another, even though it's with a different company. This section would prevent him from doing that.

Mr. Legal Advisor: It's not the intention to prevent an individual from doing this thing, it's intended to prevent what amounts to a confidence trick by a particular agent inducing a person to take cash, which is readily available or perhaps slowly available, but at least available, and then obligating himself under another policy, to a large number of payments over an extended period of years. So that for the quick advantage of cash, he incurs a very heavy liability, and this amounts to a confidence trick on occasion. This is what it's intended to prevent.

Now, it doesn't say that the individual cannot do it, but it does say that the con man, so to speak, may not induce it, and occasionally partake a portion of the proceeds.

Mr. Chairman: Mr. Fleming.

Mr. Fleming: Mr. Chairman, my question was partly answered, but I was a little concerned with the way it's written in here, where it says that person attempts to induce directly or indirectly an insured and it goes on to say surrender, and of course, the cash paid up or extended insurance.

It looks to me like along with all the other things that it also puts the onus right on the insurance agent. Now I realize that this is for the protection of the people, I would think, but doesn't it put the onus on him even if he wants to give any advice whatsoever to the people about insurance? They could come back on him later and say that he had been trying to induce them and so forth and so on.

Mr. Legal Advisor: Mr. Chairman, all I can say is this was discussed with all the people in the insurance industry, the companies, the brokers, the agents, and the salesmen. They were all consulted in respect to the preparation of this legislation and we've had no representation from the people who will be affected by this to take it out or change it. So, in the drafting, the committee drafting it made the assumption, which was perhaps not unreasonable, that the people were willing to accept this burden.

Mr. Chairman: Mrs. Watson.

Mrs. Watson: Mr. Chairman, our insurance policies aren't, our insurance legislation isn't just for the insurance companies. It's for the people and I think this is — I'm trying to agree with Mr. McIntyre, if you read over Two hundred and twenty-seven, sub 1, you take the subject directly with your verb — I think there is some concern even by showing the difference in two policies and possibly the advantages of one policy over another. You're inducing someone are you not? And we say any person who induces or attempts to induce, directly or indirectly, an insured to any contract and so, if you read that I think that Mr. McIntyre is right, making it almost impossible to change.

Mr. Legal Advisor: It's possible to give different instructions here, Mr. Chairman, but the intention is to limit it to what the words state. It must be a contract with a life insurance company which contains provisions for cash surrender and paid-up value. So it's a very — a cashing in a policy for a purpose. Now the purpose may be to borrow money for some purpose, but it's capable of having different instructions, it's intended to be now.

Mr. Chairman: Mr. Kennedy.

Mr. Kennedy: Mr. Chairman, I think the concern that, it's a real concern and life insurance industry, I know, were very much concerned themselves when this particular provision was enacted and I think it came in through the Association of Superintendents themselves recommending that this change be enacted. And I recall myself, although I'm not involved with life insurance people, there was great discussion about this at some of the annual meetings, because the life people were very upset that this would in any way, could, would stop an agent from in fact giving what may be very valid advice

to a client to change from one policy to another policy. I think the subject is still under discussion and it's obviously a point which should be taken up through the Association of Superintendents so that it can be dealt with uniformly.

Mr. Chairman: Mr. Lengerke.

Mr. Lengerke: Yes, Mr. Chairman, in view of what the witness says, why don't we just lay this section over and wait for some clarification?

Mr. Chairman: Is it the wish of the Assembly that we stand this Clause over? If so, what direction do we give?

Mr. Legal Advisor: There will be one section in this Ordinance which will be taken out of the general run and it's intended that when the Ordinance is proclaimed into force with a date fixed, that one of the sections will not be the subject of that particular proclamation, because it is still moving through. It's not an important section, but it happened. It could be possible for the Ordinance to go through this House and for this section not be proclaimed into force at the same time, unless the Administration is satisfied that it is a uniform section and that it is supported by the Superintendents of Insurance Organization, with the government side in it, rather than postponing the total Ordinance for consideration at another time.

Mr. Chairman: Mrs. Whyard.

Hon. Mrs. Whyard: Yes, Mr. Chairman, I would have to agree that I would prefer to go in another direction as the Legal Advisor has indicated rather than hold up the passage of the entire Ordinance. It might be some months before we got a ruling of the uniformity of this clause.

I wondered also, Mr. Chairman, if Mr. Kennedy could assist us by introducing, perhaps, a stronger phrase than induced, to make it crystal clear what the intention of the section is. If Members are unhappy with the word "induced" as being open to an interpretation of simple advice, can we introduce there a stronger word to imply what our real concern is, and that is that somebody is having their arm twisted to something that is not going to benefit them.

Mr. Kennedy: Mr. Chairman, I would hesitate myself to suggest any changes to this because I, as I've said to you, I'm not involved with the life part at all, but I do know the life people are very concerned about it now, and I suspect that the better thing to do would be to go ahead and not proclaim the section — leave it in the Ordinance and see what happens, or else just delete it. I'm sure the life people would be quite happy to see it deleted.

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

Mr. Chairman: Mr. Lengerke.

Mr. Lengerke: It's all right, Mr. Chairman.

Mr. Chairman: Mrs. Watson.

Mrs. Watson: Mr. Chairman, if you were looking for some direction for how we should proceed with this, I would certainly go along with leaving the section in, but if we have the assurance from the Administration that it wouldn't be proclaimed until some final decision was made and a recommendation by the Superintendents, I would hate to see it dropped out. I think we have to have some protection but by protecting we might be cutting off the ability to switch the policy, so I would suggest that we would leave it and have it proclaimed later.

Mr. Chairman: Is that the wish of Committee?

Some Members: Agreed.

Mr. Chairman: Shall this Clause carry? Are we agreed?

Some Members: Agreed.

Mrs. Watson: Mr. Chairman, what is the ruling then on Clause Two hundred and twenty-seven, sub one?

Mr. Chairman: Clause Two hundred and twenty-seven, sub One, will carry, it will remain in the Bill.

Mrs. Watson: Shouldn't there be some specific instructions that it not be proclaimed in the rest of the Bill? Would you want that as a Motion at the end of our discussion on this Bill?

Hon. Mrs. Whyard: Mr. Chairman?

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: I would move that this section remain in the Bill, but not be proclaimed until a later date.

Mrs. Watson: Mr. Chairman, I will second that Motion.

Mr. Legal Advisor: Mr. Chairman, the difficulty in accepting the Motion in that form which, I see a smile across the table, perhaps Mrs. Whyard could, on behalf of the administration, indicate that the administration would accept the suggestion made on the floor, and it would not be proclaimed into force until a further full examination has been made during the course of the year, and then a Motion would not be necessary.

Mr. Chairman: That is actually what I had in mind originally. I don't really think that Motion is in order.

Hon. Mrs. Whyard: Mr. Chairman, I'll withdraw the Motion. I was simply trying to accede to the wishes of the Honourable Members.

Mr. Chairman: Mr. McIntyre?

Mr. McIntyre: Mr. Chairman, I think that the problem with this section could be alleviated by inserting at the end of it that it does not apply to an insurance agent or anyone advising a person to, as the insurance term is

"twist the policy" to something that's more advantageous to him.

There's no provision at all made in this section for proper advice. It's simply a means to prevent a person from changing his insurance policy, and it's much to the advantage of the insurance company not to permit changes unless it's within their own company and that's all that this really provides.

Mr. Chairman: Mr. Kennedy?

Mr. Kennedy: Mr. Chairman, I would be happy to ask the Canadian Life Insurance Association to write to you on this matter when I get back, because I know there has been a great deal of discussion on it.

Mr. Chairman: Well with this taken into consideration by the government, this Motion would then — this Clause will then carry. Is that satisfactory to the House?

Some Members: Agreed.

Mr. Chairman: Mr. Gillespie?

Mr. Gillespie: Mr. Chairman, if it will help, the government will undertake not to proclaim this section into force until it has received and considered that advice. It may be necessary at that time never to bring this into force, if that advice is contrary to the way it's written, or to amend it at a later Council session.

Mr. Chairman: Is that satisfactory to Committee?

Some Members: Agreed.

Mr. Chairman: Mr. Fleming?

Mr. Yes, Mr. Chairman, it's satisfactory to me if it comes before this Council before it's put back in there.

Mr. Chairman: I don't know whether that is possible, is it, Mr. Gillespie?

Mr. Fleming: I might as well forget it.

Mr. Gillespie: That was not the intent of the undertaking, Mr. Chairman, that I gave. If the advice that we received as a result of Mr. Kennedy's work is that we should proceed with the wording the way we have it here now, at that time and subject to our satisfaction, it would make sense that the insured is fully protected by the use of the word "induce", then we would proclaim it.

But in the event that there is weakness in the wording that is used here, we would not proclaim it, we would then bring it back to the House for further consideration.

Mr. Chairman: Is that explanation satisfactory to Committee, to proceed on that basis?

Hon. Mrs. Whyard: Mr. Chairman?

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: I'm assuming also that the

Members would be informed prior to it being proclaimed, if it is straightforward.

Mr. Gillespie: Yes, Mr. Chairman.

Mr. Chairman: Then I declare Clause Two hundred and twenty-seven carried.

Clause Two hundred and twenty-eight:

(Reads Clause 228)

Mr. Chairman: Shall Clause Two hundred and twenty-eight carry?

Some Members: Agreed.

Mr. Chairman: Clause Two hundred and twenty-nine:

(Reads Clause 229)

Shall Clause Two hundred and twenty-nine carry?

Some Members: Agreed.

Mr. Chairman: Clause Two hundred and thirty:

(Reads Clause 230)

Shall Clause Two hundred and thirty carry?

Some Members: Agreed.

Mr. Chairman: Part Eleven, Unfair and Deceptive Acts and Practices in the Business of Insurance. Clause Two hundred and thirty-one:

(Reads Clause 231)

Mrs. Watson?

Mrs. Watson: Mr. Chairman, Two hundred and twenty-nine, that whole section, "when an applicant for a licence feels aggrieved", and then referring back again to section Eleven, sub One, "An applicant for a licence under this Ordinance or any person who considers himself aggrieved by a decision of the Superintendent may appeal therefrom to the Court of Appeal", and then Two hundred and twenty-nine sets up a different type of appeal procedure. And Two hundred and twenty-nine, after the Court of Appeal, after the appeal procedure, does that mean the person can still go take their grievance to the Court of Appeal if they aren't satisfied with the procedure that is outlined in Two hundred and twenty-nine?

Mr. Legal Advisor: No, Mr. Chairman, that's not the intention. The intention is that section Two hundred and twenty-nine be a complete code of appeal in itself, that they go to a group consisting of their peers and a neutral chairman, to make the decisions. These are brokers, agents and adjusters.

The company is quite another matter. It's a major organization moving into the Territory, and it is intended as an appeal to the Court of Appeal.

Mr. Chairman: And there is no further appeal from this board of inquiry in section Two hundred and

twenty-nine?

Mr. Legal Advisor: It's not intended to be, Mr. Chairman, but the House knows how difficult it is to ever write the words, "There shall be no appeal", because the judges will listen and consider it an appeal, and then dismiss it or grant it, so the words become fruitless. But it is not intended that this be an appeal system, but an appeal to a Committee which will decide.

On a point of law the, automatically an appeal would lie, if they were wrong in law, not in fact.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Section 11(1) does permit any person, it could be an agent or an adjuster, or a broker who isn't satisfied with the appeal procedure, to take it further to a Court of Appeal.

Mr. Chairman: Mr. Kennedy? Sorry.

Mrs. Watson: Now, could a company use 229 through their broker or agent, to proceed through the appeal structure? I think there's a little bit of confusion there.

Mr. Chairman: Mr. Kennedy?

Mr. Kennedy: Mr. Chairman, Mrs. Watson is absolutely right about this. The appeal provisions don't mesh into each other properly and it's a matter that we do, in the Insurance Bureau, have under consideration at the moment, and when we have something finalized on this we will be making recommendations to the Association of Superintendents.

I suggest it's probably better to leave this as it is, because it is uniform, and then a change can be brought uniformly across the whole of Canada. But there is, there definitely is, a number of provisions that don't quite fit into each other.

Mrs. Watson: Thank you.

Mr. Chairman: I'll refer forward again to Clause Two thirty-one:

(Reads Clause 231)

Does this Clause carry?

Mrs. Whyard: Mr. Chairman?

Mr. Chairman: Mrs. Whyard?

Mrs. Whyard: I only wish to make the remark that I wonder where all these payments, allowances and gifts are floating around? All I ever get is a desk calendar.

Mr. Chairman: Clause Two thirty-two:

(Reads Clause 232)

Shall this Clause carry?

Some Members: Agreed.

Mr. Chairman: Clause Two thirty-three:

(Reads Clause 233)

Shall this Clause carry?

Some Members: Agreed.

Mr. Chairman: Clause Two thirty-four:

(Reads Clause 234)

Mrs. Watson?

Mrs. Watson: Mr. Chairman, may I go back to Two thirty-one?

Mr. Chairman: Yes.

Mrs. Watson: Thank you. I think that Two thirty-one, sub one (b)(iii), what about the people who cannot get insurance in the Territory, because the quota has run out, and then they have to pay a higher rate to get that insurance. Would that come under (iii)?

Mr. Legal Advisor: No, Mr. Chairman, it's intended to be directed at an individual company which is engaging in an unfair practice.

Mrs. Watson: Mr. Chairman, I ...

Mr. Legal Advisor: It's a consumer protection regulation.

Mrs. Watson: Mr. Chairman ...

Mr. Chairman: Mrs. Watson?

Mrs. Watson: ... I understand that, but your section says "unfair or deceptive acts or practices in the business of insurance includes". Now, by the fact that you even advertise that you underwrite residences and businesses and so on, and automobile insurance, and when people go to get insurance and they say we will not insure you, is that not a deceptive practice? What is more deceptive?

Mr. Legal Advisor: I'm not sure to whom the remark is addressed, Mr. Chairman.

Mrs. Watson: Mr. Chairman, anybody who will underwrite our insurance. If the Legal Advisor would like to answer that. I would be interested in getting an answer from Mr. Kennedy too.

Mr. Legal Advisor: With due respect to the Honourable Member, it does not seem to me to be an unfair practice to limit your business to what you can get and not go to other portions of the Territory. There's nothing deceptive, nothing unfair about it. You advertise for business and you do it.

But if two people come in equally situated then you must charge the same rate for both.

Mrs. Watson: Mr. Chairman, if two people come in

and you can insure one and you can't insure the other ... what I'm trying to get at is, with this, are we leaving the companies who cannot, or the agents here in the Territory who cannot go beyond the quota of their parent company, are we leaving them open to being against this piece of legislation?

Mr. Chairman: Mr. Kennedy?

Mr. Kennedy: Mr. Chairman, I don't think you can compel companies to underwrite any risk in a competitive market. I think that's the problem here. This is just providing that where they are writing they are not going to discriminate unfairly between people, or between classes or territories, if there's more than one territory.

Mrs. Watson: Mr. Chairman ...

Mr. Chairman: Mrs. Watson?

Mrs. Watson: ... I still maintain though that when you have people of similar risk qualities and you're able to insure one and you're not able to insure the other because you've filled your quota, is that not discrimination? You can't give him a reason.

Mr. Legal Advisor: Discrimination, Mr. Chairman, there's no question of that. The question is, is it unfair discrimination within the meaning of the section?

Mrs. Watson: Well, if I wasn't given the insurance, I'd think it was unfair.

Mr. Chairman: Mrs. Watson, please address your remarks to the Chair.

Mrs. Watson: Thank you, Mr. Chairman.

Mr. Chairman, further: if you look at the top of Page 192(iv), "Any illustration, circular, memorandum or statement that misrepresents", and even just an ad saying that we are in the business of insurance and then they can't provide the insurance, is that not contrary to number (iv)?

Mr. Chairman: Mr. Kennedy?

Mr. Kennedy: Mr. Chairman, I don't really think so, because when an insurance company undertakes to write business and is licensed to write business that's subject still to its being satisfied and its being prepared to write any particular class of business.

I don't think you can really — you know, it comes back to this: I don't think you can compel an insurance company to go beyond — I don't know what's happened in the particular cases and I'm prepared to take this back, but many of the companies at the moment are under pressure from the Superintendent in Ottawa because of the losses over preceding years, to cut back on their new writing, and this is one of the causes, I'm sure, of what's causing the problem up here at the moment.

Mrs. Watson: But, Mr. Chairman, the point I'm making is, this section does almost compel people to underwrite everyone that comes in for insurance. This section does.

Mr. Kennedy: With respect, Mr. Chairman, I wouldn't agree with that.

Mrs. Watson: Mr. Chairman, it would be very, very interesting if it were challenged in a court of law under this legislation, and I think it would be very interesting. Just the point I am making. And I think that we really should be very careful of this under the existing situation that you have, where you have competitive free-advertised type of business, what you're doing by the fact that they do not take every client that comes to them, they're almost contravening the legislation here.

Mr. Legal Advisor: Mr. Chairman, there is no question that it is close to it — our respectful submission is not going over the border — but the people who are concerned are laying their own heads on the block. The only way to test it would be for somebody to lay the information and bring them to court on a criminal charge. And that's unlikely in those circumstances, I think.

Mr. Chairman: Is there any further debate on Clause Two thirty-one?

We will proceed then to Clause Two thirty-four:

(Reads Clause 234)

Does Clause Two thirty-four carry?

Some Members: Agreed.

Mr. Chairman: Clause Two thirty-five:

(Reads Clause 235)

Shall Clause Two thirty-five carry?

Some Members: Agreed.

Mr. Chairman: Clause Two thirty-six:

(Reads Clause 236)

Mr. Gillespie: Mr. Chairman, if I may, we would like to stand this particular section and return after further examination of it.

Mr. Chairman: For what reason, Mr. Gillespie?

Mr. Gillespie: I believe that, although I would like to check this out, that this section is not required. It was in here at a time when we were dealing with Insurance Premium Tax Ordinance section within the body of this Ordinance, and I think that it should have been taken out, but I want to confirm that before.

Mr. Chairman: Very well. Clause Two thirty-six should be stood over.

Mrs. Watson: Mr. Chairman, did I hear you correctly — Two thirty-six on the Regulations should be stood over?

Mr. Gillespie: Yes, Mr. Chairman.

Mr. Chairman: Clause Two thirty-seven:

(Reads Clause 237)

Does Clause Two thirty-seven carry?

Some Members: Carry.

Mr. Chairman: I refer you to the schedule on the following page.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, just a question for the Legal Advisor: subsection (one) Medical Payment and Funeral Benefits — and I'm looking at the third paragraph where it says the insurer shall not be liable under this subsection for those portions of such expenses payable or recoverable under any medical, surgical, dental or hospitalization plan or law. Now, isn't that almost identically what we say in our Medicare Legislation — that anything that is a benefit under an insurance scheme we will not pay under the Medicare scheme? Now which, you know, who would wind up paying it? The insurance company says they wouldn't pay it if it was a benefit under a medical scheme and our Medicare says we don't pay it if they're covered under an insurance.

Mr. Legal Advisor: The insurance company would wind up being responsible if they are guilty of — we've got to think of a law case: a plaintiff and a defendant and the plaintiff will collect from the defendant all his expenses, including the expenses of the government in treating him for his injury. This is intended to attack a different provision. This is the benefit which is paid up by his own company quickly when something happens. So that the two don't jive, it's not intended to cover that position. The person is entitled as of right because of the injury and this does not really insure him; it's a voluntary gift, in a sense, by the insurance company to cover him under certain circumstances when he is already insured.

Mrs. Watson: When he is not already insured?

Mr. Legal Advisor: For the particular thing that happens, yes.

Mrs. Watson: Mr. Chairman, I don't understand.

Mr. Legal Advisor: Mr. Chairman, it's a consumer protection piece of legislation which is brand new in this Ordinance, the same as part XI and Part XII that has just been discussed; it is intended that quick action for payment for the person that is injured, notwithstanding the fact that he is not insured, provided he is covered in some way by a related insurance company. Mr. Kennedy will probably give you a better explanation than I can and exactly the principle that lies behind it.

Mr. Kennedy: Mr. Chairman, I think Mrs. Watson has a point here. This problem has arisen, I think it was in Alberta, and it may be that some consideration will have to be given to the wording in the other Ordinance.

It is certainly, the intention was that the automobile policy would not pay where medical benefits were payable under other government medical hospital plans or under any other insurance. I think you'd get to the situation, in fact, if you've got a provision in two ordinances, saying that neither one is going to pay, what you'd end up with would be both of them having to pay. That's what normally the courts will do.

Mrs. Watson: Mr. Chairman, I think it is very interesting, because would a person have to go to court then to determine if — this is why I'm asking the question. If I were killed in an automobile accident, would my, the company I'm insured with — I was driving with my, you know, I just rolled — would my company pay my beneficiary medical expenses?

Mr. Kennedy: Well, this would, Mr. Chairman, this would arise.

Mrs. Watson: You see, if I were injured and, you know, hospitalized, and I had considerable medical expenses — say \$1,000 to \$1,500 — and yet I'm insured under the Yukon Health Care scheme and under Yukon hospitalization, now who would be obligated to pay for those medical expenses, when this clause is in all insurance policies, a part of the policy.

Mr. Kennedy: The government, I'm assuming that Yukon medical scheme is the same as elsewhere and the medical benefits are paid for, and if you were completely innocent in this accident your estate would have an action against the driver at fault, and they'd be compelled in that accident to claim for the medical expenses incurred by government hospital scheme and, in fact, reimburse them to the government hospital scheme.

Mrs. Watson: I'm talking about a one car accident. I can just see this happening to somebody where their insurance policy — so they try to collect the medical expenses from the insurance policy and the insurance says, well did you see that rider in there? You have medical coverage through your government, so then you go to Y.T.G. and they'll say, well you have an insurance policy, you have the benefits under the insurance policy, and the person then winds up having to go to court.

What I want, which one would have the responsibility — the government scheme or the insurance policy?

Mr. Kennedy: Well, Mr. Chairman, this is intended that if, for example, you were seriously injured in an accident and you incurred medical expenses that weren't covered by the normal government scheme — I don't know what things wouldn't be covered up here — but supposing you were very badly disfigured and you had to get ...

Mrs. Watson: Skin grafting.

Mr. Kennedy: ... skin grafting, I don't know whether that's covered, but if it wasn't covered it would be picked up under this. That's the intention of this.

Mrs. Watson: But it doesn't say that.

Mr. Kennedy: Well, I think it ...

Mr. Legal Advisor: This is what it actually says. It says it only covers something which is not covered under an existing government scheme.

Mr. Chairman: Mr. Fleming?

Mr. Fleming: It's all right now, Mr. Chairman, sorry. The question has been answered.

Mr. Chairman: Shall this ...

Mrs. Watson: Mr. Chairman, it would be very interesting, wouldn't it, if a person were injured at work and — whether you were at work or not at work, and there was a sort of a — no-one had reached a conclusion whether you came under compensation benefits, and it would really make it a tripartite type of thing. You would have Workmen's Compensation involved, and you would have the Yukon Health Care scheme, and you would have your insurance company involved, and this is the type of thing that people refer to as bureaucracy and getting sort of running around in a circle, and this is what happens, absolutely.

I feel as though I am going around in a circle; I don't think it's clear enough.

Mr. Kennedy: Mr. Chairman, I can say this. It hasn't caused much of a problem in practice, the medical benefits, and this covers not just medical benefits; it would cover the cost of rehabilitation. Someone is badly injured and had to be trained at another job — it cover that, and it hasn't in fact caused any real problem other than, I think, there was a similar situation in Alberta where there was a little bit of a dispute as to which was primary.

Mr. Chairman: Is there any further debate on the schedule?

Mr. Fleming?

Mr. Fleming: My concern, Mr. Chairman, is the effect it would have on the insurance companies. We now — okay, they can't sell as Medicare insurance to us, can they? Does this not give them a chance to raise their insurance prices to sell another type of insurance which is not absolutely needed in this country at all possibly? That has been my worry all through this Ordinance, that type of section.

Mr. Legal Advisor: No, Mr. Chairman, it still remains illegal to sell insurance coverage of the type which is covered by the Medicare Plan of the Territory. This doesn't affect us at all.

Mr. Chairman: Mr. Berger?

Mr. Berger: Yes, Mr. Chairman, I think I understand the worries of the Honourable Member from Kluane, and I was wondering if we couldn't put in there that the insurance company should be liable for any medical expenses and anything occurring from an accident or anything like this and if there are any monies

to be recovered from other plans than the insurance company to recover those monies from the other plans, like the government insurance.

Mr. Chairman: Mr. Kennedy?

Mr. Kennedy: Mr. Chairman, I can say to the Member about this is that this was not intended at all as any kind of accident and sickness program. It was just designed specifically to give some immediate help in the case of a motor vehicle accident, because there were so many of these accidents and people just didn't have any other insurance.

Mr. Chairman: Mr. Legal Advisor?

Mr. Legal Advisor: Mr. Chairman, as a matter of routine, when an accident happens and there are two cars involved, the loser in the car crash, who has to pay the damages of the first group, has to pay in addition to normal damages, has to pay the cost of Medicare and hospital care as part of the normal recovery. The lawyer who is acting for the Plaintiff in such a matter recovers that as a routine matter in the course of either making the settlement, or making a claim in court and then having received it from the second insurance company, he repays it to the government. This is done as a matter of routine.

It's a duty imposed on them by law, whereby the Commission is subrogated to the right of the Plaintiff in such an action, if this happens.

When there's two cars; now, when there's a single car collision, up to now the people who are occupying the first car, unless the car has special insurance coverage, are not covered and they don't have any insurance at all, so this particular section comes into play at that time, because so many of these accidents were happening where people had no coverage at all, and could not necessarily prove negligence on the part of the driver or owner of the car, so this is inserted as a consumer protection in these situations.

So it's drafted in a relatively simple matter, with low limits and so forth, because it is semi-automatic that it comes into play.

Mr. Chairman: Is there any further debate on the schedule?

Mr. Gillespie?

Mr. Gillespie: Mr. Chairman, I wonder if Mr. Kennedy could identify just a few minor changes or corrections that he sees necessary in the Schedule. He's just pointed them out to me, I wonder if he could point them out.

Mr. Chairman: Mr. Kennedy?

Mr. Kennedy: Mr. Chairman, in the heading to the Schedule, "Medical and Funeral Benefits and Accident Benefits in Motor Vehicle Liability Policies", there should be a small heading underneath that — Accident Benefits Section".

You'll see in the initial wording there, it says the insurer agrees to pay to each insured person as defined in this section and without a heading that identifies the

section, that's not going to make too much sense. So the heading should be there, it's a sub-heading, "Accident Benefits Section".

Mr. Chairman: Mr. Kennedy?

Mr. Kennedy: Mr. Chairman, on Page 197, in paragraph 2, the definition of "dependent relative" in both (a) and (b), there's a reference to 18 years. I think that should be 19 years, which is the age of majority in the Territory.

That same change is required on —

Mr. Chairman: What section is that, Mr. Kennedy?

Mr. Legal Advisor: It's the middle of Page 197, Mr. Chairman.

Mr. Kennedy: 2(a) and (b) in the definition of "dependent relative", and the same change I think was required on Page 199, at the top of the page under 2(b), there's a reference to 18, which should be 19.

And also before, just further down on that page, the heading "Special Provisions, Definitions and Exclusions of this Section", just immediately before that, you should insert the word "subsection 3", and a dash.

Mrs. Watson: Excuse me, Mr. Chairman. Would you repeat that, please?

Mr. Kennedy: On Page 199, in the middle of the page, just immediately before the words "Special Provisions, Definitions and Exclusions", you should insert the word "subsection 3" and a dash.

Page 201, Mr. Chairman, under Exclusions 2(ii), "who is entitled to receive the benefits of any Workers' Compensation", I think it's Workmen's Compensation in the Territory.

There are no other changes.

Mr. Chairman: Thank you, Mr. Kennedy.

I'll defer reading the title of the Bill at this stage, because of the many clauses that have been stood over.

I would like at this time to thank Mr. Kennedy for coming here, coming all this way to offer his expert advice, which has been very valuable to us. I don't think when we bring in these sections that you would have to — it might be some days before they are brought in, and it will not be necessary for you to stay around for that, but I would thank you for appearing before us, you've been most helpful.

Mr. Kennedy: Mr. Chairman, we appreciate the opportunity to be of assistance in this. We realize insurance is a very technical subject matter and we do welcome the fact that we were asked to help with it.

Thank you very much.

Mr. Chairman: Thank you, Mr. Kennedy. The witnesses are excused.

Committee will recess until 1:30 p.m.

(RECESS)

Mr. Chairman: I now call this committee to order.

We will proceed with debate on Motion Number seven. Mrs. Watson, matters relating to Community Assistance Ordinance and the Homeowner Grant Ordinance.

Mrs. Watson.

Mrs. Watson: Thank you, Mr. Chairman. I have copies of all the legislation for the Members. The first Session 1975 has the Community Assistance Ordinance and the First Session 1976 has the Homeowners Grant Ordinance.

Mr. Chairman, during the Spring Session, I tried to point out to the Members of the Committee the inequities between the Homeowner Grant Ordinance and the Community Assistance Ordinance as they applied to Municipalities and L.I.D.'s and unorganized areas. So, I again move matters pertaining to these two Bills into the Committee, and I hope to point out quite conclusively, I hope, to you people, that there is quite an inequity in the application of the Homeowner Grant, the eligibility for taxes in the Homeowner Grant.

And if you will turn, under the Homeowner Grant to the interpretation section, the interpretation of taxes. That's on Page Two of the 1976 First Session. Taxes means and you will note that it includes levied on lands and improvements by the Commissioner or Municipality, pursuant to the Taxation Ordinance, but does not include local improvement taxes, so you are not eligible for a Homeowner Grant on any tax bill that specifies the local improvement taxes.

Now, the Municipalities receive their tax notices and many of their local improvement taxes are included in the one mill rate. For example, the municipality will assess a mill rate of 40 mills and if your taxes amount to \$350.00, —

Mr. Chairman: Mrs. Watson, I think this is a very pertinent debate but the Minister who is primarily responsible, he has been sent for but he has not yet arrived.

Mrs. Watson: Okay.

Mr. Chairman: So perhaps we could recess until he does arrive.

Mrs. Watson: Fine.

(RECESS)

Mr. Chairman: For the benefit of the Minister of Local Government, perhaps you could begin again, Mrs. Watson.

Mrs. Watson: Okay, thank you, Mr. Chairman.

I believe the Minister has had copies of the Homeowner Grant Ordinance and the Community Assistance Ordinance passed out to him, and I've used, first of all the Homeowner Grant Ordinance, the definition section — taxes.

Actually, first of all, we should go to the definition section of qualified applicant. It means an owner of an eligible residence who has paid taxes in respect of, and then taxes does not include licence fees, local improvement taxes.

Now, if we go to the Community Assistance Ordinance, the first section I want to draw your attention to is Section Eight, sub One, where the Commissioner may pay to a Municipality, an amount not exceeding 90 percent. The Municipality then is responsible for the other 10 percent. That is as far as Municipalities.

Now turn to Section Thirty-two, sub One. The Commissioner may pay in a Local Improvement District, the cost of a piped water system or a piped sewer system.

Now, Thirty-three sub One states, "There shall be applied against all lands and improvements in a district within which a piped water system exists, a special levy of one mill on the assessment thereof". Under the section which pertains to Municipalities, the 10 percent that the Municipalities provide, will be provided through the general mill rate structure.

If you will look at Section Thirty-four, sub One, for a water system there's a special levy of one mill; for a sewer system, there's a special levy of one mill. That special levy of one mill is above and beyond the frontage cost which the users of the system pay.

Now, the users of the system in the Municipalities and the L.I.D.'s both pay that and that is not a tax as far as the Homeowner Grant is concerned. In the L.I.D.'s, the one mill levy for sewer, the one mill levy for water, is considered — is not considered a tax for the Homeowner Grant, but in a Municipality, it is considered a tax, because it's in the general mill rate structure.

The same thing applies for roads. Section Thirteen, sub One, Municipalities again. The Commissioner shall pay to a Municipality, 90 percent of the shareable cost of arterial roads. The other 10 percent is the responsibility of the Municipality, and the Municipality will raise that 10 percent through their general mill rate structure, which is considered a tax as far as a Homeowner Grant eligibility is concerned.

Section Fourteen, sub One, "The Commissioner shall pay to a Municipality 80 percent of the shareable cost of collector roads", the 20 percent the Municipality must raise through its general mill rate structure.

Look at Thirty-nine, sub One and Two then, with L.I.D.'s. "The Commissioner may pay the approved cost of arterial roads and collector roads in a Local Improvement District. There shall be applied against all lands and improvements in a district within which a road is improved, a special levy of one mill on the assessment thereof".

Now, the Municipalities were having their share of the cost of the road considered a tax eligible for a Homeowner Grant, the L.I.D.'s in this instance will be paying the one mill, for both kinds of roads and it will not be considered a tax as far as being eligible for a Homeowner Grant.

Community facilities, Section Eighteen sub One, for Municipalities, "The Commissioner may pay to a Municipality, 90 percent of the approved cost of building a community, social and recreational facility. The other 10 percent the Municipality must provide and, if you recall, the new skating rink complex at Porter Creek, the new complex that's going in at Faro, the Territory provides 90 percent of the cost and the rest of it comes out of the general mill rate structure in that Municipality. You don't get a notice on your tax notice, so many mills for the Porter Creek skating rink and your total

tax bill in a Municipality is eligible for a Homeowner Grant.

Look at Section Twenty, sub One. "It shall be a condition of payment that the Municipality contribute an additional amount of 10 percent".

Look at Section Twenty-three, sub One. "Where labour is not donated, or the donated labour does not equal the amount, the balance shall be contributed in cash payable by the Municipality", which they raise through a general mill rate.

Now, let's look at Forty-four, sub One, for the L.I.D.'s. "The Commissioner may pay a district 90 percent of the approved cost of a building".

Forty-five, sub Four. "Any facilities constructed pursuant to sub One shall be deemed to be a local improvement within the meaning of section Fifty-four of the Taxation Ordinance".

Fifty, sub One. "Where the amount required to be paid pursuant to Section Forty-six is not paid", if they don't pay the 10 percent or contribute labour in lieu of, "the amount shall be recovered by an imposition of a special levy not exceeding three mills, annually applied on the assessment of all lands and improvements in the district, until the required amount has been recovered".

So you can see that the Municipalities, that is a tax which is eligible for Homeowner Grant, in L.I.D.'s, it is considered a local improvement, therefore is not a tax eligible for a Homeowner Grant.

If you will look at Sixty-seven, sub One, the unorganized areas, who do not qualify under the Community Assistance legislation for a piped sewer and water system, but they do qualify for recreational facilities, and again in Sixty-seven, sub One. "Where the labour is not donated, or there isn't any cash", the 10 percent cash isn't paid, then the special levy of three mills can be applied. Again, the three mills would be considered a local improvement tax, and would not be eligible for a Homeowner Grant.

I think it has to be changed, I think we have to embark upon equalizing this, particularly when there are not that many homeowners in the areas outside of Whitehorse. For example, if you have a sewer and water system, there are two mills. If you have a new skating rink, three mills. That would be five mills. If you have a \$10,000 home, you're looking at \$50.00 additional taxes that could be considered eligible for a homeowner grant in a L.I.D. Right now, that \$50.00 wouldn't be part of your taxes eligible for a Homeowner Grant.

So, Mr. Chairman, I would certainly give any Member here an opportunity to question it or to bring up some other points in this before I bring forward a motion to request amendments to the legislation from the Government to correct the inequities in these two legislations, in the Homeowner Grant program as it applies to the municipalities and L.I.D.'s and unorganized areas.

Mr. Chairman: Thank you, Mrs. Watson. You certainly raised some interesting points.

Honourable Member Mr. McIntyre?

Mr. McIntyre: I certainly agree with the things that Mrs. Watson has said, and I think that the Local Government should look into these allegations and ensure

that, in fact, this is what is taking place in the municipalities and, if so, the necessary actions should be taken to correct the legislation so that there is no discrimination between homeowners and various types of communities.

Mr. Chairman: Thank you, Mr. McIntyre. I'm sure some other Members have comments, or, if not, I'm sure the Minister of Local Government has a response to this.

Hon. Mr. McKinnon: Mr. Chairman, I've never acknowledged or put myself in a position to be an expert on taxation in this House. I know the Honourable Member from Klwane has had correspondence, not with me but with the Assistant Commissioner, Mr. Miller, on exactly the points that she raises at this moment. I wonder, Mr. Chairman, with the concurrence of Committee, whether we could have some of Mr. Miller's expertise and knowledge in the taxation field available for me at this time?

Mrs. Watson: Mr. Chairman, I have no — I don't mind if Mr. Miller comes at all, but I did have correspondence with Mr. Miller regarding some of this but a lot of it was with Mr. Miller regarding the frontage charges for sewer and water. As you recall, the amendment to the Taxation Ordinance included, as our Taxation Ordinance states now, until the amendment was included, the per front footage costs for sewer and water as a tax, and it made quite a difference for anyone who was paying a minimum tax. And this is the area in which I was — had correspondence with Mr. Miller, but I would be very happy to have Mr. Miller appear and to review this, look at the points I brought up.

Mr. Chairman: Thank you, Mrs. Watson.

In view of the comments made, I would hope that Committee would agree that we lay this matter over and call Mr. Miller in, unless Mr. Miller is available today, but I would hope — or I would think that possibly the Members would like to develop some questions around the observations already made.

Is that in accord then, that we ...

Hon. Mr. McKinnon: Mr. Chairman, I would just like to make one point, that there is a total package that we hope we are not going to look at in isolation, which includes the Taxation Ordinance, the Municipal Ordinance, the L.I.D. Ordinance, the Homeowner's Grant Ordinance — none of which can be looked at because each affects the other, in conjunction, and to look at one another in isolation and to try to make an amendment which we have done, and I agree with the Honourable Member in one instance without looking at the total machinery and spectrum of all the Ordinances that depend one on the other for the proper chain of events to follow, is not the best way to amend legislation.

I have already said to the Honourable Member that some of the points that she has raised and other clarifying points that have been raised by Municipalities and L.I.D.'s, I hope all will come about at the Spring Session of this Legislature, where we will have the total package, and how all of these fit one with the other, before the Members for their review and study at that time. Hope-

fully, we'll have taken the time and the effort and the consultation with everybody involved that they won't be done in isolation, one with the other, but we will present a package which will be all-inclusive and which will complement and dovetail one with the other rather than trying to do one element of one Ordinance here in isolation with the other and just getting ourselves into a box which we have done in the past, as the Member well knows.

Mr. Chairman: Yes, Mr. McKinnon, I recognize that, but I would also think that probably the disparities that the Honourable Member from Kluane suggests there might be, how would these be corrected in the future? What action would be taken then?

Hon. Mr. McKinnon: That's what we're saying, that we hope these will be corrected in the amendments that we will be bringing to all of these Ordinances.

Mr. Chairman: In other words, proper restitution, if there is such, will be given to the Municipalities or whoever, is that correct?

Hon. Mr. McKinnon: I think that's why we should hear from the acknowledged expert on taxation whether these inequities actually do ...

Mr. Chairman: All right. I think we have some further questions, and I should recognize Mr. Fleming.

Mr. Fleming: Thank you, Mr. Chairman.

I was very, very happy to see the Member from Kluane bringing up these things. I think it could be well remembered that she fought pretty hard in this House against this Legislation last spring, and as one that was absolutely opposed and is still opposed and will remain opposed as long as I'm here to the concept of a Homeowner's Grant and the way it is handled and the monies are put out, I would like to say again that we haven't got too much time to remedy what has been messed up today because, even now, this year, there are many people on the outskirts of town, and presumably probably in this town, not knowing there was such a thing really except the best way we could get it out to the, there was a Homeowner's Grant, and also where they had business places and they were living in those business quarters, this grant will cover certain aspects of their home only, their quarters, it has nothing to do with their property tax, if it has a business on it.

That, of course, would first have to be appraised, and I know of one or two instances where it has, the people have asked for their Homeowner's Grant, and they still haven't got it and still have no answer to the problem, because of the fact that the government I don't think has the answer either yet.

There are many other things; I won't belabour the subject now. We are going to have a witness, but I still remain, as I say, opposed to it and always will.

Mr. Chairman: Just before recognizing Mrs. Watson, the Chair sees that Mr. Miller is available, and I'm wondering if the Committee agree then to call Mr. Miller in for further questioning.

Is it agreed?

Some Members: Agreed.

Mr. Chairman: I wonder then if we could notify Mr. Miller?
Mrs. Watson?

Mrs. Watson: Mr. Chairman, in reply to the comments that the Minister of Local Government made, I agree that if you're amending legislation that the Municipal Ordinance, the Taxation Ordinance, the L.I.D. Ordinance — all of them should be looked at at the same time.

However, I think this is important enough to look at, so that this inequity can be corrected before next year's taxation year. Now, we suffered as a result of the inequity this year, and you can't bring in retroactive taxation, although this government did it last year, and I will forever disagree with the Legal Advisor that retroactive taxation is legal, and it would be nice to have retroactive — this legislation passed retroactively, and maybe I should ask the Legal Advisor if he is capable of drafting something like — he did draft something for the Taxation Ordinance.

That's fine, we've learned our lesson, but let's look at the taxation year, and your tax notices, I believe, have to be out, your notices have to be out by the end of June, don't they? And the assessment and the — so if we're waiting till spring to do the amending we may not be able to take advantage of it for the next taxation year.

If you recall, the assessor will be travelling to various communities within the Territory, and some of these communities haven't had a reassessment done since 1967, and one mill on an updated assessment is going to make quite a difference, whether they can get that back as part of their Homeowner Grant or not.

So I would like to see the government give their immediate consideration to this. I don't think it would take a very extensive amendment to equalize this grant that's now being given to people in the Territory.

Mr. Chairman: Thank you, Mrs. Watson.

Just by way of explanation to the Committee, Dr. Hibberd was called out on an emergency and he asked me to assume the Chair, so I hope you'll bear with me.

Good! He's back — the emergency is over. Would you like to resume your duty?

(Mr. Hibberd becomes Chairman)

Mr. Chairman: Thank you, Mr. Lengerke.

Mrs. Watson: Mr. Chairman, if you want me to briefly review the points that I was making for Mr. Miller's benefit, and I think that Mr. Miller may want to have a copy of the Community Assistance Ordinance and the Homeowner Grant Ordinance:

I'm not going to go through every detail, but the point I was trying to make was that local improvement taxes are not eligible for Homeowner Grant tax. In the Community Assistance Ordinance, under the Municipality Share, for piped sewer and water system, the Territory funds 90%. The Municipality is responsible for 10%. Now the municipality collects that 10% as part of their general mill rate structure.

For an L.I.D., the sewer and water is funded by the

Territorial Government 100% but there is a 1%, one mill rate for sewer and one mill rate for water on the assessed property. And that is called a local improvement and so it is not eligible as a tax for Homeowner purposes.

The same thing applies with arterial roads, connector roads and recreational facilities. I deliberately did not bring in television services where, if the operation and maintenance costs of \$1,200 are not paid by the community, they will have an assessment of one mill — or was it two? I have not brought that in because, I could, if you insist we will bring it in, but municipalities are not getting that service from the government.

Now, I maintain that we're not getting our Homeowner Grant based on those taxes, whereas the municipalities are.

Mr. Miller: This question was raised at the last Session of this House, at which time I undertook to have a look at the total situation. I can only find one anomaly between the Community Assistance Ordinance and the Municipal Ordinance, and that's as it relates to Recreation Facilities where, in the Local Improvement Districts and unorganized areas, they are deemed to be Local Improvement. The other cases, they're all special levies. And under the Homeowner Grant, taxes does not exclude special levy, it only excludes local improvement taxes. So there is, to my knowledge, only the one anomaly and it would be my recommendation that we would amend the Community Assistance Ordinance to remove that anomaly.

Mrs. Watson: But, Mr. Chairman, under the taxation laws, local improvement means any of the following works or any combination of them, and the tax bills that went out listed these as local improvement taxes, these one mill for sewer and one mill for water, and we were not given a Homeowner Grant on it. Your local improvement means streets, sidewalks, and this type of thing and it was interpreted as a local improvement tax.

Well, Mr. Chairman, I've got a tax notice, several, I could show you.

Mr. Miller: Mr. Chairman, I have checked this and in those cases where we have imposed special levies of one and two mills, and I'm not talking about local improvement taxes now, which covers the front footage charge - that's a different thing altogether. They have been included in the general rate, on the tax notices, and have been eligible for Homeowner Grants.

Mrs. Watson: Mr. Chairman, I can show you the deductions where they've taken the two mills off. Mr. Chairman, they are taking it off as a tax eligible for Homeowner Grant. I can show it to you.

Mr. Miller: Well, Mr. Chairman, I don't have the examples that the Honourable Member has; I checked this as I say and the intent, if they are taking them off, they're totally incorrect in doing so and, as I say, I checked this and spent a lot of time this summer checking it with the people involved and the special levies that are imposed under the Community Assistance Ordinance to cover the water and sewer, the roads, these types of things, I do not consider to be local improve-

ment taxes under the Homeowner Grant Ordinance. And as such, those special levies would be eligible for Homeowner Grants throughout the Yukon, within municipalities, L.I.D.'s and unorganized areas. And the one anomaly that I've found is the one pertaining to the recreational facilities in the, only in the, context of the 10% payment, not in any other context, and it would be my suggestion and recommendation be that we amend that Ordinance at some future date to remove that particular anomaly. There is no problem at the moment because there are no communities building under that particular Ordinance or that section of the Ordinance.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, this brings up my problem again. I think the Minister of Local Government sort of implies that I think that I'm a self-made specialist on taxation. Well, it irks me, because I know, I know from tax notices and calculations that have been received, that they are taking the one mill for sewer and water as a local improvement tax. I really think, and again I can't stress it strongly enough, that we've got to have new forms for tax notices, and the Taxation Ordinance has to be amended, and the people who work with the Taxation Ordinance have to know what they are doing.

Now, I'm quite prepared to accept Mr. Miller's representation, if I have the undertaking from Mr. Miller that he will review not only my tax notices but everybody else's, and you will find that they did not get the Homeowner Grant on that one mill. I hope that we will have the amendments to the Community Assistance legislation brought forward, on the recreational facilities, brought forward as soon as possible because I know of one community, two even, where it would make quite a difference, and three mills — our new assessment — is going to make quite a difference.

Mr. Miller: Mr. Chairman, I will undertake to personally review Mrs. Watson's tax notices and her Homeowner Grant applications, to ensure that in fact she is eligible for everything that she should be eligible for.

Mrs. Watson: Mr. Chairman ...

Mr. Chairman: Mrs. Watson?

Mrs. Watson: ... that is not the point I made. I want them reviewed for everyone because it was not just mine, it was everyone's, and if it were just mine it wouldn't be that important, but everyone else was not getting the Homeowner Grant ...

Mr. Chairman: Perhaps the ...

Mrs. Watson: ... on that one mill.

Mr. Chairman: Perhaps the awesome task of reviewing everyone's tax notices ...

Mrs. Watson: That's fine.

Mr. Chairman: ... caused the resignation of our Member of Ex-Com.

Mr. Miller: Mr. Chairman, I will undertake to do that review.

Mrs. Watson: Mr. Chairman, I would also like the amendment to the legislation.

Mr. Miller: Mr. Chairman ...

Mrs. Watson: Then the people can take advantage of it for next taxation year.

Mr. Miller: Mr. Chairman, the amendment will be processed — I'm not sure at this Session, but certainly at the next one. I don't see any urgency for it, because there are no recreation facilities in L.I.D.'s at the present time that would come under that particular Section.

So I don't see any need for it through the balance of this year, and probably at least a good part of next year.

Mr. Chairman: Mr. Fleming?

Mr. Fleming: Yes, Mr. Chairman. It's very interesting that there is no hurry for it, because the same thing happened before. There may be some recreation, those areas that might be, before next year or some year, we hope.

Anyhow, I have a couple of questions that have been bothering me about municipal taxes and other taxes, and I would ask Mr. Assistant Commissioner, when municipal taxes are collected and paid, what percentage of that municipal tax goes to the Territorial Government, if any, or does it go the Municipality?

Mr. Miller: Mr. Chairman, the Municipality imposes a general mill rate, which they require to cover their expenses. Now, that mill rate, they have the legislative ability to impose.

In addition, they collect on our behalf, school taxes, equating to 16 mills, and they collect those on our behalf and pay them to us. So if the total tax bill or the total mill rate in a municipality is 50 mills, less 16, you would be looking at 34 mills for general purposes of the Municipalities.

Mr. Chairman: Mr. Fleming?

Mr. Fleming: Yes, Mr. Chairman.

I might ask, when the L.I.D. taxes are collected for unorganized areas and so forth and so on, where and what percentage of that tax goes to the Territorial Government?

Mr. Miller: Mr. Chairman, in the case of the L.I.D.'s this past year, we imposed a — I am trying to think of the number, it isn't coming to me off the top of my head, but we imposed a tax levy of 16 mills for school purposes and 22 mills for general purposes, so a total of 38 mills was imposed on all properties outside of Municipalities, of which the total amount comes back to the Territorial Government.

Mr. Chairman: Mr. Fleming?

Mr. Fleming: This brings me to the point where one place that I didn't appreciate the Homeowner's Grant,

because I still say, as I said before, that it is not a fair grant because we are paying actually for home owners that do get that grant back from the Municipality. We're paying all our taxes towards this thing, even though the Territorial Government says it all goes into the General Revenue Fund and goes in a pot and goes out and pays everybody.

But really, the outsiders that are not in the Municipality are the ones that are still stuck with, I would say, the biggest part of the bill, because our taxes are all going towards that. My taxes don't go back to help anybody in Teslin or into my town, like the Municipalities' taxes do, and in all fairness they should.

But when they go to the Homeowner Grant, I see an entirely different picture.

Mr. Chairman: Mr. McKinnon?

Hon. Mr. McKinnon: Well, Mr. Chairman, I know that we can get in this argument ad infinitum, I'll just use only figure only. The Municipality of the City of Whitehorse, through the taxes that they put on the residents of Whitehorse, raised about 50% of their revenue in the last fiscal year.

The L.I.D. of Teslin, through the taxes that came back to the Territorial Government, paid about one-twentieth of the budget of the L.I.D. of Teslin and those are the facts, Mr. Chairman.

Mr. Chairman: Mr. Fleming?

Mr. Fleming: Yes, Mr. Chairman, I agree, because with a smaller portion of the people in the Yukon Territory and the landowners, that does not change the picture of being absolutely fair with everyone, whether they put up you know a hundred dollars, because there's only 10 of them, and the other one puts up a thousand because there's a hundred of them.

Possibly some Members here can't see it. I don't disagree they can't see my point at all, I know that, but I think it's very plain, and if you look very carefully at the picture and see where your taxes are all going, you're paying some segment of the society for anything, and one puts more towards that area or that part of the budget than the other one does. Not in the sense of a whole Territory but as each person that owns properties in the Territory.

Of course, I must say while I'm here anyway, that the concept of this Homeowner Grant is upside down to begin with, because as I've said before, and I would like to say it again so nobody thinks I've forgotten, that the Homeowner Grant principle here is for the rich, not the poor. I explained that so many times, I don't think I'll both going through it again. I think even some of the rich people realize it themselves.

Whereas there are many other people in the Yukon Territory who are not homeowners, but they are here, they live in rented homes and all sorts of places and this is their residence and they do form part of this country and they are also paying into the Homeowner Grant for somebody that likes to have a fancy home and I agree, go ahead. They are paying into that with no returns whatsoever, either, because there's somebody that has to dig up the \$200,000 that we have to put out, that we're putting out this year and it comes through taxation one way or another.

Mr. Chairman: Mr. McKinnon.

Hon. Mr. McKinnon: Mr. Chairman, again I use, you know, just one example because I think it's a way of bringing it down to a position where it's understandable. I took my my home in Whitehorse and I compared it exactly with the same home in Haines Junction. They both have \$5,000 as their assessed value for improvements and taxation. My taxes, in the City of Whitehorse, through property and mill rate and the taxes I am charged come to \$400. That same assessment, with lower tax rate, the hamlet allowance on exactly the same improvements in Haines Junction is \$150. And that is the difference in being in a municipality that is paying over 50% of its own way and being in a beautiful place to live, like Haines Junction, with many of the facilities that we enjoy righthere in the City of Whitehorse and that's basic tax. The property and the mill rate on the same improvements — \$5,000, which is not a classy home by any stretch of the imagination, is \$250 more in Whitehorse than in Haines Junction at this moment.

Mr. Chairman: Mrs. Watson.

Mrs. Watson: Mr. Chairman, surely the Minister wouldn't even suggest that services you have in Haines Junction, the municipal services that you have in Haines Junction are equal to the municipal services that you have in Whitehorse. You have many, many amenities and services in Whitehorse that people in Haines Junction don't have. In all of the unorganized L.I.D.'s in the Yukon Territory, you can't begin to compare them.

Put your house up for sale in Whitehorse and see what you get for it and put it up for sale in Haines Junction and see what you'll get for it. You know these are a lot of things that, actually, we're looking at services, municipal services. Now I have said before that L.I.D.'s do receive fairly good municipal services, I've said this all the time. And I've said, I've also said that the L.I.D. Ordinance should be looked at and I've also said that possibly we should be looking at some method of tying in their municipal services to the type tax base they have.

However, when I think that the rest of the people in my constituency who got a ten mill increase and who get absolutely no services at all. They have no fire protection and they can't get fire insurance now. They have to drive their children to school. They don't get an increase

because of the increase of the cost of operating a vehicle. These are the people that I am very concerned about. They have to drive themselves to work. You could say sure, they decided to live out there, but theres no relationship whatsoever with mill structure that they pay, Danny, there's no relationship with the services or the mill structure that they pay and the services that they receive. I think it's a very, very real thing and people who live in Whitehorse or in municipalities with paved streets can sit back and smirk and sneer but if you're paying 38 mills and you get a school bus service-only so far and that is all you get.

Mr. Chairman: Mr. McKinnon.

Hon. Mr. McKinnon: Mr. Chairman, we can go on

for ever, but honestly, you have to believe me and please come over to my house. I have no sidewalk, I have no gutter, I have no curb, I have no paved street, I have a sewer and water system and a street light and that's it. And I'm positive because I know the Honourable Member's constituency as well as I know my own, that she has sewer, water and a street light and I pay \$250 more a year for my sewer, water and street light than the Honourable Member does and that's a fact.

Mr. Chairman: Mr. Lengerke.

Mrs. Watson: I'm paying every bit as much for sewer and water as you are.

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

Mr. Chairman: Mr. Lengerke.

Mr. Lengerke: Thank you, Mr. Chairman, I just want to assure the Honourable Member from Klwane that people in Riverdale and municipalities are not sitting around smirking at the less fortunate, if that's the case, but I certainly disagree with the comments that were made that the Homeowner Grant was for the rich — it certainly wasn't for the rich. I must point out that it was the first time that there was some help for the majority of people that pay the bills in this Territory.

Mr. Chairman: Mr. Fleming.

Mr. Fleming: Mr. Chairman, I'm not going to labour the subject, in fact this is the last time I'm going to get up but I'm not going to sit down while these, well, you know. I'd like to just leave one example with you. I have always said, you know, if you wish to be the high and mighty and want to pay the bill — help yourself. I'd like to leave you one example, I would like to ask any Honourable Member here that is riding around, you know, in a conveyance of some sort, that is probably a bicycle and peddling his way to work and so forth, if he would mind coming out with a grant and helping this Honourable Member to pay for a car, because I do ride around in a good one and I've paid the bill myself for it and it respects to the same thing as the Homeowner Grant. I'm not asking anything for that, I paid my way — that is the same thing as a Homeowner Grant. If you want to live in a fancy home, you want to live in Whitehorse, you want to live where you like — pay the bill and not ask somebody else to pay it, help you pay it.

Mrs. Watson: Mr. Chairman, a point of privilege.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: The \$5,000.00 home in Haines Junction, for the sewer and the water, the special levy which isn't eligible for a Homeowner Grant, amounts to — somewhat over 5,000, in that neighbourhood, it's \$229.00 per annum, not \$150. If we're comparing.

Mr. Chairman: Well, if the Honourable Members have exhausted their debate on that subject — we'll carry on with Motion Number 6.

Motion by Mrs. Watson that the Government of the Yukon amend Policy Directive Number 2/2 titled "Access Files" to accommodate the specific needs of the Members of the Legislative Assembly, who need to have access to government information, in order to carry out their responsibilities, as the elected representatives of the Yukon people, and that the amendments be tabled in this House during the life of this Session.

Mr. Miller, you're excused. Thank you.

Mrs. Watson?

Mrs. Watson: Thank you, Mr. Chairman.

My Motion referred to Policy Directive number 2/2, I believe it's Volume 2. I took the policy directive out of the policy manual in our library, in the Members' library, and I don't think it had been updated, so since I brought in the Motion, it was brought to my attention that there's an updated version of that policy, so with your concurrence, I would hope we can refer to the copy of the policy from the policy manual, the updated one.

Is that agreeable, Mr. Chairman?

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

Mrs. Watson: Mr. Chairman, my Motion is asking for the Territorial Government to bring forward guidelines, so that the Members of this Assembly could have it clear in their minds what information is available to them, and what government information, what government files and who they can get the information from, and I think all of you have found yourselves in a difficult position, you know, if you want certain information, you know you're doing research, you know you're questioning something, you know you want to see whether something is reasonable or not; you know that the government likely has information regarding this topic on file, but you can't get hands on it.

You go to the various employees in the various departments, and until they have some very definite guidelines, they're really not in a position to make information available to you, unless it's just the basic information that's almost usually released by your information services, that is what I was given while looking for information.

So, I would like to see this Policy Directive that we have here now, and there's another one, "Management of Classified Public Records", which does have something to do with classified information. I'm not looking for classified or personal information on people's files. I'm looking for reports, documents, things that have been discussed in other Councils, that have gone on years before. I would like to be able to get this type of information available for myself, and I would like to know that I can go to a certain employee in Department or within the government, tell them what I want and they can bring me the information that they have, relative to the topic that I am talking about.

Now, if you look at the procedure directives on the procedure, there's one thing in here which I do not like, this is a much better one than the original policy, but the whole gist of the procedure is that you go to the Executive Committee.

Now, I'm not talking about the individual, please, I am talking about the Executive Committee. I don't think that decisions on whether you should have infor-

mation or not, as a Member of the Legislature, should be the prerogative of individual Executive Committee Members, nor of the Commissioner. It should be clearly defined what you can have and what you cannot have. I think that if there's any decision to be made on whether something is a confidential matter, or it's not available to a member, I think the decision should be the Clerk of Council, rather than go to the Executive Committee.

We must remember that some day, and I hope not too long in the distant future, we will be having government sides and opposition, I hope very much and I can just see the government. And you know, it's just a natural thing, don't give them any information if you're on the Executive Committee. We don't want that, and I don't want to have to go to the Executive Committee and to tell them all the reasons why I want certain information.

The other policy directed everything through the Commissioner which would be just horrible, at least this is going through the Clerk of the Committee, but I would like the government to come forward with some guidelines that we can follow, that the employees or department heads can follow so that we know.

If I know that there's certain information that is classified information, I'm not going to ask for it. But I want to know what I can get without disrupting, upsetting the apple cart.

Mr. Chairman, I do feel that we should be privileged to more information than the general public is. So often in these Directives, you see that the Members of the Legislative Assembly should get the same information; that members of the general public do. I think we at least should get information more privy than what is put in the newspapers, or reviewed in the news broadcasts.

Mrs. Watson: Thank you, Mr. Chairman.

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: Thank you, Mr. Chairman. I think as the seconder of that Motion, I certainly welcome it. In my short time as a Member of the Legislative Assembly and the short time I've made use of our facilities here, and the offices, I also have found that on asking for information, you do get sort of a rising of eyebrows and a look at you, as if, you know, can I give that to you or not.

I think that really what the Honourable Member from Kluane has done here by asking for this update is to just put back in the proper perspective and define truly what we can and what we can't do. I think it takes the onus off the individual member of the staff that you're dealing with, to be able to really respond to respond to your requests. I certainly welcome this.

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Yes, Mr. Chairman. I was wondering if the Honourable Member could be a little more specific. She says in — on one hand that she's not asking for anything that is confidential but on the other hand it must be or it would be released. I'm not clear, Mr. Chairman, regarding what the problems would be if it's not confidential information that she's seeking.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, we get back to this thing, how confidential is confidential, and I think that the Government has a happy knack of placing confidential or classified on a lot of information that really isn't that confidential.

Confidential information with regards to personnel files or personal files of people and this kind of thing, no, but I think reports of consultants because consultants do reports that are not made available to the Members of the Legislative Assembly and I think they should be.

If you're asking for any material which you have, for example, if you're doing the history of the Yukon Electric in the Yukon Territory, I think that anything that is there that isn't very, very classified or confidential, regarding a financial situation of the company, which isn't available to the public, everything else I think should be made available to the Members.

So confidential and classified are, it's the person's interpretation of them too, and I also said, if the Honourable Member will realize, I feel that Members of the Legislative Assembly should have information that isn't just open for the general public either.

Hon. Mrs. Whyard: Mr. Chairman?

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Of course, the Honourable Member is in a very good position to know that in many cases, the one small piece of information that might be required to finish what you are investigating, could well be on a reading file which contains a great deal of other material, which is not supposed to be read.

Mrs. Watson: Mr. Chairman, I don't want to get a hold of the reading file, no. This isn't the type of thing. I'm not interested in this type of thing.

I was trying to do some research on a piece of legislation and I was trying to find out what correspondence and what — you know, it had been introduced in this House quite a number of years ago, was there a Sessional Paper, all of this type of thing, the background, and I can't seem to get my hands on it.

Now, none of it's that confidential, it was brought before this House, there has to be a file somewhere with that, and this type of thing should be revealed to us. I don't want to read a reading file, I don't want a file, I'm not curious, I'm not looking for dirt. I'm looking for information on which I can base — make a decision.

Mr. Chairman, if I were looking for dirt, I wouldn't be asking you to come forward with this policy.

Hon. Mr. McKinnon: Mr. Chairman?

Mr. Chairman: Mr. McKinnon?

Hon. Mr. McKinnon: Mr. Chairman, I can only say how much better it is than it was and I think any Honourable Member who was around the Government before there was such a thing as an Executive Committee and elected Members in government, if you thought that there are problems now in getting information from government, I'll tell you when Territorial employees used to put their jobs on the line, and I'm not kidding, put their jobs on the line, because they thought that there

was something that an elected Member should know.

Mr. Chairman: We're having trouble with our recording system, sorry, carry on.

Hon. Mr. McKinnon: We've followed, since 1971 in this House, another Policy Directive which I found rather obnoxious, 2/2. No member of the general public is to be allowed access to any Yukon Territorial Government file, without the permission of the Commissioner or his delegated representative.

That's been the policy since 1971, which has been changed in 1975, last year, by this Executive Committee, because of the problems that we knew that elected Members were having with getting at least some access to information that we felt government should be providing, and broadened it to a very great degree, than to what it was prior. I think that our timing was impeccable in changing the policy directive to broaden those areas where Members could legitimately get information.

But I'm going to go one more step, that I think that it's incumbent upon this House too, to make sure that before there is further access to information, that there is a strict conflict of interest guidelines on behalf of the Members of this House and the Legislative Assembly, that protects absolutely the public of the Yukon Territory in a Member and to a Member unscrupulously using government information to their advantage.

Now, I know it's really easy to say, you know, present company excluded, and an elected Member would never come to this, but there are people who do get involved in politics for a short period of time, who do use the system and do use files and information to their advantage, and we've had examples and we can name case histories of things that have happened in various democratically elected legislatures to prove that, though it doesn't happen too often, this does happen every once in a while.

I deal particularly in the area of land. About 90% of my time and problems are dealt specifically with land problems. Not one of those files is marked confidential, yet I tell you, that there is not one of those hundreds of land problems that I have dealt with since I have been in the portfolio, that the person involved would want general access to those files from the public or the elected Member, unless he was specifically asking his elected Member to be dealing with the problem.

One of those instances where the person who's file is under consideration has asked access to it by the elected Member, has that access been refused since the policy has been broadened under the new directive? Every member who has written to me asking for advice or help on a problem, every piece of pertinent correspondence dealing with that problem has been taken from the files and sent back in the answer to them, even to the extent that some of the information that has been provided as background material is then used in the question period in the House — which I don't mind at all, in asking questions and clarifying government policy.

So the point that I am making is that the situation has improved, believe me, just 250%, if not more, since the time when I first came to this House, it has improved considerably, I think, since the policy direction that the Honourable Member quotes from 2/2 to 2/12 and think

that we should. I agree with her, that we are in one of those unfortunate positions of being in a halfway house where we don't have the government opposition type of formation that provides some very difficult government differences between the type of the House that has that normal interplay of government and opposition. I would find it very difficult until the public were protected through the Conflict of Interest Act of this House and the Legislative Assembly Act, to at this period and point in time, be going further than we can under the policy directive 2/112 that we have in place now which is a vast improvement over 2/2 which was in '71 and even that which was a vast improvement over the no-policy that was in place before, when I first came to this House.

There's another point, Mr. Chairman, that there is a very great groundswell of public opinion at the present time towards, in all provinces and the Federal Government, towards a freedom of information and an access to information type of legislation in provincial houses and in the federal houses. I agree whole-heartedly with all Members who say that the majority of government information, which is marked confidential, actually becomes ridiculous because of the confidentialities stamped upon it and by far, the majority of it should be in the public forum and the Members and the public should have public access to it. I think legitimately, that this is happening more and more with the growth of responsibility of the Assembly. And I would like to see some of the provincial jurisdiction and the federal government who are talking about the Access of Information and the Freedom to Information Act, I'd like to see one of those in place and take a look at how the legislation could pertain to the Government of Yukon in an attempt to solve this problem, which I admit it is a problem, about information to Members.

I would have trouble supporting the Motion unless there were amendments to it because it asks us to amend a policy directive which already has been amended, so the Motion would be superfluous and redundant in my opinion unless there are amendments to it. If the Motion were amended to read that we were asked to amend a policy directive number 2/112, which is the present policy in effect, then I would ask that if there were amendments to the Motion, that paragraph Two not be asked, or not be included in the Motion at this time, because with all the transitional things that are happening in this House and with the Members and with the conflict of interest regulations now under Committee study, the Legislative Assembly Act now under Committee study, the Access to Information and Freedom to Information Acts now starting to become in vogue in different provincial legislatures and the federal government saying that they're going to look at it, I think the timing is a little impractical to think that the amendments to Motion Number Six could be tabled in this House during the life of this Session, Mr. Chairman.

Mr. Chairman: Mrs. Watson.

Mrs. Watson: Mr. Chairman, I'm rather disappointed that no-one else is that concerned about this. I have made it perfectly clear that I'm not looking for confidential information. Land files — I wouldn't let anyone see a land file, other than if a constituent of mine asked me to see a letter on their land file that they had

written, unless they were with me, I wouldn't ask that privilege unless they had a letter. I had a letter from them. I don't want to go into that type of thing at all. I don't think a file should be handed to a person, but I do think that there should be improvements right now.

I agree with the Honourable Member, I said that I had used, we would have to amend the Motion to read policy Two, sub Two and that it has been amended to Two and we're going to have to require that amendment but I wouldn't go along with the other suggestions. We look at the procedure number Two, inquiries concerning departmental operational matters normally considered as confidential, well I didn't think that a departmental operation was confidential.

You know, it's so silly up here. You guard the secret of what's happening and down the street, or out at Faro or out at Haines Junction, they can tell you what's happening. That's the silly part of it. It's so confidential here, and everybody else knows how much money you're going to spend a long time before you ever decide you're going to spend the money on it when you are going to do a certain thing.

So, the operations, Departmental operations are not confidential, or matters normally considered as confidential should be directed to the Department Head or the Executive Member concerned. This would include instances where representatives might make inquiries on behalf of the constituents.

All inquiries regarding government policy are to be referred to the Executive Committee member concerned. You might just say, what are your regulations regarding government policy on transportation for school children? My goodness, does that have to go to the Executive Committee?

This is particularly important in cases where the programs or policies involved are in the development stage, or are of a controversial nature. So what if they are of a controversial nature?

I think that you could do a lot of brushing up on this and the guidelines I would like to see reviewed for the benefit of the employees and you might make it just department heads and for the benefit of the Member himself. I can't tell you how frustrating it is to know that there must be more information there, that you cannot get. You know that there is a report on something, and that there was something happened five years ago, four years ago. It's so absolutely ridiculous and stupid and I still must insist that I want the amendments, that policy directive reviewed from the more specific guidelines that employees can use and that Members can use, so that we don't have to go to the Executive Committee.

Mr. Chairman: Mr. Berger?

Mr. Berger: Thank you, Mr. Chairman.

I don't disagree with the Honourable Member and I do agree with the Honourable Member from Whitehorse North Centre for a lot of reasons, but I think the most important fact of the whole thing is that nobody mentioned here, we need more research facilities here.

We constantly face — faced in front of us with legislation that's been adopted from Alberta or some other provinces, but for us Members, we have no ways, unless we have a long waiting period of asking for this legisla-

tion so we can look into it.

I think to us as Members in this House, we want to do a real good job. I think it's more important to ask for a real good library, instead of having couches sitting out there to lounge around in. This to me is much more important, to have updated legislation from all the provinces in Canada, and legislation from the Parliament in Canada, than asking for secrets on accessibility to files and so on.

This to me would be much more important.

Hon. Mrs. Whyard: Mr. Chairman?

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, I would quite agree with the Honourable Member regarding the value of a library, a reference and research library for all Members and I must also remind all Members that this was an item which was considered as being too costly and the estimates of the Library Department were cut.

It would be great to have a research library. There are lots of times when I could use it myself. If you could find some funds somewhere, this is an item that could be considered for the future.

Mr. Chairman: Mr. Berger?

Mr. Berger: Yes, Mr. Chairman. I don't think it's a matter of funds, I think it's a matter of necessity, in order for us to do a good job and this is one item that I think should have a top priority on any funding.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, I agree with Mr. Berger. I think we're both saying the same thing. I want to do research for myself, and the stuff I'm researching certainly isn't out of somebody's personal file and I can't get my hands on it and certainly there should be some — some of it is available in government files.

Surely to goodness, a person can get their hands on it without having to go through a whole rigamarole of getting a hold of it.

Mr. Chairman: Mr. Lang?

Hon. Mr. Lang: Mr. Chairman, I have been listening to this debate with a great deal of interest, and I can understand the frustration of some of the Members in relation to the accessibility to information but what I can't understand is in this, at least in any of my dealings with my fellow colleagues here, if anybody's asked for information, I've gone out of my way to get it for them.

I mean, I think, and I think that my two colleagues to my left here have also done as well. If you read the one "however" in the conclusion here on the policy, "However, it should always be remembered that the Councilor or M.P. is an elected representative and is therefore entitled to certain special considerations". I think at least the three elected Members on the Executive Committee — I can't speak for the appointed Members — I think that to my knowledge, if anybody's come to us, we've attempted to get that information.

I don't think at this given point in time we should be putting the department head in the position of having to make a decision of what's confidential and what isn't. I think that this basically comes down to what is the definition of confidential. I think that if information is given to a fellow elected colleague I'm sure that if there was any, at least I would have the ability to say to that Member that this is of a confidential nature, but this is what happens. But I'm sure that I wouldn't want to put my department head in that position to the point, as the Honourable Member from Whitehorse North Centre stated a little earlier, in relation to if you get somebody in the public forum who wants to use public or confidential information in an unscrupulous manner, I don't think that I would want to put my department head in that position to have to be burned in the public forum.

Mrs. Watson: Mr. Chairman, that's exactly why I want guidelines.

Hon. Mr. Lang: Well, Mr. Chairman, I disagree. There are guidelines here and I think they're working.

Mr. Chairman: Before we carry this any further, I think I'll declare a brief recess.

(Recess)

Mr. Chairman: I call this Committee to order. Mr. Lengerke?

Mr. Lengerke: Mr. Chairman, I have an amendment to the Motion that is presently being — on the floor.

Mr. Chairman: It has been moved by Mr. Lengerke, seconded by Mr. Fleming, that the Government of the Yukon amend Policy Number 2/1 12, titled "Procedure directives to accommodate the specific needs of the Members of the Legislative Assembly who need to have access to government information in order to carry out their responsibilities as elected representatives of the Yukon people by clearly defining guidelines and what information is available to MLA's and to designated persons within the government in addition to the Executive Committee who can assist and from whom information can be obtained".

There is a problem here. If this is an amendment, you haven't — it hasn't been so specified. Do you wish to, there is a motion on the floor now. This doesn't specify whether you are amending that.

Mr. Lengerke: I thought that by putting it under official amendment form, I should have said that it was an amendment to Motion Number Six.

Mr. Chairman: The amendment is reading that Motion Number 6 be withdrawn, that Motion Number 6 be amended to read ...

Mr. Lengerke: Amended to read, yes.

Mr. Chairman: That the Government of the Yukon amend Policy Directive 2/1 12 titled, "Procedure directive to accommodate the specific needs of the Members of the Legislative Assembly who need to have access to

government information in order to carry out their responsibilities as elected representatives of the Yukon people by clearly defining guidelines in what information is available to MLA's and to designate persons within the government, in addition to the Executive Committee who can assist and from whom information can be obtained".

Mr. Lengerke?

Mr. Lengerke: Yes, Mr. Speaker, I don't think the amendment needs too much explanation. I think it maybe is a little more specific in giving some direction as to what guidelines we want and what really seems to be the problem.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, I think the, possibly there is some problem because some Members feel that we should be a little more specific, but we are restricting amendments to Policy Directive 112. We are stating we want some guidelines to what information is available to Members of the Legislative Assembly, not for the public.

Now, this Policy Directive here includes Members of the Legislative Assembly and the general public and we want specific guidelines for MLA's and we want the government to designate certain people within the Government who can give information to MLA's. I think a lot of the MLA's would be quite satisfied if there were two or three, or one or two, people within the Clerk's establishment who would be able to do research or get information from us, and in that way you wouldn't have to make your Policy Directives apply to every Department. At least one group of people within the Department, within the Government, would know what specific guidelines they can follow in order to get information for the Members of the Legislative Assembly.

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, I'm having some difficulty, because I have before me the wording of the original Motion but I do not have before me the wording of the amendment and I'm not clear yet on what it is you're changing, except the number of the Policy Directive.

I think I'm going to have to wait until I can see them both in writing and compare them.

Mr. Lengerke: Mr. Chairman?

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: I have no objection to that whatsoever, if you want to lay this particular matter over until we have the thing typed up.

Mr. Chairman: Very well, we will leave Motion Number Six for future consideration.

Mr. Lang?

Hon. Mr. Lang: Mr. Chairman, before we leave this particular item, I thought that we had come to some conclusion in relation to the amendments and motions

and this type of thing. I thought there was some sort of protocol which we were going to follow to ensure that every Member, all Members, were informed in a reasonable time frame of when, you know, a Motion was going to be or what an amendment to the Motion was, instead of rather having these midnight motions.

Mr. Chairman: Order please.

Hon. Mr. Lang: Mr. Chairman, can I have some clarification from the Chair, because I thought we had agreed that there was going to be a time frame of some kind, so that all Members could be informed.

Mr. Chairman: Well, as the Member well knows, the Rules are under review right now, and will be reported to House when they have been reviewed.

Can we return to Bill Number One, Emergency Medical Aid Ordinance?

Hon. Mrs. Whyard: Mr. Chairman?

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, we have available now an amendment to the section which was giving the Honourable Members some difficulty and I wonder, Mr. Chairman, if we could ask for Mr. Legal Advisor during this discussion?

Mr. Chairman: Yes, Mrs. Whyard. I will declare a recess until we have him in the House.

(Recess)

Mr. Chairman: I now call this Committee to order. Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, I think all Members have now had placed before them the proposed amendment to the Emergency Medical Aid Ordinance, Section Three, which was giving us some trouble the other day. Will you read the amendment, Mr. Chairman?

Mr. Chairman: Yes, I will.

It has been moved by Mrs. Whyard, seconded by Mr. Lang, that Sections of the Emergency Medical Aid Ordinance — delete Section Three and substitute therefor:

"3(1) Where, in respect of a person who is ill, injured or unconscious as a result of an accident or other emergency

(a) A medical practitioner voluntarily

(i) Renders medical — emergency medical services, or first aid assistance, and

(ii) The services or assistance are not rendered at a hospital or other place having adequate medical facilities and equipment, or

(b) A person other than a medical practitioner voluntarily renders emergency first aid assistance."

Mrs. Whyard?

Hon. Mrs. Whyard: There's another page.

Mr. Chairman: Oh, I'm sorry.

"The medical practitioner or other person is not liable for damages for injuries to or for the death of that person, alleged to have been caused by an act or omission on his part in rendering the medical services or first aid assistance, unless it is established that the injuries or death were caused by gross negligence on his part."

Mr. Taylor?

Hon. Mr. Taylor: Yes, Mr. Chairman. When last we dealt with Bill Number One, I raised the question of people involved in the transportation of patients. Perhaps, I think I cited the case of the pilot who, for some reason — weather or something else — was forced to land his float plane or this type of thing and a patient suffered as a result of this — suffered either injury or further injury or death, that these people ought to be covered in this legislation and I cannot find, just at first glance, that the amendment proposed at this time would cover that situation and perhaps I can have some clarification on this from perhaps the Legal Advisor?

Mr. Legal Advisor: Mr. Chairman, perhaps the Honourable Member reads too fast. The particular group of words to which he was objecting having been removed from the amendment. In other words, it's not now a requirement of the aid to be rendered by these persons occurs at the scene of the accident; it's just wherever it happens. If the accident happened here and anywhere on the journey or arrival anywhere else, the aid can be given and it's not restricted to the place at which the injury occurred.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Well, yes, Mr. Chairman, then do I have it correctly then that inferring from what Mr. Legal Advisor has said, that in the scenario that I present where a pilot or a third party perhaps by means of motor vehicle transportation was involved, that he is not necessarily — any of these people would not necessarily be held liable for the aid that they were giving?

Mr. Legal Advisor: That is correct, Mr. Chairman. The scenario has a happy ending.

Hon. Mr. Taylor: Okay.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, I wonder whether the Minister of Local Government and the Minister of Health did any research into the requirements for emergency first aid assistance by lay dispensers or ambulance drivers, people who are hired as ambulance drivers?

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, was the question did I do any research into the requirements for the assistants?

no, Mr. Chairman.

Mr. Chairman: I think that was an undertaking that was brought up at the previous consideration of the Bill.

Mr. McKinnon?

Hon. Mr. McKinnon: Mr. Chairman, the question was asked of me and I certainly did and we have three classes of ambulance attendants in the Yukon.

The first is full-time employees who make their living by working as ambulance attendants. There are thirteen staff members employed by local government who operate the Whitehorse Ambulance Service; the fire chief at Watson Lake L.I.D. whose duties include driving or giving first aid on the Watson Lake ambulance; two Y.T.G. employees at maintenance camps whose employment duties include driving ambulance whenever required. And third, volunteers. This category includes anyone in the community who agrees to have his name on a volunteer list so he can be called to respond to an ambulance call.

This means that all attendants are volunteer and full-time fall into the paid category if the Ordinance were to exclude them, but possibly make the recruitment of volunteers far more critical as most of them do it as a community service, with little personal gain, and if the risks are too great they could very well withdraw their volunteer services, but these are included definitely in the Ordinance as it now stands and exempted from being, except for gross negligence, excluded from being prosecuted.

It's most definitely a job requirement for the above to give first aid whenever required, that's the staff in the Whitehorse Ambulance station. The attendants are required to have and maintain in good standing a St. John's Ambulance Standard First Aid Certificate. The aspect of first aid must be broad and beyond the immediate scene of the accident or emergency. The responsibility of any first-aider does not end until a doctor arrives or the patient is delivered to a doctor or medical facility that is under the direction of a doctor.

A nursing station could phone Whitehorse General Hospital for advice.

Local government provides first aid training for all volunteers. Courses are conducted whenever the need for re-training or training new volunteers arises.

I'm interested in knowing, I think this is a great credit to the ambulance staff, even the volunteers, that all ambulance volunteers under the direction of local government have first aid training and it is a prerequisite to becoming a volunteer.

So, Mr. Chairman, as the amendments to the Ordinance now stand, it includes all those people who volunteer in the areas such as Destruction Bay and Beaver Creek and Haines Junction; they are taken care of under the amendments to the Ordinance.

I'm satisfied that people will not be unwilling to give of their volunteer services because of lack of protection under this Good Samaritan Ordinance.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, I would like to thank the Honourable Member for the information. That is the type that we were looking for, so ambulance attendants and the Watson Lake fire chief, or whatever he is, are not covered under Section 3(b) but the volunteers and the Y.T.G. employees who drive the ambulances are covered and that's very good. Thank you.

Now, I still would like to know about the lay dispensers. What are their requirements in their job as a lay dispenser? Are they required to give first aid assistance at an accident? If they are, then they're not covered under this, are they?

Hon. Mrs. Whyard: Mr. Chairman, I don't have the qualifications for lay dispensers. If the Member wishes me to bring them in, I will have to get them.

Mrs. Watson: Mr. Chairman, I'm not trying to be difficult, but I just want to know whether these people are covered under here, and these are the two areas — ambulance drivers and — I'm completely satisfied that they are, now I do have some concern about the lay dispensers.

Some of them are registered nurses, but some of them are not, and to be a lay dispenser, are they expected to have their first aid and are they expected to perform the kind of function as part of their job, to provide emergency first aid at the scene of an accident?

Mr. Chairman: Mr. Legal Advisor?

Mr. Legal Advisor: Mr. Chairman, I don't know precisely what the job description of these people is, but with respect, I suggest it's not really relevant to the subject at hand. If their job description envisages that they will give first aid and that's what they're paid for, then they are not covered. The government themselves will cover them and pay any damages.

If their job description does not cover the giving of first aid equipment — first aid assistance — and they voluntarily render it, not being paid for it, then they are covered. So, either way, the situation is taken care of, and for any other category of person who may happen to come within this category of giving assistance, if they are paid for it as part of their job then the government covers it. If they're not paid and they volunteer it, they are covered; so either way it seems that the legislation is reasonably sound.

Mrs. Watson: Precisely — are they covered or aren't they?

Mr. Chairman: I think he answered that.

Mrs. Watson: No, Mr. Chairman, I haven't been answered that question. I want to know where lay dispensers, whether they're covered under this legislation as volunteers or not, if they're required to give first aid as part of their job then they're covered by the Government because it's part of their job.

Mr. Legal Advisor: Yes, Mr. Chairman.

Mrs. Watson: But are they covered under this? I want to know.

Mr. Legal Advisor: I can't give an answer to that without seeing the job description, Mr. Chairman, but all I was suggesting was that it doesn't matter whether they're covered under there or not; they're covered one way or another — they're going to be covered, so the situation is taken care of. In the matter of extra infor-

mation, who are the particular individuals within or without the government service who may happen to come within the framework of this legislation? It could go on and on down to dental therapists, to nurses and so forth, and each person would have to be considered individually. There's just really one category which has to be considered.

Mrs. Watson: Mr. Chairman, I'm not trying to be difficult, I'm prepared to let it go through and I think it's being exaggerated because these are the types of people who are on the scenes of accidents in the outlying areas. It's the volunteer firemen, the volunteer ambulance drivers, the people who are not fully qualified ambulance attendants and the lay dispensers in some instances where they certainly are lay dispensers and I think some of these people would like to know for sure just where they are covered and I would like to know, but as far as I'm concerned I'm not trying to be difficult. I don't think that I should apologize for wanting to get information. I'm quite prepared to let the Bill go through.

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: While I'm asking for this information, would the Honourable Member also like job descriptions for the health workers in the various Band units, because these are the same categories and they're not within my jurisdiction but I can bring this information if the Honourable Member wishes it.

Mrs. Watson: This is quite an exaggeration, because it is — the health workers don't go to the scene of an accident. I'm thinking of the accidents on the road. These are the people that so often, maybe once in a while a Health Worker does, but you have your Public Health Nurse, but the lay dispensers are in the front line of fire most of the time.

Mr. Chairman: I'm quite confused myself. What is a lay dispenser?

Mrs. Watson: They take over the role of the Public Health Nurse in a community when the Public Health — when they don't have a Public Health Nurse, or if the Public Health Nurse is absent in another area that she is responsible for.

Mr. Chairman: Do I take it to mean that they have the responsibility of dispensing drugs?

Mrs. Watson: Yes, Mr. Chairman, they have limited responsibilities in this area and they have a very limited responsibility and they also are at the scenes of accidents. Very often.

Mr. Chairman: I'm terrified. That's a very dangerous principle.

Hon. Mrs. Whyard: They're federal employees, Mr. Chairman.

Mr. Chairman: Is there any further debate? Shall Clause Three, as amended, carry?

Some Members: Carry.

Mr. Chairman: Clause Four (one):

(Reads Clause 4(1))

(Reads Preamble)

Mr. Chairman: Shall the title carry?

Some Members: Agreed.

Mr. Chairman: Shall I report the Bill as amended?

Some Members: Agreed.

Mr. Chairman: Motion is carried.

(Motion carried)

Mr. Chairman: We will continue with consideration of the Electrical Protection Ordinance.

Mr. Lang?

Hon. Mr. Lang: Mr. Chairman, the amendments for the Insurance Ordinance are just being prepared and I would expect that they would be here — well, they are here right now. I was wondering if we could carry on with that, as that was the business that we were discussing this morning, prior to going into a new Bill.

Some Members: Agreed.

Mr. Chairman: Did you want the presence of Mr. Gillespie or Mr. Taylor to consider these amendments?

Hon. Mr. Lang: I think it would be desirable to have Mr. Gillespie. It is my understanding that Mr. Kennedy has left. And also, Mr. Chairman, could I get the Page to distribute these?

(Recess)

Mr. Chairman: I now call Committee to order.

We will proceed with the amendments to the Insurance Ordinance. I would direct your attention to Page 8, a typographical error was made and so Page 8 is to be replaced by a new Page 8 and Page 8(a).

Hon. Mrs. Whyard: Mr. Chairman?

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Could I be advised as to whether or not this new section has been read?

Mr. Chairman: No, I am just coming to that now. Are you referring to Clause 2?

Hon. Mrs. Whyard: I'm referring to the new portion of page 8, Mr. Chairman.

Mr. Chairman: No, it has not. I'm just going to call for it now.

The Insurance Ordinance, Clause Two, which in-

cludes the new Page 8:

(Reads Clause 2)

Is there any debate. Shall Clause Two be carried?

Some Members: Carried.

Mr. Chairman: Page Twenty-four, Clause Twenty-eight:

(Reads Clause 28)

It has been moved by Mr. Lang, seconded by Mr. McKinnon, that Clause 28 be amended as follows: That the word "may" be deleted and "shall" substituted therefor.

The Superintendent shall require such notice of the application for a licence to be given by publication in the *Yukon Gazette* and elsewhere as he considers necessary.

Some Members: Agreed.

Mr. Chairman: Shall Clause 28 stand as amended?

Some Members: Agreed.

Mr. Chairman: Clause Twenty-nine:

(Reads Clause 29)

This clause had been stood over pending further information being brought forward.

Mr. Gillespie?

Mr. Gillespie: Twenty-nine, sub (six), third line, there is a word missing. Between the words "insurer" and "liability" the word "for" is omitted, so it should read: "After the Power of Attorney is filed, any process in any action or proceeding against the insurer for liability...", so it's a typographical error it turns out.

Mr. Chairman: Thank you, Mr. Gillespie. Shall Clause Twenty-nine carry?

Some Members: Agreed.

Mr. Chairman: Page Ninety-seven, under Statutory Conditions, it has been moved by Mr. Lang, seconded by Mr. McKinnon, that the Statutory Conditions be changed to read: "In these Statutory Conditions, unless the context otherwise requires, the word "insured" means a person insured by this contract, whether named or not."

Shall this amendment carry?

Some Members: Agreed.

Mr. Chairman: Page 128, moved by Mr. xxxxx

Mr. Chairman: Page One hundred and twenty-eight, moved by Mr. Lang, seconded by Mr. McKinnon, that Section One fifty-nine (one)(c) be amended as fol-

lows: That the wording in respect of which insurance of the class mentioned in sub-paragraph Two (e)(i) be deleted and in respect of which automobile liability insurance be substituted therefor.

Shall this amendment carry?

Some Members: Agreed.

Mr. Chairman: Shall the Clause carry as amended?

Some Members: Agreed.

Mr. Chairman: Section One fifty-nine (two), moved by Mr. Lang, seconded by Mr. McKinnon, that the following new subsection be inserted:

"The insurance mentioned in subsection (one) does not apply in respect of a person specified therein who has a right of recovery under an Unsatisfied Judgment Fund or a similar fund in any Province or Territory of Canada or any State or the District of Columbia of the United States of America."

Shall the amendment carry?

Some Members: Agreed.

Mr. Chairman: Shall the Clause carry as amended?

Some Members: Agreed.

Mr. Chairman: Page 134, moved by Mr. Lang, seconded by Mr. McKinnon, that Section 169(1) be amended as follows: Delete "of the kind" mentioned in paragraph 2(t).

Shall the amendment carry?

Some Members: Agreed.

Mr. Chairman: Shall the Clause carry as amended?

Some Members: Agreed.

Mr. Chairman: Page 194, it has been moved by Mr. Lang, seconded by Mr. McKinnon, that Section Two hundred and thirty-six be amended as follows: changed to read "for the purpose of carrying out the provisions of this Ordinance".

Mr. Gillespie?

Mr. Gillespie: Mr. Chairman, in Two hundred and thirty-six sub One in the second line, there is a change that you mentioned there that is required, but in addition to that, under (a), (b) and (c), where the word "part" appears, it should read "Ordinance".

Mr. Chairman: Clause Two hundred and thirty-six, "For the purpose of carrying out the provisions of this Ordinance according to their intent, the Commissioner may make such regulations and orders as are ancillary thereto and without restricting the generality of the foregoing, may make such regulations and orders:

(a) respecting the form and content of all returns, reports and statements required by the Superintendent for the due administration of this Ordinance;

(b) respecting the forms and contents of any documents required for use under this Ordinance, and

(c) respecting the definition of terms used in this Or-

dinance and not herein defined."

Shall the amendment carry?

Some Members: Agreed.

Mr. Chairman: Shall the Clause carry as amended?

Some Members: Agreed.

Mr. Chairman: Mr. Lengerke.

Mr. Lengerke: I just want to go back to Two hundred and thirty-five sub One. Wasn't there some question about that? I think the Administrator raised that point when we were discussing it. Was that clarified? About the penalty section?

Mr. Legal Advisor: I don't recollect, Mr. Chairman, that any discussion occurred on that section.

Mr. Chairman: I think the Clause carried, Mr. Lengerke.

Mr. Lengerke: It did, eh? Okay, thank you. That was page 194.

Mr. Chairman: Schedule — Page 196. It has been moved by Mr. Lang and seconded by Mr. McKinnon that the Schedule be amended as follows by asserting the sub-heading "Accident Benefit Section". Shall the amendment carry?

Some Members: Agreed.

Mr. Chairman: Shall the Schedule carry as amended?

Some Members: Agreed.

Mr. Chairman: Mr. Lang.

Hon. Mr. Lang: For the record, on Page 201, there is a, I guess, a typing error. It should read, "sustained by any person who is convicted of an offence".

Mr. Chairman: Where is that Mr. Lang?

Hon. Mr. Lang: Page 201, the third line at the bottom of the page.

Mr. Chairman: Thank you.

Mr. Gillespie, you drew our attention to the fact that there were three lines missing in subsection Three.

Mr. Gillespie: Yes, Mr. Chairman, I don't have those lines with me.

Mrs. Watson: One hundred and thirty.

Mr. Chairman: Clause One hundred and thirty, Page 92, Subsection Three.

Mr. Legal Advisor: I haven't got the lines either. They were dictated and written in, Mr. Chairman.

Mr. Chairman: Mr. Gillespie.

Mr. Gillespie: Mr. Chairman, I'm sorry, we don't have them in front of us, the three lines that are required to fill in here and there is also another place that I don't have record of, in front of me now — where there was a sub-paragraph (b) missing.

Mr. Chairman: One hundred and forty-three?

Mr. Gillespie: That is correct, Mr. Chairman, that is the other place.

Hon. Mrs. Whyard: Mr. Chairman, that wording is available if you wish to give us five minutes to produce it?

Mr. Chairman: Yes, I was considering it, but I was wondering is there any other areas to be considered as well before you went for those?

Mrs. Watson?

Mrs. Watson: Mr. Chairman, I wonder if the — you would look at page 134, Clause One hundred and sixty-nine, sub One. There is an amendment for it but it just doesn't make sense reading it after we've deleted the words "of the kind mentioned in paragraph 2(t)". Delete those and then read it and — maybe I'm not reading correctly.

Mr. Legal Advisor: Section One hundred and seventy, subsection Two, Mrs. Watson.

Mrs. Watson: One hundred and sixty-nine, sub One.

Mr. Legal Advisor: The deletion, Mr. Chairman, there was to delete the word "of" in the second line and delete down to "is in", so that the first, second, third, fourth, fifth and sixth words are deleted. It would then read, Mr. Chairman, "Subject to 151, insurance under a contract, evidenced by a valid owner's policy is, in respect of liability arising from" and so on.

The deletion is made necessary by the fact that we don't put paragraph letters on the definitions. The whole reference is deleted.

There's about seven lines of a subclause in the middle which will refer to a single noun in the first two lines. So it really says that, "insurance of a certain type, is in respect of a first loss insurance". It's a long subclause.

Mrs. Watson: It's all right then, is it?

Mr. Legal Advisor: Yes, it's still kept, Mr. Chairman.

Mr. Chairman: On Page 39, Clause Forty-six, there have been requests for information with regard to Y.T.G. camps.

Mr. Gillespie: I'm sorry, Mr. Chairman.

Mr. Legal Advisor: The question, Mr. Chairman was asked by the Honourable Member from Dawson, who asked why was there no personal property insurance for camps on the highway. Mr. Kennedy wasn't

able to ascertain that and he was going to get back to the company to find out, but in discussing with me, he said it is a difficulty which arises in respect to insurance for a person who is living in one person's house to insure his personal property under a different policy from the policy which is held by the owner of that house.

A similar minor situation would arise in a special policy of a person living in a guest house for his own personal property, as opposed to the guest house property, but he would look into it and some special form of policy which would be available under those circumstances once he had it back from the people living in a government camp situation. He will be getting back to us.

Mr. Gillespie: Mr. Chairman, I have the wording for Section 143. There is a new subsection (b) to be inserted, which reads:

"Resulting from bodily injury to or the death of" and then inserted a sub-subsection:

"(i) The daughter, son, wife or husband of any person insured by the contract while being carried in or upon or entering or getting onto or alighting from the automobile, or

"(ii) any person insured by the contract, or"...

and then we lead on from there into subsection (c) as indicated here, which was subsection (b).

Mr. Chairman: The proposed amendment reads — Clause One hundred and forty-three sub One:

"The insurer is not liable under a contract evidenced by a motor vehicle liability policy for any liability (a) imposed by any Workmen's Compensation or upon any person insured by the contract;

(b) resulting from bodily injury to or the death of

(i) the daughter, son, wife or husband of any person insured by the contract while being carried in or upon or entering or getting onto or alighting from the automobile, or

(ii) any person insured by the contract; or

(c) resulting from bodily injury to or the death of any employee of any person insured by the contract while engaged in the operation or repair of the automobile".

I would like a mover to this amendment.

Hon. Mr. Lang: I so move, Mr. Chairman.

Mr. Chairman: Secunder?

Hon. Mr. McKinnon: I would so second, Mr. Chairman.

Mr. Chairman: It has been moved by Mr. Lang, seconded by Mr. McKinnon, that Clause One hundred and forty-three be amended as read. Is the amendment carried?

Some Members: Agreed.

Mr. Chairman: Is the Clause carried as amended?

Some Members: Agreed.

Mr. Chairman: Have we yet found the three missing lines in Clause One hundred and thirty?

Mr. Gillespie: Mr. Chairman, I expect that we will have those in a few moments, if the House would be good enough to either recess or wait for a short period of time.

Mr. Chairman: The House will declare a brief recess.

(RECESS)

Mr. Chairman: I now call this Committee to order. I believe we referred you to Page 92, Section One hundred and thirty. It's been moved by Mr. Lang, seconded by Mr. McKinnon, that Section One hundred and thirty sub Three be amended as follows:

"Where in the opinion of the Superintendent any provision of this part, including any statutory conditions is wholly or partly inappropriate to the requirements of a contract or is inapplicable by reason of the requirements of any Ordinance, he may approve a form of policy or part thereof, or endorsement evidencing a contract sufficient or appropriate to ensure the risks required or proposed to be insured, and the contract evidenced by the policy or endorsement in the form so approved is effective and binding, according to its terms, notwithstanding that those terms are inconsistent with, vary, omit or add to any provision or condition of this part."

What does that all mean?

Mr. Legal Advisor: Mr. Chairman, what it means is in short, that a group of words were missing in the seventh line and have been put back.

Mr. Chairman: What does that all mean?

Mr. Legal Advisor: It's a typing error which has been corrected, Mr. ChairmaChairman.

Mr. Chairman: I'm really asking for an interpretation of —

Mr. Legal Advisor: It means that where a statutory condition does not properly apply to the particular contract, the Superintendent may draft for the company a statutory condition which would fit the bill and then that becomes — will have the same legal effect as a statutory condition.

Mr. Chairman: Shall the amendment carry?

Some Members: Agreed.

Mr. Chairman: Shall the Clause carry as amended?

Some Members: Agreed.

Mr. Chairman: Page One hundred and five, Statutory Condition Number Six:

It has been moved by Mr. Lang, seconded by Mr. McKinnon, that Statutory Condition Number Six, sub-three, be amended as follows to read:

"Every action or proceeding against the insurer under this contract in respect of loss or damage to the automobile or in respect of loss or damage to persons or property, shall be commenced with two years from the

time when the loss or damage was sustained and not afterwards."

Mr. Legal Advisor: Mr. Chairman, there's a small typist's error in this amendment as well. It should be — in the fourth line of the amendment — it should be "shall be commenced within two years".

Mr. Chairman: We'll accept that as a typographical error.

Shall the amendment carry?

Some Members: Agreed.

Mr. Chairman: Shall the Clause as amended carry?

Some Members: Agreed.

Mr. Chairman: Clause Two thirty-eight: "This Ordinance or any provision thereof shall come into force on a day or days to be fixed by Order of the Commissioner".

Shall the Clause carry?

Some Members: Agreed.

Mr. Chairman: Preamble:

(Reads Preamble)

Shall the title carry?

Some Members: Agreed.

Mr. Chairman: Shall I report the Bill as amended?

Some Members: Agreed.

Mr. Chairman: Motion ...

Hon. Mrs. Whyard: Mr. Chairman, I would just like to submit prior to that Motion being carried that Mr. Kennedy has undertaken to keep us advised on a number of other points within this Ordinance and will be communicating by letter, so that we are in touch with any changes made in the universal legislation as it affects the insurance industry across Canada.

Mr. Chairman: Shall I report the Bill as amended?

Some Members: Agreed.

Mr. Chairman: Mr. Lengerke?

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

Mr. Chairman: Seconder?

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

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

Are you ready for the question?

Some Members: Question.

Mr. Chairman: Are you agreed?

Some Members: Agreed.

Mr. Chairman: The Motion is carried.

(Motion carried)

(Mr. Speaker resumes Chair)

Mr. Speaker: I will call the House to order.
May we have a report from the Chairman of Committees?

Mr. Hibberd: Mr. Speaker, the Committee of the Whole have considered Motion Number Seven, respecting matters relating to Community Assistance Ordinance and Homeowners' Grant Ordinance, and directed me to report the same.

Committee have also considered Motion Number 6 and directed me to report progress.

The Committee has considered Bill Number Two, Emergency Medical Aid Ordinance, and Bill Number Seven, Insurance Ordinance, and directed me to report the same with amendment.

The Committee asks leave to sit again.

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

Some Member: Agreed.

Mr. Speaker: Leave granted. May I have your further pleasure at this time?

The Honourable Member from Whitehorse Riverdale?

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

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

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

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: This House now stands adjourned until ten a.m. tomorrow morning.

(ADJOURNED)

THE FOLLOWING REPORTS WERE TABLED:

- 76-3-9 Annual Report of the Protective Services Branch 1975
- 76-3-10 Annual Report of the Corrections Branch 1976-1976
- 76-3-11 Historic Sites & Monuments Board Minutes of Meeting, March 18—19 1976
- 76-3-12 Report on Regulations
- 76-3-13 Annual Report of Electrical Public Utilities Board 1975—76
- 76-3-14 Annual Report of Yukon Hospital Insurance Services 1975
- 76-3-15 Justice of the Peace Guide and An Information Sheet regarding Justices of the Peace
- 76-3-16 Report on Administration of the Collective Bargaining Provisions of School Ordinance for year ending March 31, 1975
- 76-3-17 Annual Report of Workmen's Compensation Fund for year ended December 31 1975
- 76-3-18 Report to Council on examination of the accounts and financial statements of Y. T. Compensation Fund for year ended December 31 1975
- 76-3-19 Report to Council on the examination of the accounts and financial statements of the Yukon Territory for year ended March 31 1976
- 76-3-20 Introduction of Financial Restraint Measures Memorandum

LEGISLATIVE RETURN

(1976 THIRD SESSION)

June 24, 1976



Mr. Speaker,
Members of Council

On May 20, 1976, Councillor Berger asked the following question:

"How many land use permits were issued to date for oil and mineral exploration along the Dempster Highway and to whom?"

The answer is as follows:

				Expiry Date
Y72B005	Canadian Delhi Oil Ltd. W.E. Plains	Eagle Plains	Closed	30/4/72
Y72B012	Chevron Standard	Eagle Plains	Closed	15/4/72
Y72B020	Petrofino Canada Ltd.	Eagle Plains	Closed	30/9/72
Y72A024	Inexco Oil Co. Co-ordinates of wellsite 60° 20' 22" N. 140° 06' 13" W.	Porcupine - Eagle Plains	Closed	31/12/72
Y72E028	D.P.W.	Dempster Highway 156-178	Closed	30/11/72
Y72E031	D.P.W.	Dempster Highway M.P. 178	Closed	30/4/73
Y72B039	Chevron Standard	Eagle Plains	Closed	30/9/72
Y72H041	Y.T.G.	Dempster Highway Various Locations	Closed	31/10/72
43	Y.T.G.	Dempster Highway M.P. 123	Closed	30/9/72
Y72H050	D.P.W.	Dempster Highway M.P. 78-123	Closed	8/72
Y72A067	Chevron Standard	Eagle Plains	Closed	30/4/73
Y72S077	Westburne Drilling	Dempster Highway M.P. 131	Closed	15/12/73
Y73H082	D.P.W.	Dempster Highway M.P. 178-237	Closed	30/11/74
Y73B083	Petrofina Canada Ltd.	Eagle Plains		30/4/73
Y73S097	Nabors Drilling	Dempster Highway M.P. 163		31/3/74
Y73S098	Globe Universal	Dempster Highway M.P. 169		31/12/73
Y73S100	Inexco Oil	Dempster Highway M.P. 100		30/11/73
Y73B136	Aquitaine Canada	Eagle Plains		1/4/74
Y74S138	L.I. Adams Cont.	Dempster Highway M.P. 123		30/9/74
Y74H146	D.P.W.	Eagle River		15/4/74
Y74S160	Dynasty Exploration	Dempster Highway M.P. 134		15/8/74
Y74S161	Westcoast Petroleum	Dempster Highway M.P. 166		30/6/74
Y74S175	Hudson Bay Exploration & Development	Dempster Highway M.P. 77.5		30/9/74
Y74H188	D.P.W.	Dempster Highway M.P. 204		30/11/75
196	D.P.W.	Dempster Highway M.P. 78 - 290	NO PERMIT ISSUED	
Y75J230	Nabors Drilling	Dempster Highway M.P. 163		1/4/76
Y75J239	Y.T.G.	Dempster Highway M.P. 155.3		15/7/75
Y75H260	D.P.W.	Dempster Highway M.P. 236.8 - 289.8		14/11/77

Y76H280	D.P.W.	Dempster Highway M.P. 178 - 237	1/9/76
Y76H284	Geological Survey Canada	Dempster Highway	15/9/76
		65° 03'N. 138° 14'W. Eagle River	
		66° 02'N. 137° 16'W. Ogilvie River	
Y76H294	D.P.W.	Eagle River Bridge	30/10/76

M. E. Miller,
Member,
Executive Committee.

LEGISLATIVE RETURN
1976 (Third) Session

Mr. Speaker
Members of the Assembly

On November 3, 1976, Ms. Eleanor Millard asked the following question:

"On July 14 of this year, a letter was sent from R.C. Fraser, Vice-President, Corporate Affairs and Assistant to the President of C.B.C., to our former Commissioner, James Smith. In the letter it states: "The suggestion that your officials might meet with ours to discuss if some agreement might be reached between the Yukon Government and C.B.C. to bring C.B.C. radio to Old Crow and Pelly Crossing is acceptable to us and we are ready to meet".

- 1) How far along are these discussions?
- 2) What plan does the Territorial Government have to assist these communities to obtain C.B.C. radio coverage?

The answer to the above question is as follows:

- 1) A meeting was held in Whitehorse on October 29, 1976, between Commissioner Pearson, Mr. Miller and Mr. Murphy of YTG and Mr. Fraser, Vice-President Corporate Affairs, C.B.C., with two of his staff. The main points discussed were the provision of C.B.C. Radio service to Old Crow and Pelly Crossing.
- 2) We were advised that Old Crow does qualify under the Northern Broadcast Plan, however, this plan has not yet been approved by Cabinet. Pelly Crossing does not appear to qualify under the Northern Broadcast Plan, however, we are checking population figures to substantiate this.

Steps are being taken by YTG and C.B.C. to determine the costs of providing radio coverage to these communities and the various means by which service could be implemented.

When this information is available, Members will be advised.

November 8, 1976.

M. E. Miller,
Member,
Executive Committee.

LEGISLATIVE RETURN

(1976 SESSION)

Mr. Speaker,
Members of the Assembly

On November 4th, 1976, Mrs. Hilda Watson asked the following questions:

1. What was the deadline date for application for a Home Owner Grant?
2. Were as many applications filed for a grant as had been anticipated?
3. How many grant applications were approved (broken down into communities)?
4. How much money did this involve?

The answers to the above questions are as follows:

1. The application must be mailed by September 30th of the current year or be delivered by the 30th of September of the current year. Except in those instances where the applicant has purchased the property prior to July 1st in the current year and has not qualified by way of residency by occupying the home for 183 days prior to September 30th -- applicant in this instance will have 200 days from date of purchase in which to make application.
2. No -- 65% of anticipated applications received.
3. See attached breakdown.
4. Total paid to date -- \$207,402.79.

Some applications are still anticipated from new property owners who purchased between April 15 and June 30 of this year.

8/11 1976

 Signature

BREAKDOWN OF HOME OWNERS' GRANT PAYMENTS

FOR 1976 BY COMMUNITY

<u>Community</u>	<u>Amount</u>	<u>Number Paid</u>
Whitehorse	\$197,105.86	1,206
Dawson	1,566.67	21
Faro	67.03	1
Watson Lake	5,230.18	49
Mayo	550.98	7
Haines Junction	583.84	9
Teslin	97.98	2
Carmacks	242.76	2
Ross River	40.98	2
Carcross - Tagish	1,286.90	16
Elsa	-	-
North Highway	27.33	1
South Highway	96.84	2
Klondike Highway	505.44	5
	\$207,402.79	1,323

LEGISLATIVE RETURN

(1976 THIRD SESSION)

June 24,




Mr. Speaker,
 Members of Council

On May 20, 1976, Councillor Berger asked the following question:

"How many land use permits were issued to date for oil and mineral exploration along the Dempster Highway and to whom?"

The answer is as follows:

				<u>Expir Date</u>
Y72B005	Canadian Delhi Oil Ltd. W.E. Plains	Eagle Plains	Closed	30/4/72
Y72B012	Chevron Standard	Eagle Plains	Closed	15/4/72
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Y72B039	Chevron Standard	Eagle Plains	Closed	30/9/72
Y72H041	Y.T.G.	Dempster Highway Various Locations	Closed	31/10/72
Y72H043	Y.T.G.	Dempster Highway M.P. 123	Closed	30/9/72
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Y72S077	Westburne Drilling	Dempster Highway M.P. 131	Closed	15/12/73
Y73H082	D.P.W.	Dempster Highway M.P. 178-237		30/11/74
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Y74S161	Westcoast Petroleum	Dempster Highway M.P. 166		30/6/74
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Y76H280	D.P.W.	Dempster Highway M.P. 178 - 237		1/9/76
Y76H284	Geological Survey Canada 65° 03'N. 138° 14'W. 66° 02'N. 137° 16'W.	Eagle River Ogilvie River		15/9/76
Y76H294	D.P.W.	Eagle River Bridge		30/10/76


 M. E. Miller,
 Member,
 Executive Committee.