



STATUTES OF THE YUKON
1989/90



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Statutes of the Yukon
Passed By The Legislature Of
The Yukon Territory
In The Years
1989 and 1990

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STATUTES OF THE YUKON
1989-90

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ADDENDUM

TITLE	CITATION	PROVISION AMENDED, REPEALED OR ADDED	CITATION OF AMENDMENTS, REPEALS, AND ADDITIONS, ON COMING INTO FORCE
Health	SY 1989-90, c. 36		
Travel for Medical Treatment		s. 4 s. 4 s. 4	SY 1989-90, c. 36, s. 48 SY 1989-90, c. 36, s. 48 SY 1989-90, c. 36, s. 48



**STATUTES OF THE YUKON
1989-90**

CHAPTER 1

**DAY OF MOURNING
FOR VICTIMS OF WORKPLACE INJURIES ACT**

(Assented to April 13, 1989)

Whereas all Yukoners remember and pay their respects to the Yukoners who are injured or killed in the course of their employment,

The Commissioner of the Yukon Territory, by and with the advice and consent of the Legislative Assembly, enacts as follows:

1. April 28 of each year is hereby declared a day of mourning in the Yukon for workers killed or injured in the course of their employment.

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CHAPTER 2
FIFTH APPROPRIATION ACT, 1987-88
(Assented to March 16, 1989)

Whereas it appears by message from the Commissioner and in the estimates accompanying the message that, in addition to the sums previously appropriated, the sums not appearing in parenthesis in Schedule "A" of this Act are required for the purpose of defraying certain expenses of the public service of the Yukon and for related purposes for the period of 12 months ending on March 31, 1988;

The Commissioner of the Yukon Territory, by and with the advice and consent of the Legislative Assembly, enacts as follows:

1.(1) In addition to the sum of \$114,302,000 provided for in the First Appropriation Act, 1987-88, the sum of \$186,597,000 provided for in the Second Appropriation Act, 1987-88, the sum of \$9,711,000 provided for in the Third Appropriation Act, 1987-88, and the sum of \$37,014,000 provided for in the Fourth Appropriation Act, 1987-88, from and out of the Yukon Consolidated Revenue Fund there may be paid and applied a sum not exceeding in the whole \$3,921,000 for defraying the several charges and expenses of the public service of the Yukon payable in the period of 12 months ending on March 31, 1988, as set forth in Schedule "A" of this Act, and that sum shall not be paid or applied except in accordance with Schedules "A" and "B", the Financial Administration Act and, subject to that Act, the estimates accompanying the message from the Commissioner.

(2) The sums previously appropriated to a vote or item that is listed in Schedule "A" or in Schedule "B" and that has a sum appearing in parenthesis after it are reduced by the amount of the sum appearing in parenthesis.

2. The due application of all monies paid or applied pursuant to section 1 shall be accounted for.

SCHEDULE A

		\$ (Dollars in 000's)		
		Voted To Date	This Appropriation	Total Voted (Current Spending Authority)
Sums required this appropriation				
Operation and Maintenance Votes				
09	Community & Transportation Services	43,796	328	44,124
15	Health & Human Resources	38,393	1,321	39,714
10	Public Service Commission	5,602	872	6,474
18	Yukon Housing Corporation	1,305	1,185	2,490
20	Loan Amortization	<u>1,848</u>	<u>24</u>	<u>1,872</u>
	Subtotal Operation and Maintenance	<u>90,944</u>	<u>3,730</u>	<u>94,674</u>
Capital votes				
16	Government Services	<u>8,258</u>	<u>191</u>	<u>8,449</u>
	TOTAL SUMS REQUIRED	<u>99,202</u>	<u>3,921</u>	<u>103,123</u>

Sums not required this appropriation

Operation and Maintenance Votes				
01	Yukon Legislative Assembly	1,796	(111)	1,685
02	Executive Council Office	4,036	(151)	3,885
07	Economic Development: Mines and Small Business	2,435	(21)	2,414
03	Education	42,937	(484)	42,453
12	Finance	2,685	(51)	2,634
16	Government Services	14,375	(581)	13,794
08	Justice	17,217	(273)	16,944
14	Renewable Resources	7,511	(171)	7,340
13	Tourism	3,265	(242)	3,023
11	Women's Directorate	243	(13)	230
20	Loan Capital	<u>8,000</u>	<u>(6,956)</u>	<u>1,044</u>
	Subtotal Operation and Maintenance	<u>104,500</u>	<u>(9,054)</u>	<u>95,446</u>
Capital votes				
02	Executive Council Office	41	(4)	37
09	Community & Transportation Services	59,413	(13,516)	45,897
07	Economic Development: Mines and Small Business	10,855	(5,143)	5,712
03	Education	24,489	(3,253)	21,236
15	Health & Human Resources	2,355	(597)	1,758
08	Justice	283	(22)	261
14	Renewable Resources	1,702	(96)	1,606
13	Tourism	2,842	(133)	2,709

\$ (Dollars in 000's)

		Voted To Date	This Appropriation	Total Voted (Current Spending Authority)
22	Yukon Development Corporation	29,500	0	29,500
18	Yukon Housing Corporation	2,990	(269)	2,721
19	Yukon Liquor Corporation	<u>351</u>	<u>(136)</u>	<u>215</u>
	Subtotal Capital	<u>134,821</u>	<u>(23,169)</u>	<u>111,652</u>
	TOTAL SUMS NOT REQUIRED	<u>239,321</u>	<u>(32,223)</u>	<u>207,098</u>
	NET TOTAL	<u>338,523</u>	<u>(28,302)</u>	<u>310,221</u>

SCHEDULE B

Grants

The sums mentioned in this Schedule have been included in the sums mentioned in Schedule "A". They are extracted from Schedule A and mentioned here only to show that they have been appropriated for grants rather than for some other purpose. They are not appropriations in addition to what is mentioned in Schedule "A".

		\$ (Dollars in 000's)		
		Voted To Date	This Appro- priation	Total Voted (Current Spending Authority)
Sums required this appropriation				
Operation and Maintenance Votes				
09	Community & Transportation Services			
	- Assessment Equalization	0	448	448
	- Hamlet O & M	0	14	14
	- In-Lieu-of Property Tax	1,468	74	1,542
	- Homeowner Grant	917	103	1,020
03	Education			
	- Terry Fox Fund	0	3	3
15	Health & Human Resources			
	- Family Allowances	0	49	49
	- Social Assistance	0	2,084	2,084
	- Pioneer Utility Grant	175	33	208
	- Home Care	30	40	70
	- Support to Voc. Rehab. Clients	0	92	92
	- C.N.I.B.	0	2	2
	- Geriatric Care Bursaries	0	15	15
	Subtotal Operation and Maintenance	<u>2,590</u>	<u>2,957</u>	<u>5,547</u>
Capital Votes				
15	Health & Human Resources			
	- Community Agency Innovations	<u>80</u>	<u>26</u>	<u>106</u>
	TOTAL SUMS REQUIRED	<u>2,670</u>	<u>2,983</u>	<u>5,653</u>

		\$ (Dollars in 000's)		
		Voted To Date	This Appro- priation	Total Voted (Current Spending Authority)
Sums not required this appropriation				
Operation and Maintenance Votes				
02	Executive Council Office			
	- Asia Pacific Found. Govt.	25	0	25
09	Community & Transportation Services			
	- Dwelling Unit	2,759	(468)	2,291
	- Conditional Municipal Grants	347	0	347
03	Education			
	- Yukon College Student Travel	2	(2)	0
	- Student Activity Supp. Program	15	(14)	1
	- Post Secondary Student Grants	1,101	(173)	928
	- Adult Educ. Gen. Training Allowance	550	(163)	387
	- Training Allowance-Apprenticeship	3	(2)	1
15	Health & Human Resources			
	- Daycare	379	(36)	343
	- Yukon Seniors Income Subsidy	430	(7)	423
13	Tourism			
	- Museum Grants	70	0	70
11	Women's Directorate			
	- Women's Groups, Conferences & Special Activities	<u>11</u>	<u>0</u>	<u>11</u>
	Subtotal Operation and Maintenance	<u>5,692</u>	<u>(865)</u>	<u>4,827</u>
Capital Votes				
15	Health & Human Resources			
	- Daycare Development	<u>300</u>	<u>(58)</u>	<u>242</u>
	TOTAL SUMS NOT REQUIRED	<u>5,992</u>	<u>(923)</u>	<u>5,069</u>
	NET SUMS REQUIRED	<u>8,662</u>	<u>2,060</u>	<u>10,722</u>

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STATUTES OF THE YUKON
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CHAPTER 3

FIRST APPROPRIATION ACT, 1989-90

(Assented to April 25, 1989)

Whereas it appears by message from the Commissioner and in the estimates accompanying the message that the sums mentioned in Schedule "A" of this Act are required for the purpose of defraying certain expenses of the public service of the Yukon and for related purposes for the period of 12 months ending March 31, 1990;

The Commissioner of the Yukon Territory, by and with the advice and consent of the Legislative Assembly, enacts as follows:

1. From and out of the Yukon Consolidated Revenue Fund there may be paid and applied a sum not exceeding in the whole \$334,004,000 for defraying the several charges and expenses of the public service of the Yukon payable in the period of 12 months ending on March 31, 1990, as set forth in Schedule "A" of this Act, and that sum shall not be paid or applied except in accordance with Schedules "A", "B", and "C", the Financial Administration Act and, subject to that Act, the estimates accompanying the message from the Commissioner.

2. The due application of all monies paid or applied pursuant to section 1 shall be accounted for.

SCHEDULE A

\$ (Dollars in 000's)

Operation and Maintenance Votes

09	Yukon Legislative Assembly	1,857
02	Executive Council Office	5,308
09	Community & Transportation Services	49,040
07	Economic Development: Mines and Small Business	2,343
03	Education	51,253
12	Finance	4,066
16	Government Services	17,367
15	Health & Human Resources	46,915
08	Justice	20,000
10	Public Service Commission	7,277
14	Renewable Resources	9,510
13	Tourism	4,043
11	Women's Directorate	319
18	Yukon Housing Corporation	6,360
19	Yukon Liquor Corporation	one dollar
22	Yukon Development Corporation	one dollar
20	Loan Capital	2,500
20	Loan Amortization	<u>2,122</u>
	Subtotal Operation and Maintenance	<u>230,280</u>

Capital Votes

02	Executive Council Office	22
09	Community & Transportation Services	49,024
07	Economic Development: Mines and Small Business	12,191
03	Education	15,940
16	Government Services	8,188
15	Health & Human Resources	2,235
08	Justice	156
14	Renewable Resources	1,709
13	Tourism	1,868
18	Yukon Housing Corporation	<u>12,391</u>
	Subtotal Capital	<u>103,724</u>
	TOTAL SUMS REQUIRED	<u>334,004</u>

SCHEDULE B

Grants

The sums mentioned in this Schedule have been included in the sums mentioned in Schedule "A". They are extracted from Schedule "A" and mentioned here only to show that they have been appropriated for grants rather than for some other purpose. They are not appropriations in addition to what is mentioned in Schedule "A".

Operation and Maintenance Votes	Purpose	Grant Amount \$ (Dollars in 000's)
01 Yukon Legislative Assembly	- National Youth Parliament Association	1
02 Executive Council Office	- Asia Pacific Foundation	25
09 Community & Transportation Services	- In-Lieu-of Property Taxes	1,930
	- Conditional Municipal Water and Sewer	345
	- Municipal Operating	2,977
	- Community Clean-up	4
	- Hamlet Operations & Maint.	14
	- Home Owner	1,252
07 Economic Development: Mines and Small Business		
03 Education	- Yukon College	one dollar
	- Yukon College - Student Travel	1
	- Student Activity Support Program	17
	- Post Secondary Student Grants	1,054
	- Adult Education General Training Allowance	629
	- Training Allowances - Apprentices	2
	- Carcross Library Maintenance	4
	- Library Volunteers	3
12 Finance	- W.C.B. Supplementary Benefits	360
16 Government Services		-
15 Health & Human Resources	- Adoption Subsidies	32
	- Daycare Subsidies	352
	- Daycare Operating Grants	245
	- Family Allowance	56
	- Social Assistance	2,619
	- Yukon Seniors Income Supplement	485
	- Pioneer Utility Grant	224
	- Support Services to Vocational Rehabilitation Clients	122
	- C.N.I.B.	3
08 Justice	- Human Rights Commission	207
10 Public Service Commission		

		Grant Amount
		\$ (Dollars in 000's)
Operation and Maintenance Votes		
14	Renewable Resources	
		- Fur Institute of Canada 20
		- College of Veterinary Science 3
13	Tourism	
		- Historic Sites Grants 10
		- Museum Grants 47
11	Women's Directorate	
18	Yukon Housing Corporation	
19	Yukon Liquor Corporation	
22	Yukon Development Corporation	-
	Subtotal Operation and Maintenance Grants	<u>13,043</u>
Capital Votes		
01	Yukon Legislative Assembly	
02	Executive Council Office	
09	Community & Transportation Services	
07	Economic Development: Mines and Small Business	
		- Fur Enhancement Program 30
03	Education	
12	Finance	
16	Government Services	
15	Health & Human Resources	
08	Justice	
10	Public Service Commission	
14	Renewable Resources	
13	Tourism	
11	Women's Directorate	
18	Yukon Housing Corporation	
19	Yukon Liquor Corporation	
22	Yukon Development Corporation	
	Subtotal Capital Grants	<u>30</u>
	TOTAL GRANTS	<u>13,073</u>

SCHEDULE C

DEPARTMENTAL DEFINITION

YUKON LEGISLATIVE ASSEMBLY:

The Yukon Legislative Assembly is the legislature of the Yukon, consisting of Members who are elected by the people of the Yukon. Through them Yukoners make territorial laws and provide money needed by the Government of the Yukon for the present and future good of the people of the territory.

DEPARTMENTAL OBJECTIVES

EXECUTIVE COUNCIL OFFICE:

To provide Cabinet, Management Board, and their sub-committees with secretarial and administrative support.

To provide Cabinet, and other departments with central policy analysis, communications, statistical, and audit services.

To co-ordinate, represent and promote Yukon government interests in land claims, devolution, negotiations, and relations with other governments.

DEPARTMENT OF COMMUNITY AND TRANSPORTATION SERVICES:

To promote local self-government, to provide support to municipalities, and to provide municipal services and facilities in unincorporated communities.

To provide property assessment, general property taxation, and school taxation services.

To plan, develop, and dispose of Yukon lands and to manage land use activity.

To plan, develop, maintain and regulate safe and efficient transportation systems and services for the Yukon.

To support the development of arts, sports, and community recreation throughout the Yukon.

To foster the development and provision of communication systems and services to enhance the economic and social opportunities of Yukoners.

To promote the improvement and cost-effectiveness of infrastructure through undertaking applied research into Northern infrastructure development.

DEPARTMENT OF ECONOMIC DEVELOPMENT: MINES AND SMALL BUSINESS:

To promote development of a self-sustaining Yukon economy, with a balance and diversification of primary, secondary, and service industries, providing an acceptable level of income for Yukon residents in either wage or kind.

To increase the participation of Yukoners in employment, management, and ownership of Yukon business; to decrease leakage of wages and profits from the Territory, and increase economic returns, capital accumulation, and local influence on economic decision-making for the Yukon.

To promote a more equitable distribution of economic benefits throughout all regions and segments of the population.

DEPARTMENT OF EDUCATION:

To ensure that all Yukoners are provided with the learning opportunities to achieve their maximum personal potential by the department planning, developing, implementing, and evaluating:

- elementary and secondary education for all school age children;
- French Language programs;
- adult training and continuing education programs;
- human resource development planning services, employment development and job retention programs; and
- library and archival services.

To provide funds for the development, promotion and evaluation of the Native languages program and for the training of local instructors for the program, and to provide the required central support.

DEPARTMENT OF FINANCE:

To ensure that the financial resources of the Government of the Yukon are planned, utilized, and controlled in a manner that meets the priorities of the government and complies with the statutes.

DEPARTMENT OF GOVERNMENT SERVICES:

To acquire goods and services and provide buildings for departments in a manner that ensures fair and equitable treatment of the private sector and reflects the social and economic priorities of the Government.

DEPARTMENT OF HEALTH AND HUMAN RESOURCES:

To reduce lack of opportunity due to health or social condition and enhance the potential and well-being of all Yukoners while recognizing and respecting age, gender, culture, abilities, and community differences.

DEPARTMENT OF JUSTICE:

To respond to Yukon community needs by providing services designed to reduce crime and to save and protect potential victims.

To provide police services designed to preserve law and order.

To provide facilities and infrastructure for the resolution of civil and criminal matters as and when they arise.

To provide secure housing and correctional services designed to protect communities from offenders and to provide rehabilitative services to offenders.

To maintain safe employment, orderly and responsible commercial and professional services in the Yukon, and to promote the public interest in labour-management harmony and the consumer interest in commercial and professional activities.

To provide funds for the operation of the Yukon Human Rights Commission and Board of Adjudication.

PUBLIC SERVICE COMMISSION:

To provide advisory and administrative services to Cabinet, Management Board, and departmental management to contribute to the effective, efficient and equitable management of the Government's human resources, in accordance with applicable legislation and government goals and objectives.

DEPARTMENT OF RENEWABLE RESOURCES:

To provide for the planning, development, and management of the Yukon's renewable resources.

DEPARTMENT OF TOURISM:

To promote and develop the Yukon as a tourism destination for the economic and social benefit of Yukoners and to assist the private sector in similar efforts.

To develop, enhance, and transmit, for the benefit of all Yukoners and visitors, an appreciation and understanding of the Yukon's heritage as well as to preserve these resources for present and future generations.

WOMEN'S DIRECTORATE:

To improve the economic, social, and legal status of Yukon women to achieve gender equality.

YUKON HOUSING CORPORATION:

To ensure the provision and availability of adequate, suitable, and affordable accommodation to the Yukon households in need.

To ensure the provision and availability of adequate and suitable accommodation to the employees of the Government of the Yukon living outside of Whitehorse, and to administer the Government's Employee Housing Buyback Program.

To foster and promote programs that will assist the housing industry to supply adequate housing within the Yukon.

To create and promote an environment of community participation in the design, development and delivery of housing programs.

YUKON LIQUOR CORPORATION:

To provide for and to regulate the purchase, importation, distribution and retail sale of alcoholic beverages in the Yukon by:

- operating warehouses and retail stores in a manner that provides a level of service to the public and licensees that meets their needs while ensuring that optimal revenue is transferred to the Consolidated Revenue Fund;
- inspecting licensees' premises to ensure compliance with the Liquor Act; and
- providing and regulating the issuance, cancellation, and suspension of liquor licences.

To provide the services of Territorial Agent in rural communities where a liquor store is located.

YUKON DEVELOPMENT CORPORATION:

To participate with the private sector in the economic development of the Yukon.

To develop and promote the development of the Yukon resources on an environmentally acceptable basis while achieving reasonable economic returns.

To own the assets of the Yukon Energy Corporation, and any other operation to the benefit of the Yukon's economy.

QUEEN'S PRINTER FOR THE YUKON



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CHAPTER 4

FRESHWATER FISHERIES AGREEMENT ACT

(Assented to March 16, 1989)

The Commissioner of the Yukon Territory, by and with the advice and consent of the Legislative Assembly, enacts as follows:

1.(1) The Commissioner in Executive Council is hereby authorized to make on behalf of the Government of the Yukon agreements with the Government of Canada under which the Government of the Yukon will administer Acts of the Parliament of Canada pertaining to the management and regulation of the freshwater fishery in the Yukon.

(2) The Executive Council Member may sign the agreement on behalf of the Commissioner in Executive Council.

(3) Subject to section 2, the Commissioner in Executive Council is hereby empowered to do whatever executive acts are necessary to implement the agreements.

2. The expenditure of money that is received by the Government of the Yukon pursuant to an agreement under this Act is contingent upon there being an appropriation by the Legislature for that type of expenditure.

QUEEN'S PRINTER FOR THE YUKON



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CHAPTER 5

ACT TO AMEND THE HOME OWNERS GRANT ACT

(Assented to April 25, 1989)

The Commissioner of the Yukon Territory, by and with the advice and consent of the Legislative Assembly, enacts as follows:

1. This Act amends the Home Owners Grant Act.

2.(1) In paragraph 2(2)(a) of the said Act the expression "\$450" is substituted for the expression "\$350".

(2) In paragraph 2(3)(a) of the said Act the expression "\$500" is substituted for the expression "\$350".

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**STATUTES OF THE YUKON
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CHAPTER 6

ACT TO AMEND THE INSURANCE ACT

(Assented to April 25, 1989)

The Commissioner of the Yukon Territory, by and with the advice and consent of the Legislative Assembly, enacts as follows:

1. This Act amends the Insurance Act.

2. The following paragraphs are added to subsection 22.1(1):

- “(k.1) life insurance;
- (k.2) sickness insurance;
- (k.3) accident insurance;”.

3. The following subsection is substituted for subsection 22.1(3):

“(3) Subsection (2) does not apply to

- (a) an insurer whose business is limited to the business of reinsurance, or
- (b) an insurer or a class of insurance excluded by the regulations.”

4. The following paragraph is added to section 44:

“(b.3) excluding insurers or classes of insurance from the operation of subsection 22.1(2);”.

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1989-90**

CHAPTER 7

INTERIM SUPPLY APPROPRIATION ACT, 1989-90

(Assented to March 16, 1989)

Whereas it appears by message from the Commissioner and in the estimates accompanying the message that the sums mentioned in Schedule "A" of this Act are required for the purpose of defraying certain expenses of the public service of the Yukon and for related purposes for the period from April 1, 1989 to May 31, 1989;

The Commissioner of the Yukon Territory, by and with the advice and consent of the Legislative Assembly, enacts as follows:

1. From and out of the Yukon Consolidated Revenue Fund there may be paid and applied a sum not exceeding in the whole \$61,721,000 for defraying the several charges and expenses of the public service of the Yukon for the period from April 1, 1989 to May 31, 1989, as set forth in Schedule "A" of this Act, and that sum shall not be paid or applied except in accordance with Schedule "A" and the Financial Administration Act and, subject to that Act, the estimates accompanying message from the Commissioner.

SCHEDULE A

\$ (Dollars in 000's)

		Total
Operation and Maintenance Votes		
01	Yukon Legislative Assembly	320
02	Executive Council Office	910
09	Community & Transportation Services	9,000
07	Economic Development: Mines and Small Business	400
03	Education	8,720
12	Finance	1,500
16	Government Services	3,500
15	Health & Human Resources	8,000
08	Justice	3,400
10	Public Service Commission	1,250
14	Renewable Resources	1,620
13	Tourism	700
11	Women's Directorate	60
18	Yukon Housing Corporation	1,100
22	Yukon Development Corporation	one dollar
19	Yukon Liquor Corporation	one dollar
20	Loan Capital	500
20	Loan Amortization	96
TOTAL OPERATION AND MAINTENANCE		<u>41,076</u>
Capital Votes		
02	Executive Council Office	5
09	Community & Transportation Services	12,000
07	Economic Development: Mines and Small Business	2,450
03	Education	1,600
16	Government Services	2,000
15	Health & Human Resources	1,000
08	Justice	40
14	Renewable Resources	200
13	Tourism	350
18	Yukon Housing Corporation	1,000
TOTAL CAPITAL		<u>20,645</u>
TOTAL O & M CAPITAL REQUIRED		<u>61,721</u>

QUEEN'S PRINTER FOR THE YUKON



**STATUTES OF THE YUKON
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CHAPTER 8

**AN ACT TO AMEND
THE OCCUPATIONAL HEALTH AND SAFETY ACT**

(Assented to March 16, 1989)

The Commissioner of the Yukon Territory, by and with the advice and consent of the Legislative Assembly, enacts as follows:

- 1. This Act amends the Occupational Health and Safety Act.**
- 2. The following subsection is substituted for subsection 2(3):**

“(3) The Government of the Yukon and each board, commission, foundation, corporation, or other similar agency established as an agent of the Government of the Yukon is bound by this Act.”

QUEEN'S PRINTER FOR THE YUKON



**STATUTES OF THE YUKON
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CHAPTER 9

**AN ACT TO AMEND
THE STUDENTS FINANCIAL ASSISTANCE ACT**

(Assented to April 25, 1989)

The Commissioner of the Yukon Territory, by and with the advice and consent of the Legislative Assembly, enacts as follows:

1. This Act amends the Students Financial Assistance Act.

2. Paragraph 7(1)(c) is amended by adding after the expression "that make it reasonably necessary for him" the following expression:

"or his family".

3. The operation of this amendment is subject to the appropriation of funds toward its purposes by the Legislative Assembly.

QUEEN'S PRINTER FOR THE YUKON



**STATUTES OF THE YUKON
1989-90**

CHAPTER 10

THIRD APPROPRIATION ACT, 1988-89

(Assented to April 13, 1989)

Whereas it appears by message from the Commissioner and in the estimates accompanying the message that, in addition to the sums previously appropriated, the sums not appearing in parenthesis in Schedule "A" of this Act are required for the purpose of defraying certain expenses of the public service of the Yukon and for related purposes for the period of 12 months ending on March 31, 1989;

The Commissioner of the Yukon Territory, by and with the advice and consent of the Legislative Assembly, enacts as follows:

1.(1) In addition to the sum of \$100,474,000 provided for in the First Appropriation Act, 1988-89, and the sum of \$206,503,000 provided for in the Second Appropriation Act, 1988-89, from and out of the Yukon Consolidated Revenue Fund there may be paid and applied a sum not exceeding in the whole \$25,839,000 for defraying the several charges and expenses of the public service of the Yukon payable in the period of 12 months ending on March 31, 1989, as set forth in Schedule "A" of this Act, and that sum shall not be paid or applied except in accordance with Schedule "A", the Financial Administration Act and, subject to that Act, the estimates accompanying the message from the Commissioner.

(2) The sums previously appropriated to a vote or item that is listed in Schedule "A" and that has a sum appearing in parenthesis after it are reduced by the amount of the sum appearing in parenthesis.

2. The due application of all monies paid or applied pursuant to section 1 shall be accounted for.

SCHEDULE A

		\$ (Dollars in 000's)		
		Voted To Date	This Appro- piation	Total Voted (Current Spending Authority)
Sums required this appropriation				
Operation and Maintenance Votes				
01	Yukon Legislative Assembly	1,810	248	2,058
02	Executive Council Office	4,650	639	5,289
09	Community & Transportation Services	46,333	2,911	49,244
07	Economic Development: Mines and Small Business	2,131	463	2,594
03	Education	45,553	2,287	47,840
16	Government Services	15,174	1,213	16,387
15	Health & Human Resources	42,601	3,054	45,655
08	Justice	18,199	414	18,613
10	Public Service Commission	4,022	3,370	7,392
14	Renewable Resources	8,574	253	8,827
11	Women's Directorate	242	40	282
	Subtotal Operation and Maintenance	<u>189,289</u>	<u>14,892</u>	<u>204,181</u>
Capital Votes				
09	Community & Transportation Services	46,048	5,035	51,083
03	Education	17,425	4,916	22,341
15	Health & Human Resources	3,569	807	4,376
08	Justice	140	4	144
14	Renewable Resources	1,631	50	1,681
19	Yukon Liquor Corporation	117	135	252
	Subtotal Capital	<u>68,930</u>	<u>10,947</u>	<u>79,877</u>
	TOTAL SUMS REQUIRED	<u>258,219</u>	<u>25,839</u>	<u>284,058</u>

		\$ (Dollars in 000's)		
		Voted To Date	This Appropriation	Total Voted (Current Spending Authority)
Sums not required this appropriation				
Operation and Maintenance Votes				
12	Finance	2,863	(34)	2,829
13	Tourism	3,607	-	3,607
18	Yukon Housing Corporation	6,047	(550)	5,497
19	Yukon Liquor Corporation	one dollar	-	one dollar
22	Yukon Development Corporation	one dollar	-	one dollar
20	Loan Capital	2,500	-	2,500
20	Loan Amortization	<u>2,197</u>	<u>-</u>	<u>2,197</u>
	Subtotal Operation and Maintenance	<u>17,214</u>	<u>(584)</u>	<u>16,630</u>
Capital Votes				
02	Executive Council Office	87	(5)	82
07	Economic Development: Mines and Small Business	11,570	(435)	11,135
16	Government Services	7,532	-	7,532
13	Tourism	2,466	(70)	2,396
18	Yukon Housing Corporation	<u>9,889</u>	<u>(2,585)</u>	<u>7,304</u>
	Subtotal Capital	<u>31,544</u>	<u>(3,095)</u>	<u>28,449</u>
	TOTAL SUMS NOT REQUIRED	<u>48,758</u>	<u>(3,679)</u>	<u>45,079</u>
	NET TOTAL	<u>306,977</u>	<u>22,160</u>	<u>329,137</u>

QUEEN'S PRINTER FOR THE YUKON



**STATUTES OF THE YUKON
1989-90**

**CHAPTER 11
AN ACT TO AMEND
THE EMPLOYMENT STANDARDS ACT**
(Assented to December 7, 1989)

The Commissioner of the Yukon Territory, by and with the advice and consent of the Legislative Assembly, enacts as follows:

1. This Act amends the Employment Standards Act.

2. The following subsection is added to section 9:

“(2.1) Notwithstanding any other provision in this Part, where the employer and a majority of employees who are not represented by a trade union for the purpose of bargaining collectively so agree in writing, the director may order that the standard hours of work of the employees in a week may be averaged in respect of a period of two or more weeks, in such circumstances as may be prescribed in the order.”

3. The following subsection is substituted for subsection 12(1):

“(1) An employer shall ensure that each employee has an eating period of at least one-half hour at intervals that will ensure that

(a) if the employee works ten hours or less on the day in question, then the employee will not work longer than five consecutive hours between eating periods, and

(b) if the employee works more than ten hours on the day in question, then the employee will not work longer than six consecutive hours between eating periods.”

4.(1) In subsection 24(2), the expression “14 days” is substituted for the expression “10 working days”.

(2) The following subsection is added to section 24:

“(3) For the purpose of subsection (2), where an employee works irregular hours or does not work at least five days a week, it is sufficient if the employee has worked their usual work days and usual hours in a two week period.”

5. The following subsection is substituted for subsection 29(2):

“(2) An employee who works less than the standard hours of work or who works irregular hours shall be paid, for a general holiday on which the employee does not work, at least the equivalent of ten percent of the employee’s wages, excluding vacation pay, for the hours worked in the two week period immediately preceding the week in which the general holiday falls.”

6. In section 30, the expression “section 34” is substituted for the expression “section 35”.

7. In section 33, the expression “An employee is not entitled to be paid for a general holiday on which the employee did not work” is substituted for the expression “No employee is entitled to be paid in respect of a general holiday on which he does not work”.

8.(1) In section 34 the expression “in addition to his regular payment made in accordance with section 29” is substituted for the expression “in addition to his regular rate of pay for the hours worked by him on that day”.

(2) The following paragraph is substituted for paragraph 34(b):

“(b) be paid his regular rate of pay for the hours worked by the employee on that day and be given a day off which may be added to his annual vacation or granted as a day off at a time convenient to him.”

9. The following subsection is added to section 46:

“(2) For the purposes of this Part, a person is deemed to be in the employment of another person when they are required to be available at the call of such other person whether or not they are called upon to perform any work.”

10. In subsection 64(2), the expression “and any money collected by the director on behalf of an employee that the director is unable to locate” is added immediately after the expression “any amount received by the director under subsection (1)”.

11. The following section is substituted for section 75:

Director’s certificate for unpaid wages

“75.(1) Where the director is satisfied that an employer owes an employee wages the director may issue a certificate showing the amount of wages that the director believes the employer owes to the employee.

(2) After issuing a certificate under subsection (1), the director shall forthwith serve the employer and employee with

(a) a copy of the certificate, and

(b) notice that the employer or an employee named in the certificate may dispute the amount shown in the certificate by filing an appeal with the Employment Standard Board within 21 days after the notice was served on him or her.

(3) The director may file a certificate issued under subsection (1) in the office of the clerk of the Supreme Court if

(a) the time for appealing to the board under section 76 has expired and no appeal has been filed with the board, or

(b) all appeals to the board have been disposed of, regardless of whether or not there has been a further appeal to the court.

(4) A certificate amended on appeal to the board shall not be filed under subsection (3) unless it shows the amendment.

(5) A certificate filed in accordance with this section shall be deemed to be a judgment of the Supreme Court in favour of an employee named in the certificate and may be enforced as a judgment of the court by the employee or by the director on the employee's behalf for the amount shown in the certificate."

12. In subsection 76(1):

(a) the expression "subsection 75(1)" is substituted for the expression "subsection 75(3)", and

(b) the expression "21 days" is substituted for the expression "14 days".

13. In subsection 78(6), the expression "subsections 75(4) and (5)" is substituted for the expression "subsections 75(7) and (8)".

14. The following section is added immediately after section 78:

Associated corporations, firms, or partnerships

"78.1 Where a business, trade, or undertaking is carried on by more than one corporation, individual, firm, syndicate, or association, or any combination of them, under common control or direction,

(a) the director may treat them as constituting one person for the purposes of this Act, and

(b) they shall be jointly and severally liable for the payment of the amount set out in a certificate or order made under this Act, and the certificate or order may be enforced under this Act against any or all of them.

15. The following subsection is added to section 80:

“(2.1) Notwithstanding paragraph (2)(a), where the money owing to the employer is wages, the amount of money paid to the director shall not exceed the amount that would be payable if the wages were being garnished under the Garnishee Act.”

16. In subsection 80(6), the expression “subsection 75(3)” is substituted for the expression “subsection 75(6)”.

17. In subsection 83(3), the expression “subsection 75(3)” is substituted for the expression “subsection 75(6)”.

18. In subsections 99(1), 99(2), and 99(4), the expression “\$10,000” is substituted for the expression “\$1,000”.

QUEEN'S PRINTER FOR THE YUKON



**STATUTES OF THE YUKON
1989-90**

CHAPTER 12

FOURTH APPROPRIATION ACT, 1988-89

(Assented to December 7, 1989)

Whereas it appears by message from the Commissioner and in the estimates accompanying the message that, in addition to the sums previously appropriated, the sums not appearing in parenthesis in Schedule "A" of this Act are required for the purpose of defraying certain expenses of the public service of the Yukon and for related purposes for the period of 12 months ending March 31, 1989;

The Commissioner of the Yukon Territory, by and with the advice and consent of the Legislative Assembly, enacts as follows:

1.(1) In addition to the sum of \$100,474,000 provided for in the First Appropriation Act, 1988-89, the sum of \$206,503,000 provided for in the Second Appropriation Act, 1988-89, and the sum of \$25,839,000 provided for in the Third Appropriation Act, 1988-89, from and out of the Yukon Consolidated Revenue Fund there may be paid and applied a sum not exceeding in the whole \$971,000 for defraying the several charges and expenses of the public service of the Yukon payable in the period of 12 months ending on March 31, 1989, as set forth in Schedule "A" of this Act, and that sum shall not be paid or applied except in accordance with Schedules "A" and "B", the Financial Administration Act and, subject to that Act, the estimates accompanying the message from the Commissioner.

(2) The sums previously appropriated to a vote or item that is listed in Schedule "A" or in Schedule "B" and that has a sum appearing in parenthesis after it are reduced by the amount of the sum appearing in parenthesis.

2. The due application of all monies paid or applied pursuant to section 1 shall be accounted for.

SCHEDULE A

		\$ (Dollars in 000's)		
		Voted To Date	This Appro- priation	Total Voted (Current Spending Authority)
Sums not required this appropriation				
Operation and Maintenance Votes				
15	Health & Human Resources	<u>45,655</u>	<u>971</u>	<u>46,626</u>
	Subtotal Operation and Maintenance	<u>45,655</u>	<u>971</u>	<u>46,626</u>
	TOTAL SUMS REQUIRED	<u>45,655</u>	<u>971</u>	<u>46,626</u>
Sums not required this appropriation				
Operation and Maintenance Votes				
01	Yukon Legislative Assembly	2,058	(112)	1,946
02	Executive Council Office	5,289	(521)	4,768
09	Community & Transportation Services	49,244	(1,728)	47,516
07	Economic Development: Mines and Small Business	2,594	(205)	2,389
03	Education	47,840	(1,573)	46,267
12	Finance	2,829	(59)	2,770
16	Government Services	16,387	(650)	15,737
08	Justice	18,613	(13)	18,600
10	Public Service Commission	7,392	(1,880)	5,512
14	Renewable Resources	8,827	(643)	8,184
13	Tourism	3,607	(260)	3,347
11	Women's Directorate	282	(50)	232
18	Yukon Housing Corporation	5,497	(01)	5,496
19	Yukon Liquor Corporation	one dollar	(0)	one dollar
22	Yukon Development Corporation	one dollar	(0)	one dollar
20	Loan Capital	2,500	(685)	1,815
20	Loan Amortization	<u>2,197</u>	<u>(227)</u>	<u>1,970</u>
	Subtotal Operation and Maintenance	<u>175,156</u>	<u>(8,607)</u>	<u>166,549</u>

		\$ (Dollars in 000's)		
		Voted To Date	This Appropriation	Total Voted (Current Spending Authority)
Capital Votes				
02	Executive Council Office	82	0	82
09	Community & Transportation Services	51,083	(8,809)	42,274
07	Economic Development: Mines and Small Business	11,135	(5,077)	6,058
03	Education	22,341	(4,995)	17,346
16	Government Services	7,532	(144)	7,388
15	Health & Human Resources	4,376	(1,094)	3,282
08	Justice	144	(9)	135
14	Renewable Resources	1,681	(247)	1,434
13	Tourism	2,396	(523)	1,873
18	Yukon Housing Corporation	7,304	(1,097)	6,207
19	Yukon Liquor Corporation	252	(81)	171
	Subtotal Capital	<u>108,326</u>	<u>(22,076)</u>	<u>86,250</u>
	TOTAL SUMS NOT REQUIRED	<u>283,482</u>	<u>(30,683)</u>	<u>252,799</u>
	NET TOTAL	<u>329,137</u>	<u>(29,712)</u>	<u>299,425</u>

SCHEDULE B

Grants

The sums in this schedule have been included in the sums in Schedule "A". They are extracted from Schedule "A" and noted here only to show that they have been appropriated for grants rather than for some other purpose. They are not appropriations in addition to the sums in Schedule "A".

		\$ (Dollars in 000's)		
		Voted To Date	This Appropriation	Total Voted (Current Spending Authority)
Sums required this appropriation				
Operation and Maintenance Votes				
09	Community & Transportation Services			
	- Municipal Operating	2,781	49	2,830
	- Home Owner	1,078	10	1,088
03	Education			
	- Student Activity Support Programs	17	51	68
12	Finance			
	- WCB Supplementary Benefits	0	363	363
15	Health & Human Resources			
	- Day Care Subsidy Program	378	28	406
	- Social Assistance Payments	0	2,236	2,236
	- Rehabilitation Client Subsidies	0	84	84
	- Family Allowance	0	61	61
	- Adoption Subsidies	0	27	27
	- Rehabilitation Training Allowance	0	8	8
08	Justice			
	- Community Residential Centre	177	12	189
	Subtotal Operations and Maintenance	<u>4,431</u>	<u>2,929</u>	<u>7,360</u>
Capital Votes				
15	Health and Human Resources			
	- Day Care Capital Development	300	36	336
	Subtotal Capital	<u>300</u>	<u>36</u>	<u>336</u>
	TOTAL SUMS REQUIRED	<u>4,731</u>	<u>2,965</u>	<u>7,696</u>

		\$ (Dollars in 000's)		
		Voted To Date	This Appro- priation	Total Voted (Current Spending Authority)
Sums not required this appropriation				
Operation and Maintenance Votes				
01	Yukon Legislative Assembly			
	- National Youth Parliamentary Assembly	1	0	1
02	Executive Council Office			
	- Asia Pacific Foundation	25	0	25
09	Community & Transportation Services			
	- In-Lieu-of-Property Taxes	1,861	(112)	1,749
	- Conditional Municipal Sewer & Water	351	0	351
	- Hamlet Operation & Maintenance	14	0	14
	- Community Clean-Up	4	0	4
03	Education			
	- Yukon College - Student Travel	1	(1)	0
	- Post Secondary Student Grant	1,091	(120)	971
	- Adult Education General Training Allowance	550	(32)	518
	- Training Allowances - Apprenticeship	3	(3)	0
	- Carcross Library Maintenance	4	0	4
	- Library Volunteers	2	0	2
15	Health & Human Resources			
	- Career Promotion Scholarships	5	(5)	0
	- Day Care Operating Grants	194	(11)	183
	- Pioneer Utility Grant	224	(10)	214
	- Yukon Seniors Income Subsidy	485	(93)	392
	- C.N.I.B.	2	0	2
08	Justice			
	- Institutional Facilities Inmate Allowance	44	(6)	38
	- Human Rights Commission	200	0	200
14	Renewable Resources			
	- Fur Institute of Canada	20	0	20
13	Tourism			
	- Museum Grants	47	0	47
	- Historic Sites	10	0	10
	Subtotal Operation and Maintenance	<u>5,138</u>	<u>(393)</u>	<u>4,745</u>
	TOTAL SUMS NOT REQUIRED	<u>5,138</u>	<u>(393)</u>	<u>4,745</u>
	NET SUMS REQUIRED	<u>9,869</u>	<u>2,572</u>	<u>12,441</u>



**STATUTES OF THE YUKON
1989-90**

**CHAPTER 13
HOSPITAL ACT**
(Assented to December 7, 1989)

Whereas the Whitehorse General Hospital and its successor should be operated by a board independent of the Government,

And whereas it might be advisable for other hospitals to be similarly operated,

And whereas the Legislature and the Government have a responsibility to ensure

(a) community participation in the operation of hospitals,

(b) the availability of necessary hospital facilities and programs,

(c) responsible use of the public property and funds which must be supplied to enable hospitals to operate,

(d) compliance with appropriate methods of operation and standards of facilities and care, and

(e) integration of hospital and medical services with other health programs and services.

The Commissioner of the Yukon Territory, by and with the advice and consent of the Legislative Assembly, enacts as follows:

Yukon Hospital Corporation established

1. There is hereby established a corporation to be known as the Yukon Hospital Corporation consisting of the board of trustees which shall be appointed in accordance with section 4.

Objects of the Corporation

2. The objects of the Corporation are to provide hospital and medical services to meet the needs of people in the Yukon.

Powers of the Corporation

3.(1) For attaining its objects the Corporation shall

(a) establish and implement policies concerning the organization, administration, and operations of the Corporation;

- (b) establish and maintain one or more hospitals or other facilities for supplying medical services and programs;
- (c) provide insured services as defined in the Hospital Insurance Services Act and insured health services as defined in the Health Care Insurance Plan Act and other medical services or programs;
- (d) establish requirements and procedures for the admission and discharge of patients by medical practitioners, dentists, and others who provide medical services;
- (e) establish committees of the board, delegate powers of the board to such committees, and establish procedures for meetings and work of the board and its committees;
- (f) control the powers and duties of officers, employees, and other agents of the Corporation; and
- (g) establish remuneration and travelling expenses to be paid to employees of the Corporation and establish their other conditions and benefits of employment.

(2) For attaining its objects the Corporation may

- (a) undertake research activities and preventive health programs;
- (b) subject to this and any other Act, set fees for services, materials, or facilities provided by the Corporation;
- (c) establish and administer programs for providing medical services to patients in their homes or in places other than a hospital or facility operated by the Corporation;
- (d) generally do such other things as are necessary to conduct its operations and its objects.

(3) The board of trustees must make bylaws in relation to the matters described in subsection (1) and may make bylaws in relation to the matters described in subsection (2), but no bylaw comes into force without the approval of the Minister.

(4) Subject to subsection (5), for the attainment of its objects the Corporation has the capacities of a natural person.

(5) The Corporation may not borrow money nor may it use its property as security for the payment of money or the performance of any other obligation without the consent of the Minister.

(6) If the Corporation makes a profit on any of its activities it shall use the profit for the attainment of its objects.

(7) The Corporation is a charitable organization.

Appointment of board of trustees

4.(1) The board of trustees shall govern the activities and programs of the Corporation and shall consist of the Chief Executive Officer appointed under section 5 and of the following members who shall be appointed by the Commissioner in Executive Council so as to achieve on the board gender parity and of whom

- (a) two must be chosen from persons nominated by Yukon First Nations,
- (b) two must be chosen from persons nominated by the councils of municipalities other than the City of Whitehorse,
- (c) one must be chosen from persons nominated by the Council for Yukon Indians, or its successor as the coordinating body for Yukon's First Nations,
- (d) one must be chosen from persons nominated by the council of the City of Whitehorse,
- (e) one must be chosen from persons nominated by the medical staff of the Corporation,
- (f) one must be chosen from persons nominated by the non-medical staff of the Corporation,
- (g) two must be chosen from the public at large, and
- (h) two must be chosen from the public service of the Yukon.

(2) Groups entitled to make nominations under subsection (1) shall nominate an equal number of men and women.

(3) If a group fails to make the nominations it is entitled to make under subsection (1), or fails to nominate more than one man and one woman, the Commissioner in Executive Council may appoint persons who are nominated by the Minister instead of by the group in question.

(4) Members of the board shall be appointed to serve terms not exceeding three years and may be reappointed for further terms.

(5) Vacancy in the membership of the board does not impair the capacity of the remaining members to act.

(6) The Minister may designate one of the members to be the chair of the board and the members of the board may designate one or more of their number to be a vice-chair of the board.

(7) The Commissioner in Executive Council may prescribe what remuneration and travelling expenses shall be paid to members of the board.

Chief Executive Officer and other employees and advisors of the Corporation

5.(1) There shall be a chief executive officer of the Corporation who shall be appointed by the board of trustees for the term and upon the conditions the board determines.

(2) Working under the direction of the board, the chief executive officer shall supervise and manage the programs, activities, and staff of the Corporation.

(3) The Corporation may employ officers and other employees and may contract to have services performed for the conduct of the programs and activities of the Corporation.

Government grants

6. The Minister may supply property and make grants and contributions to the Corporation to use in the pursuit of its objects and to other persons who operate a hospital with the Minister's approval.

Investment of money by Corporation

7. The Corporation may invest money in any of the following, but not otherwise,

(a) securities that are obligations of or guaranteed by Canada or a province;

(b) fixed deposits, notes, certificates, and other short term paper of or guaranteed by a bank listed in Schedule A to the Bank Act (Canada), which may include swapped deposit transactions in currency of the United States.

Relationship to Government of the Yukon

8.(1) The Corporation is not an institution of the Government of the Yukon and, except to the extent an agency relationship is created by a contract with the Government, the Corporation is not an agent of the Government.

(2) Notwithstanding subsection (1), the Languages Act applies to the Corporation.

Application of Human Rights Act and Financial Administration Act

9.(1) Section 14 of the Human Rights Act applies to the Corporation.

(2) The Financial Administration Act does not apply to the Corporation.

Audit of Corporation

10. The accounts and financial transactions of the Corporation shall be audited at least annually by an auditor appointed by the board of trustees.

Report to Minister

11.(1) The fiscal year of the Corporation shall end on March 31.

(2) The Corporation shall, within six months after the end of each fiscal year, deliver to the Minister a report of the operations of the Corporation for that fiscal year, the report to include the financial statements of the Corporation and the auditor's report.

(3) The Minister shall table a copy of the report in the Legislature as soon as possible.

Public accountability of the board

12. The board of trustees shall hold at least one of their meetings in public each year so as to allow members of the public to obtain information about and make recommendations about the programs and services the Corporation offers and the budget, facilities, and operation of the Corporation.

Appointment of administrator

13.(1) If the board of trustees fails to direct the programs and activities of the Corporation in accordance with this Act, the Commissioner in Executive Council may appoint an administrator to replace the board and to manage the programs and activities of the Corporation until a newly constituted board is appointed.

(2) The administrator shall have all the powers and duties of the board of trustees.

Limitation of liability

14.(1) The Corporation is not liable for anything done or omitted, lawfully and without negligence, in the exercise of a power conferred by this or any other Act.

(2) No member of the board of trustees, no member of a committee established by the Corporation, no employee of the Corporation, and no other person acting on the lawful instructions of the Corporation is liable for anything he or she does or omits to do, lawfully and without negligence, in the exercise of a power conferred under this or any other Act.

Corporation's obligation to insure

15. The Corporation shall maintain in force insurance coverage to at least the levels prescribed by the Commissioner in Executive Council to indemnify the Corporation for its liability to others for

(a) its negligence or the negligence of its employees, and

(b) any other liability prescribed by the Commissioner in Executive Council.

Legal force of bylaws

16.(1) A bylaw made under this Act has the force of law which is binding on the members of the board of trustees, members of committees established by the Corporation, employees and other persons acting on behalf of the Corporation, persons in any building or using any facility occupied or supplied by the Corporation, and persons seeking or receiving services from the Corporation.

(2) It is not an offence to violate a bylaw made under this Act, but a violation may be censured or punished by reprimand or by suspension or dismissal from employment or office, or by denial, suspension, or withdrawal of privileges or services, other than insured services as defined in the Hospital Insurance Services Act or insured health services as defined in the Health Care Insurance Plan Act.

Transfer of programs from Government to Corporation

17.(1) Subject to any Act of Parliament and limitations that the Government of Canada can impose, the Commissioner in Executive Council may make regulations respecting the transfer of programs, activities, personnel, and property from the Government of the Yukon or the Government of Canada to the Corporation and from any other person or group to the Corporation.

(2) A regulation under subsection (1) may be made to operate notwithstanding any provision of the Financial Administration Act.

Interim board of trustees

18.(1) Notwithstanding section 4, the Commissioner in Executive Council may establish an interim board of trustees whose powers may be the same as, but whose composition may be different from, the board to be appointed under section 4.

(2) The purpose of the interim board is to oversee the orderly transfer of programs, activities, personnel, and property from the Government of Canada and the Government of the Yukon to the Corporation and from any other person or group to the Corporation.

Prohibition against operation of hospitals

19.(1) No person other than the Corporation may operate a hospital except with the approval of the Minister.

(2) The Commissioner in Executive Council may prescribe criteria that the Minister must follow when deciding whether a person may operate a hospital.

Regulations

20. The Commissioner in Executive Council may make regulations:

- (a) establishing criteria which the Minister must follow when deciding whether a person other than the Corporation may operate a hospital;

- (b) establishing conditions which a person other than the Corporation must meet in order to operate a hospital;
- (c) prescribing methods of operation and standards of facilities and care to be complied with by the Corporation or any other person operating a hospital;
- (d) generally for the implementation of the provisions of this Act according to their intent.

Definition

21. In this Act, “Minister” has the same meaning as “Executive Council Member” as defined in the Interpretation Act.

Proclamation

22. This Act comes into force on a date to be specified by the Commissioner in Executive Council.

QUEEN'S PRINTER FOR THE YUKON



**STATUTES OF THE YUKON
1989-90**

CHAPTER 14

INTERGOVERNMENTAL AGREEMENTS ACT

(Assented to November 21, 1989)

The Commissioner of the Yukon Territory, by and with the advice and consent of the Legislative Assembly, enacts as follows:

Canada/Yukon agreements

1. The Government of the Yukon may make agreements with the Government of Canada in relation to any matter within the jurisdiction of the Legislative Assembly; without restricting the generality of the foregoing, those agreements may include ones for the purpose of obtaining for the Yukon the benefit of programs, arrangements, or proposals that involve joint participation by the Government of the Yukon and the Government of Canada, whether or not the Government of Canada can make the same type of agreement with the provinces, and under which the Government of Canada provides financial contributions, property, or services.

Territorial/Provincial agreements

2. The Government of the Yukon may make the same types of agreements with a province as section 1 authorizes it to make with the Government of Canada.

Authority to sign the agreements

3.(1) The Commissioner in Executive Council may assign to any Executive Council Member authority to negotiate and to sign, on behalf of the Commissioner and the Government of the Yukon, any agreement made under sections 1 and 2.

(2) Signature by the Executive Council Member under subsection (1) shall be sufficient to bind the Government of the Yukon.

Appropriation required

4. It is a condition of every agreement made under this Act that money that is owed by the Government of the Yukon under the agreement is not payable unless there is an appropriation for it.

QUEEN'S PRINTER FOR THE YUKON



**STATUTES OF THE YUKON
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CHAPTER 15

MACKENZIE RIVER BASIN AGREEMENTS ACT

(Assented to November 21, 1989)

The Commissioner of the Yukon Territory, by and with the advice and consent of the Legislative Assembly, enacts as follows:

1.(1) The Commissioner in Executive Council is hereby authorized to make agreements on behalf of the Government of the Yukon with any one or more of the Government of Canada or the government of a province about the study and use of water resources in the drainage basin of the Mackenzie River. Without restricting the generality of the foregoing, the agreements may provide for

- (a) research, collection, and publication of data about water resources;
- (b) the conservation, development, and use of water resources;
- (c) the regulation and control of the quality and quantity of water resources;
- (d) the establishment and operation of intergovernmental committees.

(2) The Executive Council Member may sign the agreements on behalf of the Commissioner in Executive Council.

(3) Subject to section 2, the Commissioner in Executive Council is hereby empowered to do whatever executive acts are necessary to implement the agreements.

2. The expenditure of money that is received by the Government of the Yukon pursuant to an agreement made under this Act is contingent upon there being an appropriation by the Legislature for that type of expenditure.

QUEEN'S PRINTER FOR THE YUKON



**STATUTES OF THE YUKON
1989-90**

**CHAPTER 16
MISCELLANEOUS STATUTE
LAW AMENDMENT ACT, 1989**

(Assented to November 21, 1989)

The Commissioner of the Yukon Territory, by and with the advice and consent of the Legislative Assembly, enacts as follows:

Access To Information Act

1.(1) This section amends the Access To Information Act.

(2) In subsection 4(3), the expression "they want" is substituted for the expression "he wants".

(3) In subsection 4(5), the expression "they can" is substituted for the expression "he can".

(4) In subsection 10(1), the expression "their request" is substituted for the expression "his request".

(5) In subsections 10(3), and (5), the expression "the member" is substituted for the word "he".

(6) In subsection 4(4), the expression "him or her" is substituted for the word "him".

(7) In subsection 11(2), the expression "him or her" is substituted for the word "him".

Age Of Majority Act

2.(1) This section amends the Age Of Majority Act.

(2) In subsection 7(1), the expression "his or her" is substituted for the word "his".

(3) In paragraph 9(b), the expression "his or her" is substituted for the word "his".

(4) In section 13, the expression "as are necessary" is substituted for the expression "as he deems necessary".

Agricultural Development Act

3.(1) This section amends the Agricultural Development Act.

(2) In subsection 4(1), the expression "and shall" is substituted for the expression "and he shall".

(3) The following subsection is substituted for subsection 4(2):

"(2) Where the chair is unable at any time for any reason to exercise the powers or perform the duties of his or her office, the vice-chair may act in his or her place."

(4) In section 6, the word "their" is substituted for the word "his".

Animal Protection Act

4.(1) This Act amends the Animal Protection Act.

(2) In the definition of "peace officer" in section 1,

(a) the expression "his or her duties" is substituted for the expression "his duties", and

(b) the expression "he or she" is substituted for the word "he".

(3) In subsection 2(1),

(a) the expression "as he or she considers necessary" is substituted for the expression "as he considers necessary" and

(b) the expression "and for that purpose may" is substituted for the expression "and for that purpose he may".

(4) In subsection 2(2), the expression "his or her cooperation" is substituted for the expression "his cooperation".

(5) In subsection 2(3), the expression "inform him or her" is substituted for the expression "inform him".

(6) In subsection 3(1),

(a) the expression "he or she" is substituted for the word "he" in both places it occurs, and

(b) the expression "his or her powers" is substituted for the expression "his duties".

(7) In subsection 3(2),

(a) the expression “information laid on oath” is substituted for the expression “information laid before him on oath”,

(b) the expression “within his jurisdiction” is deleted,

(c) the expression “his or her powers” is substituted for the expression “his powers”.

(8) In subsection 3(3), the expression “his or her cooperation” is substituted for the expression “his cooperation”.

(9) In subsection 3(4), the expression “he or she shall” is substituted for the expression “he shall”.

(10) In subsection 4(2), the expression “his or her consent” is substituted for the expression “his consent”.

Change of Name Act

5.(1) This section amends the Change of Name Act.

(2) In subsection 9(2), the expression “the registrar shall not register” is substituted for the expression “the register shall not register”.

(3) In subsection 19(1), the word “registrar” is substituted for the word “director”.

Constitutional Questions Act

6. In subsection 2(2) of the Constitutional Questions Act the expression “whether the matter or issue is governed by a Yukon enactment or by a paramount enactment of Canada” is substituted for the expression “whether an enactment is the appropriate legislation applying to or governing any matter or issue”.

Court of Appeal Act

7. In section 3 of the Court of Appeal Act the expression “judges and ex officio judges of the Supreme Court” is substituted for the expression “judges are ex officio judges of the Supreme Court”.

Fine Option Act

8. In subsection 3(1) of the Fine Option Act, the expression “section 718.1” is substituted for the expression “section 646.1”.

Housing Corporation Act

9. The following paragraph is substituted for paragraph 5(1)(a) of the Housing Corporation Act:

“(a) appoint a president, who shall be the chief executive officer of the corporation, and such other employees as the board considers necessary”.

International Commercial Arbitration Act

10. In Article 28(3) of Schedule A of the International Commercial Arbitration Act the expression “or as” is substituted for the expression “as or”.

Interpretation Act

11. The following subsection is added to section 21 of the Interpretation Act:

“(5) When used in an enactment to describe how documents may or must be served, the expressions “certified mail”, “registered mail” and “security mail” each refer to the same thing, namely, a postal service provided by Canada Post by which Canada Post supplies the sender with a record verifying that the envelope or package was delivered to the address stated on it or to a person who acknowledged receipt of the envelope or package after a notice to pick up the envelope or package had been left at the address. Those and any expressions Canada Post uses to describe that postal service may be used interchangeably.”

Liquor Act

12. In the Liquor Act, the title “president” is substituted for the title “general manager”.

Lottery Licensing Act

13. In section 1 of the Lottery Licensing Act the expression “section 207 of the Criminal Code (of Canada)” is substituted for the expression “subsection 190(4) of the Criminal Code (Canada)”.

Motor Vehicles Act

14.(1) This section amends the Motor Vehicles Act.

(2) In paragraphs 231(1)(a) to (c), the expression “or under section 234” is substituted for the expression “or, under section 234”.

(3) In section 231, the expression “section 253 or 254” is substituted for the expression “section 237 or 238”.

(4) In subsection 233(1), the expression “section 249 or 252” is substituted for the expression “section 233 or 236”.

(5) In subsection 233(2), the expression “section 220, 221 or 236” is substituted for the expression “section 203, 204 or 219”.

Municipal Act

15.(1) This section amends the Municipal Act.

(2) In subsection 136(2), the expression “Part 4” is substituted for the expression “Part 2”.

(3) In subsection 193(3), the expression “lawfully and without negligence” is substituted for the expression “and without negligence”.

Pharmacists Act

16.(1) This section amends the Pharmacists Act.

(2) In subsection 6(2), the expression “pursuant to this section for more than four years” is substituted for the expression “pursuant to this section”.

(3) In subsection 6(3), the notation “1973 (1st) c. 16, s. 1” is deleted.

Public Service Staff Relations Act

17.(1) This section amends the Public Service Staff Relations Act.

(2) In paragraphs 15(2)(a) and 46(2)(b) and in subsection 79(1), the expression “Public Service Act” is substituted for the expression “Public Service Commission Act”.

(3) In subsection 79(1), the expression “section 146 or 152” is substituted for the expression “section 24”.

Reciprocal Enforcement of Maintenance Orders Act

18. The following definition is substituted for the definition of “claimant” in section 1 of the Reciprocal Enforcement of Maintenance Orders Act:

“‘claimant’ means a person who has or is alleged to have a right to maintenance or by whom a proceeding may be commenced or an application may be made under this Act.”

Workers Compensation Act

19. In the Workers Compensation Act the title “president” is substituted for the title “executive director”.

Young Persons Offences Act

20. In subsection 27(5) of the Young Persons Offences Act, the expression “section 515” is substituted for the expression “section 457”.

Yukon Development Corporation Act

21. In the Yukon Development Corporation Act, the title “president” is substituted for the title “executive director”.



**STATUTES OF THE YUKON
1989-90**

CHAPTER 17

**AN ACT TO AMEND THE MUNICIPAL AND
COMMUNITY INFRASTRUCTURE GRANTS ACT**

(Assented to November 21, 1989)

The Commissioner of the Yukon Territory, by and with the advice and consent of the Legislative Assembly, enacts as follows:

1. This Act amends the Municipal And Community Infrastructure Grants Act.

2.(1) The following subsections are substituted for subsection 2(2) of the said Act:

“(2) In each fiscal year the Government of the Yukon shall pay to each municipality from the municipal infrastructure grant fund a base grant which shall be the sum of the amounts calculated under subsection (2.1) and (2.2).

(2.1) One component of the grant shall be 75% of the base grant for the preceding fiscal year plus 75% of that base grant multiplied by the current Consumer Price Index established by Statistics Canada, illustrated as follows: (preceding base grant x 75%) + (preceding base grant x 75% x CPI).

(2.2) The other component of the base grant shall be 25% of that base grant for the 1989-90 fiscal year plus 25% of that base grant multiplied by a Municipal Price Index established each year on the basis of data supplied by the Government of the Yukon's Bureau of Statistics, illustrated as follows: (1989-90 base grant x 25%) + (1989-90 base grant x 25% x MPI).

(2.3) The Municipal Price Index shall be a measure of the amount by which a municipality's cost of purchasing goods and services is greater than, or less than, Whitehorse's cost of purchasing goods and services. For each fiscal year, Whitehorse's cost shall be taken as 100 and the Municipal Price Index for each other municipality shall be expressed as a percentage of Whitehorse's cost. The Municipal Price Index shall consist of the following factors:

- (a) 70% of it shall be a spatial price index;
- (b) 20% of it shall be a fuel price index;
- (c) 10% of it shall be an electrical price index.

(2.4) Subsections (2) to (2.3) apply only to the 1990-91 and subsequent fiscal years.”

3. In subsection 2(3) of the said Act, the expression “subsections (2) to (2.3)” is substituted for the expression “subsection (2)”.

4. The subsection 2(2) which is replaced as described by section 2 of this Act shall nonetheless continue to operate to establish the base grant to be paid from the municipal infrastructure grant fund in the 1989-90 fiscal year.

QUEEN'S PRINTER FOR THE YUKON



**STATUTES OF THE YUKON
1989-90**

CHAPTER 18

MUNICIPAL AND GENERAL PURPOSES LOANS ACT

(Assented to November 21, 1989)

The Commissioner of the Yukon Territory, by and with the advice and consent of the Legislative Assembly, enacts as follows:

Loans to municipalities

1. The Executive Council Member may, on behalf of the Government of the Yukon, lend sums not exceeding \$5,000,000 in the aggregate to municipalities and, for that purpose, the Executive Council Member may make agreements with municipalities.

Appropriation required

2. Loans under this Act shall be made out of money appropriated for that purpose by the Legislature.

Municipal Act

3. This Act does not enlarge the powers of a municipality under the Municipal Act, and the borrowing of any amount that is authorized by this Act to be lent to a municipality remains subject to the Municipal Act.

QUEEN'S PRINTER FOR THE YUKON



**STATUTES OF THE YUKON
1989-90**

CHAPTER 19

**AN ACT TO AMEND THE OCCUPATIONAL HEALTH
AND SAFETY ACT**

(Assented to November 21, 1989)

The Commissioner of the Yukon Territory, by and with the advice and consent of the Legislative Assembly, enacts as follows:

1. This Act amends the Occupational Health and Safety Act.

2.(1) The following subsection is added to 12:

“(8.1) The health and safety representative may

(a) inspect the physical condition of the workplace or part thereof for which they have been selected once each month or at such intervals as the chief industrial safety officer or chief mines officer may direct,

(b) observe and where qualified to do so assist in or conduct tests for noise, lighting and controlled products or agents in the workplace or part thereof for which they have been selected, and

(c) where there is a serious accident or a serious injury at a workplace, accompany the safety officer during an investigation of the place where the accident or injury occurred.”

(2) In subsection 12(12), the expression “and any time spent by the member of the committee shall, for the purpose of calculating wages owing, be deemed to have been spent at work” is deleted.

(3) The following subsection is added to section 12:

“(12.1) The time spent by a member of the committee attending meetings or carrying out other functions as a member of the committee shall, for the purpose of calculating wages owing, be deemed to have been spent at work irrespective of whether the member would otherwise have been at work.”

3.(1) In subsection 13(8), the expression “and any time spent shall, for the purpose of calculating wages owing, be deemed to have been spent at work” is deleted.

(2) The following subsection is added to section 13:

“(8.1) The time spent by a health and safety representative to carry out the duties specified in subsections (4), (5), (6), and (7) shall, for the purpose of calculating wages owing, be deemed to have been spent at work irrespective of whether the representative would otherwise have been at work.”

4. The following subsection is substituted for subsection 13(7):

“(7) Where there is a serious accident or serious injury at a work place, the health and safety representative may accompany the safety officer during an investigation of the place where the accident or injury occurred.”

5. In subsections 29(2), 30(1), and 31(2), the expression “21 days” is substituted for the expression “14 days”.

6. In subsection 33(1) the definition of “serious accident” is amended by adding the following paragraph:

“(k) any accident that likely would have caused serious injury but for safety precautions, rescue measures, or chance.”

7. The following expression is added to the end of subsection 37(4):

“irrespective of whether the member or representative would otherwise have been at work.”

QUEEN'S PRINTER FOR THE YUKON



**STATUTES OF THE YUKON
1989-90**

**CHAPTER 20
PESTICIDES CONTROL ACT**

(Assented to December 7, 1989)

The Commissioner of the Yukon Territory, by and with the advice and consent of the Legislative Assembly, enacts as follows:

Definitions

1. In this Act

“animal” means any animal other than humans; it therefore includes mammals, birds, fish, amphibians, reptiles, invertebrates, insects, and animals similar to insects;

“inspector” means an inspector appointed by the Executive Council Member;

“natural environment” means all or any part or combination of the air, land, and water of the Yukon;

“pesticide” means

(a) any product, device, organism, or substance intended, sold or represented for use in destroying or repelling any insect, nematode, rodent, predatory animal, bacterium, fungus, weed, or other form of vegetation or animal life or virus, except bacteria or fungi living in humans or animals, and

(b) includes any product, device, organism, or substance or thing required to be registered under the Pest Control Products Act (of Canada);

“sell” includes offer for sale and advertise for sale.

Prohibited pesticides and prohibited sales of pesticides

2.(1) No person shall use, nor shall they sell or otherwise supply to any person a pesticide that

(a) has been banned by the regulations;

(b) is not packaged or labelled as required by the regulations; or

(c) does not meet the standards established by the regulations to determine the effectiveness and suitability of the pesticide.

(2) Where a pesticide is sold or otherwise supplied in bulk and is not contained in packages, any information or warning respecting its handling or use that would have been required to be stated on the label had the pesticide been in packaged form shall be supplied in writing at the time of delivery by the vendor or other supplier to the person to whom the pesticide is delivered.

Illegal use of pesticides

3.(1) If the pesticide is one that the regulations stipulate may be used only if its use is licensed, no person shall use the pesticide otherwise than in accordance with a licence authorizing them to do so.

(2) No person shall use a pesticide or any substance containing a pesticide in a way that

(a) damages or is likely to damage the natural environment more than the damage, if any, that would result from the proper use of the pesticide;

(b) causes or is likely to cause harm to plant or animal life or damage to property greater than the harm or damage, if any, that would result from the proper use of the pesticide;

(c) causes or is likely to cause harm or discomfort to any person greater than the harm or discomfort, if any, that would result from the proper use of the pesticide; or

(d) threatens or is likely to threaten the safety of any person to a greater degree than the threat, if any, that would result from the proper use of the pesticide.

(3) A licence under this Act does not authorize or excuse a violation of subsection (2).

(4) Statements that subsection 2(2) requires be supplied and statements in or on the container the pesticide is or was supplied in and purporting to be a recommendation about the use of the pesticide are admissible in evidence in any proceeding and, in the absence of proof to the contrary, shall be held to be the directions about the proper use of the pesticide.

Storage and transportation of pesticides

4.(1) Every person who stores or transports a pesticide shall do so in a manner that

(a) prevents the pesticide from coming into contact with or contaminating food or drink of humans, animals, or vegetation,

(b) prevents the pesticide from coming into contact with human, animal, or vegetative life in any manner that is harmful to that life, and

(c) prevents the pesticide's accidental escape from the place where it is stored or from the vehicle by which it is transported.

Pesticides containers and storage

5.(1) No person shall have in their possession a pesticide in a container other than

- (a) the container in which the pesticide was originally stored for sale or offered for sale after manufacture; or
- (b) a container that is a type approved under the regulations or approved or customarily used for that purpose by the manufacturer and that bears a label meeting any requirements prescribed under this Act.

(2) Subsection (1) does not apply to storing or keeping pesticides in tanks or machines that are used for mixing, holding, or applying pesticides.

Disposal of pesticides

6. No person shall

- (a) dispose of a pesticide or of a mixture containing a pesticide, or
- (b) bury, decontaminate, burn, or otherwise dispose of any container that has been used to hold a pesticide,

except at a site or in a manner that is prescribed by the regulations or is recommended by the manufacturer of the pesticide.

Putting pesticides in open body of water

7.(1) No person shall put or cause to be put a pesticide or any substance containing a pesticide into, on, or over an open body of water unless they have a licence under this Act authorizing them to do so.

(2) In this section, “open body of water” means a river, stream, watercourse, bay, estuary, lake, reservoir, dugout, or other body of water, whether it contains water continuously or intermittently and whether it is frozen or not.

Licensing of businesses to apply and use pesticides

8. No person shall apply or use any pesticide for hire or reward unless they have a licence under this Act authorizing them to do so.

Applying pesticides from aircraft

9. No person shall apply a pesticide from an aircraft unless they have a licence under this Act authorizing them to do so.

Appointment of inspectors

10. The Commissioner in Executive Council may appoint inspectors to enforce this Act.

Powers of inspectors

11.(1) For the enforcement of this Act, an inspector may conduct investigations and, when there are reasonable grounds for doing so, may

- (a) with the consent of the occupant of the place, enter any place;
- (b) at any reasonable time, enter any place to which the public is ordinarily admitted;
- (c) at any reasonable time, enter any place where he or she believes pesticides are stored or have been or are being used, other than a dwelling;
- (d) request the production of documents or things that seem relevant to the investigation;
- (e) upon giving a receipt, remove from any place documents produced in response to a request under paragraph (d) and make copies of them or extracts from them;
- (f) upon giving a receipt, remove from any place any other thing produced in response to a request under paragraph (d) and retain possession of it for so long as the person whose consent is required consents to the inspector having it;
- (g) take and analyze samples of substances;
- (h) so that an examination or test may be conducted, require that a place or equipment or substance not be disturbed or that equipment be operated or a procedure carried out;
- (i) require the production of any record of information, or the provision of a report of an expert's assessment of any process or of biological, chemical, or physical agents or combination of agents used or intended to be used as a pesticide and the manner of use; the report shall include a description of the following:
 - the ingredients and their common or generic name or names,
 - the properties,
 - the toxicological effect,
 - the effect of exposure whether by contact, inhalation, or ingestion,
 - the protective measures used or to be used,
 - the emergency measures used or to be used to deal with exposure, and
 - the effect of the use, transport, and disposal.

Warrants for search and seizure

12.(1) An inspector who needs but cannot obtain consent to enter a place or who has been refused entry to a place may apply to a justice for a warrant authorizing entry of the place.

(2) If a person refuses to comply with a request of an inspector under paragraph 11(1)(d) the inspector may apply to a justice for an order for the production of the document or thing.

(3) Where a justice is satisfied that there are reasonable grounds to believe that it is necessary to enter a place to further an investigation under this Act, the justice may issue a warrant authorizing entry of the place by any person referred to in the order.

(4) Where a justice is satisfied that there are reasonable grounds to believe that the production of a document or thing is necessary to further an investigation under this Act, the justice may make an order authorizing the seizure of the document or thing by any person referred to in the order.

(5) An order under subsection (4) authorizing seizure of a document or thing may be included in a warrant issued under subsection (3) authorizing entry of a place, or may be made separately from such a warrant.

(6) A warrant issued under subsection (3) and an order made under subsection (4)

(a) shall be within the part of the day, if any, specified in the order, and

(b) shall expire at the end of the day specified in the order or the end of the fourteenth day after the order is issued, whichever day ends first.

(7) A document or thing that has been seized under this Act shall be returned to the person from whom it was seized after it is no longer needed for the investigation or proceeding under this Act.

Order to remedy violations

13.(1) Where an inspector believes on reasonable grounds that a person is in violation of this Act or the regulations, the inspector may, by order in writing served on the person,

(a) require the person to remedy the violation within a period of time stated in the order, or

(b) where the inspector has reason to believe that irreparable or costly damage is likely to result if the violation continues, require the person to remedy the violation forthwith after service of the order.

(2) An inspector's order to remedy a violation may include directions about how the violation is to be remedied.

(3) If a person who is required by an order made under subsection (1) to remedy a violation fails to obey the order, the inspector may, upon notice to the person, apply to a judge of the Supreme Court for an order authorizing the inspector to enter the place affected by the violation and there take such steps as may be necessary to remedy the violation and the judge may grant the order and may make the order subject to such conditions and limitations as the judge thinks necessary.

(4) Where the inspector believes on reasonable grounds that the delay to obtain an order under subsection (3) is likely to result in irreparable damage to people, animals, plants, or the natural environment the inspector may, without such an order, enter the site and there take or cause to be taken such steps as may be necessary to halt the damage, but shall not take or cause to be taken any other steps otherwise than pursuant to the order of a judge under subsection (3).

(5) Where the inspector takes steps under this section to remedy a violation committed by any person, the person is subject to any order under subsection (2), liable to the Government of the Yukon for the costs and expenses necessarily incurred by the inspector in taking those steps.

(6) A person who fails to comply with an inspector's order under this section commits an offence, unless an appeal under section 14 against the order results in the rescission of the provision that was violated.

Appeals against order or action of inspector

14.(1) A person who is aggrieved by an order made or an action taken by an inspector under section 13 and who wishes to challenge the legality of the order or the action may appeal to a judge of the Supreme Court within 30 days from the making of the order or the taking of the action and the judge may

- (a) confirm the legality of the order or direct the inspector to vary or rescind it;
- (b) confirm the legality of the action or direct the inspector to modify it;
- (c) give directions about implementing any order made under paragraph (a) or (b).

(2) An appeal under subsection (1) does not automatically stay the order appealed against, but a judge of the Supreme Court may order a stay pending the disposition of the appeal.

Assistance to and obstruction of inspector

15.(1) The owner or person in possession of any place or thing that an inspector is authorized to enter, inspect, or take samples of or extracts from shall give an inspector all reasonable assistance to enable the inspector to carry out the inspector's functions under this Act and shall furnish an inspector with such information as the inspector may reasonably require.

(2) No person shall obstruct or hinder an inspector who is acting under this Act.

Offence

16. A person who contravenes this Act or the regulations or a licence issued to them under this Act commits an offence and is liable on summary conviction

- (a) for a first offence, to a fine of up to \$15,000 for each day the offence continues or to imprisonment for up to six months or to both the fine and imprisonment, and
- (b) for a second offence, to a fine of up to \$30,000 for each day the offence continues or to imprisonment for up to 12 months or to both the fine and imprisonment.

Employer's liability for employee's conduct

17.(1) Subject to subsection (2), an employer is liable for a violation of this Act or of the regulations or of the employer's licence committed by an employee.

- (2) An employer is not liable under subsection (1) where the employer
- (a) took reasonable steps to assure the employee's compliance with this Act and the regulations, and
 - (b) did not consent to or condone the violation.

Certificate of analysis

18. A certificate of an analyst who is designated under this Act by the Executive Council Member stating the result of the analysis or examination is admissible in evidence in a proceeding under this Act and is proof in the absence of evidence to the contrary of the statements contained in the certificate without proof of the signature or official character of the person appearing to have signed the certificate.

This Act binds the Government

19. This Act is binding on the Government of the Yukon.

Regulations

20. The Commissioner in Executive Council may make regulations

- (a) designating which pesticides are banned;
- (b) establishing standards for the packaging and labelling of pesticides;
- (c) establishing standards of effectiveness and suitability to be met by pesticides;
- (d) prescribing which pesticides may be used only if their use is licensed;
- (e) prescribing what shall be or may be considered proper use of pesticides;
- (f) prescribing sites at which pesticides may be disposed of and the manner in which pesticides may be disposed of;
- (g) prescribing the qualifications for licences, the procedures for applying for and issuing licences, the conditions licences are subject to, and the periods for which licences are valid;
- (h) authorizing and regulating the renewal, suspension, and revocation of licences.

Coming into force

21. This Act comes into force on a day to be fixed by the Commissioner in Executive Council.



**STATUTES OF THE YUKON
1989-90**

CHAPTER 21

**YUKON RIVER AND ELSEK RIVER BASIN
AGREEMENT ACT**

(Assented to November 21, 1989)

The Commissioner of the Yukon Territory, by and with the advice and consent of the Legislative Assembly, enacts as follows:

1.(1) The Commissioner in Executive Council is hereby authorized to make agreements on behalf of the Government of the Yukon with any one or more of the Government of Canada or the government of a province about the study and use of water resources in the drainage basins of the Yukon River and the Alsek River. Without restricting the generality of the foregoing, the agreements may provide for

- (a) research, collection, and publication of data about water resources;
- (b) the conservation, development, and use of water resources;
- (c) the regulation and control of the quality and quantity of water resources;
- (d) the establishment and operation of intergovernmental committees.

(2) The Executive Council Member may sign the agreements on behalf of the Commissioner in Executive Council.

(3) Subject to section 2, the Commissioner in Executive Council is hereby empowered to do whatever executive acts are necessary to implement the agreements.

2. The expenditure of money that is received by the Government of the Yukon pursuant to an agreement made under this Act is contingent upon there being an appropriation by the Legislature for that type of expenditure.

QUEEN'S PRINTER FOR THE YUKON



**STATUTES OF THE YUKON
1989-90**

CHAPTER 22

AN ACT TO AMEND THE ANIMAL PROTECTION ACT

(Assented to May 14, 1990)

The Commissioner of the Yukon Territory, by and with the advice and consent of the Legislative Assembly, enacts as follows:

1. This Act amends the Animal Protection Act.

2. The following definition is added to section 1 of the Act:

“ ‘official animal keeper’ refers to a humane society or an officer or agent of the Government of Yukon who has been designated for the purpose by the Executive Council Member.”

3.(1) The expression “official animal keeper” is substituted for the expression “humane society” in subsections 2(3), 4(1), 4(2), and 5(2) of the Act.

(2) The expression “an official animal keeper” is substituted for the expression “a humane society” in paragraph 2(1)(e), in subsection 5(1), and in sections 6 and 7 of the Act.

4. The word “keeper” is substituted for the word “society” in paragraphs 6(1)(a) and (b), and 6(3)(a) and (b), and in subsections 7(1) and (2) of the Act.

5. In section 12 of the Act, the expression “an official animal keeper” is substituted for the expression “a humane society”.

QUEEN'S PRINTER FOR THE YUKON



STATUTES OF THE YUKON
1989-90

CHAPTER 23

BANKING AGENCY GUARANTEE ACT

(Assented to May 14, 1990)

The Commissioner of the Yukon Territory, by and with the advice and consent of the Legislative Assembly, enacts as follows:

1.(1) The Minister may guarantee to pay to a prescribed bank indemnification for eligible losses the bank suffers in the course of the business of its agency in a prescribed community.

(2) The losses that are eligible for indemnification are those that occur as a result of

(a) theft or fraud by a person engaged in the operation of the agency,

(b) theft or loss of money or negotiable instruments by any person while the money or instrument is in the premises of the agency or in transit between Whitehorse and the premises of the agency,
or

(c) forgery of a cheque by any person.

2. To the extent the loss is the result of the bank's negligence the guarantee is not valid.

3. The Commissioner in Executive Council may make regulations to prescribe maximum amounts of loss that the Minister can guarantee and to prescribe banks and communities for the purposes of this Act.

QUEEN'S PRINTER FOR THE YUKON



**STATUTES OF THE YUKON
1989-90**

**CHAPTER 24
CHILD CARE ACT**

(Assented to May 14, 1990)

Preamble

Recognizing that comprehensive child care services are supportive of healthy families, healthy communities and a healthy economy.

The Commissioner of the Yukon Territory by and with the advice and consent of the Legislative Assembly, enacts as follows:

Objects

1. The objects of this Act are

- (a) to foster the development of quality child care with parental and community involvement,
- (b) to support a range of child care programming in the Yukon communities,
- (c) to recognize and support the aspirations of the Yukon First Nations to promote and provide culturally appropriate child care services.

**PART 1
INTERPRETATION**

Definitions

2. In this Act,

“board” means the Yukon Child Care Board appointed under section 4;

“child” means a person aged 12 years or under but includes, in cases where a person has special needs, a person aged 16 years or under;

“child care” means a program for the care and supervision of a child for under 24 consecutive hours for which compensation is payable to, or is sought or received by, the person providing the care and supervision of the child;

“child care centre program” means a program which offers or provides child care other than a preschool program or a school-age program to 4 or more children in a place other than a family day home;

“child development service” means a child care program which provides support, assessment and therapy services for preschool children with special needs and their families;

“director” means the Director of Family and Children’s Services appointed under the Children’s Act;

“family day home program” means a program which offers or provides child care other than a preschool or school-age program in a home;

“infant” means a child under the age of 18 months;

“preschool child” means a child who is not yet attending grade 1;

“preschool program” means a program designed solely to provide child care to preschool children for under 3 consecutive hours;

“school-age child” means a child who is attending grade 1 or a higher grade;

“school-age program” means a program designed solely to provide child care to 8 or more school-age children when school is not in session.

Exemption

3. This Act does not apply to care and supervision of a child provided in any program under the School Act or to a child caring facility or child care service established under Division 6 of Part 4 of the Children’s Act.

PART 2 BOARD

Yukon Child Care Board

4.(1) There is established a board to be known as the Yukon Child Care Board consisting of not less than 7 members appointed by the Commissioner in Executive Council.

(2) The Commissioner in Executive Council shall appoint the members of the board from persons nominated by Yukon First Nations, child care groups, licensed child care services, and parents.

(3) In appointing members of the board, the Commissioner in Executive Council shall consider the racial, regional, and gender balance of the Yukon.

(4) The functions of the board are

(a) to encourage the development and support of child care services which meet the needs of parents and children in the Yukon,

(b) to make recommendations to the Minister on any matter pertaining to child care,

(c) to review any policies, programs, services, or administrative procedures of Government departments in matters pertaining to child care,

(d) to advise on the planning, development, standards, co-ordination and evaluation of child care services in the Yukon, and

(e) to hear appeals under this Act.

(5) The chair and vice-chair of the board are appointed by the Commissioner in Executive Council.

(6) If the chair is unable at any time for any reason to exercise the powers and duties of that office, the vice-chair may act in the chair's place.

(7) Members may hold office during pleasure for terms of two years and thereafter until their successors are appointed.

(8) Members shall be paid such remuneration for their services as is prescribed by the Commissioner in Executive Council. They may also be reimbursed for travel and living expenses that they incur in connection with the performance of their duties away from their ordinary place of residence; but, except as otherwise prescribed by the Commissioner in Executive Council, the payment of those expenses shall conform to the payment of those expenses for members of the public service of the Yukon.

(9) The board may establish procedures and a quorum for its meetings.

(10) Meetings shall be held at the call of the chair, but not less often than twice a year.

(11) The board shall, no later than June 30 of each year, provide the Minister with an annual report containing a summary of its activities, deliberations, and recommendations during the preceding year. On receiving the report, the Minister shall lay a copy of it before the Legislative Assembly during the session then in progress, or if no session is then in progress, at the next session thereof.

(12) The Minister may provide such financial assistance to the board and, from among persons employed in the public service, provide the board with such assistants as the Minister may deem necessary for the proper conduct of the business of the board.

PART 3 LICENCING

Child care centre programs

5. No person shall provide or offer a child care centre program unless that person has a licence to do so.

School-age programs

6. No person shall provide or offer a school-age program to 8 or more children unless that person has a licence to do so.

Family day home programs

7.(1) No person shall provide or offer a family day home program to 4 or more children unless that person has a licence to do so.

(2) No person shall provide or offer a licensed family day home program to

(a) more than 4 infants,

(b) more than 6 preschool children where not more than 3 are infants, or

(c) more than 8 preschool children where none are infants.

(3) If the person providing or offering the licensed family day home program also cares for their own preschool children along with the children in that program, then their own preschool children shall be included in calculating the number of children that, under subsection (2), the program can be offered or provided to.

(4) Where a licensed family day home program has an additional staff member available for supervision, the family day home program may provide or offer child care to up to 4 school-age children in addition to the number of preschool children to whom the care may be provided or offered in the family day home program under subsection (2).

(5) A person who provides or offers a family day home program to 3 children or fewer does not require a licence but may be issued one if they otherwise meet the requirements for a licence.

Classes of licences

8. The Commissioner in Executive Council may by regulation establish classes of licences and the conditions necessary to obtain the various classes of licences.

Applications for licence

9. All applications for licences shall be made in writing to the director. The director shall make a decision on the application within 30 days after the completion of the application.

Issue of licence

10. Where the director is satisfied that an applicant for a licence and the program in respect of which the application is made meet all the requirements and standards prescribed in the regulations in respect of the licence applied for, the director may issue the licence to the applicant.

Term of licence

11. Each licence shall be issued for a term not exceeding one year.

Licences not transferable

12. A licence is not transferable by the person named in the licence to any other person.

Conditions of licence

13.(1) Each licence is subject to the conditions prescribed in the regulations in respect of that licence and to such other terms and conditions as may be imposed by the director.

(2) Where the director imposes any terms and conditions on a licence, the director shall forthwith give the licensee notice of the terms and conditions in writing sent by registered mail to the address of the licensee given in the application for the licence.

Reporting by licensee

14.(1) A licensee shall promptly notify the director of

- (a) any material change in the program or premises described in the licence; or
- (b) any change in the staff of the program.

(2) A licensee shall promptly supply the director with all information and particulars regarding the program or premises as may be requested by the director.

Posting of Licence and Orders

15. Every licensee shall post in the premises in a clearly visible and prominent place,

- (a) the licence;
- (b) the terms and conditions imposed on the licence under section 13; and
- (c) any order issued under section 21 or 22.

Validity of prior licence

16. Where, on the coming into force of this Act, a person has a licence issued under the Day Care Act, that person is not required to obtain a licence under this Act for a period of not more than 12 months from the date of coming into force of this Act but the licence issued under the Day Care Act is considered a licence under this Act.

Refusal to issue licence

17. The director may refuse to issue a licence to the applicant where the director

- (a) is satisfied that any program or premises described in the application would not be operated and maintained in compliance with the requirements or standards prescribed in the Act or regulations for that program; or
- (b) is satisfied that the applicant has made a false statement in an application for the licence or any documents submitted in support of the application; or
- (c) has reasonable grounds to believe that any person associated with the operation of the proposed program is not suitable to provide child care.

Notice of refusal to issue licence

18. Where the director refuses to issue a licence to an applicant, the director shall forthwith give the applicant notice of the refusal sent by registered mail to the address of the applicant given in the application for the licence.

Appeal

19. An applicant may appeal the decision of the director to the board under Part 5

- (a) where the director refuses to issue a licence to the applicant, or
- (b) where the director imposes terms and conditions on the licence.

PART 4 ENFORCEMENT

Powers of inspection and seizure

20.(1) The director may designate, as inspectors for the purposes of this Act, persons employed in the Yukon public service.

(2) For the enforcement of this Act, an inspector may conduct investigations and may

- (a) with the consent of the occupant in charge of the place, enter any place;
- (b) at any reasonable time, enter any place to which the public is ordinarily admitted;
- (c) request the production of documents or things that seem relevant to the investigation;
- (d) upon giving a receipt, remove from any place documents produced in response to a request under paragraph (c) and make copies of them or take extracts from them;

(e) upon giving a receipt, remove from any place any other thing produced in response to a request under paragraph (c) and retain possession of it for so long as a person having the right to withhold the thing consents to the inspector having it.

(3) An inspector who needs but cannot obtain consent to enter a place or who has been refused entry to a place may apply to a justice for a warrant authorizing entry of the place.

(4) If a person refuses to comply with a request of an inspector under paragraph (2)(c) the inspector may apply to a justice for an order for the production of the document or thing.

(5) Where a justice is satisfied that there are reasonable grounds to believe that it is necessary that a place be entered to further an investigation under this Act, the justice may issue a warrant authorizing entry of the place by any person referred to in the order.

(6) Where the justice is satisfied that there are reasonable grounds to believe that the production of a document or thing is necessary to further an investigation or proceeding under this Act, the justice may make an order authorizing the seizure of the document or thing by any person referred to in the order.

(7) An order under subsection (6) authorizing seizure of a document or other thing may be included in a warrant under subsection (5) authorizing entry of a place, or may be made separately from such a warrant.

(8) A warrant issued under subsection (5) and an order made under subsection (6)

(a) shall be executed within such part of a day, if any, as is specified in the order, and

(b) shall expire at the end of the day specified in the order or at the end of the fourteenth day after the order is issued or made, whichever day ends first.

(9) A document or thing that has been seized under this Act shall be returned to the person from whom it was seized after it is no longer needed for the investigation or proceeding under this Act.

Order to remedy violations

21. Where the director

(a) is satisfied that any program or premises described in a licence is not being operated and maintained in compliance with the requirements or standards prescribed for that program;
or

(b) believes that a program or premises described in a licence is being operated and maintained in a manner that is hazardous to the health, safety or well-being of children receiving child care in the program;

the director may, by written order, require the licensee to take such measures as shall be specified in the order and, within such time limits as may be specified in the order, to remedy the non-compliance or to remove the hazard, as the case may be and shall serve a copy of the order on the licensee.

Suspension or revocation of licence

22.(1) Where the director

(a) is satisfied that a licensee has contravened or failed to comply with any provision of this Act, the regulations, or any condition of the licence; or

(b) is satisfied that any program or premises described in a licence is not being operated and maintained in compliance with the requirements or standards prescribed for that class of program; or

(c) believes that a program or premises described in a licence is being operated and maintained in a manner that is hazardous to the health, safety, or well-being of children receiving child care in the program; or

(d) is satisfied that a licensee has made a false statement in an application for the licence or in any document in support of the application; or

(e) is satisfied that a licensee has failed to comply with an order made under section 21;

the director may, by written order, suspend or revoke the licence issued for the program.

(2) Where the director suspends or revokes a licence, the director shall serve a copy of the order suspending or revoking the licence on the licensee.

23. A licensee may appeal an order by the director under sections 21 or 22 to the board under Part 5.

PART 5 APPEALS

Method of Appeal

24. Any appeal may be made by filing a written notice with the board within 21 days of receiving notice of the decision, suspension, revocation, imposition of the terms and conditions, or order, as the case may be.

Procedure on Appeal

25.(1) Where a notice of appeal under this Act is filed with the board, the chair shall arrange a date, not more than 21 days after receipt of the notice of appeal, and a time and place for hearing the appeal, and shall give at least 3 days notice of the date, time and place fixed for the hearing to the appellant and the director.

(2) The chair may determine that the appeal will be heard either by the full board or by a panel of at least three board members.

(3) Where the chair determines that the appeal will be heard by a panel, the chair will ensure that the panel includes, where practicable, members of the board from the region where the notice of appeal originated.

(4) Where the appeal is heard by a panel, the panel has all the power and authority of the board in respect of the appeal.

Director to forward information

26. On being informed that an appeal has been taken under this Act, the director shall forthwith provide the board or panel with

(a) all the evidence of a documentary nature on which the director made the decision appealed, and

(b) all other records, reports, and documents which the director thinks are relevant in determining the appeal.

Director party to appeal

27. The director is a party to every appeal under this Act and may appear or be represented, present evidence, and make submissions on any appeal under this Act.

Notice of right to appeal

28. Where the director makes an order or decision which is appealable under this Act, the order or notice of the decision shall set out, as a separate statement, that the order or decision may be appealed in accordance with this Act.

Stay of order or decision

29. Where a notice of appeal has been filed under section 24, the filing of the notice does not by itself operate as a stay of the order or decision being appealed but the chair may grant a stay, in whole or in part and on such conditions as are just, pending the disposition of the appeal.

Powers, privileges and protection of members

30. For the purposes of this Part, the board and each of its members has the protection, privileges and powers of a board appointed under the Public Inquiries Act.

Hearing of appeal

31.(1) On the date and at the time and place stated in the notice, the board or panel, as the case may be, shall sit and hear all evidence presented by or on behalf of the appellant, and the parties to the appeal may appear on their own behalf or be represented by another person.

(2) The appeal shall be held in public unless the board or panel determines that the appeal should be heard in camera.

Action of board

32. On an appeal under this Act, the board or panel, as the case may be, may, by written order

- (a) dismiss the appeal,
- (b) quash the decision or order appealed,
- (c) vary the decision or order appealed, or
- (d) make any decision or order which the director could have made in the first instance.

Effect of board decision

33.(1) An order of the board or a panel is final and binding.

(2) Notwithstanding subsection (1), the board may on its own motion reconsider any decision or order made by it or by a panel and may vary or revoke the order at any time within 14 days after the day on which the order was made.

PART 6 ADMINISTRATION

Powers of Minister

34. The Minister may

- (a) enter into agreements for the promotion and support of child care services and pay for services rendered under the agreements,
- (b) provide loans, grants or other funding for the promotion and support of child care services,
- (c) conduct research for the purpose of ascertaining more effective methods of providing child care, and
- (d) employ any personnel that the Minister considers necessary to carry out the objects of this Act.

Agreements

35.(1) The Minister may make agreements with the Government of Canada, the government of a province, the governing body of a Yukon First Nation, a municipal council, or a person respecting anything necessary for the administration of this Act.

(2) The Commissioner in Executive Council may authorize the Minister to enter into agreements on behalf of the Government of the Yukon with the Government of Canada in respect of any matter he or she considers advisable relating to the purposes and provisions of this Act.

Director responsible for administration of Act

36.(1) Subject to section 37, the director shall have supervision of the administration and enforcement of this Act.

(2) The director may, in writing, designate a person to perform any of the director's duties or any of the director's powers under this Act.

Transfer of administration of Act

37.(1) The Commissioner in Executive Council may authorize the Minister to enter into an agreement with a Yukon First Nation or with a municipality which transfers responsibility for the administration of this Act from the Minister to the governing body of the Yukon First Nation or the municipal council, as the case may be.

(2) An agreement made under subsection (1) shall include the following conditions:

(i) that child care services provided within the jurisdiction of the Yukon First Nation or of the municipality shall be provided on a basis consistent with the requirements and standards established by this Act; and

(ii) that at any time where the Commissioner in Executive Council is satisfied that the child care services provided within the jurisdiction of the Yukon First Nation or of the municipality covered by the agreement are not being provided according to the requirements and standards established by this Act, the Commissioner in Executive Council may cancel the agreement and return responsibility for the administration of this Act to the Minister.

(3) The Minister shall lay a copy of any agreement made under this section before the Legislative Assembly during the session then in progress, and if no session is then in progress, at the next session thereof.

PART 7 GENERAL

Reporting of child in need of protection

38.(1) Any person providing a child care program, or a person employed by a person providing a child care program, who has reasonable grounds to believe that a child enrolled in the program may be a child who is abused, neglected or otherwise in need of protection within the meaning of the Children's Act shall forthwith report the information on which they base their belief to the director, an agent of the director, or a peace officer.

(2) No legal action of any kind, including professional disciplinary proceedings, may be taken against a person who reports information under subsection (1) by reason of the person's so reporting, unless the reporting was done maliciously and falsely.

Subsidies

39.(1) The director may, in accordance with and subject to the regulations, authorize the payment of subsidies to or on behalf of parents or guardians of children requiring child care.

(2) Applications for subsidies shall be made in writing to the director and shall include such information as may be required under the regulations.

(3) The director shall notify the applicant of the director's decision about paying a subsidy. If the subsidy is authorized, the notice shall state the amount of the subsidy and the period during which it will be paid.

(4) Where the director refuses to grant a subsidy, the applicant may appeal the decision of the director to the board under Part 5.

Regulations

40. The Commissioner in Executive Council may make regulations

- (a) establishing classes of child care programs and the qualifications for the licensing thereof;
- (b) prescribing conditions for licences or classes of licences;
- (c) prescribing requirements and standards for premises in which programs are operated by licensees and the furnishing and equipment thereof;
- (d) prescribing the elements of programs required to be provided by licensees;
- (e) prescribing the elements of programs or activities for child development services or pre-school programs;
- (f) prescribing standards of health, safety, nutrition, discipline, staffing, and emergency procedures required to be met by licensees;

- (g) prescribing the qualifications, duties, and responsibilities of licensees and of their staff;
- (h) prescribing the books, records, and accounts to be kept by licensees;
- (i) respecting the funding of persons establishing and providing child care programs and prescribing the manner of determining the amount of funding, the requirements and qualifications for receiving funds, and the conditions on which funds are payable;
- (j) respecting the payment of subsidies to or on behalf of persons whose children require child care and prescribing the manner of determining the amount of subsidies payable and the requirements and qualifications for receiving subsidies;
- (k) generally, for carrying out the provisions of this Act.

Offence and penalty

41. Any person who contravenes a provision of this Act or a regulation or order made under this Act is guilty of an offence and liable on summary conviction to a fine of up to \$1,000.00 for each day that the offence continues or, if an individual, to imprisonment for up to six months, or to both the fine and imprisonment.

Land Claims and Self Government Agreements

41.1. Notwithstanding anything in this Act, where there is a conflict between this Act and

- (a) a Yukon Land Claim Agreement that is in force, or
- (b) a Self Government Agreement between a Yukon First Nation and the Government of Canada or the Government of the Yukon that is in force,

the Yukon Land Claim Agreement or the Yukon First Nation Self Government Agreement shall prevail to the extent of the conflict.

Repeal

42. The Day Care Act is repealed.

Commencement of Act

43. This Act shall come into force on a day to be fixed by the Commissioner in Executive Council.



**STATUTES OF THE YUKON
1989-90**

**CHAPTER 25
EDUCATION ACT**

(Assented to May 14, 1990)

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Preamble

Recognizing that Yukon people agree that the goal of the Yukon education system is to work in co-operation with the parents to develop the whole child including the intellectual, physical, social, emotional, cultural, and aesthetic potential of all students to the extent of their abilities so that they may become productive, responsible, and self-reliant members of society while leading personally rewarding lives in a changing world; and

Recognizing that the Yukon education system will provide a right to an education appropriate to the individual learner based on equality of educational opportunity; prepare students for life and work in the Yukon, Canada, and the world; instill respect for family and community; and promote a love of learning; and

Recognizing that meaningful partnerships with greater parental and public participation are encouraged for a high quality Yukon education system; and

Recognizing that the Yukon curriculum must include the cultural and linguistic heritage of Yukon aboriginal people and the multicultural heritage of Canada; and

Recognizing that rights and privileges enjoyed by minorities as enshrined in the law shall be respected.

The Commissioner of the Yukon Territory, by and with the advice and consent of the Legislative Assembly, enacts as follows:

PART 1 INTERPRETATION

Definitions

1. In this Act,

“aboriginal people” means those persons who are members or entitled to be members of a Yukon First Nation;

“attendance area” means the area designated by the Minister for each school committee and Council pursuant to section 58;

“Central Indian Education Authority” means a body established by the Council for Yukon Indians to act for it on educational matters;

“community” means any municipality established under the Municipal Act or any residential area designated by the Minister and may include a Yukon First Nations community;

“Council” means a school council established under this Act;

“Council for Yukon Indians” includes any successor organization;

“department” means the department of education;

“deputy minister” means a member of the public service responsible for the administration of the department of education;

“director” means a director of education appointed by a School Board under this Act;

“education area” means the area designated by the Minister for each School Board pursuant to section 59;

“educational program” means a set of learning activities for schools and does not include any post-secondary, college, or adult training programs;

“home education program” means an educational program under section 31;

“Individualized Education Plan” (IEP) is a document which outlines the educational program for a student as determined by a school based team, containing a description of the student’s present level of functioning; long term or annual goals; short term goals or specific behavioural objectives; special resources required; suggested instructional materials, methods and strategies; IEP review dates; persons responsible for the implementation of the IEP, including parents; and parents’ written, informed consent for implementation;

“Local Indian Education Authority” means a body established by a Yukon First Nation to act for it on educational matters;

“member” means a person who is elected or appointed to a school committee or to a Council;

“Minister” has the same meaning as “Executive Council Member” as defined in the Interpretation Act;

“parent” means the biological parents, the adoptive parents by custom or otherwise, the persons legally entitled to custody, or the persons who usually have the care and control of the child;

“principal” means a teacher who is appointed or designated to be a principal pursuant to this Act;

“private school” means a private school registered or accredited under section 29 of this Act;

“school” means a body of students organized as a unit for educational purposes under the jurisdiction of the Minister or a School Board;

“school-age” means the age of 5 years and 8 months or older and younger than 21 years of age as at September 1;

“School Board” means a board of trustees of an education area established under this Act;

“school plan” means a plan prepared for each school by the school administration containing school objectives, educational priorities, courses of study by grade, evaluation procedures, recommended budget and staffing requirements, and other information required for the effective functioning of the school;

“student” means a person enrolled in an educational program provided by the Minister or by a School Board;

“student record” means a record of information in written or electronic form pertaining to a student but does not include a record prepared by a person if that person is the only person who will have access to the record;

“substitute teacher” means a teacher employed to replace a teacher who is temporarily absent from regular duties;

“superintendent” means a superintendent of schools appointed by the Minister and assigned duties pursuant to this Act;

“teacher” means a person holding a valid and subsisting certificate of qualification, or a letter of permission, issued pursuant to the regulations who is appointed or employed pursuant to this Act to give instruction or to administer or supervise instructional service in a school but does not include an aboriginal language teacher;

“teachers association” means the Yukon Teachers Association;

“trustee” means a person who is elected or appointed to a School Board;

“Yukon First Nations” means the Yukon bands recognized from time to time by the Council for Yukon Indians;

“Yukon Land Claim Agreement” includes the Umbrella Final Agreement, Yukon First Nation Self-Government Agreements, and the Yukon First Nation Final Agreement and Transboundary Agreement, as ratified in the manner provided in such Agreements.

Limitations

2.(1) The exercise of any right or the receipt of any benefit under this Act is subject to those limitations that are reasonable in each circumstance under which the right is being exercised or the benefit is being received.

(2) Unless otherwise authorized by a public officer in accordance with the Financial Administration Act, the resources spent on or ordered to be spent on any educational program or service must not exceed what can be paid for from the amount allocated for that program or service in the Estimates tabled in and approved by the Legislative Assembly.

PART 2 TERRITORIAL ADMINISTRATION

Department of Education

3. There shall be a department of the Government of the Yukon called the Department of Education presided over by the Minister.

Goals and objectives

4. The Minister shall establish and communicate for the Yukon education system goals and objectives, which are:

- (a) to encourage the development of the students' basic skills, including
 - (i) the skills of literacy, listening, speaking, reading, writing, numeracy, mathematics, analysis, problem solving, information processing, computing,
 - (ii) critical and creative thinking skills for today's world,
 - (iii) an understanding of the role of science and technology in society, together with scientific and technological skills,
 - (iv) knowledge of at least one language other than English,
 - (v) appreciation and understanding of creative arts,
 - (vi) the physical development and personal health and fitness of students, and
 - (vii) the creative use of leisure time.
- (b) to develop self-worth through a positive educational environment,
- (c) to promote the importance of the family and community,
- (d) to provide opportunities to reach maximum potential,
- (e) to promote the recognition of equality among Yukon peoples consistent with the Canadian Charter of Rights and Freedoms and the Human Rights Act,
- (f) to develop an understanding of the historical and contemporary role of women and the reinforcement of the principle of gender equality and the contribution of women to society,
- (g) to promote understanding of the history, language, culture, rights, and values of Yukon First Nations and their changing role in contemporary society,
- (h) to increase awareness and appreciation of the Yukon's natural environment,
- (i) to develop an understanding of the historical and contemporary role of labour and business in society, and
- (j) to prepare for participation in a Yukon, Canadian, and global society.

Duties of the Minister

5. The Minister shall

- (a) establish courses of study for the implementation of the goals and objectives for the Yukon education system,

- (b) provide lists of textbooks, apparatus, equipment and other materials that are prescribed, approved or recommended for use in any school,
- (c) contribute to the professional development of teachers,
- (d) issue, suspend, and cancel teaching certificates in accordance with the requirements of the regulations,
- (e) institute adult training and continuing education programs,
- (f) provide for human resource development, planning services and employment development job retention programs,
- (g) provide for the financing of the Yukon education system out of funds appropriated by the Legislative Assembly, and
- (h) table an annual report on the state of education in the Yukon, including reports from each School Board, in the Legislative Assembly during the session next following the end of the year for which the report is made.

Powers of the Minister

6.(1) The Minister may

- (a) establish schools and provide for the closure of schools subject to the guidelines,
- (b) designate the grades and special programs to be offered in each school operated by the Minister,
- (c) approve a locally developed course or courses of study for use in a school,
- (d) supply textbooks and other instructional materials, apparatus or equipment to students, teachers, School Boards, or Councils,
- (e) appoint such advisory, administrative, or consultative bodies as may be considered necessary subject to the regulations,
- (f) prescribe forms and notices as required for the administration of this Act,
- (g) establish and provide for the operation of student residences and boarding programs for students who reside in the Yukon and leave home in order to receive an educational program and the prescribing of fees, if any, to be charged for the accommodation, and
- (h) provide for any other matter that the Minister considers advisable to effectively administer the Act and the Yukon education system.

(2) The Minister shall seek advice from the School Board before exercising any power pursuant to paragraph 1(a) that may affect a school operated by that School Board.

Agreements

7. The Minister may make agreements on any matter respecting education or the operation of schools in the Yukon Territory with the Government of Canada, a Yukon First Nation, the Central Indian Education Authority, or if the Central Indian Education Authority has not been established, the Council for Yukon Indians, the government or agent of any other jurisdiction, a School Board or Council in accordance with terms and conditions approved by the Commissioner in Executive Council.

Appointments

8.(1) In accordance with the Public Service Act there shall be appointed a deputy minister of education and any other employees required for the conduct of business of the Minister, School Boards, and the department.

(2) In the exercise of a power conferred by this Act on the deputy minister, the deputy minister shall act under the direction of the Minister.

Delegation

9. The Minister may in writing delegate any power, duty or function conferred on the Minister by this Act to a School Board, a Council, or to any employee of the department.

PART 3 STUDENTS AND PARENTS Division 1 - Access to Education

Right to education

10. Persons are entitled to receive an educational program appropriate to their needs in accordance with the provisions of this Act

(a) who at September 1 in a year are 5 years and 8 months of age or older and younger than 21 years of age, and

(b) who are Canadian citizens, lawfully admitted to Canada for temporary or permanent residence, a child of a Canadian citizen, or a child of an individual who is lawfully admitted to Canada for permanent or temporary residence.

Responsibility to resident students

11.(1) A School Board shall provide to every school-age person who resides in its education area and the deputy minister shall provide to every other school-age person resident in the Yukon, an

educational program consistent with the requirements of this Act and regulations and, for the purposes of providing the educational program to the student, the deputy minister or School Board shall

(a) enroll the student in an educational program operated by it, or

(b) direct the student to attend an educational program operated by another School Board or by the Minister where it is reasonable to do so.

(2) Where a student is directed to attend an educational program pursuant to paragraph (1)(b), the School Board or deputy minister shall enter into a tuition agreement with the receiving School Board or the government and shall be responsible for the fees and costs consequent to the student's attendance at the educational program.

(3) Residency of a student shall be determined by the residency of the student's parents.

Free education

12. No tuition fees consequent to the student's attendance for an educational program as determined under section 11 shall be charged to the student or the parents of the student.

Access

13. The deputy minister or where there is a School Board, the School Board may permit a person who is 21 years of age or older to enroll in an educational program on such terms as may be prescribed by the deputy minister or School Board.

Choice of other educational program

14.(1) On the request of a student or a parent of a student, the deputy minister may authorize the student to attend an educational program at a school in the Yukon other than the educational program determined in accordance with section 11.

(2) Tuition fees and other costs may be levied for the attendance by a student at an educational program authorized under subsection (1).

(3) The department shall inform the School Board, Council, or school committee that is established in the student's resident education area or attendance area of the student's attendance in the educational program referred to in subsection (1) and may direct that a tuition agreement be entered into pursuant to subsection 11(2).

Division 2 - Special Education

Special education

15.(1) Students who, by virtue of intellectual, communicative, behavioural, physical, or multiple exceptionalities are in need of special education programs, are entitled to receive a program outlined in an Individualized Education Plan.

(2) A student who is entitled to an Individualized Education Plan shall have the program delivered in the least restrictive and most enabling environment to the extent that is considered practicable by the deputy minister or by a School Board in consultation with professional staff and parents, having due regard for the educational needs and rights of all students.

(3) The Minister shall issue guidelines for the implementation of this Division.

Determination of special educational needs

16.(1) The school administration in consultation with professional staff and parents or, where a child is not in attendance at a school, the deputy minister, in consultation with professional staff and parents, shall determine

- (a) whether a student is a student with special educational needs and, if so
- (b) what Individualized Education Plan is appropriate to meet the needs of that student.

(2) Before a student is determined to be a student with special educational needs and, if so, what Individualized Education Plan is appropriate, the following procedures shall be followed:

- (a) the student shall be referred to the department for a determination of the assessments that may be required to be performed,
- (b) the parent of the student shall receive written information concerning the procedures outlined in this section,
- (c) prior written informed consent by a parent for the psychological and other specialized tests that are not routinely used by teachers shall be obtained,
- (d) where appropriate, the assessment shall be multidisciplinary,
- (e) the results of the assessment reports shall be provided and explained to the parent,
- (f) a parent and, where appropriate, the student, shall be consulted prior to the determination of and during the implementation of an Individualized Education Plan, and
- (g) the parents shall be provided with information concerning the right of appeal to the Education Appeal Tribunal.

(3) Parents shall have the right to request for their children a determination in accordance with this section.

(4) Parents shall be invited to be members of a school based team that is established for their child.

(5) Where there is more than one parent for a child, consultation with one parent shall be deemed to be compliance with any consultation requirements of this section.

Special needs appeals

17.(1) If a disagreement arises respecting

- (a) the identification of a student as a student with special educational needs,
- (b) the Individualized Education Plan established for a student,
- (c) a request by a parent for a determination pursuant to subsection 16(3),
- (d) a decision regarding the implementation of the Individualized Education Plan in an environment other than the regular class,
- (e) a decision not to implement an Individualized Education Plan in a school where the student would normally attend, or
- (f) the apportionment of costs, including non-educational costs, for the provision of an Individualized Education Plan,

the parent, student, School Board, Council, or deputy minister may, within 14 days of the decision, appeal the matter to the Education Appeal Tribunal established pursuant to this Act.

(2) When an appeal is made to the Education Appeal Tribunal, the student shall be enrolled in the program determined in accordance with section 16 until the Education Appeal Tribunal makes its decision.

Division 3 - Parent Rights and Responsibilities

Rights and responsibilities of parents

18.(1) Parents of students attending school are entitled

- (a) to be informed of the progress, behaviour and attendance of their children,
- (b) upon reasonable notice to the principal and teacher, to observe the instruction of their children if the parental visitation does not impede the instruction of other children,
- (c) to appeal decisions that significantly affect the education, health or safety of their children, and
- (d) to be consulted in the development of any specialized educational programs prepared for their children.

(2) A parent of a student attending a school may and at the request of a teacher or principal shall consult with the teacher or principal with respect to the student's educational program.

Choice of education

19. Subject to the provisions of this Act, parents may choose home schooling, private schooling or public schooling for their children.

Student records

20.(1) Every school administration shall establish and maintain a student record for each student enrolled in its school in accordance with the guidelines established by the Minister.

(2) The parents of a student, a student who is 16 years of age or older, or both the parents and the student, may examine and copy the record of the student.

(3) Subject to subsection (2), a student's record is privileged for the information and use of school and departmental officials as required for the improvement of instruction of the student and is not available to any other person without the written permission of the parent or, where the student is 16 years of age or older, the student.

(4) Persons who contribute information to a student record are exempt from any liability with respect to the provision of that information if those persons, in providing the information, acted in good faith, acted within the scope of their duties and responsibilities, and did not act negligently.

(5) If, on examining a student record, a person is of the opinion that the student record contains inaccurate or incomplete information, that person may request the school administration to rectify the record.

(6) Any dispute arising under subsection (5) may be referred to the superintendent or director who shall review the request and provide direction to the school administration.

(7) Any dispute that is not resolved in accordance with subsection (6) may be appealed within 14 days of the direction of the superintendent or director to the Education Appeal Tribunal established pursuant to this Act.

(8) Any person who discloses information from a student record in contravention of subsection (3) is guilty of an offence and liable to a fine of not more than \$200.00.

Damage to school property

21. If school property is destroyed, damaged, lost, or converted by the intentional or negligent act

(a) of 1 student, the student and the student's parents are jointly and severally liable in respect of the act of the student, or

(b) of 2 or more students acting together, the students and their parents are jointly and severally liable in respect of the act of the students.

Division 4 - Compulsory Education

Compulsory education

22.(1) Unless excused under subsection (2), every child who at September 1 in a year is 6 years and 8 months of age or older and is younger than 16 years of age shall attend a school operated by the Minister or a School Board.

(2) A student is excused from attendance at school if

(a) the student is unable to attend school by reason of sickness or other unavoidable cause,

(b) the student is a participant in religious observances, celebrations, or activities recognized by a religious denomination,

(c) the student is a participant in Yukon aboriginal cultural activities or in aboriginal harvesting activities,

(d) the student has been suspended by a school and has not been given permission to enroll in another school,

(e) the student is enrolled and in regular attendance at a private school or a home education program in accordance with this Act, or

(f) the student is enrolled in distance education courses as approved by the deputy minister.

Excusing from attendance

23.(1) The superintendent or director may, on application from a student or a parent of a student, excuse the student from attendance at school and may attach conditions to the permission to be excused.

(2) Prior to excusing a student from attendance at school, the superintendent or director shall consult with the student and the student's parents.

(3) The superintendent or director may direct that a student who is excused from attendance at school receive optional education.

Public Health Act

24. Where a student is prohibited from being in a public place pursuant to the Public Health Act, that student

(a) is excused from attendance at school, and

(b) may be entitled to receive an optional education appropriate to the student's needs.

School attendance counsellors

25. The deputy minister or a School Board may designate school attendance counsellors to assist in the enforcement of the compulsory attendance provisions of this Act.

Attendance policy

26. School Boards, Councils, and, where a school committee exists, the superintendent, shall establish an attendance policy for their students.

Legal proceedings

27.(1) If a child is required to attend school pursuant to this Act and the parent neglects or refuses to take reasonable steps to cause the child to attend school, the parent is guilty of an offence and is liable to a fine of not more than \$100.00 and each day's continuance of such failure or neglect shall constitute a separate offence.

(2) A child who is

- (a) 12 years of age or older,
- (b) required to attend school pursuant to this Act, and
- (c) absent from school without lawful excuse

is guilty of an offence.

(3) In prosecutions under this section, a certificate as to the attendance or non-attendance at school of any child, signed or purported to be signed by the principal of the school, is prima facie evidence of the facts stated therein without any proof of the signature or appointment of the principal.

(4) The judge may, instead of imposing a fine, require the parent convicted of an offence to give a bond or other security that the parent cause the child to attend school as required by this Act, and the judge may order such parent to cause the child to attend school as required by this Act.

(5) In any prosecution under this section, a birth or baptismal certificate or a copy thereof purporting to be certified under the hand of the person in whose custody such records are held is evidence of the age of the person named in the certificate or copy.

(6) In the absence of any certificate or copy mentioned in subsection (5), or in corroboration of any such certificate or copy, the court or the judge may receive and act upon any other documents or information relating to age that it considers reliable.

(7) In any prosecution under this section, the court or the judge may draw inferences as to the age of a person from the person's demeanor or from statements made by the person in direct examination or cross-examination.

Division 5 - Optional Education

Human rights

28. The Canadian Charter of Rights and Freedoms and the Human Rights Act shall apply to the delivery of optional education provided for in this Division.

Private schools

29.(1) A private school is a school, including a school operated by a religious denomination, other than a school operated by the Minister or a School Board, that offers educational programs during school days to school-age children.

(2) A school is entitled to be registered or accredited as a private school if the operator of the school applies to the Minister and the Minister is satisfied that the private school

- (a) provides courses of study that meet the goals and objectives established by the guidelines for private schools,
- (b) in the case of an accredited private school, employs persons who meet the qualifications required by the regulations,
- (c) agrees to regular evaluation and monitoring as determined by the Minister,
- (d) meets all local and territorial health, safety and building standards, and
- (e) meets standards of student achievement, as measured by achievement testing, comparable to those of schools operated by the Minister or a School Board.

(3) Any guidelines, evaluation, and monitoring of a private school by the Minister shall take into account the religious preferences of the private school.

(4) The Minister may cancel or suspend the registration or accreditation of a private school if any requirement of subsection (2) is not met.

(5) No person shall operate a private school unless it is registered or accredited under subsection (2).

(6) If a person operates a private school that is not registered or accredited, the Minister may apply to a judge for an order restraining the person from operating the private school.

(7) No grants or contributions shall be made to a private school by the Minister, the Commissioner in Executive Council, a School Board, or a Council.

(8) A person who operates a private school that is not registered or accredited in accordance with this section is guilty of an offence and is liable to a fine not less than \$500.00 for each day that the person continues to operate the private school.

Distance education

30.(1) The deputy minister may provide for distance education courses of instruction on conditions prescribed by the guidelines established by the Minister.

(2) The Minister may charge fees for the provision of distance education courses as prescribed by the regulations.

Home education

31.(1) A parent of a student may provide, at home, a home education program for the student if the parent complies with this section and if the program meets the goals and objectives outlined in paragraph 4(a)(i) of this Act.

(2) The parent shall, prior to the commencement of a home education program for the student and on an annual basis thereafter for as long as the home education program is offered, register the student with the Minister.

(3) An educational plan for each student who is receiving home education shall be prepared and provided to the Minister subject to the following conditions

(a) the initial educational plan shall be prepared and provided to the Minister prior to the commencement of the home education program,

(b) an educational plan shall be for a minimum period of 3 school years and shall cover every year of the home education program, and

(c) each educational plan shall include a description of the learning activities for the student that will comply with the goals and objectives set out in paragraph 4(a)(i) of this Act.

(4) The parent of a home education student may request that tests be administered to the student subject to the requirements of the regulations and to payment of fees prescribed by the regulations for any tests that are administered.

(5) A student in a home education program may attend courses offered by the Minister or a School Board subject to any terms and conditions established by the regulations.

(6) The parent of a home education student may receive for the student educational resource materials and use of school facilities and equipment subject to the regulations.

(7) The Minister may

(a) provide for the assessment of the student's achievement on a regular basis and communicate the results to the parent,

(b) advise the parent if, in the opinion of the Minister, the student is not making reasonable progress in the program, and

(c) provide the parent with recommendations which will assist the student in improving the level of achievement.

(8) Notwithstanding subsection (1), the Minister may, in writing, terminate the home education program if the Minister is of the opinion, after considering the abilities of the student, that

(a) the home education program no longer meets the requirements of paragraph 4(a)(i), or

(b) the student has failed to meet standards of student achievement, as measured by achievement testing, comparable to those of schools operated by the Minister or a School Board.

(9) The Minister shall, in conjunction with the notice of termination, direct the student to attend a school operated by the Minister or a School Board effective on the date specified in the notice of termination.

Kindergarten

32.(1) The Minister shall establish a kindergarten program in accordance with the regulations.

(2) No child shall be compelled to attend a kindergarten program.

(3) Children are not eligible for a kindergarten program unless they have attained the age of 4 years and 8 months by September 1.

(4) A child may not attend more than one session of kindergarten per day as defined in the regulations.

(5) At least one school operated by the Minister or a School Board in each community shall provide a free kindergarten program subject to the regulations.

(6) Where there is more than one school in a community, the Minister or School Board shall designate the school or schools that shall offer the kindergarten program.

Pre-School education programs

33.(1) The Minister or a School Board may establish and maintain educational programs for children who have not attained school age.

(2) The Minister or a School Board may charge tuition fees for attendance at the program referred to in subsection (1).

(3) No child shall be prohibited from attending a program referred to in subsection (1) due to the inability of the parent to pay the fee for such attendance.

Division 6 - Students Rights and Responsibilities

Rights of students

34. In accordance with this Act, students attending school are entitled to

- (a) receive a free educational program appropriate to their needs,
- (b) receive an educational program outlined in an Individualized Education Plan when the student is in need of a special education program,
- (c) examine and copy their student records,
- (d) be provided with accommodation where they are required to live away from home to receive an educational program,
- (e) be treated in a fair and consistent manner, and
- (f) appeal, either individually or with their parents, decisions that significantly affect their education, health, or safety.

Freedom of opinion

35. A student may express any religious, political, moral, or other belief or opinion so long as the expression does not adversely affect the rights or education of other students, or the rights of other persons in the school.

Corporal punishment

36. Corporal punishment shall not be used in the discipline of students.

Exercise of rights

37. Students who have attained the age of 19 are entitled to exercise all the rights and powers, to assume all the obligations, and to receive all the benefits under this Act with respect to them that their parents are otherwise entitled to exercise, assume, or receive on their behalf and their parents shall not exercise those rights and powers, assume those obligations, or receive those benefits.

Duties of students

38. Every student shall

- (a) respect the rights of others,
- (b) attend school regularly as required by this Act,
- (c) arrive punctually for each session of school,
- (d) observe the rules of the school,

- (e) pursue in a diligent manner the courses of study and carry out learning activities as may be required by a teacher,
- (f) return any school books or apparatus on loan when required to do so by a teacher or principal, and
- (g) refrain from damaging or mutilating any school property.

School rules

39.(1) A School Board or Council and, where no School Board or Council has been established, the superintendent shall review, modify if necessary, and approve rules for the school and procedures for the enforcement of the rules as developed by the school administration in consultation with school employees and after having requested input from students.

(2) The rules that affect students shall be posted in conspicuous places within the school and shall be reviewed with the students of the school at the commencement of each school year.

(3) The rules established pursuant to this section shall be applied without discrimination to all students and shall be consistent with this Act and the regulations.

(4) Discipline of students shall be administered in accordance with this Act and the rules and procedures established by the School Board, Council, or superintendent.

Dismissal of students

40.(1) A principal may dismiss a student for a period not exceeding two school days for any breach by the student of the duties specified in section 38.

(2) When a student has been dismissed, the principal shall

(a) make every effort possible to inform the parents of the student the reason for the dismissal, and

(b) meet as soon as possible with the student and the parents of the student to review the circumstances surrounding the dismissal and to determine appropriate corrective action.

(3) If there is no resolution within two school days, the principal must decide either to reinstate or to suspend the student in accordance with section 41.

Suspension of students

41.(1) A principal may suspend a student for a period not exceeding 10 school days for any breach by the student of the duties specified in section 38.

(2) A principal may recommend to a School Board, Council, or where there is no Council, a superintendent that a student be suspended for a period greater than 10 school days.

(3) When a principal suspends a student or makes a recommendation for suspension for a period exceeding 10 school days, the principal shall report in writing to the parents of the student and to the School Board, the Council, or where there is no Council, the superintendent the reason or reasons for the suspension.

(4) The parent of a suspended student and the suspended student may make representations to the School Board, Council, or where there is no Council, the superintendent with respect to the suspension or the recommendation for a suspension for a period exceeding 10 school days.

(5) The School Board, Council, or superintendent may

(a) reinstate the student,

(b) uphold the suspension, or

(c) place the student on a suspension that exceeds 10 school days and that ends at the end of the semester or school year, whichever occurs first.

(6) The student shall remain suspended until the School Board, Council, or superintendent has reached a decision.

(7) A student or a parent of a student may appeal within 14 days of receipt of a suspension decision by a School Board, Council, or superintendent to the Education Appeal Tribunal established pursuant to this Act.

(8) The School Board, Council, or superintendent shall inform the student and the parents of the student of the right of appeal under subsection (7).

PART 4 SCHOOL OPERATION

Language of instruction

42. Every student is entitled to receive an educational program in the English language.

Locally developed course of study

43.(1) A locally developed course of study may be used in an educational program if the course has been approved by a School Board or Council and the Minister.

(2) Locally developed courses may constitute up to 20% of the educational program offered to any student in a semester or a school year.

(3) The Minister shall approve or reject a proposal for the development of a locally developed course of study within 30 days of its receipt and shall provide reasons for any rejection.

(4) When the Minister approves a proposal for a locally developed course of study, the Minister may provide support for the development of the course of study.

(5) When the Minister rejects a proposal for a locally developed course of study, the School Board, Council, or a Local Indian Education Authority may appeal the rejection within 30 days of receiving notice of it to the Education Appeal Tribunal established pursuant to this Act.

Instructional materials

44. A School Board or Council, with the prior approval of the Minister, may authorize the use of a textbook, instructional materials, apparatus, or equipment for any course of study in addition to those prescribed by the Minister.

Patriotic exercises

45.(1) A School Board or Council may offer patriotic exercises to students in school.

(2) Where patriotic exercises are offered in school, students attending the school may, with the written approval of their parent, leave the class during the exercise or remain with the class without taking part in the exercise.

School year

46.(1) The Minister or, where a School Board has been established, the School Board shall specify, on or before March 31, for each school operated by it

- (a) the school opening date,
- (b) the number and the days of school operation,
- (c) the length of the school day, and
- (d) the number of minutes of classroom instruction in a school day.

(2) There shall be 950 hours of instruction in each school year inclusive of 15 hours that shall be used for the activities referred to in subsection (6).

(3) The number of minutes for classroom instruction in a school day shall not be less than 300 and not more than 330, subject to subsection (4).

(4) The number of minutes for classroom instruction for grade one shall not be less than 270.

(5) Every school year shall include a winter vacation period that extends from at least December 21 to January 2 and one other vacation period of at least four weeks duration.

(6) A School Board or Council shall specify 15 hours for non-instructional purposes for its school or schools in each school year.

(7) Statutory holidays shall be school holidays.

(8) School Boards that operate in the same community shall establish the same school year pursuant to subsection (1).

(9) Any dispute that arises under subsection (8) shall be referred to the Minister for resolution.

Transportation

47.(1) In this section “home” means the home or other residence designated by the Minister as the home of the student for the purpose of this section.

(2) Where a student’s home is more than 3.2 kilometres by the nearest passable road from the school the student attends pursuant to section 11, the Minister shall provide transportation for the student to and from school and the student’s home, an allowance in lieu of transportation, accommodation, or an allowance in lieu thereof, or provide an educational program by distance education.

(3) Where a student’s home is less than 3.2 kilometres by the nearest passable road from the school the student attends pursuant to section 11, the Minister may, subject to any fees or conditions prescribed by the regulations, provide transportation for the student to and from the school and the student’s home.

Accommodation

48. If a student who is a resident of the Yukon is required to live away from home to receive an educational program under section 11, the Minister shall provide accommodation and may prescribe, by regulations, fees to be charged for the accommodation or may provide an allowance for the accommodation.

PART 5 YUKON FIRST NATIONS

Yukon Land Claim Agreement

49. Notwithstanding anything in this Act, where there is a conflict between this Act and

(a) a Yukon Land Claim Agreement that is in force, or

(b) a Self-Government Agreement between a Yukon First Nation and the Government of Canada or the Yukon that is in force,

the Yukon Land Claim Agreement or Self-Government Agreement shall prevail to the extent of the conflict.

Language of instruction

50.(1) The Minister may authorize an educational program or part of an educational program to be provided in an aboriginal language after receiving a request to do so from a School Board, Council, school committee, Local Indian Education Authority or, where there is no Local Indian Education Authority, from a Yukon First Nation.

(2) In deciding whether to authorize instruction in an aboriginal language, the Minister shall consider

- (a) the number of students to be enrolled in the instruction,
- (b) the availability of resources and personnel for the instruction,
- (c) the educational feasibility of providing the instruction, and
- (d) the effect of the instruction on students who receive their instruction in English.

Yukon heritage and environment

51. The Minister shall include in courses of study prescribed for use in schools studies respecting the cultural, linguistic, and historical heritage of the Yukon and its aboriginal people, and the Yukon environment.

Aboriginal languages

52.(1) The Minister shall provide for the development of instructional materials for the teaching of aboriginal languages and the training of aboriginal language teachers.

(2) The Minister shall employ aboriginal language teachers to provide aboriginal language instruction in schools in the Yukon.

(3) An aboriginal language teacher shall be under the supervision of the principal of the school where the aboriginal language teacher is providing instruction.

(4) An aboriginal language teacher when providing aboriginal language instruction shall be deemed to be a teacher for the purposes of section 166 of this Act.

(5) The Minister shall establish policies and guidelines on the amount of instruction and the timetabling for the instruction of aboriginal languages in consultation with appropriate Local Indian Education Authorities, School Boards, and Councils.

(6) The Minister shall meet on an annual basis with the Central Indian Education Authority to review the status of aboriginal language instruction in Yukon schools and shall make appropriate modifications where necessary.

Agreements

53.(1) A School Board or Council may

(a) on its own initiative, or

(b) after having received a request from a Yukon First Nation or a Local Indian Education Authority

enter into an agreement with the Yukon First Nation for the provision of educational services by the Yukon First Nation on behalf of the School Board or Council.

(2) The Minister may settle any disputes that arise under subsection (1) and the Minister's decision is final.

Central Indian Education Authority

54.(1) Upon the establishment of a Central Indian Education Authority by the Council for Yukon Indians, the Minister shall consult with the Central Indian Education Authority on any matter affecting the education and language of instruction of aboriginal people.

(2) The Minister and the Central Indian Education Authority may participate in joint evaluations of specific education programs, services, and activities for aboriginal people, the terms of reference for which shall be approved by the Minister and the Central Indian Education Authority.

(3) The cost of any evaluation conducted in accordance with subsection (2) shall be paid by the Minister.

(4) The Minister shall table in the Legislative Assembly the report and recommendations from any evaluation conducted pursuant to subsection (2) within 30 days of receipt of such report and recommendation or at the next sitting of the Legislative Assembly.

(5) The Minister shall respond to the recommendations referred to in subsection (4) and shall report to the Legislative Assembly the modifications to the education and language of instruction of aboriginal people in Yukon schools which resulted from such recommendations within 6 months of receipt by the Minister of the report and recommendations.

(6) The Minister may enter into an agreement with and provide grants to the Central Indian Education Authority for the performance by it of any matter pertaining to aboriginal education including the development and preservation of aboriginal languages.

Cultural activities

55. Every school administration, in consultation with the Local Indian Education Authority or, where there is no Local Indian Education Authority, the Yukon First Nation, shall include in the school program, activities relevant to the cultural, heritage, traditions, and practices of the Yukon First Nation served by the school.

**PART 6
FRENCH LANGUAGE
AND
SEPARATE SCHOOL RIGHTS**

French language

56. Students whose parents have a right under section 23 of the Canadian Charter of Rights and Freedoms to have their children receive an educational program in the French language are entitled to receive that program in accordance with the regulations.

Separate schools

57. All rights and privileges arising out of the Yukon Act, any agreement or understanding between the Commissioner of the Yukon Territory or the Minister and the Catholic Episcopal Corporation shall be respected and continued under this Act and any regulations passed thereunder.

**PART 7
SCHOOL COMMITTEES,
COUNCILS AND SCHOOL BOARDS
Division 1 - Establishment**

Attendance area

58.(1) The Minister may establish any community or portion of a community or any portion of the Yukon as an attendance area.

(2) In the establishment of an attendance area, the Minister may include land in one attendance area that is also included in a different attendance area or in an education area.

Education area

59.(1) The Minister may establish any community or portion of a community or any portion of the Yukon as an education area.

(2) In the establishment of an education area, the Minister may include land in one education area that is also included in a different education area or in an attendance area.

Re-Arrangement

60. The Minister may

(a) add land or take land from an education area or attendance area,

(b) divide an education area or attendance area into two or more education areas or attendance areas,

- (c) combine two or more attendance areas to form one attendance area, and
- (d) combine two or more education areas to form one education area.

Dissolution

61.(1) The Minister may dissolve an education area or attendance area.

(2) When an education area or an attendance area no longer has a school assigned to it, it shall be deemed to be dissolved.

Residents

62.(1) The Minister shall designate the category of residents for whom the education area and attendance area is established.

(2) A designation of residency may be made based on geographic, language, or religious criteria.

(3) In the designation of residency, the Minister shall ensure that the rights of separate schools referred to in the Yukon Act are guaranteed.

Assigning schools to areas

63. The Minister shall assign

- (a) every school existing on the date of proclamation to an attendance area, and
- (b) every school established pursuant to section 6 to an education area or to an attendance area.

Council

64. Subject to section 70, for each attendance area established by the Minister, there shall be a School Council.

School Board

65. For each education area established by the Minister, there shall be a School Board.

Members or trustees

66.(1) A person who is elected to a school committee or Council shall be called a member.

(2) A person who is elected to a School Board shall be called a trustee.

Composition

67.(1) The Minister shall specify the number of trustees of a School Board and members of a Council.

- (2) Each Council shall have no fewer than 3 members and no more than 7 members.
- (3) Each School Board shall have no fewer than 5 trustees and no more than 9 trustees.

Guaranteed representation

68.(1) The Minister shall negotiate guaranteed representation for aboriginal people on School Boards and Councils with each Yukon First Nation and, by agreement with each Yukon First Nation, shall, where it is agreed that there shall be guaranteed representation

- (a) determine the number of representatives of aboriginal people on a School Board or Council,
- (b) establish the appointment or voting process for the filling of the guaranteed positions, and
- (c) define the length of time for the guaranteed representation to apply.

(2) Prior to entering into an agreement with a Yukon First Nation pursuant to subsection (1), the Minister shall consult with any School Board or Council that is affected by the guaranteed representation.

(3) Any agreement pursuant to subsection (1) that requires election of representatives shall be implemented by the calling of an election by the Minister.

(4) Where a School Board or Council is in existence and the agreement pursuant to subsection (1) requires the appointment or election of representatives, those representatives shall take office and shall be in addition to and not in substitution for trustees or members who hold office until the next general election.

School committees changing to councils

69.(1) In this section "former Act" means the School Act, chapter 155 of the Revised Statutes of the Yukon, 1986.

(2) Within 90 days of the proclamation of this Act, every school committee established under the former Act shall hold a meeting of the electors of its attendance area.

(3) The school committee shall, at least 14 days before the meeting, post notices giving the day, place, and hour of the meeting in at least 4 conspicuous places in the attendance area.

(4) The business of the meeting shall be to determine if the school committee shall change from a school committee to a Council.

(5) The school committee shall change from a school committee to a Council if, at a vote conducted at the meeting, at least 50% plus one of the electors in attendance at the meeting vote in favour of the change.

(6) The date of the change from school committee to School Council shall be determined by resolution of the school committee and shall be no later than 6 months from the proclamation of this Act.

(7) The Minister shall either

(a) arrange for the election of members of the Council, or

(b) appoint the existing members of the school committee as the Council for the remainder of the school year

upon receiving the resolution from the school committee referred to in subsection (6).

(8) If the vote at the meeting is not in favour of the change, the school committee shall seek exemption in accordance with section 70.

(9) If the Minister grants an exemption pursuant to section 70, the school committee shall, at each annual meeting of its electors thereafter, arrange for a vote by the electors to determine if the school committee should change to a Council.

(10) If, at a vote conducted at an annual meeting, at least 50% plus one of the electors in attendance vote in favour of the school committee changing to a Council, the school committee shall immediately thereafter advise the Minister who shall change the school committee to a Council in accordance with subsection (7).

(11) Where a school committee that has not been exempted pursuant to section 70 fails to hold a meeting in accordance with subsection (2), the Minister shall determine whether the school committee will change to a Council and the date for the change.

(12) The Minister shall specify the attendance area for each School Council.

Exemption

70.(1) The Minister may exempt a school committee from changing to a Council upon a request to do so from a school committee in accordance with section 69.

(2) When an exemption is granted under subsection (1) the school committee shall continue as a school committee under the provisions of this Act.

Corporate status

71.(1) The Minister shall establish

(a) each School Council and its members as a corporation under the name of:

_____ School Council of Attendance Area # _____, and

(b) each School Board and its trustees as a corporation under the name of:

_____ Board of Trustees of Education Area # _____.

(2) A School Board or School Council established by the Minister shall have for its purposes under this act the legal capacity of a natural person.

Councils changing to School Boards

72.(1) When a Council has been in existence for one or more school years

(a) the Council by resolution, or

(b) 20% or more of the electors resident in the attendance area of the Council by petition

may request the Minister to establish a School Board in substitution for the Council.

(2) Within 90 days of receipt of a request under subsection (1), the Minister shall conduct a vote of electors resident in the attendance area to determine if a School Board should be established.

(3) The Minister shall establish a School Board and shall determine its education area to be effective the first of the next following school year if at least 50% plus one of the voting electors vote in favour of the establishment of a School Board.

Combining Councils

73.(1) When two or more Councils have been in existence for one or more school years

(a) the Councils by separate resolution, or

(b) 20% or more of the electors resident in the attendance areas of the Councils by petition

may request the Minister to establish a School Board in substitution for the Councils.

(2) Within 90 days of receipt of a request under subsection (1), the Minister shall conduct a vote of the electors in the attendance areas to determine if a School Board should be established.

(3) The Minister shall establish a School Board for the attendance area to be effective the first of the next following school year if at least 50% plus one of the voting electors from each of the attendance areas vote in favour of the establishment of a School Board.

Combining School Boards

74. The Minister may combine two or more School Boards into one School Board after each School Board has been in existence for at least one school year upon separate resolutions from each of the School Boards or upon the combination of

(a) a petition from 20% or more of the electors in the education areas of the School Boards, and

(b) at a vote conducted, at least 50% plus one of the voting electors resident in each education area voting in favour of combining the School Boards.

Combining School Board with Council or school committee

75. The Minister may combine a School Board and a Council or school committee into a School Board at any time after the School Board and the Council or school committee have been in existence for at least one school year upon separate resolutions from the School Board and the Council or school committee or upon the combination of

(a) a petition from 20% or more of the electors in the education and attendance areas of the School Board and the Council or school committee, and

(b) at a vote conducted, at least 50% plus one of the voting electors resident in each education and attendance area voting in favour of combining the School Board with the Council or school committee.

Ministerial authority to combine

76.(1) Subject to subsection (2), the Minister may at any time combine 2 or more School Boards, 2 or more Councils, or 1 or more School Boards with one or more Councils.

(2) The Minister shall not combine a School Board or Council that is established on the basis of religion or language with a School Board or Council that is not established on the basis of that religion or language, unless requested to do so in accordance with section 73, 74, or 75.

Transfer of assets

77.(1) The Commissioner in Executive Council may make regulations respecting the transfer of property from the Government of the Yukon to a School Board and from a School Board to the Government of the Yukon.

(2) A regulation under subsection (1) may be made to operate notwithstanding any provision of the Financial Administration Act.

Division 2 - Elections

Election of School Boards

78.(1) There shall be a general election for trustees of School Boards at the same time as general elections for municipal councillors pursuant to the Municipal Act.

(2) Trustees of a School Board shall hold office for a term of three years.

Election of Councils

79.(1) There shall be a general election for members of Councils not sooner than 23 months and not later than 25 months from the preceding general election on a date specified by the Minister.

(2) Members of a Council shall hold office for a term of two years.

(3) The Commissioner in Executive Council upon the recommendation of the Chief Electoral Officer shall make such regulations as are necessary for the conduct of the election of members of a Council.

Election of school committees

80. The Minister shall establish the number of members of a school committee and shall provide for the election and term of office of the members of a school committee.

First general elections

81.(1) The Minister shall fix a date for the holding of the first general election for trustees of a School Board and members of a Council.

(2) Trustees and members who are elected in the first general election for a School Board or Council shall hold office for a period of time that ends upon the swearing in of replacements after the election next following.

Qualifications of electors

82.(1) Every person is entitled to vote in an election for a school committee, School Board, or Council who, on polling day

(a) is a Canadian citizen,

(b) has attained the age of 19 years, and is either

(c) a resident pursuant to section 62 in the education area for the School Board or in the attendance area for the Council or school committee for the period of three months, or

(d) a parent of a child in attendance at a school in the education or attendance area.

(2) A parent who has children attending more than one school may vote at the election for each School Board, Council, or school committee that is responsible for the school at which each child is in attendance.

(3) For the election of trustees of a School Board or members of a Council that is established on the basis of religion pursuant to the rights referred to in section 57, only those persons who are recognized by the Catholic Episcopal Corporation may vote in the election.

(4) For the election of trustees of a School Board or members of a Council that is established on the basis of language pursuant to the rights referred to in section 23 of the Canadian Charter of Rights and Freedoms, only those persons who possess the rights referred to in section 23 of the Canadian Charter of Rights and Freedoms may vote in the election.

Persons not qualified to vote

83. The chief electoral officer and the administrator are not qualified to vote at an election under this Act and shall not vote at such election.

Chief electoral officer

84.(1) The chief electoral officer appointed pursuant to the Elections Act shall, pursuant to this Division

- (a) exercise general direction and supervision over the administrative conduct of elections of School Boards and Councils,
- (b) enforce on the part of all election officers fairness, impartiality, and compliance with the provisions of this Division,
- (c) issue to election officers such instructions as the chief electoral officer may deem necessary to ensure effective execution of the provisions of this Division, and
- (d) execute and perform all the powers and duties assigned to the chief electoral officer by this Division.

(2) Where, during the course of an election, it appears to the chief electoral officer that, by reason of any mistake, miscalculation, emergency, or unusual or unforeseen circumstances, any of the provisions of this Division do not accord with the exigencies of the situation, the chief electoral officer may, by particular or general instructions, adapt any of the provisions of this Division to the execution of its intent to such degree as the chief electoral officer considers necessary to meet the exigencies of the situation.

(3) The chief electoral officer may authorize the administrator of elections, appointed pursuant to the Elections Act, or any election officer appointed pursuant to this Division to exercise any of the powers or perform any of the duties assigned to the chief electoral officer by this Act.

Returning officer

85.(1) The chief electoral officer shall appoint a returning officer in the prescribed form for each education area and attendance area.

(2) Every person who is a returning officer must be qualified as an elector in the education area or attendance area in respect of which the appointment is made.

(3) Every returning officer shall, upon appointment, take the prescribed oath faithfully to perform the duties of returning officer without partiality, fear, favour, or affection.

(4) The appointment of a returning officer shall terminate upon completion of all duties required for the general election for which the appointment applies.

Qualifications of candidates

86.(1) A person is eligible to be nominated to become a trustee of a School Board or a member of a school committee or Council if that person is qualified as an elector in that education area or attendance area.

(2) A person may not be nominated or elected as a trustee of a School Board or a member of a Council if that person is ineligible to become a trustee or member and sit and vote on a School Board or Council unless

(a) the ground for ineligibility is such that the person can divest it within 30 days after polling day, and

(b) the person, upon nomination, files with the returning officer a statement in the prescribed form disclosing the ineligibility pursuant to paragraph 151(1)(e) and undertaking that, if elected, the ineligibility will be divested within 30 days after polling day.

(3) Where a candidate files a statement pursuant to subsection (2), the returning officer shall

(a) advise every other candidate of the fact,

(b) transmit a copy of the statement to the chief electoral officer, and

(c) permit any elector or candidate to scrutinize a copy of the statement.

(4) A candidate who has filed a statement and undertaking pursuant to subsection (2) and who is subsequently elected and who fails, within 30 days of polling day, to divest the ground for ineligibility is guilty of an offence and the election of that candidate is void.

Notice of nominations

87. The chief electoral officer shall publish a notice for the nominations of candidates for the offices of trustees of a School Board or members of a Council in the prescribed form and manner.

Nomination paper

88.(1) Every candidate for the office of trustee of a School Board and member of a Council shall be nominated in the prescribed form.

(2) Any 3 or more persons qualified as electors in an education area or attendance area may nominate a candidate for that education area or attendance area by causing a nomination paper to be filed with the returning officer.

(3) The nomination paper shall be signed by the 3 or more persons nominating the candidate before a witness.

(4) A person being nominated as a candidate is entitled to be the witness under subsection (3).

Nominations of candidates

89.(1) The nomination date for a general election for School Boards shall be 28 days prior to the general election date for School Boards.

(2) The nomination date for a general election for Councils shall be prescribed by the Commissioner in Executive Council upon the recommendation of the chief electoral officer.

(3) The nomination paper for a candidate as trustee of a School Board or member of a Council may be delivered to the returning officer

(a) at any time following the publication of the notice for the nominations of candidates pursuant to section 87, or

(b) between 10 o'clock in the forenoon and 12 o'clock noon on the nomination date identified under subsection (1) at the place designated by the chief electoral officer for the holding of nomination proceedings.

Order of names on ballot paper

90.(1) At the time fixed for the close of nominations of trustees for School Boards, the returning officer shall, in the presence of any candidates and electors who are present, establish, by the drawing of lots, the order in which the names of candidates shall appear on the ballot paper.

(2) Upon the completion of the drawing of lots under subsection (1), the returning officer shall record the results of the draw and at least two of the witnesses shall verify the results by statutory declaration in the prescribed form.

Acclamation

91.(1) If the number of nominations for candidates for the office of trustee of a School Board and member of a Council do not exceed the number to be elected, the returning officer shall declare the persons nominated to be elected and shall send to the chief electoral officer a report of their election together with the nomination papers of all persons nominated.

(2) The chief electoral officer shall cause a notice to be published of the names of persons elected under subsection (1) and shall forward a copy of this notice to the Minister.

Election of School Boards

92. Sections 93 to 107 shall apply to the election of trustees for School Boards.

Hours of polling

93. The hours of voting for the election of trustees of a School Board shall be the same as those for the election of municipal councillors pursuant to the Municipal Act.

Polling places

94.(1) The chief electoral officer shall determine the number and location for the polling places for an election.

(2) There shall be a minimum of one polling station in each polling place at an election.

Deputy returning officer and poll clerk

95.(1) The returning officer shall appoint, in the prescribed form, a deputy returning officer and poll clerk for each polling station.

(2) Every deputy returning officer and poll clerk shall take an oath in the prescribed form.

Polling station supplies

96. The returning officer shall give to each deputy returning officer

- (a) a sufficient number of ballot papers in the prescribed form,
- (b) the necessary materials for electors to mark their ballot papers,
- (c) a poll book in the prescribed form,
- (d) a sufficient supply of printed directions in the prescribed form for the guidance of electors in voting,
- (e) a ballot box, and
- (f) any other forms and supplies authorized by the chief electoral officer.

List of electors

97. The chief electoral officer may cause a list of electors to be prepared and revised for any education area.

Taking of the poll

98. The Commissioner in Executive Council, upon the recommendation of the chief electoral officer, shall prescribe the procedures to be followed at the taking of the poll.

Mail-In voting

99.(1) An elector who will be unable to vote on polling day by reason of

- (a) infirmity,
- (b) hospitalization,
- (c) absence from the education area, or

(d) confinement to a corrections centre

may apply before the close of the polls on polling day in writing in the prescribed form to the returning officer to vote by mail-in ballot.

(2) The returning officer, on receipt of an application to vote by mail-in ballot, shall

(a) confirm that the person is qualified as an elector in the education area,

(b) enter the elector's name in a poll book, and

(c) mail or cause to be delivered to the elector after nomination day

(i) a ballot paper in the prescribed form initialled by the returning officer,

(ii) a ballot paper envelope for the marked ballot,

(iii) a certificate envelope,

(iv) an outer envelope for transmission to the returning officer,

(v) a list of the candidates nominated, and

(vi) instructions for marking and returning the mail-in ballot paper.

(3) An elector who receives a mail-in ballot paper shall

(a) mark the ballot paper for as many candidates as are to be elected, and

(b) mail or cause to be delivered to the returning officer before the close of the poll on polling day the outer envelope containing the marked ballot paper, the ballot paper envelope and the certificate envelope.

(4) The returning officer shall

(a) if the ballot paper is received before the close of the polls on polling day

(i) confirm the elector's identity from the certificate envelope before placing it in the ballot box, and

(ii) enter the word "voted" in the poll book, or

(b) if the ballot paper is received before the close of the polls on polling day but the elector's identity cannot be confirmed by the certificate envelope,

(i) place it unopened in the envelope for spoiled ballot papers, and

- (ii) enter the phrase “spoiled ballot paper” in the poll book, or
 - (c) if the ballot paper is received after the close of the polls, transmit the certificate envelope unopened to the chief electoral officer who shall destroy it.
- (5) Immediately after the close of the poll, the returning officer shall
- (a) proceed pursuant to section 103,
 - (b) open the ballot box and remove the certificate envelopes,
 - (c) open the certificate envelopes, remove the ballot envelopes and place the certificate envelopes in the special envelope provided for that purpose,
 - (d) open the ballot envelopes and remove the ballots, and
 - (e) count the ballots following procedures required for an ordinary poll.

Initials on ballot papers

100. The deputy returning officer shall initial in ink each ballot paper supplied by the returning officer before the poll opens on polling day in front of the poll clerk and any candidates or agents who are present.

Candidates’ agents

101. Candidates shall be entitled to be represented at each polling station by agents who shall deliver their appointments in the prescribed form to the deputy returning officer.

Oath of qualification

102. Where any objection is made to the qualification of any person to vote at an election for trustee of a School Board, the deputy returning officer shall require that person to take the prescribed oath before delivering a ballot paper to that person.

Counting of ballots

103.(1) At the time for the close of the poll, the deputy returning officer shall declare the poll closed and, with the assistance of the poll clerk, before any candidates or agents who are present, open the ballot box and count the ballots.

- (2) Every ballot paper shall be void and shall not be counted
- (a) on which votes are given to more candidates than are to be elected;
 - (b) on which a mark appears to identify the ballot of a particular voter,
 - (c) which is unmarked, or

(d) from which it is uncertain for whom the ballot has been marked.

(3) Where, during the counting of the ballots, the deputy returning officer discovers that the initials do not appear on the back of any ballot, the deputy returning officer shall, in the presence of the poll clerk and any candidates and agents, add the initials and count the ballot if the deputy returning officer is satisfied that

- (a) the ballot has been supplied by the deputy returning officer,
- (b) the omission has been made in good faith, and
- (c) every ballot paper has been accounted for.

Statement of votes

104. Each deputy returning officer shall make the necessary number of copies of the statement of votes in the prescribed form as follows

- (a) one copy shall remain attached to the poll book,
- (b) one copy shall be retained by the deputy returning officer,
- (c) one copy for the returning officer shall be enclosed in a special envelope supplied for that purpose, sealed by the deputy returning officer and deposited by the deputy returning officer in the ballot box,
- (d) one copy shall be delivered to each of the candidates' agents, and
- (e) one copy shall be mailed to each candidate in the special envelope provided for this purpose.

Sealing of documents

105.(1) Upon completion of the counting of the ballots and ballot papers, the deputy returning officer shall place the following things in an envelope supplied for this purpose

- (a) the poll book,
- (b) envelopes containing the unused and spoiled ballot papers, the rejected ballots, and the ballots counted,
- (c) the envelope containing the list of electors, and
- (d) the appointments of candidates' agents.

- (2) Upon compliance with subsection (1), the deputy returning officer shall
- (a) seal the envelope in the prescribed form,
 - (b) sign the envelope,
 - (c) place the sealed envelope in the ballot box,
 - (d) place all other documents used at the poll in the ballot box, and
 - (e) deliver the ballot box to the returning officer.

Declaration of candidates elected

106.(1) At 12 o'clock noon on the next day following polling day, the returning officer shall, in the presence of such of the candidates or their agents as attend the proceedings, open the ballot boxes and, from the statements of the votes contained in the ballot boxes, officially add up the number of ballots cast for each candidate and the number of rejected ballots.

(2) The returning officer shall forthwith declare the names of the candidates elected and report those names to the chief electoral officer.

(3) The returning officer shall deliver the ballot boxes and their contents to the chief electoral officer.

(4) The chief electoral officer shall cause a notice to be published of the names of candidates elected and shall forward a copy of this notice to the Minister.

Recount

107.(1) Where, after the addition of the votes,

(a) there is an equal number of votes for two or more candidates for the final position on a School Board, or

(b) the chief electoral officer is notified no later than three days after the addition that a candidate or an elector in an education area is filing an application for a recount in the prescribed form which states

(i) 8 or fewer votes separate the last place candidate elected from the candidate with the next highest number of votes, or

(ii) at the counting of the ballots there were ballots which either should or should not have been counted,

the chief electoral officer shall appoint a time for the recount which shall be within seven days following the addition of the votes under paragraph (a) or notification of the application under paragraph (b) and so advise the returning officer and each candidate.

(2) At the time for the recount, the returning officer for the education area, in front of three witnesses appointed by the chief electoral officer and any candidates who are present, shall recount the ballots including the ballots cast for each candidate and the unused, spoiled, and rejected ballots and verify or correct the statements of the vote.

(3) Where the recount results in an equal number of votes for two or more candidates for the final position on a School Board, the election shall be decided by the drawing of lots by the returning officer in front of witnesses.

(4) At least two of the witnesses shall verify the results of the drawing of lots by declaration in the prescribed form.

(5) At the conclusion of the recount, the returning officer shall immediately proceed pursuant to section 106 to declare the names of the candidates elected.

Vacancies

108.(1) If a vacancy occurs on a Council between general elections, the Minister may appoint, upon the recommendation of the Council, a person to fill the vacant office or may cause a by-election to be held.

(2) If a vacancy occurs on a School Board between general elections, the chief electoral officer shall arrange for a by-election within 60 days of the date of notification of the vacancy to fill the vacant office except when the vacancy occurs during the 6 month period immediately preceding the next general election, in which case the Minister may appoint, upon the recommendation of the School Board, a person to fill the vacant office.

Commissioner in Executive Council

109. The Commissioner in Executive Council, upon the recommendation of the chief electoral officer, may

- (a) make such regulations as are deemed necessary for giving effect to this Division or for carrying out the provisions hereof according to its intent and meaning,
- (b) prescribe forms, badges, seals, and other election materials for the purposes of this Division, and
- (c) prescribe the manner of publication of notices or documents that are to be published pursuant to this Division.

Oath administered as provided

110. Where any oath, affirmation, affidavit, or declaration is authorized or directed to be made, taken, or administered pursuant to this Division, it shall be administered by a judge of any court, the returning officer, a deputy returning officer, a poll clerk, a notary public, a justice of the peace, or a peace officer.

Remuneration for election officers

111.(1) The Commissioner in Executive Council shall, after consultation with the chief electoral officer, prescribe the remuneration and expenses to be paid to election officers and other staff provided for in this Division.

(2) An accountable advance may be made to an election officer to defray office and other incidental expenses.

Division 3 - Powers and Duties

School committees

112.(1) A school committee shall be an advisory committee for the school in its attendance area.

(2) A school committee may

- (a) advise the school administration on any matter relating to the school, and
- (b) perform any duty or function referred to it by the Minister.

School Councils

113.(1) A Council shall

- (a) review, modify if necessary, and approve the school objectives, educational priorities, and courses of study by grades, as prepared by the school administration, and other matters required for the effective functioning of the school,
- (b) make recommendations to the superintendent for the allocation of resources within the budget approved for the school,
- (c) participate in the selection procedures for persons to be interviewed for the position of principal and select for appointment a principal,
- (d) in consultation with the superintendent, school administration, and teachers, establish a procedure for resolving disputes between schools, parents and teachers,
- (e) keep a complete and accurate report of its meetings and provide a copy to the Minister within 30 days of each meeting,
- (f) make any necessary banking arrangements,
- (g) keep a complete and accurate record of financial transactions in a form prescribed by the Minister,
- (h) approve or cause to be approved all accounts payable by a Council for payment,

- (i) establish an attendance policy for students who are enrolled in its school,
- (j) procure a corporate seal, and
- (k) prepare reports, provide information, and perform any duties as may be required under this Act.

(2) A Council may

- (a) propose and offer locally developed courses of study and locally approved instructional materials subject to Ministerial approval and this Act,
 - (b) receive and expend funds pursuant to this Act,
 - (c) provide advice to the Minister respecting
 - (i) the establishment of the school year and school day,
 - (ii) school closures,
 - (iii) teaching and support staff requirements,
 - (iv) transportation services,
 - (v) school renovations and capital budget for the school, and
 - (vi) school programs,
 - (d) establish committees and specify the powers and duties of the committees,
 - (e) establish rules and policies on any matter within its jurisdiction,
 - (f) approve the allocation and expenditure of those discretionary funds allocated to the school within its budget,
 - (g) direct the superintendent to evaluate a teacher, principal, or other staff member and to provide a report to the Council of the evaluation, which report shall be returned to the superintendent forthwith after the Council has reviewed and considered it,
 - (h) direct the principal to evaluate a teacher and to provide a report to it of the evaluation, which report shall be returned to the superintendent forthwith after the Council has reviewed and considered it,
 - (i) recommend to the superintendent the dismissal, transfer, discipline or demotion of a teacher, principal, or other employee in the school and provide reasons for the recommendation,
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- (j) approve curricular and extra-curricular field trips of more than one day's duration, and
- (k) approve the allocation of school days for extra-curricular activities.

Powers of the Minister

114.(1) The Minister is responsible for the operation and management of any school in an attendance area in which there is a school committee or Council.

(2) The Minister shall evaluate, at least once every 5 years, each of the schools operated by the Minister in accordance with guidelines, standards, and procedures established by the Minister.

Discretionary grants

115. The Minister may supply property and make grants and contributions to a Council to use in the exercise of its powers and duties under this Act, subject to terms and conditions stipulated by the Minister.

School Boards

116.(1) A School Board shall

- (a) select staff, including principals and teachers, for hiring, dismissal, discipline, transfer, promotion, and demotion subject to this Act and any applicable collective agreement,
- (b) review, modify if necessary, and approve the school plan prepared by the school administration for each school operated by it,
- (c) provide educational programs, including locally developed courses, for its students as required by this Act,
- (d) establish policies for the administration, management and operation of its schools, including a student attendance policy,
- (e) receive by grant or contribution such funds as are approved by the Minister,
- (f) maintain, repair, furnish, and keep in good order all of its real and personal property,
- (g) provide suitable and necessary equipment and supplies for schools operated by it, including locally approved instructional materials,
- (h) in consultation with the director, school administration, and teachers, establish a procedure for resolving disputes between its schools, parents and teachers,
- (i) ensure that its schools are conducted in accordance with the requirements of this Act,

- (j) evaluate in accordance with guidelines, standards, and procedures established by the Minister at least once every five years each of the schools operated by it and provide a copy of the evaluation to the Minister,
- (k) keep a complete and accurate report of its meetings and provide a copy to the Minister within 30 days of each meeting,
- (l) make any banking arrangements necessary for the carrying out of its duties and powers,
- (m) keep a complete and accurate record of financial transactions in a form prescribed by the Minister,
- (n) approve or cause to be approved for payment all accounts payable by the School Board,
- (o) procure a corporate seal,
- (p) if requested by the parents, establish a parent advisory group for every school operated by it when it operates more than one school and make rules for the election and operation of the groups,
- (q) prepare reports, provide information, and perform any duties as may be required under this Act, its regulations and guidelines, or by the Minister,
- (r) arrange for the examination and investigation of
 - (i) student progress,
 - (ii) order among and discipline of students,
 - (iii) the system of instruction,
 - (iv) mode of keeping school records, and
 - (v) conditions of buildings and premises,
- (s) keep in force any policy or policies of insurance required by the Minister or, with the approval of the Minister, participate in alternative insurance schemes that insure the amounts and against the risks prescribed by the Minister,
- (t) develop and maintain policies for the purchase of goods and services and for undertaking capital works.

(2) A School Board may

- (a) advise the Minister respecting

- (i) school closures, and
- (ii) transportation services,
- (b) establish committees and specify powers and duties for the committees,
- (c) purchase or rent school premises or staff residences,
- (d) direct the director to evaluate a teacher, principal or other staff member and provide a report to the School Board on the evaluation, which report shall be returned to the director forthwith after the School Board has reviewed and considered it,
- (e) direct a principal to evaluate a teacher and provide a report to the School Board on the evaluation, which report shall be returned to the director forthwith after the School Board has reviewed and considered it,
- (f) acquire real and personal property by way of purchase, bequest, or lease,
- (g) provide for professional development of teachers,
- (h) approve curricular and extra-curricular field trips of more than one day's duration, and
- (i) approve the allocation of school days for extra-curricular activities.

Agreements

117.(1) A Council may make an agreement with the Government of the Yukon for the provision and undertaking of any capital, maintenance, or other project with respect to a school in the Council's attendance area.

(2) When there is a transfer of a school to a School Board, the School Board may make an agreement with a municipality or other government agency for the joint use of recreation, school, and community facilities.

Other agreements

118.(1) A School Board, with the approval of the Minister, may make agreements with the Government of Canada, a Yukon First Nation, any agency of the Government of Canada, the government or agent of any other jurisdiction, another School Board, or with a department or agency of the Government of the Yukon respecting the provision or joint provision and operation of educational and other ancillary services, including transportation and the operation of school residences.

(2) The Minister shall issue policies and guidelines for the joint provision or operation of educational and other ancillary services by School Boards.

Remuneration

119. Members of school committees and Councils and trustees of School Boards shall receive such fees, remuneration, reimbursement for expenses and allowances as prescribed by the Commissioner in Executive Council.

Obligation to consider

120.(1) Each School Board and Council shall consider any advice provided to it by the school administration and staff of each school in its education area or attendance area.

(2) A School Board shall consider any advice provided to it by any parent advisory group established by it.

Association

121. School Boards and Councils may form and become members of an association of School Boards and Councils and may make grants or payments to the association.

Non-Disclosure

122.(1) No trustee of a School Board or member of a Council who has access to employee personnel information shall knowingly disclose to any person information from the personnel file unless the disclosure is in respect of a proceeding referred to in this Act.

(2) A person who contravenes subsection (1) commits an offence and is liable to a fine not exceeding \$1,000.00.

Resignations

123.(1) A trustee of a School Board or a member of a Council may resign by submitting a written resignation to the secretary-treasurer of the School Board or Council and shall cease to hold office at the meeting of the School Board or Council at which the resignation is received.

(2) If all trustees of a School Board or members of a Council wish to resign at the same time, they may do so by transmitting to the Minister a notice in writing to that effect and their resignations are effective on the date on which their successors are elected or appointed.

Director

124.(1) Each School Board shall select for appointment a director of education who shall be the chief executive officer for the School Board and shall establish terms and conditions of employment for the director.

(2) A director shall be an employee of the Government of the Yukon.

(3) A director shall possess a valid and subsisting certificate of qualification as a teacher issued in accordance with the regulations.

(4) The duties to be performed by the director shall be prescribed by the School Board and shall include the following duties

- (a) preparing and forwarding to the department such reports and returns as may from time to time be required,
- (b) general supervision and evaluation of schools, principals, teachers, and other staff within the jurisdiction of the School Board,
- (c) provision of professional services consistent with the highest quality education,
- (d) establishment of satisfactory relationships between students, parents, and the community,
- (e) attendance at meetings of the School Board,
- (f) ensuring that the school or schools operated by the School Board are conducted in accordance with the requirements of this Act, and
- (g) reporting any non-compliance with this Act to the School Board and the Minister.

Principal as director

125. A person may be simultaneously a principal and director for a School Board.

Superintendent of schools

126.(1) Every Council and every school committee shall have assigned to it by the Minister a superintendent of schools who shall perform the duties of a director for the schools in the attendance area of the Council or of the school committee.

(2) Any reference in this Act to a director shall be deemed to include a reference to a superintendent of schools.

(3) The superintendent of schools who is assigned to a Council or school committee shall attend meetings of the Council or school committee as necessary.

(4) A person may be the superintendent of schools for more than one Council or school committee.

Secretary-Treasurer

127.(1) Each School Board and each Council shall appoint a secretary-treasurer who shall perform such duties as are prescribed by the regulations.

(2) Each School Board shall arrange for the bonding of the secretary-treasurer in an amount set by the Minister.

(3) The secretary-treasurer of a School Board shall report to the director.

Member as secretary-treasurer

128.(1) A person who is appointed secretary-treasurer of a School Board may not be a trustee for that School Board.

(2) A person who is appointed secretary-treasurer of a Council may be a member of the Council in which the person is the secretary-treasurer.

Relationship to Government of the Yukon

129. School Boards created under this Act are not institutions of the Government of the Yukon and, except to the extent an agency relationship is created by a contract with the Government or by Part 9 of this Act, a School Board is not an agent of the Government.

Disposal of property

130.(1) A School Board may not sell, lease, or otherwise dispose of any real property or any interest in it except with the approval of the Minister and in accordance with the regulations.

(2) A School Board may not sell, lease, or otherwise dispose of any personal property with more than \$5,000.00 in interest in it except with the approval of the Minister and in accordance with the regulations.

Records

131. The Archives Act applies to records of a School Board and Council in the same way as that Act would apply if the School Board or Council were a department of the Government of the Yukon.

Division 4 - Meetings and Operation

Oath of office

132.(1) Every member of a Council shall take and subscribe to the following oath before commencement of duties:

"I, _____, do hereby accept the office of member of a School Council for the attendance area to which I have been elected and I will, to the best of my ability, honestly and fairly discharge the duties and responsibilities devolving on me as an elected school member."

(2) Every trustee of a School Board shall take and subscribe to the following oath before commencement of duties:

"I, _____, do hereby accept the office of trustee of a School Board for the education area to which I have been elected and I will, to the best of my ability, honestly and fairly discharge the duties and responsibilities devolving on me as an elected trustee."

(3) The oath of office may be administered by a notary public, a peace officer, or a judge of any court.

Oath of non-disclosure

133. Every trustee of a School Board and every member of a Council shall swear an oath of non-disclosure of student and personnel records in the prescribed form.

Organizational meeting

134.(1) Every School Board and Council shall hold an organizational meeting annually at a time and place to be fixed by the director of the School Board or superintendent of the Council.

(2) The director or superintendent shall give notice of the organizational meeting to each trustee or member in the same manner as for a special meeting.

Chair

135.(1) At the organizational meeting and thereafter as determined by the School Board or Council, the School Board or Council shall elect from its membership a person to be the chair to hold office at the pleasure of the School Board or Council.

(2) If the chair is unable to act by reason of illness or other cause, the members or trustees shall choose one of their number to exercise the powers and functions of the chair.

Resignation of chair

136. The chair of a School Board or Council may resign from the position as chair at any time while remaining as a trustee of a School Board or member of a Council.

Meetings

137.(1) A School Board shall hold not less than six meetings during a school year.

(2) A Council shall hold not less than four meetings during a school year.

Rules of procedure

138. Every School Board and Council may make rules for its internal procedure and its meetings.

Regular meetings

139.(1) Every School Board and Council shall establish by resolution its regular meetings and shall specify in the resolution the date, time, and place of the regular meetings.

(2) No notice is required to be given to trustees of School Boards or members of Councils of regular meetings.

Special meetings

140.(1) A special meeting of a School Board or Council may be called by its chair or a majority of its membership by giving seven days notice of the date, time, place, and nature of business for the special meeting to each trustee or member.

(2) Notwithstanding subsection (1), the trustees of a School Board or members of a Council may make rules concerning how notice of meetings is to be given and, by unanimous consent, may waive the notice requirements and hold a special meeting at any time.

Quorum

141.(1) A majority of a School Board or Council shall constitute a quorum.

(2) An act or proceeding of a School Board or Council is not valid or binding unless it is authorized or adopted at a meeting of the School Board or Council at which a quorum is present.

(3) Vacancy in the membership of a School Board or Council does not impair the capacity of the remaining members or trustees to act.

Required votes

142. At a meeting of a School Board or Council

- (a) each question shall be decided by a majority of votes of those members or trustees present,
- (b) in the case of an equality of votes, the vote of the chair shall be the determining vote,
- (c) a vote on a question shall be taken by open vote, and
- (d) a resolution shall be submitted by the chair or a trustee or member and no seconder is required.

Exercise of powers

143.(1) Unless expressly required to be exercised by bylaw, all powers of a School Board may be exercised either by bylaw or resolution.

(2) All powers of a Council shall be exercised by resolution.

Bylaws

144.(1) Subject to this Act, a School Board shall, by bylaw, provide for the procedure to be followed in passing bylaws.

(2) Every bylaw shall have two distinct and separate readings before it is finally adopted, but no more than one reading may take place at any one meeting.

(3) Every bylaw shall be in writing under the seal of the School Board and shall be signed by the person presiding at the meeting at which the bylaw is adopted and by the secretary-treasurer.

Open meetings

145. Meetings of a School Board or Council shall be held in public and no person shall be excluded except for improper conduct.

Closed meetings

146.(1) Notwithstanding section 145, when a majority of trustees of a School Board or members of a Council at a meeting are of the opinion that it is in the public interest to hold a meeting or a part of a meeting in private for the purpose of considering any matter, the School Board or Council may by resolution exclude any person or persons from the meeting.

(2) When a meeting is held in private no bylaw and no resolution may be passed except the resolution necessary to revert to an open meeting.

Exclusion from meetings

147.(1) The chair of a School Board or Council may cause to be excluded from a meeting any person who, in the opinion of the chair, is guilty of improper conduct at that meeting.

(2) The decision of the chair to exclude a person from a meeting may, by resolution of the School Board or Council, be overruled.

Annual meeting

148.(1) An annual meeting of the electors of an education area or attendance area shall be held by each School Board, Council, and school committee during the month of September in each year.

(2) The School Board, Council or school committee shall, at least 14 days before the annual meeting, post notices giving the day, place, and hour of the meeting in at least four conspicuous places in the education area or attendance area.

(3) The Chair or designate of the School Board, Council or school committee shall chair the annual meeting unless the electors at the meeting elect another person to chair the annual meeting.

(4) The business of the annual meeting shall be conducted in the following form:

- (a) the election of a chair for the meeting if the electors at the annual meeting so choose,
- (b) the reading and adoption of minutes of the last annual meeting,
- (c) a written and oral report from the School Board and a written or oral report from the Council or school committee on the educational activities during the preceding 12 months,
- (d) a written or oral report from the director or superintendent,
- (e) a review of the audited financial statement if the annual meeting is called by a School Board,
- (f) business arising from the meeting, and

(g) any other business determined by a trustee of a School Board or a member of a Council or school committee.

(5) The secretary-treasurer shall record the proceedings of the annual meeting and shall provide a copy to the Minister within 30 days of the meeting.

Special meeting of electors

149.(1) A School Board or Council may at any time call a special meeting of electors.

(2) The School Board or Council shall

(a) state the purpose of the special meeting,

(b) give at least 14 days notice of the special meeting, and

(c) post notices giving the day, place, and hour of the meeting in at least four conspicuous places in the education area or attendance area.

Regulations Act

150. Neither a bylaw nor a resolution passed by a School Board or a Council is a regulation within the meaning of the Regulations Act.

Division 5 - Conflict of Interest

Disqualification

151.(1) A person is no longer qualified to be a trustee of a School Board or member of a Council who

(a) absents himself from three or more consecutive regular meetings of the School Board or Council without the authorization of the School Board or Council to do so,

(b) ceases to be an elector of the education area or attendance area for which the person is a trustee or member,

(c) uses information gained through the position as a trustee of a School Board or member of a Council to gain a pecuniary benefit,

(d) is a judge of a court other than a justice of the peace court or a youth court, or

(e) is employed in a school operated by the School Board or Council for which the person is a trustee or member.

(2) Paragraph (1)(e) does not apply to a secretary-treasurer of a Council.

(3) Trustees or members who are no longer qualified to be members or trustees pursuant to subsection (1) shall be deemed to have forfeited their seats.

Voting

152.(1) When a trustee of a School Board or a member of a Council has a pecuniary interest in a matter before the School Board or Council, the trustee or member shall, if present at the meeting

- (a) disclose the pecuniary interest prior to any discussion of the matter,
- (b) abstain from voting on any question relating to the matter,
- (c) abstain from discussing the matter, and
- (d) leave the room in which the meeting is being held until the discussion and voting on the matter are concluded.

(2) Trustees or members who are in contravention of subsection (1) are no longer qualified to be members or trustees and shall be deemed to have forfeited their seats.

Application to court

153. Any person may apply to a judge for a declaration determining whether or not a trustee or member is qualified to remain as a trustee or member.

Hearing of application

154. On hearing an application, a judge may make an order

- (a) declaring the person to be qualified as a trustee or member, and
- (b) requiring the repayment to the reinstated person of any fees, remuneration, or reimbursement of expenses that was not paid during the period of disqualification, or
- (c) declaring the person to be disqualified from remaining as a trustee or member and the seat on the School Board or Council to be vacant.

Inadvertence or error

155. Where a judge hears an application and finds that the person is disqualified, the judge may, nevertheless, declare the person to be qualified to be a trustee or member if the judge is of the opinion that the disqualification arose inadvertently or by reason of a bona fide error of judgment.

PART 8 APPEALS

Local appeals

156.(1) Where a decision of a person employed in a school significantly affects the education, health, or safety of a student, then the parent of the student, a responsible adult chosen by the student, or the student if that student is 16 years of age or older may, within 30 days from the date the parent or student was informed of the decision, appeal the decision to the superintendent or, where there is a School Board or Council, through the procedure established pursuant to paragraphs 113(1)(d) and 116(1)(h).

(2) The failure to make a decision is a decision for the purposes of this section.

(3) A decision on the appeal shall be made as soon as practicable but not until the parents, students, and affected persons have had an opportunity to be heard.

(4) An appeal under this section is an administrative proceeding, not a quasi-judicial or judicial proceeding.

(5) This section does not apply to matters that may be appealed to the Education Appeal Tribunal pursuant to the provisions of this Act.

Education Appeal Tribunal

157.(1) The Minister shall appoint a chair, a maximum of 9 other members, and a secretary to the Education Appeal Tribunal.

(2) The chair and the members of the Education Appeal Tribunal shall be appointed for the terms and in the manner specified by the Minister.

(3) The Minister may solicit and consider nominations for the membership of the Education Appeal Tribunal from groups interested in education in the Yukon.

(4) The Minister shall include in the appointments made pursuant to this section a member nominated by the Central Indian Education Authority or, if the Central Indian Education Authority has not been established, by the Council for Yukon Indians.

(5) The chair and the members of the Education Appeal Tribunal shall swear an oath of non-disclosure in the prescribed form for information gained during an appeal in accordance with this Part.

Composition

158.(1) An appeal referred to the Education Appeal Tribunal shall be heard by the chair and two or more members chosen by the chair.

(2) Where possible, the qualifications of the members of the Education Appeal Tribunal shall be appropriate to the matter under consideration by the Tribunal.

(3) The chair may call upon such experts or consultants as are considered advisable to report to the Education Appeal Tribunal.

Mediation

159. Prior to the consideration of an appeal by the Education Appeal Tribunal, the chair may appoint a mediator to attempt to settle the matter under appeal.

Procedure

160.(1) In considering the matter being appealed, the Education Appeal Tribunal may make any investigation it considers necessary.

(2) The Education Appeal Tribunal shall set the time, place, and date for a hearing of the appeal and shall notify the parties to the appeal of the time, place, and date of the hearing.

(3) No decision shall be made by the Education Appeal Tribunal without giving the parties to the appeal an opportunity to make representations.

(4) Each party to the appeal shall pay their own costs unless the Education Appeal Tribunal orders that the costs be paid out of funds approved for the budget of the Education Appeal Tribunal.

(5) Appeals to the Education Appeal Tribunal may be heard in any place or community.

Powers of the Education Appeal Tribunal

161. The Education Appeal Tribunal, in deciding a matter being appealed, may make an order doing one or more of the following:

- (a) confirming or varying the decision that is under appeal,
- (b) identifying a student as a student with special educational needs,
- (c) directing a School Board or the deputy minister to implement an Individualized Education Plan in a particular environment including, but not limited to, a regular class,
- (d) directing a School Board or the deputy minister to enroll a student in a school named by the Education Appeal Tribunal,
- (e) determining that an Individualized Education Plan be prepared for a student,
- (f) apportioning the cost of providing the services required for an Individualized Education Plan to a School Board, the department, or any other department of the Government of the Yukon,
- (g) directing a determination to be made in accordance with section 16,

- (h) defining the contents of a student record when the appeal under consideration is pursuant to section 20,
- (i) reinstating to school a student who has been placed on an indefinite suspension by a School Board, Council, or superintendent pursuant to section 41, and
- (j) approving a proposal for a locally developed course where the appeal is pursuant to subsection 43(3).

Matters to be considered

162. In the determination of an appeal, the Education Appeal Tribunal shall consider

- (a) the educational interests of the student who is the subject of the appeal,
- (b) the impact of a decision on the total population of students served, and
- (c) any other factor that appears to be relevant to the matter in dispute.

Final decision

163. The decision of the Education Appeal Tribunal shall be final and binding upon the parties to any such decision.

Enforcement of order

164.(1) A copy of an order made by the Education Appeal Tribunal shall be filed with the clerk of the Supreme Court.

(2) On the filing of a copy of an order with the clerk of the Supreme Court, the order has the same force and effect as if the order were an order of that Court.

Copy to the Minister

165. A copy of each decision of the Education Appeal Tribunal shall be sent to the Minister.

PART 9 TEACHERS

Teacher qualifications

166. No person shall be employed as a teacher unless that person holds a valid certificate of qualification or a letter of permission as a teacher issued in accordance with the regulations.

Rights of teachers

167. Every teacher has the right to be treated in a fair and reasonable manner free from physical and other abuse.

Duties of teachers

168. Every teacher shall

- (a) encourage students in the pursuit of learning and teach them diligently and faithfully,
- (b) teach courses of study that are prescribed, approved, or authorized pursuant to this Act,
- (c) report on the progress, behaviour, and attendance of students to their parents,
- (d) under the direction of the principal, maintain order and discipline among students while they are in school, on school grounds, or attending or participating in activities sponsored or approved for the school not inconsistent with this Act or a collective agreement,
- (e) review with students their assessments and progress and advise students of the expectations for them,
- (f) maintain whatever registers, records, or other forms as may be required by the principal, director, superintendent, or this Act and make those registers, records, or other forms available for inspection by the superintendent or director or by any person authorized by the superintendent or director,
- (g) observe the rules of the school,
- (h) upon reasonable notice from the principal, admit a parent of a student to the classroom for the purpose of observing,
- (i) report promptly to the principal an apparent outbreak of any contagious or infectious diseases in the school, any unsanitary condition of the school building or surroundings and any other conditions or circumstances that may reasonably threaten the health or safety of students or other employees of the school,
- (j) notify the principal of any absence by the teacher from school and the reason for the absence,
- (k) upon the direction of the director or superintendent, and with the approval of the teacher, cooperate with student teachers and their instructors in the classroom for the purpose of observing and practice teaching, and render assistance to the student teachers and submit reports on the teaching ability of the student teachers,
- (l) have the right to participate in the preparation of the school plan,
- (m) perform assigned duties as outlined in the school emergency plan developed by the school administration and the teachers to protect the health and safety of students,
- (n) report to the principal and to the proper government official responsible for child welfare that a child is in need of protection when there are reasonable grounds to believe that the child is in need of protection as defined pursuant to the Children's Act, and

(o) perform such teaching and other duties as may be reasonably required by the principal and not inconsistent with this Act or any collective agreement that may apply.

Duties of principals

169. A principal of a school shall

- (a) be the chief educational officer of the school,
- (b) promote satisfactory relationships with parents and the community served by the school,
- (c) develop and implement procedures for parental and community involvement in the school and promote co-operation between the school and the community it serves,
- (d) subject to policy and regulations, maintain order and discipline in the school, on the school grounds, and during activities sponsored or approved for the school,
- (e) supervise and direct teachers and other staff assigned or rendering services to the school including volunteers,
- (f) direct the management, administration, and operation of the school,
- (g) maintain any records and complete any returns and forms required pursuant to this Act and regulations,
- (h) assign teaching duties to teachers in the school,
- (i) perform teaching duties as may be required,
- (j) encourage community use of school facilities,
- (k) be responsible for ensuring the proper maintenance and care of school property,
- (l) requisition necessary materials, supplies, and equipment for the school and arrange for distribution of them,
- (m) attend meetings of the School Board, Council, or school committee for the school when requested by it to do so,
- (n) report promptly to the director or superintendent and to the Medical Officer of Health an apparent outbreak of any contagious or infectious disease in the school, any unsanitary condition in the school building or surroundings and any other dangerous or unsafe condition in the school,
- (o) report to the director or superintendent and to the proper government official responsible for child welfare that a child is in need of protection when there are reasonable grounds to believe that the child is in need of protection as defined pursuant to the Children's Act,

- (p) prepare the school's operations and maintenance budget for review and approval by the School Board or Council,
- (q) be responsible for the implementation of the school plan and the operations and maintenance budget,
- (r) keep parents informed of the progress and development of students,
- (s) ensure that instruction in the school is consistent with the courses of study prescribed pursuant to this Act,
- (t) include in the activities of the school, cultural heritage traditions and practices of members of the community served by the school if the number of members who possess the cultural heritage so warrant,
- (u) delegate any of the duties to a vice-principal designated for the school, and
- (v) perform other reasonable duties as assigned by the director or superintendent for the school.

Qualification upgrading

170.(1) Notwithstanding subsection (2), teachers shall undertake reasonable and regular upgrading of their qualifications as recommended by the Teacher Certification Board.

(2) The Minister shall make reasonable efforts to provide for the upgrading referred to in subsection (1).

Employment of staff

171.(1) The Minister

- (a) shall appoint a principal for each school and may appoint a principal for more than one school,
- (b) may appoint teachers to administrative or supervisory positions, including vice-principals, and
- (c) shall employ teachers, teaching assistants, and other technical support staff necessary for the proper functioning of the school.

(2) Each School Board shall be empowered to select for appointment employees referred to in subsection (1) that are required by the School Board for any school operated by it and, in relation to those employees, to exercise powers referred to in this Part and when doing so acts as an agent of the Government of the Yukon.

(3) All persons employed in a school that is transferred to a School Board, upon such transfer, shall be deemed to have been selected by the School Board in accordance with subsection (2) and shall retain any employment status and benefits that exist on the date of the selection.

(4) Staff in schools operated by School Boards are employees of the Government of the Yukon.

Probation for principal

172.(1) A person appointed as a principal pursuant to this Act shall be on probation for two years from the date of appointment.

(2) Only a person qualified as a teacher may be employed as a principal.

(3) At any time during the probationary period, the superintendent or director, or where the director is a principal, the School Board may terminate the appointment of the principal on giving 30 days prior written notice to the principal specifying the reasons for the termination.

(4) Any principal who is terminated by a superintendent during a probationary period shall have the right to appeal the decision to the deputy minister and not pursuant to section 254 of this Act.

(5) Any principal who is terminated by a director during a probationary period shall have the right to appeal the decision to the School Board and not pursuant to section 254 of this Act.

(6) Any principal who is terminated during a probationary period by a School Board shall be provided with an opportunity prior to the termination to make representations to the School Board and shall not have a right to present a grievance pursuant to section 254 of this Act.

(7) A principal who is on probation shall be evaluated during the first year of probation and shall be evaluated in the second year of probation on or before March 31 of that year.

(8) Upon the termination of the appointment of a principal who was employed as a teacher pursuant to this Act immediately prior to the appointment as principal, the principal shall be entitled to remain employed as a teacher.

(9) Where no notice of termination is given during the two year probationary period, the School Board or superintendent shall appoint the principal for a term, which may be renewed, as agreed to by the School Board or superintendent and the principal, subject to the regulations.

Probation for teacher

173.(1) A teacher employed pursuant to this Act is on probation for two years from the date of commencement of employment.

(2) At any time during the probationary period, the superintendent or director may terminate the teacher's contract of employment on giving 30 days prior written notice specifying the reasons for the termination to the teacher.

(3) Any teacher who is terminated during a probationary period by a superintendent shall have the right to appeal the decision to the deputy minister and not pursuant to section 254 of this Act.

(4) Any teacher who is terminated during a probationary period by a director shall have the right to appeal the decision to the School Board and not pursuant to section 254 of this Act.

(5) A teacher who is on probation shall be evaluated during the first year of probation and shall be evaluated in the second year of probation on or before March 31 of that year.

(6) Where no notice of termination is given during the two year probationary period, the contract of employment of the teacher shall continue until and unless terminated in accordance with this Act.

(7) When a teacher has been employed on a temporary basis in one teaching position for an entire school year and is on probation for the next school year, the temporary employment period shall be counted in the calculation of the two year probationary period.

Rights of terminated probationers

174.(1) Teachers on probation whose employment has been terminated during the probationary period and who move from their place of employment in the Yukon to another location shall, subject to this section, be paid moving expenses in accordance with the employer's policy on moving expenses or the provisions of the collective agreement.

(2) In order to qualify for the payment of moving expenses, teachers

(a) must have received moving expenses upon initial hire,

(b) must move from their place of employment within the Yukon to a new location within two months of the termination, and

(c) must furnish satisfactory evidence of the moving expenses incurred.

(3) Moving expenses shall not be paid for a distance greater than the distance from the teacher's original point of hire to the place of employment in the Yukon.

(4) Where moving expenses are paid to a teacher pursuant to this section, no further moving expenses shall be paid to the teacher.

(5) Where a teacher is moving to another location to take up employment and moving expenses are payable by the new employer, no moving expenses shall be paid to the teacher pursuant to this section.

Temporary employment of teacher

175.(1) In this section, "employed on a temporary basis" means employed on a casual, part-time, or seasonal basis to replace a teacher who is absent from duties or to fill a vacancy that occurs during the school year or to fill a term position.

(2) A teacher may be employed on a temporary basis during part or all of a school year as may be agreed to by the teacher and the superintendent or School Board and the employment may be renewed for part or all of the next school year.

(3) Notwithstanding subsection (2), the period of employment for a teacher who is employed on a temporary basis may be renewed for more than 2 consecutive school years by the deputy minister in exceptional circumstances.

(4) Any teacher who is employed on a temporary basis shall be evaluated at least once in each school year by either the principal or the director or the superintendent.

Terms and conditions of employment

176.(1) Notwithstanding any agreement to the contrary, the terms and conditions of a contract of employment of a teacher shall be

(a) the provisions of this Act and regulations,

(b) the terms and conditions, not inconsistent with any Act and regulations, of the collective agreement negotiated under this Act, and

(c) the terms and conditions not inconsistent with paragraphs (a) and (b) agreed to between the teachers employed in an education area and the School Board or the teachers employed in an attendance area and the superintendent.

(2) Any agreement excluding or purporting to exclude the provisions of this section is void.

Evaluation of principals and teachers

177.(1) A director or superintendent shall evaluate each principal of the schools for which the director or superintendent is responsible at least once during each school year.

(2) A director or superintendent shall receive input from parents through their elected representatives and from teachers when conducting an evaluation of a principal.

(3) A principal of a school shall evaluate or cause to be evaluated teachers employed in the school once every three years and submit copies to the director or superintendent for the school.

(4) A director or superintendent shall evaluate or cause to be evaluated each teacher assigned to schools for which the director or superintendent is responsible at least once every three years.

(5) The Minister shall prescribe, in consultation with the teachers' association and the association established pursuant to section 121, the terms, procedures, guidelines, forms, and any other matters necessary for the effective evaluation of principals and teachers.

(6) A teacher or principal who disagrees with an evaluation may present a grievance in accordance with section 254.

(7) Notwithstanding subsection (1), where the director is also the principal, the School Board may arrange the evaluation of the person's work as principal.

Access to records

178.(1) Teachers and principals shall be entitled to examine and copy their personnel records maintained by the Public Service Commission in the presence of a person appointed by the Public Service Commission.

(2) Teachers and principals shall be entitled to examine and copy their personnel records maintained by a School Board in the presence of a person appointed by the director.

(3) Teachers and principals have the right to grieve any dispute respecting the contents of their personnel record in accordance with section 254 of this Act.

Transfer of teachers

179.(1) A superintendent may transfer a teacher from one school to another school if

- (a) either the teacher or superintendent requests a transfer,
- (b) the school that the teacher is transferred to or from is not operated by a School Board,
- (c) the notice of transfer is in writing and is received by the teacher before June 1,
- (d) the teacher has the option of resigning within 30 days of receipt of the notice of transfer, and
- (e) the teacher is provided with an opportunity to appeal the transfer to the deputy minister.

(2) Where a School Board operates more than one school, the director for the School Board may transfer a teacher from one school operated by the School Board to another school operated by the School Board provided that

- (a) either the teacher or director requests a transfer,
- (b) the notice of transfer is in writing and is received by the teacher before June 1,
- (c) the teacher has the option of resigning within 30 days of receipt of the notice of transfer, and
- (d) the teacher is provided with an opportunity to appeal the transfer to the School Board.

(3) A teacher who has been transferred has a right to present a grievance to a grievance resolution person pursuant to subsection 254(3).

(4) Subject to this section and any terms of a collective agreement negotiated pursuant to this Act, the superintendent and School Board may establish policies and procedures for teacher transfers.

Interjurisdictional staffing

180.(1) In selecting persons for employment and appointment as teachers under this Act, the Minister and School Boards shall first consider those persons who are rendering teaching service in the Yukon Territory.

(2) Any teacher who teaches in a school operated by the Minister in one school year and in the school year immediately following teaches in a school operated by a School Board, shall be evaluated at least once during that school year and shall retain any employment status and benefits that exist when the teacher is selected.

(3) Any teacher who teaches in a school operated by a School Board in one school year and in the school year immediately following teaches in a school operated by the Minister or by a different School Board, shall be evaluated at least once during that school year and shall retain any employment status and benefits that exist when the teacher is selected.

Transfer of principals

181.(1) Any person who has the appointment as principal on the proclamation of this Act may be transferred from one school to another school by the superintendent if

- (a) the school that the principal is transferred to or from is not operated by a School Board,
- (b) the transfer is from a principalship in one school to a principalship in the other school,
- (c) the Council in the attendance area of the receiving school agrees with the transfer,
- (d) the notice of transfer is in writing and is received by the principal no later than March 1,
- (e) the effective date for the transfer is the first day of a school year,
- (f) the principal has the option of resigning within 30 days of receipt of the notice of transfer,
- (g) the superintendent acts reasonably and in good faith in making the transfer, and
- (h) the principal shall continue to receive the administrative allowance to which the principal was entitled prior to the transfer instead of the administrative allowance for the new school where the previous administrative allowance is greater than the new administrative allowance.

(2) Where a School Board operates more than one school, the director for the School Board may transfer a principal who has the appointment as principal on the proclamation of this Act from one school operated by the School Board to another school operated by the School Board in the same manner as outlined in this section.

(3) A principal who is transferred under this section may present a grievance to a grievance resolution person pursuant to subsection 254(3).

Political leave

182.(1) A teacher shall be granted a leave of absence without pay by the superintendent or School Board to seek a nomination as a candidate and to be a candidate for election as a member of the House of Commons or the Legislative Assembly.

(2) A teacher who has been granted a leave of absence without pay pursuant to subsection (1) may speak, write, or work on his or her own behalf or on behalf of a political party in a federal or Yukon election if, in doing so, the teacher does not

(a) reveal any information that has been obtained or which has come to the teacher's knowledge solely by virtue of the teacher's employment or position in the public service, or

(b) publicly criticize or oppose any government policy which the teacher has been instrumental in formulating while an employee.

(3) The leave of absence referred to in subsection (1) shall commence

(a) upon the issuance of the writ of election where the teacher is nominated by a political party prior to the issuance of the writ,

(b) upon the nomination of the teacher by a political party where the teacher is nominated after the issuance of the writ of election but before being nominated pursuant to the Canada Elections Act or the Elections Act to be a candidate in an election, or

(c) upon being nominated pursuant to the Canada Elections Act or the Elections Act to be a candidate in an election where paragraphs (a) and (b) do not apply.

(4) The leave of absence referred to in subsection (1) shall terminate on the earlier of

(a) the official declaration of the result of the election, or

(b) the withdrawal of the candidate pursuant to the Canada Elections Act or the Elections Act.

(5) A teacher who is elected as a member of the House of Commons or the Legislative Assembly shall be granted a leave of absence without pay by the superintendent or School Board as a teacher from the date of election for one term of office.

(6) A teacher who is elected as a member of the Legislative Assembly is eligible to be a member of the Legislative Assembly notwithstanding subsection 6(2) of the Legislative Assembly Act.

Political activity

183.(1) In this section "political activity" means speaking, writing, or working on behalf of or against a candidate or a person who is seeking nomination as a candidate or on behalf of a political party in an election whether or not a writ for the holding of the election has been issued.

(2) Except as otherwise provided by this Act, teachers may engage in a political activity in a federal or a Yukon election.

(3) This section applies whether or not a writ for the holding of an election has been issued.

(4) No teacher may engage in a political activity if, in so doing, the teacher

(a) reveals any information that has been obtained or which has come to the teacher's knowledge solely by virtue of the teacher's employment or position in the public service, or

(b) publicly criticizes or opposes any government policy in which the teacher has been instrumental in formulating while an employee.

(5) Teachers shall not conduct themselves during their working hours so as to promote or oppose a political party or a candidate or person who is seeking nomination as a candidate in an election, whether or not a writ for the holding of the election has been issued.

Abandonment of position

184.(1) Where a teacher or principal is absent from duty without leave for a period in excess of five consecutive school days, the teacher may, by notice in writing, be declared by the superintendent or School Board to have abandoned the teaching or administrative position unless reasonable grounds exist for the absence.

(2) If the teacher or principal has not already received the notice, it shall be deemed to have been received 10 business days after the mailing of the notice.

(3) The superintendent or School Board shall investigate the circumstances of the absence before a notice is given pursuant to subsection (1).

(4) A teacher or principal ceases to be an employee on the day the notice is received or is deemed to have been received, whichever occurs first.

Teacher resignation

185.(1) Subject to subsection (2), a teacher or principal may resign on giving 30 days written notice to the superintendent or School Board.

(2) A teacher or principal may not resign in the 90 days before the beginning of a school year or during the first 30 days of a school year unless, due to exceptional circumstances, the superintendent or School Board agrees to accept the resignation.

General lay-off

186.(1) The superintendent or School Board may lay off a teacher or principal, including those on leave of absence, where

- (a) there is a decrease in numbers of students,
- (b) a school, classroom, or instructional department is closed and instruction is discontinued,
- (c) an instructional program is discontinued, or
- (d) there is insufficient appropriated funds.

(2) Subject to the terms of a collective agreement negotiated pursuant to this Act, the superintendent and School Board may determine the criteria and procedures for lay-off.

Lay-Off rights

187. Teachers and principals who have been laid off

- (a) may be re-employed without competition,
- (b) are eligible to be re-employed for a period of two years, and
- (c) shall be re-employed in priority to
 - (i) other qualified persons, and
 - (ii) teachers and principals who were laid off at an earlier time.

Termination of lay-off rights

188. A teacher or principal is no longer on lay-off if that teacher or principal

- (a) is re-employed in a position suitable to the qualifications and experience of the teacher or principal,
- (b) is not re-employed within two years from the date when that teacher or principal was laid off, or
- (c) declines re-employment.

Suspension

189.(1) A director or superintendent may suspend a teacher or principal for such period of time as may be specified

- (a) for misconduct, neglect of duty, or refusal or neglect to obey a lawful order,
- (b) for unwillingness to perform duties,
- (c) for unsatisfactory service, or

(d) when the teacher or principal has been charged with a criminal offence and, in the opinion of the superintendent or director, the teacher or principal continuing to render service would adversely affect the school.

(2) The director or superintendent shall give written notice of a suspension to the teacher or principal and shall specify the reasons for the suspension.

Procedures

190.(1) When a director has suspended a teacher or principal, the School Board shall investigate the reasons for the suspension.

(2) When a superintendent has suspended a teacher or principal, the deputy minister shall investigate the reasons for the suspension.

(3) The teacher or principal who is on suspension shall be provided with an opportunity to make representations to the School Board or deputy minister, whatever the case may be, during the investigation.

(4) The teacher or principal may be assisted by a lawyer, agent or representative of the teachers' association when making representations to the School Board or deputy minister.

(5) Within 14 days of the suspension, the School Board or deputy minister shall

(a) reinstate the teacher or principal,

(b) reprimand the teacher or principal,

(c) terminate the contract of employment of the teacher or principal,

(d) where a teacher or principal has been suspended pursuant to paragraph 189(1)(d), confirm the suspension, or

(e) take other appropriate action.

Salary during suspension

191.(1) Subject to subsections (2) and (3), a teacher or principal who has been suspended shall not be paid any salary for the period of the suspension.

(2) Teachers or principals may be paid an amount up to full salary for the period of the suspension when the superintendent or School Board decides such amount should be paid.

(3) A teacher or principal who has been suspended pursuant to paragraph 189(1)(d) shall be paid full salary for the period of the suspension.

(4) When a teacher or principal has been reinstated and the suspension reversed, the teacher or principal shall be paid an amount equivalent to full salary for the period of suspension less the amount paid pursuant to subsection (2).

Acquittal or conviction of a criminal charge

192.(1) Where a teacher or principal has been suspended pursuant to paragraph 189(1)(d) and is acquitted of the charge, the superintendent or School Board shall reinstate the teacher or principal after the expiry of the appeal period or the expiry of the period for appeal from the last court from which the appeal from the acquittal is taken and in which the teacher or principal is acquitted, whichever is the later.

(2) Where a teacher or principal has been suspended pursuant to paragraph 189(1)(d) and is convicted of the charge in respect to which the teacher or principal was suspended, the superintendent or School Board may terminate the employment of the teacher or principal after the expiry of the appeal period or after the expiry of the period for appealing from the last court to which appeal from conviction is taken and in which the teacher or principal is convicted, whichever is the later.

(3) A teacher or principal who is terminated pursuant to subsection (2) shall pay to the Minister or School Board an amount equivalent to the salary paid to the teacher or principal during the period of suspension.

Termination of employment

193.(1) The deputy minister, on the recommendation of a superintendent, or a School Board may terminate a teacher's contract of employment or a principal's appointment as principal for just cause, including the reasons outlined in paragraphs 189(1)(a), (b) or (c).

(2) When the deputy minister or School Board terminates a teacher's contract of employment or a principal's appointment, the deputy minister or School Board shall

- (a) specify the reasons in writing for the termination,
- (b) act reasonably, and
- (c) provide an opportunity prior to the termination for the teacher or principal to make representations to the deputy minister or School Board and, in doing so, to be represented by a lawyer, agent or representative of the teachers' association.

Appeal

194.(1) A teacher or principal who has been suspended or whose employment has been terminated or who has been declared to have abandoned their position has the right to refer the grievance to adjudication, within 14 days of receipt of the notice of suspension or termination or declaration of abandonment, pursuant to section 260 of this Act.

(2) This section does not apply to a termination by the superintendent or School Board of a teacher's contract of employment or a principal's appointment during a probationary period.

PART 10
TEACHERS STAFF RELATIONS
Division 1 - Interpretation

Definitions

195.(1) In this Part,

“adjudication” means the determination of a grievance pursuant to section 260;

“arbitral award” means an award in respect of a dispute;

“arbitration” means the determination of a dispute;

“bargaining agent” means an employee organization that has been certified for the bargaining unit and the certification of which has not been revoked;

“bargaining unit” means the unit of employees covered by this Part;

“board” means the Yukon Teachers Staff Relations Board established under section 197;

“chair” means the chair of the board;

“collective agreement” means an agreement in writing entered into under this Act between the employer and the bargaining agent containing provisions respecting terms and conditions of employment and related matters and the respective rights and obligations of the employer and the bargaining agent in relation to each other;

“dispute” means a dispute or difference

(a) arising in connection with the entering into, renewing or revising of a collective agreement in respect of which arbitration may be requested pursuant to section 227,

(b) that may be referred by the board to arbitration pursuant to section 236, or

(c) in respect of which the establishment of a conciliation board may be requested pursuant to section 243;

“employee” means a person who is employed or appointed under the provisions of this Act, including a person selected by a School Board for appointment, who as a condition of employment must possess a certificate of qualification as a teacher or who is an aboriginal languages teacher or who is a member of the bargaining unit, but does not include

(a) a person to whom the Public Service Act applies,

(b) a person not ordinarily required to work more than one-third of the normal period for persons doing similar work,

(c) a person employed on a relief, casual, or temporary basis unless that person has been so employed for more than ten consecutive and continuous months in any continuous period of 12 months, or

(d) a director appointed by a School Board except those directors who are also principals.

“employee organization” means any organization of employees the purposes of which include the regulation of relations between the employer and employees as recognized by the Yukon Teachers Staff Relations Board;

“employer” means the Government of the Yukon;

“grievance” means a complaint in writing presented in accordance with this Part by an employee on their own behalf or on behalf of themselves and one or more other employees or by the bargaining agent or the employer and includes a policy grievance presented by the bargaining agent or employer;

“lockout” includes the closing of a place of employment, a suspension of work by the employer or a refusal by the employer to continue to employ a number of the employees of the employer, done to compel the employees to agree to terms or conditions of employment;

“mediator” means a person appointed by the chair under section 224;

“parties” means

(a) in relation to collective bargaining, consultation, conciliation, arbitration, or a dispute, the employer and the bargaining agent, and

(b) in relation to a grievance, the employer, a School Board, the bargaining agent, and the employee who presented the grievance or, where subsection 255(3) applies, the personal representative of an employee;

“person employed in a managerial capacity” means

(a) any person who regularly participates to a significant degree in the formulation and determination of government or School Board policies and proposals,

(b) any person who is directly involved on behalf of the employer or School Board in the processes provided for in this Part,

(c) any person who is appointed in a managerial or confidential capacity,

(d) any person who is appointed as a director of a School Board except those directors who are also principals, and

(e) does not include a principal or vice-principal appointed pursuant to this Act;

“prescribed” means prescribed by regulations of the Commissioner in Executive Council on the recommendation of the board;

“strike” includes

(a) a cessation of work or a refusal to work or to continue to work by employees in combination, in concert or in accordance with a common understanding, and

(b) a slowdown of work or other concerted activity on the part of employees that is designed to restrict or limit the work of employees.

(2) No persons cease to be employees within the meaning of this Act by reason of their termination or release from employment contrary to this Act.

Employer rights

196. Nothing in this Part shall be construed to affect the right or authority of the employer or a School Board

(a) to establish, manage, and direct an educational system and schools established pursuant to this Act and to determine the organization of the education area, attendance area or any school established pursuant to this Act,

(b) to recruit and make appointments pursuant to this Act,

(c) subject to sections 179 and 181, to promote and transfer employees,

(d) subject to section 172, to demote employees,

(e) subject to sections 189 and 193, to discipline employees, and

(f) subject to section 186, to lay off employees.

Division 2 - Yukon Teachers Staff Relations Board

Composition and operation

197.(1) There shall be a board to be called the Yukon Teachers Staff Relations Board consisting of a chair and such other members, not less than five, as the Commissioner in Executive Council considers advisable.

(2) The chair shall be appointed by the Commissioner in Executive Council.

(3) The members of the board, other than the chair, shall be appointed by the Commissioner in Executive Council on the recommendation of the chair.

(4) Prior to making a recommendation pursuant to subsection (3), the chair shall consult with the employer and the bargaining agent.

(5) A member of the board shall exercise the powers and functions under this Act as may be assigned to such member by the chair.

(6) A member of the board may be removed from office at any time by the Commissioner in Executive Council upon the recommendation of the chair.

Eligibility for membership

198.(1) Individuals are not eligible to hold office as a member of the board if

- (a) they are not Canadian citizens,
- (b) they hold any other office or employment under the employer, or
- (c) they are members of or hold office or employment under the bargaining agent.

(2) Where any person ceases to be a member of the board for any reason, that person may carry out and complete any duties or responsibilities that the person would otherwise have had if the person had not ceased to be a member in connection with any matter

- (a) that came before the board while the person was still a member thereof, and
- (b) in respect of which there was any proceeding in which the person participated as a member.

Remuneration and expenses

199. The Commissioner in Executive Council, on the recommendation of the chair, shall fix

- (a) the remuneration to be paid to the members of the board and any other person appointed under this Part, and
- (b) travelling and living expenses to be paid to the members of the board or any other person appointed under this Part in connection with the performance of their duties when absent from their ordinary place of residence.

Meetings

200. The board may meet for the conduct of its business or for any proceeding before the board at such times and places as it considers necessary or desirable.

Divisions of the board

201.(1) Subject to subsection 208(3), the chair may, for the purposes of any application, proceeding or reference or the hearing or determination of any matter, establish a division of the board and direct that the powers, duties and functions of the board, or any of them, be exercised and performed by that division.

(2) A division of the board shall consist of one or more members to be designated by the chair but the number so designated shall always be an uneven number.

(3) Where a division of the board consists of more than one member, the chair shall designate one member to act as chair of the division.

(4) The board may sit in two or more divisions simultaneously and a decision of the majority of those present at any meeting of the board, or a division thereof, is a decision of the board.

Appointment of consultants

202.(1) The chair may appoint such experts or consultants as are considered advisable to sit with any division of the board established to hear and determine any matter within the jurisdiction of the board.

(2) An expert or consultant appointed under subsection (1) may attend all meetings of the board or a division of the board at which the matter in respect of which the expert or consultant was appointed is heard and determined and advise the board or a division of the board thereon but the expert or consultant shall not vote nor make any report or observation thereon except to the members of the board or a division of the board.

Chair

203.(1) The chair is the chief executive officer of the board and has supervision and direction of the work of the board but may authorize any of the members to act on behalf of the chair in relation to any matter or class of matters.

(2) The chair may appoint such other officers and employees as are deemed necessary for the performance of the duties of the board.

(3) The Commissioner in Executive Council, on the recommendation of the chair, shall appoint and fix the remuneration of persons having technical or special knowledge to assist the board in any capacity.

Rules of procedure

204. The board may make rules respecting

(a) procedure for its meetings,

(b) the forms to be used in respect of any proceeding that may come before the board,

- (c) the form in which and time of the giving or filing of any notice, undertaking, statement, reference or other document required under this Part,
- (d) the form in which and the time at which evidence and information may be presented to the board in connection with any proceeding that may come before it,
- (e) the circumstances in which notices to parties or persons shall be deemed to have been given or received by the board or any party or person,
- (f) the prescribing of any matter or thing that by this Part is to be prescribed, and
- (g) such other matters and things as may be incidental or conducive to the objects and purposes of the board, the exercise of its powers and the attainment of the objects of this Part.

Exercise of powers

205.(1) The board shall exercise such powers and perform such duties as are conferred or imposed upon it by this Part or as may be incidental to the attainment of the objects of this Part.

(2) Without limiting the generality of the foregoing, the board may, in relation to any proceeding before it,

- (a) summon witnesses and, subject to section 206, require them to give oral or written evidence on oath and to produce such documents and things as the board deems requisite to the full investigation and consideration of any matter within its jurisdiction that is before the board in the proceeding in the same manner as a superior court of record,
- (b) administer oaths and affirmations,
- (c) receive and accept such evidence and information on oath, affidavit or otherwise as, in its discretion, it sees fit, whether admissible in a court of law or not, and the board may refuse to accept any evidence that is not presented in the form and at the time prescribed,
- (d) make or cause to be made such examination of records and such inquiries as it deems necessary,
- (e) require the employer or School Board to post and keep posted in appropriate places any notice that the board considers necessary to bring to the attention of any employees any matter or proceeding before the board,
- (f) subject to such limitations as the Commissioner in Executive Council in the interests of defence or security may prescribe, enter any premises of the employer or a School Board where work is being or has been done by an employee and inspect and view any work, material, machinery, appliances or articles therein and interrogate any person respecting any matter that is before the board in the proceeding,

(g) order that

(i) a representation vote be taken among employees affected by the proceeding, before or after any hearing the board may conduct in respect of the proceeding, and

(ii) the ballots cast in any vote under clause (i) be sealed in ballot boxes and not counted until the parties to the proceedings have been given an opportunity of being heard by the board,

(h) enter upon the premises of the employer or a School Board for the purpose of conducting representation votes during working hours,

(i) authorize any person to do anything that the board may do under paragraphs (b) to (f), paragraph (h) and paragraphs (n) and (o) and report to the board thereon,

(j) adjourn or postpone the proceeding from time to time,

(k) except as otherwise provided in this Part, shorten or extend the time for instituting the proceeding or for doing any act, filing any document or presenting any evidence in connection with the proceeding,

(l) amend or permit the amendment of any documents filed in connection with the proceeding,

(m) add a party to the proceeding at any stage of the proceedings,

(n) examine, in accordance with any rules of the board, such evidence as is submitted to it respecting the membership of any employees in an employee organization seeking certification, objection by employees to the certification of an employee organization or signification by employees that they no longer wish to be represented by a bargaining agent, and

(o) examine the constitution or articles of association or any document related thereto of an employee organization that is seeking certification.

(3) The board may determine

(a) any application, complaint, question, dispute or matter that may be made or referred to the board,

(b) any matter relating to or arising out of the revocation of certification of a bargaining agent, including the rights and privileges that have accrued to or are retained by any employee notwithstanding such revocation,

(c) any matter relating to the merger, amalgamation or transfer of jurisdiction between two or more employee organizations or including the rights and privileges that have accrued to or are to be retained by any employee, notwithstanding the merger, amalgamation or transfer of jurisdiction, and

(d) for the purposes of this Part, any question that may arise in a proceeding including, without restricting the generality of the foregoing, any question as to whether

- (i) a person is an employee,
- (ii) an organization is an employee organization,
- (iii) a collective agreement has been entered into,
- (iv) any person or organization is a party to or bound by a collective agreement or arbitral award,
- (v) a collective agreement or arbitral award is in operation, and
- (vi) in any case of doubt, any occurrence or matter may be said to constitute a grievance.

(4) The board shall give full opportunity to the parties to any proceeding to present their evidence and make their submissions.

Attendance of witnesses

206. In any case where

- (a) the board has summoned a witness and the person summoned fails to appear at a hearing, or
- (b) a person who has appeared as a witness refuses to give oral or written testimony on oath or to produce such documents and things as the board deems requisite to the full investigation and consideration of a matter that is before the board,

the board shall refer the matter to the Supreme Court and the Supreme Court may make such order in respect of the reference as it deems appropriate.

Orders of the board

207. Where, under this Part, the board may make or issue any order or decision, prescribe any term or condition or do any other thing in relation to any person or a bargaining agent, the board may do so, either generally or in any particular case or class of cases.

Variation of decisions

208.(1) The board may review, rescind, amend, alter or vary any decision, order or award made by it or may re-hear any application where

- (a) circumstances have arisen since the making of the decision, order or award, or
- (b) circumstances were not known to the board at the time of the making of the decision, order or award,

but no application for review, rescission, amendment, alteration or variation may be made without the consent of the board after the expiration of three months from the day on which the decision, order or award was released to the parties.

(2) Any rights acquired by virtue of any decision, order or award that is reviewed, rescinded, amended, altered or varied pursuant to subsection (1) shall not be altered or extinguished with effect from a day earlier than the day on which such review, rescission, amendment, alteration or variation was made unless the board otherwise directs.

(3) Where it is made to appear to the chair that the decisions, orders or awards by two or more divisions of the board are inconsistent, the chair may refer such decisions, orders or awards to a review division of the board that shall

(a) consist of three members, none of whom may be a member of a division that made the decision, order or award,

(b) afford an opportunity to the affected parties to be heard, and

(c) confirm, rescind, amend, alter or vary any decision, order or award.

(4) Any decision pursuant to subsection (3) shall be final and binding on all affected parties.

Division 3 - Acquisition and Termination of Bargaining Rights

Application for certification

209.(1) An employee organization seeking to be certified as the bargaining agent for the unit of employees covered by this Part may, subject to this section and any rules made by the board, apply to the board for certification as the bargaining agent for the unit.

(2) An application by an employee organization for certification as the bargaining agent for the unit may be made

(a) where a collective agreement or arbitral award relating to the unit is in force and is for a term of not more than 2 years only after the commencement of the last 3 months of its operation, and

(b) where a collective agreement or arbitral award relating to the unit is in force and is for a term of more than 2 years, only

(i) after the commencement of the 22nd month of its operation and before the commencement of the 25th month of its operation,

(ii) during the three month period immediately preceding the end of each year that the collective agreement or arbitral award continues to operate after the second year of its operation, or

(iii) after the commencement of the last three months of its operation.

(3) For the purpose of satisfying itself as to whether employees in the bargaining unit wish to have a particular employee organization represent them as their bargaining agent, the board may order that a representation vote be taken among the employees in the unit.

(4) Where the board orders a representation vote, the board shall determine the employees that are eligible to vote and give such directions as the board considers necessary for the proper conduct of the representation vote.

(5) The board shall determine the result of a representation vote on the basis of the ballots cast by a majority of employees voting.

Certification of bargaining agent

210. Where the board

(a) has received from an employee organization an application for certification as the bargaining agent for the unit of employees covered by this Part, and

(b) is satisfied that a majority of employees in the bargaining unit wish to have the employee organization represent them as their bargaining agent,

the board shall, subject to this Part, certify the employee organization making the application as the bargaining agent for the employees in the bargaining unit.

Uncertifiable organizations

211.(1) The board shall not certify an employee organization as bargaining agent for a bargaining unit where it is satisfied that the employee organization

(a) is barred by its constitution from entering into or administering a collective agreement,

(b) is so dominated or influenced by the employer that the fitness of the employee organization to represent employees for the purpose of collective bargaining is impaired, or

(c) denies membership in the organization to any employee or class of employees in the bargaining unit by virtue of a policy or practice that the employee organization applies relating to qualification for membership in the organization.

(2) The board shall not certify an employee organization as bargaining agent for the bargaining unit where it is satisfied that the employee organization requires as a condition of membership therein the payment by any of its members of any money for activities carried on by or on behalf of any political party.

(3) The board shall not certify an employee organization as bargaining agent for the bargaining unit where it is satisfied that the employee organization discriminates against any employee because of sex, marital status, race, national origin, colour or religion.

Revocation of certification

212.(1) Where an employee organization has been certified as the bargaining agent for the bargaining unit, any employee organization who claims to represent a majority of the employees in the bargaining unit may, subject to subsection (2), apply to the board for an order revoking the certification of that employee organization for the bargaining unit.

(2) An application pursuant to subsection (1) may be made in respect of a bargaining agent for a bargaining unit only during the period in which an application for certification of an employee organization may be made.

(3) Where, upon receipt of an application under subsection (1) the board is satisfied, after such inquiry by way of a representation vote, that a majority of the employees in the bargaining unit no longer wish to have the bargaining agent represent them, the board shall by order revoke the certification of the employee organization as the bargaining agent for the bargaining unit.

(4) Where a bargaining agent advises the board in writing that it wishes to give up or abandon its certification or where the board, upon application by the employer, or any employee, determines that the bargaining agent has ceased to act as such, the board shall by order revoke the certification of the employee organization as the bargaining agent for the bargaining unit.

(5) Where an employee organization has been certified as the bargaining agent for a bargaining unit,

(a) any employee in the bargaining unit,

(b) the employer, or

(c) any employee organization that appeared before the board in the certification proceeding

who alleges that the certification was obtained by the fraud of the employee organization so certified, may apply to the board at any time for revocation of the certification.

(6) Where the board, upon receipt of an application under subsection (5) is satisfied that the evidence in support of the application

(a) was not and could not, by the exercise of reasonable diligence, have been presented to it in the certification proceeding, and

(b) is such that the board would have refused to certify the employee organization as the bargaining agent if the evidence had been presented to it in the certification proceeding,

the board shall by order revoke the certification of the employee organization as the bargaining agent.

(7) Where the board makes an order revoking the certification of an employee organization, any collective agreement or arbitral award between the employee organization and the employer that applies to the bargaining unit ceases to have effect, except where another employee organization is substituted as a party to the agreement or award upon the revocation of such certification.

Successor rights

213.(1) Where, upon a merger or amalgamation of employee organizations or a transfer of jurisdiction among employee organizations otherwise than as a result of revocation of certification, any question arises concerning the rights, privileges and duties of an employee organization under this Part or under a collective agreement or arbitral award in respect of a bargaining unit or an employee therein, the board, on application to it by the employer or any employee organization affected, shall examine the question and may determine what rights, privileges and duties if any have been acquired or are retained, as the case may be, by that employee organization.

(2) Before determining pursuant to subsection (1) what rights, privileges and duties of an employee organization have been acquired or are retained, the board may direct that such representation votes be taken as it considers necessary.

Employees temporarily assigned management duties

214.(1) Where the employer or a School Board temporarily assigns or proposes to temporarily assign to a person in that bargaining unit duties and responsibilities that, in the opinion of the employer or the School Board, would identify the person as a person employed in a managerial capacity, the employer or School Board shall file with the board and serve on the bargaining agent in the prescribed form a notice of such assignment or proposed assignment and the person shall be deemed to be identified as a person employed in a managerial capacity.

(2) The person may continue to be a member of the bargaining unit upon giving an undertaking not to hold office in the bargaining agent and not to participate in a vote on any matter that may be determined by collective bargaining, conciliation, arbitration or adjudication under this Part.

(3) Where the bargaining agent files with the board within the prescribed time an objection to the notice, the board shall determine whether the person is or would be a person employed in a managerial capacity.

(4) Where a person identified as a person employed in a managerial capacity ceases to perform the duties and responsibilities in respect of which the person was identified, the employer or School Board shall give notice in writing forthwith to the bargaining agent and such person shall be deemed to be included in the bargaining unit upon that person ceasing to perform such duties and responsibilities.

Division 4 - Collective Bargaining

Bargaining committees

215.(1) A bargaining committee shall be appointed by the bargaining agent and that committee shall have exclusive authority and shall be the sole party to bargain collectively and to execute collective agreements on behalf of employees subject to ratification by the members of the bargaining unit.

(2) A bargaining committee shall be appointed by the employer and the committee shall have exclusive authority and shall be the sole party to bargain collectively and to execute collective agreements on behalf of the employer subject to ratification by the management board established pursuant to the Financial Administration Act.

(3) The Minister may appoint representatives from School Boards and Councils to act in an advisory capacity to the bargaining committee appointed under subsection (2).

Obligation to bargain collectively

216.(1) Either party to a collective agreement or arbitral award may, within the period of three months immediately preceding the date of expiration of the term of the collective agreement or arbitral award or within such longer period as may be provided for in the collective agreement or by agreement of the parties, by notice require the other party to the collective agreement or arbitral award to commence collective bargaining for the purpose of renewing or revising the collective agreement or entering into a new collective agreement.

(2) Where notice to bargain collectively has been given, the bargaining committees appointed, without delay, but in any case within 20 days after the notice was given unless the parties otherwise agree, shall

- (a) meet and commence to bargain collectively in good faith, and
- (b) make every reasonable effort to enter into a collective agreement.

(3) Where notice to bargain collectively has been given, the employer or a School Board shall not alter any term or condition of employment applicable to the employees in the bargaining unit in respect of which the notice was given, or any right or privilege of the bargaining agent, that may be embodied in a collective agreement except with the consent of the bargaining agent until such time as

- (a) a collective agreement has been entered into by the parties and no request for arbitration has been made in the manner and within the time prescribed therefor by this Part, or
- (b) a request for arbitration has been made in accordance with this Part and a collective agreement has been entered into or an arbitral award has been rendered in respect thereof, or
- (c) a conciliation board has been established in accordance with this Act and 14 days have elapsed from the receipt by the chair of the report of the conciliation board.

Content of collective agreement

217.(1) A collective agreement may provide for and include any terms and conditions of employment agreed upon by the employer and bargaining agent.

(2) Notwithstanding subsection (1), no collective agreement shall provide, directly or indirectly, for the alteration or elimination of any existing term or condition of employment or the establishment of any new term or condition of employment,

(a) the alteration, elimination or establishment of which would require or have the effect of requiring the enactment or amendment of any legislation by the Legislative Assembly, except for the purpose of appropriating money required for its implementation, or

(b) that conflicts with a provision of an Act or regulation.

(3) Every collective agreement shall provide that, during the term of the agreement, the bargaining agent shall not declare or authorize, and the officers or representatives of the bargaining agent shall not counsel or procure the declaration or authorization of, a strike of employees or the participation of employees in a strike of employees in the bargaining unit to which the collective agreement relates.

(4) Every collective agreement shall provide that, during the term of the agreement, no person employed in a managerial capacity, whether or not acting on behalf of the employer, shall cause, counsel or procure a lockout of any employees in the bargaining unit to which the agreement relates.

(5) Where a collective agreement entered into after the coming into force of this Act does not contain a provision referred to in subsections (3) or (4), it may be added to the agreement at any time by the board upon the application of either party.

(6) Where no collective agreement applying to the bargaining unit is in force and the parties are bound by an arbitral award in respect of the bargaining unit, the board may, upon the application of either party to the award, direct that the award be amended by adding thereto a provision referred to in subsections (3) or (4).

Time for implementation of collective agreement

218. The provisions of a collective agreement shall, subject to the appropriation under the authority of the Legislative Assembly of any money that may be required by the employer or a School Board therefor, be implemented by the parties

(a) where a period for implementation is specified in the collective agreement, within that period, and

(b) where no period for the implementation is so specified,

(i) within a period of 90 days from the date of its execution, or

(ii) within such longer period as may be agreed upon by the parties or as may, on application by either party to the agreement, appear reasonable to the board.

Effective commencement of collective agreement

219.(1) A collective agreement has effect in respect of the bargaining unit on and from,

(a) where an effective date is specified, that day, and

(b) where no effective date is specified, the first day of the month next following the month in which the agreement is executed.

(2) Where a collective agreement contains no provision as to its term, or is for a term of less than one year, the collective agreement shall be deemed to be for a term of one year.

(3) Nothing in this Part prohibits the parties to a collective agreement from agreeing in writing to a revision of any provision of the collective agreement other than a provision relating to the term of the collective agreement.

(4) The board may, upon application made by both parties to a collective agreement, authorize them to terminate the agreement before it ceases to operate in accordance with the provisions of the agreement.

Binding effect of collective agreement

220.(1) A collective agreement is, subject to and for the purposes of this Act, binding on the employer, on the School Boards, on the bargaining agent, and its constituent elements and on the employees in the bargaining unit effective on and from the day on and from which it has effect pursuant to subsection 219(1).

(2) Where a conflict appears between a provision of a collective agreement and a provision of an Act, the provision of the Act prevails.

Division 5 - Disputes

Deadlock in negotiations

221.(1) Where the bargaining committees have bargained collectively in good faith with a view to concluding a collective agreement but have failed to reach agreement, either party may inform the chair that negotiations have broken down and request the chair to declare that a deadlock exists.

(2) When, in accordance with subsection (1), one of the parties has advised the chair that negotiations have broken down or that a deadlock exists,

(a) the chair may investigate the circumstances and request the parties to resume collective bargaining, and

(b) upon being satisfied that the parties have bargained in good faith and that a deadlock exists, the chair shall forthwith by notice in writing to the parties declare that a dispute exists.

Process for resolution of dispute

222.(1) Within five days after the bargaining agent has received the notice in writing referred to in subsection 221(2), it shall, in such manner as may be prescribed, specify which of the processes described in either section 227 or 243 shall be the process for resolution of any dispute to which it is a party in respect of the bargaining unit.

(2) Where the dispute resolution process has been specified by a bargaining agent, the chair shall forthwith notify the employer of the specification.

(3) The process for resolution of a dispute specified by a bargaining agent as provided in subsection (1) shall be the process applicable to that bargaining unit for the resolution of all disputes from the day on which the process is specified until another notice to bargain collectively may be given.

Provisions of the Act applicable to the process

223. Where the employer and the bargaining agent have bargained collectively in good faith with a view to concluding a collective agreement but have failed to reach an agreement,

(a) if the process for resolution of a dispute applicable to the bargaining unit is by the referral thereof to arbitration, sections 227 to 242 apply to the resolution of the dispute, and

(b) if the process for resolution of a dispute applicable to the bargaining unit is by referral thereof to a conciliation board, sections 243 to 253 apply to the resolution of the dispute.

Appointment of mediator

224.(1) Where the bargaining agent advises the chair by notice in writing of the inability of the parties to reach agreement on any term or condition of employment that may be embodied in a collective agreement, and that it desires the assistance of a mediator in reaching agreement, the chair may appoint a mediator who shall forthwith after the appointment of the mediator confer with the parties and endeavour to assist them in reaching an agreement.

(2) In any case not provided for under subsection (1), the chair may, after consultation with the parties, appoint a mediator where it appears to the chair that the appointment of such an officer may serve the purpose of assisting the parties in reaching agreement in any dispute or on any difference and that, without the appointment of such an officer, the parties are unlikely to reach agreement or resolve the difference.

Report of mediator

225. Where a mediator has been appointed under section 224, the mediator shall, within 14 days from the date of appointment, or within such longer period as the chair may allow, report to the chair as to whether or not the mediator has succeeded in assisting the parties in entering into or revising a collective agreement.

Extension of time

226. Where a request for arbitration under section 227 has been made and a mediator has been appointed pursuant to section 224, the mediator shall,

(a) within 14 days from the date of appointment, or

(b) such longer period, not exceeding an additional 14 days, as the chair, after consultation with the parties may allow or as may be agreed upon by the parties,

report to the chair as to whether or not the mediator has succeeded in assisting the parties entering into or revising a collective agreement.

Request for arbitration

227.(1) Where a bargaining agent has specified in accordance with subsection 222(1) that the dispute resolution process applicable to the bargaining unit shall be by the referral thereof to arbitration, either party may by notice in writing to the chair given

- (a) at any time where no collective agreement has been entered into by the parties and no request for arbitration has been made by either party since the commencement of the bargaining, or
- (b) not later than seven days after any collective agreement is entered into by the parties, in any other case,

request arbitration in respect of that term or condition of employment.

(2) Where arbitration is requested by notice under subsection (1), the party making the request shall

- (a) specify in the notice the terms and conditions of employment in respect of which it requests arbitration and its proposals concerning the award to be made by the arbitrator in respect thereof, and
- (b) annex to the notice a copy of any collective agreement entered into by the parties.

(3) Where arbitration is requested by notice under subsection (1) and no collective agreement has been entered into by the parties, the party making the request shall annex to the notice a statement of any terms or conditions of employment that have been conditionally agreed to by the parties.

Request for arbitration by other party

228.(1) Where notice under section 227 is received by the chair from any party requesting arbitration, the chair shall forthwith send a copy of the notice to the other party who shall, within seven days after receipt thereof, advise the chair by notice in writing of any matter additional to the matters specified in the notice under section 227 that was a subject of negotiations between the parties during the period before arbitration was requested but on which the parties were unable to reach agreement and, in respect of which, being a matter that may be embodied in an arbitral award, the other party requests arbitration.

(2) Where arbitration in respect of any matter is requested by notice under subsection (1), the party making the request shall include in the notice its proposal concerning the award to be made by the arbitrator in respect thereof.

Requirement for filing proposals

229.(1) Where either party has not annexed to a notice under section 227 or 228 its proposals concerning the award to be made by the arbitrator, the board may, by order, direct a party to file such proposals upon such terms and conditions as it considers advisable and, if the party fails to comply with the order, the arbitrator may refuse to permit that party to adduce evidence or make representations in respect of the matter to which the order relates.

(2) Where an order is made under subsection (1), the board may extend the time of a notice under subsection 228(1).

(3) Where arbitration is requested by notice under subsection 227(1), either party may, with the consent of the board on such conditions as the board considers advisable, amend the notice under subsection (1) or the notice under subsection 228(1) by adding thereto any term or condition of employment that

(a) may be embodied in an arbitral award,

(b) was the subject of negotiation between the parties during the period before arbitration was requested, and

(c) was omitted from the notice.

Appointment of arbitrator

230.(1) Where a bargaining agent has requested arbitration pursuant to section 227, the chair shall within 24 days

(a) appoint an arbitrator who shall immediately proceed to a consideration of the matter, and

(b) send to the arbitrator a copy of the notice referred to in subsection 227(2).

(2) A person is not eligible to act as an arbitrator if that person would not be eligible to be a member of the board pursuant to subsection 198(1).

(3) No person shall act as an arbitrator in respect of any matter if that person has, at any time since a day six months before the day of selection, acted in respect of any matter concerning employer-employee relations as lawyer or agent of the employer or of the bargaining agent.

(4) The arbitrator has all the powers of the board set out in paragraphs 205(2)(a), (b), (c), (d), and (f) and, in addition, may authorize any person to exercise any of the powers of the arbitrator set out in paragraphs 205(2)(b), (c), and (d) and report to the arbitrator thereon.

(5) Prior to making an appointment pursuant to subsection (1), the chair shall consult with the employer and the bargaining agent.

Failure to bargain in good faith

231. Where arbitration is requested and it is alleged that the party making the request has not bargained in good faith, the board shall, on application by the other party to the dispute, examine and inquire into the allegation and, if the board is satisfied that the party requesting arbitration has not bargained in good faith, it may postpone the hearing of the request and direct the parties to continue to bargain for such further period as it considers appropriate in the circumstances.

Selection of advisor for arbitration

232.(1) In respect of a proceeding on a request for arbitration under section 227, each of the parties may, within the time prescribed by the chair, select one advisor to sit with the arbitrator for the hearing and determination of the dispute.

(2) If the parties mutually agree to select advisors and if either of the parties fails to notify the board within the time prescribed the name of the advisor it has selected under subsection (1), the chair shall select an advisor and the person so selected shall be deemed to have been selected by that party.

(3) The provisions of subsections 198(1) and 202(2) apply with such modifications as the circumstances require in relation to the qualification and functions of persons to act as advisors under this section.

(4) No person shall act as an advisor in respect of any matter if that person has, at any time since the day six months before the day of the selection, acted in respect of any matter concerning employer-employee relations as lawyer or agent of the employer or a School Board or of the bargaining agent.

Award of arbitrator

233.(1) Subject to section 235, the matters in dispute specified in the notice under section 227, in any notice under section 228 and in any amendment of such notice under subsection 229(3) constitute the terms of reference in relation to the request for arbitration, and the arbitrator shall, having considered the matters in dispute together with any other matter that the arbitrator considers necessarily incidental to the resolution of the matters in dispute, render an arbitral award in respect thereof.

(2) Where, at any time before an arbitral award is rendered in respect of the matters in dispute, the parties reach agreement on any such matter and enter into a collective agreement in respect thereof, the matters in dispute referred to the arbitrator shall be deemed not to include that matter and no arbitral award shall be rendered by the arbitrator in respect thereof.

Matters to be considered by arbitrator

234. In the conduct of proceedings before it and in rendering an arbitral award in respect of a matter in dispute, the arbitrator shall consider

(a) the need for qualified employees,

(b) the conditions of employment in similar occupations outside government service, including such geographic or other variations as the arbitrator may consider relevant,

(c) the need to maintain appropriate relationships in the conditions of employment as between different class, category or grade levels and as between other occupations in the government service,

(d) the need to establish terms and conditions of employment that are fair and reasonable in relation to the qualifications required, the work performed, the responsibility assumed and the nature of the services rendered, and

(e) any other factor that to it appears to be relevant to the matter in dispute.

Contents of awards

235.(1) Subject to this section, an arbitral award may deal with

(a) compensation, including rates of pay and procedures relating to the administration thereof, and

(b) hours of work, leave entitlements and other terms and conditions of employment directly related thereto.

(2) No arbitral award shall deal with

(a) any term or condition of employment prohibited for inclusion in a collective agreement by section 217,

(b) any term or condition of employment of employees that was not a subject of negotiation between the parties during the period before arbitration was requested in respect thereof, or

(c) any term or condition of employment respecting standards, procedures or processes governing the appointment, promotion, demotion, lay-off, transfer or work performance evaluation of employees, with the dismissal or discipline of employees, with the assignment of duties of employees, with the grades or categories of certificates of qualification to be assigned to those employees or, subject to section 257, any provision respecting the grievance process.

Joint request for special arbitration

236. Notwithstanding anything in this Part, the parties may jointly request the board to refer to arbitration any matter and any arbitral award made pursuant to such request shall be binding on the parties in accordance with any respect of the request.

Form of award

237. An arbitral award shall, wherever possible, be made in such form

(a) as will be susceptible of being read and interpreted with, or annexed to and published with, any collective agreement dealing with other terms and conditions of employment of the employees in the bargaining unit, and

(b) as will enable its incorporation into and implementation by regulations, bylaws, directives or other instruments that may be required to be made or issued by the employer or a School Board or the bargaining agent.

Binding effect of award

238.(1) An arbitral award is, subject to and for the purposes of this Part, binding on the employer, on each School Board and on the employees in the bargaining unit, effective on and from the day on which the award is rendered or such later day as the arbitrator may determine.

(2) A provision of an arbitral award made in respect of a term or condition of employment may be retroactive to the extent that it is capable of being retroactively applied, in whole or in part, to a day prior to the day on and from which the arbitral award becomes binding on the parties but not before the day on which notice to bargain collectively was given by either party.

Duration of award

239.(1) The arbitrator may, in respect of every arbitral award, determine and specify therein the term for which the arbitral award is to be operative and, in making its determination, it may take into account

(a) where a collective agreement applicable to the bargaining unit is in effect or has been entered into but is not yet in effect, the term of that collective agreement, and

(b) where no collective agreement applying to the bargaining unit has been entered into

(i) the term of any previous collective agreement that applied to the bargaining unit, or

(ii) the term of any other collective agreement that to the arbitrator appears relevant,

but where the arbitrator does not specify the term of an arbitral award, the term applicable shall be the term referred to in paragraph (a).

(2) No arbitral award, in the absence of the application thereto of any criterion referred to in paragraph (1)(a) or (b), shall be for a term of less than one year or more than two years from the day on and from which it becomes binding on the parties.

(3) The board may, upon application made by both parties to an arbitral award, terminate the award before it ceases to have effect according to its terms.

Implementation of award

240. The provisions of an arbitral award shall, subject to the appropriation under the authority of the Legislative Assembly or any money that may be required by the employer or a School Board therefor, be implemented by the parties within a period of 90 days from the date on and from which it becomes binding on the parties or within such longer period as may be agreed upon by the parties or as may, on application by either party, appear reasonable to the board.

Reference back to arbitrator

241. Where a statement has been annexed to a notice pursuant to subsection 227(3) and the parties subsequently are unable to reach agreement on terms or conditions of employment that were conditionally agreed to by the parties, either party may, within 30 days after receipt by it of the award of the arbitrator, or within such longer period as may be agreed upon by the parties, refer back to the arbitrator any term or condition in the statement that may be dealt with in an arbitral award and the arbitrator shall thereupon deal with such term or condition in the manner provided in section 233.

Revision of award by agreement

242. The parties to an arbitral award may agree to a revision of any provision of such award other than a provision to its duration.

Request for establishment of conciliation board

243. Where a bargaining agent has specified, in accordance with subsection 222(1), that the process applicable to the bargaining unit shall be by the referral thereof to a conciliation board, either party may, by notice in writing to the chair, request establishment of a conciliation board for the investigation and conciliation of the dispute.

Establishment of board

244. Where, in respect of a dispute, either party has requested the establishment of a conciliation board or, where it appears to the chair that the establishment of such a board may serve the purpose of assisting the parties in reaching agreement, the chair shall establish a board for the investigation and conciliation of the dispute.

Constitution of conciliation board

245.(1) A conciliation board shall consist of three members appointed in the manner provided in this section.

(2) When a conciliation board is to be established, the chair shall, by notice, require each of the parties, within seven days from the receipt of such notice, to nominate one person each to be a member of the conciliation board and, upon receipt of the nominations, within seven days, the chair shall appoint the persons so nominated as members of the conciliation board.

(3) If either of the parties fails to nominate a person within seven days from the receipt by it of the notice referred to in subsection (2), the chair shall appoint, as a member of the conciliation board, a person deemed fit for the purpose and such member shall be deemed to have been appointed on the nomination of that party.

(4) The two members appointed under subsection (2) or (3) shall, within five days after the day on which the second of them was appointed, nominate a third person who is ready and willing to act as chair of the conciliation board and the chair of the board shall thereupon appoint such person as the chair of the conciliation board.

(5) If the two members appointed under subsection (2) or (3) fail to make such a nomination within five days after the second of them was appointed, the chair shall forthwith appoint as the chair of the conciliation board a person deemed fit for the purpose.

(6) The provisions of subsection 198(1) apply with appropriate changes in relation to the qualification of persons as members of a conciliation board.

(7) The members of a conciliation board are entitled to be paid such per diem or other allowances with respect to the performance of their duties under this Act as may be fixed by the Commissioner in Executive Council.

Vacancy in the membership of conciliation board

246. Where any vacancy occurs in the membership of a conciliation board before the board has reported its findings and recommendations to the chair of the board, the vacancy shall be filled by the chair by appointment in the manner provided in section 245 for the selection of the person in respect of whom the vacancy arose.

Notification of establishment of conciliation board

247.(1) Forthwith upon the establishment of a conciliation board, the chair of the board shall notify the parties of its establishment and of the names of its members.

(2) Upon the notification of the parties by the chair of the establishment of a conciliation board, it shall be conclusively presumed that the conciliation board described in the notice has been established in accordance with this Act and no order shall be made or process entered and no proceedings shall be taken in any court to question the establishment of the conciliation board to review, prohibit or restrain any of its proceedings.

Terms of reference of conciliation board

248. Forthwith upon the establishment of a conciliation board, the chair of the board shall deliver to the conciliation board a statement setting forth the matters on which the conciliation board shall report its findings and recommendations to the chair and may, either before or after the report of its findings and recommendations, amend such statement by adding thereto or deleting therefrom any matter deemed necessary or advisable in the interest of assisting the parties in reaching agreement.

Duties and procedure of conciliation board

249.(1) A conciliation board shall, as soon as possible after the receipt by it of the statement referred to in section 248, endeavour to bring about agreement between the parties in relation to the matters set forth in the statement.

(2) Except as otherwise provided in this Act, a conciliation board may determine its own procedure but shall give full opportunity to both parties to present evidence and make representations.

(3) The chair of a conciliation board may, after consultation with the other members of the board, fix the times and places of its sittings and shall notify the parties of the time and places so fixed.

(4) The chair of a conciliation board and one other member constitute a quorum, but in the absence of a member at any sitting of the board the other members shall not proceed unless the absent member has been given reasonable notice of the sitting.

(5) A decision of a majority of the members of a conciliation board on any matter referred to it is a decision of the board thereon.

(6) The chair of a conciliation board shall forward to the chair of the board a detailed statement signed by the chair of the sittings of the conciliation board and of the members and witnesses present at each sitting.

Powers of conciliation board

250. A conciliation board has all the powers of the board set out in paragraph 205(2)(a) and, in addition, may authorize any person to exercise any of the powers of the board as set out in paragraphs 205(2)(b) to (f) and report to the conciliation board thereon.

Report of the conciliation board

251.(1) A conciliation board shall, within 14 days after receipt by it of the statement referred to in section 248 or within such longer period as may be agreed upon by the parties or determined by the chair of the board, report its findings and recommendations to the chair.

(2) Subsection 219(2) applies, *mutatis mutandis*, in relation to a recommendation in a report of a conciliation board.

(3) No report of a conciliation board shall contain any recommendation concerning any term or condition of employment of employees that was not a subject of negotiation between the parties.

(4) On receipt of the report of a conciliation board, the chair of the board shall forthwith cause a copy thereof to be sent to the parties and may cause the report to be published in such manner as deemed fit.

Report as evidence

252. No report of a conciliation board and no testimony or proceedings before a conciliation board, are receivable in evidence in any court in the Yukon except in the case of prosecution for perjury.

Binding effect where agreed by parties

253. Where at any time before a conciliation board has made its report the parties so agree in writing, a recommendation made by a conciliation board shall be binding on the parties subject to and for the purposes of this Act and shall be given effect to accordingly.

Division 6 - Grievances

Grievance procedure

254.(1) Where any employee feels aggrieved

(a) by the interpretation or application in respect of that employee of a provision of this Act or of a regulation, direction, or other instrument made or used by the employer or a School Board dealing with terms and conditions of employment, or

(b) as a result of any occurrence or matter affecting the terms and conditions of employment of the employee, other than an occurrence or matter described in section 255,

the employee is entitled to present a grievance at each of the levels, up to and including the grievance resolution level, in the grievance process provided by this section.

(2) The first level of grievance is the superintendent or director, whatever the case may be.

(3) Where the grievance is not resolved at the first level of grievance, the employee is entitled to present the grievance to a grievance resolution person who is a Yukon resident and is selected by the teachers' association and the employer.

(4) If the employer and the teachers association are unable to agree on a person to act as the grievance resolution person, either may apply to the Supreme Court for an order appointing the grievance resolution person.

(5) The costs of the grievance resolution grievance level shall be shared equally by the teachers' association and the employer.

(6) Notwithstanding subsection (5), the grievance resolution person may order one party to the grievance to pay the entire cost of the grievance resolution level if the position of that party in the grievance is considered by the grievance resolution person to be frivolous, capricious, or vexatious.

(7) The grievance resolution person shall inquire into the grievance and issue a decision in writing.

(8) The decision of the grievance resolution person shall be final and binding on the parties to the grievance and, subject to any right of appeal to an adjudicator provided for in this Part, no further action shall be taken:

(9) A grievance resolution person is not bound by decisions given in past grievances.

(10) An employee is not entitled to present any grievance under this section unless the employee has the approval of and is represented by the bargaining agent.

(11) Where a grievance was submitted prior to the death of an employee, a reference to an employee includes the personal representative of a deceased employee or a former employee.

(12) The grievance resolution person shall not render any decision in respect of any grievance, the effect of which would be to require the amendment of a collective agreement or an arbitral award.

Collective agreement or arbitral award

255.(1) Where any employee feels aggrieved by the administration or interpretation in respect of that employee of a provision of a collective agreement or arbitral award, the employee is entitled to present a grievance to the Public Service Commissioner.

(2) An employee is not entitled to present any grievance relating to the administration or interpretation of the collective agreement or arbitral award unless the employee has the approval of and is represented by the bargaining agent.

(3) Where a grievance was submitted prior to the death of an employee, a reference to an employee includes the personal representative of a deceased employee or former employee.

Appointment of adjudicators

256.(1) The chair shall, after consultation with the employer and the bargaining agent, appoint such persons to be called adjudicators as may be required to hear and adjudicate upon grievances under this Act.

(2) A person is not eligible to act as an adjudicator if that person would not be eligible to be a member of the board pursuant to subsection 198(1).

(3) No person shall act as an adjudicator in respect of any matter if that person has, at any time since a day six months before the day of the selection, acted in respect of any matter concerning employer-employee relations as lawyer or agent of the employer or a School Board or the bargaining agent.

(4) An adjudicator appointed pursuant to this section has, in relation to the hearing of any grievance under this Act, the power

(a) to summon and enforce the attendance of witnesses and compel them to give oral or written evidence on oath and to produce such documents and things as deemed requisite to the full investigation and consideration of matters within the jurisdiction of the adjudicator in the same manner and to the same extent as a judge,

(b) to administer oaths and affirmations, and

(c) to receive and accept such evidence and information on oath, affidavit or otherwise as in the discretion of the adjudicator is deemed fit whether admissible in a court of law or not.

(5) Where a grievance is referred to adjudication, the adjudicator shall give both parties to the grievance an opportunity of being heard.

- (6) After considering the grievance, the adjudicator shall render a decision thereon and
- (a) send a copy thereof to each party and its representative and to the bargaining agent, and
 - (b) deposit a copy of the decision with the chair.

Requirements for consent of employee

257. Where the parties have provided in a collective agreement that the bargaining agent may present on behalf of an employee in the bargaining unit a grievance with respect to the administration or interpretation in respect of the employee of a provision of a collective agreement or arbitral award, the bargaining agent shall not be entitled to present such a grievance on behalf of the employee if the employee objects thereto in the prescribed manner and within the prescribed time.

Representation of employee by bargaining agent

258. No employee who is included in a bargaining unit may be represented by any employee organization, other than the bargaining agent, in the presentation or reference to adjudication of a grievance.

Grievance by employer or bargaining agent

259.(1) Where the employer and the bargaining agent have executed a collective agreement or are bound by an arbitral award and

- (a) the employer or the bargaining agent seeks to enforce an obligation that is alleged to arise out of the collective agreement or arbitral award, and
- (b) the obligation, if any, is not an obligation the enforcement of which is appropriate to be the subject of an individual grievance of an employee in the bargaining unit to which the collective agreement or arbitral award applies,

the employer or the bargaining agent may present a policy grievance.

(2) The procedure for an individual employee grievance applies with appropriate changes to a policy grievance.

Referral of grievance to adjudication

260.(1) Where an employee has presented a grievance to the Public Service Commissioner with respect to the administration or interpretation of a provision of a collective agreement or arbitral award and the grievance has not been dealt with to the satisfaction of the employee, the employee may refer the grievance to adjudication.

(2) Where an employee has grieved a suspension or a termination of employment decision or a declaration of abandonment, the employee shall refer the grievance directly to an adjudicator.

(3) Where a grievance that may be referred to adjudication is a grievance relating to the administration or interpretation of a provision of a collective agreement or arbitral award, an employee is not entitled to refer a grievance to adjudication unless the bargaining agent signifies in the prescribed manner its approval of the reference of the grievance to adjudication and its willingness to represent the employee in the adjudication proceeding.

(4) A decision to terminate a contract of employment of a teacher during or at the end of a probationary period and a decision to terminate the appointment of a teacher as a principal during or at the end of a probationary period may not be referred to adjudication.

Requirement for consent of employee

261. Section 260 applies to grievances presented by the bargaining agent on behalf of an employee in accordance with section 257.

Requirement for exhaustion of other procedures

262.(1) Except with the consent of the board or in accordance with subsection 260(2), no grievance shall be referred to adjudication and the adjudicator shall not hear or render a decision on a grievance until all procedures prescribed by this Act for the presentation of the grievance have been complied with.

(2) The adjudicator shall not render any decision in respect of any grievance, the effect of which would be to require the amendment of a collective agreement or an arbitral award.

Effect of notice to bargain on adjudication

263.(1) When either party to a collective agreement or arbitral award has given notice under section 216, a grievance in respect of any term or condition of employment of an employee or any right or privilege of the bargaining agent that was embodied in the collective agreement or arbitral award, the alteration of which is prohibited by subsection 216(3), may be referred to adjudication and determined by the adjudicator during the period for which alteration is prohibited by subsection 216(3) as if the agreement or arbitral award remained in force.

(2) Where a grievance is presented within the time prescribed by the board for the presentation of grievances, subsection (1) shall apply notwithstanding that the grievance is presented at the first level of the grievance process after the expiration of the period during which alteration is prohibited by subsection 216(3).

Adjudicator to decide penalty

264. Where a grievance described in section 194 is referred to adjudication, the adjudicator may determine the remedial action if any that, in the opinion of the adjudicator, is appropriate in the circumstances and the adjudicator may direct that such action be taken.

Adjudicator may substitute penalty

265. Where a grievance described in section 194 is referred to adjudication and the adjudicator determines that an employee has been suspended or dismissed by the employer or School Board for cause, the adjudicator has power to substitute for the suspension or termination decision such other penalty as to the adjudicator seems just and reasonable in the circumstances.

Reference to adjudication by employer or bargaining agent

266.(1) Where the employer or the bargaining agent has presented a grievance pursuant to section 259 and the grievance has not been dealt with to its satisfaction, it may refer the grievance to adjudication.

(2) Where the employer and bargaining agent have executed a collective agreement or are bound by an arbitral award, the employer or the bargaining agent may refer to adjudication any question as to the administration or interpretation in respect of employees covered by the collective agreement or arbitral award and the adjudicator may, if the adjudicator considers it appropriate, make a declaration that provides an answer for the question submitted to it.

Implementation of adjudicator's decision

267.(1) Where a decision on any matter referred to adjudication requires any action by or on the part of the employer or School Board, the employer or School Board, or both as the case may be, shall take such action.

(2) Where a decision on any grievance requires any action by or on the part of an employee or bargaining agent or both of them, the employee or bargaining agent, or both as the case may be, shall take such action.

Regulations respecting grievances

268.(1) The Commissioner in Executive Council may, on the recommendation of the board, make regulations in relation to the procedure for presenting grievances, including without limiting the generality of the foregoing, regulations respecting

- (a) the manner and form of presenting a grievance,
- (b) the time within which a grievance may be presented up to any level in the grievance process including the grievance resolution level,
- (c) the time within which the reply to a grievance may be given at any level in the grievance process including the grievance resolution level, and
- (d) the circumstances in which any level below the grievance resolution level in the grievance process may be eliminated.

(2) Any regulations made by the Commissioner in Executive Council under subsection (1) in relation to the procedure for presentation of grievances shall apply in respect of employees in the bargaining unit notwithstanding that such regulations are inconsistent with any provisions contained in a collective agreement entered into by the bargaining agent and the employer applicable to those employees.

Division 7 - Strikes

Participation by employee in strike

269.(1) No employee shall participate in a strike who is included in the bargaining unit for which the process for resolution of a dispute is by the referral thereof to arbitration.

(2) Employees, other than those employees referred to in subsection (1), shall not participate in a strike where a collective agreement applying to the bargaining unit in which the employees are included is in force or during collective bargaining under this Act, unless

(a) a conciliation board for the investigation and conciliation of a dispute in respect of that bargaining unit has been established and 14 days have elapsed from the receipt by the chair of the report of the conciliation board, and

(b) a notice of intention to strike and the time the strike will commence has been delivered to the employer by the bargaining agent not less than 48 hours before the commencement of the strike.

Declaration of authorization of strike

270. The bargaining agent shall not declare a strike of employees and no officer or representative of the bargaining agent shall counsel or procure the declaration or authorization of a strike of employees or the participation of employees in a strike, the effect of which is or would be to involve the participation of an employee in a strike in contravention of section 269.

Legality of application for declaration of strike

271.(1) Where it is alleged by the employer or a School Board that the bargaining agent has declared or authorized a strike of employees, the effect of which is or would be to involve the participation of an employee in a strike in contravention of section 269, the employer or a School Board may apply to the board for a declaration that the strike is or would be unlawful and the board, after affording an opportunity to the bargaining agent to be heard on the application, may make such a declaration.

(2) Where it is alleged by a bargaining agent that the participation of employees included in the bargaining unit in a strike authorized or declared or proposed to be authorized or declared by the bargaining agent is not or would not be in contravention of section 269, the bargaining agent may apply to the board for a declaration that the strike is or would be lawful and the board, after affording an opportunity to the employer or a School Board to be heard on the application, may make such a declaration.

Offences and penalties

272.(1) Every employee who contravenes section 269 commits an offence and is liable to a fine not exceeding \$100.00.

(2) Every officer or representative of the bargaining agent who contravenes section 270 commits an offence and is liable to a fine not exceeding \$300.00.

(3) Where the bargaining agent contravenes section 270, it commits an offence and is liable to a fine not exceeding \$10.00 for each employee in the bargaining unit for each day that any strike declared or authorized by it in contravention of that section is or continues in effect.

Prosecution of bargaining agent

273. A prosecution for an offence under section 272 may be brought against the bargaining agent in its name and, for the purposes of any such prosecution, the bargaining agent shall be deemed to be a person, and any act or thing done or omitted by an officer or representative of the bargaining agent within the scope of the authority of the officer or representative to act on behalf of the bargaining agent shall be deemed to be an act or thing done or omitted by the bargaining agent.

Prohibited practices

274.(1) No person who is employed in a managerial capacity, whether or not acting on behalf of the employer or a School Board, shall participate in or interfere with the administration of or the representation by the bargaining agent.

(2) No person shall

(a) refuse to employ or to continue to employ any person or otherwise discriminate against any person in regard to employment or any term or condition of employment because the person

(i) has testified or otherwise participated or may testify or otherwise participate in a proceeding under this Part,

(ii) has made or is about to make a disclosure that the person may be required to make in a proceeding under this Part,

(iii) has made or is about to make an application or a complaint or has presented or is about to present a grievance or refer a grievance to adjudication under this Part, or

(iv) was or is exercising any other right or freedom under this Part,

(b) impose any condition on an appointment or in a contract of employment or propose the imposition of any condition on an appointment or in a contract of employment that restrains, or has the effect of restraining, an employee or a person seeking employment from becoming a member of the employee organization or exercising any right or freedom conferred by this Part,
or

(c) seek, by intimidation, threat of dismissal or any other kind of threat, by the imposition of a pecuniary penalty or by any other means to compel a person

(i) to become, refrain from becoming or, except as provided in a collective agreement, to cease or continue to be a member of the employee organization,

(ii) to refrain from testifying or otherwise participating in a proceeding under this Part,

(iii) to refrain from making a disclosure that the person may be required to make in a proceeding under this Part,

(iv) to refrain from making an application or complaint or presenting a grievance or referring a grievance to adjudication under this Part, or

(v) to refrain from exercising any other right or freedom under this Part.

(3) The employee organization and any of its officers, representatives or persons acting on behalf of the employee organization shall not

(a) expel or suspend an employee from membership in the employee organization or deny membership in the employee organization to an employee by applying to the employee in a discriminatory manner the membership rules of the employee organization,

(b) take disciplinary action against or impose any form of penalty on an employee by applying to the employee in a discriminatory manner the standards of discipline of the employee organization,

(c) expel or suspend an employee from membership in the employee organization or take disciplinary action against or impose any form of penalty on an employee by reason of the employee having refused to perform an act that is contrary to this Act, or

(d) act in bad faith or in a manner that is arbitrary or discriminatory in representing any employee in the bargaining unit in the presentation of a grievance or in reference thereof to adjudication pursuant to this Part.

Discrimination against employee organization

275.(1) No person employed in a managerial capacity, whether or not the person acts on behalf of the employer or School Board, shall discriminate against the bargaining agent.

(2) Nothing in subsection (1) shall be construed to prevent a person employed in a managerial capacity from receiving representations from or holding discussions with the representatives of the bargaining agent.

Complaint to board

276. Subject to section 277, the board shall examine and inquire into any complaint made to it that the employer, a School Board, the bargaining agent or any person has failed to observe any prohibition or to comply with any provision contained in this Part or in any regulation made under this Part or any order or direction made or given by the board.

Time limit for complaints

277.(1) Subject to this section, a complaint pursuant to section 276 shall be made to the board not later than 90 days from the date on which the complainant knew, or in the opinion of the board ought to have known, of the action or circumstances giving rise to the complaint.

(2) Subject to subsection (3), no complaint shall be made to the board under section 276 on the ground that the bargaining agent or any person acting on behalf of the bargaining agent has failed to comply with paragraph 274(3)(a) or (b) unless

(a) the complainant has presented a grievance or appeal in accordance with any procedure that has been established by the bargaining agent and to which the complainant has been given ready access,

(b) the bargaining agent

(i) has dealt with the grievance or appeal in a manner unsatisfactory to the complainant, or

(ii) has not, within six months from the date on which the complainant first presented a grievance or appeal pursuant to paragraph (a), dealt with the grievance or appeal, and

(c) the complaint is made to the board not later than 90 days from the first day on which the complainant could, in accordance with paragraph (b), make the complaint.

(3) The board may, on application to it by a complainant, hear a complaint in respect of an alleged failure by the bargaining agent to comply with paragraph 274(3)(a) or (b) that has not been presented as a grievance or appeal to the bargaining agent if the board is satisfied that

(a) the action or circumstances giving rise to the complaint is such that the complaint should be dealt with without delay, or

(b) the bargaining agent has not given the complainant ready access to a grievance or appeal procedure.

Mediation and hearing of complaints by the board

278.(1) Subject to subsection (2), upon receipt of a complaint made under section 276, the board

(a) may assist the parties to the complaint to settle the complaint, and

(b) where the board does not act under paragraph (a) or the complaint is not settled within such period as the board considers to be reasonable in the circumstances, shall hear and determine the complaint.

(2) The board may refuse to hear and determine any complaint made pursuant to section 276 in respect of a matter that, in the opinion of the board, could be referred by the complainant to adjudication under section 260.

Orders respecting complaints

279.(1) Where, under paragraph 278(1)(b), the board determines that any person, bargaining agent, the employer or a School Board has failed to observe any prohibition or to comply with any provision, regulation, order or direction as described in section 277, it may make an order addressed to that person, bargaining agent, employer or School Board directing it to observe the prohibition, give effect to the provision, regulation, direction or order or take such act as may be required in that behalf within such specified period as the board may consider appropriate, and

(a) where an order is directed to a person who has acted or purported to act on behalf of the employer or a School Board, it shall direct its order as well to the Minister, and

(b) where an order is directed to a person who has acted or purported to act on behalf of the bargaining agent, it shall direct its order as well to the chief officer of the bargaining agent.

(2) Where, under subsection 278(1), the board determines that a party to a complaint has failed to comply with section 274, the board may by order require the party to comply with that section and may,

(a) in respect of a failure to comply with paragraph 274(2)(a) or (c) require the employer or a School Board to

(i) reinstate any former employee or rescind any disciplinary action in respect of an employee, and

(ii) pay to any employee or former employee affected by the failure compensation not exceeding such sum as, in the opinion of the board, is equivalent to the remuneration and benefits that would, but for the failure, have been paid by the employer to the employee,

(b) in respect of a failure to comply with paragraph 274(3) (a) or (b), by order require the employee organization to reinstate or admit an employee as a member of the employee organization agent,

(c) in respect of a failure to comply with paragraph 274(2) (a) or (c), by order require the employee organization to rescind any disciplinary action taken and pay compensation to any employee in an amount set by the board not to exceed any penalty imposed on the employee by the employee organization, and

(d) in respect of a failure to observe the prohibition in paragraph 274(3)(d), by order

- (i) permit the employee to refer the grievance to adjudication without the approval of or representation by the employee organization, and
- (ii) require the employee organization to pay to any employee or former employee affected by the failure compensation in an amount set by the board not to exceed any pecuniary loss sustained by the employee or former employee.

(3) Where, under subsection 278(1), the board determines that the employer or School Board has failed to comply with subsection 216(3), the board may by order require the employer or School Board to comply with that section and may also require it to take such other remedial action as the board may consider appropriate.

Defiance of board order

280. Where any order made under section 279 directs some action to be taken and is not complied with within the period specified in the order for the taking of such action, the board shall forward to the Minister a copy of its order, a report of the circumstances and all documents relevant thereto and the copy of the order, the report and the relevant documents shall be laid by the Minister before the Legislative Assembly within 15 days after receipt thereof by the Minister if the Legislative Assembly is then sitting or, if the Legislative Assembly is not then sitting, the Minister shall forward to each of the members a copy of the order and table a copy of the order, report and relevant documents before the Legislative Assembly at its next sitting.

Requirement of consent of board for prosecutions

281.(1) Except with the consent of the board, no prosecution shall be instituted in respect of any offence in this Part.

(2) Before consenting to the institution of a prosecution, the board may consult with the parties, make such inquiries or hold such hearings as in its discretion is considered desirable.

Division 8 - General

Filing of collective agreements

282. Each party to a collective agreement shall, forthwith after its execution file a copy of the collective agreement with the board.

Effect of board and adjudicator decisions

283.(1) Subject to section 208, every order, award, direction, decision, declaration, ruling of the board or adjudicator is final and shall not be questioned or reviewed in any court except in accordance with section 284.

(2) Subject to subsection (1), no order shall be made or process entered or proceeding taken in any court, whether by way of injunction, certiorari, prohibition, quo warranto or otherwise, to question, review, prohibit or restrain the board in any of its proceedings under this Part.

Appeal to Supreme Court

284.(1) The Supreme Court has jurisdiction to hear and determine an application to review and set aside a decision or order, other than a decision or order of an administrative nature not required by law to be made on a judicial or quasi judicial basis, made by or in the course of proceedings before an adjudicator, upon the ground that the adjudicator or board

- (a) failed to observe a principle of natural justice or otherwise acted beyond or refused to exercise its jurisdiction,
- (b) erred in law in making its decision or order, whether or not the error appears on the face of the record, or
- (c) based its decision on an erroneous finding of fact that it made in a perverse or capricious manner or without regard for the material before it.

(2) Any such application may be made by the employer, a School Board, in consultation with the employer, the bargaining agent, or any party directly affected by the decision or order by filing a notice of the application within ten days of the time the decision or order was first communicated to the employer, a School Board, the bargaining agent, or to that party by the adjudicator or board or within such further time as the Supreme Court or a judge thereof may allow either before or after the expiry of those ten days.

(3) An adjudicator or the board may, at any stage of the proceedings before it, refer any question or issue of law or jurisdiction to the Supreme Court for hearing and determination.

(4) An application or reference to the Supreme Court made under this section shall be heard and determined without delay and in a summary way.

Service of documents

285.(1) A decision, determination, order, direction, declaration, ruling or award of the board

- (a) if sent by registered mail to a person, the bargaining agent, the employer or a School Board addressed to it at its last known address, shall be deemed to have been released on the second day after the day on which it is so mailed, and
- (b) if delivered to a person, bargaining agent, the employer or a School Board at its last known address, shall be deemed to have been released on the day next following the day on which it was so delivered.

(2) Proof by a person, the bargaining agent, the employer or a School Board of failure to receive a determination, order, direction, ruling or award or a notice or report sent in the manner described in paragraph (1)(a) is a defence by such person, bargaining agent, the employer or a School Board to an application for consent to institute a prosecution.

(3) Reasonable efforts shall be made to locate and notify the employee of the decision, determination, order, direction, declaration or award of the board.

Privilege

286. No member of the board and no mediator or officer or employee of, or person appointed by the board or by the chair, shall be required to give evidence in any civil action, suit or other proceeding respecting information obtained in the discharge of duties under this Part.

Witness expenses

287. A person who is summoned by the board to attend as a witness in any proceeding taken under this Part and who so attends, is entitled to be paid an allowance for expenses and a witness fee, determined in accordance with the scale for the time being in force with respect to witnesses in civil suits in the Supreme Court.

Oaths of office

288. A person appointed under this Part shall, before entering upon any duties, take an oath or affirmation in the form prescribed by the chair before any person authorized to take such oath or affirmation.

Remuneration and expenses of officials

289. Every person who acts as a mediator or who functions under this Part in any other capacity at the request of the chair shall be paid such remuneration and expenses as may be fixed by the Commissioner in Executive Council on the recommendation of the chair.

Public Service Superannuation Act (Canada)

290. Unless the Commissioner in Executive Council otherwise orders in any case or class of cases, a person appointed under this Part shall be deemed not to be employed in the public service for the purpose of the Public Service Superannuation Act (Canada).

Annual report

291. As soon as possible after the end of each year, the board shall prepare and submit to the Minister a report on the administration of this Part during the year and the Minister shall table the board's report before the Legislative Assembly within 15 days after receipt thereof or, if the Legislative Assembly is not then sitting, on any of the first 15 days next thereafter that the Legislative Assembly is sitting.

PART 11 FINANCE

Fiscal year

292. The fiscal year of a School Board shall be from July 1 to June 30 of the year following.

Appointment of auditor

293.(1) A School Board shall, by bylaw, appoint as auditor one or more persons or a firm of auditors who shall audit the financial transactions and accounts of the School Board in each year prior to the annual meeting of the School Board.

(2) A copy of the auditor's report shall be submitted to the Minister and to the School Board for which it was prepared.

(3) Any auditor appointed pursuant to this section must have the qualifications established by regulation.

(4) If a School Board fails or neglects to appoint an auditor or if the auditor fails to complete its audit in accordance with this Act, the Minister may, upon giving one month's notice of intention to do so to the School Board, appoint an auditor or firm of auditors for the School Board.

Duties of the auditor

294.(1) The auditor shall

- (a) audit and report upon all books and accounts relating to the affairs of the School Board or relating to any matter under its control or within its jurisdiction,
- (b) make such examination as will enable the auditor to report to the Minister and School Board as required,
- (c) be given access to all records, documents, instruments, accounts, vouchers and other components of the financial reporting system of the School Board, and
- (d) submit a report to the Minister and School Board on or before September 1 on the annual financial statements required by this Act and shall state in the report whether
 - (i) the examination was made in accordance with generally accepted auditing standards and, accordingly, included such tests and other procedures as the auditor considered necessary in the circumstances, and
 - (ii) the financial statements present fairly the financial position of the School Board at June 30 and the results of its operations for the year then ended in accordance with this Act and generally accepted accounting principles.

(2) The auditor is entitled to require from trustees and officials of the School Board and from any other person any information or explanation necessary for the performance of the duties of an auditor.

(3) The auditor shall separately report to the Minister and School Board any disbursement, expenditure, liability, or other transaction lacking proper authority under this or any other Act or under any bylaw or resolution passed under it.

(4) The auditor shall report in writing to the Minister and School Board every defalcation or irregularity dealing with the assets, liabilities, accounts, funds and financial obligations of the School Board.

Annual operations and maintenance budget for School Board

295.(1) A School Board shall prepare an annual operations and maintenance budget in a form specified by the Minister and shall submit it within the time prescribed by regulations in each year to the Minister.

(2) The annual operations and maintenance budget shall include budget items for

(a) administration,

(b) regular instruction,

(c) special instruction,

(d) plant operation and maintenance,

(e) special advisory services,

(f) tuition and other costs for resident students attending an educational program outside the education area of the School Board, and

(g) any other required expenditure.

(3) The Minister shall

(a) review each submitted annual operations and maintenance budget,

(b) consult with the School Board that submitted the annual operations and maintenance budget, and

(c) approve an annual operations and maintenance budget for each School Board on or before March 15 of each year subject to the regulations for grants and contributions to School Boards.

Expenditures

296.(1) The annual operations and maintenance budget for a School Board shall be administered and expended under the direction of the School Board.

(2) A School Board may, whenever necessary due to unforeseen circumstances, reallocate funds within the annual operations and maintenance budget.

Unauthorized expenditures

297. Where, in the opinion of the Minister, a School Board expends any sum of money in excess of that provided for in the annual operations and maintenance budget, the Minister may deduct the excess from the annual operations and maintenance budget of that School Board for the next or later fiscal year following the school year in which the excess expenditure occurred.

Surplus funds

298. A School Board may retain from year to year any budgetary surplus from its operations.

Funding

299. The Minister shall provide each School Board with funding sufficient to meet the requirements of its approved annual operations and maintenance budget from money appropriated by the Legislative Assembly.

Investments

300. A School Board or Council may invest in any of the following, but not otherwise

- (a) securities that are obligations of or guaranteed by Canada or a province, or
- (b) fixed deposits, notes, certificates and other short term paper of or guaranteed by a bank listed in Schedule A to the Bank Act (Canada) that may include swapped deposit transactions in currency of the United States.

Financial Administration Act

301. The Financial Administration Act does not apply to School Boards established under this Act.

Borrowing

302. Subject to the regulations and the approval of the Minister, a School Board may, by bylaw, borrow from any chartered bank in Canada sums required to meet the necessary expenditures of the School Board and such loans shall be paid out of and become a first charge upon grants and contributions payable to the School Board and may be secured by a promissory note given by the chair and secretary-treasurer on behalf of the School Board.

Capital grants

303. Subject to appropriations of the Legislative Assembly and conditions that may be prescribed in the regulations, the Minister may make capital grants to a School Board for

- (a) the acquisition of school sites or buildings by construction or purchase for use as schools,

- (b) the acquisition of capital equipment and materials for the operation or renovation of schools,
- (c) the acquisition of sites or buildings by construction or purchase and materials and capital equipment for use as a staff's residence, or
- (d) any capital facilities for the fulfillment of the objectives of this Act.

Consideration of budget for schools

304. The Minister shall consider the recommendations of each Council in the preparation of the annual operations and maintenance budget for a school that is located within the attendance area of the Council.

Discretionary grants

305. Subject to any conditions that may be prescribed in the regulations, the Minister may provide funding to a School Board or Council for any purpose on such terms and conditions as may be agreed to by the Minister and the School Board or Council.

PART 12 GENERAL

Division 1 - Regulations, Policies, and Guidelines

Regulations

306. The Commissioner in Executive Council may make regulations

- (a) authorizing and setting the formula for the Minister to make grants or contributions,
- (b) authorizing and fixing the payment of remuneration and expenses for persons appointed or elected pursuant to this Act,
- (c) respecting anything that may be required to give effect to the French language rights referred to in this Act and required by section 23 of the Canadian Charter of Rights and Freedoms,
- (d) governing the transfer of assets between School Boards and the Government of the Yukon,
- (e) prescribing fees for distance education courses,
- (f) respecting the rights of separate schools,
- (g) governing the categories for salary purposes to be assigned to certificates of qualification issued to teachers and years of teaching experience assessed for teachers,
- (h) prescribing tuition fees for non-resident students,

- (i) authorizing and prescribing the terms, conditions and amounts for borrowing by a School Board,
- (j) prescribing dates and requirements for financial reporting by School Boards in each year,
- (k) governing the disposition of property by a School Board,
- (l) governing transportation and accommodation, including any fees for the transportation and accommodation,
- (m) governing home education,
- (n) respecting the duties and bonding for secretary-treasurers who are appointed pursuant to this Act,
- (o) concerning the certification of teachers and the cancellation and suspension of certificates,
- (p) governing the establishment, administration, and management of private schools,
- (q) prescribing the term of appointment for principals,
- (r) governing kindergarten programs, and
- (s) generally, to give effect to any provision of this Act.

Policies and guidelines

307.(1) The Minister may issue policies and guidelines

- (a) establishing the duties of persons appointed pursuant to this Act,
- (b) governing the establishment, composition, operation, and terms of reference for school dormitory committees,
- (c) respecting the form, content, confidentiality, and disposition of student records,
- (d) respecting pre-school education programs,
- (e) respecting the terms and procedures for school evaluations,
- (f) respecting the examination and evaluation of students, including appeals, fees, and the payment of remuneration,
- (g) governing the insurance to be acquired by a School Board,
- (h) governing eligibility and access to distance education courses,

- (i) respecting the procedures and operation of the Education Appeal Tribunal,
- (j) respecting the establishment and closure of a school or part of a school,
- (k) governing conditions and dates for school plans,
- (l) respecting goals and objectives for private schools,
- (m) governing the establishment, composition, operation, and terms of reference for any boards, committees, commissions, or other bodies established by the Minister, and
- (n) generally, to give effect to any provision of this Act.

(2) Policies and guidelines issued under this section are not regulations within the meaning of the Regulations Act.

Division 2 - Offences, Liability and Immunity

Disturbances

308.(1) No person shall

- (a) disturb or interrupt the proceedings of a school, or
- (b) disturb or interrupt the proceedings of a meeting of a School Board or Council.

(2) Any person who contravenes subsection (1) is guilty of an offence and liable to a fine of not more than \$500.00.

Penalty for false reports

309. Every trustee of a School Board who knowingly signs a false report or knowingly makes a false return commits an offence and is liable to a fine not exceeding \$1,000.00.

Penalty for retaining money or books

310. Every trustee of a School Board or member of a Council, or officer or employee of the Minister who, after ceasing to hold office, retains any money, book, paper or thing that belongs to a School Board or the Government after having received notice in writing requiring them to return it to the School Board or the Government commits an offence and is liable to a fine not exceeding \$200.00 for each day during which that person wrongfully retains possession of such money, book, document or thing.

Penalty for voting irregularities

311. Any person who knowingly prejudices the result of any voting by preventing votes from being taken, by taking unlawful votes, by altering returns or books in any way or by any other means, commits an offence and is liable to a fine not exceeding \$1,000.00.

Liability of trustees or members

312. Any trustee of a School Board or member of a Council that wilfully neglects or refuses to exercise or to assist in exercising powers vested in the School Board or Council by this Act for the fulfillment of any contract or agreement made by it is personally responsible for the fulfillment of that contract or agreement.

Liability of trustees for debts

313. Where a School Board

(a) wilfully contracts liabilities in the name of the School Board other than as provided in this Act, or

(b) appropriates any money of the School Board for purposes other than as provided in this Act,

the Minister may recover from trustees of the School Board, either jointly or severally, the amount in excess of that provided by this Act for which the School Board has been rendered liable through the action of the School Board as a debt in any court of competent jurisdiction.

Immunity for evaluators

314. No director, superintendent, or other person whose duties under this Act require that person to evaluate the work of teachers, principals, or other employees appointed under this Act shall be personally liable for any loss or damage suffered by any person as a consequence if the comments, reports, and actions or omissions are authorized by this Act and are done in good faith and without negligence.

Immunity for elected persons

315.(1) A School Board or Council is not liable for anything done or omitted, without negligence, in the exercise of a power conferred in this Act.

(2) No trustee of a School Board or member of a Council is liable and no other person acting on the lawful instructions of the School Board or Council is liable for anything that the trustee, member, or other person does or omits to do, lawfully and without negligence, in the exercise of a power conferred by this Act.

Division 3 - Teacher Qualification Board

Teacher Qualification Board

316.(1) The Minister shall appoint a Teacher Qualification Board composed of a representative of the teachers' association, a professional educator selected by mutual agreement of the teachers' association and the Minister, and a representative of the Minister who shall be the chair.

(2) The Minister shall appoint a secretary to the Teacher Qualification Board.

(3) The Teacher Qualification Board shall determine the category of certificate of qualification and the years of teaching experience for salary purposes to be assigned to a teacher in accordance with the regulations.

(4) Pending the decision of the Teacher Qualification Board, the secretary shall, in consultation with the director or superintendent for the school to which the teacher has been assigned, provisionally assign a category of certificate of qualification and a number of years of teaching experience to the teacher.

(5) A teacher shall be paid in accordance with the provisionally assigned category of qualification until the matter has been determined by the Teacher Qualification Board.

Division 4 - Teacher Certification Board

Teacher Certification Board

317. The Commissioner in Executive Council shall appoint a Teacher Certification Board for such term as specified composed of

- (a) two persons nominated by the teachers' association,
- (b) two persons nominated by the department,
- (c) one person nominated by the School Boards and Councils,
- (d) one person nominated by the Central Indian Education Authority, and
- (e) one person nominated by the Yukon College who is a professional educator.

Chair and secretary

318. The Minister shall appoint one of the department appointees to the Teacher Certification Board as its chair and shall name a secretary from department employees for the Teacher Certification Board.

Powers of the Teacher Certification Board

319. The Teacher Certification Board shall

- (a) advise and make recommendations to the Minister on any program or course of study for the upgrading of teacher qualifications and the training of teachers,
- (b) review regulations and recommend changes governing types, issuance, suspension, and cancellation of teachers' certificates by the Minister, and
- (c) make recommendations to the Minister for certification of any persons whose status with respect to qualifications is referred to the Teacher Certification Board.

Division 5 - Ministerial Powers

Investigation

320.(1) The Minister may authorize any person with appropriate qualifications

(a) to investigate any school matter, or

(b) to evaluate teachers, schools, the operation of any School Board or Council, educational programs, instructional materials, or school buildings.

(2) A person authorized to investigate or evaluate may examine the achievement of any student, the policies, procedures, records of a school, School Board, or Council and may enter any school building for the purpose of conducting the investigation or evaluation.

(3) The Minister may, on receipt of a report prepared by a person authorized pursuant to subsection (1), make any decision in accordance with this Act.

Advisor to a School Board

321.(1) The Minister may appoint an advisor to a School Board.

(2) An advisor shall provide assistance and advice to the School Board on any matter and for such term as specified by the Minister.

Official trustee of a School Board

322. If a School Board has failed to carry out any duty or function imposed on it pursuant to this Act, the Commissioner in Executive Council may appoint an official trustee for the affairs of the School Board.

Duties of official trustee

323.(1) The official trustee may veto any resolution or bylaw passed or proposed by a School Board and

(a) assist the trustees of the School Board in the conduct of the affairs of the School Board, or

(b) exercise powers and duties conferred by this Act on the School Board in the place of the trustees.

(2) The Commissioner in Executive Council may stipulate which of paragraphs (1)(a) and (b) the official trustee shall act under.

(3) The trustees of the School Board shall cease to hold office as trustees on the appointment of an official trustee when the Commissioner in Executive Council stipulates that the official trustee shall act under paragraph (1)(b).

Access to records

324.(1) An official trustee appointed pursuant to this Division may demand and is entitled to receive from officers, whether elected or appointed, of the School Board all money, securities, evidence of title, books, bylaws, and documents of or relating to the affairs of the School Board in their possession or under their control.

(2) Any person who fails or refuses to comply with the demand of an official trustee pursuant to subsection (1) is guilty of an offence and liable to a fine not exceeding \$500.00.

Revocation of appointment

325. When the Commissioner in Executive Council considers it advisable to provide that the affairs of the School Board shall again be conducted by elected officials, the Commissioner in Executive Council may by order

(a) revoke the appointment of the official trustee, and either

(b) upon the recommendation of the chief electoral officer, arrange for a by-election for the election of trustees for the School Board, or

(c) upon the recommendation of the official trustee and after the official trustee has been appointed for 2 years, dissolve the education area of the School Board and establish an attendance area with an elected Council.

Review of the Act

326.(1) On or before 10 years from the proclamation of this Act, the Minister shall establish a process for a review of the Act.

(2) The Minister shall specify the process to be followed in the review referred to in subsection (1) and shall include in the process consultation with and involvement of the persons elected or appointed under this Act, the Council for Yukon Indians, the teachers' association and other groups interested in education in the Yukon.

(3) A report of the process and recommendations resulting from the process shall be tabled in the Legislative Assembly by the Minister at the next session of the Legislative Assembly after the completion of the report.

PART 13
TRANSITIONAL, CONSEQUENTIAL
AND
COMMENCEMENT

Repeal

327. The School Act is repealed.

Bargaining agent

328. The teachers association shall continue as the bargaining agent for the purposes of Part 10 of this Act until and unless replaced pursuant to the provisions of Part 10 of this Act.

School committees

329. Persons who were members of school committees under the School Act immediately before the coming into force of this Act continue as members of school committees under this Act until replaced through the operation of this Act.

Commencement

330. This Act shall come into force on a day to be fixed by the Commissioner in Executive Council.

QUEEN'S PRINTER FOR THE YUKON



STATUTES OF THE YUKON
1989-90

CHAPTER 26

FIRST APPROPRIATION ACT, 1990-91

(Assented to March 8, 1990)

Whereas it appears by message from the Commissioner and in the estimates accompanying the message that the sums mentioned in Schedule "A" of this Act are required for the purpose of defraying certain expenses of the public service of the Yukon and for related purposes for the period of 12 months ending March 31, 1991;

The Commissioner of the Yukon Territory, by and with the advice and consent of the Legislative Assembly, enacts as follows:

1. From and out of the Yukon Consolidated Revenue Fund there may be paid and applied a sum not exceeding in the whole \$346,602,000 for defraying the several charges and expenses of the public service of the Yukon payable in the period of 12 months ending on March 31, 1991, as set forth in Schedule "A" of this Act, and that sum shall not be paid or applied except in accordance with Schedules "A", "B", and "C", the Financial Administration Act and, subject to that Act, the estimates accompanying the message from the Commissioner.

2. The due application of all monies paid or applied pursuant to section 1 shall be accounted for.

SCHEDULE A

\$ (Dollars in 000's)

Operation and Maintenance Votes

01	Yukon Legislative Assembly	1,910
02	Executive Council Office	6,235
09	Community & Transportation Services	53,440
07	Economic Development: Mines and Small Business	2,669
03	Education	54,134
12	Finance	4,311
16	Government Services	18,058
15	Health & Human Resources	54,428
08	Justice	21,094
10	Public Service Commission	7,866
14	Renewable Resources	10,954
13	Tourism	4,630
11	Women's Directorate	333
22	Yukon Development Corporation	one dollar
18	Yukon Housing Corporation	8,484
19	Yukon Liquor Corporation	one dollar
20	Loan Capital	2,000
20	Loan Amortization	<u>2,121</u>
	Subtotal Operation and Maintenance	<u>252,667</u>

Capital Votes

02	Executive Council Office	27
09	Community & Transportation Services	44,399
07	Economic Development: Mines and Small Business	10,840
03	Education	12,064
16	Government Services	4,670
15	Health & Human Resources	4,470
08	Justice	110
14	Renewable Resources	1,124
13	Tourism	1,350
18	Yukon Housing Corporation	<u>14,881</u>
	Subtotal Capital	<u>93,935</u>
	TOTAL SUMS REQUIRED	<u>346,602</u>

SCHEDULE B

Grants

The sums mentioned in this Schedule have been included in the sums mentioned in Schedule "A". They are extracted from Schedule "A" and mentioned here only to show that they have been appropriated for grants rather than for some other purpose. They are not appropriations in addition to what is mentioned in Schedule "A".

Operation and Maintenance Votes	Purpose	Grant Amount \$ (Dollars \$000's)
01 Yukon Legislative Assembly		-
02 Executive Council Office		-
09 Community & Transportation Services	- In-Lieu-of Property Taxes	2,072
	- Conditional Municipal Water and Sewer	413
	- Municipal Operating	3,163
	- Community Clean-up	4
	- Hamlet Operations & Maintenance	14
	- Home Owner	1,363
07 Economic Development: Mines and Small Business		-
03 Education	- Yukon College	8,698
	- Native Teacher Education Program	632
	- Student Activity Support Programs	16
	- Post Secondary Student Grants	1,034
	- Adult Education General Training Allowance	568
	- Post Secondary Student Scholarships	34
	- Training Allowances - Apprentices	3
	- Excellence in Teaching Awards	10
	- Education Related Organizations	5
	- Community Library Maintenance	26
	- Library Volunteers	2
12 Finance	- Workers Compensation Board, Supplementary Benefits	371
16 Government Services		-
15 Health & Human Resources	- Adoption Subsidies	38
	- Day Care Subsidies	722
	- Day Care Operating Grants	755
	- Family Allowance	53
	- Social Assistance	2,619
	- Yukon Seniors Income Supplement	410
	- Pioneer Utility Grant	224
	- Support Services to Vocational Rehabilitation	118
	- Canadian National Institute for the Blind	3

Operation and Maintenance Votes		Purpose	Grant Amount \$ (Dollars \$000's)
08	Justice	- Human Rights Commission	253
		- Institutional Facilities	44
		Inmate Allowance	
10	Public Service Commission		-
14	Renewable Resources	- Fur Institute of Canada	20
		- College of Veterinary Science	1
		- Yukon Fish & Wildlife Enhancement Fund	250
13	Tourism	- Museum Grants	49
11	Women's Directorate		
22	Yukon Development Corporation		
18	Yukon Housing Corporation		
19	Yukon Liquor Corporation		-
	Subtotal Operations and Maintenance Grants		<u>\$ 23,987</u>
Capital Votes			
01	Yukon Legislative Assembly		
02	Executive Council Office		
09	Community & Transportation Services		
07	Economic Development: Mines and Small Business	- Fur Enhancement	20
03	Education		
12	Finance		
16	Government Services		
15	Health & Human Resources		
08	Justice		
10	Public Service Commission		
14	Renewable Resources		
13	Tourism		
11	Women's Directorate		
22	Yukon Development Corporation		
18	Yukon Housing Corporation		
19	Yukon Liquor Corporation		-
	Subtotal Capital Grants		<u>\$20</u>
	TOTAL GRANTS		<u>\$24,007</u>

SCHEDULE C

DEPARTMENTAL DEFINITION

YUKON LEGISLATIVE ASSEMBLY:

The Yukon Legislative Assembly is the parliament of the Yukon, consisting of Members who are elected by the people of the Yukon. Through them Yukoners make territorial laws and provide money needed by the Government of the Yukon for the present and future good of the people of the territory.

DEPARTMENTAL OBJECTIVES

EXECUTIVE COUNCIL OFFICE:

To provide analysis, advice, and support services to the Premier, Ministers and the Executive Council relating to policy formulation and implementation, including organization and management of government.

To ensure coordination among departments of policy and program initiatives, and provide the Executive Council and departments with central policy, communications, statistical, French and Aboriginal languages, audit and evaluation services.

To represent and promote Yukon government interest in land claims, devolution, constitutional development, and in relations with the federal and provincial/territorial governments, and the State of Alaska.

DEPARTMENT OF COMMUNITY AND TRANSPORTATION SERVICES:

To promote local self-government, to provide support to municipalities and to provide municipal services and facilities in unincorporated communities.

To provide property assessment, general property taxation and school taxation services.

To plan, develop and dispose of Yukon lands and to manage land use activity.

To plan, develop, maintain and regulate safe and efficient transportation systems and services for the Yukon.

To support the development of sport, arts and community recreation throughout the Yukon.

To foster the development and provision of communication systems and services to enhance the economic and social opportunities of Yukoners.

To promote the improvement and cost-effectiveness of infrastructure through undertaking applied research into northern infrastructure development.

DEPARTMENT OF ECONOMIC DEVELOPMENT: MINES AND SMALL BUSINESS:

To promote development of a self-sustaining Yukon economy, with a balance and diversification of primary, secondary and service industries, providing an acceptable level of income for Yukon residents in either wage or kind.

To increase the participation of Yukon people in employment, management, and ownership of Yukon business: to decrease leakage of wages and profits from the Territory, and increase economic returns, capital accumulation and local influence on economic decision-making for the Yukon.

To promote a more equitable distribution of economic benefits throughout all regions and segments of the population.

DEPARTMENT OF EDUCATION:

To ensure that all Yukoners are provided with the learning opportunities to achieve their maximum personal potential by the department planning, developing, implementing and evaluating:

- elementary and secondary education for all school age children;
- French language programs;
- adult training and continuing education programs;
- human resource development planning services, employment development and job retention programs; and
- library and archival services.

To provide funds for the development, promotion and evaluation of the Native languages program and for the training of local instructors for the program, and to provide the required central support.

DEPARTMENT OF FINANCE:

To ensure that the financial resources of the Government of the Yukon are planned, utilized and controlled in a manner that meets the priorities of the government and complies with the statutes.

DEPARTMENT OF GOVERNMENT SERVICES:

To acquire goods and services and provide those goods, services and accommodation for departments in a manner that ensures fair and equitable treatment of the private sector and reflects the social and economic priorities of the Government.

DEPARTMENT OF HEALTH AND HUMAN RESOURCES:

To improve the health and social condition of individuals, families and Yukon communities.

DEPARTMENT OF JUSTICE:

To respond to Yukon community needs to provide services designed to reduce crime and to serve and protect victims and potential victims.

To provide police services designed to preserve law and order.

To provide facilities and infrastructure for the resolution of civil and criminal matters as and when they arise.

To provide secure housing and correctional services designed to protect communities from offenders and to provide rehabilitative services to offenders.

To maintain safe employment, orderly and responsible commercial and professional services in the Yukon and to promote the public interest in labour-management harmony and the consumer interest in commercial and professional activities.

To provide funds for the operation of the Yukon Human Rights Commission and Board of Adjudication.

PUBLIC SERVICE COMMISSION:

To provide advisory and administrative services to Cabinet, Management Board and departmental management to contribute to the effective, efficient and equitable management of the Government's human resources, in accordance with applicable legislation and government goals and objectives.

DEPARTMENT OF RENEWABLE RESOURCES:

To ensure that the environment and renewable resources of the Yukon are managed and used on a sustainable basis by:

- ensuring that environmental management activities are designed to allow proper conservation of renewable resources, the protection of genetic diversity and the maintenance of essential ecosystem processes;
- ensuring that environmental management activities are designed to support the development of the renewable resource economy in a manner which is sustainable for present and future generations of Yukoners;
- ensuring that environmental management activities are properly integrated with other economic sectors to provide optimum benefits to all Yukoners;
- assuming additional management powers and responsibilities in all areas of renewable resources and environmental management consistent with the Yukon government's constitutional development objectives;
- ensuring that environmental management activities are consistent with our national and international responsibilities;
- ensuring that environmental management reflects the rights and responsibilities of the Yukon's aboriginal peoples; and
- ensuring that Yukoners have the opportunity to become involved in the development and review of departmental programs, policies, legislation and regulations.

DEPARTMENT OF TOURISM:

To promote and develop the Yukon as a tourism destination for the economic and social benefit of Yukoners and to assist the private sector in similar efforts.

To develop, enhance and preserve the Yukon's heritage resources and transmit an appreciation and understanding of the Yukon's heritage to Yukoners and Yukon visitors.

WOMEN'S DIRECTORATE:

To improve the economic, social and legal status of Yukon women to achieve gender equality.

YUKON DEVELOPMENT CORPORATION:

To participate with the private sector in the economic development of the Yukon.

To promote through strategic investments sustainable development in Yukon communities.

To own the assets of the Yukon Energy Corporation, and any other operation to the benefit of the Yukon's economy.

YUKON HOUSING CORPORATION:

To ensure the provision and availability of adequate, suitable and affordable accommodation to the Yukon households in need.

To ensure the provision and availability of adequate and suitable accommodation to the employees of the Government of the Yukon living outside of Whitehorse, and to administer the Government's Employee Housing Buyback Program.

To foster and promote programs that will assist the housing industry to supply adequate housing within the Yukon.

To create and promote an environment of community participation in the design, development and delivery of housing programs.

YUKON LIQUOR CORPORATION:

To provide for and to regulate the purchase, importation, distribution and retail sale of alcoholic beverages in the Yukon by:

- operating warehouses and retail stores in a manner that provides a level of service to the public and licensees that meets their needs while ensuring that optimal revenue is transferred to the Consolidated Revenue Fund;
- inspecting licensees' premises to ensure compliance with the Liquor Act; and
- providing and regulating the issuance, cancellation and suspension of liquor licences.

To provide for the return and, where possible, recycling of beverage containers.

To provide the services of Territorial Agent in rural communities where a liquor store is located.



**STATUTES OF THE YUKON
1989-90**

CHAPTER 27

AN ACT TO AMEND THE INCOME TAX ACT

(Assented to May 14, 1990)

The Commissioner of the Yukon Territory, by and with the advice and consent of the Legislative Assembly, enacts as follows:

1. This Act amends the Income Tax Act.

2.(1) The following subsection is substituted for subsection 1(6):

“(6) Interest computed under any of subsections 161(1), (2), and (11), 164(3), (3.1), and (4), and 227(8.3), and (9.2) of the federal Act, as they apply for the purposes of this Act, shall be compounded daily and, where interest is computed on an amount under any of those provisions and is unpaid on the day it would, but for this subsection, have ceased to be computed under that provision, interest at the rate provided by that provision shall be compounded daily on unpaid interest from that day to the day it is paid”.

(2) The following subsection is added to section 1:

“(7) Where a provision (in this subsection referred to as “that section”) of the federal Act or the federal regulations is made applicable for the purposes of this Act, that section, as amended from time to time heretofore or hereafter, applies with such modifications as the circumstances require for the purposes of this Act as though it had been enacted as a provision of this Act and in applying that section for the purposes of this Act, in addition to any other modifications required by the circumstances,

(a) a reference in that section to tax under Part I of the federal Act shall be read as a reference to tax under this Act;

(b) where that section contains a reference to tax under any of Parts, I.1 to XIV of the federal Act, that section shall be read without reference therein to tax under any of those Parts and without reference to any portion of that section which applies only to or in respect of tax under any of those Parts;

(c) a reference in that section to a particular provision of the federal Act that is the same as or similar to a provision of this Act shall be read as a reference to the provision of this Act;

(d) any reference in that section to a particular provision of the federal Act that is the same as or similar to a provision of this Act shall be read as a reference to the provision of this Act;

(e) where that section contains a reference to any of Parts I.1 to XIV of the federal Act or to a provision in any of those Parts, that section shall be read without reference therein to that Part or without reference to that provision, as the case may be, and without reference to any portion of that section that applies only because of the application of any of those Parts or the application of a provision in any of those Parts;

(f) where that section contains a reference to the Bankruptcy Act, that section shall be read without reference therein to the Bankruptcy Act;

(g) a reference in that section to a federal regulation that applies for the purposes of this Act shall be read as a reference to the regulation as it applies for the purposes of this Act;

(h) any reference in that section to a word or expression set out in the left hand column of the following table shall be read as a reference to the word or expression set out opposite thereto in the right hand column of the following table:

Her Majesty Canada	Her Majesty for the benefit of the Yukon Yukon
Receiver General	Commissioner
Deputy Minister of National Revenue for Taxation	Deputy Head
Deputy Attorney General of Canada	Deputy Attorney General of the Yukon
the Tax Court of Canada	the Supreme Court of the Yukon
Tax Court of Canada Act	the Supreme Court Act
the Federal Court of Canada	the Supreme Court of the Yukon
Federal Court Act	the Supreme Court Act
Registrar of the Tax Court of Canada	Registrar of the Supreme Court of the Yukon
Registry of the Federal Court	Office of the Supreme Court of the Yukon

3.(1) The following paragraph is substituted for paragraph 3(7)(a):

“(a) the amount, if any, by which any non-business-income tax paid by him for the year to the government of such other country exceeds the aggregate of all amounts each of which is an amount claimed by him as a deduction for that year under subsection 126(1) or 180.1(1.1) of the federal Act; and”.

(2) The following text is substituted for the portion of subparagraph 3(7)(b)(i) that comes before clause (A):

“(i) the aggregate of the taxpayer’s incomes from sources in that country excluding any portion thereof that was deductible by him under subparagraph 110(1)(f)(i) of the federal Act or in respect of which an amount was deductible by him under section 110.6 of the federal Act,”.

(3) The following text is substituted for the portion of subparagraph 3(7)(b)(ii) that comes after clause (B):

“minus any amounts deducted by him under section 110.6 or paragraph 111(1)(b) of the federal Act or deductible by him under paragraph 110(1)(d), (d.1), (d.2), (d.3), (f), or (j), or section 112 of the federal Act for the year or in respect of such period or periods, as the case may be.”

(4) The following subsection is substituted for subsection 3(8):

“(8) For the purpose of subsection (7), “tax payable” and “tax otherwise payable” mean the amount that would, but for sections 120.1 and 127.4 of the federal Act, be the tax otherwise payable under this Act.”

(5) Subsection (1) is applicable to the 1986 and subsequent taxation years.

(6) Subsections (2) to (4) are applicable to the 1985 and subsequent taxation years except that for the 1985, 1986, and 1987 taxation years the reference to “section 110.6” in that portion of clause 3(7)(b)(ii) of the Act following sub-subclause (B) thereof, as amended by subsection (3), shall be read as a reference to “section 110.1 or 110.6”.

4. The following two sections are substituted for sections 10 to 13:

“Application of federal provisions (Returns of Income, Assessments and Withholding)

10. Sections 150 and 151 and subsections 152(1), (2), (3), (4), (4.1), (5), (6), (7), and (8), and 153(1), (1.1), (1.2), (1.3), (1.4), (2), and (3) of the federal Act apply for the purposes of this Act.

Reassessment

11. Where a collection agreement is in effect, notwithstanding that more than 3 years have elapsed since the day of mailing a notice of an original assessment of tax, interest, or penalties payable by a taxpayer for a taxation year or of a notification that no tax is payable by the taxpayer for the year, if the tax payable under Part I of the federal Act by the taxpayer for the year is reassessed, the Commissioner shall reassess or make additional assessments or assess tax, interest, or penalties, as the circumstances require.”

5. The following subsection is substituted for subsection 14(1):

“14.(1) Every individual whose chief source of income is farming or fishing, other than an individual to whom subsection 153(2) of the federal Act applies for the purposes of this Act, shall pay to the Commissioner

(a) on or before December 31 in each taxation year, two thirds of

(i) the amount estimated by him under section 151 of the federal Act, as it applies for the purposes of this Act, to be the tax payable under this Act by him for the years computed without reference to section 127.3 of the federal Act, or

(ii) the tax payable under this Act by him for the immediately preceding taxation year; and

(b) on or before April 30 in the next following year, the remainder of the tax as estimated under section 151 of the federal Act as it applies for the purposes of this Act.”

6.(1) The following subsection is substituted for subsection 15(1):

“15.(1) Every individual, other than an individual to whom subsection 153(2) of the federal Act applies for the purposes of this Act or to whom section 14 applies, shall pay to the Commissioner

(a) on or before March 15, June 15, September 15, and December 15 in each taxation year, an amount equal to one quarter of

(i) the amount estimated by him under section 151 of the federal Act, to be the tax payable under this Act by him for the year without reference to section 127.3 of the federal Act, or

(ii) the tax payable under this Act by him for the immediately preceding taxation year; and

(b) on or before April 30 in the next following year, the remainder of the tax as estimated under section 151 of the federal Act, as it applies for the purposes of this Act.”

(2) In applying subsection 15(1) of the Act, as enacted by subsection (1) of this Act, to taxation years before the 1990 taxation year the reference to “March 15, June 15, September 15 and December 15” shall be read as “March 31, June 30, September 30 and December 31”.

7. The following section is substituted for section 17:

“Application of federal provision (Payments by corporations)

17.(1) Subsections 157(1), (2), (2.1), and (4) of the federal Act apply for the purposes of this Act.

(2) Where a collection agreement is in effect, a corporation that pays amounts in respect of a taxation year computed under subparagraph 157(1)(a)(i), (ii), or (iii) of the federal Act and that is required to make payments under subsection 1571 of the federal Act as it applies for the purposes of this Act shall pay amounts in respect of the year computed under the same subparagraph as it applies for the purposes of this Act."

8.(1) The following three sections are substituted for section 18 to 20:

"Application of federal provisions (Returns, Payments and Interest)

18. Subsection 70(2), subsection 104(2), paragraph 104(23)(e), sections 158, 159, and 160, subsection 160.1(1), sections 160.2 and 160.3 and subsections 161(1), (2), (2.1), (2.2), (3), (4), (4.1), (5), (6), (6.1), (7), (9), and (11) of the federal Act apply for the purposes of this Act.

Refund for tax credits

19. In applying subsection 160.1(1) of the federal Act for the purposes of this Act, "refund" includes a refund that arises by reason of a provision of this Act

- (a) that allows a taxpayer to deduct an amount from the tax payable under this Act; or
- (b) that deems an amount to have been paid by a taxpayer as or on account of the tax payable under this Act by him.

Amount on which instalment computed

20. Where a collection agreement is in effect and a taxpayer is deemed under subsection 161(4) of the federal Act to be liable to pay, in respect of his tax payable under part I of the federal Act for a particular taxation year, a part or instalment computed by reference to an amount described in paragraph 161(4)(c) or (d) of the federal Act, notwithstanding subsection 161(4) of the federal Act as it applies for the purposes of this Act, the taxpayer shall be deemed for the purposes of subsection 161(2) of the federal Act, as it applies for the purposes of this Act, to be liable to pay, in respect of his tax payable under this Act for the particular year, a part or instalment computed by reference to the same paragraph, as it applies for the purposes of this Act."

(2) Subsection (1) applies only after October 28, 1985.

9. The following three sections are substituted for sections 21 and 22:

"Penalties

21.(1) Every person who fails to file a return of income for a taxation year as and when required by subsection 150(1) of the federal Act, as it applies for the purposes of this Act, is liable to a penalty equal to the aggregate of

- (a) an amount equal to 5% of his tax for the year under this Act that was unpaid when the return was required to be filed; and

(b) the product obtained when 1% of his tax for the year under this Act that was unpaid when the return was required to be filed is multiplied by the number of complete months, not exceeding 12, from the date on which the return was required to be filed to the date on which the return was filed.

(2) Every person

(a) who fails to file a return of income for a taxation year as and when required by subsection 150(1) of the federal Act, as it applies for the purposes of this Act;

(b) on whom a demand for a return for the year has been made under subsection 150(2) of the federal Act, as it applies for the purposes of this Act; and

(c) who, at the time of failure, had been assessed for a penalty under subsection (1) or this subsection in respect of a return of income for any of the 3 preceding taxation years;

is liable to a penalty equal to the aggregate of

(d) an amount equal to 10% of his tax for the year under this Act that was unpaid when the return was required to be filed; and

(e) the product obtained when 2% of his tax for the year under this Act that was unpaid when the return was required to be filed is multiplied by the number of complete months, not exceeding 20, from the date on which the return was required to be filed to the date on which the return was filed.

(3) Every person who fails to file a return as required by subsection 150(3) of the federal Act, as it applies for the purposes of this Act, is liable to a penalty of \$10 for each day of default but not exceeding \$50.

(4) Every person who fails to provide any information required on a prescribed form pursuant to this Act or a regulation or pursuant to a provision of the federal Act or of the federal regulations that applies for the purposes of this Act is, except where, in the case of an individual, the Commissioner has waived the penalty, liable to a penalty of \$100 for every failure unless, in the case of information required in respect of another person, a reasonable effort was made by the person to obtain the information from the other person.

(5) Every person

(a) who fails to make an information return as and when required by this Act or a regulation or by a provision of the federal Act or the federal regulations that applies for the purposes of this Act; or

(b) who fails to comply with a duty or obligation imposed by this Act or a regulation or a provision of the federal Act or federal regulations that applies for the purposes of this Act;

is liable in respect of each such failure, except where another provision of this Act sets out a penalty for the failure, to a penalty equal to the greater of \$100 and the product obtained when \$25 is multiplied by the number of days, not exceeding 100, during which the failure continues.

(6) Where a collection agreement is in effect, the Commissioner may refrain from levying or may reduce a penalty provided in this section if the person who is liable to the penalty is required to pay a penalty under section 162 of the federal Act in respect of the same failure.

Repeated failures

22.(1) Every person who

(a) fails to report an amount required to be included in computing his income in a return filed for a taxation year under section 150 of the federal Act, as it applies for the purposes of this Act; and

(b) had failed to report an amount required to be so included in any return filed for any of the three preceding taxation years under section 150 of the federal Act, as it applies for the purposes of this Act;

is liable to a penalty equal to 10% of the amount described in clause (a), except where he is liable to a penalty under subsection (2) in respect of that amount.

(2) Every person who, knowingly, or under circumstances amounting to gross negligence in the carrying out of any duty or obligation imposed by or under this Act or a provision of the federal Act, as it applies for the purposes of this Act, has made or participated in, assented to or acquiesced in the making of, a false statement or omission in a return, form, certificate, statement or answer (in this section referred to as a "return") filed or made in respect of a taxation year as required by or under this Act or a regulation, or a provision of the federal Act or of the federal regulations, as that provision applies for the purpose of this Act, is liable to a penalty of the greater of \$100 and 50% of the amount, if any, by which

(a) the tax for the year that would be payable by him under this Act if his taxable income for the year were computed by adding to the taxable income reported by him in his return for the year that portion of his understatement of income for the year that is reasonably attributable to the false statement or omission and if his tax payable for the year were computed by subtracting from the deductions from the tax otherwise payable by him for the year such portion of those deductions as may reasonably be attributed to the false statement or omission

exceeds

(b) the tax for the year that would have been payable by him under this Act had his tax payable for the year been assessed on the basis of the information provided in his return for the year.

(3) For the purposes of subsection (2), the taxable income reported by a person in his return for a taxation year shall be deemed not to be less than nil and the “understatement of income for a year” of a person has the meaning assigned to that expression by subsection 163(2.1) of the federal Act.

(4) Where, in any appeal under this Act, a penalty assessed by the Commissioner under this section is in issue, the burden of establishing the facts justifying the assessment of the penalty is on the Commissioner.

(5) Where a collection agreement is in effect, the Commissioner may refrain from levying or may reduce a penalty provided in this section if the person who is liable to the penalty is required to pay a penalty under section 163 of the federal Act in respect of the same failure or the same false statement or omission, as the case may be.

Late or deficient instalments

22.1 Every person who fails to pay all or any part of an instalment of tax under this Act for a taxation year on or before the day on or before the day on which the instalment is required to be paid by this Act or a provision of the Federal Act that applies for the purposes of the Act is liable to a penalty equal to 50% of the amount, if any, by which

(a) the interest payable by him in respect of all instalments for the year under section 161 of the federal Act, as it applies for the purposes of this Act,

exceeds the greater of

(b) \$1,000; and

(c) 25% of the interest that would have been payable by him in respect of all instalments for the year under section 161 of the federal Act, as it applies for the purposes of this Act, if no instalment had been made for that year.”

10.(1) The following section is substituted for section 23:

“Application of federal provisions (Refunds)

23.(1) Subsections 164(1), (1.1), (1.2), (1.3), (1.31), (2), (3), (3.1), (4), (4.1), (5), (5.1), (6), and (7) of the federal Act apply for the purpose of this Act.

(2) Where a collection agreement is in effect and by reason of a decision referred to in subsection 164(4.1) of the federal Act a repayment of tax, interest or penalties under that Act for a taxation year is made to a taxpayer or any security accepted under that Act for such tax, interest or penalties is surrendered to the taxpayer, subsection 164(4.1) of the federal Act as it applies for the purposes of this Act applies to any overpayment of tax, interest or penalties under this Act for the year that arises by reason of the decision,”.

(2) Subsection (1) applies only after 1984.

11. The following section is substituted for section 24:

“24. Section 165 of the federal Act applies for the purposes of this Act.”

12.(1) The following text is substituted for the portion of subsection 25(1) that comes before paragraph (a):

“25.(1) A taxpayer who has served a notice of objection to an assessment under subsection 165(1) of the federal Act, as it applies for the purposes of this Act, may appeal to the court to have the assessment vacated or varied after either.”

(2) The following text is substituted for the portion of subsection 25(1) of the Act that comes after paragraph (b):

“but no appeal under this section may be instituted after the expiration of 90 days from the day notice has been mailed to the taxpayer in accordance with subsection 165(3) of the federal Act, as it applies for the purposes of this Act, that the Commissioner has confirmed the assessment or reassessed.”

13. Subsections 27(3) and (4) are repealed.

14. The following section is substituted for section 28:

“Application of federal provisions (Appeals)

28. Sections 166, 167, 177, subsection 178(1) and section 179 of the federal Act apply for the purposes of this Act.”

15. Section 30 is repealed.

16. The following section is substituted for section 31:

“Application of federal provisions (Administration, Garnishment and Proceedings to collect)

31. Sections 220, 224, 225.1 and 225.2 of the federal Act apply for the purposes of this Act.”

17. The following section is substituted for section 34:

“Certificates

34.(1) An amount payable under this Act by a person (in this section referred to as a “debtor”) that has not been paid or any part of an amount payable under this Act by the debtor that has not been paid may be certified by the Commissioner as an amount payable by the debtor.

(2) On production to the court, a certificate made under subsection (1) in respect of a debtor shall be registered in the court and when so registered has the same effect, and all proceedings may be taken thereon, as if the certificate were a judgment obtained in the court against the debtor for a debt in the amount certified plus interest thereon to the day of payment as provided by law and, for the purposes of any such proceedings, the certificate shall be deemed to be a judgment of the court against the debtor for a debt due to Her Majesty for the benefit of the Yukon enforceable in the amount certified plus interest thereon to the day of payment as provided by law.

(3) All reasonable costs and charges incurred or paid in respect of the registration in the court of a certificate made under subsection (1) or in respect of any proceedings taken to collect an amount certified are recoverable in like manner as if they had been included in the amount certified in the certificate when it was registered.

(4) Where a collection agreement is in effect, subsections (1) to (3) do not apply, but the Commissioner may proceed under section 223 of the federal Act for the purpose of collecting any amount payable under this Act by a taxpayer."

18. Section 36 is repealed.

19. The following section is substituted for section 39:

"Direction to seize chattels

"39.(1) Where a person has failed to pay an amount as required by this Act, the Commissioner may give 30 days notice to the person by registered mail addressed to his latest known address of the Commissioner's intention to direct that the person's goods and chattels be seized and sold, and, if the person fails to make the payment before the expiration of the 30 days, the Commissioner may issue a certificate of the failure and direct that the person's goods and chattels that are located in the Yukon be seized.

(2) Subsections 225(2), (3), (4), and (5) of the federal Act apply for the purposes of this Act."

20. The following section is substituted for subsection 40(2):

"(2) Where a person has failed to pay tax, interest or penalties demanded under this section as required, the commissioner may direct that the goods and chattels of the taxpayer that are located in the Yukon be seized and thereupon subsections 225(2), (3), (4), and (5) of the federal Act apply."

21.(1) The following two subsections are substituted for subsections 41(1) to (8):

"41.(1) Subsections 227(1), (2), (3), (4), (5), (8), (8.2), (8.3), (8.4), (8.5), (9), (9.2), (9.4), and (9.5) of the federal Act apply for the purposes of this Act.

(2) The Commissioner may assess

(a) any person for any amount that has been deducted or withheld by that person under this Act or a regulation or under a provision of the federal Act or of the federal regulations that applies for the purposes of this Act; and

(b) any person for any amount payable by that person under subsection 224(4) or (4.1) or 227(8), (8.3), (8.4), (8.5), (9), (9.2), (9.4), or (9.5) of the federal Act, as they apply for purposes of this Act, or section 42 or 47;

and, where the Commissioner sends a notice of assessment of that person, sections 10 and 18 to 29 are applicable with such modification as the circumstances require.”

22. The following subsection is substituted for subsection 42(1):

“42.(1) Where a corporation has failed to deduct or withhold an amount as required by subsection 153(1) of the federal Act, as it applies for the purpose of this Act, or has failed to remit such an amount, the directors of the corporation at the time the corporation was required to deduct or withhold the amount, or remit the amount, are jointly and severally liable, together with the corporation, to pay any amount that the corporation is liable to pay under this Act in respect of that amount, including any interest or penalties related thereto.

23. The following subsection is substituted for subsections 43(2) and (3):

“(2) Subsections 230(2.1), (3), (4), (5), (6), (7), and (8), of the federal Act apply for the purposes of this Act.”

24. The following section is substituted for sections 44 to 46:

“Application of federal provisions (Inspections, Privilege, Information return and corporate execution)

44. Sections 231 to 231.5, 232, 233, and 236 of the federal Act apply for the purposes of this Act.”

25. Section 48 is repealed.

26. The following section is substituted for section 49:

“Offence and penalty

49.(1) Every person who fails to file a return as and when required by or under this Act or a regulation, or by or under a provision of the federal Act or of the federal regulations, as the provision applies for the purposes of this Act, or who fails to comply with any of subsections 153(1), 227(5) and 230(3), (4) and (6) and sections 231 to 231.5 and 232 of the federal Act, as it applies for the purposes of this Act, is guilty of an offence and, in addition to any penalty otherwise provided, is liable on summary conviction to

(a) a fine of not less than \$1,000 and not exceeding \$25,000; or

(b) both the fine described in clause (a) and imprisonment for a term not exceeding 12 months.

(2) Where a person is convicted by a court of an offence under subsection (1) for failure to comply with a provision of this Act or a regulation or a provision of the federal Act or of the federal regulations that applies for the purposes of this Act, the court may make such order as it deems proper in order to enforce compliance with the provision.

(3) Where a person is convicted under this section for failure to comply with a provision of this Act or a regulation or a provision of the federal Act or of the federal regulations that applies for the purposes of this Act, he is not liable to a penalty under subsection 227(8), (8.5), (9), or (9.5) of the federal Act, as those subsections apply for the purposes of this Act, or under section 21 or 47 for the same failure unless he was assessed for that penalty or that penalty was demanded from him before the information or complaint giving rise to the conviction was laid or made."

27.(1) The following paragraph is substituted for paragraph 50(a):

"(a) makes, or participates in, assents to or acquiesces in the making of, false or deceptive statements in a return, certificate, statement or answer filed or made as required by or under this Act or a regulation or by or under a provision of the federal Act or of the federal regulations, as that provision applies for the purposes of this Act;"

(2) The following paragraph is substituted for paragraph 50(f):

"(f) a fine of not less than 50% and not more than 200% of the amount of the tax that was sought to be evaded; or"

28. The following subsection is substituted for subsection 52(1):

"52.(1) Every person who, while employed in the administration of this Act,

(a) knowingly communicates or knowingly allows to be communicated to any person not legally entitled thereto any information obtained by or on behalf of the Commissioner for the purposes of this Act;

(b) knowingly allows any person not legally entitled thereto to inspect or to have access to any book, record, writing, return or other document obtained by or on behalf of the Commissioner for the purposes of this Act; or

(c) knowingly uses, other than in the course of his duties in connection with this administration or enforcement of this Act, any information obtained by or on behalf of the Commissioner for the purposes of this Act;

is guilty of an offence and liable on summary conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 12 months or to both such fine and imprisonment."

29.(1) The following subsection is substituted for subsection 55(3):

“(3) An information or complaint in respect of an offence under this Act may be laid or made on or before the day that is 8 years after the day on which the matter of the information or complaint arose.”

(2) The following two subsections are substituted for subsection 55(12):

“(12) For the purposes of this Act, the day of mailing of any notice or notification described in subsection 152(4) of the federal Act, as it applies for the purposes of this Act, or of any notice of assessment shall be presumed to be the date of such notice or notification.

(12.1) For the purposes of this Act, anything sent by first class mail or its equivalent shall be deemed to have been received by the person to whom it is sent on the day that it was mailed except that a remittance of an amount deducted or withheld as required by this Act or a regulation or by a provision of the federal Act or of the federal regulations that applies for the purposes of this Act as it applies for the purposes of this Act, shall be deemed to have been remitted on the day it is received by the Commissioner.”

30. The following text is substituted for the portion of section 58 that comes before paragraph (a):

“58. Where a collection agreement is in effect and an amount is remitted to the Commissioner under subsection 153(1) of the federal Act, as it applies for the purposes of this Act, on account of the tax of an individual who is resident on the last day of the taxation year in another agreeing province,”.

31. The following text is substituted for the portion of subsection 60(5) that comes before paragraph (a);

“(5) Where an adjusting payment is to be made and there has been an amount deducted or withheld under subsection 153(1) of the federal Act, as it applies for the purposes of this Act, on account of the tax for a taxation year of an individual who is taxable under the federal Act in respect of that year and who is resident on the last day of that taxation year in the non-agreeing province,”.



**STATUTES OF THE YUKON
1989-90**

**CHAPTER 28
MENTAL HEALTH ACT**

(Assented to May 14, 1990)

Recognizing that it is just to make special provision for persons suffering from mental disorder,

And recognizing that persons suffering from mental disorder have a right to treatment,

And recognizing that cultural, ethnic, and religious diversity of the Yukon must be taken into account when assessing and treating persons for mental disorder,

And recognizing that care and treatment of persons suffering from mental disorder should be provided in the least restrictive and least intrusive manner,

And recognizing that the civil and human rights of persons suffering from mental disorder must be protected,

The Commissioner of the Yukon Territory, by and with the advice and consent of the Legislative Assembly, enacts as follows:

**PART 1
INTERPRETATION**

Interpretation

1. In this Act,

“attending physician” means the physician who is responsible for the clinical care and treatment of a patient;

“board” means the Mental Health Review Board appointed pursuant to section 28;

“director” means the director of health services;

“health facility” means a nursing station, health centre, or hospital;

“judge” means a judge of the Supreme Court, a judge of the Territorial Court, or a justice of the peace;

“mental disorder” means a substantial disorder of thought, mood, perception, orientation, or memory that grossly impairs judgment, behaviour, capacity to recognize reality, or ability to meet the ordinary demands of life;

“patient” means a person who is under observation, care, or treatment in a health facility;

“physician” means a member of the medical profession registered to practice medicine in the Yukon under the Medical Profession Act;

“resident” has the same meaning as in the Travel for Medical Treatment Act;

“substitute consent” means the consent that may be given by a person pursuant to section 22.

PART 2 ADMINISTRATION

Powers of Executive Council Member

2.(1) The Executive Council Member may

- (a) provide
 - psychiatric services,
 - clinical services,
 - residential services,
 - rehabilitation services,
 - consultation services,
 - public education,
 - research, or
 - any other mental health services,

to the end that those services may be available to all persons in the Yukon who need them,

(b) enter into agreements for the promotion, preservation, or restoration of mental health, and pay for services rendered in pursuance of the agreements,

(c) provide loans, grants, or other funding for the promotion, preservation or restoration of mental health,

(d) conduct research for the purpose of ascertaining more effective methods of providing mental health services,

(e) operate facilities, and participate with others in the operation of facilities, for the promotion, preservation, or restoration of mental health,

(f) employ psychiatrists, nurses, psychologists, social workers, other therapists, and other personnel that the Executive Council Member considers necessary for the operation of programs and facilities for the promotion, preservation, or restoration of mental health,

(g) appoint consultants and committees and authorize them to conduct inquiries and make recommendations concerning the provision of mental health services.

(2) The Executive Council Member may designate facilities for the purpose of providing mental health services.

(3) For each facility designated under subsection (2) the Executive Council member may designate a person to be responsible for the administration of the Act in the facility and the Executive Council Member may authorize that person to delegate their duties and powers.

Agreements

3.(1) The Executive Council Member may make agreements with the Government of Canada and with the government of a province respecting

(a) the transfer of mentally disordered persons from the Yukon to a province,

(b) the examination and treatment in a province of mentally disordered persons transferred from the Yukon to the province,

(c) the review of the condition of mentally disordered persons transferred from the Yukon to a province and their discharge from care in the province and their return from the province,

(d) the examination of persons for the purposes of the Criminal Code (Canada), and

(e) all other things necessary for the administration of this Act.

(2) The Commissioner in Executive Council may on behalf of the Government of the Yukon enter into agreements with the Government of Canada in respect of any matter he or she considers advisable relating to the purposes and provisions of this Act.

PART 3 ASSESSMENT OF PERSONS

Voluntary request for services

4.(1) Any person may request services under this Act and the services shall, where available, be provided according to the person's need and the resources and ability of the suppliers of the service.

(2) Where a patient who is not an involuntary patient or a person being detained pursuant to a recommendation under section 5 or 10 requests to be discharged from a health facility, the patient shall be discharged forthwith.

Recommendation for involuntary psychiatric assessment

5.(1) A physician who has examined a person may recommend involuntary psychiatric assessment of the person if at least one of the following conditions applies:

- (a) The physician believes on reasonable grounds that the person as a result of a mental disorder
 - is threatening or attempting to cause bodily harm to himself or herself or has recently done so,
 - is behaving violently towards another person or has recently done so, or
 - is causing another person to fear bodily harm or has recently done so,

and the physician believes that the person as a result of the mental disorder is likely to cause serious bodily harm to himself or herself or to another person;

- (b) The physician believes on reasonable grounds that the person as a result of a mental disorder shows or has recently shown a lack of ability to care for himself or herself and the physician further believes on reasonable grounds that the person as a result of the mental disorder is likely to suffer impending serious physical impairment.

(2) The physician shall prepare the recommendation in the prescribed form and

(a) shall set out in the recommendation

- (i) that the physician personally examined the person who is the subject of the recommendation,
- (ii) the date on which the person was examined,
- (iii) that the physician made careful inquiry into the facts necessary to form a belief about the nature and degree of severity of the person’s mental disorder, and
- (iv) the reason for the recommendation, including the facts upon which the physician bases his or her belief as to the nature and degree of severity of the person’s mental disorder and its likely consequences; and

(b) shall distinguish in the recommendation between what is observed by the physician and what is communicated to the physician by another person.

Judge’s order for examination

6.(1) Any person who reasonably believes that another person suffers from a mental disorder may make a written statement under oath or affirmation before a judge requesting an order for an involuntary examination of the other person by a physician and setting out the reasons for the request.

(2) The judge who receives a statement under subsection (1) shall consider the statement and, where the judge considers it desirable to do so, hear and consider without notice the allegations of the person who made the statement and the evidence of any witnesses.

(3) The judge may issue an order for the involuntary examination by a physician of the person alleged to be mentally disordered if the judge believes on reasonable grounds that the person will not consent to an examination by a physician and that at least one of the following conditions applies:

(a) As a result of a mental disorder the person,

- is threatening or attempting to cause bodily harm to himself or herself, or has recently done so,
- is behaving violently towards another person, or has recently done so, or
- is causing another person to fear bodily harm, or has recently done so,

and the person is likely to cause serious bodily harm to himself or herself or to another person;
or

(b) As a result of a mental disorder, the person shows or has recently shown a lack of ability to care for himself or herself and is likely to suffer impending serious physical impairment.

(4) Where the judge considers that the criteria set out in subsection (3) have not been established, the judge shall so endorse the statement made under subsection (1).

(5) An order under subsection (3) for the involuntary examination of a person by a physician shall direct a peace officer or other individual named in the order to take the person named in the order into custody and take that person forthwith to the health facility or other place set out in the order where the person may be detained for involuntary examination.

(6) An order under subsection (3) is valid until the end of the sixth day after the day it was made.

Judge's order for involuntary examination arising out of proceedings

7.(1) A judge may issue an order for the involuntary examination by a physician of a person appearing before the judge as a result of being charged with an offence against a provision of an Act or Regulation of the Yukon if the judge has reasonable grounds to believe that the person is suffering from a mental disorder and will not consent to an examination by a physician and that at least one of the conditions mentioned in subsection 6(3) applies.

(2) An order under subsection (1) shall direct a peace officer or other individual named in the order to take the person to the health facility or other place set out in the order where the person may be detained for involuntary examination.

(3) The results of an examination under the order shall be communicated in writing to the judge immediately upon completion.

Peace officer detaining persons for examination

8.(1) A peace officer may take a person into custody if at least one of the following conditions applies:

(a) The peace officer believes on reasonable grounds that the person as a result of a mental disorder

- is threatening or attempting to cause bodily harm to himself or herself or has recently done so,
- is behaving violently towards another person or has recently done so, or
- is causing another person to fear bodily harm or has recently done so,

and the peace officer further believes on reasonable grounds that the person as a result of the mental disorder is likely to cause serious bodily harm to himself or herself or to another person;
or

(b) The peace officer believes on reasonable grounds that the person as a result of the mental disorder shows or has recently shown a lack of ability to care for himself or herself and the peace officer further believes on reasonable grounds that the person as a result of the mental disorder is likely to suffer impending serious physical impairment.

(2) A peace officer who has taken someone into custody pursuant to subsection (1), shall immediately take that person to a physician or a health facility and shall

(a) provide the physician or person in charge of the health facility with a written statement setting out the circumstances that led him or her to take the person into custody, and

(b) remain at the place of examination and retain custody of the person until the examination under section 10 is completed, or the physician or health facility accepts custody of the person.

Duty to inform person of their rights

9.(1) A peace officer or other person who takes a person into custody shall promptly inform the person

- (a) where they are being taken,
- (b) that they are being taken to be examined by a physician or nurse and why they are being taken for the examination, and
- (c) that they have the right to retain and instruct counsel without delay.

(2) Upon arrival at the place of examination, and again as soon thereafter as the person appears mentally competent to understand the information, the individual in charge of the place shall ensure that the person is informed promptly

- (a) where they are being detained,
- (b) the reason for the detention, and
- (c) that they have the right to retain and instruct counsel without delay.

Care and treatment and recommendation for involuntary assessment

10.(1) A person who has been detained or taken to a physician, health facility or other place pursuant to section 6, 7, or 8 shall be examined forthwith by a physician or where a physician is not available, by a nurse.

(2) When examining a person pursuant to subsection (1), a nurse shall consult with a physician.

(3) Where, after the examination under subsection (1), the physician or nurse is of the opinion the person is not suffering from a mental disorder, the person shall be released.

(4) Where, after the examination under subsection (1), the physician or nurse is of the opinion the person is suffering from a mental disorder, the physician or nurse may detain and care for the person and shall within 24 hours assess the person's need for further treatment.

(5) A nurse shall not give medical treatment under subsection (4) unless the treatment has been approved by a physician.

(6) The physician or nurse who has examined a person under this section may recommend involuntary psychiatric assessment of the person, if at least one of the following conditions applies:

(a) The physician or nurse believes on reasonable grounds that the person as a result of the mental disorder

- is threatening or attempting to cause bodily harm to himself or herself or has recently done so,

- is behaving violently towards another person or has recently done so, or

- is causing another person to fear bodily harm or has recently done so,

and the physician or nurse further believes on reasonable grounds that the person as a result of the mental disorder is likely to cause serious bodily harm to himself or herself or another person;

(b) The physician or nurse believes on reasonable grounds that the person as a result of the mental disorder shows or has recently shown a lack of ability to care for himself or herself and the physician or nurse further believes on reasonable grounds that the person as a result of the mental disorder is likely to suffer impending serious physical impairment.

(7) The recommendation shall be in the prescribed form and the provisions of subsection 5(2) apply, to be modified as necessary when a nurse has done the examination in consultation with a physician.

Authority of a recommendation

11.(1) A recommendation by a physician or a nurse, in accordance with section 5 or 10, for involuntary psychiatric assessment of a person is sufficient authority

- (a) for a peace officer or other person to take the person into custody as soon as possible, but not later than the end of the sixth day after the day the recommendation was made, and to take that person to a hospital as soon as possible,
- (b) for detaining and observing the person in the hospital for not more than 24 hours, and
- (c) for two physicians to examine the person and assess the person’s mental condition for the purposes of section 12.

(2) Where a physician or nurse makes a recommendation, in accordance with section 5 or 10, for involuntary assessment of a resident and there is no hospital in the place where the recommendation is made, the recommendation shall be deemed to be certification that the resident requires a medical examination, test or procedure not available at the point of referral for the purposes of the Travel for Medical Treatment Act.

Involuntary psychiatric assessment

12.(1) A person detained in a hospital under the authority of a recommendation issued under section 5 or 10 shall forthwith, and in no case later than 24 hours after the person’s arrival at the hospital, be examined and assessed separately by two physicians for the purpose of determining the person’s need for care and treatment.

(2) The person in charge of the hospital shall care for a person detained in the hospital until that person has been examined and assessed in accordance with subsection (1).

(3) Where a person examined under subsection (1) is found not to be mentally disordered, the person shall be discharged forthwith unless the person chooses to be admitted as a voluntary patient of the hospital.

Involuntary admission

13.(1) The physicians who have examined a person pursuant to a recommendation and who have assessed the person’s mental condition may admit the person as an involuntary patient of the hospital by each completing and filing with the person in charge of the hospital a certificate of involuntary admission in the prescribed form if the physicians believe on reasonable grounds

- (a) that the person is suffering from a mental disorder that, unless the person remains in the custody of a hospital, is likely to result in
 - (i) serious bodily harm to the person or to another person, or
 - (ii) the person’s impending serious mental or physical impairment, and
- (b) that the person is not suitable for admission as a voluntary patient.

(2) The physicians who have examined a person detained in a hospital pursuant to a recommendation and who have assessed the person’s mental condition may admit the person as a voluntary patient of the hospital.

(3) Where, after examining a person, the physicians are of the opinion that the prerequisites set out in this section for admission as a voluntary or involuntary patient are not met, they shall release the person, subject to any other detention that is lawfully authorized.

(4) Where a person has been detained in a hospital for 24 hours and has not been admitted to the hospital as a voluntary or involuntary patient, the person in charge of the hospital shall ensure that the person is promptly informed that he or she has the right to leave the hospital.

(5) The physician who signs a certificate of involuntary admission,

(a) shall set out in the certificate

(i) that the physician personally examined the person,

(ii) the date and time when the physician examined the person,

(iii) the physician's opinion as to the degree of severity of the person's mental disorder,

(iv) the physician's diagnosis of the person's mental disorder,

(v) the reasons for the certificate including the facts upon which the physician bases his or her opinion as to the nature and degree of severity of the mental disorder and its likely consequences, and

(b) shall distinguish in the certificate between what is observed by the physician and what is communicated to the physician by another person.

(6) A copy of each certificate completed under this section shall forthwith be

(a) filed with the person in charge of the hospital, and

(b) sent to the board.

(7) An involuntary patient may be detained, observed and examined in a hospital for not more than 21 days under a certificate of involuntary admission.

Treatment plan

14. One or both of the physicians who have examined a person and completed certificates of involuntary admission shall, within 120 hours of completing the certificates, prepare a treatment plan for the person.

Requirement to notify the court of discharge

15. Where a person in a hospital pursuant to a judges' order is discharged, the discharging physician shall notify the court of the discharge before the end of the sixth day after the day of the discharge.

Certificate of renewal

16.(1) Shortly before the expiry of a certificate of involuntary admission or its renewal, the attending physician and one other physician shall examine the patient and assess the patient's mental condition; and they may renew the patient's status as an involuntary patient by completing and filing forthwith with the person in charge of the hospital and with the board a certificate of renewal, if the prerequisites for admission as an involuntary patient as set out in subsection 13(1) are met.

(2) An involuntary patient may be detained, observed, and examined in a hospital for not more than 21 days under a certificate of renewal.

(3) If the physicians do not renew the patient's status as an involuntary patient, the attending physician shall promptly inform the patient that the patient has the right to leave the hospital, unless the patient is lawfully detained for some other reason.

(4) Subsection 13(5) relating to the contents of a certificate of involuntary admission applies, with the necessary modifications, to a certificate of renewal.

Change from involuntary to voluntary patient

17.(1) An involuntary patient whose authorized period of detention has expired shall be deemed to be a voluntary patient.

(2) If the attending physician believes that the prerequisites for admission as an involuntary patient set out in subsection 13(1) are no longer met, and that the prerequisites for admission as a voluntary patient set out in subsection 13(2) are met, the attending physician shall change the status of the involuntary patient to that of a voluntary patient by completing and filing with the person in charge of the hospital and with the board a certificate of change of status.

(3) Where a patient's status has been changed from involuntary to voluntary under subsections (1) or (2), the person in charge of the hospital shall ensure that the patient is promptly informed that the patient is a voluntary patient and, unless lawfully detained for some other reason, has the right to leave the facility.

Restraint

18.(1) The authority given in this Act to detain a person is authority to keep the person under control to prevent physical harm to the person or to another person by the minimal use of such force, mechanical means, or chemicals as is reasonable having regard to the physical and mental condition of the person.

(2) The measures necessary to keep a person under control may be taken without the person's consent, but the measures shall be recorded in detail in the clinical record of the person's care and treatment in the facility, and the record shall include a description of the means of control, a statement of the period of time during which the control was exercised, and a description of the behavior of the person that necessitated the control.

(3) If a chemical is used to control a person, the entry in the clinical record shall include a statement of the chemical, the method of administration, and the dosage administered.

PART 4 TREATMENT OF PATIENTS

Competence to consent to treatment

19. A person is mentally competent to consent to treatment if the person is able to

- (a) understand the condition for which the treatment is proposed,
- (b) understand the nature and purpose of the treatment,
- (c) understand the risks involved in undergoing the treatment, and
- (d) understand the risks involved in not undergoing the treatment.

Certificate of incompetence

20.(1) A patient's attending physician who believes that the patient is not mentally competent to consent to treatment shall complete and file with the person in charge of the facility a certificate that the patient is not mentally competent to consent.

(2) The physician shall include in the certificate written reasons for the belief that the patient is not mentally competent.

(3) The person in charge of the facility shall give to the patient a copy of the certificate and written notice that the patient is entitled to have the physician's belief reviewed by the board if the patient gives a written request to the board.

(4) If an application to the board is made to review a certificate under this section, neither a physician nor the person in charge of the facility shall act upon the belief pending the outcome of the application.

(5) A finding by the board or a court that a patient is or is not mentally competent applies only for the purposes of the treatment to which the certificate relates.

Consent required for treatment

21.(1) A voluntary patient shall not be given treatment for a mental disorder without

- (a) the consent of the patient, if the patient is competent to consent,
- (b) a substitute consent, if the patient is not competent to consent, or
- (c) the authorization of the board, if the patient is not competent to consent and no one is available to give substitute consent.

(2) An involuntary patient shall not be given treatment for a mental disorder without

- (a) the consent of the patient, if the patient is competent to consent,
- (b) a substitute consent, if the patient is not competent to consent, or
- (c) an order of the board under section 23 authorizing the giving of specified psychiatric treatment and other related medical treatment.

(3) For the purposes of this section, a person who is detained under section 10 is deemed to be an involuntary patient.

(4) Where a patient, whether voluntary or involuntary, is not competent to consent to treatment and a substitute consent is given on behalf of the patient, the consent of the board shall also be required for any of the following forms of treatment for the purpose of treating a mental disorder:

- (a) a chemo-therapy regime lasting longer than 3 months;
- (b) a procedure that by direct access to the brain removes, destroys, or interrupts the normal connections of the brain; or
- (c) a form of treatment designated in the regulations.

(5) Notwithstanding anything in this section, no patient, whether voluntary or involuntary, shall without the consent or substitute consent of the patient and the consent of the board be given any of the following forms of treatment for the purpose of treating a mental disorder:

- (a) a procedure that by direct access to the brain removes, destroys, or interrupts the normal connections of the brain; or
- (b) a form of treatment designated in the regulations.

Substitute Consent

22.(1) For the purpose of this Act, substitute consent may be given or refused on behalf of a patient who is not mentally competent by a person who has reached the age of majority, is apparently mentally competent, is available and willing to make the decision to give or refuse the consent, and is in one of the following categories:

- (i) The patient's guardian appointed by a court of competent jurisdiction.
- (ii) A person living in a conjugal relationship with the patient.
- (iii) A child of the patient, a parent of the patient or a person who has lawful authority to stand in place of a parent of the patient.
- (iv) A brother or sister of the patient.
- (v) Any other next of kin of the patient.

(2) If two or more persons who are not described in the same paragraph of subsection (1) claim the authority to give or refuse consent under that subsection, the one under the paragraph occurring first in that subsection prevails.

(3) If a person in a category in subsection (1) refuses consent on the patient's behalf, the consent of a person in a subsequent category is not valid.

(4) Substitute consent may not be given by a person referred to in paragraphs (ii) to (v) of subsection (1) unless the person giving the consent

- (a) has been in personal contact with the patient over the preceding 12 month period,
- (b) is willing to assume responsibility for consenting or refusing consent,
- (c) knows of no conflict or objection from any other person in the list set out in subsection (1) of equal or higher category who claims the right to make the decision, and
- (d) makes a statement in writing certifying his or her relationship to the patient and the facts and beliefs set out in paragraphs (a) to (c).

(5) A person authorized by subsection (1) to consent on behalf of a patient shall, where the wishes of the patient expressed when he or she was mentally competent are known, give or refuse the consent in accordance with those wishes and shall otherwise give or refuse the consent in accordance with the best interest of the patient.

(6) In order to determine the best interest of the patient in relation to treatment for a mental disorder, regard shall be had to

- (a) whether or not the mental condition of the patient will be or is likely to be substantially improved by treatment,
- (b) whether or not the mental condition of the patient will improve or is likely to improve without the treatment,
- (c) whether or not the anticipated benefit from the treatment outweighs the risk of harm to the patient, and
- (d) whether or not the treatment is the least restrictive and least intrusive treatment that meets the requirements of clauses (a), (b), and (c).

(7) Whoever seeks a person's consent on a patient's behalf is entitled to rely on that person's statement in writing as to the person's relationship with the patient and as to the facts and beliefs mentioned in clauses (4)(a) to (c), unless it is not reasonable to believe the statement.

(8) The person seeking the consent is not liable for failing to request the consent of a person entitled to give or refuse the consent on the patient's behalf, if the person seeking the consent made reasonable inquiries for persons entitled to give or refuse the consent but did not find the person.

Compulsory treatment of involuntary patients

23.(1) Treatment may be given to an involuntary patient without the patient's consent where

- (i) the patient is not competent to consent to treatment, and
- (ii) the physician believes on reasonable grounds that there is imminent and serious danger to the life, a limb, or an organ of the patient.

(2) The attending physician of an involuntary patient may apply to the board for an order authorizing the giving of medical treatment to a patient if

- (a) the patient is competent to consent and refuses consent to being given the treatment,
- (b) the patient is not competent to consent and the person available to give substitute consent refuses consent to being given the treatment,
- (c) the patient is not competent to consent and there is no person available to give or refuse substitute consent, or
- (d) the patient is not competent to consent and more than one person claims authority to give or refuse substitute consent and they do not agree.

(3) The board shall not consider the application unless it is accompanied by statements signed by the attending physician stating that he or she has examined the patient and believes, stating the reasons, that

- (a) the mental condition of the patient will be or is likely to be substantially improved by the treatment,
 - (b) that the mental condition of the patient will not improve or is not likely to improve without the treatment,
 - (c) the anticipated benefit to the patient from the treatment outweighs the risk of harm to the patient, and
 - (d) the treatment is the least restrictive and least intrusive treatment that meets the requirements of clauses (a), (b) and (c).
- (4) The board may, by order, authorize the giving of medical treatment if the board is satisfied that
- (a) the mental condition of the patient will be or is likely to be substantially improved by the treatment,
 - (b) the mental condition of the patient will not improve or is not likely to improve without the treatment,
 - (c) the anticipated benefit to the patient from the treatment outweighs the risk of harm to the patient, and
 - (d) the treatment is the least restrictive and least intrusive treatment that meets the requirements of clauses (a), (b) and (c).
- (5) An order may include terms and conditions and may specify the period of time during which the order is effective.

The transfer of involuntary patients

24.(1) Where in the opinion of the attending physician, or of the two physicians who have completed certificates of involuntary admission in respect of a patient, the patient should receive care and treatment as an involuntary patient in a hospital in another province, the attending physician or physicians shall

- (a) consult with a member of the medical staff or the person in charge of the hospital in the province to determine the possibility and appropriateness of admission,
- (b) send written notification of the intent to transfer the patient to the chair of the board, and
- (c) if the patient is competent to consent, advise the patient, or if the patient is not competent to consent, advise the person who is able to give substitute consent, if any, of the decision to make the transfer, the reasons for it, and the patient's right to a review of the decision by the board.

(2) Within 48 hours of receiving a notification of the intent to transfer a patient the board shall consider the matter and may

- (a) approve the transfer or
- (b) not approve the transfer.

(3) After receiving the approval of the person in charge of hospital in a province of Canada and the written approval of the board, the attending physician or two physicians, if the need for transfer still exists, may apply to the Commissioner for a transfer order in accordance with section 49 of the Yukon Act (of Canada).

(4) Where a patient has been transferred under this section, the attending physician in the Yukon shall

- (a) consult regularly with the attending physician at the hospital where the patient is residing, and
- (b) monitor the progress of the patient and arrange for the patient to be returned to the Yukon once the patient's condition is such that the physician believes the patient can be cared for and treated in the Yukon.

(5) If the medical condition of an involuntary patient temporarily residing in a hospital in another province becomes such that the patient can be returned to the Yukon for care and treatment, or if the patient's rights are not being respected, the attending physician in the Yukon shall arrange for the return of the patient to the Whitehorse General Hospital where, upon arrival, the patient shall be examined and assessed pursuant to section 12.

Transfer of non-resident patient

25.(1) Where in the opinion of the attending physician or of the physicians who have completed certificates of involuntary admission in respect of the patient who is not normally resident in the Yukon, the patient could receive care and treatment in a hospital or facility in another jurisdiction, the physician or physicians may, after determining that the hospital or facility will accept the patient, apply to the Commissioner for a transfer order in accordance with section 49 of the Yukon Act (of Canada).

(2) The physician or physicians shall

- (a) if the patient is a resident of Canada, attempt to arrange for a transfer to the patient's province of residence, or
- (b) if the patient is not a resident of Canada, attempt to arrange for a transfer to a facility that, in the opinion of the director, will arrange for the patient's transfer to his or her usual place of residence.

Temporary release

26.(1) The attending physician of an involuntary patient may authorize the temporary release of a patient

(a) in order to provide treatment that is less restrictive and less intrusive to the patient than being detained in a hospital, or

(b) in order to permit the patient to participate in activities that will be of benefit to the patient's health.

(2) A patient shall not be released under subsection (1) unless the patient consents.

Return after temporary release or without being discharged

27.(1) The attending physician of an involuntary patient who has left a hospital without having been discharged, or an involuntary patient who has been temporarily released and who has refused to return on request by the physician, may, within 21 days of the patient leaving the hospital, order without notice to the patient that the patient be returned to the hospital by completing a certificate of return.

(2) A certificate of return is sufficient authority for 21 days after it is signed for a peace officer to take the patient named in it into custody and take the patient forthwith to the hospital set out in the certificate.

(3) On application by a patient, the board shall review the status of the patient to determine the need for the patient's return to a hospital pursuant to a certificate of return within seven clear days of the patient's application for review.

(4) The board may, by order, confirm or rescind the certificate of return.

PART 5 MENTAL HEALTH REVIEW BOARD

The Mental Health Review Board

28.(1) There shall be a Mental Health Review Board consisting of the following members who shall be appointed by the Commissioner in Executive Council:

(a) two persons, and alternates to act in their place in the event of their inability to act for any reason, from among physicians nominated by the Yukon Medical Association,

(b) two persons, and alternates to act in their place in the event of their inability to act for any reason, from among members of the Law Society of the Yukon nominated by the Law Society, and

(c) four other persons, at least one of whom shall be an aboriginal person, nominated by the Commissioner in Executive Council.

(2) Males and females must be equally represented in the members appointed to the board.

(3) Appointments shall be for a maximum of three years and shall, on initial formation of the board, be so staggered as to establish a rotation.

(4) The Commissioner in Executive Council shall appoint, from among the members of the board, a chair and two vice-chairs.

(5) The chair is the chief executive officer of the board and shall supervise and direct the work of the board and preside at the meetings of the board.

(6) If the chair is unable at any time for any reason to exercise the powers and duties of that office, one of the vice-chairs may act in the chair's place.

(7) Three members of the board are a quorum but there must be present one member who is a physician, another who is appointed under paragraph (1)(c), and either the chair or a vice-chair.

(8) Every matter before the board shall be determined by the opinion of a majority of the members present, and where the members are divided equally in their opinion, the opinion of the chair shall prevail.

Remuneration of board members

29. Members of the board may be paid such remuneration and other expenses as may be prescribed in the regulations, and may also be paid transportation and living expenses incurred in connection with the performance of their duties away from their home but, except as otherwise provided for by the regulations, the payment of those expenses shall conform to the payment of such expenses for members of the public service of the Yukon.

Review by the board

30.(1) The board shall review the circumstances of

- (a) all involuntary admissions and renewals of involuntary admissions within seven days of the receipt of the certificates of involuntary admission or renewal,
- (b) applications to transfer an involuntary patient normally resident in the Yukon to a hospital in another province, within 48 hours of receipt of the notification of intent to transfer, and
- (c) applications to treat a patient without consent within 72 hours of receipt of the application.

(2) A review by the board under subsection (1) is a proceeding before the board.

Application to the board

31.(1) An application to the board may be made

- (a) to review a certificate under this Act,

(b) to review a physician's belief that a person is not mentally competent to give consent or refuse consent to treatment, and

(c) to authorize specified psychiatric treatment and other related medical treatment.

(2) An application may be made by any person having a substantial interest in the subject matter of the application.

(3) Where an application is made for review of a certificate of renewal or of a certificate of return, the board shall review the application within seven days of the receipt of the application.

(4) In every application to the board, the applicant, the patient, and the attending physician are parties and the person in charge of the patient's hospital is entitled to be a party.

(5) The board may add as a party any person who in the opinion of the board has a substantial interest in the matter under review.

Notice of hearings

32. The board shall give written notice of the application to every party and to every person entitled to be a party and to any person who in the opinion of the board may have a substantial interest in the subject matter of the application.

Hearings

33.(1) In every proceeding before the board there shall be a hearing.

(2) Every party is entitled to be represented by counsel or agent in a hearing before the board.

(3) Every party shall be given an opportunity as soon as practicable to examine and copy, before a hearing, those portions of any document or electronic recording which any other party intends to introduce as evidence at the hearing.

(4) Every party is entitled to present such evidence as the board considers relevant, and to question witnesses, but the board may control the scope of cross-examination so as to prevent duplication of questioning and to confine it to what the board considers relevant.

Duties of the board

34. The board shall fully inform itself of the facts by means of the hearing and for this purpose the board may require the attendance of witnesses and the production of documents in addition to the witnesses called and documents produced by the parties.

Powers of the board

35.(1) The board has the same powers as a judge of the Supreme Court for compelling the attendance of witnesses and examining them under oath and compelling the production and inspection of documents and records.

(2) The board may in its discretion accept and act upon evidence by affidavit.

Decisions or orders of the board

36.(1) Every decision or order of the board shall be in writing and the board shall give the reasons for it and copies of it shall be given to all parties.

(2) Copies of all documents filed in evidence shall be furnished to a party.

Appeal from board decisions

37.(1) Any party to a proceeding before the board may appeal from a final decision or order of the board to the Supreme Court within 30 days of the date of the decision or order.

(2) An appeal under this section may be on questions of law or fact or both and the Supreme Court may affirm or may rescind the decision of the board and may exercise all powers of the board and may substitute its decision for that of the board, or the Court may refer the matter back to the board for rehearing, in whole or in part, in accordance with such directions as the Court considers proper.

(3) If the final decision of the board authorized specified psychiatric treatment and other related medical treatment, the Court may make an interim order authorizing the giving of the treatment pending the final disposition of the appeal.

Standard of proof

38. In a proceeding under this Act before the board or a court, the standard of proof is proof on a balance of probabilities.

Counsel for involuntary patient

39.(1) In a proceeding before the board or an appeal therefrom in respect of an involuntary patient

(a) the patient may be represented by the counsel or agent the patient chooses, and

(b) if the patient does not have legal representation, the board or the Supreme Court, as the case may be, may adjourn the proceeding for no more than 8 clear days to allow the patient to obtain legal representation.

(2) Where a patient is for financial reasons unable to secure legal representation, the patient may apply for legal aid under the Legal Services Act.

PART 6 PATIENT'S RIGHTS

Protection and preservation of human and civil rights

40.(1) Except as provided in this Act, no person shall be deprived of any right or privilege enjoyed by other persons by reason of

- (a) having received mental health services, or
- (b) being named in a recommendation, certificate, or order issued under this Act or in any similar recommendation, certificate, or order issued under any former Act respecting mental health,

(1.1) Everyone who is required to inform a person of their rights under this Act or who is required to provide a person with a service under this Act shall ensure, to the extent that it is practicable to do so, that the person is advised of their rights or receives the service in the language in which the person is most proficient.

(1.2) Subsection (1.1) binds the Government of the Yukon.

(2) No person who is in a hospital as a patient under this Act shall be denied

- (a) reasonable access to a public telephone to make or receive calls,
- (b) reasonable access to any person who is visiting him or her during scheduled hospital visiting hours,
- (c) access at any time to the following people provided that they are at the hospital to see the patient:
 - (i) the patient's legal representative or agent;
 - (ii) the patient's guardian;
 - (iii) any other person authorized by the Executive Council Member, or
- (d) reasonable access to materials and resources necessary to write and send correspondence and access to any correspondence which may have been sent to the patient.

(3) A person who is in a hospital as a patient under this Act shall have

- (a) the right to send and receive correspondence without censorship or other interference,
- (b) the right to receive and wear clothing or other apparel of the person's choice unless the clothing or other apparel is likely to endanger the person or endanger or offend others,
- (c) subject to the Elections Act, the right to register as a voter in an election and to cast a vote, directly or by mail, as a registered elector during an election, and
- (d) the right at any reasonable time to be visited, examined and assessed by a physician who is willing to examine and assess the patient, subject to the attending physician confirming that this will not cause harm to the patient.

(4) A patient has a right to security of the person and, except as otherwise authorized under this Act, no person shall subject a patient to any act that physically, mentally, or emotionally injures the patient, or causes the patient undue discomfort or fear or takes unfair advantage of a patient at any time during observation, examination, care, or treatment.

(5) Upon receipt of a request by a patient, the chair of the board or the clerk of the court, as the case may be, shall place all the records pertaining to any proceeding taken under this Act with respect to the patient in a sealed confidential file.

Right to be informed

41.(1) Every person who is apprehended or detained under this Act and the person's nearest relative or guardian, if available, shall

- (a) be informed promptly of the reasons for the apprehension or detention, and
- (b) receive a copy of the recommendation or order, where applicable, under which the apprehension or detention is authorized.

(2) Where a patient is admitted involuntarily or where the patient's involuntary admission is renewed, the patient and the patient's nearest relative or guardian, if available, shall

- (a) be informed of the reasons for the patient's admission or for the renewal of the patient's status as an involuntary patient,
- (b) be given a written statement of
 - (i) the authority for the patient's detention and the length thereof,
 - (ii) the functions of the board,
 - (iii) the address of the board,
 - (iv) his or her right to apply to the board for review of the certificate of involuntary admission or renewal.

Confidentiality of patient's records

42.(1) No person shall disclose information in respect of the mental condition or care or treatment of another person as a patient of a hospital under this Act.

(2) Subsection (1) applies in respect of information obtained by the person,

- (a) in the course of the assessment, care, or treatment of the patient,
- (b) in the course of employment in the hospital,

- (c) from a person who obtained the information in the manner described in clause (a) or (b), or
- (d) from a clinical record or other record kept by the hospital.

(3) Notwithstanding subsection (1), the person in charge of a hospital may disclose information about a patient or former patient

- (a) to the patient or former patient at the request of that patient or former patient, or
- (b) to any other person at the request of that person with the written consent of the patient or former patient to the request.

(4) Notwithstanding subsection (1), the person in charge of a hospital may disclose information about an involuntary patient who is not mentally competent to consent with substitute consent given on behalf of the patient

- (a) for the purposes of research, academic pursuits, or the compilation of statistical data, or
- (b) to the person in charge of a hospital to which the patient is transferred, admitted, or referred.

(5) If no person claims the authority to give or refuse a consent in accordance with section 22 or if two or more persons described in the same paragraph of subsection 22(1) who do not agree among themselves claim the authority to give or refuse the consent, the person seeking the consent may apply to the board.

(6) The board shall, where the wishes of the patient expressed when he or she was mentally competent are clearly known, give or refuse the consent in accordance with those wishes. Where the wishes of the patient are not clearly known, the board shall give or refuse the consent in accordance with the best interest of the patient.

(7) Notwithstanding subsection (1), information may be disclosed

- (a) for the purpose of the assessment, care, and treatment of the patient in the hospital,
- (b) for the purpose of the assessment, care, and treatment of the former patient in another hospital or health facility,
- (c) to a physician in charge of the patient's care,
- (d) to a board or committee of a hospital or of the governing body of a health profession, for the purpose of an investigation or an assessment of the care and treatment provided by a member of the health profession, or for the purpose of a discipline proceeding against a member of the health profession,
- (e) to the board for the purpose of a hearing,

- (f) in compliance with an Act,
- (g) to a court for examination under section 44, or
- (h) in compliance with a court order under section 44.

(8) A person to whom information is disclosed under subsection (4), for the purpose of research, academic pursuits or the compilation of statistical data, shall not disclose the name or any means of identifying the patient and shall not use or communicate the information for a purpose other than research, academic pursuits or the compilation of statistical data.

Right to review records

43.(1) A person is entitled to examine and to copy the clinical record or a copy of the clinical record of the person's examination, care and treatment in a hospital.

(2) Subject to subsection (3), the chief administrative officer of the hospital shall give the person access to the clinical record.

(3) Where the chief administrative officer is of the opinion that all or part of the clinical record should not be disclosed to the person, the chief administrative officer shall apply to the board for authorization to withhold all or part of the clinical record within seven days of the receipt of the request to examine the record.

(4) Within seven days of receiving the application, the board shall review the clinical record and shall order the chief administrative officer to give the person access to the clinical record unless the board is of the opinion that disclosure of the clinical record is likely to result in serious harm to the treatment or recovery of the person while the person is a patient or is likely to result in serious physical harm or serious emotional harm to another person.

(5) Where the board is of the opinion that disclosure of a part of the clinical record is likely to have a result mentioned in subsection (4), the board shall mark or separate the part and exclude the marked or separated part from the application of its order.

(6) The person and the chief administrative officer are each entitled to make submissions to the board in the absence of each other before the board makes its decision.

(7) On a person being entitled to examine all or part of the clinical record, the person is entitled

(a) to request correction of the information in the clinical record if the person believes there is an error or omission in the clinical record;

(b) to require that a statement of disagreement be attached to the clinical record reflecting any correction that is requested but not made; and

(c) to require that notice of the correction or statement of disagreement be given to any person or organization to whom the clinical record was disclosed within the year before the correction was requested or the statement of disagreement was required.

Disclosure to court

44.(1) Where the disclosure of information mentioned in subsection 42(1) is required in a proceeding before a court, the court may order the disclosure of the information.

(2) Where the disclosure of information mentioned in subsection 42(1) is required in a proceeding before a tribunal, the Supreme Court may order the disclosure of the information.

(3) The court may examine the information without disclosing it to the party seeking the disclosure.

(4) The party seeking the disclosure and the person in charge of the hospital are each entitled to make submissions to the court in the absence of the other before the court makes its decision.

(5) If the court is satisfied that the disclosure of the information is likely to result in serious harm to the recovery or treatment of the person while the person is a patient, or is likely to result in serious physical or emotional harm to another person, the court shall not order the disclosure of the information unless satisfied that to do so is essential in the interests of justice.

(6) Where records have been provided to a court or other tribunal, the court or tribunal shall return the records to the person in charge of the hospital as soon as possible after the determination of the matter in respect of which the records were required.

Legal or patient advisor services

45. The Executive Council Member may make available legal services or patient advisor services for persons who are detained as involuntary patients.

Temporary protection of estates

46.(1) Where, after issuing a certificate of involuntary admission with respect to a person, the examining physicians are of the opinion that

(a) the person is not able to make reasonable judgments or decisions regarding his or her estate, and

(b) the person's estate urgently needs protection, and

(c) the person does not have a guardian available to handle the person's estate,

the physicians shall each complete a certificate of need for estate protection and forthwith send a copy of the certificate to the Public Administrator.

(2) For the purposes of forming their opinion for paragraphs (1)(a) and (b), the physicians shall consider

- (a) the nature and degree of the person’s medical condition,
- (b) the complexity of the person’s estate,
- (c) the effect of the medical condition of the person upon the person’s ability to handle the estate,
- (d) the extent to which immediate estate protection is necessary to prevent wasting the estate’s assets, and
- (e) any other matters the physician deems appropriate.

(3) A certificate of need for estate protection is sufficient authority for the Public Administrator to do all acts necessary to administer the personal estate of the person named in the certificate until such time as another person is appointed by the Supreme Court or the person named in the certificate becomes capable of administering his or her own estate.

(4) If, at any time after issuing a certificate of need for estate protection the physicians are of the opinion that the person

- (a) is able to make reasonable judgments or decisions regarding the estate, and
- (b) is not in need of urgent temporary estate protection,

they shall each complete a notification of cancellation of certificate and forthwith send copies to the Public Administrator.

(5) Upon receipt of a notification of cancellation of certificate with respect to a person, the Public Administrator shall return control and administration of the estate to the person.

(6) Where the Public Administrator has received a certificate of need for estate protection and has not received a notice of cancellation of certificate within 60 days of the receipt of the certificate, the Public Administrator shall apply to the Supreme Court for an order confirming the certificate.

Assisting unauthorized departure

47. No person shall help an involuntary patient to leave a hospital unless the patient has been discharged or is authorized to leave the hospital pursuant to this Act.

PART 7 GENERAL

Offence

48. A person who contravenes section 42 or section 47 is guilty of an offence and on conviction liable to a fine of not more than \$5000.

Liability of person acting under this Act

49. No person is liable for anything he or she does or omits to do, lawfully and without negligence, pursuant to or in the exercise of a power conferred by this Act.

Regulations

50. The Commissioner in Executive Council may make regulations

- (a) designating hospitals,
- (b) designating classes of health professionals,
- (c) prescribing services that may be provided in a hospital or other health facility,
- (d) prescribing the physical and operating standards to be met by hospitals and other health facilities,
- (e) prescribing the standards of patient care to be met by hospitals and other health facilities,
- (f) prescribing the manner in which applications may be made to the board,
- (g) prescribing psychiatric and other related medical treatment,
- (h) governing proceedings before the board,
- (i) prescribing the time in which the decisions of the board shall be made,
- (j) prescribing forms and providing for their use,
- (k) generally for carrying out the provisions of this Act.

Repeal

51. The Mental Health Act is repealed.

Transition

52. Every person who, on the day before the day on which this Act comes into force, is detained in hospital or a place of secure detention pursuant to the Mental Health Act and is not discharged, is deemed on the coming into force of the Act to be detained pursuant to this Act and the provisions of this Act apply.

Commencement

53. This Act shall come into force on a day to be fixed by the Commissioner in Executive Council.

QUEEN'S PRINTER FOR THE YUKON



**STATUTES OF THE YUKON
1989-90**

CHAPTER 29

SECOND APPROPRIATION ACT, 1989-90

(Assented to March 8, 1990)

Whereas it appears by message from the Commissioner and in the estimates accompanying the message that, in addition to the sums previously appropriated, the sums not appearing in parenthesis in Schedule "A" of this Act are required for the purpose of defraying certain expenses of the public service of the Yukon and for related purposes for the period of 12 months ending March 31, 1990;

The Commissioner of the Yukon Territory, by and with the advice and consent of the Legislative Assembly, enacts as follows:

1.(1) In addition to the sum of \$334,004,000 provided for in the First Appropriation Act, 1989-90 from and out of the Yukon Consolidated Revenue Fund there may be paid and applied a sum not exceeding in the whole \$23,772,000 for defraying the several charges and expenses of the public service of the Yukon payable in the period of 12 months ending on March 31, 1990, as set forth in Schedule "A" of this Act and that sum shall not be paid or applied except in accordance with Schedule "A", the Financial Administration Act and, subject to that Act, the estimates accompanying the message from the Commissioner.

(2) The sums previously appropriated to a vote or item that is listed in Schedule "A" and that has a sum appearing in parenthesis after it are reduced by the amount of the sum appearing in parenthesis.

2. The due application of all monies paid or applied pursuant to section 1 shall be accounted for.

SCHEDULE A

\$ (Dollars in 000's)

		Voted To Date	This Appropriation	Total Voted (Current Spending Authority)
Sums required this appropriation				
Operation and Maintenance Votes				
01	Yukon Legislative Assembly	1,857	15	1,872
02	Executive Council Office	5,308	486	5,794
09	Community & Transportation Services	49,040	913	49,953
03	Education	51,253	16	51,269
12	Finance	4,066	65	4,131
16	Government Services	17,367	296	17,663
15	Health & Human Resources	46,915	6,250	53,165
08	Justice	20,000	955	20,955
10	Public Service Commission	7,277	55	7,332
14	Renewable Resources	9,510	234	9,744
18	Yukon Housing Corporation	<u>6,360</u>	<u>586</u>	<u>6,946</u>
	Subtotal Operation and Maintenance	<u>218,953</u>	<u>9,871</u>	<u>228,824</u>
Capital Votes				
09	Community & Transportation Services	49,024	2,135	51,159
07	Economic Development: Mines and Small Business	12,191	3,505	15,696
03	Education	15,940	7,344	23,284
16	Government Services	8,188	58	8,246
15	Health & Human Resources	2,235	719	2,954
08	Justice	156	23	179
14	Renewable Resources	<u>1,709</u>	<u>117</u>	<u>1,826</u>
	Subtotal Capital	<u>89,443</u>	<u>13,901</u>	<u>103,344</u>
	TOTAL SUMS REQUIRED	<u>308,396</u>	<u>23,772</u>	<u>332,168</u>

Sums not required this appropriation

Operation and Maintenance Votes				
07	Economic Development: Mines and Small Business	2,343	0	2,343
13	Tourism	4,043	0	4,043
11	Women's Directorate	319	0	319
22	Yukon Development Corporation	one dollar	-	one dollar
19	Yukon Liquor Corporation	one dollar	-	one dollar
20	Loan Capital	2,500	(1,300)	1,200
20	Loan Amortization	<u>2,122</u>	<u>0</u>	<u>2,122</u>
	Subtotal Operation and Maintenance	<u>11,327</u>	<u>(1,300)</u>	<u>10,027</u>

		\$ (Dollars in 000's)		
		Voted To Date	This Appropriation	Total Voted (Current Spending Authority)
Capital Votes				
02	Executive Council Office	22	0	22
13	Tourism	1,868	0	1,868
18	Yukon Housing Corporation	<u>12,391</u>	<u>(1,040)</u>	<u>11,351</u>
	Subtotal Capital	<u>14,281</u>	<u>(1,040)</u>	<u>13,241</u>
	TOTAL SUMS NOT REQUIRED	<u>25,608</u>	<u>(2,340)</u>	<u>23,268</u>
	NET TOTAL	<u>334,004</u>	<u>21,432</u>	<u>355,436</u>

SCHEDULE B

Grants

The sums in this schedule have been included in the sums in Schedule "A". They are extracted from Schedule "A" and noted here only to show that they have been appropriated for grants rather than for some other purpose. They are not appropriations in addition to the sums in Schedule "A".

		\$ (Dollars in 000's)		
		Voted To Date	This Appropriation	Total Voted (Current Spending Authority)
Sums required this appropriation				
Operation and Maintenance Votes				
09	Community & Transportation Services			
	- Municipal Operating	2,977	52	3,029
	- Home Owner	1,252	100	1,352
03	Education			
	- Yukon College	one dollar	1,823	1,823
	- Community Library Maintenance	0	13	13
15	Health & Human Resources			
	- Daycare Subsidies	352	270	622
	- Daycare Operating Grants	245	258	503
08	Justice			
	- Institutional Facilities Inmate Allowance	0	44	44
	- Human Rights Commission	<u>207</u>	<u>10</u>	<u>217</u>
	Subtotal Operation and Maintenance	<u>5,033</u>	<u>2,570</u>	<u>7,603</u>
Capital Votes				
07	Economic Development: Mines and Small Business			
	- Fur Enhancement Program	<u>30</u>	<u>64</u>	<u>94</u>
	Subtotal Capital	<u>30</u>	<u>64</u>	<u>94</u>
	TOTAL SUMS REQUIRED	<u>5,063</u>	<u>2,634</u>	<u>7,697</u>

		\$ (Dollars in 000's)		
		Voted To Date	This Appro- priation	Total Voted (Current Spending Authority)
Sums not required this appropriation				
Operation and Maintenance Votes				
01	Yukon Legislative Assembly			
	- National Youth Parliamentary Assembly	1	0	1
02	Executive Council Office			
	- Asia Pacific Foundation	25	0	25
09	Community & Transportation Services			
	- In-Lieu-of Property Taxes	1,930	(80)	1,850
	- Conditional Municipal Sewer & Water	345	0	345
	- Community Clean-Up	4	0	4
	- Hamlet Operations & Maintenance	14	0	14
07	Economic Development: Mines and Small Business	0	0	0
03	Education			
	- Yukon College - Student Travel	1	0	1
	- Student Activity Support Program	17	(3)	14
	- Post Secondary Student Grant	1,054	(136)	918
	- Adult Education General Training Allowance	629	0	629
	- Training Allowances - Apprentices	2	(2)	0
	- Carcross Library Maintenance	4	(4)	0
	- Library Volunteers	3	(1)	(2)
12	Finance	360	0	360
16	Government Services	0	0	0
15	Health & Human Resources			
	- Adoption Subsidies	32	0	32
	- Family Allowance	56	0	56
	- Social Assistance	2,619	0	2,619
	- Yukon Seniors Income Supplement	485	(75)	410
	- Pioneer Utility Grant	224	0	224
	- Support Services to Vocational Rehabilitation Clients	22	(17)	105
	- Canadian National Insitute for the Blind	3	0	3
14	Renewable Resources			
	- Fur Institute of Canada	20	0	20
	- College of Veterinary Science	3	0	3
13	Tourism			
	- Historic Sites	10	(10)	0
	- Museum Grants	47	0	47
11	Women's Directorate	0	0	0
22	Yukon Development Corporation	0	0	0
18	Yukon Housing Corporation	0	0	0
19	Yukon Liquor Corporation	0	0	0
	Subtotal Operations and Maintenance	8,010	(328)	7,682

		\$ (Dollars in 000's)		
		Voted To Date	This Appro- priation	Total Voted (Current Spending Authority)
Sums not required this appropriation				
Capital				
01	Yukon Housing Corporation	0	0	0
02	Executive Council Office	0	0	0
09	Community & Transportation Services	0	0	0
03	Education	0	0	0
12	Finance	0	0	0
16	Government Services	0	0	0
15	Health & Human Resources	0	0	0
08	Justice	0	0	0
10	Public Service Commission	0	0	0
14	Renewable Resources	0	0	0
13	Tourism	0	0	0
11	Women's Directorate	0	0	0
22	Yukon Development Corporation	0	0	0
18	Yukon Housing Corporation	0	0	0
19	Yukon Liquor Corporation	0	0	0
	Subtotal Capital	<u>0</u>	<u>0</u>	<u>0</u>
	TOTAL SUMS NOT REQUIRED	<u>8,010</u>	<u>(328)</u>	<u>7,682</u>
	NET TOTAL	<u>13,073</u>	<u>2,306</u>	<u>15,379</u>

QUEEN'S PRINTER FOR THE YUKON



**STATUTES OF THE YUKON
1989-90**

**CHAPTER 30
TEACHING PROFESSION ACT**

(Assented to May 14, 1990)

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The Commissioner of the Yukon Territory, by and with the advice and consent of the Legislative Assembly, enacts as follows:

Interpretation

1. In this Act,

“Central Council” means the executive members of the teachers association and elected representatives from each school in accordance with its bylaws;

“Executive” means the president, vice-president, past-president, treasurer, and chair of standing committees of the teachers association;

“member” means a member in good standing of the teachers association;

“Minister” has the same meaning as “Executive Council Member” as defined in the Interpretation Act;

“school board” means a school board established under the Education Act;

“Table Officers” means the president, vice-president, past-president, and treasurer of the teachers association;

“teacher” means a person holding a valid and subsisting certificate of qualification or letter of permission issued in accordance with the Education Act.

Establishment of teachers association

2.(1) There is hereby established a body corporate under the name “Yukon Teachers Association.”

(2) The head office of the teachers association shall be in the City of Whitehorse or such other place as may be determined by the annual general meeting of the teachers association.

Objectives

3. The objectives of the teachers association are:

(a) to advance and promote the cause of education in the Yukon;

(b) to co-operate with other organizations and bodies in the Yukon, Canada and elsewhere having the same or like aims and objects;

(c) to increase public interest in the importance of education and public knowledge of the aims of education, financial support for education and other education matters;

(d) to improve the teaching profession:

(i) by promoting and supporting recruitment and selection practices which ensure capable candidates for teacher education,

(ii) by promoting and supporting adequate programs of pre-service preparation, internship and certification and by co-operating with the Minister and School Boards in facilitating the training and supervision of student teachers,

(iii) by promoting the establishment of working conditions that will make possible the best level of professional service,

(iv) by organizing and supporting groups which tend to improve the knowledge and skill of teachers and the development and promotion of teacher education programs,

(v) by meetings, publications, research, and other activities designed to maintain and improve the competence of teachers, and

- (vi) by advising, assisting, protecting and disciplining members in the discharge of their professional duties and relationships;
- (e) to advance, promote, and safeguard the interests of the teaching profession and its members;
- (f) to provide advice, assistance, legal protection, and discipline to members in their professional duties and relationships; and
- (g) to promote the continuous improvement of professional competence and of conditions of learning and of teaching.

Powers

4.(1) The teachers association, in addition to the powers vested in it by the Interpretation Act, has, for the attainment of its objectives, the power to:

- (a) purchase, receive or otherwise acquire, hold, manage and otherwise deal with, and sell, mortgage, lease or otherwise dispose of, any rights in real or personal property;
- (b) invest its funds in such investments in which trustees are authorized to invest under the provisions of the Trustee Act;
- (c) promote, establish, administer and sponsor sickness, accident and general health insurance programs for teachers supplemental to benefits negotiated in the collective agreement;
- (d) borrow or raise money; and
- (e) make grants as it deems advisable to organizations having the same or similar objects.

(2) For the attainment of its objectives, the teachers association has the capacity of a natural person.

Membership

5.(1) The membership of the teachers association may consist of active, associate, associate employee, life, honorary, and student members.

(2) Any person who is employed as a teacher in a school that is operated by the Minister or by a school board shall, as a condition of employment, be an active member of the teachers association.

(3) A director of a school board shall not be an active member of the teachers association except if the director is also designated as a principal of a school.

(4) Any person who is employed as a teacher aide, remedial tutor, or aboriginal language teacher in or for a school that is operated by the Minister or by a school board or who is employed pursuant to the Education Act shall be eligible to be a member of the teachers association as prescribed by the bylaws.

(5) The teachers association may grant associate, associate employee, life, honorary, or student membership to any person who meets the conditions prescribed by the bylaws.

Exemption

6.(1) Notwithstanding subsection 5(2), a teacher who, for reasons of religious belief or conscience, in good faith, objects to membership in the teachers association, need not be a member of the teachers association.

(2) Any teacher excluded from membership in accordance with subsection (1) shall be required to pay fees to the teachers association.

General meeting

7.(1) A general meeting of the membership of the teachers association shall be held annually.

(2) A special general meeting of the membership of the teachers association may be held at any time at the call of the Executive or upon the request of 20% of its membership.

Bylaws

8. The teachers association, in general meeting, may pass bylaws not inconsistent with this Act or any other Act or regulation of the Yukon concerning:

- (a) the election of the Executive and the appointment of committees;
- (b) the establishment and composition of the Central Council and the Table Officers;
- (c) the formation, government, management, and dissolution of sub-associations;
- (d) the management of its property and affairs and its internal organization and administration;
- (e) the investigation of complaints of unethical or unprofessional conduct and the disciplinary procedures for breaches of ethical or professional standards;
- (f) the time, place, and conduct of the annual and other meetings of the teachers association;
- (g) the maintenance of the teachers association and the fixing and collecting of annual and other fees; and
- (h) all other matters that are considered necessary or convenient for the management of the teachers association and the promotion of its welfare or the conduct of its business.

Organization

9. Subject to and in accordance with the bylaws and any resolution of the annual general meeting of the teachers association, the Central Council, Executive, and Table Officers shall govern, control and administer the affairs of the teachers association and shall exercise all rights and powers vested in the teachers association by this Act.

Fees

10. Every active, associate, associate employee, honorary, life, and student member shall pay the fees fixed by bylaw.

Deduction of fees

11.(1) The Minister shall deduct the membership fee to the teachers association from the salary of every person employed by the Minister who is a member of the teachers association including any person who is excluded from membership under section 6 and shall pay the membership fees and furnish a list of the persons each month to the teachers association.

(2) The obligation of the Minister under subsection (1) shall be deemed to be an obligation of a school board for persons employed in schools operated by the school board.

Code of ethics

12. The teachers association, in general meeting, shall prescribe a code of ethics to apply to every member of the teachers association.

Complaint of unprofessional or unethical conduct

13.(1) A member, the Minister, or any other person may lay a complaint of unprofessional or unethical conduct by a member with the Executive.

(2) The Executive shall appoint an investigating officer to review and investigate any written complaint against a member and to determine if disciplinary proceedings shall be instituted against the member.

Discipline Committee

14.(1) The Executive shall appoint a Discipline Committee composed of at least 3 active members for such term as it shall determine and a Secretary for the Discipline Committee.

(2) No disciplinary action shall be taken against a member unless a hearing has been held by the Discipline Committee and a decision made by the Discipline Committee.

(3) The Discipline Committee may hold a hearing in the absence of the accused person if notice of the hearing has been given in the manner and in the time prescribed in the bylaws.

Penalties

15.(1) The Executive shall consider the decision of the Discipline Committee, the recommendation made by the Discipline Committee on the penalty to be given, and any representation made on behalf of the member and may thereupon:

- (a) expel the member from the teachers association;
- (b) suspend the member from the teachers association for any period of time it considers proper;

- (c) recommend to the Minister that the Minister suspend or cancel the teaching certificate of the member;
- (d) require the member to pay a penalty;
- (e) require the member to pay a sum of money calculated by the Executive as the costs of the hearing; or
- (f) discipline the member in any other reasonable way it considers proper.

(2) The penalty required to be paid and the costs under subsection (1) are recoverable as a debt owing to the teachers association.

(3) The Executive shall notify the member of the disciplinary action it imposes.

Appeals

16. A person who is found guilty of unprofessional or unethical conduct may appeal, within 14 days from the date of the person's receipt of the decision, to the Minister who shall appoint a Teaching Profession Appeal Board to hear and make a determination on the appeal.

Composition of Teaching Profession Appeal Board

17.(1) The Teaching Profession Appeal Board shall be composed of one person nominated by the Minister, one person nominated by the teachers association, and one person who is mutually agreed upon by the Minister and the teachers association.

(2) In the event that the Minister and the teachers association are unable to agree on the third person to be nominated to the Teaching Profession Appeal Board, either may apply to the Yukon Supreme Court for an order to nominate the person.

(3) The term of office and remuneration for the Teaching Profession Appeal Board shall be determined by the Minister.

Hearing

18.(1) On hearing the appeal, the Teaching Profession Appeal Board shall review the evidence adduced before the Discipline Committee and the findings and report of the Discipline Committee and the Executive and may:

- (a) affirm or reverse the decision of the Discipline Committee; or
- (b) if the decision is affirmed, confirm or vary any penalty imposed by the Executive.

(2) The decision of the Teaching Profession Appeal Board shall be determined by the majority of its members and is final and binding on all parties.

(3) The decision of the Teaching Profession Appeal Board shall be conveyed in writing to all parties to the appeal.

Ministerial obligations

19.(1) The Minister shall consult with the teachers association on matters of educational policy that affect its membership.

(2) The Minister shall consider any recommendation or report received from the teachers association.

(3) The Minister may make an agreement with the teachers association and may provide grants to it for the attainment of its objectives.

Coming into force

20. This Act shall come into force on a day to be fixed by the Commissioner in Executive Council.

QUEEN'S PRINTER FOR THE YUKON



**STATUTES OF THE YUKON
1989-90**

CHAPTER 31

THIRD APPROPRIATION ACT, 1989-90

(Assented to March 8, 1990)

Whereas it appears by message from the Commissioner and in the estimates accompanying the message that, in addition to the sums previously appropriated, the sums not appearing in parenthesis in Schedule "A" of this Act are required for the purpose of defraying certain expenses of the public service of the Yukon and for related purposes for the period of 12 months ending March 31, 1990;

The Commissioner of the Yukon Territory, by and with the advice and consent of the Legislative Assembly, enacts as follows:

1.(1) In addition to the sum of \$334,004,000 provided for in the First Appropriation Act, 1989-90 and the sum of \$23,772,000 provided for in the Second Appropriation Act, 1989-90, from and out of the Yukon Consolidated Revenue Fund there may be paid and applied a sum not exceeding in the whole \$2,169,000 for defraying the several charges and expenses of the public service of the Yukon payable in the period of 12 months ending on March 31, 1990, as set forth in Schedule "A" of this Act and that sum shall not be paid or applied except in accordance with Schedules "A" and "B", the Financial Administration Act and, subject to that Act, the estimates accompanying the message from the Commissioner.

(2) The sums previously appropriated to a vote or item that is listed in Schedule "A" or in Schedule "B" and that has a sum appearing in parenthesis after it are reduced by the amount of the sum appearing in parenthesis.

2. The due application of all monies paid or applied pursuant to section 1 shall be accounted for.

SCHEDULE A

\$ (Dollars in 000's)

		Voted To Date	This Appropriation	Total Voted (Current Spending Authority)
Sums required this appropriation				
Operation and Maintenance Votes				
02	Executive Council Office	5,794	552	6,346
09	Community & Transportation Services	49,953	185	50,138
03	Education	51,269	749	52,018
16	Government Services	17,663	170	17,833
08	Justice	<u>20,955</u>	<u>233</u>	<u>21,188</u>
	Subtotal Operation and Maintenance	<u>145,634</u>	<u>1,889</u>	<u>147,523</u>
Capital Votes				
15	Health & Human Resources	2,954	130	3,084
08	Justice	179	67	246
14	Renewable Resources	<u>1,826</u>	<u>83</u>	<u>1,909</u>
	Subtotal Capital	<u>4,959</u>	<u>280</u>	<u>5,239</u>
	TOTAL SUMS REQUIRED	<u>150,593</u>	<u>2,169</u>	<u>152,762</u>

Sums not required this appropriation
Operation and Maintenance Votes

01	Yukon Legislative Assembly	1,872	0	1,872
07	Economic Development: Mines and Small Business	2,343	0	2,343
12	Finance	4,131	0	4,131
15	Health & Human Resources	53,165	(130)	53,035
10	Public Service Commission	7,332	0	7,332
14	Renewable Resources	9,744	(38)	9,706
13	Tourism	4,043	0	4,043
11	Women's Directorate	319	0	319
22	Yukon Development Corporation	one dollar	0	one dollar
18	Yukon Housing Corporation	6,946	0	6,946
19	Yukon Liquor Corporation	one dollar	0	one dollar
20	Loan Capital	1,200	0	1,200
20	Loan Amortization	<u>2,122</u>	<u>0</u>	<u>2,122</u>
	Subtotal Operation and Maintenance	<u>93,217</u>	<u>(168)</u>	<u>93,049</u>

		\$ (Dollars in 000's)		
		Voted To Date	This Appropriation	Total Voted (Current Spending Authority)
Capital Votes				
02	Executive Council Office	22	0	22
09	Community & Transportation Services	51,159	(219)	50,940
07	Economic Development: Mines and Small Business	15,696	0	15,696
03	Education	23,284	0	23,284
16	Government Services	8,246	(150)	8,096
13	Tourism	1,868	0	1,868
18	Yukon Housing Corporation	<u>11,351</u>	<u>0</u>	<u>11,351</u>
	Subtotal Capital	<u>111,626</u>	<u>(369)</u>	<u>111,257</u>
	TOTAL SUMS NOT REQUIRED	<u>204,843</u>	<u>(537)</u>	<u>204,306</u>
	NET TOTAL	<u>355,436</u>	<u>1,632</u>	<u>357,068</u>

SCHEDULE B

Grants

The sums in this schedule have been included in the sums in Schedule "A". They are extracted from Schedule "A" and noted here only to show that they have been appropriated for grants rather than for some other purpose. They are not appropriations in addition to the sums in Schedule "A".

		\$ (Dollars in 000's)		
		Voted To Date	This Appropriation	Total Voted (Current Spending Authority)
Sums required this appropriation				
Operation and Maintenance Votes				
03	Education			
	- Yukon College	1,823	160	1,983
	Subtotal Operation and Maintenance	1,823	160	1,983
	TOTAL SUMS REQUIRED	- 1,823	160	1,983

Sums not required this appropriation

Operation and Maintenance Votes

01	Yukon Legislative Assembly			
	- National Youth Parliamentary Assembly	1	0	1
02	Executive Council Office			
	- Asia Pacific Foundation	25	0	25
09	Community & Transportation Services			
	- Municipal Operating	3,029	0	3,029
	- Home Owner	1,352	0	1,352
	- In-Lieu-of Property Taxes	1,850	0	1,850
	- Conditional Municipal Sewer & Water	345	0	345
	- Community Clean-Up	4	0	4
	- Hamlet Operations & Maintenance	14	0	14
07	Economic Development: Mines and Small Business	0	0	0
03	Education			
	- Yukon College - Student Travel	1	0	1
	- Student Activity Support Program	14	0	14
	- Post Secondary Student Grant	918	0	918
	- Adult Education General Training Allowance	629	0	629
	- Training Allowances - Apprentices	0	0	0
	- Carcross Library Maintenance	0	0	0
	- Library Volunteers	2	0	2
	- Community Library Maintenance	13	0	13
12	Finance	360	0	360
16	Government Services	0	0	0

		\$ (Dollars in 000's)		
		Voted To Date	This Appropriation	Total Voted (Current Spending Authority)
15	Health & Human Resources			
	- Adoption Subsidies	32	0	32
	- Family Allowances	56	0	56
	- Social Allowances	2,619	0	2,619
	- Yukon Seniors Income Supplement	410	0	410
	- Pioneer Utility Grant	224	0	224
	- Support Services to Vocational Rehabilitation Clients	105	0	105
	- Canadian National Institute for the Blind	3	0	3
	- Daycare Subsidies	622	0	622
	- Daycare Operating Grants	503	0	503
08	Justice			
	- Institutional Facilities Inmate Allowance	44	0	44
	- Human Rights Commission	217	0	217
14	Renewable Resources			
	- Fur Institute of Canada	20	0	20
	- College of Veterinary Science	3	0	3
13	Tourism			
	- Historic Sites	0	0	0
	- Museum Grants	47	0	47
11	Women's Directorate	0	0	0
22	Yukon Development Corporation	0	0	0
18	Yukon Housing Corporation	0	0	0
19	Yukon Liquor Corporation	0	0	0
	Subtotal Operation and Maintenance	<u>13,462</u>	<u>0</u>	<u>13,462</u>

		\$ (Dollars in 000's)		
		Voted To Date	This Appropriation	Total Voted (Current Spending Authority)
Capital Votes				
01	Yukon Legislative Assembly	0	0	0
02	Executive Council Office	0	0	0
09	Community & Transportation Services	0	0	0
07	Economic Development: Mines and Small Business - Fur Enhancement Program	94	0	94
03	Education	0	0	0
12	Finance	0	0	0
16	Government Services	0	0	0
15	Health & Human Resources	0	0	0
08	Justice	0	0	0
10	Public Service Commission	0	0	0
14	Renewable Resources	0	0	0
13	Tourism	0	0	0
11	Women's Directorate	0	0	0
22	Yukon Development Corporation	0	0	0
18	Yukon Housing Corporation	0	0	0
19	Yukon Liquor Corporation	<u>0</u>	<u>0</u>	<u>0</u>
	Subtotal Capital	<u>94</u>	<u>0</u>	<u>94</u>
	TOTAL SUMS NOT REQUIRED	<u>13,556</u>	<u>0</u>	<u>13,556</u>
	NET TOTAL	<u>15,379</u>	<u>160</u>	<u>15,539</u>

QUEEN'S PRINTER FOR THE YUKON



**STATUTES OF THE YUKON
1989-90**

**CHAPTER 32
AN ACT TO AMEND
THE WORKERS COMPENSATION ACT**

(Assented to March 8, 1990)

The Commissioner of the Yukon Territory, by and with the advice and consent of the Legislative Assembly, enacts as follows:

- 1. This Act amends the Workers Compensation Act.**
- 2. Section 50 is deleted.**

QUEEN'S PRINTER FOR THE YUKON



**STATUTES OF THE YUKON
1989-90**

**CHAPTER 33
AN ACT TO AMEND
THE WORKERS COMPENSATION ACT (NO. 2)**

(Assented to May 14, 1990)

The Commissioner of the Yukon Territory, by and with the advice and consent of the Legislative Assembly, enacts as follows:

1. This Act amends the Workers Compensation Act.

2. In the definition of "accident" in section 1, the expression "industrial disease" is substituted for the word "disease".

3. The following section is substituted for section 47:

"47.(1) The amount of the payments made under sections 43, 45, and 46 shall be reviewed annually on the anniversary of the date the loss of earnings began and, subject to paragraph 47(3), an adjustment shall be made in the amount with effect from the first day of the month following the review.

(2) For the purpose of calculating the revised amount under subsection 47(1), the impairment of earning capacity used in paragraph 43(1) shall be calculated as the difference between

(a) the worker's average weekly earnings at the date the loss of earnings began, or the average weekly earnings as revised at the date of the previous review if there has been one, varied by the percentage set out in paragraph 47(3), and

(b) the average weekly earnings which the worker is estimated by the board to be capable of earning at a suitable occupation at the time of the review.

(3) The percentage to be used for the purpose of paragraph 47(2)(a) shall be the sum of

(a) 2.0 percent, to allow for any increases due to promotion and advancement which the worker might reasonably be expected to have received but for the accident or injury, and

(b) the greater of:

(i) the percentage change between the average annual industrial aggregate weekly earnings for Canada, excluding overtime, in the calendar year previous to the last review and in the calendar year previous to the current review;

and

(ii) the percentage change between the average annual Consumer Price Index for Canada in the calendar year previous to the last review and in the calendar year previous to the current review.

(4) The weekly amount determined under paragraph 47(2)(a) shall not exceed the weekly equivalent of the maximum wage rate in effect for the year of the review.

(5) The average annual industrial aggregate weekly earnings and the average annual Consumer Price Index used in the calculations in paragraph 47(3)(b) shall be derived from statistics published by Statistics Canada.”

4. The following two paragraphs are substituted for paragraphs 68(d), (f), (g) and (h):

“(d) to provide and maintain an operating reserve to ensure as nearly as possible within each class uniform assessments from year to year,

(d.1) to provide and maintain a single contingency reserve

- to meet losses arising or likely to arise from disasters, or other fluctuations in costs, which could unduly burden the employers in any class;
- to provide facilities, and to meet the expenses incurred, for the rehabilitation and retraining of injured workers;
- to meet that part of the costs of claims which have been enhanced because the worker previously suffered from a similar or other disability;
- to meet the costs of claims arising from industrial diseases.”



**STATUTES OF THE YUKON
1989-90**

CHAPTER 34

FIRST APPROPRIATION ACT, 1991-92

(Assented to December 18, 1990)

Whereas it appears by message from the Commissioner and in the estimates accompanying the message that the sums mentioned in Schedule "A" of this Act are required for the purpose of defraying certain expenses of the public service of the Yukon and for related purposes for the period of 12 months ending March 31, 1992;

The Commissioner of the Yukon Territory, by and with the advice and consent of the Legislative Assembly, enacts as follows:

1. From and out of the Yukon Consolidated Revenue Fund there may be paid and applied a sum not exceeding in the whole \$359,545,000 for defraying the several charges and expenses of the public service of the Yukon payable in the period of 12 months ending on March 31, 1992, as set forth in Schedule "A" of this Act, and that sum shall not be paid or applied except in accordance with Schedules "A", "B", and "C", the Financial Administration Act and, subject to that Act, the estimates accompanying the message from the Commissioner.

2. Not included in the sum of \$359,545,000 referred to in section 1 is the sum of \$498,000 representing the foregone income from non-interest bearing compensating balances held on deposit with the government's banker for purposes of paying for the banking services provided to the government by the bank.

3. The due application of all monies paid or applied pursuant to section 1 shall be accounted for.

SCHEDULE A

Operation and Maintenance Votes		\$ (Dollars in 000's)
01	Yukon Legislative Assembly	2,196
02	Executive Council Office	7,124
09	Community & Transportation Services	54,304
07	Economic Development: Mines and Small Business	2,246
03	Education	57,594
12	Finance	4,467
16	Government Services	20,344
15	Health & Human Resources	55,747
08	Justice	22,132
10	Public Service Commission	7,816
14	Renewable Resources	12,351
13	Tourism	4,420
11	Women's Directorate	335
22	Yukon Development Corporation	one dollar
18	Yukon Housing Corporation	11,550
19	Yukon Liquor Corporation	one dollar
20	Loan Capital	2,000
20	Loan Amortization	<u>1,858</u>
	Subtotal Operation and Maintenance	<u>266,484</u>
 Capital Votes		
02	Executive Council Office	35
09	Community & Transportation Services	37,409
07	Economic Development: Mines and Small Business	11,713
03	Education	12,051
16	Government Services	7,000
15	Health & Human Resources	2,095
08	Justice	270
14	Renewable Resources	1,970
13	Tourism	4,203
18	Yukon Housing Corporation	<u>16,315</u>
	Subtotal Capital	<u>93,061</u>
	TOTAL SUMS REQUIRED	<u>359,545</u>

SCHEDULE B

Grants

The sums mentioned in this Schedule have been included in the sums mentioned in Schedule "A". They are extracted from Schedule "A" and mentioned here only to show that they have been appropriated for grants rather than for some other purpose. They are not appropriations in addition to what is mentioned in Schedule "A".

Operation and Maintenance Votes		Purpose	Grant Amount \$ (Dollars \$000's)
01	Yukon Legislative Assembly	- Youth Parliament of the Yukon	1
02	Executive Council Office	- Community Language Initiatives	100
		- Protocol Services	10
09	Community & Transportation Services	- In-Lieu-of Property Taxes	2,389
		- Conditional Municipal Water & Sewer	428
		- Municipal Operating	3,333
		- Community Clean-up	8
		- Hamlet Operations & Maintenance	15
		- Home Owner	1,580
07	Economic Development: Mines and Small Business		
03	Education	- Yukon College	9,036
		- Native Teacher Education Program	632
		- Student Activity Support Programs	18
		- Post Secondary Student Grants	1,034
		- Relocation Compensation	55
		- Adult Education General Training Allowance	568
		- Post Secondary Student Scholarships	34
		- Training Allowances - Apprenticeship	3
		- Excellence in Teaching Awards	10
		- Education Related Organizations	6
		- Community Library Maintenance	26
		- Library Volunteers	3
		- Education School Council/Committee	157
		- Land Claims Training & Implement.	1,125
12	Finance	- W.C.B. Supplementary Benefits	374
16	Government Services		-
15	Health & Human Resources	- Adoption Subsidies	43
		- Day Care Subsidy Program	722
		- Day Care Operating Grants	754
		- Family Allowance	58
		- Social Assistance	2,624
		- Yukon Seniors Income Supplement	410
		- Pioneer Utility Grant	224

Operation and Maintenance Votes		Purpose	Grant Amount \$ (Dollars \$000's)
		- Vocational Rehabilitation Subsidies	118
		- C.N.I.B.	3
		- Cancer Patient & Medical Travel Escort Subsidies	76
		- Youth Allowance	7
08	Justice	- Human Rights Commission	253
		- Institutional Facilities Inmate Allowance	44
10	Public Service Commission		-
14	Renewable Resources	- Fur Institute of Canada	20
		- Institute of Wildlife Resources	15
		- Misc. Minor Grants	2
13	Tourism	- Museum Grants	49
11	Women's Directorate	- Yukon Advisory Council on Women's Issues	14
		- Community Public Awareness	10
22	Yukon Development Corporation		-
18	Yukon Housing Corporation		-
19	Yukon Liquor Corporation		-
	Subtotal Operation and Maintenance Grants		<u>\$26,391</u>
Capital Votes			
01	Yukon Legislative Assembly		
02	Executive Council Office		
09	Community & Transportation Services	- Municipal Infrastructure Grants	8,885
07	Economic Development: Mines and Small Business	- Fur Enhancement	25
03	Education		-
12	Finance		-
16	Government Services		-
15	Health & Human Resources		-
08	Justice		-
10	Public Service Commission		-
14	Renewable Resources		-
13	Tourism		-
11	Women's Directorate		-
22	Yukon Development Corporation		-
18	Yukon Housing Corporation		-
19	Yukon Liquor Corporation		-
	Subtotal Capital Grants		<u>\$8,910</u>
	TOTAL GRANTS		<u>\$35,301</u>

SCHEDULE C

DEPARTMENTAL DEFINITION

YUKON LEGISLATIVE ASSEMBLY:

The Yukon Legislative Assembly is the parliament of the Yukon, consisting of Members who are elected by the people of the Yukon. Through them Yukoners make territorial laws and provide money needed by the Government of the Yukon for the present and future good of the people of the territory.

DEPARTMENTAL OBJECTIVES

EXECUTIVE COUNCIL OFFICE:

To provide analysis, advice, and support services to the Premier, Ministers and the Executive Council relating to policy formulation and implementation, including organization and management of government.

To ensure coordination among departments of policy and program initiatives, and provide the Executive Council and departments with central policy, communications, statistical, French and Aboriginal languages, audit and evaluation services.

To represent and promote Yukon government interests in land claims, devolution, constitutional development, and in relations with the federal and provincial/territorial governments, the State of Alaska and other circumpolar jurisdictions.

DEPARTMENT OF COMMUNITY AND TRANSPORTATION SERVICES:

To promote local self-government, to provide support to municipalities and to provide municipal services and facilities in unincorporated communities.

To provide property assessment, general property taxation and school taxation services.

To plan, develop and dispose of Yukon lands and to manage land use activity.

To plan, develop, maintain and regulate safe and efficient transportation systems and services for the Yukon.

To support the development of sport, arts and community recreation throughout the Yukon.

To foster the development and provision of communication systems and services to enhance the economic and social opportunities of Yukoners.

To promote the improvement and cost-effectiveness of infrastructure through undertaking applied research into northern infrastructure development.

To support, administer and enforce building, electrical and mechanical safety standards, emergency preparedness and fire protection programs for the public safety of all Yukon people.

DEPARTMENT OF ECONOMIC DEVELOPMENT: MINES AND SMALL BUSINESS:

To encourage the development of the Yukon's economy in an environmentally and socially sensitive manner.

To support increases in and equitable distribution of, Yukon's share of the net economic benefits from development, including increased Yukon business ownership, employment and training.

To promote community economic development and community influence over the extent and pace of local economic development.

To promote investment in the Yukon, particularly where significant benefits from the investment remain in the Yukon.

To participate actively in the sound management of Yukon's natural resources.

To encourage development, through diversification and growth, within primary, secondary and service industries.

To promote the replacement of imports with Yukon alternatives.

To support subsistence and other non-wage economic activities and promote their role in the overall Yukon economy.

DEPARTMENT OF EDUCATION:

To ensure that all Yukoners are provided with the required learning opportunities towards achieving their maximum personal potential through planning, developing, implementing and evaluating:

- elementary and secondary education for all school age children;
- French language programs;
- Native Languages Program and the training of aboriginal languages teachers;
- adult training, continuing education and employment development programs; and
- library and archival services.

DEPARTMENT OF FINANCE:

To ensure that the financial resources of the Government of the Yukon are planned, utilized and controlled in a manner that meets the priorities of the government and complies with the statutes.

DEPARTMENT OF GOVERNMENT SERVICES:

To manage the acquisition of goods, services and accommodations for the government to advance the social and economic priorities of the government and ensure fair and equitable treatment of the private sector.

DEPARTMENT OF HEALTH AND HUMAN RESOURCES:

To improve the health and social condition of individuals, families and Yukon communities.

DEPARTMENT OF JUSTICE:

To respond to Yukon community needs to provide services designed to reduce crime and to serve and protect victims and potential victims.

To provide police services designed to preserve law and order.

To provide facilities and infrastructure for the resolution of civil and criminal matters as and when they arise.

To provide secure housing and correctional services designed to protect communities from offenders and to provide rehabilitative services to offenders.

To maintain safe employment, orderly and responsible commercial and professional services in the Yukon and to promote the public interest in labour-management harmony and the consumer interest in commercial and professional activities.

To provide funds for the operation of the Yukon Human Rights Commission and Board of Adjudication.

PUBLIC SERVICE COMMISSION:

To provide advisory and administrative services to Cabinet, Management Board and departmental management to contribute to the effective, efficient and equitable management of the Government's human resources, in accordance with applicable legislation and government goals and objectives.

DEPARTMENT OF RENEWABLE RESOURCES:

To ensure that the environment and renewable resources of the Yukon are managed and used on a sustainable basis by:

- ensuring that environmental management activities are designed to allow proper conservation of renewable resources, the protection of genetic diversity and the maintenance of essential ecosystem processes;
- ensuring that environmental management activities are designed to support the development of the renewable resource economy in a manner which is sustainable for present and future generations of Yukoners;
- ensuring that environmental management activities are properly integrated with other economic sectors to provide optimum benefits to Yukoners;
- assuming additional management powers and responsibilities in all areas of renewable resources and environmental management consistent with the Yukon government's constitutional development objectives;

- ensuring that environmental management activities are consistent with our national and international responsibilities;
- ensuring that environment management activities reflect the principles stated in the Yukon Conservation Strategy; and
- ensuring that Yukoners have the opportunity to become involved in the development and review of departmental programs, policies, legislation and regulations.

DEPARTMENT OF TOURISM:

To promote and develop the Yukon as a tourism destination for the economic and social benefit of Yukoners and to assist the private sector in similar efforts.

To develop, enhance and preserve the Yukon's heritage resources and transmit an appreciation and understanding of the Yukon's heritage to Yukoners and Yukon visitors.

WOMEN'S DIRECTORATE:

To improve the economic, social and legal status of Yukon women to achieve gender equality.

YUKON DEVELOPMENT CORPORATION:

To participate with government departments in the implementation of the Yukon Economic Strategy.

To participate with the private sector in the economic development of the Yukon.

To promote through strategic investments sustainable development in Yukon communities.

To own the shares of the Yukon Energy Corporation, and any other operation to the benefit of the Yukon's economy.

YUKON HOUSING CORPORATION:

To ensure the provision and availability of adequate, suitable and affordable accommodation to the Yukon households in need.

To ensure the provision and availability of adequate and suitable accommodation to the employees of the Government of the Yukon living outside of Whitehorse, and to administer the Government's Employee Housing Buyback Program.

To foster and promote programs that will assist the housing industry to supply adequate housing within Yukon.

To create and promote an environment of community participation in the design, development and delivery of housing programs.

YUKON LIQUOR CORPORATION:

To provide for and to regulate the purchase, importation, distribution and retail sale of alcoholic beverages in the Yukon by:

- operating warehouses and retail stores in a manner that provides a level of service to the public and licensees that meets their needs while ensuring that optimal revenue is transferred to the Consolidated Revenue Fund;
- inspecting licensees' premises to ensure compliance with the Liquor Act; and
- providing and regulating the issuance, cancellation and suspension of liquor licences.

To provide for the return and, where possible, recycling of beverage containers.

To provide the services of Territorial Agent in rural communities where a liquor store is located.

QUEEN'S PRINTER FOR THE YUKON



STATUTES OF THE YUKON
1989-90

CHAPTER 35

FOURTH APPROPRIATION ACT, 1989-90

(Assented to December 18, 1990)

Whereas it appears by message from the Commissioner and in the estimates accompanying the message that, in addition to the sums previously appropriated, the sums not appearing in parenthesis in Schedule "A" of this Act are required for the purpose of defraying certain expenses of the public service of the Yukon and for related purposes for the period of 12 months ending March 31, 1990;

The Commissioner of the Yukon Territory, by and with the advice and consent of the Legislative Assembly, enacts as follows:

1.(1) In addition to the sum of \$334,004,000 provided for in the First Appropriation Act, 1989-90, the sum of \$23,772,000 provided for in the Second Appropriation Act, 1989-90, and the sum of \$2,169,000 provided for in the Third Appropriation Act, 1989-90, from and out of the Yukon Consolidated Revenue Fund there may be paid and applied a sum not exceeding in the whole \$1,776,000 for defraying the several charges and expenses of the public service of the Yukon payable in the period of 12 months ending on March 31, 1990, as set forth in Schedule "A" of this Act, and that sum shall not be paid or applied except in accordance with Schedules "A" and "B", the Financial Administration Act and, subject to that Act, the estimates accompanying the message from the Commissioner.

(2) The sums previously appropriated to a vote or item that is listed in Schedule "A" or in Schedule "B" and that has a sum appearing in parenthesis after it are reduced by the amount of the sum appearing in parenthesis.

2. The due application of all monies paid or applied pursuant to section 1 shall be accounted for.

SCHEDULE A

\$ (Dollars in 000's)

	Voted To Date	This Appropriation	Total Voted (Current Spending Authority)
Sums required this appropriation			
Operation and Maintenance Votes			
01 Yukon Legislative Assembly	<u>1,872</u>	<u>1,776</u>	<u>3,648</u>
Subtotal Operation and Maintenance	<u>1,872</u>	<u>1,776</u>	<u>3,648</u>
TOTAL SUMS REQUIRED	<u>1,872</u>	<u>1,776</u>	<u>3,648</u>
Sums not required this appropriation			
Operation and Maintenance Votes			
02 Executive Council Office	6,346	(901)	5,445
09 Community & Transportation Services	50,138	(1,742)	48,396
07 Economic Development: Mines and Small Business	2,343	(35)	2,308
03 Education	52,018	(84)	51,934
12 Finance	4,131	(53)	4,078
16 Government Services	17,833	(303)	17,530
15 Health & Human Resources	53,035	(1,624)	51,411
08 Justice	21,188	(35)	21,153
10 Public Service Commission	7,332	(1,377)	5,955
14 Renewable Resources	9,706	(362)	9,344
13 Tourism	4,043	(30)	4,013
11 Women's Directorate	319	(9)	310
22 Yukon Development Corporation	one dollar	(0)	one dollar
18 Yukon Housing Corporation	6,946	(163)	6,783
19 Yukon Liquor Corporation	one dollar	(0)	one dollar
20 Loan Capital	1,200	(224)	976
20 Loan Amortization	<u>2,122</u>	<u>(21)</u>	<u>2,101</u>
Subtotal Operation and Maintenance	<u>238,700</u>	<u>(6,963)</u>	<u>231,737</u>

		\$ (Dollars in 000's)		
		Voted To Date	This Appro- priation	Total Voted (Current Spending Authority)
Capital Votes				
02	Executive Council Office	22	(0)	22
09	Community & Transportation Services	50,940	(11,020)	39,920
07	Economic Development: Mines and Small Business	15,696	(6,106)	9,590
03	Education	23,284	(11,788)	11,496
16	Government Services	8,096	(261)	7,835
15	Health & Human Resources	3,084	(669)	2,415
08	Justice	246	(74)	172
14	Renewable Resources	1,909	(70)	1,839
13	Tourism	1,868	(49)	1,819
19	Yukon Housing Corporation	<u>11,351</u>	<u>(5,800)</u>	<u>5,551</u>
	Subtotal Capital	<u>116,496</u>	<u>(35,837)</u>	<u>80,659</u>
	TOTAL SUMS NOT REQUIRED	<u>355,196</u>	<u>(42,800)</u>	<u>312,396</u>
	NET TOTAL	<u>357,068</u>	<u>(41,024)</u>	<u>316,044</u>

SCHEDULE B**Grants**

The sums in this schedule have been included in the sums in Schedule "A". They are extracted from Schedule "A" and noted here only to show that they have been appropriated for grants rather than for some other purpose. They are not appropriations in addition to the sums in Schedule "A".

		\$ (Dollars in 000's)		
		Voted To Date	This Appro- priation	Total Voted (Current Spending Authority)
Sums required this appropriation				
Operation and Maintenance Votes				
09	Community & Transportation Services			
	- Home Owner	1,352	50	1,402
	- Conditional Municipal Water & Sewer	345	1	346
03	Education			
	- Yukon College	1,983	143	2,126
	- Post Secondary Student Grant	918	797	1,715
12	Finance			
	- WCB Supplementary Benefits	360	2	362
15	Health & Human Resources			
	- Day Care Subsidy Program	622	160	782
	- Social Assistance Payments	2,619	222	2,841
	- Family Allowance	56	23	79
	- Pioneer Utility Grant	<u>224</u>	<u>72</u>	<u>296</u>
	Subtotal Operations and Maintenance	<u>8,479</u>	<u>1,470</u>	<u>9,949</u>
	TOTAL SUMS REQUIRED	<u>8,479</u>	<u>1,470</u>	<u>9,949</u>

Sums not required this appropriation**Operation and Maintenance Votes**

01	Yukon Legislative Assembly			
	- National Youth Parliamentary Assembly	1	(1)	0
02	Executive Council Office			
	- Asia Pacific Foundation	25	(25)	0
09	Community & Transportation Services			
	- In-Lieu-of Property Taxes	1,850	(5)	1,845
	- Hamlet Operation & Maintenance	14	(11)	3
	- Community Clean-Up	4	(4)	0
	- Municipal Operating	3,029	(0)	3,029

		\$ (Dollars in 000's)		
		Voted To Date	This Appropriation	Total Voted (Current Spending Authority)
03	Education			
	- Yukon College - Student Travel	1	(1)	0
	- Adult Education General Training Allowance	629	(629)	0
	- Library Volunteers	2	(2)	0
	- Community Library Maintenance	13	(6)	7
	- Student Activity Support Programs	14	(14)	0
15	Health & Human Resources			
	- Day Care Operating Grants	503	(147)	356
	- Yukon Seniors Income Subsidy	410	(25)	385
	- C.N.I.B.	3	(1)	2
	- Support Services to Voc. Rehab. Clients	105	(32)	73
	- Adoption Subsidies	32	(6)	26
08	Justice			
	- Institutional Facilities Inmate Allowance	44	(3)	41
	- Human Rights Commission	217	(0)	217
14	Renewable Resources			
	- Fur Institute of Canada	20	0	20
	- College of Veterinary Science	3	(2)	1
13	Tourism			
	- Museum Grants	47	0	47
	Subtotal Operation and Maintenance	<u>6,966</u>	<u>(914)</u>	<u>6,052</u>
Capital Votes				
07	Economic Development: Mines and Small Business			
	- Fur Enhancement Program	94	(24)	70
	Subtotal Capital	<u>94</u>	<u>(24)</u>	<u>70</u>
	TOTAL SUMS NOT REQUIRED	<u>7,060</u>	<u>(938)</u>	<u>6,122</u>
	NET SUMS REQUIRED	<u>15,539</u>	<u>532</u>	<u>16,071</u>

QUEEN'S PRINTER FOR THE YUKON



**STATUTES OF THE YUKON
1989-90**

**CHAPTER 36
HEALTH ACT**
(Assented to December 18, 1990)

Whereas we believe

- that health means the physical, emotional, social, mental, and spiritual well-being of residents of the Yukon in harmony with their physical, social, economic, and cultural environments;
- that people can achieve and improve their well-being through prevention of illness and injury, promotion of health, and collective action against the social, environmental, and occupational causes of illness and injury;
- that improvements in health and social services require the cooperative partnership of governments, professionals, voluntary organizations, aboriginal groups, communities, and individuals;
- that equitable access to quality health and social services is critical to protecting, promoting, and restoring health;
- that the policies and systems for providing health and social programs and services must be sensitive and responsive to the cultural diversity in the community;
- that there should wherever practicable be an integration of health services and social services; and
- that traditional aboriginal healing practices should be respected;

The Commissioner of the Yukon Territory, by and with the advice and consent of the Legislative Assembly, enacts as follows:

Definitions and guides to interpretation

1.(1) In this Act

“health and social services” includes those services defined in the other Acts administered by the Minister and the following services

- collaborative health planning;
- community health development;

- assessment of community health status and needs;
- public health services, including public health nursing and public health inspection, environmental health, school health, maternal and child health, home care, family planning, health education, occupational and industrial health, accident prevention, poison control, rehabilitation, continuing care services, communicable diseases control and epidemiology;
- such other services related to social development and to the counselling of people in respect of their participation in community life as may be prescribed in the regulations;
- such other services related to prevention of illness or injury or to health promotion, and health development, or to the care or treatment of sick, infirm, or injured persons as may be prescribed in the regulations.

“Minister” means the member of the Executive Council to whom the administration of this Act is assigned.

(2) The Commissioner in Executive Council may by regulation designate a health and social service referred to in subsection (1) to be either a health service or a social service for consistency with the requirements of Acts of Parliament, but such a designation may not operate to amend a definition established by another Act of the Legislature.

(3) As a guide to the interpretation of this Act and of regulations and policies made under it, but without intending to establish a binding, conclusive definition, it is hereby declared that for the purposes of this Act

“health and social issue” refers to a defined health or social need requiring coordinated policy decisions and action by communities in conjunction with local governments and the territorial government;

“health promotion” refers to joint action on the part of communities and governments which creates social and physical environments that encourage individual health and well-being;

“integration” refers to partnerships that involve joint programming, service delivery, and budgetary administration between two or more private or governmental agencies;

“partnership” refers to relationships and processes for communicating about, collaborating on, or coordinating action among related agencies, groups, and workers in a responsible way to achieve shared objectives;

Declaration of policy

2.(1) It is hereby declared that the primary objective of Yukon’s health and social services policy is to protect, promote, and restore the well-being of residents of the Yukon in harmony with the physical, social, economic, and cultural environments in which they live and to facilitate equitable access to quality health and social programs and services.

(2) It is further declared that a purpose of this Act is to advance the concept that health and social development is a process by which communities and governments work together to identify needs and to plan, implement, and evaluate programs and services through the progressive empowerment of communities.

(3) It is further declared that another purpose of this Act is to require coordination among the various Acts, policies, programs, and services for which the Department of Health and Social Services is responsible.

(4) It is further declared that, in the planning and implementation of the Yukon's health and social services policy, the Minister and all other public officials, district boards, and any committees established by the Minister should be guided by the importance of the following principles

- the prevention of illness and injury and the promotion of healthy behaviour;
- the integration of health programs and services with social programs and services;
- the partnership of individuals, groups, communities, aboriginal groups, and governments in planning, evaluation, and implementation;
- the accessibility of programs and services to individuals and groups;
- the cultural sensitivity and responsiveness of policies and systems;
- the accountability of the health and social policy decision-makers and implementors so that health and social policies and the system will be responsive to the needs of the residents of the Yukon.

(5) The Commissioner in Executive Council shall consider the effect on the health and social well-being of individuals and the community when making decisions.

Department established

3.(1) There is hereby established a Department of Health and Social Services to act under the authority of the Minister.

(2) The Department shall consist of such branches, units, and positions as may be established for it under the Public Service Act and Financial Administration Act.

(3) In accordance with the Public Service Act there may be appointed a deputy minister for the Department and other employees required to conduct the business of the Department.

(4) Until the end of March 31, 1991, the Department may be referred to as the Department of Health and Human Resources but effective April 1, 1991 the Department's name shall be the Department of Health and Social Services.

Functions of Minister

4.(1) The Minister shall oversee and be accountable to the Legislature for the implementation and administration of this Act and of the following Acts

- Health Care Insurance Plan Act;
- Hospital Insurance Services Act;
- Mental Health Act;
- Hospital Act;
- Public Health Act;
- Travel For Medical Treatment Act;
- Children's Act;
- Child Care Act;
- Pioneer Utility Grant Act;
- Rehabilitation Services Act;
- Senior's Income Supplement Act;
- Social Assistance Act;
- Young Persons Offences Act;
- any other Act the administration of which the Commissioner in Executive Council assigns to the Minister.

(2) The Minister shall develop and implement programs and services to protect, promote, and restore the health and the social well-being of the people of the Yukon, and without limiting the generality of the foregoing, the Minister may

- (a) integrate to the extent practicable health programs and services with social programs and services;
- (b) promote relevant partnerships with both governmental agencies and non-governmental groups for the development and implementation of health and social programs and services;
- (c) institute programs that promote self-reliance of people and communities for the protection, promotion, and restoration of their health and social well-being;
- (d) promote the development of institutions and systems of community self-help and self-development for the protection, promotion, and restoration of their health and social well-being;
- (e) in collaboration with representatives of the providers and of consumers of health and social services, study and determine or make recommendations to the government about the health and social needs of the people of the Yukon, programs and services to meet those needs, and the systems, institutions, partnerships, facilities, and financial and human resources appropriate to provide those programs and services;
- (f) develop, provide for, and coordinate comprehensive health and social services and facilities;

(g) identify appropriate indicators of health and social well-being and sponsor studies of the causes of social and health dysfunction in the Yukon and of steps that may be taken to remove or alleviate them;

(h) conduct or sponsor research into the health or social issues of the Yukon;

(i) collect information about the state of health and social well-being of people in the Yukon and about the quantity, quality, and accessibility of health and social service resources, facilities, and services in the Yukon;

(j) conduct education programs to promote health and social well-being and prevent illness and injuries and to inform the people of the Yukon about health and social issues and services;

(k) monitor and evaluate new systems and technologies;

(l) monitor and evaluate the efficiency and effectiveness of social and health programs and services and the manner by which they are provided.

(3) The Minister shall establish programs, and where necessary shall recommend to the Commissioner in Executive Council appropriate regulations, to institute minimum levels or standards of health and social services to be made available throughout the Yukon.

Traditional aboriginal healing

5.(1) The purpose of this section is to secure aboriginal control over traditional aboriginal nutritional and healing practices and to protect these healing practices as a viable alternative for seekers of health and healing services.

(2) The Minister shall promote mutual understanding, knowledge, and respect between the providers of health and social services offered within the health and social service system and the providers of traditional aboriginal nutrition and healing.

Minister's report to Legislature

6.(1) The Minister shall submit to the Legislature at least once every three years a comprehensive report on the health status, including an assessment of social conditions, of residents of the Yukon prepared by the medical officer of health and shall submit to the Legislature at least once each year a report that updates the last comprehensive report.

(2) The Minister shall deliver a copy of the report to the Health And Social Services Council as soon as practicable after submitting it to the Legislature.

Budget for health promotion and preventive health

7.(1) The proportion of the health budget appropriated for health promotion and preventive health shall be increased each year and by the beginning of the year 2000 an equivalent of 5% of the total health treatment budget of the Territory shall be appropriated for preventive health and health promotion programs and services, consistent with prudent fiscal management.

(2) For the purposes of subsection (1), the proposed total health treatment budget of the Territory is the total operations and maintenance expenditures for which appropriation is sought for the administration of, and the payment of benefits under, the following Acts

- Health Care Insurance Plan Act;
- Hospital Insurance Services Act;
- Hospital Act.

(3) Money appropriated under this section shall not be spent otherwise than for preventive health and health promotion programs and services that have as their goal the promotion of healthy communities.

Health Investment Fund Established

8.(1) There is hereby established a Health Investment Fund which shall be a “fund” within the meaning of the Financial Administration Act and which shall consist of the amount appropriated to it from time to time.

(2) Notwithstanding the Financial Administration Act, the unexpended balance of an appropriation to the Fund that remains at the end of a fiscal year does not lapse and money may be allowed to accumulate in the Fund from one fiscal year to another.

Use of Health Investment Fund

9.(1) The Health Investment Fund shall be used for health and social planning or development, health promotion, and the prevention of illness, disease, injury, and dysfunction.

(2) Expenditures from the Fund may be either to pay costs of programs or services provided by the government or of programs or services provided by other persons.

(3) The Minister may authorize expenditures from the Fund.

(4) The Commissioner in Executive Council may make in relation to expenditures from the Fund the same kinds of regulations as it can make under subsection 10(2) in relation to contributions, grants, or loans.

Contributions, grants, and loans

10.(1) The Minister may make contributions, grants, or loans for purposes consistent with the objectives of this Act.

(2) The Commissioner in Executive Council may make regulations

- (a) to prescribe the purposes for which contributions, grants, or loans may be made;
- (b) to govern applications for contributions, grants, or loans;

- (c) to prescribe the persons or organizations eligible for contributions, grants, or loans;
- (d) to prescribe the conditions applicants must meet in order to be eligible for a contribution, grant, or loan;
- (e) to prescribe the conditions on which contributions, grants, or loans may be made and to require the repayment of the contribution, grant, or loan if the conditions are not met;
- (f) to provide for the payment of any contribution, grant, or loan in a lump sum or by instalments and to prescribe the time or times at which the contribution, grant, or loan may be paid;
- (g) to limit the amount of any contribution, grant, or loan or class of contribution, grant, or loan that may be made and to allocate the available money among different classes of applicants or purposes;
- (h) to prescribe how a person who receives a contribution, grant, or loan is to account for its use.

Proposals to establish health and social services districts and boards

11.(1) The Commissioner in Executive Council may create health and social services districts and boards.

(2) A community group may request the Minister to prepare a proposal for the establishment, organization, administration, and financial support of a health and social service district and board. The Minister may act on the request, delay acting on it, or refuse to act on it.

(3) The Minister may prepare a proposal on his or her own initiative.

(4) If the Minister decides to prepare a proposal the Minister shall consult on its preparation with representatives of the community and with other affected groups.

(5) The proposal shall include information about

- (a) the name of the district and the area to be included in the district;
- (b) the organization and composition of the board and the manner of appointment or election of members of the board;
- (c) the corporate objects and the functions proposed for the board;
- (d) which health and social services the board must provide or administer, and which it may provide or administer;
- (e) which health and social services the board is to provide as agent of the Minister and which it will provide in its own independent capacity;

(f) the staff and facilities that the board will need and the manner by which it may acquire the staff and facilities or will be supplied with them; and

(g) the financial resources the board will need and the manner by which those resources will be supplied.

(6) The proposal shall also include information about the respective advantages and disadvantages of establishing a board and of establishing a committee under section 37 to act in an advisory or administrative capacity; the information shall include analysis of the community's own wishes, or diversity of wishes, and of the community's ability to undertake the proposed responsibilities.

(7) The Commissioner in Executive Council shall not establish a district or board unless it has been approved in a referendum held in the proposed district in accordance with the regulations.

(8) The Commissioner in Executive Council may make regulations

(a) relating to the conduct of a referendum to consider a proposal;

(b) prescribing who is eligible to vote in the referendum.

Public consultation about proposal

12. Before submitting a proposal to the Commissioner in Executive Council, the Minister shall consult the public about the proposal. The Minister may determine the process for consultation and who to consult but must consult with the council of each municipality or hamlet in the proposed district, the governing body of any First Nation in the proposed district, and any other group or person that the Commissioner in Executive Council directs be consulted.

Obtaining undertakings from care and service providers

13.(1) For the purposes of preparing a proposal, the Minister may negotiate with the owners and operators of facilities in which health services or social services are provided and with providers of health services or social services with a view to obtaining undertakings from them relating to their participation in the provision of services under the proposal.

(2) If the Minister obtains an undertaking under subsection (1) and the proposal is adopted without any change that is material to the undertaking, the person who gave the undertaking is bound by it, and the undertaking may be enforced by the board to which the proposal relates.

(3) If an undertaking is given under subsection (1) and the proposal to which it relates is not adopted within three months after the undertaking is given, or renewed, the undertaking ceases to have effect.

(4) If an undertaking is given under subsection (1), the Minister shall refer to the undertaking in the proposal.

Establishment of district and board

14.(1) After considering a proposal from the Minister, the Commissioner in Executive Council may by regulation establish a health and social services district and board.

(2) The regulation that establishes a district and board shall

- (a) name the district and define the area to be included in the district;
- (b) establish the organization and composition of the board and prescribe the manner of appointing or electing members of the board;
- (c) prescribe what shall be the corporate objects and the functions of the board;
- (d) prescribe which health services and social services the board must provide or administer and which it may provide or administer;
- (e) prescribe which health services and social services the board will provide as agent of the Minister and which it will provide in its own independent capacity;
- (f) prescribe the mechanisms by which financial resources will be supplied by the government to the board and the way in which they will be supplied; and
- (g) provide for any other matters that the Commissioner in Executive Council is authorized by this or any other Act to provide for and believes necessary to establish the district and board.

(3) A regulation under subsection (2) may

- (a) delegate to the board the exercise of a power or the performance of a function or duty that is authorized or imposed by this or any other Act;
- (b) regulate the exercise of the power and the performance of the function or duty and provide for the overseeing of the board by the Minister or other public officer in whom the power, function, or duty is vested by this or any other Act;
- (c) provide for the progressive devolution of powers and duties to a board; and
- (d) provide for the appointment of an interim board to act pending appointment or election of a board in accordance with the intended normal procedure and composition.

(4) A regulation under this section may not delegate the exercise of a power or the performance of a function or duty under another Act if that other Act expressly forbids the delegation.

(5) The Minister is accountable to the Legislature for any delegation of power to a board and for the conduct of the board in its delivery of health and social services.

Variation of district, board, or services

15. Neither the boundaries of the district, the composition or organization of the board, nor the types of health and social services that the board is required or authorized to provide shall be changed by the Minister or the Commissioner in Executive Council otherwise than with the consent of the board or in the manner sections 11 to 14 set out for the establishment of a district and board.

Corporate status of board

16.(1) The members of the health and social services board are a corporation.

(2) For the attainment of its objects under this Act, the board has the capacities of a natural person.

(3) If the board makes a profit on any of its activities it shall use the profit for the attainment of its objects.

(4) The board is a charitable organization.

Provision of services

17. A board shall provide within its district all health and social services that, under the regulations relating to the board, it is required to provide; as for the services that the board is merely authorized to provide, the provision of those services is within the board's discretion.

Power to supply services

18.(1) Subject to any regulation under section 14 or section 46, where the board of a district is required by the regulations relating to it to provide a health and social service that, under an Act, a member of the Executive Council, or some other public officer, is authorized or required to provide, the board has, for the purposes of providing that service, the powers, duties, and functions, other than the power to make regulations, granted to or imposed on that member of the Executive Council or public officer that are necessary to enable the board to provide the service.

(2) Subject to any regulation under section 14 or section 46, where the board of a district is authorized by the regulations to provide a health and social service that, under an Act, a member of Executive Council, or some other public officer, is authorized or required to provide, the member of the Executive Council or the public officer may by writing delegate to the board any powers, duties, and functions, other than the power to make regulations, granted to the Executive Council Member or the public officer that the Member or officer believes are necessary to enable the board to provide the service.

Boards subject to general law

19. In providing a health and social service, a board is subject to and shall comply with the law relating to that service, except as otherwise provided by this Act.

Board's bylaws

20.(1) Each board shall make bylaws

- (a) respecting the time, place, and manner of holding annual and other meetings of the board;
- (b) respecting procedures of the board at their meetings;
- (c) creating, and delegating duties to, executive and other committees of the board;
- (d) respecting the officers of the board and their powers and duties;
- (e) respecting rules of conduct of persons admitted to receiving services in, using, or visiting facilities of the board;
- (f) respecting standards and conditions of employment of employees of the board; and
- (g) respecting the appointment, rights, duties, and conduct of professional staff of the board.

(2) A bylaw under subsection (1) has the force of law which is binding on the members of the board, employees and other persons acting on behalf of the board, persons in any building or using any facility occupied or supplied by the board, and persons seeking or receiving services from the board.

(3) It is not an offence to violate a bylaw made under subsection (1), but a violation may be censured by reprimand or by suspension or dismissal from employment or office, or by denial, suspension, or withdrawal of privileges or services, other than insured services as defined in the Hospital Insurance Services Act or insured health services as defined in the Health Care Insurance Plan Act.

Disposal of property

21. A board that has received money from the government for capital expenditure for the purchase, construction, repair, or renovation of facilities or equipment shall not sell, lease, give away, or otherwise dispose of the facility or equipment without the Minister's consent.

Borrowing

22. A board may not borrow funds otherwise than with the consent of the Minister.

Engaging professional services

23. Notwithstanding any other Act, where the board has engaged professional personnel to provide services on its behalf, the board may collect the fees and charges for those services that the professional would be entitled to collect.

Seconding government employees to board

24. Subject to the Public Service Act and with the consent of a board, a member of the Executive Council may second persons in the public service to a board to work on behalf of and under the supervision of the board. Such a secondment does not affect the person's status as a member of the public service nor their status under the Public Service Staff Relations Act and may be terminated by the board or Executive Council Member at any time.

Grouping board employees

25. Notwithstanding section 20, the Commissioner in Executive Council may make regulations

- (a) to provide for the pooling of board employees into one or more groups for participation in schemes for compensation or insurance or pension or other benefits plans;
- (b) to provide for the transfer, whether temporary or permanent, of employees from one board to another;
- (c) to provide for the employment of temporary relief staff to be available to boards.

Deemed status of employees of board for purpose of compensation

26. The Commissioner may by regulation declare that persons employed by a board shall be deemed to be employed in the public service for the purposes of the Public Servants Superannuation Act and for the purposes of insurance, leave, Yukon Bonus, and other benefits payable to members of the public service.

Limitation of liability

27.(1) A board is not liable for anything done or omitted, lawfully and without negligence, in the exercise of a power conferred by this or any other Act.

(2) No member of the board, no employee of the corporation, and no other person acting on the lawful instructions of the board is liable for anything he or she does or omits to do, lawfully and without negligence, in the exercise of a power conferred under this or any other Act.

Budgeting by board

28.(1) Each board shall, before the date prescribed in the regulations, prepare and submit each year to the Minister a budget for the next year showing

- (a) the predicted costs and expenditures to be incurred or made by the board in providing health services and social services in the next year; and
- (b) the predicted revenue of the board in the next year.

(2) Each board shall prepare its budget, keep its accounts and records, and account for its funds in accordance with the regulations.

(3) In preparing budgets, keeping accounts and records, and in accounting for its funds, each board shall, in accordance with the regulations, show its revenues and its expenditures in respect of each separate health service or social service provided by the board.

Funding from government

29.(1) Where a board provides services that are insured health services under the Health Care Insurance Plan Act or insured services under the Hospital Insurance Plan Act or in relation to which a benefit is payable under any other Act to the provider of the service, the money payable under the Act for the service may be paid to the board.

(2) In addition to money payable under subsection (1), the Minister may provide funds to a board in respect of any health service or social service provided by the board and which the Minister or any other member of the Executive Council is authorized to provide or pay for.

(3) The Minister may supply property and make grants and contributions to a board to use for the attainment of its objects.

Audit of boards

30. The accounts and financial transactions of a board shall be audited at least annually in accordance with generally accepted accounting practices by an auditor appointed by the board.

Transfer of programs from Government to board

31.(1) The Commissioner in Executive Council may make regulations respecting the transfer of programs, activities, personnel, and property from the Government of the Yukon to a board.

(2) A regulation under subsection (1) may be made to operate notwithstanding any provision of the Financial Administration Act.

Relationship to the Government

32. A board is not an institution of the Government of the Yukon and, except to the extent an agency relationship is created by a contract with the Government or by a regulation under paragraph 14(2)(d), a board is not an agent of the Government.

Inspection by Minister

33. Any person authorized for the purpose by the Minister may, at any reasonable time,

(a) enter and inspect any facilities operated by a board;

(b) examine, make copies of, and take extracts from any records or accounts, whether in documentary or electronic format;

(c) on reasonable notice, require a board or representative of the board to provide information for the Minister concerning the business of the board.

Suspension of board

34.(1) If a board fails to provide health and social services in compliance with this Act or the regulations, the Commissioner in Executive Council may remove the board and appoint an administrator to replace the board and conduct the business of the board until a newly constituted board is appointed or elected.

(2) The administrator shall have all the powers and duties of the board.

Health And Social Services Council established

35.(1) There is hereby established a Health and Social Services Council that shall consist of a chair and up to 13 other members who shall be appointed by the Commissioner in Executive Council so as to achieve on the Council equitable representation of the diversity of health care and social service groups and interests in the Yukon.

(2) In appointing the members of the Council, the Commissioner in Executive Council shall consider the racial, cultural, regional, and gender balance of the Yukon.

(3) Members of the Council shall be appointed for such terms not exceeding three years as will ensure as far as possible that the terms of not more than one-half of the members expire in any year. They may be reappointed for one or more terms.

(4) Members of the Council hold office during pleasure for the term stipulated in their appointment and thereafter until their successors are appointed.

(5) The Commissioner in Executive Council may designate one member of the Council to be a co-chair to act as the deputy of the chair.

(6) In addition to the members appointed under subsection (1), the Minister of Health and Social Services and the Minister of Justice are ex-officio members of the Council.

Functions of the Health and Social Services Council

36. The functions of Health and Social Services Council are

(a) to consult individuals, groups, and the public about health, social, and justice issues and report to the Commissioner in Executive Council on what they believe the issues are and on how they believe the issues should be dealt with;

(b) to recommend to the Commissioner in Executive Council ways of encouraging and creating effective partnerships of individuals, groups, communities, and governments in the planning and implementation of health and social programs and services and the integration of health programs and services with social programs and services;

(c) to advise the Commissioner in Executive Council on issues relating to the provision of health and social programs and services;

- (d) to encourage the development of programs by communities, governmental and non-governmental agencies, and aboriginal organizations to provide innovative, integrated, and effective ways of addressing social needs;
- (e) to suggest to the Commissioner in Executive Council new visions for health and social services policy;
- (f) to advise the Commissioner in Executive Council on the implementation of this Act and on the use of the Health Investment Fund;
- (g) to recommend to the Commissioner in Executive Council such research as the Council considers useful or necessary;
- (h) with the approval of the Commissioner in Executive Council, to undertake studies of issues relating to the provision of health, social, and justice programs and services;
- (i) at the request of the Commissioner in Executive Council, to evaluate the effect of programs or services and the manner by which they are provided;
- (j) to encourage improvements in the health and well-being of people in the Yukon;
- (k) to undertake such other functions that the Commissioner in Executive Council may assign.

Committees established by Minister

37.(1) The Minister may establish one or more committees to act in an advisory, investigative, or administrative capacity in connection with the implementation of this Act.

(2) The Minister may, with respect to any committee established under this section

- (a) establish the committee's function;
- (b) establish the organization and composition of the committee and appoint or provide for the appointment or election of the members and designate its chair;
- (c) prescribe the term of office of the members.

(3) A committee may be established to act in relation to either or both a subject matter or a geographic area.

(4) A committee established under this section acts as an agent of the Minister.

Secretariat for Council and committees

38.(1) The Minister may designate one or more members of the public service as the executive secretary of the Health and Social Services Council or of any committee established under section 37, and the executive secretary shall work under the direction of the chair of the Council or committee and assist the Council or committee in carrying out its functions.

(2) The Minister may supply the Council or a committee established under section 37 with the services of members of the public service or of consultants, experts, or professional advisers from outside the public service and with facilities and other resources for carrying out the functions of the Council or committee.

Procedure for Council and committees

39. The Health and Social Services Council and each committee established under section 37 may establish its own quorum and procedures for the calling and the conduct of its meetings.

Remuneration of Council and of committee members

40. Members of the Health and Social Services Council and of any committee established under section 37 shall be paid such remuneration as is prescribed by the Commissioner in Executive Council. They may also be reimbursed for travel and living expenses that they incur in connection with the performance of their work away from their ordinary place of residence, but except as otherwise prescribed by the Commissioner in Executive Council, the payment of those expenses shall conform to the payment of them to members of the public service of the Yukon.

Annual Report of Council and committee

41. The Health and Social Services Council shall, no later than June 30 of each year, provide the Minister with an annual report containing a summary of its activities, deliberations, and recommendations during the preceding year. On receiving the report, the Minister shall lay a copy of it before the Legislative Assembly during the session then in progress or the next session.

Delegation of power

42.(1) Any power, duty, or function of the Minister under this Act, other than the powers listed in subsection (2), may be exercised or performed by any employee in the public service who is authorized by the Minister to do so and, if so exercised or performed, shall be deemed to have been exercised or performed by the Minister.

(2) The following powers, duties, and functions may only be exercised or performed by the Minister, or the Minister's Deputy Head on behalf of the Minister:

- the power to authorize under subsection (1);
- the power to make grants under subsection 10(2);
- the power to prepare a proposal under section 11;
- the power to establish committees and appoint their members under section 37.

Client Rights

43.(1) Clients have the right

- (a) to be treated only in accordance with their informed consent;
- (b) to have their relationship with a health services or social services worker and the information about their treatment or service kept confidential;

(c) to have access to the records of their own treatment or service, subject to any rule of law that limits their access;

(d) to be treated with respect and with sensitivity to their individual needs and to their culture.

(2) Paragraph (1)(b) does not prevent disclosure that is necessary for the appropriate treatment of the client or former client, or that is authorized or compelled by some other law or by order of a court or other tribunal having jurisdiction to do so, or that occurs with the client's informed consent, or that is necessary for the protection of another person.

Competence to consent to treatment

44. Whether or not they have attained the age of majority, a person is competent to consent to treatment if the person is able to

(a) understand the condition for which the treatment is proposed;

(b) understand the nature and purpose of the treatment;

(c) understand the risks involved in undergoing the treatment; and

(d) understand the risks involved in not undergoing the treatment.

Substitute Consent

45.(1) Substitute consent to treatment may be given or refused on behalf of a client who is not competent by a person who has reached the age of majority, is competent, is available and willing to make the decision to give or refuse the consent, and is in one of the following categories

(a) the client's guardian appointed by a court of competent jurisdiction;

(b) a person living in a conjugal relationship with the client;

(c) a child of the client, a parent of the client, or a person who has lawful authority to stand in place of a parent of the client;

(d) a brother or sister of the client;

(e) any other next of kin of the client.

(2) If two or more persons who are not described in the same paragraph of subsection (1) claim the authority to give or refuse consent under that subsection, the one under the paragraph occurring first in that subsection prevails.

(3) If a person in a category in subsection (1) refuses consent on the client's behalf, the consent of a person in a subsequent category is not valid.

(4) Substitute consent may not be given by a person referred to in paragraphs (b) to (e) of subsection (1) unless the person giving the consent

(a) has been in personal contact with the client over the preceding 12 month period;

(b) is willing to assume responsibility for consenting or refusing consent;

(c) knows of no conflict or objection from any other person in the list set out in subsection (1) of equal or higher category who claims the right to make the decision; and

(d) makes a statement in writing certifying his or her relationship to the client and the facts and beliefs set out in paragraphs (a) to (c) of this subsection.

(5) A person authorized by subsection (1) to consent on behalf of a client shall, where the wishes of the client expressed when he or she was competent are known, give or refuse the consent in accordance with those wishes and shall otherwise give or refuse the consent in accordance with the best interest of the client.

(6) In order to determine the best interest of the client in relation to treatment, regard shall be had to

(a) whether or not the health of the client will be or is likely to be substantially improved by treatment;

(b) whether or not the health of the client will improve or is likely to improve without the treatment;

(c) whether or not the anticipated benefit from the treatment outweighs the risk of harm to the client; and

(d) whether or not the treatment is the least restrictive and least intrusive treatment that meets the requirements of paragraphs (a), (b), and (c).

(7) Whoever seeks a person's consent on a client's behalf is entitled to rely on that person's statement in writing as to the person's relationship with the client and as to the facts and beliefs mentioned in paragraphs (4)(a) to (c), unless it is not reasonable to believe the statement.

(8) The person seeking the consent is not liable for failing to request the consent of a person entitled to give or refuse the consent on the client's behalf, if the person seeking the consent made reasonable inquiries for persons entitled to give or refuse the consent but did not find the person.

Regulations

46. The Commissioner in Executive Council may make regulations

- (a) declaring services relating to health or to the care and treatment of sick, infirm, or injured persons to be health services;
- (b) declaring services relating to social development or to counselling of people about their participation in family or community life to be social services;
- (c) prescribing qualifications for members of boards and grounds for disqualification of members of boards;
- (d) establishing the terms of office of members of boards and limiting their re-appointment or re-election;
- (e) requiring boards to hold public meetings and prescribing the manner of calling the meetings, the matters to be dealt with, and the procedure for the meetings;
- (f) establishing health and social programs and services and prescribing how they are to be or may be provided and the conditions on which they are to be or may be provided;
- (g) prescribing standards to be observed by boards in the provision of health services and social services and in the construction, maintenance and operation of facilities;
- (h) prescribing the subjects of reports and returns to be made by boards to the Minister;
- (i) respecting the preparation of budgets by boards, and their review, approval, or rejection by the Minister;
- (j) prescribing forms to be used by boards or by persons receiving health services or social services from boards;
- (k) respecting how payments are to be or may be made by the Minister or government boards;
- (l) respecting the location and standards of facilities and equipment in facilities;
- (m) respecting model bylaws and rules for boards and designating subjects on which bylaws and rules must be made by boards;
- (n) prescribing the accounts and records to be kept by boards for various purposes and prescribing how boards shall account for their funds;
- (o) prescribing rules respecting confidentiality of information received or collected by boards;
- (p) prescribing maximum charges that may be made by a board for health services and social services provided by the board;
- (q) prescribing information to be supplied by boards to the Minister.

Land Claims and Self Government Agreements

47. Notwithstanding anything in this Act, where there is a conflict between this Act and

- (a) a Yukon Land Claim Agreement that it is in force, or
- (b) a Self Government Agreement between a Yukon First Nation and the Government of Canada or the Government of the Yukon that is in force, the Yukon Land Claim Agreement or the Yukon First Nation Self Government Agreement shall prevail to the extent of the conflict.

Travel for Medical Treatment Act

48.(1) This section amends the Travel for Medical Treatment Act.

(2) Subsection 4(1) of the said Act is amended by deleting all words after the word “certifies” and replacing them with the following expression:

“(a) that a medical examination, test, or procedure is medically required for the resident and is not available at the point of referral; or

(b) that the travel is necessary for such other medical reason as the Commissioner in Executive Council may prescribe by regulation.”

(3) Subsection 6(1) of the said Act is amended by adding the following expression immediately after the expression “in travel status”:

“or at such other rates as the Commissioner in Executive Council may prescribe by regulation”.

(4) Section 6 of the said Act is further amended repealing subsection (2) and replacing it with the following subsection:

“(2) An escort shall be deemed to be in travel status for the period required to transport and to return from transporting the resident as soon as reasonably practicable or within such further time as the Commissioner in Executive Council may prescribe by regulation.”

(5) Section 6 of the said Act is further amended by adding the following subsection:

“(3) The Commissioner in Executive Council may prescribe by regulation when an escort shall be, or may be, considered necessary.”

(6) Subsection 8(1) of the said Act is amended repealing paragraphs (b) and (c) and replacing them with the following two paragraphs:

“(b) where bus transport is not available, use of a private automobile may be authorized in which case an allowance shall be paid at the distance rate prescribed in the regulations;

(c) where neither bus transport nor private automobile is available, but scheduled aircraft is available, the amount to be paid shall not exceed the amount of the scheduled air fare and return;"

(7) Subsection 8(2) of the said Act is amended by substituting the expression "Travel expenses for travel between the Yukon and a place outside the Yukon" for the expression "Travel expenses from the Yukon to a place outside the Yukon".

(8) Section 8 of the said Act is further amended by adding the following subsection:

"(3) If travel expenses have been authorized, then expenses for meals and accommodation may also be paid, up to such limits as may be prescribed by the regulations."

(9) The amendments made by this section take effect from the day this Act comes into force or from December 1, 1990, whichever is the later day.

QUEEN'S PRINTER FOR THE YUKON



**STATUTES OF THE YUKON
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CHAPTER 37

AN ACT TO AMEND THE LIQUOR ACT

(Assented to December 18, 1990)

The Commissioner of the Yukon Territory, by and with the advice and consent of the Legislative Assembly, enacts as follows:

1. This Act amends the Liquor Act.

2. Section 95 of the said Act is amended by substituting the expression "Notwithstanding the absence of a certificate under section 94, the justice trying the case may infer" for the expression "The justice trying the case, in the absence of evidence to the contrary, is at liberty to infer".

3. The said Act is further amended by adding the following four sections immediately after section 105:

"Prohibition in the band community of Old Crow

105.1(1) In this section "band community" and "Indian Band" each have the same meaning as in section 105.

(2) The Commissioner in Executive Council may make regulations to establish a system for the prohibition of liquor in the band community of Old Crow if the majority of votes cast in a plebiscite by adults who reside in the band community are in favour of the system.

Plebiscite in band community

105.2 The Commissioner in Executive Council may make regulations

(a) to establish procedures for the conduct of a plebiscite in which the adults who reside in the band community may vote on a proposed system of prohibitions;

(b) to establish the question or questions to be voted on in the plebiscite.

System of prohibition

105.3 The system of prohibition of liquor that may be established for the band community may be a system of prohibitions against any one or more of consumption, possession, purchase, sale, or transport of liquor in the band community.

Exemptions from restriction and prohibition

105.4 No order or regulation made under sections 105.1 or 105.2 affects

- (a) the possession or use of wine for sacramental purposes;
- (b) the transport of liquor in sealed packages through the band community en route from a place outside the community to a place outside the community."

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**STATUTES OF THE YUKON
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CHAPTER 38

SECOND APPROPRIATION ACT, 1990-91

(Assented to December 18, 1990)

Whereas it appears by message from the Commissioner and in the estimates accompanying the message that, in addition to the sums previously appropriated, the sums not appearing in parenthesis in Schedule "A" of this Act are required for the purpose of defraying certain expenses of the public service of the Yukon and for related purposes for the period of 12 months ending March 31, 1991;

The Commissioner of the Yukon Territory, by and with the advice and consent of the Legislative Assembly, enacts as follows:

1.(1) In addition to the sum of \$346,602,000 provided for in the First Appropriation Act, 1990-91, from and out of the Yukon Consolidated Revenue Fund there may be paid and applied a sum not exceeding in the whole \$30,212,000 for defraying the several charges and expenses of the public service of the Yukon payable in the period of 12 months ending on March 31, 1991, as set forth in Schedule "A" of this Act and that sum shall not be paid or applied except in accordance with Schedules "A" and "B", the Financial Administration Act and, subject to that Act, the estimates accompanying the message from the Commissioner.

(2) The sums previously appropriated to a vote or item that is listed in Schedule "A" or in Schedule "B" and that has a sum appearing in parenthesis after it are reduced by the amount of the sum appearing in parenthesis.

2. The due application of all monies paid or applied pursuant to section 1 shall be accounted for.

SCHEDULE A

\$ (Dollars in 000's)

Sums required this appropriation		Voted To Date	This Appropriation	Total Voted (Current Spending Authority)
Operation and Maintenance Votes				
01	Yukon Legislative Assembly	1,910	306	2,216
02	Executive Council Office	6,235	416	6,651
03	Education	54,134	1,052	55,186
16	Government Services	18,058	657	18,715
15	Health & Human Resources	54,428	478	54,906
08	Justice	21,094	2,474	23,568
10	Public Service Commission	7,866	27	7,893
14	Renewable Resources	10,954	185	11,139
13	Tourism	<u>4,630</u>	<u>318</u>	<u>4,948</u>
	Subtotal Operation and Maintenance	<u>179,309</u>	<u>5,913</u>	<u>185,222</u>
Capital Votes				
09	Community & Transportation Services	44,399	5,294	49,693
07	Economic Development: Mines and Small Business	10,840	2,052	12,892
03	Education	12,064	12,988	25,052
16	Government Services	4,670	259	4,929
08	Justice	110	107	217
14	Renewable Resources	1,124	91	1,215
13	Tourism	1,350	408	1,758
18	Yukon Housing Corporation	<u>14,881</u>	<u>3,100</u>	<u>17,981</u>
	Subtotal Capital	<u>89,438</u>	<u>24,299</u>	<u>113,737</u>
	TOTAL SUMS REQUIRED	<u>268,747</u>	<u>30,212</u>	<u>298,959</u>

		\$ (Dollars in 000's)		
		Voted To Date	This Appro- priation	Total Voted (Current Spending Authority)
Sums not required this appropriation				
Operation and Maintenance Votes				
09	Community & Transportation Services	53,440	(626)	52,814
07	Economic Development: Mines and Small Business	2,669	(0)	2,669
12	Finance	4,311	(20)	4,291
11	Women's Directorate	333	(0)	333
22	Yukon Development Corporation	one dollar	(0)	one dollar
18	Yukon Housing Corporation	8,484	(0)	8,484
19	Yukon Liquor Corporation	one dollar	(0)	one dollar
20	Loan Capital	2,000	(0)	2,000
20	Loan Amortization	<u>2,121</u>	<u>(0)</u>	<u>2,121</u>
	Subtotal Operation and Maintenance	<u>73,358</u>	<u>(646)</u>	<u>72,712</u>
Capital Votes				
02	Executive Council Office	27	(0)	27
15	Health & Human Resources	<u>4,470</u>	<u>(1,961)</u>	<u>2,509</u>
	Subtotal Capital	<u>4,497</u>	<u>(1,961)</u>	<u>2,536</u>
	TOTAL SUMS NOT REQUIRED	<u>77,855</u>	<u>(2,607)</u>	<u>75,248</u>
	NET TOTAL	<u>346,602</u>	<u>27,605</u>	<u>374,207</u>

SCHEDULE B

Grants

The sums in this schedule have been included in the sums in Schedule "A". They are extracted from Schedule "A" and noted here only to show that they have been appropriated for grants rather than for some other purpose. They are not appropriations in addition to the sums in Schedule "A".

		\$ (Dollars in 000's)		
		Voted To Date	This Appropriation	Total Voted (Current Spending Authority)
Sums required this appropriation				
Operation and Maintenance Votes				
09	Community & Transportation Services			
	- Home Owner Grant	1,363	172	1,535
	- Hamlet Operations & Maintenance	14	0	14
03	Education			
	- Yukon College	8,698	337	9,035
	- Education Reform	0	23	23
	- Land Claims Training & Implementation	0	1,000	1,000
15	Health & Human Resources			
	- Cancer Patient & Medical Travel Escort Subsidies	0	99	99
	- Youth Allowance	0	12	12
08	Justice			
	- Human Rights Commission	253	3	256
14	Renewable Resources			
	- Miscellaneous Minor Grants	0	1	1
11	Women's Directorate	<u>0</u>	<u>18</u>	<u>18</u>
	Subtotal Operation and Maintenance	<u>10,328</u>	<u>1,665</u>	<u>11,993</u>
Capital Votes				
09	Community & Transportation Services			
	- Municipal Infrastructure Grants	0	9,972	9,972
07	Economic Development: Mines and Small Business			
	- Fur Enhancement Program	<u>20</u>	<u>5</u>	<u>25</u>
	Subtotal Capital	<u>20</u>	<u>9,977</u>	<u>9,977</u>
	TOTAL SUMS REQUIRED	<u>10,348</u>	<u>11,642</u>	<u>21,990</u>

		\$ (Dollars in 000's)		
		Voted To Date	This Appro- priation	Total Voted (Current Spending Authority)
Sums not required this appropriation				
Operation and Maintenance Votes				
01	Yukon Legislative Assembly	0	0	0
02	Executive Council Office	0	0	0
09	Community & Transportation Services			
	- Municipal Operating	3,163	0	3,163
	- In-Lieu-of Property Taxes	2,072	0	2,072
	- Conditional Municipal Sewer & Water	413	(80)	333
	- Community Clean-Up	4	0	4
07	Economic Development: Mines and Small Business	0	0	0
03	Education			
	- Student Activity Support Programs	16	0	16
	- Post Secondary Student Grants	1,034	0	1,034
	- Post Secondary Student Scholarships	34	0	34
	- Adult Education General Training Allowance	568	0	568
	- Training Allowances - Apprentices	3	0	3
	- Library Volunteers	2	0	2
	- Community Library Maintenance	26	0	26
	- Native Teacher Education Program	632	0	632
	- Excellence in Teaching Awards	10	0	10
	- Education Related Organizations	5	0	5
12	Finance			
	- Workers Compensation Board, Supplementary Benefits	371	0	371
16	Government Services	0	0	0
15	Health & Human Resources			
	- Adoption Subsidies	38	0	38
	- Family Allowances	53	0	53
	- Yukon Seniors Income Supplement	410	0	410
	- Support Services to Vocational Rehabilitation	118	0	118
	- Canadian National Institute for the Blind	3	0	3
	- Day Care Subsidies	722	0	722
	- Day Care Operating Grants	755	0	755
	- Social Assistance	2,619	0	2,619
	- Pioneer Utility Grant	224	0	224
08	Justice			
	- Institutional Facilities Inmate Allowance	44	0	44
10	Public Service Commission	0	0	0

\$ (Dollars in 000's)

	Voted To Date	This Appropriation	Total Voted (Current Spending Authority)
14 Renewable Resources			
- Fur Institute of Canada	20	0	20
- College of Veterinary Science	1	(1)	0
- Yukon Fish & Wildlife Enhancement Fund	250	0	250
13 Tourism			
- Museum Grants	49	0	49
22 Yukon Development Corporation	0	0	0
18 Yukon Housing Corporation	0	0	0
19 Yukon Liquor Corporation	0	0	0
	<u>0</u>	<u>0</u>	<u>0</u>
Subtotal Operation and Maintenance	<u>13,659</u>	<u>(81)</u>	<u>13,578</u>

Sums not required this appropriation

Capital Votes

01 Yukon Legislative Assembly	0	0	0
02 Executive Council Office	0	0	0
03 Education	0	0	0
12 Finance	0	0	0
16 Government Services	0	0	0
15 Health & Human Resources	0	0	0
08 Justice	0	0	0
10 Public Service Commission	0	0	0
14 Renewable Resources	0	0	0
13 Tourism	0	0	0
11 Women's Directorate	0	0	0
22 Yukon Development Corporation	0	0	0
18 Yukon Housing Corporation	0	0	0
19 Yukon Liquor Corporation	0	0	0
	<u>0</u>	<u>0</u>	<u>0</u>
Subtotal Capital	<u>0</u>	<u>0</u>	<u>0</u>
TOTAL SUMS NOT REQUIRED	<u>13,659</u>	<u>(81)</u>	<u>13,578</u>
NET TOTAL	<u>24,007</u>	<u>11,561</u>	<u>35,568</u>

QUEEN'S PRINTER FOR THE YUKON



**STATUTES OF THE YUKON
1989-90**

PART 1

TABLE OF PUBLIC STATUTES

This table lists all Acts in the Revised Statutes of the Yukon, 1986 plus all Acts enacted by the Legislative Assembly of the Yukon Territory after May 28, 1986, the cut-off date for inclusion in the RSY 1986. Acts in the RSY 1986 came into force on October 12, 1987. Unless otherwise noted below, Acts that were enacted after the cut-off date for inclusion in the RSY 1986 came into force on the day they received assent. The notations below are current to December 31, 1990.

TITLE	CITATION	PROVISION AMENDED, REPEALED OR ADDED	CITATION OF AMENDMENTS, REPEALS AND ADDITIONS, REMARKS ON COMING INTO FORCE
Access to Information	RSY 1986, c. 1	s. 4 s. 10	SY 1989-90, c. 16, s. 1 SY 1989-90, c. 16, s. 1
Age of Majority	RSY 1986, c. 2	s. 7 s. 9 s. 13	SY 1989-90, c. 16, s. 2 SY 1989-90, c. 16, s. 2 SY 1989-90, c. 16, s. 2
Agreements (Inter- governmental)	SY 1988, c. 6 SY 1988, c. 16 SY 1989-90, c. 4 SY 1989-90, c. 14 SY 1989-90, c. 15 SY 1989-90, c. 21		
Agricultural Products	RSY 1986, c. 3		
Agriculture Development	RSY 1986, c. 4	s. 4 s. 6	SY 1989-90, c. 16, s. 3 SY 1989-90, c. 16, s. 3
Animal Protection	RSY 1986, c. 5	s. 1 s. 2 s. 3 s. 4 s. 5 s. 6 s. 7 s. 11 s. 12	SY 1989-90, c. 16, s. 4, and c. 22, s. 2 SY 1989-90, c. 16, s. 4, and c. 22, s. 3 SY 1989-90, c. 16, s. 4 SY 1989-90, c. 16, s. 4, and c. 22, s. 3 SY 1989-90, c. 22, s. 3 and 4 SY 1989-90, c. 22, s. 3 and 4 SY 1989-90, c. 22, s. 3 and 4 SY 1989-90, c. 16, s. 4 SY 1989-90, c. 22, s. 5

TITLE	CITATION	PROVISION AMENDED, REPEALED OR ADDED	CITATION OF AMENDMENTS, REPEALS AND ADDITIONS, REMARKS ON COMING INTO FORCE
Assessment and Taxation, cont'd.		s. 36	SY 1986, c. 20, s. 5 (RSY 1986, Supp., c. 1)
		s. 49	SY 1986, c. 20, s. 6 (RSY 1986, Supp., c. 1)
		s. 56	SY 1987, c. 24, s. 2
Banking Agency Guarantee	SY 1989-90, c. 23		
Boiler and Pressure Vessels	RSY 1986, c. 11		
Brands	RSY 1986, c. 12	s. 1	SY 1987, c. 7, s. 1 (RSY 1986, Supp., c. 2)
		s. 9	SY 1987, c. 7, s. 1 (RSY 1986, Supp., c. 2)
Building Standards	RSY 1986, c. 13		
Bulk Sales	RSY 1986, c. 14		
Business Corporations	RSY 1986, c. 15		
Business Development Assistance	RSY 1986, c. 16	s. 5	SY 1987, c. 8, s. 2 (RSY 1986, Supp., c. 3)
		s. 22	Added by SY 1987, c. 8, s. 3 (RSY 1986, Supp., c. 3)
Business Licence	RSY 1986, c. 17		
Cabinet and Caucus Employees	SY 1988, c. 2		
Cemeteries and Burial Sites	RSY 1986, c. 18		
Certified General Accountants	RSY 1986, c. 19		
Change of Name	RSY 1986, c. 20	Whole Act	Repealed by SY 1987, c. 25
	SY 1987, c. 25	s. 9 s. 19	SY 1989-90, c. 16, s. 5 SY 1989-90, c. 16, s. 5
Chartered Accountants	RSY 1986, c. 21		

TITLE	CITATION	PROVISION AMENDED, REPEALED OR ADDED	CITATION OF AMENDMENTS, REPEALS AND ADDITIONS, REMARKS ON COMING INTO FORCE
Child Care	SY 1989-90, c. 24		Proclaimed in force July 1/90
Children's	RSY 1986, c. 22	s. 104	SY 1987, c. 22, s. 38 (RSY 1986, Supp., c. 29)
		s. 110	SY 1987, c. 22, s. 38 (RSY 1986, Supp., c. 29)
		s. 112	SY 1987, c. 22, s. 38 (RSY 1986, Supp., c. 29)
		s. 114	Repealed by SY 1987, c. 22, s. 38 (RSY 1986, Supp., c. 29)
Chiropractors	RSY 1986, c. 23		
Choses in Action	RSY 1986, c. 24		
Civil Emergency Measures	RSY 1986, c. 25		
Collection	RSY 1986, c. 26		
College	SY 1988, c. 3		Proclaimed in force June 20/88
Compensation for Victims of Crime	RSY 1986, c. 27		
Condominium	RSY 1986, c. 28		
Conflict of Laws (Traffic Accidents)	RSY 1986, c. 29		
Constitutional Questions	RSY 1986, c. 30	s. 2	SY 1989-90, c. 16, s. 6
Consumers Protection	RSY 1986, c. 31		
Contributory Negligence	RSY 1986, c. 32		
Controverted Elections	RSY 1986, c. 33		
Cooperative Association	RSY 1986, c. 34		
Coroners	RSY 1986, c. 35		
Corrections	RSY 1986, c. 36	s. 1	SY 1987, c. 22, s. 39 (RSY 1986, Supp., c. 29)
		s. 15	SY 1987, c. 22, s. 39 (RSY 1986, Supp., c. 29)
		s. 18	SY 1987, c. 22, s. 39 (RSY 1986, Supp., c. 29)

TITLE	CITATION	PROVISION AMENDED, REPEALED OR ADDED	CITATION OF AMENDMENTS, REPEALS AND ADDITIONS, REMARKS ON COMING INTO FORCE
Corrections, cont'd.		s. 19	SY 1987, c. 22, s. 39 (RSY 1986, Supp., c. 29)
Court of Appeal	RSY 1986, c. 37	s. 3	SY 1989-90, c. 16, s. 7
Creditors Relief	RSY 1986, c. 38		
Dangerous Goods Transportation	RSY 1986, c. 39		
Day Care	RSY 1986, c. 40	Whole Act	Repealed by SY 1989-90, c. 24, which came into force July 1/90
Day Of Mourning For Victims of Workplace Injuries	SY 1989-90, c. 1		
Defamation	RSY 1986, c. 41		
Dental Profession	RSY 1986, c. 42		
Denture Technicians	RSY 1986, c. 43		
Dependants Relief	RSY 1986, c. 44		
Devolution of Real Property	RSY 1986, c. 45		
Distress	RSY 1986, c. 46	s. 2	SY 1988, c. 17, s. 1
Dog	RSY 1986, c. 47		
Education	SY 1989-90, c. 25		Proclaimed in force August 13/90
Elections	RSY 1986, c. 48	s. 3	RSY 1986, c. 48 came into force on Jan. 8/88 SY 1988, c. 5, s. 1; SY 1988, c. 17, s. 2
		s. 12	SY 1988, c. 5, s. 1
Electoral District Boundaries	RSY 1986, c. 49		

TITLE	CITATION	PROVISION AMENDED, REPEALED OR ADDED	CITATION OF AMENDMENTS, REPEALS AND ADDITIONS, REMARKS ON COMING INTO FORCE
Electrical Protection	RSY 1986, c. 50	s. 13 s. 19	SY 1988, c. 17, s. 3 SY 1987, c. 11, s. 21 proclaimed in force Oct. 26/87, (RSY 1986, Supp., c. 9)
Elevator and Fixed Conveyances	RSY 1986, c. 51	s. 2	SY 1987, c. 28, s. 1
Emergency Medical Aid	RSY 1986, c. 52		
Employment Agencies	RSY 1986, c. 53		
Employment Standards	RSY 1986, c. 54	s. 9 s. 12 s. 24 s. 29 s. 30 s. 33 s. 34 s. 46 s. 64 s. 75 s. 76 s. 78 s. 78.1 s. 80 s. 83 s. 99	SY 1989-90, c. 11, s. 2 SY 1989-90, c. 11, s. 3 SY 1989-90, c. 11, s. 4 SY 1989-90, c. 11, s. 5 SY 1989-90, c. 11, s. 6 SY 1989-90, c. 11, s. 7 SY 1989-90, c. 11, s. 8 SY 1989-90, c. 11, s. 9 SY 1989-90, c. 11, s. 10 SY 1989-90, c. 11, s. 11 SY 1989-90, c. 11, s. 12 SY 1989-90, c. 11, s. 13 Added by SY 1989-90, c. 11, s. 14 SY 1989-90, c. 11, s. 15 and 16 SY 1989-90, c. 11, s. 17 SY 1989-90, c. 11, s. 18
Energy Conservation Assistance	RSY 1986, c. 55		
Engineering Profession	RSY 1986, c. 56		
Evidence	RSY 1986, c. 57		
Executions	RSY 1986, c. 58		
Exemptions	RSY 1986, c. 59		
Expropriation	RSY 1986, c. 60		
Factors	RSY 1986, c. 61		

TITLE	CITATION	PROVISION AMENDED, REPEALED OR ADDED	CITATION OF AMENDMENTS, REPEALS AND ADDITIONS, REMARKS ON COMING INTO FORCE
Fair Practices	RSY 1986, c. 62	Whole Act	Repealed by SY 1987, c. 3, proclaimed in force July 1/87 except s. 14 which came into force Dec. 10/87, (RSY 1986, Supp., c. 11)
Family Property and Support	RSY 1986, c. 63		
Fatal Accidents	RSY 1986, c. 64		
Federal/Territorial Agreement	See Agreement		
Financial Administration	RSY 1986, c. 65	Whole Act affected	SY 1987, c. 10, s. 2 (RSY 1986, Supp., c. 6)
		s. 1	SY 1987, c. 10, s. 2 (RSY 1986, Supp., c. 6)
		s. 3	SY 1987, c. 10, s. 3 (RSY 1986, Supp., c. 6)
		s. 42	SY 1987, c. 10, s. 4 (RSY 1986, Supp., c. 6)
		s. 44	SY 1987, c. 10, s. 5 (RSY 1986, Supp., c. 6)
		s. 44.1	Added by SY 1987, c. 10, s. 6 (RSY 1986, Supp., c. 6)
		s. 72	SY 1987, c. 10, s. 7 (RSY 1986, Supp., c. 6)
		s. 75	SY 1987, c. 10, s. 8 (RSY 1986, Supp., c. 6)
Financial Agreement	See Agreements		
Fine Option	RSY 1986, c. 66	s. 1 s. 3	SY 1987, c. 28, s. 2 SY 1989-90, c. 16, s. 8
Fire Prevention	RSY 1986, c. 67		
Flag	RSY 1986, c. 68		
Floral Emblem	RSY 1986, c. 69		
Foreign Arbitral Awards	RSY 1986, c. 70		
Forest Protection	RSY 1986, c. 71		

TITLE	CITATION	PROVISION AMENDED, REPEALED OR ADDED	CITATION OF AMENDMENTS, REPEALS AND ADDITIONS, REMARKS ON COMING INTO FORCE
Fraudulent Preferences and Conveyances	RSY 1986, c. 72		
Freshwater Fisheries Agreement	See Agreement		
Frustrated Contracts	RSY 1986, c. 73		
Fuel Oil Tax	RSY 1986, c. 74		
Funeral Directors	RSY 1986, c. 75		
Gaols	RSY 1986, c. 76		
Garbage Keepers Lien	RSY 1986, c. 77		
Garnishee	RSY 1986, c. 78		
Gas Burning	SY 1987, c. 11 (RSY 1986, Supp., c. 9)		Proclaimed in force Oct. 26/88
Gasoline Handling	RSY 1986, c. 79		
Government Employee Housing Plan	RSY 1986, c. 80		
Health Care Insurance Plan	RSY 1986, c. 81	s. 15	SY 1987, c. 28, s. 3
Highways	RSY 1986, c. 82	s. 1 s. 29.1	SY 1988, c. 9, s. 2 Added by SY 1987, c. 7, s. 2, proclaimed in force Oct 3/88, (RSY 1986, Supp., c. 2)
		s. 29.2	Added by SY 1987, c. 7, s. 2, proclaimed in force Oct 3/88, (RSY 1986, Supp., c. 2)
		s. 29.3	Added by SY 1988, c. 9, s. 3
		s. 31	SY 1988, c. 9, s. 4
Historic Sites and Monuments	RSY 1986, c. 83		
Home Owners Grant	RSY 1986, c. 84	s. 2 s. 3	SY 1989-90, c. 5, s. 2 SY 1986, c. 22, s. 2, para.(a) of which did not come into force until Apr. 1/87, (RSY 1986, Supp., c. 10)

TITLE	CITATION	PROVISION AMENDED, REPEALED OR ADDED	CITATION OF AMENDMENTS, REPEALS AND ADDITIONS, REMARKS ON COMING INTO FORCE
Hospital	SY 1989-90, c. 13		Not yet in force as of December 31/90
Hospital Insurance Services	RSY 1986, c. 85		
Hotels and Tourist Establishments	RSY 1986, c. 86		
Housing Corporation	RSY 1986, c. 87	s. 5	SY 1989-90, c. 16, s. 9
Housing Development	RSY 1986, c. 88		
Human Rights	SY 1987, c. 3 (RSY 1986, Supp., c. 11)		Proclaimed in force July 1/87 except s. 14 which came into force Dec. 10/87
Human Tissue Gift	RSY 1986, c. 89		
Income Tax	RSY 1986, c. 90	s. 1 s. 3 s. 10 s. 11 s. 12 s. 13 s. 14 s. 15 s. 17 s. 18 s. 19 s. 20 s. 21 s. 22 s. 22.1 s. 23 s. 24 s. 25 s. 27 s. 28 s. 30 s. 31	SY 1987, c. 26, s. 2; SY 1989-90, c. 27, s. 2 SY 1987, c. 26, s. 3; SY 1989-90, c. 27, s. 3 SY 1987, c. 26, s. 4; SY 1989-90, c. 27, s. 4 SY 1989-90, c. 27, s. 4 SY 1987, c. 26, s. 5 SY 1989-90, c. 27, s. 4 SY 1989-90, c. 27, s. 5 SY 1989-90, c. 27, s. 6 SY 1987, c. 26, s. 6 SY 1989-90, c. 27, s. 8 SY 1989-90, c. 27, s. 8 SY 1987, c. 26, s. 7; SY 1989-90, c. 27, s. 8 SY 1989-90, c. 27, s. 9 SY 1989-90, c. 27, s. 9 Added by SY 1989-90, c. 27, s. 9 SY 1987, c. 26, s. 8; SY 1989-90, c. 27, s. 10 SY 1987, c. 26, s. 9; SY 1989-90, c. 27, s. 11 SY 1987, c. 26, s. 10; SY 1989-90, c. 27, s. 12 SY 1989-90, c. 27, s. 13 SY 1989-90, c. 27, s. 14 Repealed by SY 1989-90, c. 27, s. 15 SY 1987, c. 26, s. 11; SY 1989-90, c. 27, s. 16

TITLE	CITATION	PROVISION AMENDED, REPEALED OR ADDED	CITATION OF AMENDMENTS, REPEALS AND ADDITIONS, REMARKS ON COMING INTO FORCE
Income Tax, cont'd.		s. 34	SY 1989-90, c. 27, s. 17
		s. 36	Repealed by SY 1989-90, c. 27, s. 18
		s. 39	SY 1989-90, c. 27, s. 19
		s. 40	SY 1989-90, c. 27, s. 20
		s. 41	SY 1987, c. 26, s. 12; SY 1989-90, c. 27, s. 21
		s. 42	SY 1989-90, c. 27, s. 22
		s. 43	SY 1989-90, c. 27, s. 23
		s. 44 to 46	SY 1989-90, c. 27, s. 24
		s. 48	Repealed by SY 1989-90, c. 27, s. 25
		s. 49	SY 1989-90, c. 27, s. 26
		s. 50	SY 1989-90, c. 27, s. 27
		s. 52	SY 1989-90, c. 27, s. 28
		s. 55	SY 1989-90, c. 27, s. 29
		s. 58	SY 1989-90, c. 27, s. 30
		s. 60	SY 1989-90, c. 27, s. 31
Insurance	RSY 1986, c. 91	s. 1	SY 1987, c. 12, s. 2 (RSY 1986, Supp., c. 12); SY 1988, c. 10, s. 2
		s. 1.1	Added by SY 1987, c. 12, s. 3 (RSY 1986, Supp., c. 12)
		s. 21	SY 1987, c. 28, s. 4
		s. 22.1	Added by SY 1987, c. 12, s. 5 (RSY 1986, Supp., c. 12); Amended by: SY 1989-90, c. 6, s. 2 and 3
		s. 26.1	Added by SY 1987, c. 12, s. 6 (RSY 1986, Supp., c. 12)
		s. 44	SY 1987, c. 12, s. 7 (RSY 1986, Supp., c. 12); SY 1989-90, c. 6, s. 4
		Part 9A	Added by SY 1988, c. 10, s. 3
		s. 214.1 to s. 214.14	Added by SY 1988, c. 10, s. 3
Insurance Premium Tax	RSY 1986, c. 92	s. 3	SY 1988, c. 17, s. 4
		s. 8	SY 1988, c. 17, s. 4
Intergovernmental Agreements	SY 1989-90, c. 14		
International Commercial Arbitration	SY 1987, c. 14 (RSY 1986, Supp., c. 14)		
		Sch. A (art. 26)	SY 1989-90, c. 16, s. 10

TITLE	CITATION	PROVISION AMENDED, REPEALED OR ADDED	CITATION OF AMENDMENTS, REPEALS AND ADDITIONS, REMARKS ON COMING INTO FORCE
Interpretation	RSY 1986, c. 93	s. 21	SY 1989-90, c. 16, s. 11
Interprovincial Subpoena	RSY 1986, c. 94		
Intestate Succession	RSY 1986, c. 95		
Judicature	RSY 1986, c. 96		
Jury	RSY 1986, c. 97		
Landlord and Tenant	RSY 1986, c. 98		
Lands	RSY 1986, c. 99		
Languages	SY 1988, c. 13		ss. 13(1) and (2) came into force on assent, the rest of the Act comes into force Dec. 31/92
Legal Profession	RSY 1986, c. 100	s. 110	Repealed by SY 1987, c. 27, s. 2, effective January 1/88
Legal Services Society	RSY 1986, c. 101	s. 9 s. 16	SY 1988, c. 14, s. 1 SY 1986, c. 23, s. 2 (RSY 1986, Supp., c. 15)
Legislative Assembly	RSY 1986, c. 102	s. 39 s. 40 s. 42 s. 43 s. 45 s. 46 s. 47 s. 47.1 s. 49.1	SY 1987, c. 15, s. 2, retroactive to April 1/86, (RSY 1986, Supp., c. 16) SY 1987, c. 15, s. 3, retroactive to April 1/87, (RSY 1986, Supp., c. 16) SY 1987, c. 15, s. 4, retroactive to April 1/87, (RSY 1986, Supp., c. 16) SY 1987, c. 15, s. 5, retroactive to April 1/87, (RSY 1986, Supp., c. 16) SY 1987, c. 15, s. 6, retroactive to April 1/87, (RSY 1986, Supp., c. 16); SY 1988, c. 17, s. 5 SY 1987, c. 15, s. 7, retroactive to April 1/87, (RSY 1986, Supp., c. 16) SY 1987, c. 15, s. 8, retroactive to April 1/87, (RSY 1986, Supp., c. 16) Added by SY 1987, c. 15, s. 9, retro- active to April 1/87, (RSY 1986, Supp., c. 16) Added by SY 1987, c. 15, s. 10, retro- active to April 1/87, (RSY 1986, Supp., c. 16)

TITLE	CITATION	PROVISION AMENDED, REPEALED OR ADDED	CITATION OF AMENDMENTS, REPEALS AND ADDITIONS, REMARKS ON COMING INTO FORCE
Legislative Assembly Retirement Allowances	RSY 1986, c. 103	s. 3	SY 1987, c. 15, s. 13 (RSY 1986, Supp., c. 16); SY 1987, c. 28, s. 6
		s. 4	SY 1987, c. 15, s. 14 (RSY 1986, Supp., c. 16)
		s. 5.1	SY 1987, c. 15, s. 15 (RSY 1986, Supp., c. 16)
		s. 7	SY 1987, c. 15, s. 16 (RSY 1986, Supp.,5 c. 16)
Limitation of Actions	RSY 1986, c. 104		
Liquor	RSY 1986, c. 105	Whole Act affected	SY 1989-90, c. 16, s. 12
		s. 1	SY 1988, c. 15, s. 2 to 4
		s. 2	SY 1988, c. 15, s. 5
		s. 7	SY 1988, c. 15, s. 6
		s. 45	SY 1988, c. 15, s. 7
		s. 51	SY 1988, c. 15, s. 8 and 9
		s. 53.1	SY 1988, c. 15, s. 10
		s. 54	SY 1988, c. 15, s. 11
		s. 69	Repealed by SY 1988, c. 15, s. 12
		s. 70	SY 1988, c. 15, s. 13
		s. 75.1	Added by SY 1988, c. 15, s. 14
		s. 76.1	Added by SY 1988, c. 15, s. 15
		s. 76.2	Added by SY 1988, c. 15, s. 15
		s. 85	SY 1988, c. 15, s. 16 and 17
		s. 90	SY 1988, c. 15, s. 18
		s. 95	SY 1989-90, c. 37, s. 2
		s. 102	SY 1988, c. 15, s. 19
		s. 102.1 to 102.3	Added by SY 1988, c. 15, s. 20
		s. 105	SY 1988, c. 15, s. 21
		s. 105.1 to 105.4	Added by ST 1989-90, c. 37, s. 3
Liquor Tax	RSY 1986, c. 106		
Lord's Day	RSY 1986, c. 107		
Lottery Licensing	SY 1987, c. 16 (RSY 1986, Supp., c. 17)		Proclaimed in force Dec. 31/87
		s. 1	SY 1989, c. 16, s. 13

TITLE	CITATION	PROVISION AMENDED, REPEALED OR ADDED	CITATION OF AMENDMENTS, REPEALS AND ADDITIONS, REMARKS ON COMING INTO FORCE
Maintenance and Custody Orders Enforcement	RSY 1986, c. 108		
Management Accountants	RSY 1986, c. 109		
Marriage	RSY 1986, c. 110		
Married Women's Property	RSY 1986, c. 111		
Mechanics Lien	RSY 1986, c. 112		
Mediation Board	RSY 1986, c. 113	s. 1	SY 1988, c. 17, s. 6
Medical Profession	RSY 1986, c. 114	s. 23.1 s. 23.2	Added by SY 1987, c. 4, s. 2 (RSY 1986, Supp., c. 17) Added by SY 1987, c. 4, s. 2 (RSY 1986, Supp., c. 17)
Mental Health	RSY 1986, c. 115 SY 1989-90, c. 28	Whole Act	Repealed by SY 1989-90, c. 28 which is not yet in force as of December 31/90 Not yet in force as of December 31/90
Miners Lien	RSY 1986, c. 116		
Motor Transport	RSY 1986, c. 117 SY 1988, c. 18	Whole Act	Repealed SY 1988, c. 19, effective Sept 1/88 Effective Sept 1/88
Motor Vehicles	RSY 1986, c. 118	s. 28 s. 113 s. 171 s. 186.1 to 186.3 s. 231 s. 232 s. 233	SY 1988, c. 17, s. 7 SY 1987, c. 18, s. 2, which came into force July 1/87, (RSY 1986, Supp., c. 20) SY 1987, c. 18, s. 3, which came into force July 1/87, (RSY 1986, Supp., 20) Added by SY 1987, c. 17, s. 1, which came into force Sept. 1/87 (RSY 1986, Supp., c. 19) SY 1988, c. 19, s. 2; SY 1989-90, c. 16, s. 14 SY 1987, c. 28, s. 7 SY 1989-90, c. 16, s. 14

TITLE	CITATION	PROVISION AMENDED, REPEALED OR ADDED	CITATION OF AMENDMENTS, REPEALS AND ADDITIONS, REMARKS ON COMING INTO FORCE
Municipal	RSY 1986, c. 119	s. 70 s. 136 s. 183 s. 185 s. 193 s. 210 s. 214 s. 215 s. 217 s. 218 s. 241 s. 244 s. 245 s. 248 s. 250 s. 251 s. 254 s. 319 s. 323 s. 331 s. 354 s. 378 s. 417	SY 1988, c. 20, s. 2 SY 1989-90, c. 16, s. 15 SY 1988, c. 20, s. 3 SY 1988, c. 20, s. 3 SY 1988, c. 20, s. 4; SY 1989-90, c. 16, s. 15 Repealed by SY 1988, c. 20, s. 5 SY 1988, c. 20, s. 7 SY 1988, c. 20, s. 6 SY 1988, c. 20, s. 8 SY 1988, c. 20, s. 9 SY 1988, c. 20, s. 10 SY 1988, c. 20, s. 11 SY 1987, c. 29, s. 2 SY 1988, c. 20, s. 12 SY 1988, c. 20, s. 13 SY 1988, c. 20, s. 14 SY 1987, c. 29, s. 3 SY 1988, c. 20, s. 15 SY 1988, c. 20, s. 16 SY 1988, c. 20, s. 17 SY 1988, c. 20, s. 18 SY 1988, c. 20, s. 19 Repealed by SY 1988, c. 20, s. 20
Municipal and Community Infrastructure Grants	SY 1986, c. 24 (RSY 1986, Supp., c. 21)	s. 1 s. 2	Proclaimed in force, Feb. 1/88 SY 1988, c. 17, s. 8 SY 1987, c. 28, s. 8; SY 1989-90, c. 17, s. 2 to 4
Municipal Finance	RSY 1986, c. 120	s. 10.1 s. 11 s. 11.1	Added by SY 1986, c. 25, s. 1 (RSY 1986, Supp., c. 22) SY 1988, c. 21, s. 2 Added by SY 1988, c. 21, s. 3
Municipal General Pur- poses Loans, 1989	SY 1989-90, c. 18		
Noise Prevention	RSY 1986, c. 121		
Notaries	RSY 1986, c. 122		
Nursing Assistants Registration			SY 1987, c. 19, proclaimed in force Dec. 31/87, (RSY 1986, Supp., c. 23)

TITLE	CITATION	PROVISION AMENDED, REPEALED OR ADDED	CITATION OF AMENDMENTS, REPEALS AND ADDITIONS, REMARKS ON COMING INTO FORCE
Occupational Health and Safety	RSY 1986, c. 123	s. 1	SY 1988, c. 22, s. 2 effective Oct 31/88
		s. 2	SY 1989-90, c. 8, s. 2
		s. 8	SY 1988, c. 22, s. 3 effective Oct 31/88
		s. 12	SY 1989-90, c. 19, s. 2
		s. 13	SY 1988, c. 22, s. 4 effective Oct 31/88; SY 1989, c. 19, s. 3 and 4
		s. 29	SY 1989-90, c. 19, s. 5
		s. 30	SY 1989-90, c. 19, s. 5
		s. 31	SY 1989-90, c. 19, s. 5
		s. 33	SY 1988, c. 22, s. 5 effective Oct 31/88; SY 1989-90, c. 19, s. 6
		s. 35	SY 1988, c. 22, s. 6 effective Oct 31/88
		s. 37	SY 1989-90, c. 19, s. 7
		s. 50	SY 1988, c. 22, s. 7 to 12 effective Oct 31/88
		s. 53	SY 1988, c. 22, s. 13 and 14 effective Oct 31/88
Occupational Training	RSY 1986, c. 124		
Optometrists	RSY 1986, c. 125		
Parks	RSY 1986, c. 126		
Partnership	RSY 1986, c. 127		
Pawnbrokers and Second Hand Dealers	RSY 1986, c. 128		
Perpetuities	RSY 1986, c. 129		
Personal Property Security	RSY 1986, c. 130	s. 1	SY 1988, c. 17, s. 9
Pesticides Control	SY 1989-90, c. 20		Not yet in force as of December 31/90
Pharmacists	RSY 1986, c. 131	s. 6	SY 1989-90, c. 16, s. 16
Pioneer Utility Grant	RSY 1986, c. 132		
Plebiscite	RSY 1986, c. 133		

TITLE	CITATION	PROVISION AMENDED, REPEALED OR ADDED	CITATION OF AMENDMENTS, REPEALS AND ADDITIONS, REMARKS ON COMING INTO FORCE
Pounds	RSY 1986, c. 134	s. 7.1 s. 8.1 s. 11.1 s. 22 s. 22.1	Added by SY 1987, c. 7, s. 3 (RSY 1986, Supp., c. 2) Added by SY 1987, c. 7, s. 3 (RSY 1986, Supp., c. 2) Added by SY 1987, c. 7, s. 3 (RSY 1986, Supp., c. 2) SY 1987, c. 7, s. 3 (RSY 1986, Supp., c. 2) Added by SY 1987, c. 7, s. 3 (RSY 1986, Supp., c. 2)
Presumption of Death	RSY 1986, c. 135		
Private Investigators and Security Guards	SY 1988, c. 23		Effective April 1/88
Public Health	RSY 1986, c. 136		
Public Inquiries	RSY 1986, c. 137		
Public Libraries	SY 1987, c. 30		
Public Lotteries	RSY 1986, c. 138		
Public Printing	RSY 1986, c. 139		
Public Servants Superannuation	RSY 1986, c. 140		
Public Service	RSY 1986, c. 141	Title s. 1 s. 8 s. 9 s. 13	SY 1987, c. 5, s. 2, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24) SY 1987, c. 5, s. 3, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24); SY 1987, c. 28, s. 9 SY 1987, c. 5, s. 4, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24) SY 1987, c. 5, s. 5, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24) Repealed by SY 1987, c. 5, s. 6, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)

TITLE	CITATION	PROVISION AMENDED, REPEALED OR ADDED	CITATION OF AMENDMENTS, REPEALS AND ADDITIONS, REMARKS ON COMING INTO FORCE
Public Service, cont'd.	s. 15		SY 1987, c. 5, s. 7, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
	s. 18		SY 1987, c. 5, s. 8, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
	s. 19		SY 1987, c. 5, s. 9, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
	s. 20 and 21		Repealed by SY 1987, c. 5, s. 10, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
	s. 22		SY 1987, c. 5, s. 11, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
	s. 23		SY 1987, c. 5, s. 12, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
	s. 24		SY 1987, c. 5, s. 13, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
	s. 25.1		Added by SY 1987, c. 5, s. 14, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
	s. 25		SY 1987, c. 5, s. 15, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
	s. 26 and 27		Repealed by SY 1987, c. 5, s. 16, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
	s. 28		SY 1987, c. 5, s. 17, proclaimed in force April 6/87, (RSY 1987, Supp., c. 24)
	s. 29 to 31		Repealed by SY 1987, c. 5, s. 18, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
	s. 32		SY 1987, c. 5, s. 19, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
	s. 33		SY 1987, c. 5, s. 20, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
s. 34		SY 1987, c. 5, s. 21, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)	

TITLE	CITATION	PROVISION AMENDED, REPEALED OR ADDED	CITATION OF AMENDMENTS, REPEALS AND ADDITIONS, REMARKS ON COMING INTO FORCE
Public Service, cont'd.	s. 35		SY 1987, c. 5, s. 22, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
	s. 36		SY 1987, c. 5, s. 23, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
	s. 37		SY 1987, c. 5, s. 24, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
	s. 39		SY 1987, c. 5, s. 25, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
	s. 41		SY 1987, c. 5, s. 26, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
	s. 42		SY 1987, c. 5, s. 27, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
	s. 43		SY 1987, c. 5, s. 28, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
	s. 44		SY 1987, c. 5, s. 29, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
	s. 45		SY 1987, c. 5, s. 30, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
	s. 49		SY 1987, c. 5, s. 31, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
	s. 55		SY 1987, c. 5, s. 32, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
	s. 56		SY 1987, c. 5, s. 33, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
	s. 57		SY 1987, c. 5, s. 34, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
	s. 58		SY 1987, c. 5, s. 35, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
s. 59		SY 1987, c. 5, s. 36, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)	

TITLE	CITATION	PROVISION AMENDED, REPEALED OR ADDED	CITATION OF AMENDMENTS, REPEALS AND ADDITIONS, REMARKS ON COMING INTO FORCE
Public Service, cont'd.	-	s. 62	SY 1987, c. 5, s. 37, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
		s. 63	SY 1987, c. 5, s. 38, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
		s. 64	Repealed by SY 1987, c. 5, s. 39, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
		s. 65	SY 1987, c. 5, s. 40, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
		s. 66	SY 1987, c. 5, s. 41, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
		s. 67	SY 1987, c. 5, s. 42, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
		s. 68	SY 1987, c. 5, s. 42, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
		s. 69	SY 1987, c. 5, s. 43, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
		s. 70	SY 1987, c. 5, s. 44, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
		s. 71	SY 1987, c. 5, s. 45, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
		s. 74	SY 1987, c. 5, s. 46, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
		s. 78	SY 1987, c. 5, s. 47, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
		s. 79	SY 1987, c. 5, s. 48, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
		s. 80	SY 1987, c. 5, s. 49, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
		s. 81	SY 1987, c. 5, s. 50, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)

TITLE	CITATION	PROVISION AMENDED, REPEALED OR ADDED	CITATION OF AMENDMENTS, REPEALS AND ADDITIONS, REMARKS ON COMING INTO FORCE
Public Service, cont'd.	s. 82		SY 1987, c. 5, s. 51, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
	s. 83		SY 1987, c. 5, s. 52, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
	s. 84		SY 1987, c. 5, s. 53, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
	s. 85		SY 1987, c. 5, s. 54, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
	s. 86		SY 1987, c. 5, s. 55, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
	s. 87		SY 1987, c. 5, s. 55, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
	s. 88		SY 1987, c. 5, s. 55, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
	s. 89 to 94		Repealed by SY 1987, c. 5, s. 56, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
	s. 95		SY 1987, c. 5, s. 57, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
	s. 98		SY 1987, c. 5, s. 58, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
	s. 99.1		Added by SY 1987, c. 5, s. 59, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
	s. 100		SY 1987, c. 5, s. 60, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
	s. 104		SY 1987, c. 5, s. 61, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
	s. 107		SY 1987, c. 5, s. 62, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24); SY 1987, c. 28, s. 10
s. 109		SY 1987, c. 5, s. 63, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)	

TITLE	CITATION	PROVISION AMENDED, REPEALED OR ADDED	CITATION OF AMENDMENTS, REPEALS AND ADDITIONS, REMARKS ON COMING INTO FORCE
Public Service, cont'd.	s. 110		SY 1987, c. 5, s. 64, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
	s. 115		SY 1987, c. 5, s. 65, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
	s. 116		SY 1987, c. 5, s. 66, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
	s. 119		SY 1987, c. 5, s. 67, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
	s. 121		SY 1987, c. 5, s. 68, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
	s. 122 to 124		Repealed by SY 1987, c. 5, s. 69, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
	s. 127		SY 1987, c. 5, s. 70, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
	s. 130		SY 1987, c. 5, s. 71, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
	s. 131		SY 1987, c. 5, s. 72, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
	s. 132		SY 1987, c. 5, s. 73, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
	s. 133		SY 1987, c. 5, s. 74, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
	s. 135		SY 1987, c. 5, s. 75, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
	s. 136		SY 1987, c. 5, s. 76, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
	s. 146		SY 1987, c. 5, s. 77, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
	s. 152		SY 1987, c. 5, s. 78, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)

TITLE	CITATION	PROVISION AMENDED, REPEALED OR ADDED	CITATION OF AMENDMENTS, REPEALS AND ADDITIONS, REMARKS ON COMING INTO FORCE
Public Service, cont'd.	s. 161		SY 1987, c. 5, s. 79, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
	s. 164		SY 1987, c. 5, s. 80, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
	s. 165		SY 1987, c. 5, s. 81, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
	s. 166		SY 1987, c. 5, s. 82, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
	s. 167		SY 1987, c. 5, s. 83, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
	s. 168		SY 1987, c. 5, s. 84 and 85, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
	s. 170		SY 1987, c. 5, s. 86, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
	s. 171		SY 1987, c. 5, s. 87, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
	s. 172		SY 1987, c. 5, s. 88, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
	s. 173		SY 1987, c. 5, s. 89, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
	s. 174		SY 1987, c. 5, s. 90, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
	s. 175		SY 1987, c. 5, s. 91, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
	s. 176		SY 1987, c. 5, s. 92, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
	s. 181		SY 1987, c. 5, s. 93, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
s. 182		SY 1987, c. 5, s. 94, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)	

TITLE	CITATION	PROVISION AMENDED, REPEALED OR ADDED	CITATION OF AMENDMENTS, REPEALS AND ADDITIONS, REMARKS ON COMING INTO FORCE
Public Service, cont'd.	s. 183		SY 1987, c. 5, s. 95, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
	s. 184		SY 1987, c. 5, s. 96, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
	s. 185		SY 1987, c. 5, s. 97, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
	s. 186		Repealed by SY 1987, c. 5, s. 98, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
	s. 191		SY 1987, c. 5, s. 99, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
	s. 193		SY 1987, c. 5, s. 100, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
	s. 195		SY 1987, c. 5, s. 101, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
	s. 196		SY 1987, c. 5, s. 102, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
	s. 197		Repealed by SY 1987, c. 5, s. 103, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
	s. 200		SY 1987, c. 5, s. 104, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
	s. 202		SY 1987, c. 5, s. 105, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
	s. 203		SY 1987, c. 5, s. 106, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
	s. 204		SY 1987, c. 5, s. 107, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
	s. 205		SY 1987, c. 5, s. 108, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
s. 208		SY 1987, c. 5, s. 109, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)	

TITLE	CITATION	PROVISION AMENDED, REPEALED OR ADDED	CITATION OF AMENDMENTS, REPEALS AND ADDITIONS, REMARKS ON COMING INTO FORCE
Public Service Commission			See Public Service
Public Service Staff Relations	RSY 1986, c. 142	s. 1	SY 1987, c. 6, s. 2, proclaimed in force April 6/87, (RSY 1986, Supp., c. 25)
		s. 15	SY 1989-90, c. 16, s. 17
		s. 20	SY 1987, c. 6, s. 3, proclaimed in force April 6/87, (RSY 1986, Supp., c. 25)
		s. 23	SY 1987, c. 6, s. 4, proclaimed in force April 6/87, (RSY 1986, Supp., c. 25)
		s. 25	SY 1987, c. 6, s. 5, proclaimed in force April 6/87, (RSY 1986, Supp., c. 25)
		s. 27	SY 1987, c. 6, s. 6, proclaimed in force April 6/87, (RSY 1986, Supp., c. 25)
		s. 28	SY 1987, c. 6, s. 7, proclaimed in force April 6/87, (RSY 1986, Supp., c. 25)
		s. 45	SY 1987, c. 6, s. 8, proclaimed in force April 6/87, (RSY 1986, Supp., c. 25)
		s. 46	SY 1989-90, c. 16, s. 17
		s. 79	SY 1989-90, c. 16, s. 17
Public Utilities	RSY 1986, c. 143		
Raven	RSY 1986, c. 144		
Real Estate Agents	RSY 1986, c. 145		
Reciprocal Enforcement of Judgments	RSY 1986, c. 146		
Reciprocal Enforcement of Judgments (U.K.)	RSY 1986, c. 147		
Reciprocal Enforcement of Maintenance Orders	RSY 1986, c. 148	s. 1	SY 1989-90, c. 16, s. 18
Recording of Evidence	RSY 1986, c. 149		
Recreation	RSY 1986, c. 150		

TITLE	CITATION	PROVISION AMENDED, REPEALED OR ADDED	CITATION OF AMENDMENTS, REPEALS AND ADDITIONS, REMARKS ON COMING INTO FORCE
Regulations	RSY 1986, c. 151		
Rehabilitation Services	RSY 1986, c. 152		
Retirement Plan Benefits	RSY 1986, c. 153		
Sale of Goods	RSY 1986, c. 154		
School	RSY 1986, s. 155	Whole Act	Repealed by SY 1989-90, c. 25 which came into force August 13/90
School Trespass	RSY 1986, c. 156		
Scientists and Explorers	RSY 1986, c. 157		
Securities	RSY 1986, c. 158		
Seniors Income Supplement	RSY 1986, c. 159		
Small Claims Court	RSY 1986, c. 160		
Social Assistance	RSY 1986, c. 161		
Societies	RSY 1986, c. 162	Whole Act	Repealed by SY 1987, c. 32
	SY 1987, c. 32		
Students Financial Assistance	RSY 1986, c. 163	s. 7	SY 1989-90, c. 9, s. 2 and 3
Summary Convictions	RSY 1986, c. 164		
Supreme Court	RSY 1986, c. 165	s. 10	Added by SY 1987, c. 28, s. 12
Survival of Actions	RSY 1986, c. 166		
Survivorship	RSY 1986, c. 167		
Teaching Profession	SY 1989-90, c. 30		Proclaimed in force August 13/90
Tenants in Common	RSY 1986, c. 168		
Territorial Court	RSY 1986, c. 169	s. 10 s. 41	SY 1988, c. 25, s. 2 SY 1988, c. 25, s. 3

TITLE	CITATION	PROVISION AMENDED, REPEALED OR ADDED	CITATION OF AMENDMENTS, REPEALS AND ADDITIONS, REMARKS ON COMING INTO FORCE
Tobacco Tax	RSY 1986, c. 170		
Torture Prohibition	SY 1988, c. 26		
Trade Schools Regulation	RSY 1986, c. 171		
Travel for Medical Treatment	RSY 1986, c. 172	s. 4 s. 6 s. 8	SY 1989-90, c. 36, s. 48 SY 1989-90, c. 36, s. 48 SY 1989-90, c. 36, s. 48
Trustee	RSY 1986, c. 173		
Variation of Trusts	RSY 1986, c. 174		
Vital Statistics	RSY 1986, c. 175		
Warehouse Keepers Lien	RSY 1986, c. 176		
Warehouse Receipts	RSY 1986, c. 177		
Wildlife	RSY 1986, c. 178		
Wills	RSY 1986, c. 179		
Workers Compensation	RSY 1986, c. 180	Whole Act affected s. 1 s. 5.1 s. 7 s. 8 s. 22 s. 34 s. 35 s. 36 s. 38	SY 1987, c. 21, s. 20 (RSY 1986, Supp., c. 28); SY 1989-90, c. 16, s. 19 SY 1987, c. 21, s. 2 (RSY 1986, Supp., c. 28); SY 1989-90, c. 33, s. 2 Added by SY 1987, c. 21, s. 3 (RSY 1986, Supp., c. 28) SY 1987, c. 21, s. 4 (RSY 1986, Supp., c. 28) SY 1987, c. 21, s. 5 to 8 (RSY 1986, Supp., c. 28); SY 1987, c. 28, s. 14 SY 1987, c. 21, s. 9 and 10 (RSY 1986, Supp., c. 28) SY 1986, c. 26, s. 2 (RSY 1986, Supp., c. 27); SY 1987, c. 21, s. 11 to 14 (RSY 1986, Supp., c. 28) SY 1987, c. 21, s. 15 (RSY 1986, Supp., c. 28) SY 1987, c. 21, s. 16 to 18 (RSY 1986, Supp., c. 28) Repealed by SY 1987, c. 21, s. 19 (RSY 1986, Supp., c. 28)

TITLE	CITATION	PROVISION AMENDED, REPEALED OR ADDED	CITATION OF AMENDMENTS, REPEALS AND ADDITIONS, REMARKS ON COMING INTO FORCE
Workers Compensation, cont'd.		s. 47	SY 1989-90, c. 33, s. 3
		s. 50	Repealed by SY 1989-90, c. 32, s. 2
		s. 58	Repealed by SY 1987, c. 21, s. 19 (RSY 1986, Supp., c. 28)
		s. 59	Repealed by SY 1987, c. 21, s. 19 (RSY 1986, Supp., c. 28)
		s. 68	SY 1987, c. 21, s. 19 (RSY 1986, Supp., c. 28); SY 1989-90, c. 33, s. 4
		s. 72	SY 1988, c. 17, s. 10 (RSY 1986, Supp., c. 28)
Young Persons Offences	SY 1987, c. 22 (RSY 1986, Supp., c. 29)		
		s. 27	SY 1989-90, c.16, s. 20
Yukon Development Corporation	RSY 1986, c. 181	Whole Act affected	SY 1989-90, c. 16, s. 21
		s. 12	SY 1987, c. 23, s. 2, which came into force March 31/87, (RSY 1986, Supp., c. 30); SY 1987, c. 28, s. 13
		s. 12.1	Added by SY 1987, c. 23, s. 3, which came into force March 31/87, (RSY 1986, Supp., c. 30)
		s. 16	SY 1987, c. 28, s. 13
Yukon Tartan	RSY 1986, c. 182		



**STATUTES OF THE YUKON
1989-90**

**PART 2
TABLE OF PUBLIC STATUTES**

STATUTES NOT CONSOLIDATED, NOT REPEALED

This table lists all Acts in the Revised Statutes of the Yukon, 1986 plus all Acts enacted by the Legislative Assembly of the Yukon Territory after May 28, 1986, the cut-off date for inclusion in the RSY 1986. Acts in the RSY 1986 came into force on October 12, 1987. Unless otherwise noted below, Acts that were enacted after the cut-off date for inclusion in the RSY 1986 came into force on the day they received assent. The notations below are current to December 31, 1990.

SESSION	CHAPTER	TITLE	REMARKS
1915	2	An Ordinance to Incorporate the Sisters of Saint Ann	In force
1963(1st)	2	Synod of the Diocese of Yukon Ordinance	In force
R.O. 1971	H-5	Housing Ordinance	In force
R.O. 1971	L-11	Low Cost Housing Ordinance	In force
1972	25	Rental-Purchase Housing Ordinance	In force
1972	30	Faro General Purposes Loan Ordinance	In force
1972	31	Dawson General Purposes Loan Ordinance	In force
1972	32	Whitehorse General Purposes Loan Ordinance	In force
1973	7	Workmen's Compensation Supplementary Benefits Ordinance	In force
1973	25	City of Dawson General Purposes Loan Ordinance	In force
1973	27	Faro General Purposes Loan Ordinance	In force
1973	28	Financial Agreement Ordinance, 1973	In force
1973	33	Territorial-Municipal Employment Loans Ordinance	In force
1973	34	Whitehorse General Purposes Loan Ordinance	In force
1974(2nd)	22	Financial Agreement Ordinance, 1974	In force
1974(2nd)	25	Municipal General Purposes Loan Ordinance	In force
1975(1st)	1	Community Assistance Ordinance	Repealed by SY 1986, c. 24, which was proclaimed in force Feb. 1/88
1975(1st)	5	Government Employee Housing Plans Ordinance	In force
1975(1st)	9	Young Voyageur Agreement Ordinance	In force
1975(1st)	21	Financial Agreement Ordinance, 1975	In force
1975(1st)	23	Municipal General Purposes Loans Ordinance	In force
1976(1st)	10	Financial Agreement Ordinance, 1976	In force
1976(1st)	15	Municipal General Purposes Loan Ordinance	In force
1977(1st)	4	General Development Agreement Ordinance	In force
1977(1st)	14	Financial Agreement Ordinance, 1977	In force
1977(1st)	20	Municipal General Purposes Loan Ordinance	In force
1978(1st)	13	An Ordinance to Open a Certain Portion of Land in the City of Whitehorse	In force

SESSION	CHAPTER	TITLE	REMARKS
1978(1st)	14	Dawson City Utilities Replacement Ordinance	Repealed
1978(1st)	19	Financial Agreement Ordinance, 1978	In force
1978(1st)	21	Municipal General Purposes Loan Ordinance	In force
1979(1st)	8	Financial Agreement Ordinance, 1979	In force
1979(1st)	10	Municipal General Purposes Loan Ordinance, 1979	In force
1980(1st)	6	Energy Conservation Agreement Ordinance	In force
1980(1st)	10	Financial Agreement Ordinance, 1980	In force
1980(1st)	22	Municipal General Purposes Loan Ordinance, 1980	In force
1980(2nd)	16	Miscellaneous Statute Law Amendment Ordinance, 1980 (No. 2)	s. 3 in force
1980(2nd)	18	An Ordinance to Amend the Municipal General Purposes Loan Ordinance, 1980	In force
1981(1st)	1	Financial Agreement Ordinance, 1981	In force
1981(1st)	12	Municipal General Purposes Loan Ordinance, 1981	In force
1981(2nd)	11	Miscellaneous Statute Law Amendment Ordinance, 1981 (No. 2)	s. 1 in force
1982	10	Financial Agreement Act, 1982	In force
1982	22	Land Planning Act	Not repealed, but not yet proclaimed in force
1983	1	Employment Expansion and Development Act	In force
1983	2	Financial Agreement Act, 1983	In force
1983	17	Economic and Regional Development Agreement Act	In force
1984	2	Children's Act	s. 185(2)-(3) in force
1984	10	Financial Agreement Act, 1984	In force
1984	12	Government Employees Unemployment Insurance Agreement Act	In force
1984	17	Legal Profession Act	ss. 117-119
1984	32	Young Offenders Agreement Act	In force
1985	10	Central Trust Company and Crown Trust Company Act	In force
1985	18	Financial Agreement Act, 1985-88	In force
1985	20	First Appropriation Act, 1986-87	Spent
1985	24	An Act to Amend the Income Tax Act	ss. 2(1)(part), 2(5), 2(6), 3(2), 4(5)-(7), 6(2),7(4), 8(2), 9(2), and 10(2) In force
1985	27	Loan Guarantee Act, 1985	In force
1986	13	Municipal General Purposes Loan Act, 1986	In force
1986	14	Revised Statutes Act	In force s. 4 amended by SY 1987, c. 28, s. 11
1986	15	Second Appropriation Act, 1986-87	Spent
1986	18	Third Appropriation Act, 1986-87	Spent

